

Queensland



# **CRIMINAL LAW AMENDMENT ACT 1999**

**Act No. 87 of 1999**



Queensland



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1999**

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Queensland



## **Criminal Law Amendment Act 1999**

### **Act No. 87 of 1999**

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**An Act to amend the *Criminal Law Amendment Act 1945* and other Acts**

*[Assented to 14 December 1999]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Criminal Law Amendment Act 1999*.

### **Commencement**

2. This Act commences on a day to be fixed by proclamation.

## **PART 2—AMENDMENT OF CRIMINAL LAW AMENDMENT ACT 1945**

### **Act amended by pt 2**

3. This part amends the *Criminal Law Amendment Act 1945*.

### **Amendment of s 19 (Sexual offender to report address)**

- 4.(1) Section 19, heading, after ‘**report**’—

*insert—*

‘**name and**’

- (2) Section 19(1)(c), after ‘offender’s’—

*insert—*

‘current name and’.

(3) Section 19(1)(d), after ‘change of’—

*insert—*

‘name or’.

(4) Section 19(1)(d), ‘commissioner of police’—

*omit, insert—*

‘commissioner of the police service’.

(5) Section 19(5)—

*omit.*

### **Insertion of new s 19A**

5. After section 19—

*insert—*

#### **‘Application for revocation of order**

‘**19A. (1)** A person who is subject to an order made under section 19 (the “**offender**”) may apply to the court that made the order, or a court of like jurisdiction, to have the order revoked.

‘**(2)** The only ground for the application is that there no longer exists a substantial risk that the offender will commit an offence of a sexual nature.

‘**(3)** The court may revoke the order if it is satisfied beyond a reasonable doubt that there no longer exists a substantial risk that the offender will commit an offence of a sexual nature.’.

### **Amendment of s 20 (Disclosure of offences of sexual nature)**

6.(1) Section 20, heading, after ‘**nature**’—

*insert—*

‘**and other relevant information**’.

(2) Section 20(1) and (2)—

*omit, insert—*

‘**20.(1)** This section applies to the following information—

- (a) information that a person is subject to an order made under section 19;
- (b) details of any offence of a sexual nature of which the person subject to the order has been convicted;
- (c) any other relevant information about the person.

‘**(1A)** The Queensland Community Corrections Board (the “**board**”) may release the information on application by—

- (a) a police officer; or
- (b) a corrective services officer; or
- (c) a person claiming a legitimate and sufficient interest in having the information.

‘**(1B)** The information may be given only to—

- (a) a person nominated in the application, if the board is satisfied the person has a legitimate and sufficient interest in having the information; or
- (b) another person, if the board, on considering the application, identifies the person as someone who has a legitimate and sufficient interest in having the information.

‘**(1C)** The board may give the information to the person on conditions the board considers appropriate.

‘**(1D)** In relation to the conviction mentioned in subsection (1)(b), the following are immaterial—

- (a) whether or not the conviction was the conviction for which the order was made;
- (b) whether the conviction was recorded before or after the order;
- (c) whether the offence for which the conviction was recorded was committed before or after the order.’

**(3)** Section 20(4), ‘or (b)’—

*omit, insert—*

‘, (b) or (c)’.



(4) Section 20(1A) to (1D), as inserted, and section 20(3) and (4)—  
*renumber* as section 20(2) to 20(7).

(5) Section 20(6) as renumbered, ‘pursuant to subsection (2)’—  
*omit, insert*—  
‘under subsection (4)’.

### **Insertion of new s 22**

7. After section 21—  
*insert*—

#### **‘Relationship with Criminal Law (Rehabilitation of Offenders) Act 1986**

‘**22.(1)** Subsection (2) applies if a rehabilitation period is capable of running under the *Criminal Law (Rehabilitation of Offenders) Act 1986* in relation to a conviction mentioned in section 19(1).

‘(2) The expiration of the rehabilitation period mentioned in subsection (1) has no effect on—

- (a) the power to make an order; or
- (b) the effect of an order; or
- (c) the obligation of an offender to comply with an order; or
- (d) the provision of information under section 20 because the offender is subject to an order.

‘(3) Subsection (4) applies if a rehabilitation period is capable of running under the *Criminal Law (Rehabilitation of Offenders) Act 1986* in relation to a conviction for a sexual offence mentioned in section 20(1)(b).

‘(4) The expiration of the rehabilitation period mentioned in subsection (3) has no effect on the provision of information under section 20 about the conviction mentioned in subsection (3).

‘(5) This section applies despite the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

‘(6) In this section—  
“order” means an order under section 19(1).’.

### **Insertion of new pt 5**

8. After section 22—

*insert—*

## **‘PART 5—TRANSITIONAL PROVISIONS**

### **‘Transitional provision for Criminal Law Amendment Act 1999**

‘23.(1) For section 20, the following is immaterial—

- (a) whether the order, to which an offender is subject, was made before or after the commencement of the *Criminal Law Amendment Act 1999*, section 5;
- (b) whether the conviction mentioned in section 20(1)(b) was recorded before or after the commencement of the *Criminal Law Amendment Act 1999*, section 5;
- (c) whether the offence, for which the conviction mentioned in section 20(1)(b) was recorded, was committed before or after the commencement the *Criminal Law Amendment Act 1999*, section 5.

‘(2) For section 22, in relation to an order, it is immaterial whether—

- (a) the order was made; or
- (b) the conviction, for which the order was made, was recorded; or
- (c) the conviction mentioned in section 22(3) was recorded; or
- (d) the offence, for which a conviction mentioned in paragraph (b) or (c) was recorded, was committed;

before or after the commencement of the *Criminal Law Amendment Act 1999*, section 6.

‘(3) In this section—

“order” means an order under section 19(1).’.

## **PART 3—AMENDMENT OF CORRECTIVE SERVICES ACT 1988**

### **Act amended by pt 3**

**9.** This part amends the *Corrective Services Act 1988*.

### **Amendment of s 139 (Guidelines)**

**10.** Section 139(1), after ‘under this’—  
*insert—*  
‘or another’.

## **PART 4—MINOR AND CONSEQUENTIAL AMENDMENTS**

### **Schedule makes minor and consequential amendments**

**11.** The schedule amends the Acts mentioned in it.

**SCHEDULE****MINOR AND CONSEQUENTIAL AMENDMENTS**

section 11

**CORRECTIVE SERVICES ACT 1988****1. Section 61(2)(e), ‘part 4’—***omit, insert—*

‘part 3’.

**2. Section 86(2)(e), ‘part 4’—***omit, insert—*

‘part 3’.

**3. Section 165(1)(b), ‘part 4’—***omit, insert—*

‘part 3’.

**CRIMINAL LAW AMENDMENT ACT 1945****1. Part 4—***renumber* as part 2.**2. Part 2 (as renumbered), heading, ‘INDETERMINATE  
DETENTION AND’—***omit.*

## SCHEDULE (continued)

**3. Before section 18—***insert—*

**‘PART 3—INDETERMINATE DETENTION OF  
OFFENDERS CONVICTED OF SEXUAL OFFENCES’.**

**4. Section 18(6A)(b), ‘(or of the psychiatric clinic hereinbefore in this section referred to)’—***omit.***5. Before section 19—***insert—*

**‘PART 4—SEXUAL OFFENDERS TO REPORT’.**

**6. Section 21(1), ‘20(3)’—***omit, insert—**‘20(6)’***PUBLIC TRUSTEE ACT 1978****1. Section 90(c), ‘part 4’—***omit, insert—**‘part 3’.*