
**Government Response to the Recommendations of
LEGAL AND SOCIAL ISSUES COMMITTEE'S
Report on the Inquiry into management of child sex offender information**

Pursuant to Legislative Council Standing Order 23.30, this paper provides a response to the recommendations contained in the Legal and Social Issues Committee's (LSIC) Report on the Inquiry into management of child sex offender information.

In this paper, a reference to 'the Act' is a reference to the **Sex Offenders Registration Act 2004**.

Guide for readers - Following is the explanation of the format of this paper.

1 LSIC recommendation	2 Response	3 Reasons, including any action taken to date and commitment to further action
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Column 1: Contains LSIC's recommendations as published in its Report on the Inquiry into management of child sex offender information.

Column 2: Indicates the Government's response to each recommendation: 'support in full', 'support in part', 'support in principle', 'under review', 'do not support'.
'support in full' means all elements of the recommendation are supported;
'support in part' means some elements of the recommendation are supported;
'support in principle' means the Government generally supports the intent or merit of the policy underlining the recommendation, but does not necessarily support the method for achieving the policy;
'under review' means further analysis is required for the Government to determine its position;
'do not support' means the Victorian Government does not support the recommendation.

Column 3: Provides an explanation of the Government's position on the recommendation, indicates the actions that have been taken to date relevant to the implementation of the recommendation, and outlines commitment to further action relevant to the implementation of the recommendation.

LSIC Recommendation	Response	Reasons, including any action taken to date and commitment to further action
<p>RECOMMENDATION 1:</p> <p>That Victoria Police reviews the current practice of retaining deceased and deregistered offenders on the Victorian Sex Offenders Register</p>	<p>Support in principle</p>	<p>Under the Act, a registrable person continues to be included on the Register of Sex Offenders after the expiry of the specified reporting period. The information recorded on the Register is retained in accordance with the Act to support the purposes expressed in section 1 of the Act that are to facilitate the investigation and prosecution of any offences that certain offenders may commit (s 1(1)(a)(ii)); and to prevent registrable offenders working in child-related employment (s 1(1)(b)).</p> <p>A person who has been deregistered has had their conviction quashed on appeal, and as a result they have been removed from the register and are not included in the count of registered sex offenders.</p> <p>Victoria Police continues to have lawful authority to retain police information received in the administration of the Act. The death of a person or their removal from the Register of Sex Offenders does not trigger a duty for Victoria Police to expunge all police information relating to the person from Victoria Police records.</p> <p>The Chief Commissioner of Police provides an annual report to the Minister under section 70P of the Act and includes the information prescribed in regulation 38 of the Sex Offenders Registration Regulations 2014. This information includes the number of registrable offenders whose reporting period has ended; and the number of deceased registrable offenders.</p> <p>The information reported by the Chief Commissioner of Police to the Minister under section 70P of the Act is included in the Victoria Police annual report of operations for a financial year made under Part 7 of the Financial Management Act 1994, which is tabled annually in Parliament.</p> <p>The administration of the Register of Sex Offenders is subject to independent monitoring and review conducted by IBAC and relevant reports are tabled in Parliament.</p> <ul style="list-style-type: none"> • Part 5B of the Act requires the IBAC to monitor compliance with Parts 3 and 4 of the Act; and • Reports prepared by IBAC for the Minister are tabled in Parliament under section 70O of the Act.

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<p>RECOMMENDATION 2:</p> <p>That in line with recommendation 68 of the Victorian Law Reform Commission’s <i>Sex offenders registration: final report</i>, the Victorian Government amends <i>the Sex Offenders Registration Act 2004 (Vic)</i> to provide for an independent review of the operation and effectiveness of the Act to be conducted as soon as practicable, and every five years thereafter. The report should be tabled in Parliament.</p>	<p>Support in principle</p>	<p>The government continuously monitors the operation and effectiveness of the Act and reforms are regularly presented to Parliament. This will continue. Consequently a further independent review is not required.</p> <p>The independent review proposed by the LSIC would require the Act to be reviewed more frequently than the further review requirements applying to the Terrorism (Community Protection) Act 2003. This is not proportionate to the nature of the powers exercised under the Act.</p>

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<p>RECOMMENDATION 3:</p> <p>That the Victorian Government refers to the Victorian Law Reform Commission (or other appropriate body) an inquiry into the circumstances in which a limited public disclosure scheme for registered sex offender information could be trialled.</p> <p>This inquiry should:</p> <ul style="list-style-type: none"> • Include consideration of the legal framework, including but not limited to: <ul style="list-style-type: none"> – appropriate privacy protections – appropriate limits on the amount and type of information disclosed – appropriate limits on the access and use of information disclosed – interaction with existing information access regimes. • Have regard to: <ul style="list-style-type: none"> – limited disclosure schemes operating in the United Kingdom and Western Australia – relevant federal laws and regulations. • Consider how a trial could best be structured to assess its capability to prevent and reduce child sexual offending. <p>Any recommendations for the conduct of a trial must include a framework to collect evidence from its operation and evaluate the effectiveness of the trial against its stated purposes.</p>	<p>Support in principle</p>	<p>The Act already includes measures for the public disclosure of information relating to a registrable offender in limited circumstances.</p> <p>The Victorian public disclosure scheme was introduced in 2017, five years after Western Australia and nine years after the United Kingdom introduced their limited child sex offender disclosure schemes.</p> <p>The government continuously monitors the operation and effectiveness of the Act and reforms are regularly presented to Parliament.</p>

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<p>RECOMMENDATION 4:</p> <p>That the Victorian Government provides education providers—including early learning centres, primary schools, secondary schools and organisations providing specialised services to vulnerable children—with annual funding to access preventative education.</p>	<p>Support in principle</p>	<p>The Victorian Government has invested \$82 million in Respectful Relationships, to deliver training, support and funding to schools to implement the initiative. The Respectful Relationships initiative supports schools and early childhood settings to promote and model respect, positive attitudes, and behaviours, and teaches students how to build healthy relationships, resilience, and confidence.</p> <p>The whole school approach to Respectful Relationships supports schools to embed a culture of respect and gender equality across the entire school community. Over 1,950 Victorian government, Catholic and independent schools are signed on to the Respectful Relationships whole school approach, including all government schools.</p> <p>The Victorian Curriculum provides the basis for teaching and learning about respectful relationships and identifies the knowledge, skills and understanding for students to be able to engage in respectful relationships. The Department of Education and Training supports schools to deliver this curriculum through the optional <i>Resilience, Rights and Respectful Relationships</i> and <i>Building Respectful Relationships</i> teaching and learning materials, developed by education experts. These age-appropriate resources help students learn and practice social skills and apply them in a positive way to learning, life and relationships, and include topics of sexual harassment and consent.</p> <p>The initiative also includes professional learning to strengthen the capacity of up to 7,700 early childhood educators in Victorian Government-funded kindergarten programs to promote respectful relationships, positive attitudes and behaviours within their integrated teaching approach, to enable children to build healthy relationships, resilience and confidence.</p>

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<p>RECOMMENDATION 5:</p> <p>That the Department of Education and Training develops best practice guidelines for the provision of education aimed at preventing child sexual abuse in all its forms, including online grooming.</p>	<p>Support in full</p>	<p>The Department of Education and Training provides a wide range of information to support education providers to prevent child sexual abuse in all its forms, including online grooming. For example:</p> <ul style="list-style-type: none"> • The PROTECT Portal (www.education.vic.gov.au/protect) provides advice on: <ul style="list-style-type: none"> ○ The Child Safe Standards and how they are implemented in schools and early childhood services ○ Information on Identifying and responding to all forms of abuse in Victorian Schools ○ Information on Identifying and responding to student sexual offending ○ Information on reporting and legal obligations and how to Report child abuse using the four critical actions ○ Information on Responding to child sexual exploitation and grooming. • The 'Protecting Children' e-learning modules to assist staff in both government and non-government schools to understand their mandatory reporting and other legal obligations. The modules align with information on PROTECT, which outlines how to identify and respond to child abuse. • The Department of Education and Training's Policy and Advisory Library which provides specific guidance for government schools on: <ul style="list-style-type: none"> ○ Child Safe Standards ○ Protecting Children — Reporting and Other Legal Obligations <p>The PROTECT Portal will be updated in 2022 to reflect the new Child Safe Standards which come into effect on 1 July 2022.</p> <p>The Department of Education and Training also works closely with the Catholic Education Commission of Victoria and Independent Schools Victoria to develop and distribute guidance to the Catholic and independent school sectors.</p>