



Minister for Police and
Minister for Corrective Services

Ref No: 2019/8992 JF
Your Ref: SOR

13 MAY 2019

Ms Maddison Evans
Committee Clerk
Standing Committee on Environment and Public Affairs
Legislative Council
Parliament House
PERTH WA 6005
env@parliament.wa.gov.au

1 William Street Brisbane
PO Box 15195 City East
Queensland 4002 Australia
Telephone +61 7 3035 8300
Email police@ministerial.qld.gov.au
ABN 65 959 415 158

Dear Ms Evans

I refer to recent representations under the hand of the Honourable Matthew Swinbourn MLC, Chair, Standing Committee on Environment and Public Affairs, about an inquiry into mandatory registration of children and young people on the Sex Offenders Register in accordance with the *Community Protection (Offender Reporting) Act 2004*.

I appreciate the invitation to lodge a submission and referred this matter to the Queensland Police Service (QPS) so that I can be better informed about the issues raised.

I note the terms of reference for this inquiry include consideration of the approach employed by other jurisdictions. In Queensland, the principles of the *Youth Justice Act 1992* (YJA) apply when responding to offences committed by young people. The QPS is guided by the YJA and the QPS Operational Procedures Manual which requires police to consider diversion of the child. Guidelines published by the Director of Public Prosecutions also reinforce the YJA principles that prosecution of young people should be considered an option of last resort, subject to the seriousness of the offending.

The QPS Operational Procedures Manual provides guidance in relation to 'sexting' between children, noting that an educative response is preferred before diversion options are considered, subject to the circumstances of the situation.

The Queensland Government recently passed legislation creating the offences of distributing intimate images and threats to distribute intimate images, which may be considered in certain circumstances, in place of charges relating to child exploitation material. These new offences are not included in the schedule of prescribed offences under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (CPOROPOA), which means a child convicted of these offences will not become a reportable offender.

The CPOROPOA also provides limits in relation to when a young person is deemed a reportable offender. The young person must be convicted of a prescribed offence (Schedule 1 of the CPOROPOA) and sentenced to a term of imprisonment or a supervision order (defined in Schedule 5), noting the courts have discretion as to whether to record a conviction against a person. Section 5(2) of the CPOROPOA provides further information in relation to when a person is not considered to be a reportable offender, with section 5(2)(c) providing restrictions on when a child becomes a reportable offender.

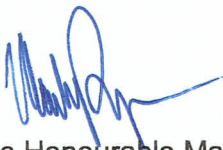
If a young person is, following consideration of all of the above factors, determined to be a reportable offender, section 37 of the CPOROPOA prescribes that the length of the reporting period that would otherwise apply to an adult will be halved.

It is noted this submission will remain confidential until the Committee releases it. I make no objection to the publication of this submission.

I trust this information is of assistance. Should your office require further information, Ms Ellen McIntyre, Chief of Staff, is available on 3035 8300.

Thank you for raising this matter with me.

Yours sincerely



The Honourable Mark Ryan MP
**Minister for Police and
Minister for Corrective Services**