



*Child Protection (Offender Reporting) Act 2004*

# **Child Protection (Offender Reporting) Regulation 2004**

**Current as at 22 September 2014**

**Reprint note**

This is the last reprint before repeal. Repealed on 4 December 2015 by 2015 SL No. 172 19.

## Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at [www.legislation.qld.gov.au/Leg\\_Info/information.htm](http://www.legislation.qld.gov.au/Leg_Info/information.htm).
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

# Child Protection (Offender Reporting) Regulation 2004

## Contents

---

		Page
1	Short title . . . . .	3
2	Commencement . . . . .	3
3	Foreign witness protection laws and corresponding Acts—Act, ss 5(3)(a) and (b) and 62(2)(a) and (b) . . . . .	3
4	Definition of corresponding reportable offender—Act, s 7(c) . . . . .	4
6	Persons required to report under corresponding Act—Act, s 16(2)	5
7	Change of travel plans while out of Queensland to be given—Act, s 21(3) 5	5
8	Police commissioner may direct report be made at stated police station— Act, s 25(1)(b) . . . . .	5
9	Where report must be made—Act, s 25(3) . . . . .	5
10	How reports must be made—Act, s 26(2) . . . . .	6
11	When report must be made . . . . .	7
12	Form of identification to be presented with report made in person—Act, s 29(1)(a)(i) and (b) . . . . .	7
13	Reports not made in person—Act, s 29(5) . . . . .	9
14	Who must give notice to reportable offender—Act, s 54(3) . . . . .	10
15	Notice to be given to reportable offender—Act, s 54(7) . . . . .	11
16	Details to be included in notice given by supervising authority to police commissioner—Act, s 58(3) . . . . .	11
17	Definition of corresponding Act . . . . .	11
18	Definition of corresponding offender reporting order . . . . .	12
19	Definition of supervising authority . . . . .	12
1	Index to endnotes . . . . .	13
2	Key . . . . .	13
3	Table of reprints . . . . .	14
4	List of legislation . . . . .	14

Contents

---

5	List of annotations .....	16
---	---------------------------	----

---

# Child Protection (Offender Reporting) Regulation 2004

[as amended by all amendments that commenced on or before 22 September 2014]

## 1 Short title

This regulation may be cited as the *Child Protection (Offender Reporting) Regulation 2004*.

## 2 Commencement

This regulation commences on 1 January 2005.

## 3 Foreign witness protection laws and corresponding Acts—Act, ss 5(3)(a) and (b) and 62(2)(a) and (b)

Each of the following is both a foreign witness protection law for sections 5(3)(a) and 62(2)(a) of the Act and a corresponding Act for sections 5(3)(b) and 62(2)(b) of the Act—

- (a) the *Witness Protection Act 1994* (Cwlth);
- (b) the *Witness Protection Act 1996* (ACT);
- (c) the *Witness Protection Act 1995* (NSW);
- (d) the *Witness Protection (Northern Territory) Act 2002* (NT);
- (e) the *Witness Protection Act 1996* (SA);
- (f) the *Witness Protection Act 2000* (Tas);
- (g) the *Witness Protection Act 1991* (Vic);
- (h) the *Witness Protection (Western Australia) Act 1996* (WA).

**4 Definition of *corresponding reportable offender*—Act, s 7(c)**

The following classes of person are corresponding reportable offenders—

- (a) persons who are reportable offenders under the *Child Protection (Offender Reporting and Registration) Act* (NT);
- (b) persons who are registrable persons under the *Child Protection (Offenders Registration) Act 2000* (NSW);
- (c) persons who are registrable offenders under the *Child Sex Offenders Registration Act 2006* (SA);
- (d) persons who are reportable offenders under the *Community Protection (Offender Reporting) Act 2005* (Tas) because of being sentenced by a court for a class 1, 2 or 3 offence under that Act—
  - (i) against or in relation to a child; or
  - (ii) that involves child abuse material, child exploitation material, child pornography or child pornography material;
- (e) persons who are reportable offenders under the *Community Protection (Offender Reporting) Act 2004* (WA), other than persons who are reportable offenders merely because of being sentenced by a court for a class 3 offence under that Act;
- (f) persons who are registrable offenders under the *Crimes (Child Sex Offenders) Act 2005* (ACT);
- (g) persons who are registrable offenders under the *Sex Offenders Registration Act 2004* (Vic), other than persons who are registrable offenders merely because of being sentenced by a court for a class 3 or 4 offence under that Act.

---

**6 Persons required to report under corresponding Act—Act, s 16(2)**

For section 16(2) of the Act, a person may contact a person nominated by the police commissioner for the purposes of that section in the following other ways—

- (a) by fax;
- (b) by mail;
- (c) by email;
- (d) in person.

**7 Change of travel plans while out of Queensland to be given—Act, s 21(3)**

(1) For section 21(3)(a) of the Act, a reportable offender may make the report to the address of the following persons—

- (a) the reportable offender's case manager;
- (b) another person nominated by the police commissioner by written notice given to the reportable offender.

(2) For section 21(3)(b) of the Act, the reportable offender may also make the report by mail.

**8 Police commissioner may direct report be made at stated police station—Act, s 25(1)(b)**

(1) For section 25(1)(b) of the Act, the police commissioner may, by written notice given to a reportable offender, direct the offender to report (either generally or in a particular case) at a stated police station.

(2) A written notice given to a reportable offender under subsection (1) must be given to the offender at least 7 days before the day the offender is required to make the report.

**9 Where report must be made—Act, s 25(3)**

(1) For section 25(3) of the Act, the following police stations, or class of police stations, are not to be used as a venue for the

[s 10]

---

purposes of section 25 of the Act without the police commissioner's approval—

- (a) for a reportable offender the subject of a current reporting station notice—a police station other than the police station stated in the current reporting station notice; or
  - (b) otherwise—a police beat.
- (2) In this section—

***current reporting station notice***, for a reportable offender, means either of the following in force at the time the reportable offender is required to make a report under part 4 of the Act—

- (a) a direction given to the offender by the police commissioner under section 25(1)(b) of the Act;
- (b) a notice given to the offender by the police commissioner under section 54 of the Act that states a police station at which the report must be made.

***police beat*** means a neighbourhood police beat or a police beat shopfront listed on the Queensland Police Service's website.

*Editor's note—*

The Queensland Police Service's website address is <http://www.police.qld.gov.au/>.

## 10 How reports must be made—Act, s 26(2)

- (1) For section 26(2) of the Act, a report other than a report mentioned in section 26(1) of the Act may be made in the following other ways—
- (a) by telephone;
  - (b) by fax;
  - (c) by mail;
  - (d) by email;
  - (e) by an approved electronic reporting method.



(2) In this section—

***approved electronic reporting method*** means a method of reporting using an electronic system approved by the police commissioner.

*Examples of approved electronic reporting methods—*

automated kiosks or online through a secure website administered by the Queensland Police Service

## **11 When report must be made**

A report that a reportable offender is required to make under the Act must be made—

- (a) between 8a.m. and 4p.m. on a business day; or
- (b) at another time approved by the police commissioner by written notice given to the offender.

## **12 Form of identification to be presented with report made in person—Act, s 29(1)(a)(i) and (b)**

- (1) For section 29(1)(a)(i) of the Act, if the reportable offender is not able to present the offender's driver licence, the offender must present 2 of the forms of identification or other documents stated in subsection (3), at least 1 of which must be identification or a document mentioned in subsection (3)(a), (b), (c) or (d).
- (2) For section 29(1)(b) of the Act, if a report is being made by a person who is not a reportable offender, the person must—
  - (a) advise the police officer receiving the report of the capacity in which the person is making the report, including, for example, as the offender's parent, guardian, carer or nominee; and
  - (b) if the person is not able to present the person's driver licence, present 2 of the forms of identification or other documents stated in subsection (3), at least 1 of which must be identification or a document mentioned in subsection (3)(a), (b), (c) or (d).

- (3) For subsection (1) and (2), the following are the forms of identification or documents—
- (a) a full birth certificate or a certified birth extract;
  - (b) an Australian passport or another document of identity issued by the department in which the *Passports Act 1938* (Cwlth) is administered, that is current or has been expired for less than 2 years;
  - (c) a current overseas passport;
  - (d) an Australian naturalisation or citizenship document or immigration papers issued by the Commonwealth department in which the *Migration Act 1958* (Cwlth) is administered;
  - (e) a current Medicare card, pensioner concession card, an entitlement card issued by the department in which the *Veterans' Entitlements Act 1986* (Cwlth) is administered, or another entitlement card issued by the Commonwealth or a State government;
  - (f) a current credit card, debit card or other account from a financial institution, or a passbook or statement of account not more than 1 year old from a financial institution;
  - (g) a telephone, gas or electricity bill not more than 1 year old;
  - (h) a notice of rates from a local government or a local government council (however described) in another State, water service charges or land valuation, not more than 2 years old;
  - (i) an electoral enrolment card or other evidence of enrolment as an elector not more than 2 years old;
  - (j) a current student identity card, or a certificate or statement of enrolment not more than 2 years old from an educational institution.
- (4) A form of identification or other document presented under this section by a reportable offender or other person making a report must be an original.

---

**13 Reports not made in person—Act, s 29(5)**

- (1) For section 29(5) of the Act, if a person makes a report otherwise than in person, the person must verify the reportable offender's identity and, if the person is not the reportable offender, the person's identity, by providing—
  - (a) the unique personal identification number (*PIN*) given to the offender by the police commissioner; or
  - (b) if the person is unable to provide the offender's PIN, sufficient personal information reasonably required by the police officer receiving the report to verify the identity of the offender and the person making the report.
- (2) Also, by registered mail, the reportable offender must send to the police officer to whom the report is made a copy of any document verifying or supporting details in the report.
- (3) A copy of a document mentioned in subsection (2) must, before being sent, be certified by a person who is any of the following—
  - (a) a commissioner of declarations or a justice of the peace;
  - (b) a magistrate or a judge;
  - (c) a member of the Commonwealth or a State Parliament or a member of a local government;
  - (d) a medical practitioner;
  - (e) a commissioned police officer under the *Police Service Administration Act 1990*;
  - (f) the manager of a financial institution;
  - (g) a registered teacher under the *Education (Queensland College of Teachers) Act 2005*;
  - (h) a registered nurse;
  - (i) an Australian lawyer under the *Legal Profession Act 2004*;
  - (j) the chief executive officer of a local government;

[s 14]

---

(k) a senior executive officer, within the meaning of the *Local Government Act 1993*, of a local government.

(4) In this section—

**local government** includes a local government council, however described, in another State.

**registered nurse** means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division of that profession.

#### **14 Who must give notice to reportable offender—Act, s 54(3)**

For section 54(3) of the Act, notice of a reportable offender's reporting obligations must be given to the reportable offender by the following—

- (a) for a reportable offender subject to an offender reporting order made under section 13 of the Act, the court that makes the offender reporting order;
- (b) for a reportable offender who is either of the following, the chief executive (corrective services)—
  - (i) a prisoner;
  - (ii) a reportable offender subject to a supervision order, other than a supervision order made under the *Youth Justice Act 1992*;
- (c) for a reportable offender who is either of the following, the chief executive of the department in which the *Youth Justice Act 1992* is administered—
  - (i) a child detainee;
  - (ii) a reportable offender subject to a supervision order made under the *Youth Justice Act 1992*;
- (d) for any other reportable offender, the police commissioner.

**15 Notice to be given to reportable offender—Act, s 54(7)**

For section 54(7) of the Act, when a reportable offender reports his or her personal details to the police commissioner, the police commissioner must give the offender a notice that includes information specifying the offender's reporting period.

**16 Details to be included in notice given by supervising authority to police commissioner—Act, s 58(3)**

For section 58(3) of the Act, a notice given under that section must include the following details—

- (a) the reportable offender's name and other details of the offender's identity;
- (b) the relevant dates for the event for which notice is being given;
- (c) any place relevant to the event;
- (d) the type of event or purpose of the event.

**17 Definition of *corresponding Act***

For the Act, schedule 5, definition *corresponding Act*, the following laws are corresponding Acts—

- (a) the *Child Protection (Offender Reporting and Registration) Act* (NT);
- (b) the *Child Protection (Offenders Registration) Act 2000* (NSW);
- (c) the *Child Sex Offenders Registration Act 2006* (SA);
- (d) the *Community Protection (Offender Reporting) Act 2005* (Tas);
- (e) the *Community Protection (Offender Reporting) Act 2004* (WA);
- (f) the *Crimes (Child Sex Offenders) Act 2005* (ACT);
- (g) the *Sex Offenders Registration Act 2004* (Vic).

[s 18]

---

**18 Definition of *corresponding offender reporting order***

For the Act, schedule 5, definition *corresponding offender reporting order*, orders made in relation to offences relating to children are corresponding offender reporting orders.

**19 Definition of *supervising authority***

For the Act, schedule 5, definition *supervising authority*, the authority having control of a reportable offender of a kind mentioned in column 1 of the table is the authority specified for the offender in column 2 of the table—

<b>Column 1 Reportable offender</b>	<b>Column 2 Authority</b>
1 a forensic reportable offender	the director of mental health under the <i>Mental Health Act 2000</i>
2 a reportable offender who is a child detainee	the chief executive of the department in which the <i>Youth Justice Act 1992</i> is administered
3 a reportable offender entering Queensland, if the offender has not previously been given notice of the offender's reporting obligations in Queensland	the police commissioner
4 a reportable offender, other than a reportable offender mentioned in item 1, 2 or 3	the chief executive (corrective services)

# 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= Acts Interpretation Act 1954	<b>(prev)</b>	= previously
<b>amd</b>	= amended	<b>proc</b>	= proclamation
<b>amdt</b>	= amendment	<b>prov</b>	= provision
<b>ch</b>	= chapter	<b>pt</b>	= part
<b>def</b>	= definition	<b>pubd</b>	= published
<b>div</b>	= division	<b>R[X]</b>	= Reprint No. [X]
<b>exp</b>	= expires/expired	<b>RA</b>	= Reprints Act 1992
<b>gaz</b>	= gazette	<b>reloc</b>	= relocated
<b>hdg</b>	= heading	<b>renum</b>	= renumbered
<b>ins</b>	= inserted	<b>rep</b>	= repealed
<b>lap</b>	= lapsed	<b>(retro)</b>	= retrospectively
<b>notfd</b>	= notified	<b>rv</b>	= revised version
<b>num</b>	= numbered	<b>s</b>	= section
<b>o in c</b>	= order in council	<b>sch</b>	= schedule
<b>om</b>	= omitted	<b>sdiv</b>	= subdivision
<b>orig</b>	= original	<b>SIA</b>	= Statutory Instruments Act 1992
<b>p</b>	= page	<b>SIR</b>	= Statutory Instruments Regulation 2012
<b>para</b>	= paragraph	<b>SL</b>	= subordinate legislation
<b>prec</b>	= preceding	<b>sub</b>	= substituted
<b>pres</b>	= present	<b>unnu</b>	= unnumbered
<b>prev</b>	= previous	<b>m</b>	

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the

#### Reprints Act 1992

used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	1 January 2005	
1A	2005 SL No. 310	1 January 2006	
1B	2006 SL No. 306	15 December 2006	
1C	2009 Act No. 34	29 March 2010	
1D	2010 SL No. 108	1 July 2010	
1E	2010 SL No. 266	1 October 2010	

Current as at	Amendments included	Notes
22 September 2014	2014 SL No. 208	

### 4 List of legislation

#### Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

#### Explanatory notes



---

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

**Child Protection (Offender Reporting) Regulation 2004 SL No. 296**

made by the Governor in Council on 16 December 2004

notfd gaz 17 December 2004 pp 1277–85

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2005 (see s 2)

exp 1 September 2015 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**Education and Other Legislation Amendment Regulation (No. 1) 2005 SL No. 310  
pts 1–2**

notfd gaz 16 December 2005 pp 1490–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2006 (see s 2)

**Police Powers and Responsibilities and Other Legislation Amendment Regulation  
(No. 2) 2006 SL No. 306 pts 1, 3**

notfd gaz 15 December 2006 pp 1861–5

commenced on date of notification

**Juvenile Justice and Other Acts Amendment Act 2009 No. 34 ss 1, 2(2), 45(1) sch pt 1  
amdt 8**

date of assent 17 September 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 29 March 2010 (2010 SL No. 37)

**Health and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 108 pts 1,  
4**

notfd gaz 11 June 2010 pp 459–61

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

**Child Protection (Offender Reporting) Amendment Regulation (No. 1) 2010 SL No.  
266**

notfd gaz 1 October 2010 pp 294–7

commenced on date of notification

**Child Protection (Offender Reporting) and Other Legislation Amendment  
Regulation (No. 1) 2014 SL No. 208**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 19 September 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 22 September 2014 (see s 2)

## 5 List of annotations

**Definition of corresponding reportable offender—Act, s 7(c)**

s 4 amd 2006 SL No. 306 s 9

sub 2010 SL No. 266 s 3

**Definition of New South Wales reportable offender—Act, s 8(1)**

s 5 om 2014 SL No. 208 s 4

**Persons required to report under corresponding Act—Act, s 16(2)**

s 6 amd 2014 SL No. 208 s 5

**Police commissioner may direct report be made at stated police station—Act, s 25(1)(b)**

s 8 amd 2014 SL No. 208 s 6

**Where report must be made—Act, s 25(3)**

s 9 sub 2014 SL No. 208 s 7

**How reports must be made—Act, s 26(2)**

s 10 amd 2014 SL No. 208 s 8

**Reports not made in person—Act, s 29(5)**

s 13 amd 2005 SL No. 310 s 4; 2010 SL No. 108 s 8

**Who must give notice to reportable offender—Act, s 54(3)**

s 14 amd 2009 Act No. 34 s 45(1) sch pt 1 amdt 8

**Notice to be given to reportable offender—Act, s 54(7)**

s 15 amd 2014 SL No. 208 s 9

**Definition of corresponding Act**

s 17 amd 2006 SL No. 306 s 10; 2010 SL No. 266 s 4; 2014 SL No. 208 s 10

**Definition of corresponding offender reporting order**

s 18 amd 2014 SL No. 208 s 11

**Definition of supervising authority**

s 19 amd 2009 Act No. 34 s 45(1) sch pt 1 amdt 8; 2014 SL No. 208 s 12

© State of Queensland 2014

Authorised by the Parliamentary Counsel