

## FACT SHEET

### *Community Protection (Offender Reporting) Amendment Bill 2016*

The Government has introduced legislation into Parliament to make several miscellaneous amendments to the *Community Protection (Offender Reporting) Act 2005*.

The amendments are intended to enhance the operation of existing provisions and ensures this Government fulfils Tasmania's commitment to the national approach to sex offender registration and the Australian National Child Offender Register (ANCOR). In the development of the amendments, consultation was undertaken with government agencies, within Tasmania Police as well as with applicable non-government organisations.

The amendments to the *Community Protection (Offender Reporting) Act 2005*:

- Adding the offence of Prohibited Behaviour (Section 21 of the *Police Offences Act 1935*) to Schedule 1 of the Act,
- Expanding on and clarifying the circumstances where contact with a child becomes reportable contact to include residing with, or the supervision of a child on three or more occasions in a 12 month period, the exchange of personal contact details and contact or communication with a child that invites further contact. Any reportable contact with a child must now be reported within 24 hours, as opposed to 7 days.
- Tightening reporting requirements of any travel to and from the state of Tasmania by reportable offenders and corresponding reportable offenders. A reportable offender from another jurisdiction who arrives in Tasmania for any period, must report to the Registrar within 3 days of their arrival. Similarly, a reportable offender from Tasmania who intends to leave the state for any period, must report such travel to the Registrar no later than 7 days prior unless impracticable, in which case, 24 hours notice may be given.
- The inclusion of a power to undertake a non-intimate forensic procedure as defined by the *Forensic Procedures Act 2000* (which includes DNA) from a reportable offender and the power to take a reportable offender into custody for this purpose,
- The ability for the Commissioner of Police to release personal details (including a photograph) of a reportable offender, who is not a child, who has failed to comply with their reporting obligations or provided false or misleading particulars and is unable to be located by police.
- A provision enabling a Community Protection Order to be made by a Magistrate that prohibits or restricts a reportable offender's conduct. Conditions may relate to the ability to be present at, or in the vicinity of certain places, communication or association with certain persons, employment, the consumption of alcohol and/or drugs or other conduct as specified. Offence and penalty provisions apply for failing to comply with the conditions of such an order,
- The insertion of a power for police, without warrant, to enter into, remain, search and inspect any place, premises, conveyance or container, where that police officer has reason to believe the reportable offender is committing or has committed an offence against the Act. This authority also allows the police officer to use such force as reasonably necessary and to inspect and seize any item, record or thing, including any computer, phone or data storing device and to require the reportable offender to supply any password, code or other information necessary to access to any data storage devices.

- The inclusion of a provision that allows police to enter and search a residence, without a warrant and using reasonable force, where a reportable offender is believed to be residing, for the purpose of obtaining and verifying the personal details provided under the Act. There are offence and penalty provisions where reportable offender obstructs or does not allow a police officer to perform his or her functions in respect to this section,
- The insertion of an offence and increased penalties for providing false or misleading information or failing to comply with the Act and the provision for the power to arrest, without a warrant, where a police officer suspects on reasonable grounds that a reportable offender has failed to comply with the Act,
- The power to detain a reportable offender including an interstate offender, for the purpose of ascertaining their status and informing them of their reporting obligations,
- The requirement for additional personal details to be provided and a provision for the *Community Protection (Offender Reporting) Regulations 2016* to amend the details required to be furnished by a reportable offender. Additional details to be provided include but are not limited to: premises to which the reportable offender has access to for storage or other purposes, details of children he or she has reportable contact with, parental status, the details of any school or child care facility attended by a child he or she has reportable contact with, details of any vehicles, including boats, caravans, motorhomes, jet skis and the like as well as any information necessary for access to electronic data storing devices such as computers and mobile phones,
- The provision for the Commissioner of Police to suspend or vary reporting obligations for young reportable offenders,
- The provision to allow the Commissioner of Police to provide, in writing, information from the Register to prescribed (Government) entities. Disclosure of this nature would occur for the purposes of law enforcement, judicial functions or activities, or where authorised or required by an Act or law and only in circumstances where it is appropriate to ensure the safety and wellbeing of a child or children.
- The ability for the Commissioner of Police or the Secretary of the Department of Health and Human Services, where necessary, to disclose to a parent or carer of a child who is having contact with a registered sex offender, of that fact. This provision also includes an offence and penalties for unlawful disclosure of such information,

Regulations will be drafted once the legislation has passed to give effect to the prescribed entities and the amending, as necessary of the personal details to be reported by a reportable offender. The Bill will become law on a date it receives royal assent.