



Queensland

Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014

Act No. 34 of 2014



Queensland

Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014

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Queensland

Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014

Act No. 34 of 2014

An Act to amend the Child Protection (Offender Reporting) Act 2004 for particular purposes and to make related minor and consequential amendments to the Acts mentioned in schedule 1

[Assented to 12 June 2014]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014*.

2 Commencement

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

Part 2 Amendment of Child Protection (Offender Reporting) Act 2004

3 Act amended

This part amends the *Child Protection (Offender Reporting) Act 2004*.

4 Amendment of s 3 (Purpose of this Act)

(1) Section 3(2)(c), ‘annually’—

omit, insert—

periodically

(2) Section 3(2)(d), ‘4 years’—

omit, insert—

2½ years

5 Insertion of new s 4

Part 1—

insert—

4 Relationship between this Act and Dangerous Prisoners (Sexual Offenders) Act 2003

- (1) This section applies to a person who is, for a period (the *concurrent period*)—
 - (a) a reportable offender subject to reporting obligations under this Act; and
 - (b) subject to the requirements of a supervision order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*.
- (2) During the concurrent period, the person's reporting obligations under this Act are suspended.

6 Amendment of s 5 (*Reportable offender defined*)

- (1) Section 5(1), 'is—'—

omit, insert—

is a person who is—

- (2) Section 5(1)(a), 'a person who is'—

omit.

- (3) Section 5(1)(b) and (c)—

omit, insert—

- (b) an existing reportable offender; or
- (c) a corresponding reportable offender; or
- (d) subject to an offender reporting order; or
- (e) taken to be a reportable offender under the *Child Protection (Offender Prohibition Order) Act 2008*.

[s 7]

- (4) Section 5(2)(a), ‘class 1 or 2’—
omit, insert—
prescribed
- (5) Section 5(2)(b), ‘class 2’—
omit, insert—
prescribed
- (6) Section 5(2)(c)(i)—
omit.
- (7) Section 5(2)(c)(ii) to (v)—
renumber as section 5(2)(c)(i) to (iv).
- (8) Section 5(4)—
omit.
- (9) Section 5(7), after ‘(1)(b)’—
insert—
to (d)
- (10) Section 5(8), ‘of the same kind’—
omit.
- (11) Section 5(8)—
insert—
- Note*—
For when offences arise from the same incident, see
section 11.
- (12) Section 5(5) to (9)—
renumber as section 5(4) to (8).

7 Replacement of ss 8 and 9

Sections 8 and 9—

omit, insert—

8 When a person stops being a reportable offender

A person stops being a reportable offender when any of the following events happen—

- (a) the finding of guilt in relation to the only offence that makes the person a reportable offender under this Act is quashed or set aside by a court;
- (b) the person's sentence for the only reportable offence that makes the person a reportable offender under this Act is reduced or altered so that the person would have been a person mentioned in section 5(2)(a) or (b) had the amended sentence been the original sentence;
- (c) the offender reporting order that makes the person a reportable offender under this Act—
 - (i) is quashed on appeal; or
 - (ii) if the offender reporting order was made with a forensic order—ends because the forensic order is revoked;
- (d) all reporting periods under this Act for the person end.

Note for paragraph (d)—

For when a person commits another reportable offence after a previous reporting period for the person has ended, see section 36.

9 Reportable offence defined

A *reportable offence* is—

- (a) an offence (a *prescribed offence*) that is mentioned in schedule 1, item 9, if—

[s 7]

- (i) the offence is committed in respect of a child; or
- (ii) the police commissioner reasonably believes the reportable offender committed the offence in the belief that the person in respect of whom the offence was committed was a child; or
- (b) another offence (also a *prescribed offence*) that is mentioned in schedule 1; or
- (c) another offence that results in an offender reporting order being made.

9A Reportable contact defined

- (1) A reportable offender has *reportable contact* with a child if the offender—
 - (a) has physical contact with the child; or
 - (b) communicates with the child orally, whether in person, by telephone or over the internet; or
 - (c) communicates with the child in writing (including by electronic communication).
- (2) Without limiting subsection (1), reportable contact includes contact with a child when the offender is—
 - (a) supervising or caring for any child; or
 - (b) exchanging contact details with any child; or
 - (c) attempting to befriend any child.
- (3) Reportable contact does not include contact with a child that is incidental to the offender's daily life unless the contact—

-
- (a) involves an attempt by the offender to befriend, or establish further contact with, the child; or
- (b) occurs with a regularity or frequency, or in a way, that may reasonably be expected to result in a level of familiarity or trust between the offender and the child beyond what may reasonably be expected to be incidental to the offender's daily life.

Examples of contact with a child that is incidental to a reportable offender's daily life—

- the offender buys a newspaper from a shop where the shop attendant is a child
- the offender buys takeaway food from a shop that has child employees

8 Insertion of new s 10A

After section 10—

insert—

10A *Personal details defined*

The *personal details* of a reportable offender are the details mentioned in schedule 2 for the offender.

9 Amendment of s 12 (Definitions)

Section 12, 'schedule 3'—

omit, insert—

schedule 5

10 Amendment of s 13 (Offender reporting orders)

(1) Section 13(1)(a)—

omit, insert—

[s 10]

- (a) finds a person guilty of an offence (the *offence*) that is not a prescribed offence; or
- (2) Section 13(2)(b), ‘for a prescribed offence’—
omit, insert—
if the offence is a child abduction offence
- (3) Section 13(4) and note—
omit, insert—
- (4) A court may make an offender reporting order under subsection (1)(a) only if the court—
- (a) imposes a sentence for the offence; and
- (b) records a conviction.
- Note—*
For when no conviction is recorded, see—
- the *Penalties and Sentences Act 1992*, section 12
 - the *Youth Justice Act 1992*, section 183.
- (4) Section 13—
insert—
- (5A) The prosecution may make an application under subsection (5)(b) at any time within 6 months after the day the court—
- (a) imposes the sentence for the offence; or
- (b) makes the forensic order.
- (5) Section 13(10), from ‘an offence’—
omit, insert—
the offence, the person is taken to have been found guilty of a prescribed offence.
- (6) Section 13(11)—
omit, insert—
- (11) In this section—

child abduction offence means—

- (a) an offence against the Criminal Code, section 354 involving the kidnap of a child; or
- (b) an offence against the Criminal Code, section 363 or 363A.

11 Replacement of ss 14–19

Sections 14 to 19—

omit, insert—

14 When reportable offender must make initial report

- (1) This section applies to a reportable offender mentioned in schedule 3, column 1.
- (2) If the police commissioner gives the reportable offender a notice under section 54(5), the offender must make a report (the *initial report*) of the offender's personal details to the commissioner when the offender receives the notice.
- (3) However, if it is not reasonably practicable for the reportable offender to make the initial report when the offender receives the notice, the offender must make the initial report—
 - (a) within 7 days after the day the offender receives the notice; or
 - (b) if the offender intends to leave Queensland before the end of 7 days after the offender receives the notice—before the offender leaves Queensland.
- (4) If the police commissioner does not give the reportable offender a notice under section 54(5), the offender must make the offender's initial report to the commissioner—

[s 11]

- (a) within the period stated for the offender in schedule 3, column 2; or
 - (b) if more than 1 circumstance mentioned in schedule 3, column 1 applies to the offender—within the shorter of the applicable periods stated for the offender in schedule 3, column 2; or
 - (c) if the offender intends to leave Queensland before the end of the period stated for the offender in schedule 3, column 2—before the offender leaves Queensland.
- (5) However, subsection (4)(c) does not apply to an offender who enters Queensland from a foreign jurisdiction and remains for less than 7 consecutive days.
- (6) Also, if—
- (a) a reportable offender’s reporting period for a reportable offence ends; and
 - (b) the offender is later sentenced for another reportable offence when the offender is not in Queensland;
- the offender must make the offender’s initial report to the police commissioner within 7 days after entering and remaining in Queensland for 7 or more consecutive days.
- (7) The 7 or more consecutive days does not include any day the reportable offender spends in government detention.

15 Provision of personal details by corrective services

- (1) This section applies if a reportable offender is in government detention in Queensland.

-
- (2) The chief executive (corrective services) may give the police commissioner the following personal details about the offender—
 - (a) the offender's name;
 - (b) the offender's date of birth;
 - (c) the address where the offender generally resided before the offender entered government detention.
 - (3) The details are taken to be the reportable offender's initial report for the purposes of including the details in the register established under section 68.
 - (4) Subsection (3) does not affect the reportable offender's reporting obligations under section 14.

16 Persons required to report under corresponding Act

- (1) This section applies to a person (other than a protected witness) who—
 - (a) is or has been required to report to a corresponding registrar, whether or not the person is a reportable offender under this Act; and
 - (b) has not previously complied with the obligation imposed by this section.
- (2) The person must, within 7 days after entering and remaining in Queensland (not including any day spent in government detention), contact a nominated person—
 - (a) by telephone; or
 - (b) in another way prescribed by regulation.
- (3) The police commissioner must ensure the nominated person's contact details are available at any police station.

[s 11]

- (4) When contacted, the nominated person must advise the person—
 - (a) whether the person is a reportable offender under this Act; and
 - (b) about any reporting obligations the person has under this Act.
- (5) A person is not guilty of an offence against section 50 because of a failure to comply with subsection (2) if the person—
 - (a) is not a reportable offender under this Act; or
 - (b) could not reasonably have been expected to have known that the person was required to report under this Act; or
 - (c) does not remain in Queensland for 7 or more consecutive days, not counting any day spent in government detention; or
 - (d) makes an initial report under section 14.
- (6) In this section—

nominated person means a person nominated by the police commissioner for this section.

Division 2 Ongoing reporting obligations

Subdivision 1 Preliminary

17 Application of div 2

This division applies to a reportable offender who has made an initial report.

Subdivision 2 Periodic reporting

18 Requirement to make periodic reports

- (1) A reportable offender must periodically make reports (each a *periodic report*) of the offender's personal details to the police commissioner until the offender's reporting period ends.
- (2) However, a reportable offender whose reporting obligations are suspended under section 4 or division 4, 6 or 10 is not required to make periodic reports while the suspension is in force.
- (3) A periodic report includes a report that simply confirms that the reportable offender's personal details stated in the last report previously made by the offender—
 - (a) are correct; and
 - (b) have not changed since the offender made the last report.

19 When periodic reports must be made

- (1) A reportable offender must make a periodic report in each reporting month, starting in the first reporting month after the offender makes the offender's initial report.
- (2) However, the police commissioner may at any time require the reportable offender to make periodic reports more frequently, if the commissioner is reasonably satisfied more frequent periodic reporting is necessary to protect the lives or sexual safety of children.
- (3) If the police commissioner decides to require the reportable offender to make periodic reports more frequently, the commissioner must, as soon as reasonably practicable, give the offender a

[s 11]

written notice stating when the offender is required to make periodic reports.

- (4) To remove any doubt, it is declared that the notice replaces any notice previously given by the police commissioner to the reportable offender stating when the offender is required to make periodic reports.
- (5) The reportable offender must comply with the notice until whichever of the following first happens—
 - (a) the offender’s reporting period ends;
 - (b) the police commissioner gives the offender a written notice that varies when the offender is required to make periodic reports.

Subdivision 3 Reporting change in personal details

19A Reporting changes in personal details

- (1) A reportable offender must report any change in the offender’s personal details to the police commissioner—
 - (a) for a change relating to reportable contact between the offender and a child—within 24 hours after the change happens; or
 - (b) for a change relating to the reportable offender being in government detention for at least 7 consecutive days—
 - (i) within 7 days after the offender stops being in government detention; or
 - (ii) if the offender intends to leave Queensland before the end of the period mentioned in subparagraph

-
- (i)—before the offender leaves Queensland; or
 - (c) for any other change—
 - (i) within 7 days after the change happens; or
 - (ii) if the offender intends to leave Queensland before the end of the period mentioned in subparagraph (i)—before the offender leaves Queensland.
 - (2) However, if a reportable offender (other than a protected witness) is not in Queensland when the change in the offender’s personal details happens, the offender must report the change within 7 days after entering and remaining in Queensland for 7 or more consecutive days, not counting any day spent in government detention.

Note—

For the suspension of reporting obligations while a reportable offender (other than a protected witness) is not in Queensland, see section 34.

- (3) Also, if a reportable offender made a statement to the police commissioner under section 20(2)(e), the offender is not required to report a change in the offender’s personal details unless—
 - (a) the offender returns to Queensland and is required to make a report under section 22(2); or
 - (b) the offender decides not to leave Queensland and is required to make a report under section 22(4).
- (4) The obligation on a reportable offender under this section applies in addition to any other

[s 12]

reporting obligation imposed on the offender
under this part.

Subdivision 4 Other reporting

12 Amendment of s 20 (Intended absence from Queensland to be reported)

Section 20(1)(a), '14'—

omit, insert—

7

13 Amendment of s 21 (Change of travel plans while out of Queensland to be given)

(1) Section 21(1)(a), '13'—

omit, insert—

7

(2) Section 21(2), 'As soon as practicable'—

omit, insert—

Within 7 days

14 Amendment of s 22 (Reportable offender to report return to Queensland or decision not to leave)

Section 22, '14'—

omit, insert—

7

15 Amendment of s 23 (Report of other absences from Queensland)

(1) Section 23(1), ' , at the time of making a report under this division,'—

omit.

(2) Section 23(2)—

omit, insert—

- (2) The reportable offender must make a report to the police commissioner stating—
 - (a) in general terms—
 - (i) the expected frequency of the offender's travel; and
 - (ii) the offender's travel destinations; and
 - (iii) the offender's reasons for travelling to the destinations with the expected frequency; and
 - (b) whether the offender expects to have reportable contact with a child while travelling.
- (3) The reportable offender must make the report within 7 days before, but not less than 24 hours before, the offender first travels.
- (4) The reportable offender must report any change in the information to the police commissioner—
 - (a) for a change in the information mentioned in subsection (2)(a)—
 - (i) if the change happens when the offender is out of Queensland—within 7 days after the offender returns to Queensland; or
 - (ii) otherwise—within 7 days after the change happens; or
 - (b) for a change relating to reportable contact the offender has had, or expects to have, with a child—within 24 hours after the change happens.

[s 16]

16 Amendment of s 26 (How reports must be made)

(1) Section 26(1)—

omit, insert—

(1) A reportable offender must—

- (a) make the offender's initial report in person; and
- (b) make each periodic report in the way stated by the police commissioner in a written notice given under section 54(5) to the offender.

(2) Section 26(3)—

omit, insert—

(3) A police officer, or another person approved by the police commissioner, may receive a report.

17 Amendment of s 34 (Suspension and extension of reporting obligations)

Section 34(1)—

insert—

(d) is the subject of a decision made by the police commissioner under division 10.

Note—

For the effect of a decision of a Magistrates Court on an appeal from a decision by the police commissioner under division 10, see section 67J(5).

18 Amendment of s 35 (When reporting obligations begin)

(1) Section 35—

insert—

(1A) Subsection (1) applies even if the reportable offender is already complying with reporting

obligations in relation to another reportable offence.

- (2) Section 35(1A) to (3)—
renumber as section 35(2) to (4).

19 Amendment of s 36 (Length of reporting period)

- (1) Section 36(1) and (2)—

omit, insert—

- (1) A reportable offender must continue to comply with the reporting obligations imposed by this part for—

- (a) 5 years, if the offender—

- (i) has ever been found guilty of 1 reportable offence; or
(ii) has been found guilty of more than 1 reportable offence and paragraph (b) or (c) does not apply to the offender; or

- (b) 10 years, if the offender—

- (i) has ever been found guilty of 1 or more reportable offences; and
(ii) in relation to the offence or offences, has been given notice of the offender's reporting obligations under this Act or a corresponding Act; and
(iii) after being given the notice, commits and is found guilty of 1 single further reportable offence; or

- (c) the remainder of the offender's life, if the offender—

- (i) has ever been found guilty of 1 or more reportable offences; and

[s 20]

(ii) in relation to the offence or offences, has been given notice of the offender's reporting obligations under this Act or a corresponding Act; and

(iii) after being given the notice, commits and is found guilty of more than 1 single further reportable offence.

(2) Subsection (1)(b) applies even if the reportable offender's reporting obligations under subsection (1)(a) ended before the offender commits and is found guilty of another reportable offence.

(2A) Subsection (1)(c) applies even if the reportable offender's reporting obligations under subsection (1)(a) or (1)(b) ended before the offender commits and is found guilty of another reportable offence.

(2) Section 36(3), 'the commencement of subsection (1)'—
omit, insert—

1 January 2005

(3) Section 36(6), editor's note—
omit.

20 Amendment of s 37 (Reduced period applies for juvenile reportable offenders)

Section 37, heading, 'juvenile'—
omit, insert—

child

21 Omission of s 40 (Reporting period for New South Wales reportable offenders)

Section 40—
omit.

22 Replacement of s 40A (Allowing DNA sample to be taken)

Section 40A—

omit, insert—

40A Allowing DNA sample to be taken

- (1) A reportable offender must comply with a written notice given to the offender by the police commissioner requiring the offender to—
 - (a) attend at a stated time and place; and
 - (b) allow a DNA sampler to take a DNA sample from the offender for DNA analysis.

Note—

For the offence for failing to comply with a notice, see section 50.

- (2) However, a reportable offender need not comply with subsection (1) if either of the following is currently kept under the *Police Powers and Responsibilities Act 2000*—
 - (a) a DNA sample taken from the reportable offender;
 - (b) the results of a DNA analysis of the DNA sample.
- (3) The *Police Powers and Responsibilities Act 2000*, chapter 17, part 5 applies in relation to a DNA sample taken under this section.
- (4) In this section—

DNA sample see the *Police Powers and Responsibilities Act 2000*, schedule 6.

DNA sampler see the *Police Powers and Responsibilities Act 2000*, schedule 6.

[s 23]

23 Amendment of s 54 (Notice to be given to reportable offender)

(1) Section 54(4)(b), ‘section 59’—

omit, insert—

subsection (5)

(2) Section 54—

insert—

(4A) The police commissioner may at any time give a reportable offender written notice in relation to—

(a) the offender’s reporting obligations; and

(b) the consequences that may arise if the offender fails to comply with them.

(3) Section 54(6), ‘the notice’—

omit, insert—

a notice given under this section

(4) Section 54(4A) to (6)—

renumber as section 54(5) to (7).

24 Omission of s 59 (Notices may be given by police commissioner)

Section 59—

omit.

25 Amendment of s 60 (Power of detention to enable notice to be given)

Section 60(4)—

omit, insert—

(4) The detained person—

(a) may be taken to the nearest police station;
and

-
- (b) must—
- (i) not be held for longer than is reasonably necessary to enable the purpose of the detention to be satisfied; and
 - (ii) not be held only because the person has refused to sign an acknowledgement that the person has been given notice of the person's reporting obligations; and
 - (iii) be released immediately after the purpose of detention is satisfied.

26 Amendment of s 67 (Modification of reporting obligations)

Section 67, 'Sections 16(1), 20 to 23 and 53'—

omit, insert—

Sections 20 to 23 and 53 and schedule 2

27 Insertion of new pt 4, div 10 and pt 4A

After section 67—

insert—

**Division 10 Police commissioner may
suspend reporting
obligations for particular
reportable offenders**

67A Application of this division

This division applies to a reportable offender who—

- (a) was a child when he or she committed the offence that makes the person a reportable offender; or
- (b) has a cognitive or physical impairment.

67B Reportable offenders under legal guardianship

- (1) This section applies if the police commissioner is required under this division to give written notice to a reportable offender who is—
 - (a) a child; or
 - (b) an adult for whom a legal guardian has been appointed.
- (2) The police commissioner must give a copy of the notice to—
 - (a) the reportable offender; and
 - (b) either—
 - (i) if the reportable offender is a child—the offender’s parent or legal guardian; or
 - (ii) if the reportable offender is an adult for whom a legal guardian has been appointed—the offender’s legal guardian.

67C Suspension of reporting obligations of reportable offenders on police commissioner’s own initiative

- (1) The police commissioner may suspend the reportable offender’s reporting obligations on the commissioner’s own initiative only if satisfied, on reasonable grounds, that—
 - (a) the offender does not pose a risk to the lives or sexual safety of children; and
 - (b) if the offender has a cognitive or physical impairment—the impairment is a significant impairment.

- (2) The police commissioner must give the reportable offender written notice of the suspension as soon as reasonably practicable.
- (3) The suspension takes effect when the commissioner gives the notice to the reportable offender.

67D Reportable offenders may apply for suspension of reporting obligations

- (1) The reportable offender may apply, in writing, to the police commissioner for a suspension of the offender's reporting obligations.
- (2) If the reportable offender is a child or an adult for whom a legal guardian has been appointed, the offender's parent or guardian may apply for the offender.
- (3) The reportable offender's reporting obligations are not suspended only because the application is made.
- (4) The police commissioner must decide whether to grant or refuse the application as soon as reasonably practicable after receiving the application.
- (5) The police commissioner may grant the application only if satisfied, on reasonable grounds, that—
 - (a) the reportable offender does not pose a risk to the lives or sexual safety of children; and
 - (b) if the reportable offender has a cognitive or physical impairment—the impairment is a significant impairment.
- (6) The police commissioner must give written notice of the grant or refusal of the application to the reportable offender as soon as reasonably practicable.

[s 27]

- (7) A suspension of the reportable offender's reporting obligations takes effect when the commissioner gives the notice to the reportable offender.

67E Effect of suspension

While a suspension granted under this division is in force, the reportable offender is not required to make any report other than an initial report.

67F Revocation of suspension

- (1) The police commissioner may at any time revoke a suspension made under this division if the commissioner believes, on reasonable grounds—
 - (a) the reportable offender poses, or may pose, a risk to the lives or sexual safety of children; or
 - (b) if the reportable offender has a cognitive or physical impairment—the impairment is not, or is no longer, a significant impairment.
- (2) If the police commissioner revokes a suspension, the police commissioner must give the reportable offender written notice of the revocation as soon as reasonably practicable.
- (3) The revocation takes effect when the police commissioner gives the notice to the reportable offender.

Part 4A Reviews and appeals

Notes—

- For review of a decision of the police commissioner under section 64, see section 64(4).
- For review of a decision about an entry on the register, see section 74.

Division 1 Preliminary

67G Application of pt 4A

This part applies if a reportable offender is dissatisfied with a decision mentioned in schedule 4.

Division 2 Internal review

67H Application for internal review

- (1) The reportable offender may apply to the police commissioner for an internal review of the decision.
- (2) The application must—
 - (a) be in writing; and
 - (b) state the grounds on which the reportable offender seeks the review of the decision; and
 - (c) be made within 28 days after the reportable offender receives written notice of the decision.
- (3) However, the police commissioner may at any time extend the time for making the application.

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67I Internal review

- (1) As soon as reasonably practicable after receiving the application, the police commissioner must—
 - (a) review the decision; and
 - (b) decide to—
 - (i) confirm the decision; or
 - (ii) amend the decision; or
 - (iii) substitute another decision for the decision.
- (2) The application must not be decided by—
 - (a) the person who made the decision; or
 - (b) a person in a less senior office than the person who made the decision.
- (3) Subsection (2)—
 - (a) applies despite the *Acts Interpretation Act 1954*, section 27A; and
 - (b) does not apply to a decision made by the police commissioner.
- (4) If the police commissioner decides to confirm or amend the decision, the decision, or the amended decision, is taken to be the police commissioner's decision for the purpose of an appeal under division 3.
- (5) The police commissioner must give the reportable offender a written notice that states—
 - (a) the decision on the review; and
 - (b) the reasons for the decision; and
 - (c) that the offender may appeal against the decision to a Magistrates Court within 28 days after the day when the notice is given to the offender.

- (6) If the police commissioner does not give the notice to the reportable offender within 10 business days after making his or her decision, the commissioner is taken to have confirmed the decision.

Division 3 Appeals to Magistrates Court

67J Appeal

- (1) The reportable offender may appeal against the police commissioner's decision under section 67I by filing a notice of appeal with a Magistrates Court within—
- (a) 28 days after the day when the offender receives, or ought to have received, the notice; or
 - (b) if the Court extends the time for filing the notice of appeal—the time allowed by the Court.
- (2) The reportable offender must serve a copy of the notice of appeal on the police commissioner.
- (3) The procedure for an appeal under this part must be in accordance with the rules of court applicable to the appeal.
- (4) In deciding an appeal, the Magistrates Court may—
- (a) confirm the decision; or
 - (b) amend the decision; or
 - (c) set aside the decision and substitute a decision the Court considers should have been made.

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- (5) If the Magistrates Court amends the decision or substitutes another decision, the amended decision, or the substituted decision, is taken to be the decision of the police commissioner for the purposes of this Act, other than this part.
- (6) The Magistrates Court must not award costs in relation to an appeal under this part.

28 Amendment of s 68 (Child protection register)

- (1) Section 68(2)(b), ‘class 1 or 2 offence’—

omit, insert—

reportable offence

- (2) Section 68—

insert—

- (3) The register may have various constituent parts, including, for example, a part maintained by any of the following entities—
 - (a) the Queensland Police Service;
 - (b) the police service of another State;
 - (c) the Australian Federal Police;
 - (d) the CrimTrac Agency established under the *Public Service Act 1999* (Cwlth), section 65;
 - (e) another entity or agency of the Commonwealth or a State prescribed by regulation.

29 Amendment of s 74 (Review about entry on register)

Section 74(1)—

omit, insert—

- (1) This section applies if a person believes that—
 - (a) the person has been placed on the register—

- (i) in error; or
 - (ii) for a person who has been placed on the register because of the police commissioner's belief mentioned in section 9(a)(ii)—the police commissioner's belief is not a reasonable belief; or
- (b) an error has been made in working out the length of the person's reporting period.

30 Amendment of s 77 (Evidence certificates)

- (1) Section 77, heading—

omit, insert—

77 Evidentiary provisions

- (2) Section 77(1) and (2)—

omit, insert—

- (1) In a proceeding under this Act, a statement in a complaint that the register—
 - (a) at a particular date contained particular information; or
 - (b) indicated that, during a particular period, a specified person failed to notify information as required by this Act;

is evidence of the stated matters.

- (3) Section 77(3)—

renumber as section 77(2).

31 Insertion of new pt 7, div 3

Part 7—

insert—

[s 31]

Division 3 Transitional provisions for Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014

83 Definitions for div 3

In this division—

amending Act means the *Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014*.

commencement means the time of commencement of the provision in which this term appears.

pre-amended Act means this Act as in force immediately before it was amended by the amending Act.

84 Single offence by child against Criminal Code, s 210

To remove any doubt, it is declared that a person is not a reportable offender under this Act only because the person committed a single offence against the Criminal Code, section 210—

- (a) when the person was a child; and
- (b) before the commencement.

85 New South Wales reportable offenders

- (1) This section applies to a person who—
 - (a) was, immediately before the commencement, a New South Wales reportable offender under the pre-amended Act, section 8; and

-
- (b) would, except for the amendment made by the amending Act, have continued to be a New South Wales reportable offender for a period (the *remaining reporting period*) after the commencement.
 - (2) The person is taken to be a corresponding reportable offender under this Act until—
 - (a) the remaining reporting period ends; or
 - (b) the person otherwise stops being a reportable offender.

86 Reportable offenders who have made annual report before commencement

- (1) This section applies if a reportable offender has, before the commencement, made an annual report for 2014 under the pre-amended Act, section 18.
- (2) The reportable offender must start making periodic reports—
 - (a) if the police commissioner gives the offender a notice under section 19(3)—at the time stated in the notice; or
 - (b) otherwise—
 - (i) if the anniversary of the date when the offender made the initial report falls in a reporting month—in that month; or
 - (ii) if the anniversary does not fall in a reporting month—in the next reporting month after the anniversary.

Example for paragraph (b)—

A reportable offender makes an annual report in March 2014. If the amending Act commences in April 2014, the offender must start making periodic reports in May 2015.

[s 32]

87 Evidence certificates for existing proceedings

Section 77 of the pre-amended Act continues to apply to a proceeding started before the commencement, despite the amendment of section 77.

32 Replacement of schs 1 and 2

Schedules 1 and 2—

omit, insert—

Schedule 1 Prescribed offences

section 9(a) and (b)

- 1 An offence against any of the following provisions of the *Classification of Computer Games and Images Act 1995*—
 - section 26(3) (Possession of objectionable computer game)
 - section 27(3) or (4) (Making objectionable computer game)
 - section 28 (Obtaining minor for objectionable computer game).
- 2 An offence against any of the following provisions of the *Classification of Films Act 1991*—
 - section 41(3) (Possession of objectionable film)
 - section 42(3) or (4) (Making objectionable film)
 - section 43 (Procurement of minor for objectionable film).

- 3 An offence against any of the following provisions of the *Classification of Publications Act 1991*—
- section 12 (Sale etc. of prohibited publication or child abuse photograph), if the offence involves a child abuse publication or child abuse photograph
 - section 13 (Possession of prohibited publication), if the offence involves a child abuse publication or child abuse photograph
 - section 14 (Possession of child abuse publication or child abuse photograph)
 - section 15 (Exhibition or display of prohibited publication or child abuse photograph), if the offence involves a child abuse publication or child abuse photograph
 - section 16 (Leaving prohibited publication or child abuse photograph in or on public place), if the offence involves a child abuse publication or child abuse photograph
 - section 17(1) or (2) (Producing prohibited publication), if the offence involves a child abuse publication
 - section 17(3) or (4) (Producing prohibited publication)
 - section 18 (Procurement of minor for RC publication or child abuse photograph), if the offence involves a child abuse publication or child abuse photograph
 - section 20 (Leaving prohibited publication or child abuse photograph in or on private premises), if the offence involves a child abuse publication or child abuse photograph.

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- 4 An offence against any of the following provisions of the Criminal Code—
- section 210 (Indecent treatment of children under 16)
 - section 213 (Owner etc. permitting abuse of children on premises)
 - section 215 (Carnal knowledge with or of children under 16)
 - section 218A (Using internet etc. to procure children under 16)
 - section 218B (Grooming children under 16)
 - section 219 (Taking child for immoral purposes)
 - section 228A (Involving child in making child exploitation material)
 - section 228B (Making child exploitation material)
 - section 228C (Distributing child exploitation material)
 - section 228D (Possessing child exploitation material)
 - section 229B (Maintaining a sexual relationship with a child).
- 5 An offence against either of the following provisions of the Criminal Code, as in force from time to time before being repealed by *The Criminal Code, Evidence Act and Other Acts Amendment Act 1989*—
- section 212 (Defilement of Girls under Twelve)
 - section 214 (Attempt to Abuse Girls under Ten).

-
- 6 An offence against any of the following provisions of the Criminal Code (Cwlth)—
- section 272.8 (Sexual intercourse with child outside Australia)
 - section 272.9 (Sexual activity (other than sexual intercourse) with child outside Australia)
 - section 272.10 (Aggravated offence—child with mental impairment or under care, supervision or authority of defendant)
 - section 272.11 (Persistent sexual abuse of child outside Australia)
 - section 272.14 (Procuring child to engage in sexual activity outside Australia)
 - section 272.15 (“Grooming” child to engage in sexual activity outside Australia)
 - section 272.18 (Benefiting from offence against this Division)
 - section 272.19 (Encouraging offence against this Division)
 - section 272.20 (Preparing for or planning offence against this Division)
 - section 273.5 (Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia)
 - section 273.6 (Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia)
 - section 471.16 (Using a postal or similar service for child pornography material)
 - section 471.17 (Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service)

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- section 471.19 (Using a postal or similar service for child abuse material)
 - section 471.24 (Using a postal or similar service to procure persons under 16)
 - section 471.25 (Using a postal or similar service to “groom” persons under 16)
 - section 474.19 (Using a carriage service for child pornography material)
 - section 474.20 (Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service)
 - section 474.22 (Using a carriage service for child abuse material)
 - section 474.23 (Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service)
 - section 474.25A (Using a carriage service for sexual activity with person under 16 years of age)
 - section 474.26 (Using a carriage service to procure persons under 16 years of age)
 - section 474.27 (Using a carriage service to “groom” persons under 16 years of age)
 - section 474.27A (Using a carriage service to transmit indecent communication to person under 16 years of age).
- 7 An offence against any of the following provisions of the *Crimes Act 1914* (Cwlth), as in force from time to time before being repealed by the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010* (Cwlth)—

- section 50BA (Sexual intercourse with child under 16)
 - section 50BB (Inducing child under 16 to engage in sexual intercourse)
 - section 50BC (Sexual conduct involving child under 16)
 - section 50BD (Inducing child under 16 to be involved in sexual conduct)
 - section 50DA (Benefiting from offence against this Part)
 - section 50DB (Encouraging offence against this Part).
- 8 An offence against the *Customs Act 1901* (Cwlth), section 233BAB (Special offence relating to tier 2 goods) that involves child pornography or child abuse material.
- 9 Any of the following offences—
- (a) an offence against any of the following provisions of the Criminal Code—
- section 208 (Unlawful sodomy)
 - section 216 (Abuse of persons with an impairment of the mind)
 - section 217 (Procuring young person etc. for carnal knowledge)
 - section 218 (Procuring sexual acts by coercion etc.)
 - section 221 (Conspiracy to defile)
 - section 222 (Incest)
 - section 228 (Obscene publications and exhibitions)
 - section 229G (Procuring engagement in prostitution)

[s 32]

- section 229H (Knowingly participating in provision of prostitution)
 - section 229I (Persons found in places reasonably suspected of being used for prostitution etc.)
 - section 229L (Permitting young person etc. to be at place used for prostitution)
 - section 300 (Unlawful homicide) in circumstances that amount to murder
 - section 349 (Rape)
 - section 350 (Attempt to commit rape)
 - section 351 (Assault with intent to commit rape)
 - section 352 (Sexual assaults);
- (b) an offence against the Criminal Code, section 220 (Unlawful Detention with Intent to Defile or in a Brothel), as in force from time to time before being repealed by *The Criminal Code, Evidence Act and Other Acts Amendment Act 1989*;
- (c) an offence against either of the following provisions of the Criminal Code, as in force from time to time before being repealed by the *Criminal Law Amendment Act 1997*—
- section 223 (Incest by adult female)
 - section 344 (Aggravated assaults), if the offence was of a sexual nature as defined by the *Criminal Law Amendment Act 1945*, section 2A;
- (d) an offence against either of the following provisions of the Criminal Code (Cwlth), as in force from time to time before being amended by the *Crimes Legislation Amendment (Slavery, Slavery-like*

Conditions and People Trafficking) Act 2013—

- section 270.6 (Sexual servitude offences)
 - section 270.7 (Deceptive recruiting for sexual services);
- (e) an offence against the Criminal Code, section 337 (Sexual assaults), as in force from time to time before being repealed by the *Criminal Law Amendment Act 2000*;
- (f) an offence under a law of a foreign jurisdiction that, if it had been committed in Queensland, would have constituted an offence of a kind listed in this schedule;
- (g) an offence under a law of a foreign jurisdiction that is stated in a regulation to be a prescribed offence;
- (h) an offence that has, as an element, an intention to commit an offence of a kind listed in this schedule;
- (i) an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind listed in this schedule.
- 10 An offence that, at the time it was committed, was a class 1 offence or a class 2 offence within the meaning of this Act as in force immediately before the commencement of the *Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014*.

[s 32]

Schedule 2 Personal details for reportable offenders

section 10A

- 1 The reportable offender's—
 - (a) name; and
 - (b) if the offender is, or has previously been, known by another name—
 - (i) each other name; and
 - (ii) the period during which the offender was known by each other name.
- 2 The reportable offender's date and place of birth.
- 3 Details of any tattoos or permanent distinguishing marks that the reportable offender has, including details of any tattoo or mark that has been removed or changed.
- 4 Details of—
 - (a) any premises where the reportable offender generally resides; or
 - (b) if the offender does not generally reside at particular premises—each locality where the offender can generally be found.
- 5 If, since a reportable offender last reported the offender's personal details under this Act, the offender has stopped generally residing at particular premises and has not started generally residing at other premises—
 - (a) a statement that the offender has stopped generally residing at the particular premises; and

- (b) details of each locality where the offender can generally be found.
- 6 The following details, if known to the offender, for any child with whom the reportable offender has reportable contact—
- (a) the child’s name and address;
 - (b) the child’s age and date of birth;
 - (c) the nature of the reportable contact;
 - (d) any telephone contact number for the child;
 - (e) any email address belonging to the child or to which the child has access.
- 7 If the reportable offender is employed—
- (a) the nature of the employment; and
 - (b) if the offender is employed by an employer—the name of the employer; and
 - (c) the address or locality of each of the offender’s usual places of employment.
- 8 Details of any club or organisation of which the reportable offender is an associate, employee, member, official or subordinate that—
- (a) has child members; or
 - (b) organises, supports or undertakes activities in which children participate; or
 - (c) directly supports the function or operation of a club or organisation of a type mentioned in paragraph (a) or (b).
- 9 The make, model, colour and registration number of any motor vehicle that the reportable offender—
- (a) owns; or

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- (b) has driven for at least 7 days, whether or not the days are consecutive, within a 1-year period.
- 10 Whether the reportable offender has ever been—
 - (a) subject to a corresponding offender reporting order; and
 - (b) if so, where and when the order was made.
- 11 Whether the reportable offender has ever been—
 - (a) found guilty in a foreign jurisdiction of a reportable offence, or an offence that required the offender to report to a corresponding registrar; and
 - (b) if so, where and when the finding was made.
- 12 If the reportable offender has been in government detention since the offender was sentenced or was released from government detention for a reportable offence or corresponding reportable offence—details of when and where the government detention occurred.
- 13 Details of any of the following used, or intended to be used, by the reportable offender—
 - (a) a carriage service within the meaning of the *Telecommunications Act 1997* (Cwlth), including—
 - (i) the name of the carriage service provider; and
 - (ii) any current telephone number for the service;
 - (b) an internet carriage service within the meaning of the *Broadcasting Services Act 1992* (Cwlth), including—
 - (i) the name of the internet service provider; and

- (ii) whether the connection is a wireless, broadband, ADSL or dial-up connection; and
 - (iii) any current telephone number for the service.
- 14 Details of any social networking site that the reportable offender joins, participates in or contributes to, or with which the offender registers or opens an account, including passwords for the registration or account.
- 15 Details of either of the following used, or intended to be used, by the reportable offender through the internet or another electronic communication service, including passwords—
 - (a) an email address;
 - (b) an internet user name, including a user name or identity associated with an instant messaging service, chat room or social networking site.
- 16 The passport number and country of issue of each passport held by the reportable offender.
- 17 For a reportable offender who is making the offender's initial report and intends to travel outside Queensland, but within Australia, on an average of at least once a month (irrespective of the length of the period of travel)—
 - (a) the reason for travelling, in general terms; and
 - (b) the frequency and destinations of the travel, in general terms.

[s 32]

Schedule 2A When reportable offender must make initial report

section 14

Column 1	Column 2
Reportable offender	Period within which initial report must be made
A reportable offender who is sentenced for a reportable offence in Queensland	Whichever of the following periods ends later— (a) 7 days after the reportable offender is sentenced for the reportable offence; or (b) if the reportable offender is in government detention—7 days after the offender stops being in detention
A reportable offender (other than a corresponding reportable offender) who is subject to an offender reporting order	Whichever of the following periods ends later— (a) 7 days after the offender reporting order is made; or (b) if the reportable offender is in government detention—7 days after the offender stops being in detention
A reportable offender (other than a corresponding reportable offender) who is released from government detention in Queensland	7 days after the reportable offender is released from government detention

<p>Column 1</p> <p>Reportable offender</p>	<p>Column 2</p> <p>Period within which initial report must be made</p>
<p>A reportable offender who—</p> <p>(a) enters Queensland from a foreign jurisdiction; and</p> <p>(b) has not previously been required to report the offender’s personal details to the police commissioner</p>	<p>7 days after entering and remaining in Queensland for 7 or more consecutive days, not counting any day spent in government detention</p>
<p>A reportable offender—</p> <p>(a) for whom a reporting period ends; and</p> <p>(b) who is then sentenced for another reportable offence</p>	<p>Whichever of the following periods ends later—</p> <p>(a) 7 days after the reportable offender is sentenced for the other reportable offence;</p> <p>(b) if the reportable offender is in government detention—7 days after the offender stops being in detention</p>
<p>A reportable offender who becomes a corresponding reportable offender who under section 39 must comply with the reporting obligations imposed by part 4</p>	<p>Whichever of the following periods ends later—</p> <p>(a) 7 days after the reportable offender becomes a corresponding reportable offender;</p> <p>(b) if the reportable offender is in government detention—7 days after the offender stops being in detention</p>

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<p>Column 1</p> <p>Reportable offender</p>	<p>Column 2</p> <p>Period within which initial report must be made</p>
<p>A reportable offender—</p> <p>(a) for whom reporting obligations are suspended by an order under section 42, or an equivalent order made in a foreign jurisdiction; and</p> <p>(b) for whom the order stops having effect under section 48, or an equivalent provision of the laws of a foreign jurisdiction</p>	<p>Whichever of the following periods ends later—</p> <p>(a) 7 days after the order stops having effect;</p> <p>(b) if the reportable offender is in government detention—7 days after the offender stops being in detention</p>
<p>A corresponding reportable offender who—</p> <p>(a) has not previously been required to report the offender’s personal details to the police commissioner; and</p> <p>(b) is in Queensland on the day when the person becomes a corresponding reportable offender</p>	<p>Whichever of the following periods ends later—</p> <p>(a) 7 days after the reportable offender becomes a corresponding reportable offender;</p> <p>(b) if the reportable offender is in government detention—7 days after the offender stops being in detention</p>

Schedule 2B Decisions subject to review

section 67G

Provision of Act	Description of decision
section 19(2)	decision of police commissioner to require reportable offender to make periodic reports more frequently than in each reporting month
section 67D(4)	decision of police commissioner to refuse to suspend a reportable offender's reporting obligations
section 67F(1)	decision of police commissioner to revoke a suspension of a reportable offender's reporting obligations

33 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *annual report*, *class 1 offence*, *class 2 offence*, *class 1 or 2 offence*, *initial report*, *New South Wales Act*, *New South Wales reportable offender* and *personal details*—
omit.
- (2) Schedule 3—
insert—

details, of a locality where a reportable offender can generally be found, means a description of, or directions to, a place or area where the offender can generally be found that is sufficiently described to allow a reasonable person to locate the place or area based on the description or directions.

[s 33]

Examples of details of a locality where a reportable offender can generally be found—

- the name and location of a caravan park where the offender can generally be found
- a description of, and directions to, the part of a camping area within a national park where the offender can generally be found

employer, for a reportable offender, includes a person who—

- arranges, in the course of business, for the offender to be employed by another person; or
- engages the offender under a contract of employment.

employment, for a reportable offender, includes any of the following activities engaged in, or carried out, by the offender—

- working under a contract of employment;
- working as a self-employed person or a subcontractor;
- working for an organisation as a volunteer;
- working as a minister of religion or for a religious organisation in another capacity;
- undertaking practical training as part of an educational or vocational course.

generally reside, for a reportable offender, means reside for at least 7 days, whether consecutive or not, within a 1-year period.

initial report see section 14(2).

periodic report see section 18(1).

personal details, of a reportable offender, see section 10A.

prescribed offence see section 9.

protected witness means a reportable offender to whom part 4, division 9 applies.

reportable contact see section 9A.

reporting month means each of the following—

- (a) February;
- (b) May;
- (c) August;
- (d) November.

significant impairment, for a reportable offender, means a cognitive or physical impairment that—

- (a) seriously impedes the offender's ability to comply with the offender's reporting obligations under part 4; or
- (b) makes the offender incapable of complying with the offender's reporting obligations under part 4.

usual place of employment, for a reportable offender, means particular premises or a particular locality where the offender is employed for at least 7 days, whether consecutive or not, within a 1-year period.

34 Renumbering of schs 2A–3

Schedules 2A to 3—

renumber as schedules 3 to 5.

[s 35]

Part 3 **Minor and consequential amendments**

35 **Acts amended**

Schedule 1 amends the Acts it mentions.

Schedule 1 Minor and consequential amendments

section 35

Commission for Children and Young People and Child Guardian Act 2000

- 1 Section 167(1)(f), ‘class 1 offence or a class 2 offence’—**
omit, insert—
reportable offence

Disability Services Act 2006

- 1 Section 79(1)(f), ‘class 1 offence or a class 2 offence’—**
omit, insert—
reportable offence

Police Powers and Responsibilities Act 2000

- 1 After section 21—**
insert—
21A Power to enter for Child Protection (Offender Reporting) Act 2004
(1) A police officer may, at any time, enter premises where a reportable offender generally resides to verify the offender’s personal details reported by

the offender under the *Child Protection (Offender Reporting) Act 2004*.

(2) In this section—

generally reside, for a reportable offender, see the *Child Protection (Offender Reporting) Act 2004*, schedule 5.

personal details, of a reportable offender, see the *Child Protection (Offender Reporting) Act 2004*, schedule 5.

premises, for a reportable offender, does not include a part of the premises used exclusively by a person other than the offender.

2 Section 490A—
omit.

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