

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Management of Child Sex Offender Information

Melbourne—Thursday, 22 April 2021

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Ms Sheena Watt

WITNESSES

Mr Chris Gilbert, Assistant Commissioner, Intelligence and Covert Support Command, and

Ms Stephanie Zarb, Victoria Police.

The CHAIR: Good morning, everyone. I declare open the Legislative Council Legal and Social Issues Committee public hearing for the Inquiry into the Management of Child Sex Offender Information. It goes without saying: please make sure your phones are turned to silent.

I would like to begin this hearing by respectfully acknowledging the traditional custodians of the various lands which each of us is gathered on today, and I pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge on this issue to the committee or who are watching this broadcast. I would also like to welcome any members of the public who are watching this broadcast.

Thank you very much for attending. We have Assistant Commissioner Chris Gilbert and Stephanie Zarb from Victoria Police. I would have to say that on behalf of the committee our thoughts are with you on this anniversary, and really our hearts go out to you and your colleagues.

To witnesses: all evidence taken is protected by parliamentary privilege as provided by the *Constitution Act* and further by the provisions of the Legislative Council standing orders. This means that any information you provide during this hearing is protected by law. However, if you were to repeat anything outside this place, you may not have the same protection. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

As I mentioned, today is being recorded and being broadcast. You will receive a transcript of today. I encourage you to have a look at it and make sure that we have not misheard or misrepresented you in any way.

My name is Fiona Patten, as I mentioned. I am the Chair of this committee. We are joined online by Dr Tien Kieu, our Deputy Chair, as well as Tania Maxwell. To my left we have Kaushaliya Vaghela, Edward O'Donohue and Stuart Grimley.

We would welcome some opening remarks from you about the inquiry into the management of sex offender information, and then I will open it up to questions and discussion from the committee.

Asst Comm. GILBERT: Thank you, Chair, and I appreciate that. I will provide an opening statement, so thank you very much. I appreciate the invitation today, and we are hopeful that we will be able to inform the committee really well. I will also start by acknowledging the traditional owners of the land on which we are meeting here today and also in the virtual world, and we certainly pay respects to their elders past, present and emerging. I do acknowledge your support for Victoria Police on a fairly important day for many of our people and our extended police family.

Thank you, Chair. I would open by saying I am Chris Gilbert, Assistant Commissioner from Intelligence and Covert Support Command. I have line management of the sex offender registry in Victoria Police. I have been a police officer for almost 31 years in a range of operational intelligence leadership positions. I also have brought with me today Ms Stephanie Zarb, who is one of our subject matter experts within the offender management division, which manages the sex offender registry. I do have some notes here. I would seek leave from you, Chair, if I may, to refer to those at various times. There are some complex issues that you may wish to ask me about, so if it is all right with the committee, I might refer to some of those if it helps inform the answers to the questions that you ask.

The CHAIR: Of course. Thank you.

Asst Comm. GILBERT: Thank you very much. The management of child sex offender information is a complex issue which requires very careful consideration. The management, storage and disclosure of this information is of critical importance to Victoria Police as the organisation responsible for the sex offender registry and as one of the agencies responsible for investigating and prosecuting these crimes. The terms of reference for this inquiry relate to how information is managed with regard to those child victim sex offenders who have been charged and convicted. Therefore in this opening statement I will briefly touch on the operation

of the registry and how we maintain the integrity of information, which is central to managing risk and maintaining the privacy of victim-survivors.

In terms of the sex offender registry, Victoria Police is responsible for managing the registry. It is a non-punitive post-sentence scheme which operates under the *Sex Offenders Registration Act 2004*, or the SORA, as we abbreviate it to. The Act requires that registrable offenders provide Victoria Police with a range of personal information in order to reduce the likelihood that registrants will reoffend, to assist in the investigation or prosecution of any offences should they reoffend and to prohibit registrants from working in any child-related employment. And further, it allows for the issuing of sex offender prohibition orders as an additional purpose. Registrants are largely registered due to offending against children, with some repeat adult victim offenders also being registered in line with the purposes of the Act. The sex offender registry cannot be viewed in isolation; it is part of a system and interrelated schemes and protective legislative frameworks in Victoria that aim to protect children and enhance community safety, including Victoria's post-sentence scheme, *Worker Screening Act*, working with children scheme and child protection scheme.

Management and disclosure of child sex offender information is primarily governed by the SORA. Information about registrants is limited to the greatest extent possible and is closely managed in line with strict guidelines, which is necessary for managing the risks associated with unauthorised disclosure or misuse of information. Victoria Police must ensure public confidence in our ability to store information effectively and adhere to best practice when managing and disclosing child sex offender information. This requires the application of really high standards in information management practices which govern confidentiality and integrity but also availability of information. As an added layer of assurance the Act also allows for the Independent Broad-based Anti-corruption Commission to monitor our use, storage and disclosure of information and other obligations under the Act.

In terms of information sharing with other government agencies, despite the information being very tightly managed, this information can at times be shared and disclosed. Information is shared with other law enforcement agencies, government agencies and statutory bodies for community safety purposes. This includes information sharing with the Department of Justice and Community Safety to enable the working with children scheme, the Department of Families, Fairness and Housing for child protection purposes and also the Department of Home Affairs to monitor travel restrictions. Information is also shared with Corrections Victoria in relation to the post-sentence supervision schemes for the detention or supervision of certain serious sex or violent offenders who pose an unacceptable risk to the community. In addition, we are a prescribed information-sharing entity under the family violence information scheme and the child information scheme.

In terms of disclosure of information to the public, Victoria has a limited disclosure scheme. In effect there is information about registrants in certain circumstances which may be shared with the public. Victoria Police can and certainly does do that, and that would largely be in circumstances where the whereabouts of a registered sex offender were not known. If there was a concomitant risk to the community in that absence, we would certainly then go through a rigorous process of trying to locate that registered sex offender, and when those avenues of inquiry were fairly much ended, we would then go to the public and release some information to help us locate that person. That is obviously balanced with the reasons why they are missing, how long they have been missing and a whole range of factors which are risk assessed. As previously mentioned, we also share with the Department of Families, Fairness and Housing for child protection purposes, which is a routine activity of Victoria Police. If there was child contact or a safety risk, that information could and would be shared with DFFH.

If required, also in limited circumstances and if there was some other significant risk to community safety for whatever purpose that Victoria Police assessed, the Act also would allow us to make a disclosure based on that. So those circumstances would really be treated case by case: 'What is the significant safety risk to the community which would cause Victoria Police to make a disclosure?', which is a tool that goes beyond just those that are missing or whose whereabouts are unknown. Overall, the way that we store, manage and disclose information ensures that appropriate restrictions required for the management of registrants are required at all times, also allowing for information sharing and disclosure when those identified risks arise.

Victoria Police acknowledge that some victim survivors and members of the public may believe that there is a public benefit in child sex offender information being shared more broadly through a publicly available register. It is important that, if that was to occur, we take an evidence-based approach, and public availability of this information sometimes may not be in the public interest and may create a risk to community safety, unless

accompanied by appropriate risk mitigation. So Victoria Police do accept that in some circumstances a register may be appropriate but that ultimately is a policy decision for government. Should that decision be made, Victoria Police would certainly work with other departments and agencies to inform an appropriate policy and risk management framework in that space. Any framework would need to really carefully assess the individual circumstances of registrants and interested parties, consider broader community safety issues and other potential impacts and then balance the possible risks of access to this information against potential mitigation strategies—a complex environment.

There are a range of other aspects to consider, many of which are beyond the scope of the law enforcement role that Victoria Police has, and we would need to consider whether this would undermine some of the other factors that are part of the registration process and things which can deter people from committing further crimes, such as strong prosocial relationships, housing and employment and access to services. The public release of information may result sometimes in negative behaviours or outcomes towards registrants, their families and other collateral persons as well as practitioners and service providers that assist in their management and monitoring. So again it just paints a complex picture of some pros and cons around the availability of that information. But our position is we would be willing to have conversations about what that looks like.

In terms of victims, they are our paramount consideration. Victoria Police's service delivery to victims is paramount in our execution of functions and obligations under the Act. It is acknowledged that the needs of victims are multifaceted and the needs of victims vary widely, and we tailor our services accordingly. We need to consider the complexities around sex offending, including the high proportion of crimes committed by family members or those who have close proximity to victim survivors and also high levels of under-reporting. These complexities are even more pertinent when those victim survivors are children, and we also consider the victim's family members as collateral victims. Certainly from the Victoria Police perspective we are really, really careful to ensure we do not inadvertently disclose information about a victim survivor and that we do not create any additional barriers for those victims who are wanting to report but may be put off by the possibility of publication.

In terms of public awareness, despite the fact that we do tightly hold information, we are certainly engaged in public awareness campaigns, and we think there is a lot to gain from that. In terms of those opportunities, there are public-facing websites of Victoria Police where we do share a lot of information about registered sex offenders, the registry and some of the things that victims may certainly need in order to help them understand what reporting looks like and some of the ways they might overcome those barriers or at least get some information about the services they require. It is important that we raise broad awareness, as just one agency amongst many others, about the issue of child sex offending, and we do that and can do that without releasing personal information of registrants. Public awareness of the crime type is essential because there are some myths and misconceptions around sexual offending that are common within every community, and sexual offending, as we know, sometimes remains a hidden crime which traditionally some people may be uncomfortable talking about.

In conclusion to these opening comments, we are open to hearing the views of the community and examining the evidence to ensure our model allows victims and the community more broadly to feel safe but most importantly just to be safe. And we are open to examining any evidence as to how changing the way in which we manage the information will result in better outcomes for the community. We want to be central to the conversation and we are committed to the prevention of offences, but we are also committed to the ongoing protection of the community through the monitoring of, investigation of and prosecution of all child sex offenders. Thank you, Chair.

The CHAIR: Thank you. That was very fulsome; thank you, Assistant Commissioner. I might just start off quickly. We understand that certainly the Auditor-General's office had a look at the management of this information and of the register and made a number of recommendations and I think was concerned by probably the workload for some of the managers of this information in detailing it in. I am just wondering if you can update us on whether there have been any changes to those processes since the recommendations of VAGO?

Asst Comm. GILBERT: Yes, certainly there have been. So there were nine recommendations in total, and two of those have certainly been focused around how we better utilise our resources and ensure that we can be effective in terms of our obligations. Recommendation 1 of four has seen Victoria Police alter our model whereby we have been able to, I think, almost at the end of that, merge the resources that monitor—so

compliance managers who are dedicated to the task of dealing with registered sex offenders in with our SOCIT teams, our sexual offence teams—so there is greater flexibility and more support and the ability to manage like offenders. So because those SOCITs work in the sex offender area as it is, there is a bit of a synergy between that, so it gives more support, more oversight, more knowledge of the crime theme, so we are fairly confident that at full acquittal that will provide a number of supports that will help meet that recommendation.

The CHAIR: Okay. It also touched on that national working group on child sex offenders—that was in the progress of having more of a national database. I am just wondering if there are any updates on that.

Asst Comm. GILBERT: So I know that the draft report has been completed. Unfortunately I do not have authority to speak on behalf of the—

The CHAIR: No.

Asst Comm. GILBERT: commonwealth in relation to that report. It is a very fulsome report. It does go through a lot of evidence and research. I am not exactly sure of the timing of when this is going to be released.

The CHAIR: Are there about 8000 or 9000 people on the register?

Asst Comm. GILBERT: That is correct. So as of, I think, March of this year there are about 9066.

The CHAIR: Nine thousand. What percentage of those would be child sex offenders?

Asst Comm. GILBERT: I do not have the exact figure, but the vast majority of those would be child sex offenders.

The CHAIR: Is there any data on recidivism rates of those who are on the offender list?

Asst Comm. GILBERT: There is. So around about 10 per cent, 10.1 per cent, of registrants go on to commit further offences that are reported offences.

The CHAIR: Yes. That is actually lower. We hear general recidivism rates of around 43 per cent, so this is significantly lower than in other—

Asst Comm. GILBERT: In terms of further sex offences, that is correct.

The CHAIR: I think, given we have got quite a bit of time for questions, I will go around the table and then we might be able to come back to me. So I will move to Dr Kieu, Deputy Chair.

Dr KIEU: Thank you very much, Chair. Thank you, Chris, for the submission and for appearing here today on behalf of VicPol, and thank you for your very important work on the registry to protect the public. Also I would like reflect that our thoughts are with the police, particularly today, the anniversary of the tragic incident on the freeway.

In responding to the VAGO recommendations, you now take an improvement stance. So my question is about the security, particularly cybersecurity for the database. We know there are a lot of hackers, particularly maybe some state-sponsored hackers as well. So what measures are in place to protect the integrity and security of your database and in particular for the registry and in general as well? Thank you.

Asst Comm. GILBERT: Okay. That is a complex issue. So internally certainly there are restrictions on access to the database from employees. Those members who are managing registered sex offenders obviously have information to certain portions of that. It is shared for those that have a need to know at the time, so there are multifactor steps for people to get access to what they need to do their job.

In terms of the broader picture, Victoria Police does have a department which has an overlay of security towards our information management systems. There are some robust processes in place. I will not talk about what they have in terms of security and what it is, but we are quite confident that Victoria Police's overarching security overlay is quite strong, and it is certainly one that is dynamic as well in terms of emerging threats.

Dr KIEU: Thank you. I have another question; maybe the second round, Chair.

The CHAIR: Okay. Thank you. Mr O'Donohue—Ed.

Mr O'DONOHUE: Thank you. Thank you, Assistant Commissioner and your team, for being here today and for your presentation. Again, like other members, we wish to echo that our thoughts are with police on this difficult day. An interesting statistic, the 9066 registered offenders. That obviously continues to grow quite significantly. What is the annual growth rate? Is it sort of around 500?

Asst Comm. GILBERT: Yes, that is actually about right. Approximately 500 per annum, which is sort of end on end at the moment.

Mr O'DONOHUE: There have been some challenges in the past, haven't there, with sex offenders who pass away and removing them from the register. Is that still an issue?

Asst Comm. GILBERT: No. They will remain as registrants for the purpose of overall reporting. They are still on the registry, although we have obviously classified them as deceased.

Mr O'DONOHUE: Why is that? What is the purpose of that?

Asst Comm. GILBERT: I am unable to go back to the history of why we do that, but it does I think just show that we have got a complete record ongoing. I might take that on notice in terms of what the original intent around that was.

Mr O'DONOHUE: I just ask that question because I know that has been an issue in the past and ask from the perspective of, I suppose, resourcing. The VAGO report, as the Chair referred to, talks about the resourcing implications for Victoria Police. I am interested in whether that creates resourcing challenges for you and also whether it gives a distorted view about the number of sex offenders on the register, because if you have got a presumably growing cohort that are deceased, that 9066 does not actually represent sex offenders you are supervising that are alive.

Asst Comm. GILBERT: That is correct. It is a number that also does take into account those whose obligations have expired, for example. There are a broader range of people on that 9066. Certainly those active—we have figures on who is active, and that means who is actively being monitored at the time.

Mr O'DONOHUE: If I may ask a few more, Chair.

The CHAIR: Yes, please.

Mr O'DONOHUE: I am interested in the more serious offenders. You referred to the post-sentence regime, and the Post Sentence Authority has responsibility for oversight of the orders for those at Corella Place or those in the community subject to an order. Can you describe the process for basically handing over responsibility for the supervision from, say, corrections to Victoria Police when someone perhaps leaves Corella Place and the order expires and then they go and live in the community? What is the process that takes place? And I ask that question in the context of, again, the VAGO report about the databases and the work involved for Victoria Police—the manual spreadsheets and the like. I see that as an area of risk where an error could take place. I am just, I suppose, seeking how Victoria Police manages that process, because these are the most dangerous cohort.

Asst Comm. GILBERT: Yes, so you are talking about a more serious cohort. Fortunately we do have multiagency panels, so we are very well aware of who is on those orders and what the transition periods will be and when they will be. Through those panels we actually have good visibility of the timings and what might be required when they go from that scheme—so whenever it is; it is always case by case—and when they then may transition onto the registry itself. We are quite comfortable in terms of our positioning on the multiagency panel and that transition to the registry once those orders have lapsed for whatever reason—that there is a smooth passage and we can pick up under the obligations of the SORA at that time.

Mr O'DONOHUE: Okay. In a similar vein—you referred to it, Assistant Commissioner, and the Chair referred to it—Victoria Police is working more and more with other agencies, particularly for victims with the SOCITs and the like, bringing in other departments to ensure appropriate services are available for victims and the like. How do you manage the information flow in a way that all members of a working group or who are working with the victim have information whilst not compromising the security of the information that you have?

Asst Comm. GILBERT: Look, having been managing the registry for quite some time and the obligations under that and all the parties knowing what their individual responsibilities are, I think we would feel fairly comfortable that the conversations we have would extend to the point they could. So if it was DFFH, if it was Corrections Victoria or if it was a relevant commonwealth agency, for example, we know what we can share. In the multi-agency panels particularly, given there might be Corrections, there might be DFFH, there might be Health, we know we have the authority to share in those circumstances, so we are reasonably confident—we are very confident in fact—that in those groups we know who we can share with and what we can share with them.

Mr O'DONOHUE: I ask these questions about information, I think, in light of the VAGO report but also if this committee is to consider any sort of expanded reporting regime, which is a live question for the committee, confidence in the way information is managed I think is absolutely central and critical to even that threshold consideration. In that context, Assistant Commissioner, have you had a look at the West Australian model? It is something which we, the political party I represent, had a policy on at the last election. It is obviously referred to by many people. It is a limited release scheme. Have you had a look at that or do you have any thoughts on that?

Asst Comm. GILBERT: Look, I am aware that they have a disclosure scheme where there is more opportunity for disclosure under that scheme than we currently have here. I could not give you a full analysis of that. I would certainly be happy to see some qualified research on the impact of that. You know, as I said in my opening statements, anything that would add that layer of community safety without diminishing all of the positives is certainly something we are willing to have a look at. So yes, I am aware of that, and I would be really keen to see what sort of validated research around that would be of benefit to the Victorian community.

Mr O'DONOHUE: Thank you, Assistant Commissioner.

The CHAIR: Kaushaliya Vaghela.

Ms VAGHELA: Thanks, Chair. Thank you, Assistant Commissioner, and your team for the great work that you do and also for your time today. My question is: is it important to maintain restrictions on the public availability of the sex offenders register? If yes, then why?

Asst Comm. GILBERT: There is a number of impacts, both negative and positive. So, it does remain critically important to us to maintain that limitation of disclosure. Some of the negative consequences could be, you know, the inability for registrants to, as we said, get stable employment, to maintain good prosocial relationships, to get access to services. There is the possibility of them being shunned in community and the possibility of vigilantism. There are a range of things which could occur through an extension of disclosure, balanced against what those positives might be at the same time. So we are really conscious that in terms of the way we share information and manage information we use the limits that are well set for us.

Ms VAGHELA: And under what circumstances should the public be notified of details of child sex offending?

Asst Comm. GILBERT: Certainly if we have a concern that we cannot locate a registrant at any particular time, that we feel that registrant is either actively avoiding us or they are actively avoiding the obligations, we would certainly make a well-balanced risk assessment and we would go to the community and let them know that someone was missing. In fact we have done that in the past. It is not something we aim to do, but the reality is we need to hold people to account to their reporting obligations, and if they are not going to meet those obligations, then our role is to hold them to account. It is not desirable, but unfortunately sometimes it is the only option we are left with.

Ms VAGHELA: And for the data you mentioned it is very important to maintain confidentiality, integrity and availability. As far as the availability is concerned, how do you monitor who is accessing the information in the register? Are there checks and balances?

Asst Comm. GILBERT: There are. We do have a security overlay. As I said, I will not go into the specifics of those, but we certainly have sufficient security overlays on the registry. We also have case management systems, and there are strong auditing and access controls which sit around those. So material which is in the registry also goes into case management, but there are very strong and well-established access controls around the information.

Ms VAGHELA: And does the information get updated regularly, or do you do checks for whether the information is correct and still current?

Asst Comm. GILBERT: Yes, absolutely. That is part of our ongoing auditing processes, and some of that auditing has since been improved and enhanced following the VAGO recommendations.

Ms VAGHELA: And the last one before I come for the second round is a follow-on question from what Mr O'Donohue asked. So the data is entered, stored, exists. For how long does the information stay there? You touched base on what happens if the person passes away, but other than that, is there a time limit for how long the data will stay there?

Asst Comm. GILBERT: We are not deleting information from the registry at this stage. We obviously follow the public records of Victoria guidelines around all of that and the management of information, but as far as the registry goes and the case management system, that material is there at the moment ad infinitum.

Ms VAGHELA: Thank you.

The CHAIR: Thank you. Stuart—Mr Grimley.

Mr GRIMLEY: Thank you, Assistant Commissioner. Clearly I would just like to acknowledge also my thoughts for the Victoria Police family for the deaths of the four members. I was proud to stand on the steps of Parliament this morning and lay a wreath. We will never forget them, that is for sure. Thank you for your service ongoing and all that Victoria Police does.

I suppose I had better be careful with my questioning here, because you never know—I might be applying for my job back in about a year and a half's time. So I had just better be mindful of that fact. But anyway, I will press on. Ms Patten mentioned the recidivism rate, and you spoke about the 10 per cent approximately. The VAGO report speaks about how high-risk registered sex offenders account for 17 per cent of the population of registered sex offenders and they also account for 34 per cent of those breaches. Is that something you want to elaborate upon, or does that come into consideration when we talk about recidivism overall? Should we be focusing on those who are higher risk? Clearly a third of them are responsible for the breaches. Is that a live issue for Victoria Police?

Asst Comm. GILBERT: Yes, look, certainly in our approach to the compliance management of registrants those that pose a higher risk for whatever reason—and there are a number of risk assessment processes we will use—will always get more attention than others. The advantage of that is there are point-in-time risk assessments or static risk assessments, and through that engagement, according to the risk of the type of offender, the type of offence et cetera, we have ongoing collection processes, more dynamic risk assessment, if you like, which allow us then to allocate time and concentration to a particular cohort. We are reasonably adept, I think, at understanding who is more likely to need attention from us, and that will be reflected in the particular offender management plans. I cannot talk about the detail here, obviously, for methodological reasons, but certainly it will help us to focus on a specific cohort who present a higher risk to the community.

Mr GRIMLEY: You also spoke about how sometimes information is released to the public for those RSOs—registered sex offenders—that are unable to be located or not reporting for whatever purposes. Are you able to elaborate as to how often this has occurred in recent times or over the last financial year?

Asst Comm. GILBERT: I could say, including this year and the last year, probably six, perhaps approximately nine since 2019. That would be those that have actually gone to the point of publication. Certainly many more we might have been on the cusp of but for other circumstances and a lot of proactive work from our members or realisation by registrants that they need to come and see us. But I think it would be approximately nine, and I could take those figures on notice and perhaps provide more concrete figures, if you would like.

Mr GRIMLEY: That would be wonderful if you could. Are you able to explain to the committee what type of information is released to the public when you are seeking the location of these people?

Asst Comm. GILBERT: Yes, certainly. We will obviously give their general description. We will release an image of the person, and we will ensure that if we see that there is a significant risk to community safety from that person, we will provide the additional layer. Certainly our core message is always not to approach

people. We do that every single time. All they need to do is contact 000 or, for those that think they might know where they are staying, we certainly use Crime Stoppers as a great support for that to ensure that they are taken into custody safely. Were there any significant risk that was very, very unique to a particular registrant, we would certainly make an assessment on what else we might release.

Mr GRIMLEY: So would those potential risks—the release—include their name, their location, that type of information?

Asst Comm. GILBERT: That is correct. So we would release their name, we would release an image, we would release places we believe they frequented, places they may have recently been. We would obviously give their height, their weight, perhaps how they might be appearing—facial hair for men et cetera. So a range of that and whether or not we thought they were a significant danger to the community.

Mr GRIMLEY: And with the release of that information and the subsequent arrest, thankfully, of those people, have there been any known recordings of offences against those persons since the release of that information?

Asst Comm. GILBERT: I would have to take that on notice, if that is okay with the committee. I can certainly look into that. Just in terms of general data, if there is point-in-time data, we can take it on notice, but if there is a specific period, certainly we will take that on notice and provide that back.

Mr GRIMLEY: I would just be interested to know, going back as far as we can, how many pieces of information were released publicly where registered sex offenders were identified publicly and how many times or how many instances of assaults against that person since then—so to address that vigilantism.

Asst Comm. GILBERT: That is vigilantism.

Mr GRIMLEY: Yes. Just to address that point just to see if that is a live issue—that is all.

Asst Comm. GILBERT: And I might add, in terms of that vigilantism it is also from other disclosures that may have been made.

Mr GRIMLEY: Absolutely. And that was going to be my next question actually, because there are a number of unofficial sites that are available publicly on the internet. I will not mention their names, but they are available. Are you aware or is Victoria Police aware of any vigilante-specific behaviour against people identified from those sites? I know that might be a bit of a tricky question.

Asst Comm. GILBERT: No. I cannot provide an answer. I do not know. I am aware of adverse actions against persons whose status has been divulged in other ways. So it is not just a concept; it can and does occur. I would be very confident, though, given the disclosure scheme that we have and the way we manage information, that we are not seeing that, and that has got to be a positive.

Mr GRIMLEY: And is that type of unofficial public register something of concern to Victoria Police? Are there steps towards trying to address—

Asst Comm. GILBERT: Again, I will take that on notice. I am not aware of the particular ones, so I am sorry I cannot answer that. But organisationally our job is the one under the legislation to manage a registry, and we do it for particular reasons. I think whilst they might be well intended they obviously could have negative consequences, so it is certainly something we would be pleased to take a look at.

Mr GRIMLEY: Thanks, Chair. I will circle back.

The CHAIR: Great. Thank you. Tania Maxwell.

Ms MAXWELL: Thank you, Chair. Thank you, Assistant Commissioner, for your very informative information today, and certainly my condolences to the police family. As the wife of a police officer I certainly understand the trauma that goes through the whole of Victoria Police when a member is killed in the line of duty.

Assistant Commissioner, I would just like to go back to the terms of reference and to particularly address b), which is to 'prevent sexual offences from occurring through improved public awareness'. My question is: if the

police are actually called out to, let us say, a family violence incident, and the AFM, which is the affected family member, has children and the perpetrator is actually on the sex offenders register, is there any way that Victoria Police have the opportunity to or are they able to inform that person, the AFM, that the person that is in their house is actually a registered sex offender?

Asst Comm. GILBERT: Yes. That is correct. We can. The legislation allows for a notification for the protection of children.

Ms MAXWELL: Okay. So that would fall under a duty of care that that would always happen in that situation?

Asst Comm. GILBERT: If there is a need to inform those AFMs, we can do that through DFFH. If it was immediate and necessary, there would be a power for a police officer to make a disclosure, as I understand that to be as well, but certainly through DFFH in terms of child protection we would be sharing that immediately.

Ms MAXWELL: Okay. Thank you. My next question again relates to section b) of the terms of reference. It does not so much relate to the data but to when sex offenders—and I am speaking once again of your serious sex offenders—are released into the community, and I am speaking of a specific case that I know of where a sex offender was actually released into the community and ended up sexually assaulting and murdering his neighbour. Now, most people in that community and in that surrounding area had no idea that he was a sex offender. Do you believe that that information—if that was on the public record and people had have known—could have perhaps offered some protection for that woman?

Asst Comm. GILBERT: Not knowing the full circumstances and the causation I am not able to answer that one, I am sorry.

Ms MAXWELL: Okay. Thank you.

The CHAIR: Thank you, Tania. That was interesting to hear about the 9066, because I think certainly VAGO was concerned about the volume of data that you are having to manage and the monthly reports in doing that. You mentioned that deceased people would be on that list but also people who cease to be active, so their time would be up. Could you give me an idea of out of that 9000 how many are active?

Asst Comm. GILBERT: Yes. As of our most recent figures in March—so again this is point-in-time data, but we are happy to provide a baseline if the committee seeks it, with some notice.

The CHAIR: Yes; great.

Asst Comm. GILBERT: In the community, of that 9066 there are 4462—so what we would call—in community. Of the 9066 there are 4604 who are not: they might be in custody—there are 911 of those; there are 1361 who are either interstate or overseas; there are 1716 whose obligations have expired; there are 601 deceased; and there are also 15 with suspensions. That makes up the total of 9066.

The CHAIR: That is fantastic. I note that I can see a nifty little graph in front of you. Is that something that you would be able to provide to the committee?

Asst Comm. GILBERT: Yes, it certainly is, and it is reflective of the data that we provide in our annual reporting; it is just a more up-to-date version of that.

The CHAIR: Thank you.

Asst Comm. GILBERT: You mentioned the data and the growth. Some of the VAGO work has enabled us to present, I suppose, and collect data in a more meaningful way, and certainly it is something we will continue to improve on so we understand what that looks like. In terms of the volume of information as well, one of the recommendations of course was to establish a fit-for-future-requirements document, which we have done, to try and better integrate registration and case management into the future.

The CHAIR: Yes. That makes a lot of sense given the numbers that you have got going. When you were talking about those very serious incidents where you are releasing information about a serious sex offender and you are making that information public, I could not help thinking: are the victim and the victim's family notified prior to that?

Asst Comm. GILBERT: In terms of notification, they do not have to be at the most serious end to do that public disclosure. Clearly they would not be on there if the offences were not serious, but whilst we make that decision it is the very fact that they are not accountable and they are not complying with their obligations, so they may not be at the more serious end. Certainly in circumstances where we think it is important for the victim to know, we will let them know, so on some of those occasions we will make contact with victims. In some instances the nature of offending might not be such that we would contact victims for a variety of reasons, some of which might include retraumatisation.

The CHAIR: Sure. In circumstances where the victim might be identified through that process of disclosure, would that be an instance where the victim and the family would be notified?

Asst Comm. GILBERT: Correct. I mean, we do it very consciously, and it is one of the processes we look at—whether or not those victims have been contacted.

The CHAIR: Yes; fantastic. Thank you. I will move to Dr Tien Kieu.

Dr KIEU: Thank you, Chair. More than two years ago the commonwealth proposed a national registry. Have you considered that proposal? And what are the benefits or disadvantages of such a national registry?

Asst Comm. GILBERT: I think a lot of that might be covered in the national working group report. Again, I would not like to speak on behalf of the commonwealth in terms of that, suffice to say there are a number of parties in any scheme such as that which could be impacted at each of the state jurisdictions, so the complexities of that are something we would certainly like to have conversations about, but again the outcomes from that report are yet to be handed down.

Dr KIEU: Okay. With our Victorian state sex offender registry, how does it compare to other jurisdictions in Australia and even with the national standards?

Asst Comm. GILBERT: Our internal view, but one which is also guided by what the legislation is that we are working under, the oversight that we have from IBAC, from VAGO, is we feel that we acquit that very well, that we work very well to the framework, that our model is adaptive, our model is flexible. We have proven that, I think, in terms of our work against recommendations 1 and 4 to better situate or place some of our resources. We feel that we are also in a space of taking some of those VAGO recommendations to further levels to enhance the service delivery of our compliance managers. So we feel that we operate very, very well, but we are also an organisation that is willing to continue to adapt and change and certainly look for continuous improvement. When it comes to a public safety outcome, it is our intent to make sure that service delivery is not static—it has got to improve all the time.

Dr KIEU: Thank you. Just following on with the international comparison, in the US there is a law called Megan's Law, about the public availability of the sex offenders registry. You have already mentioned that in the public interest it is not always good to have that available publicly. But could you explain to us a little bit about Megan's Law and also why they adopted such an approach and we are not doing that?

Asst Comm. GILBERT: Look, I think in terms of commenting on the jurisdictions elsewhere, my overarching commentary would be there are very, very complex needs, there are complex legislative frameworks—so in the US across many, many jurisdictions; in Australia, across many jurisdictions. The conversation, I suppose, for us is there is a strong balance. There is certainly a balance that is being struck in Victoria. And again, reiterating what I said in the opening comments, we are certainly willing to be part of any conversation which would look at disclosure and any changes to that disclosure, because I think we have something to contribute to that, particularly when it comes to what might improve community safety outcomes.

Dr KIEU: Thank you.

The CHAIR: Thank you. Ed—Mr O'Donohue.

Mr O'DONOHUE: Thank you, Chair. Assistant Commissioner, can I just clarify those recidivism numbers you gave to the Chair earlier? That roughly 10 per cent, is that on a two-year rolling basis, similar to what Corrections—the normal recidivism rate?

Asst Comm. GILBERT: I will have to take that time period on notice. It is a general figure. I think it is an over-time figure, but we can certainly give you the dates and the methodology for that.

Mr O'DONOHUE: That would be great. And is that against the 9066 on the register or the 4662 active—what is the cohort?

Asst Comm. GILBERT: That would be across the cohort.

Mr O'DONOHUE: Of the 9066. Do you know what the recidivism rate—

Asst Comm. GILBERT: I will take that—in terms of providing that data I will need to clarify whether it is on that full number—

Mr O'DONOHUE: Yes.

The CHAIR: Or on the active number.

Asst Comm. GILBERT: and on the time frame, from when that was. But I will get the data source confirmed for you.

Mr O'DONOHUE: That would be great, because obviously deceased offenders should not—well, if they are included in that figure, it skews it.

Asst Comm. GILBERT: It does skew. I might also add we also need to consider under-reporting.

Mr O'DONOHUE: Of course, yes. That must be a real factor and an ongoing challenge.

I have previously asked questions about the more serious offenders coming out of Corella or off the post-sentence scheme et cetera and how they are managed. No doubt Victoria Police take their management and monitoring very seriously. What about those that are active on the lower level, or lower risk, I should say? How are they monitored? Are they basically monitored by the PSA—and basically it is a role for the station to monitor the 10 or 15 in their patch? How is that process sort of managed?

Asst Comm. GILBERT: So each person who comes onto the registry will be served with a notice of reporting obligations. Their address will be known to us at that point in time, and they will be appointed a case manager locally. So that will occur across all of the police operational divisions. As they are registered where they reside, that is where their management will take place. So all offenders will be subject to those reporting obligations, and then a plan will be developed around them individualised to what is the level of risk that they present. That will then guide both structured and unstructured contact with those offenders, so that low risk, moderate risk or high risk it is tailored towards what that is.

Mr O'DONOHUE: And presumably the high risk are managed by specialist police, and the lower risk are managed by the station as part of their duties that they have responsibility for.

Asst Comm. GILBERT: So certainly in terms of the recommendations from VAGO we have been merging the responsibilities for management into a more structured framework under the SOCIT umbrella so that there is a more consistent approach to that. At the station level there is now a more defined structure, particularly around management support and oversight of that compliance management.

Mr O'DONOHUE: So that has been implemented, has it, the VAGO—

Asst Comm. GILBERT: Yes, in terms of the acquittal of that recommendation we are fairly close to, I think, having all of those ducks in a row in terms of structure.

Mr O'DONOHUE: Can you talk to the number of offenders that perhaps each responsible member may have responsibility for?

Asst Comm. GILBERT: They are going to vary. They will vary according to where they reside.

Mr O'DONOHUE: And the risk, I suppose.

Asst Comm. GILBERT: Well, certainly it will not matter about the risk. They will still be there. But in terms of how much activity, again, it is not just the numbers of registrants but the activity against them will be very dependent upon the risk assessment—and noting those risk assessments do change over time as well.

The CHAIR: Thank you. Kaushaliya.

Ms VAGHELA: Thanks, Chair. Over the past few decades the use of the internet has increased, and more and more children are using the internet. The processes used by Victoria Police—have they kept in line with that in terms of changing the processes, how they monitor the activity that perpetrators use to lure children? Particularly over the last year we have all been working online. Children were online. Is there any correlation between online presence or more time spent and perpetrators trying to look for opportunities to look for children?

Asst Comm. GILBERT: Look, unfortunately data that has been spoken about certainly in the last 12 months during lockdowns would indicate an increase in online activity accessing child abuse material. In terms of the way offenders move in the online space, that remains a challenge for us. However, I might add that given the partnerships we have, particularly with the commonwealth in terms of the way we structure up against child abuse material offences, we are meeting those challenges really well. Disappointingly, though, as we did see, there was an increase in access to material. Our view on that is that at some stage there is a victim along the way and that is terrible to see. It does probably show the extent of the issue. People will exploit technology for a range of crime, but certainly in the child sex offender space as well we have seen that. I understand the commonwealth has been quite vocal on that, and we have also asked people to be quite vigilant around online use.

Ms VAGHELA: Do we have any data on X number of children who were contacted or the child sex abuse material was online and how many times that actually then changes to a child being sexually offended against?

Asst Comm. GILBERT: So just in clarification, is that a child who has been—

Ms VAGHELA: Online has been approached—

Asst Comm. GILBERT: contacted online, or—

Ms VAGHELA: Online, yes, and then the perpetrator persuades the child to meet with them in person, because if there is a correlation, that means we will see more child sex offences happening because there is so much online presence.

Asst Comm. GILBERT: I would need to take that one on notice, particularly because the online offending can occur offshore to onshore, it can occur from state to state and from jurisdiction to jurisdiction, so I am not sure I will be able to get you that clarity of data. We will certainly ask the question and seek something for you on that front if that will satisfy the question.

Ms VAGHELA: Yes.

Asst Comm. GILBERT: You know, we also work obviously quite closely with the commonwealth in a joint space, where there would be both commonwealth and state offences potentially in there. We will do our very best to see if we can gather some data around that.

Ms VAGHELA: Yes, because it will be very interesting to know if that is, you know, relating in terms of increases in child sex offences, because I think more and more people will be working online, and we see children with screens all the time, so we do not know if that is going to happen. Do I have time for a last question?

The CHAIR: Yes, you do.

Ms VAGHELA: As far as public awareness is concerned, do you think that there is enough awareness from both sides? Do the perpetrators know what the consequences will be, or do they get surprised once they are charged? You know, are they aware of what the consequences will be if they go on that path? So that is from the perpetrator side. And from the victim side, are the parents and everybody else aware? Do they have enough knowledge that these are the things or these are the signs that could lead to a child sex offence? Is there enough public awareness there?

Asst Comm. GILBERT: So in terms of perpetrators, there is just an extraordinarily diverse range of causal factors, which I would not try and quantify here. Suffice to say that in terms of victim-survivors we are aware that much of that will happen within the familial context and also in the context of persons who are easily or readily known to victims, which is why I think in terms of public awareness and some of the resources that we share we certainly look at what are prevention pieces, and that is at the commonwealth and state level and with other agencies. We also look at what are the barriers to reporting as well to make sure that we get a more fulsome picture. We do that in a couple of ways. One is obviously for identification prevention, but the other is to ensure that reporting barriers are removed so we get the proper picture of what is going on, and only then can we sort of break away some of those myths and misconceptions, which gets to the heart of prevention.

Ms VAGHELA: Thank you.

The CHAIR: Thank you. Stuart Grimley.

Mr GRIMLEY: Thanks, Chair. A question was raised in relation to the pros and cons, I suppose, of releasing information publicly, and you mentioned vigilantism and also the social ramifications for a registered sex offender and their ability to obtain employment and housing and so forth—if I could just go back to that one and just pose a question or even a scenario. I read with interest about the Western Australia model, and the report on the review of the operation and effectiveness of their notification scheme states that:

Since the commencement of the Scheme in October 2012 the Community Protection Website has been accessed over 390,000 times. Over this time a total of three people have been charged and convicted under the offence ...

for want of a better word, for vigilantism, which equates to, if my maths is correct, 0.000015 per cent of the people who have accessed the information. So my question is: when you spoke about vigilantism being a live issue, is that based on actual records of offences or is it more of an anecdotal observation?

Asst Comm. GILBERT: So when I say ‘anecdotal’, it would be the experience of Victoria Police over time where we have seen that. Certainly the numbers you have spoken about may be low; it just means it is a constant live issue. Part of that broader consideration is: what is the evidence base across jurisdictions not just in Australia but offshore? It is access too—so the volume of access and what the information is that is actually accessed at the time as well. So there are a variety of factors that might go into what is actually published—and, you know, what is the smooth, over-time access like against when it is new to longer term? There are a range of things we would be really keen to see from an analysis and assessment basis on that. But in terms of vigilantism, it is just a live issue amongst a lot of others, many of which of course we referred to around the victim-survivors and their families.

Mr GRIMLEY: Wonderful. You mentioned also that when the information is released publicly victims are notified in certain circumstances. I am just interested to know the outcome of that in terms of: has there been any feedback from the victims about that information being released? Have there been any negative consequences for those victims or the families once that information has become public, to your knowledge?

Asst Comm. GILBERT: To my knowledge, no. It is actually not just a notification; it is a feedback. So we take into consideration that contact with victims before we make the publication.

Mr GRIMLEY: Wonderful. If I can just go back to when you spoke about information sharing, and we were speaking about a situation I think my colleague Ms Maxwell raised, about being in a family violence situation and the police being aware of a registered sex offender being present. Now, it has been a while since I was in that role and doing that particular job. Correct me if I am wrong, but you did say that police are able to release that information based upon that risk—is that correct?

Asst Comm. GILBERT: Yes. My understanding is that in urgent circumstances where we see an immediate community safety issue we would be able to share some information, with the AFM in that example, but we would also still be declaring the interest to the Department of Families, Fairness and Housing for child protection purposes.

Mr GRIMLEY: Has that changed at all? I was of the understanding or led to believe—and it may have changed recently or over the years—that police had to notify, at the time, DHHS, and DHHS would then notify the family.

Asst Comm. GILBERT: That is correct.

Mr GRIMLEY: So has that changed?

Asst Comm. GILBERT: Yes. As I said—I think it was in the opening statement—there are other circumstances which empower police to make those decisions based on a risk assessment, so if there was an urgent need, that is something we could do. We would still follow the formal pathway as well, but that is that immediate issue: we see a risk where the mitigations right now are not there, we need to do something.

Mr GRIMLEY: Would that extend to the situation, for instance, which I can speak about from lived experience, attending school grounds and having a registered sex offender loitering around the school grounds? In what circumstances could that school be notified of that particular person hanging around the school grounds?

Asst Comm. GILBERT: We would need to understand more broadly what the full circumstances of that were. Were there prohibitions around that? Is it something that in their obligations it is clear that they are not able to do? In terms of that we would need to understand what the full circumstances are before we would make a decision around that. It is certainly something we would obviously take into consideration. In terms of then what the protection is for children in that circumstance, we will make decisions on that—and informed decisions. We also have the ability to share obviously with the other statutory bodies.

Mr GRIMLEY: Yes. Can you just elaborate as to those organisations that are able to have access to that information, as to who they might be or the criteria that has to be satisfied—or is that a question you have to take on notice?

Asst Comm. GILBERT: Well, some of those obviously are the law enforcement agencies. We share with law enforcement agencies, we share with Corrections Victoria, we share with DFFH. We will share with Justice and Community Safety for worker screening. We can share information relevant to public passenger vehicles. So there is a range of those. And then in terms of the investigative framework that we have, there are other agencies which might have access to those investigations to support us. They might not be agencies we can directly share with, but they certainly have formed part of investigation teams and are able to supply additional information.

Mr GRIMLEY: I might come back if I can.

The CHAIR: Thank you. We have actually got some time still. Tania Maxwell.

Ms MAXWELL: Thank you, Chair. Just going back to probably something Mr Grimley raised about somebody loitering around schools, for example, I am trying to determine whether the ways in which we work for preventative measures are actually being implemented. We know that often it is a reactive or responsive approach, particularly to sex offending—that the crime actually has to be committed—and yet we may have somebody who is on the sex offenders register who is loitering around a school.

Surely that would meet the criteria to notify the school and under any circumstances the school would be notified that there is a sex offender in close proximity to those children.

Asst Comm. GILBERT: There are a number of steps in terms of that. If there was a child sex offender in those circumstances, we may be able to actually release that information for the purpose of child protection. There are also the proactive measures we can take to prevent that from occurring. Sex offender prohibition orders, for example, can stipulate that a registrant is in fact not allowed to go near those areas at all. So if it was the case of a person who was doing that, in terms of compliance and enforcement we could set particular prohibitions on that registrant and then we would hold them to account for that, and being in such an area would in fact then become a breach.

Ms MAXWELL: Okay. So it would be likely that somebody would report perhaps to the school that there was somebody loitering around—because they would not know that it was somebody registered on the sex offenders register. So if that were to happen, I would assume that the police would then be called by someone at the school. So in that situation, regardless of whether that person was breaching their CCO or whatever it may be, would the school then be informed that that person was actually a sex offender?

Asst Comm. GILBERT: It would actually still depend upon the individual circumstances of why that person was there. Once we had established that there was a registrant in that area, clearly we would need to

draw from them what their purpose for being there was. We would then need to understand whether that was fortuitous or whether it was deliberate and then take the appropriate action from there. It would depend on those circumstances first. First and foremost we would need to understand the who and the why so we could make those decisions.

Ms MAXWELL: Okay. Thank you.

The CHAIR: Thank you. And thanks, Ms Maxwell. Just following on from that, I guess, scenario that Ms Maxwell presented, I am interested in, with child sex offenders—my understanding was almost all of them were offending someone that they know and someone within their familial circumstances—what percentage of them are not offenders that offended within their own families or within close contact, I suppose, and more the stranger.

Asst Comm. GILBERT: I do not want to throw an ambit figure on you, but I think it is a high percentage—it might be in the 70th percentile—in terms of those who are within the familial or known relationship context.

The CHAIR: Okay. So there is still sort of 20—

Asst Comm. GILBERT: It is the majority. So there is still a number of those who are not in that. So whilst there was a large number, importantly there are those to whom they are not known, the stranger.

The CHAIR: Yes. Great. Thank you.

Asst Comm. GILBERT: And that goes obviously in all types of offending ranges, so offending at the highest ends, offending at the lowest ends.

The CHAIR: Yes, of course. One of the other people who has put a submission in to us was recommending greater links between the sex offender register and AUSTRAC, and their recommendation to us was that AUSTRAC have access to the sex offender register. In listening to you today it seems when we say people have access to that information, it is actually that they ask you—they ask the police a specific question about a person and you share that information. Does anyone have that outside access onto the register so that they could log in and look at it?

Asst Comm. GILBERT: No. Some law enforcement agencies certainly do. In terms of AUSTRAC, AUSTRAC is not a law enforcement agency. AUSTRAC is an intelligence agency, however, and AUSTRAC—again, I will not speak on their behalf—are very well connected through a range of task forces, particularly our joint arrangements. So whilst they do not have direct access, they can certainly contribute, you know, in limited circumstances. In terms of sharing information they certainly do contribute to offender investigations, and we would be willing to talk to AUSTRAC at any stage about what is it that they might be able to bring to the table or do from the sharing. Certainly we do have strong relationships with AUSTRAC and the intelligence community and are always willing to explore conversations with them, but noting that they do have a different role as an intelligence agency to a law enforcement agency.

The CHAIR: Yes, of course. I think the scenario that was being presented to us was something like AUSTRAC becomes aware of someone purchasing software that would enable them to disguise their identity online. Would that information be of interest to you?

Asst Comm. GILBERT: We would be confident that anything that AUSTRAC was aware of would be shared through the joint arrangements we have with the commonwealth. So as you would be aware, Victoria Police and the AFP and other agencies work closely in a joint team—see the jackets—the child exploitation team, so AUSTRAC are key players in that, as they are with a range of different investigative bodies across a broad range of serious and organised crime as well. Whilst it is not directly into the registry, there is the intelligence support.

The CHAIR: Yes, there is a very open communication between—

Asst Comm. GILBERT: But obviously conversations with AUSTRAC around that we would be willing to have.

The CHAIR: Yes. Just on the management and interjurisdictional sharing of information, the platforms that you all use, are you all coming together on a more consolidated platform or are you all still using different platforms?

Asst Comm. GILBERT: Look, we use different platforms, but there is the national child offender system, which is auspiced by the Australian Criminal Intelligence Commission. All of our information is available on the NCOS. Whilst we maintain a Victorian registry, that is really about what is fit for purpose for Victoria, Victoria's legislation and Victoria's case management. But every registrant's details are uploaded into the NCOS and that is able to be shared with those other law enforcement agencies.

The CHAIR: Yes. So is that how the sharing takes place? If someone were to notify you that they were moving to Queensland, that information goes on to that central database so then Queensland becomes aware—

Asst Comm. GILBERT: That is one method of that. It may also be that because of the particular nuances of that registrant we might have additional information. We would then forward an information report as one option to the other agency. Certainly picking up the phone and having a conversation with a receiving compliance manager is also another important part of that. So structurally, yes, the NCOS is there, but there might be other information we think is worthy of sharing, and conversely worthy of receiving, on particular registrants so there are a number of methods to do that.

The CHAIR: Thank you. Tien.

Dr KIEU: Yes. Thank you, Chair. Let me come back to the purpose of the child sex offender registry. It has been established to monitor and track an offender when he or she is released into the community to protect the community, particularly the children. But nowadays sexual abuse may not only be physical. Because of internet connections a person can be in Queensland or can be in Victoria or can be anywhere in the world and still be able to find sexual gratification through the internet—maybe sexting, maybe grooming, maybe even video. So the damage is not physical but it could be mental and it could be for a lifetime and it could have some ramifications later when the child grows up and so on. How in general do we do that? How do we extend the protection of the public from the point of view of protecting particularly the children and understanding the child sex offender registry in the modern world?

Asst Comm. GILBERT: So there are a number of layers to that question and it does raise some complex issues around where victims are and where offences take place, particularly with technology. Certainly for the purposes of the registry itself and our obligations under the registry, because we have engagement and ongoing engagement with registrants, we look for signs. Some of the information we can gather is around online usernames and their access to certain sites. So there are a range of things we do in that ongoing engagement and the rapport that we build up with registrants to understand what changes might exist in those relationships and to look for signs that perhaps they are engaging in that way.

And then clearly, in terms of the other things, there are a range of investigative teams and intelligence methodologies we use to understand what the extent of offending is. But for the purpose of the registry it really comes down I think to that ongoing engagement with sex offenders who are registered on the broad spectrum through their annual interviews, through their ad hoc interviews and through what other means we come into contact with them.

Dr KIEU: But in general these registrants on the registry are being monitored for their online presence. Specifically, do you need a court order to do that? In general you are allowed to monitor their online presence and activities?

Asst Comm. GILBERT: The act does allow us to access their usernames. So they are required, as one of their obligations, to provide those to us so that in our intelligence and investigation capacity if we have any sense that there is any offending going on there, it actually helps us to prevent that likelihood of reoffending.

Dr KIEU: Thank you.

Asst Comm. GILBERT: It is also an offence were they not to provide the details to us. It is a breach of their obligations.

The CHAIR: Yes, that is right. Ed.

Mr O'DONOHUE: Thanks very much, Chair. Assistant Commissioner, you talked about vigilantism, and Mr Grimley has put some questions to you and had a discussion about that. One of the other arguments against an expanded public access regime is that it can lead to increased recidivism—this is something that was put to me through the correction system on many occasions. It can lead to increased unease and can lead to, potentially, reoffending. Do you have a view on that? I asked about the Western Australian system previously. Are you aware if there has been any change in recidivism rates or any evidence of that consequence from the Western Australian system that has been introduced?

Asst Comm. GILBERT: I am not aware of changes in terms of evidence from the Western Australian model. What I would say is that there is significant research around the lack of structure for registrants and the impact that might have, so that if employment and if stable housing and if stable relationships are absent in a registrant's life, there is a potential or more likelihood that they may further offend, whether sex offending or whether it is broader offending. The research spells that out. What I would say about that again, though, we still balance that against what is the public safety objective in the disclosure.

Mr O'DONOHUE: Sure.

Asst Comm. GILBERT: So whilst we do accept that research, we also acknowledge the fact that there are potentially still some gains to be made in the disclosure. It is just how do we balance that and, as I said, that is a very complex environment. It is not something we comment lightly around simply because for every action there will be a consequence. So it is balancing all of that together.

Mr O'DONOHUE: I appreciate that, and I appreciate your answer. But just to be more specific, I think we all accept that housing and employment and relationships are all very important things in recidivism across all cohorts, whether they are sex offenders or other cohorts. But more specifically the prospect of increased disclosure information. Are you aware of any research which demonstrates that that could lead to increased offending?

Asst Comm. GILBERT: I am not aware of any research, no.

Mr O'DONOHUE: Okay. Thank you.

Asst Comm. GILBERT: And I think there are research gaps around the complexities of sex offender registration and of sex offending more broadly, so we welcome it all.

Mr O'DONOHUE: We welcome whatever information you can provide us, Assistant Commissioner, to help us understand that. If I may, Chair?

The CHAIR: Yes.

Mr O'DONOHUE: Just back to the issue of resourcing and the supervision, and I ask this in the context that in the last Parliament when I had the privilege of being police shadow I had representations from members about the stretched resources, particularly in the Gippsland region, in appropriately supervising offenders. Are you comfortable with the resource levels you have now? How many of the 3000 extra police the government has funded have been allocated to SOCIT? Multiple questions, if I may. And with those perhaps lower risk offenders, just to go back to this question, are they managed by the CRU or SOCIT or by basically the sergeant on duty in effect?

Asst Comm. GILBERT: Yes. So in terms of the numbers that have gone to SOCIT, I will take that on notice in terms of providing that, from the 3000 you have mentioned. In relation to the allocation, part of that work we have actually spoken about previously was bringing them all under the SOCIT umbrella. That transition is almost complete, so there is the proper structure with support of the SOCITs both from a supervisory and an experience point of view so it is less ad hoc, and that is actually included in all areas, not just metro but country areas, to ensure that there is a better structure to support the allocations so that those compliance managers will be working in teams that are then directly supported through the SOCIT umbrella.

Mr O'DONOHUE: And do SOCITs work on a regional level, the PSAs, the divisions?

Asst Comm. GILBERT: They work on a divisional level. A couple of slight variations in the country of course where you have got significant differences, but that just shows the flexibility we have. So, as you

pointed out, there were different methods of management that will move from the CIUs to the SOCITs so they have got that better synergy. So that is one of the key things that is almost acquitted.

Mr O'DONOHUE: And thank you for taking on notice the number of extra members to SOCIT. Notwithstanding that, are you comfortable with the resource levels you have that can appropriately supervise those offenders on the register?

Asst Comm. GILBERT: Yes. Look, I am, and the way we change just shows that flexibility. We have a lot of resources that can be moved very quickly, and I think it has been shown through bushfires and through pandemic that we are able to scale up and down and move resources as we need to to be flexible to that. What we hope of course is that that restructuring, that alignment through the SOCITs, will bring a lot of long-term stability as well. So we are comfortable with that resourcing. And when it is no longer of comfort of course we will have conversations with the chief commissioner and with other partners internally about what we might do around that flexibility.

The CHAIR: Thank you. Kaushaliya.

Ms VAGHELA: Thanks, Chair. This might be a very basic question, but if a young family with children are wanting to move into a new housing estate or have already moved into a new housing estate with young children and are wanting to know if there are any sex offender registrants in the area, are they able to seek information from Victoria Police?

Asst Comm. GILBERT: Well, that is information we would not provide, no.

Ms VAGHELA: Okay. How common is—

Asst Comm. GILBERT: When I say we would not provide it, we do not actually have the legislative authority to provide that information.

Ms VAGHELA: Yes, to provide that. Yes, I understood. How common is reoffending in terms of percentage wise? What percentage of offenders reoffend?

Asst Comm. GILBERT: So those registrants—as we said, our figures are around about 10 per cent of those will reoffend in sexual offences.

Ms VAGHELA: Yes. Is that consistent or it goes up and down, depending on—

Asst Comm. GILBERT: I think that is what we would say is a relatively consistent level, but we will come back to the committee on the time period on which that 10 per cent is based.

Ms VAGHELA: And is there any evidence to suggest that a national register actually reduces levels of reoffending or influences the public levels of fear?

Asst Comm. GILBERT: Do you mean a national—

Ms VAGHELA: A national register. Will that reduce the levels of reoffending?

Asst Comm. GILBERT: A national register, again in terms of that research, I will not speak on behalf of the authors of the report. They will have their own views on that. Certainly we concentrate on what we do under the state registry.

Ms VAGHELA: Victoria Police was part of the working group?

Asst Comm. GILBERT: Along with government, yes.

Ms VAGHELA: So does Victoria Police support the national register? If yes, why? And if not, why?

Asst Comm. GILBERT: What we would like to see is the final report from the working group. Our view on that will probably be consistent with the report of the participating agency, along with government. So our view on that will be reserved until we actually see the final report. Again, many different views, but it is important that we wait to see that authorised final report.

The CHAIR: Thank you. Stuart.

Mr GRIMLEY: Thank you, Chair. When you spoke about Victoria Police welcoming more research into sexual offences, that is music to my ears. I tried to raise that in a motion recently but unfortunately it was voted down, but anyway, we will press on. Ms Patten mentioned that sex offences are often committed against victims by people that they know—the sex offenders—in terms of families and friends et cetera. I am just interested to know if there is any data available as to what percentage of offending occurs in a familial situation as opposed to what occurs in an acquaintance or friend situation. You might have to take that one on notice.

Asst Comm. GILBERT: Yes.

Mr GRIMLEY: Because from my experience in SOCIT and in particular with the grooming it is quite often that a sex offender or a person who is wishing to commit offences against children will quite often begin that grooming process within a family as a friend or as a sporting representative or whatever. That is the way that they see their way in. They do not necessarily commit their offences as a stranger, but nevertheless they do approach the beginning of that process as a stranger, so I think that just needs to be elaborated upon, I suppose. Given that, and just going on what Ms Vaghela was speaking about, if a person in a relationship does have concerns about their child being at risk from another person, what is available to them in terms of trying to find out that information about a partner or the person they may have contact with?

Asst Comm. GILBERT: If there was something that was so strong in the sense that a person thought the sexual safety of their children was at risk, they can always come and have a conversation with the police. That does not mean that we can tell them certain information. However, if we shared that same concern and in fact it was a registrant, we have got that obligation to inform, but also, you know, we would then potentially know that the person was in breach of reporting obligations if we did not know it. In terms of a registrant there are protections there. If a person is not a registrant but there was still a concern, we would obviously have to step through that incredibly carefully because we do not have the authority to disclose information, but we would certainly be able to assist someone in understanding whether they were at risk based upon what is the cause of that concern.

The CHAIR: Yes.

Mr GRIMLEY: Wonderful. Can I just have one or two more?

The CHAIR: You can have one or two questions, yes.

Mr GRIMLEY: The VAGO report from August last year speaks about how:

In April 2012, the Victorian Law Reform Commission tabled a report that included 79 recommendations to improve the Sex Offenders Register system.

And it goes on to say that:

IBAC highlighted the risk of operating the Sex Offenders Register across multiple databases and noted that it has raised this risk with Victoria Police before.

The sex offender register unit advises through this report that it intends to render the sex offender register database:

... obsolete as it transitions to recording more information in the National Child Offender System ...

Given that, I was just wondering what progress has been made in terms of transitioning from that system to the national system.

Asst Comm. GILBERT: I think, again, that was point-in-time information that may have been provided. We are certainly not in the process of moving our information away from the Victorian registry. Certainly everything that should be within NCOS is within NCOS, but there is a really important part to it and that is making sure that our registry is fit for purpose for the framework that we have and certainly for case management, and case management into the future, so I think we are not moving away from the registry. We certainly do allow NCOS to ingest, so it will accurately reflect, but we maintain our own registry. We have actually gone then through the VAGO report to recommendation 5, where we have now done a significant amount of work to understand what is a fit-for-purpose case management system that supports the registry and the framework that we have.

Mr GRIMLEY: I know from my experience that Interpose has come a long way since I first began, which is pleasing to note. Just finally, point b) in the terms of reference goes on to speak about the prevention of sexual offences occurring through improved public awareness, and I am just interested to know, if you can elaborate for the committee, in your view what role public awareness, education campaigns, activities and other resources can play in reducing the incidences of child sex offences and recidivism.

Asst Comm. GILBERT: Look, I think they have an enormous part. I think there are a lot of people involved in that process, organisations as well—issues around consent, issues around how it occurs, what are the signs, balancing that being alert rather than alarmed. It is incredibly powerful. The more the community knows, I think the better opportunities there are for prevention. That does not necessarily mean, as I said earlier, that we need to discuss individual aspects of registrants, but it is a powerful tool. There are incredible resources available both at the state and commonwealth levels, and from other NGOs too, I am certain. But yes, it is probably about having the access to that and the awareness. It is really important that people know that the resources exist, not because we want to alarm them, but it is serious offending, it is there, and we know a lot of people are willing to share that information as well. We certainly put as much out there as we possibly can.

You may be aware that Victoria Police was involved in *Unspeakable*, which is a really professional, polished, informative broadcast over a number of episodes, which tries to share some of the most important parts of what sexual offending looks like. We would like to continue to understand what are the sophisticated ways to get through to people and to help them understand what it is that might be involved in prevention, detection, and certainly, again, one of the most important things in that education is: what can we do to overcome barriers to reporting?

Mr GRIMLEY: Absolutely. Wonderful. Thank you. Thank you, Chair.

The CHAIR: Yes, thank you. Just finally from me, I was interested in the demographics of the people on that register, and particularly around those protective factors of employment and housing. Is that data that you have that you can provide? I guess it will be the active cases.

Asst Comm. GILBERT: I think it will be really dynamic to talk about that in terms of where people are living and how they are living. I actually think that would be incredibly difficult to try and draw out. I will take it on notice, though, in terms of: what can we do to understand active cases and what factors are there? I just do indicate, though, that might be incredibly difficult to draw out, and it is shifting as well.

The CHAIR: Yes. Look, I understand. It is because we did a disclosure of historical convictions inquiry and we had the understanding of the importance of employment on recidivism but the barriers that convictions also provide to employment. So yes, I am just interested if there is a high unemployment rate in this group.

Asst Comm. GILBERT: We will certainly do our best. I am not sure we will be able to draw that, Chair, though, sorry.

The CHAIR: Yes, thank you, Assistant Commissioner. I appreciate that. Committee members, do you have any further questions?

Thank you so much. We really appreciated the time and the openness of this hearing and also the willingness to take questions on notice. As I mentioned, you will receive a transcript of today. Please have a look and make sure that we have not misheard or misrepresented you in any way. Again, we very much appreciate you giving us this time today, and particularly I think on a day that is a difficult day for Victoria Police, so thank you.

Asst Comm. GILBERT: Thank you, Chair.

Witnesses withdrew.