

Monitoring child sex offenders in your community – how did ACT Policing go?

Report on the inspection of ACT Policing's Compliance with Chapter 4 of the *Crimes (Child Sex Offenders) Act 2005* (ACT)

For the period 3 August 2022 to 11 September 2023

Report by the ACT Ombudsman
Iain Anderson, under section 20A of the
Ombudsman Act 1989 (ACT)

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Executive summary

The *Crimes (Child Sex Offenders) Act 2005* (ACT) (the Act) establishes a register of child sex offenders (the Register), who are placed on the Register following conviction of a registrable offence or through a Registration Order made by the court. The ACT Ombudsman monitors ACT Policing's administration of the Register and whether this complies with the Act.

We found that new Commonwealth online child sex offences introduced in 2019 and 2020¹ had not been added to Schedule 2 of the Act. This meant there was a significant gap affecting the registration of offenders residing in the ACT who had been convicted of these offences. As a result, the Register was not providing the full measure of the intended community safety.

In March 2023 ACT Policing asked the ACT Justice and Community Safety Directorate (JACS) to amend the Act to include these offences. The *Crimes Legislation Amendment Act 2024 (No 2)* amended the Act and commenced on 26 April 2024. The amendment does not apparently operate retrospectively and consequently 10 offenders will not be on the Register for the period they should have been. In 6 of those cases, they should have been on the Register for life, but instead will have reporting obligations for either 8 or 15 years due to the nature of their other offending or the use of child sex offender Registration Orders.

It is imperative that JACS, ACT Policing and the Commonwealth Attorney-General's Department establish effective arrangements to ensure that the Act is updated any time there is an amendment or enactment of a relevant Commonwealth offence.

We drew this to the attention of the ACT Attorney-General, the Director-General of JACS, the Chief Police Officer of ACT Policing and the Secretary of the Commonwealth Attorney-General's Department (AGD).

With the exception of our recommendation, suggestions and comments below, ACT Policing's management of the Register complies with the requirements of the Act.

¹ Section 474.22A of the *Criminal Code Act 1995* (Cth) was enacted in Schedule 3 of the *Combatting Child Sexual Exploitation Amendment Act 2019* (Cth) and commenced on 21 September 2019, and section 474.27AA was enacted in Schedule 4 of the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020* (Cth) and commenced on 23 June 2020.



Findings, Recommendation, Comments and Suggestions summary

| Finding | Recommendation/Comment/Suggestion |
|---|---|
| <p>Finding 1: Failure to update the Schedule to the Act to include new offences.</p> | <p>Comment 1: It is imperative that ACT Policing, JACS and the Commonwealth Attorney-General's Department establish appropriate arrangements to ensure ACT legislation is updated when any relevant Commonwealth offence is enacted or amended.</p> |
| <p>Finding 2: As a result of the Act not being updated, some offenders have been registered for shorter reporting periods.</p> | <p>Recommendation 1: ACT Policing should assess and seek to mitigate, outside the Register, any residual risks from offenders whose registration period is reduced as a result of the Act not including some Commonwealth convictions from 2020-2024.</p> |
| <p>Finding 3: Deficiencies and inconsistencies in records.</p> | <p>Suggestion 1: ACT Policing ensure members of the Child Sex Offender Register Team (CSORT) update the National Child Offender System (NCOS) record with all identification (including aliases) and internet service information provided by registrable offenders.</p> <p>Suggestion 2: ACT Policing ensure members of the CSORT familiarise themselves with the NCOS record and file of a registered offender before any interview to ensure changes to the registered offender's details and circumstances are identified and captured in the Register.</p> |

| Finding | Recommendation/Comment/Suggestion |
|---|---|
| <p>Finding 4: Need to improve checking of the truth of offender reporting (and lack of reporting).</p> | <p>Suggestion 3: The CSORT to perform regular checks where there is a reasonable suspicion that an offender's details or circumstances have changed but not been reported by the offender.</p> |
| <p>Finding 5: Nil use of the search warrant powers under Part 3.11 of the Act.</p> | <p>Comment 2: The Minister should review the search warrant provisions in Part 3.11 of the Act to consider whether they are fit for purpose.</p> |

Part 1. Oversight of the Crimes (Child Sex Offenders) Act 2005

Our annual inspection of the Register was conducted at the Winchester Police Centre from 11 to 13 September 2023 (the September 2023 inspection). The inspection covered the period 3 August 2022 to 11 September 2023.

We examined the records of the one new registrable offender added to the Register since our last inspection. We reviewed 5 existing entries, with a focus on the most recent report made by each registrable offender and any changes they reported to their personal details. We also reviewed the accuracy of information recorded for one registrable offender whose reporting obligations ceased.

We also held discussions with ACT Policing regarding the use of powers under part 3.11 of the Act and other matters impacting on compliance with the Act.

Background

The Act requires a person who is:

- convicted of sexual offences against children
- released from government custody, and
- resides in the ACT (a 'registrable offender' under the Act),

to keep police informed of their whereabouts and other personal details for a period of time.

The purpose is to:

- reduce the likelihood the person will reoffend
- facilitate the investigation and prosecution of future offences the person may commit
- prevent the person from undertaking child-related employment, and
- prohibit the person from engaging in conduct that poses a risk to the lives or sexual safety of children.



The ACT Ombudsman's role

Section 4C of the *Ombudsman Act 1989* (ACT) (the Ombudsman Act) gives the ACT Ombudsman responsibility for monitoring compliance with Chapter 4 (Child Sex Offenders Register) and Part 3.11 (Entry and Search Warrants) by ACT Policing. This role does not consider the extent of compliance by registrable offenders with their reporting obligations under the Act or the accuracy of information reported by registrable offenders to ACT Policing.

Under section 20A of the Ombudsman Act, the ACT Ombudsman may provide a written report to the Minister on the extent of compliance and the results of any inspections conducted by our Office. A copy of this report must also be provided to the Chief Police Officer of ACT Policing.

How we oversee ACT Policing

Our inspections focus on areas of risk to ACT Policing's compliance with the Act that pose the greatest harm to the public. Our inspections include:

- conducting on-site inspections of records
- reviewing internal guidance documents and other instructional material
- interviewing staff members from relevant governance and operational areas and observing their processes
- testing the veracity of records and processes, and/or
- monitoring progress on previous inspection findings and recommendations.

We provide ACT Policing with the risks we will assess before each inspection. This helps ACT Policing identify the best sources of information to demonstrate compliance. We also examine ACT Policing's progress against our previous inspection findings and review findings over several inspection periods to identify trends or systemic issues.

Since the Act commenced, ACT Policing have not used the entry and search warrant powers under Part 3.11 of the Act. Our inspections therefore focused on the extent of ACT Policing's compliance with Chapter 4 of the Act during the relevant period.



How we report

To ensure procedural fairness, we provide ACT Policing the opportunity to comment on any perceived factual errors. The report is then finalised and provided to the Minister in accordance with section 20A of the Ombudsman Act. As this report also made comments regarding JACS and the AGD, we also provided both agencies the opportunity to comment.

During an inspection, we focus on identifying instances of serious non-compliance and systemic issues. We may make recommendations, comments or suggestions if we identify an issue that ACT Policing has not addressed, or we think are warranted in the circumstances. A recommendation reflects a serious or systemic compliance issue. A suggestion reflects less serious and/or isolated issues where we consider ACT Policing should take action to improve.

Our jurisdiction with respect to the Register is only directed to ACT Policing, which means that we can only make a recommendation in this report to ACT Policing – not to other agencies, such as JACS.

We also comment on ACT Policing's policies and procedures for ensuring compliance with the Act, based on the information available to us at the inspection.



Part 2. Inspection findings:

Child Sex Offenders Register

As of 12 September 2023, there were 203 registrable offenders registered in the ACT, including:

- 2 offenders who are overseas (having departed Australia prior to 2017), who are unlikely to return; and
- 9 offenders currently in custody.

We found ACT Policing was generally compliant with their administration of the Register and had a maturing compliance culture (see **Appendix B**). ACT Policing had taken steps to implement the suggestions from our previous inspection findings. The one exception, being only partial implementation of updates to Registrable Offenders templates to capture places of work, was addressed by ACT Policing during our inspection.

We did not inspect certain provisions under the Act that were not used during the reporting period. This included any disclosure of information about participants of witness protection programs to inform the Register under sections 118 or 119 of the Act, and any requests made by offenders to update or seek removal from the Register under sections 122 or 122A to C of the Act.

Finding 1: Failure to update the Schedule with new offences

A registrable offence under the Act is described in section 10 as being a Class 1 or Class 2 offence as referenced in Schedule 1 and Schedule 2 of the Act. Schedules 1 and 2 list relevant ACT offences and then relevant other offences, almost all of which are Commonwealth offences.

Section 474.22A of the *Criminal Code Act 1995* (Cth) (the Criminal Code), which was enacted in Schedule 3 of the *Combatting Child Sexual Exploitation Amendment Act 2019* (Cth), commenced on 21 September 2019. This offence relates to the use of carriage services to possess or control child abuse material. Section 474.27AA, which

was enacted in Schedule 4 of the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020* (Cth), commenced on 23 June 2020. This offence relates to the use of a carriage service to groom a person under the age of 16. These offences both carry a maximum penalty of 15 years imprisonment and should have been listed as Schedule 2 offences for the purposes of the Act.

As sections 474.22A and 474.27AA of the Criminal Code were not listed under Schedule 2 of the Act when the provisions commenced, persons prosecuted for these offences in the ACT before 26 April 2024 were not registered under the Act. It also meant that convictions for these offences would not be taken into account when determining the period of registration required, where an offender had been convicted of other registrable offences in addition to these unlisted Commonwealth offences.

ACT Policing disclosed to us an ongoing risk arising from the failure to update the Act's Schedules to include these new offences.

Following our inspection, we engaged with JACS about the delay in amending the Schedule. JACS informed us that they had no records of engagement with the Commonwealth Government about the updates to the Criminal Code offences. We were advised that in March 2023, ACT Policing formally requested JACS amend the Schedule to include these offences. JACS informed us that the amendments would be introduced in the first half of 2024.

We learnt from JACS that they have now established an administrative process where updates on legislative amendments is a standing item in their meetings with ACT Policing to foster a timelier exchange of information to enable early legislative amendments.

Given our concern that these new offences had not been included in the Schedule, our Office also engaged with AGD to ascertain what arrangements they had in place to inform agencies of any updates to Federal legislation which may affect the operation of the Act. AGD advised that the Department of Home Affairs, which had policy responsibility at the time for these issues, notified ACT Policing on 23 June 2020 of the changes to the offences in the Criminal Code made by the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020* (Cth). ACT Policing was also encouraged, in line with the decision of the then Council of Attorneys-General and Ministerial Council for Police and Emergency

Management in June 2019, to review its registration scheme laws to ensure they continued to apply to all Commonwealth child sex offences.

The AGD also advised that JACS and ACT Policing were represented at meetings of the National Working Group on Child Sex Offenders, which considered the measures that constituted the amendments to the Criminal Code in 2019 and 2020. These meetings were held in July and October 2017, noting the amendments were first introduced in September 2017.

Consequentially, it remained open to ACT Policing to review its registration scheme and raise the need to update the Act with JACS from before June 2020.

According to records provided by ACT Policing, an internal request to update the Act was made by the Child Sex Offender Register Team (CSORT) on 1 October 2021. Subsequent internal follow ups were made on multiple occasions through 2022. The request was not prioritised by ACT Policing, being actioned only intermittently, until eventually the specific request to amend the Act was formally passed by ACT Policing to JACS in March 2023.

There was no AGD record they notified JACS when the new offences were passed. The AGD also advised they will in future notify the relevant policy agencies in all states and territories of amendments to the Criminal Code. On 22 April 2024, JACS notified us that the *Crimes Legislation Amendment Act 2024 (No 2)* updated Schedule 2 of the Act to contain the offences in sections 474.22A and 474.27AA and other sections of the Criminal Code. These amendments commenced on 26 April 2024.

Noting the significant implications of the legislative delay, we remain concerned about potential gaps in the communication of legislative changes between the AGD and state and territory jurisdictions on further updates affecting the Child Sex Offenders Register.

We make one comment for the Minister's attention and consideration:



Comment 1

It is imperative that ACT Policing, JACS and the Commonwealth Attorney-General's Department establish effective arrangements to ensure ACT legislation is updated when any relevant Commonwealth offence is enacted or amended.

In response to our draft report, the AGD acknowledged the importance of states and territories being explicitly advised of the passage of new offences which may require updates to registration scheme legislation. The AGD stated it will ensure states and territories are advised in future of the passage of amendments to Commonwealth child sex offences that may require amendments to registration schemes.

JACS advised an administrative process is now in place with ACT Policing to ensure that potential updates to the Schedules are identified early to progress necessary changes.

ACT Policing agreed to progress change on the issue in response to our comment.

Finding 2: Effects of sections 474.22A and 474.27AA of the Criminal Code not being included in the Act

Prior to the legislation being amended, as an interim measure ACT Policing sought Child Sex Offender Registration Orders (Registration Orders) under Division 2.2.2 of the Act for people convicted of a section 474.22A or 474.27AA Criminal Code offence. A Registration Order may be sought in circumstances where a person is convicted of an offence (not being a registrable offence as particularised in Schedule 1 or Schedule 2 of the Act), but still poses a risk to the sexual safety or life of a child in the ACT. Registration Orders impose an 8 year reporting obligation whereas offenders registered due to a scheduled offence may attract a reporting obligation for life.

ACT Policing obtained one Registration Order for offending under section 474.22A of the Criminal Code since June 2020. Another 13 offenders were convicted of this and additional offences which resulted in them being placed onto the Register for periods of time which were less than they would have otherwise been.

This creates an additional impost to administer a different registration process, presenting risks to the consistency and duration of monitoring of offenders convicted of these offences in the ACT.

With respect to the 13 offenders with affected registration periods, ACT Policing advised:

- one offender was only able to be registered for **8 years**, but should have been **registered for life**

- 5 offenders were only able to be registered for a maximum of **15 years**, but should have been **registered for life**
- 4 offenders were only able to be registered for **8 years**, but should have been **registered for 15 years**, and
- 3 offenders were able to be registered for life – based on convictions for other registerable offences.

The risks to the community are significant – especially with respect to the 6 offenders who should have been placed on the Register for life but must instead be deregistered once their reporting periods expire.

Offenders subject to a Registration Order only remain on the Register for the life of that order. Once the order expires, the ability to continue monitoring these offenders is limited, which may present risks to both the ACT and other jurisdictions. This includes limitations in the ability to monitor offenders who may relocate to another state or territory, or travel overseas. For example, if a Registration Order has expired, an offender would no longer be subject to the requirement to register in another jurisdiction or seek permission prior to departing Australia.

We consider this interim measure only partially mitigated the risk of an offender not being placed on the Register. It is not apparent the legislative amendments to the Act apply retrospectively. Accordingly, there is still a residual risk to the community in relation to offenders who were not placed on the Register once any applicable Registration Order expires.

We make a recommendation for ACT Policing, which we will monitor and report on through future inspections:



Recommendation 1

ACT Policing assess and seek to mitigate, outside the Register, any residual risks from offenders whose registration period is reduced as a result of the Act not including some Commonwealth convictions from 2020–2024.

ACT Policing accepted this recommendation. We encourage the swift resolution of this issue.

Finding 3: Deficiencies and inconsistencies in records

We found that ACT Policing was generally compliant with their administration of the Register. We did, however, identify several minor non-compliance issues with information on the Register and reportable offender records. As ACT Policing's records consist of 2 systems, a hard copy file and an online National Child Offender System (NCOS) record, we identified minor inconsistencies across both systems.

We considered information available to ACT Policing but not kept in the NCOS, which is accessible to other law enforcement jurisdictions, to be the more serious risk arising from this non-compliance.

We identified the following information contained on ACT Policing files was not recorded on NCOS:

- one instance where an online account advised by the registrable offender did not appear on the NCOS record
- one instance where the location of the ISP was not updated on the NCOS record to reflect the movement of the address associated with the account, and
- one instance where identification details were not advised by the offender but were recorded on the NCOS record.

Section 117(2)(g) of the Act requires the Register to contain, for each registrable offender, any information reported by the offender under Chapter 3 of the Act (to the extent that it is known by the Chief Police Officer).

We identified the following:

- one instance where the aliases of a registered offender did not appear on the NCOS record
- one instance where all the email addresses provided by the offender were not reflected on the NCOS record, and
- one instance where passport details were advised by the offender but not sufficiently updated on the NCOS record. This was strict non-compliance, as it was required under section 59(1)(t) of the Act.

We also identified information recorded in NCOS that was not within ACT Policing's hard copy file. While this is undesirable in terms of good record-keeping practice, as ACT Policing's CSORT is the responsible business area for monitoring registrable offenders and access NCOS to perform their monitoring roles, we are confident that there is a low risk of non-compliance resulting.



Suggestion 1

ACT Policing ensure members of the CSORT update the NCOS record with all identification (including aliases) and internet service information provided by registrable offenders.



Suggestion 2

ACT Policing ensure members of the CSORT familiarise themselves with the NCOS record and file of a registered offender before any interview to ensure changes to the registered offender's details and circumstances are identified and captured in the Register.

ACT Policing accepted these suggestions.

Finding 4: Need to improve checking of the truth of offender reporting (and lack of reporting)

We noticed lengthy periods where no changes in circumstances were reported by some registrable offenders. This may inform a reasonable suspicion that a registrable offender may have failed to report a change in circumstances, constituting an offence under the Act.

For example, we identified:

- one instance where all forms of identification had expired by December 2022 and no new forms of identification had been advised by July 2023, and



- one instance where the status and identification numbers of passport details were not confirmed.

We consider this an area for improvement by ACT Policing, to ensure checking of the truth of offender reports is regularly undertaken. Registrable offenders should be flagged for follow up where considerable time has lapsed since the offender's last reported change or confirmation of circumstance.



Suggestion 3

The CSORT to perform regular checks where there is a reasonable suspicion that an offender's details or circumstances have changed.

ACT Policing accepted this suggestion.

Part 3. Inspection findings: Entry and Search Warrants

Finding 5: No use of Part 3.11 (entry and search provisions)

ACT Policing have not used the provisions under Part 3.11 of the Act since its enactment. We used this inspection to better understand the reasons behind the lack of use.

ACT Policing advised that the provisions under Part 3.11 of the Act are restrictive and contain derivative use immunities that limit the use of material located at a premises as evidence in prosecuting a registrable offender. Sections 116Q and 116Z of the Act preclude registrable offenders from being subject to criminal charges for offences other than a Class 1, Class 2 or a false or misleading statement, based on material located using the Part 3.11 provisions. This does not prevent ACT Policing from using such material to commence criminal proceedings against a person who is not the registrable offender.

Search warrants issued under the *Crimes Act 1900* (ACT) or *Crimes Act 1914* (Cth) do not have the same time restrictions or derivative use immunities. For example, these warrants are not limited by the conditions under Part 3.11 of the Act to execute a warrant within 2 hours, or 4 hours on application of an extension before a Magistrate. Additionally, these Acts allow police to seize and use material located during the search warrant as evidence of offences under the Act and/or another indictable offence. ACT Policing have opted to use the powers under the *Crimes Act 1900* (ACT) or *Crimes Act 1914* (Cth), rather than the provisions under Part 3.11 of the Act.

The use of other legislation to circumvent any challenges with the provisions under Part 3.11 of the Act raises questions as to whether these provisions are fit for purpose, and whether reliance on other legislation is consistent with the Parliament and public's intent when enacting the Act.



Comment 2

The Minister should review the search warrant provisions in Part 3.11 of the Act to consider whether they are fit for purpose.

Appendix A – Inspection criteria

| | | |
|---|---|---|
| <p>Objective: To monitor compliance with Chapter 4 of the <i>Crimes (Child Sex Offenders) Act 2005 (ACT)</i> by the Chief Police Officer and other people authorised by the Chief Police Officer to have access to the Child Sex Offenders Register (section 4C(f), <i>Ombudsman Act 1989 (ACT)</i>)</p> | | |
| <p>1. Has the Chief Police Officer established a register of child sex offenders (section 117(1))?</p> | | |
| <p>2. Does the Register contain information, as required by section 117(2)(a) to (f), about each registrable offender, to the extent it is known by the Chief Police Officer?</p> | | |
| <p>2.1 Does the Register contain the offender's name and other identifying particulars? (section 117(2)(a))</p> | <p>2.2 Does the Register contain details of each class 1 and class 2 offence of which the offender has been found guilty AND, where applicable, does the Register contain details of each class 1 and class 2 offence with which the offender has been charged? (section 117(2)(b))</p> | <p>2.3 If Criteria 2.2 does not apply (no class 1 or 2 offences), does the Register contain details of each offence of which the offender has been found guilty that resulted in the making of a Child Sex Offender Registration Order? (section 117(2)(c))</p> |
| <p>2.4 Does the Register contain the date the offender was sentenced for each registrable offence? (section 117(2)(d))</p> | <p>2.5 Does the Register contain the date the offender ceased to be in government custody for a registrable offence, or entered or ceased to be in government custody for an offence, during the offender's reporting period? (section 117(2)(e))</p> | <p>2.6 Does the Register contain the date the offender stopped being in full-time government custody for a registrable offence? (section 117(2)(f))</p> |



| | | | |
|---|--|---|--|
| 3. Was the information reported for the offender under Chapter 3 of the Act recorded on the Register (section 117(2)(g))? | | | |
| 3.1 Are all personal details reported by the offender at the initial report correctly listed on the Register? | 3.2 Are all personal details reported by the offender at each annual report correctly listed on the Register? | 3.3 Are offenders' travel details correctly recorded on the Register? | 3.4 Are changes reported by the offender correctly recorded on the Register? |
| 4. Has the Chief Police Officer instigated controls on access to the Register and disclosure of personal information from the Register (section 118)? | | | |
| 4.1 Has the Chief Police Officer ensured that the Register (or a part of the Register) is only accessed by people who are authorised by the Chief Police Officer (or under a regulation)? | 4.2 Are there sufficient controls around the disclosure of personal information in the Register? | 4.3 Has the Chief Police Officer developed guidelines about access to and disclosure of personal information in the Register? | |
| 5. Has ACT Policing ensured that access to information about protected witnesses in the Register is restricted (section 119)? | | | |
| 5.1 Are there sufficient controls around the access of information about protected witnesses on the Register? (section 119) | 5.2 Has the Chief Police Officer ensured that personal information in the Register about a protected registrable offender cannot be accessed other than by a person authorised by the Chief Police Officer (or by an officer of an approved authority responsible for the day-to-day operation of the witness protection program)? | | |



6. Has the Chief Police Officer complied with requests for a copy of reportable information and any requests to correct information held in the Register (section 122)?

6.1 Was there a request by a registrable offender for a copy of all the reportable information held on the Register in relation to the offender?

If so, had the Chief Police Officer complied with that request, no later than 14 days after the day the Chief Police Officer was asked?

6.2 Has a registrable offender asked the Chief Police Officer to amend any incorrect reportable information held in the Register in relation to the offender?

If so, had the Chief Police Officer corrected the information? If not, why not.

7. Has the Chief Police Officer appropriately managed applications for the removal of offenders from the Register (sections 122A-C)?

7.1 Did the Chief Police Officer apply to the Magistrates Court for an order that a registrable offender be removed from the Child Sex Offenders Register? (section 122A)

If yes, did the Chief Police Officer first take steps to identify and notify each victim of the offender? (section 122B)

And, did the Chief Police Officer consult with the Victims of Crime Commissioner before giving the notice?

7.2 Did the Chief Police Officer receive a copy of an application from a young registrable offender requesting to be removed from the Register? (section 122C)

Did the Chief Police Officer take reasonable steps to identify, and give a notice of the application to, each victim of the registrable offender?

And, did the Chief Police Officer consult with the Victims of Crime Commissioner before giving the notice?



Appendix B – Compliance Culture

| Does the agency have a culture of compliance? | Rating | | | | |
|--|--|--|---|---|---|
| Indicators of compliance maturity | Limited | Developing | Emerging | Maturing | Mature |
| Does the agency undertake regular training for officers exercising powers under the Act? | None. | On the job / ad hoc. | Basic / once-off. | Structured but not comprehensive. | Regular structured training provided to relevant officers. |
| Does the agency provide support and appropriate guidance material for officers exercising powers under the Act? | None. | Basic templates without guidance. | Some guidance, but patchy or out of date. | Structured policy guidance, but not comprehensive. | Comprehensive and regularly maintained guidance documents. |
| Was the agency proactive in identifying compliance issues? | No process for identifying compliance problems. No internal checks after initial approval process. | Patchy or ad hoc internal quality checks. | Systemised quality checking, but outcomes not fully integrated. | Systemised quality checking, with critical analysis of compliance issues. | Systemised quality checking, critical analysis of compliance issues, trends identified, reported to senior management, and acted upon. |
| Did the agency disclose compliance issues to the Commonwealth Ombudsman's office? (Indicate "NA" if no compliance issues were identified for disclosure) | None. | Issues partly disclosed; specific non-compliance not appropriately addressed; problems not fully analysed or understood. | Issues fully disclosed; some steps taken to address non-compliance. | Issues fully disclosed; specific non-compliance fully remedied. | Issues fully disclosed; specific non-compliance remedied; trends or systemic effects analysed and acted upon. |
| Were any recommendations, suggestions or comments ("findings") identified at previous inspections addressed? | No action taken to address findings. | Findings agreed to in principal but little to no timely action taken. | Findings agreed to and some action taken to address. | Findings agreed to and fully addressed; some steps taken to prevent recurrence. | Past findings fully addressed, robust protections against recurrence implemented OR no findings identified at previous inspection. |



| Does the agency have a culture of compliance? | Rating | | | | |
|---|--|--|---|---|--|
| Indicators of compliance maturity | Limited | Developing | Emerging | Maturing | Mature |
| Has the agency engaged with the Commonwealth Ombudsman's Office, as necessary? | Not responsive to questions, or unable to provide access to staff or information on request. | Responses not timely, or not directly relevant to questions or requests. | Responses timely and relevant but incomplete. Able to provide access to some requested staff. | Responses to questions, timely relevant and complete. Provide access to all staff and information on request. | Responsive to questions, provide access to staff and information. Anticipate our needs and actively seek to enhance our understanding. |
| Does the agency have processes to ensure compliance, including: <ul style="list-style-type: none"> - Quality control processes are supported by policy and practical guidance documents? - Effective procedures to measure compliance and identify and action issues as they arise? - Processes and training to identify and track issues that occur? - Protocols for advising relevant officers of issues that arise? | None. | Some, but patchy or out of date. | Comprehensive processes in place, but not clearly structured, robust or regularly maintained. | Structured processes in place but some minor room for improvement. | Comprehensive, systematic processes in place which are robust and regularly maintained. |

