



Queensland

Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016



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2016

A Bill

for

An Act to amend the *Child Protection (Offender Reporting) Act 2004*, the *Police Powers and Responsibilities Act 2000* and the Acts mentioned in schedule 1 for particular purposes, and to repeal the *Child Protection (Offender Prohibition Order) Act 2008*

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Child Protection (Offender Reporting) and Other Legislation Amendment Act 2016*. 4
5

Clause 2 Commencement 6

This Act commences on 1 July 2017. 7

Part 2 Amendment of Child Protection (Offender Reporting) Act 2004 8
9

Clause 3 Act amended 10

This part amends the *Child Protection (Offender Reporting) Act 2004*. 11
12

Clause 4 Amendment of s 1 (Short title) 13

Section 1, ‘*Child Protection (Offender Reporting) Act 2004*’— 14
15

omit, insert— 16

Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 17
18

Clause 5 Amendment of s 3 (Purpose of this Act) 19

(1) Section 3, heading, ‘Purpose’— 20

omit, insert— 21

	Purposes	1
(2)	Section 3(1)—	2
	<i>omit, insert—</i>	3
	(1) Parliament recognises that any risk to the lives or sexual safety of 1 or more children, or of children generally, is unacceptable.	4 5 6
	(1A) The purposes of this Act are—	7
	(a) to provide for the protection of the lives of children and their sexual safety; and	8 9
	(b) to require particular offenders who commit sexual, or particular other serious, offences against children to keep police informed of the offender’s whereabouts and other personal details for a period of time after the offender’s release into the community—	10 11 12 13 14 15
	(i) to reduce the likelihood that the offender will re-offend; and	16 17
	(ii) to facilitate the investigation and prosecution of any future offences that the offender may commit.	18 19 20
(3)	Section 3(2)—	21
	<i>insert—</i>	22
	(f) provides for the making of orders prohibiting particular offenders who commit sexual, or particular other serious, offences against children from engaging in conduct posing a risk to the lives or sexual safety of 1 or more children, or of children generally.	23 24 25 26 27 28
Clause 6	Amendment of s 4 (Relationship between this Act and Dangerous Prisoners (Sexual Offenders) Act 2003)	29 30
	Section 4(2)—	31
	<i>omit, insert—</i>	32

[s 7]

	(2) During the concurrent period, the reportable offender is not required to make any report under this Act other than an initial report.	1 2 3
Clause 7	Amendment of s 5 (<i>Reportable offender defined</i>)	4
	(1) After section 5(1)(a)—	5
	<i>insert—</i>	6
	(aa) sentenced for an offence for which a court has made a declaration under subsection (5A); or	7 8 9
	(2) Section 5(1)(e)—	10
	<i>omit, insert—</i>	11
	(e) subject to an offender prohibition order.	12
	(3) Section 5(2), ‘merely’—	13
	<i>omit, insert—</i>	14
	only	15
	(4) Section 5—	16
	<i>insert—</i>	17
	(5A) For subsection (1)(aa), if a court finds a person guilty of an offence other than a reportable offence, it may also declare it is satisfied the facts and circumstances surrounding the offence constitute elements of a reportable offence.	18 19 20 21 22
Clause 8	Amendment of s 8 (<i>When a person stops being a reportable offender</i>)	23 24
	Section 8(d)—	25
	<i>omit, insert—</i>	26
	(d) the end of all reporting periods of an offender reporting order, or offender	27 28

	prohibition order, to which the person is subject.	1 2	
Clause 9	Amendment of s 9A (<i>Reportable contact</i> defined)	3	
	Section 9A—	4	
	<i>insert</i> —	5	
	(4) In this section—	6	
	<i>contact</i> means contact that happens in Queensland or elsewhere.	7 8	
Clause 10	Insertion of new s 10B	9	
	After section 10A—	10	
	<i>insert</i> —	11	
	10B When a person poses a risk to children	12	
	A person poses a risk to the lives or sexual safety of 1 or more children, or of children generally, if there is a risk that the person will engage in conduct that may constitute a reportable offence against or in relation to a child or children.	13 14 15 16 17	
Clause 11	Insertion of new pt 3A	18	
	After part 3—	19	
	<i>insert</i> —	20	
	Part 3A	Offender prohibition orders	21 22
	Division 1	Offender prohibition orders	23 24

[s 11]

Subdivision 1 Prohibition orders	1
13A Application	2
(1) The police commissioner may apply to a court for a prohibition order for a person if the police commissioner believes, on reasonable grounds, the person—	3 4 5 6
(a) is a relevant sexual offender; and	7
(b) has engaged in concerning conduct.	8
(2) The application must be in the approved form and must state—	9 10
(a) the particulars of each conviction of the respondent for a reportable offence committed against a child; and	11 12 13
(b) the particulars of the concerning conduct the respondent is alleged to have engaged in; and	14 15 16
(c) when the respondent is alleged to have engaged in the concerning conduct; and	17 18
(d) the conduct of the respondent proposed to be prohibited under the prohibition order, including the conditions sought by the police commissioner.	19 20 21 22
(3) In this section—	23
concerning conduct means an act or omission, or a course of conduct, the nature or pattern of which poses a risk to the lives or sexual safety of 1 or more children, or of children generally, and may include the following—	24 25 26 27 28
(a) conduct that constitutes an offence;	29
(b) conduct that is a single act or omission.	30

Examples—

- loitering at or near a park fitted with playground equipment regularly used by children
- seeking employment or volunteer work that will involve the employee coming into contact with children, including, for example, door-to-door sales or collecting
- living near a school
- living in a household with children under 16 years

13B How proceeding for prohibition order is started

- (1) The police commissioner starts a proceeding against a respondent under section 13A(1) by issuing an appearance notice for the proceeding.
- (2) As soon as practicable after starting the proceeding, and before the time the respondent is required to appear at a place before a court under the appearance notice, the police commissioner must file the following documents with the registrar of the court at the place—
 - (a) the application for the proceeding;
 - (b) a copy of the appearance notice for the proceeding.
- (3) A police officer must serve a copy of the application and the appearance notice (the ***application documents***) on the respondent.

Note—

For further provisions about service, see section 13ZL .

- (4) Also, for a child respondent, the police commissioner must, as soon as practicable after starting the proceeding, give a copy of the application documents to—
 - (a) the chief executive (child safety), if the prohibition order sought is likely to result in

[s 11]

- the child respondent needing to change the 1
child respondent's place of residence; and 2
- (b) a parent of the child respondent, if the police 3
commissioner is able to find a parent of the 4
child respondent after making reasonable 5
attempts. 6

13C Making prohibition order 7

- (1) A court may make a prohibition order if the court 8
is satisfied, on the balance of probabilities, after 9
considering the matters mentioned in section 13D 10
— 11
- (a) the respondent is a relevant sexual offender; 12
and 13
- (b) having regard to the nature or pattern of 14
conduct engaged in by the respondent— 15
 - (i) the respondent poses an unacceptable 16
risk to the lives or sexual safety of 1 or 17
more children, or of children generally; 18
and 19
 - (ii) the making of the prohibition order will 20
reduce the risk. 21
- (2) Also, for a child respondent, the court may only 22
make the prohibition order— 23
 - (a) after considering a report given to the court 24
under section 13E ; and 25
 - (b) if satisfied the making of the prohibition 26
order is a last resort and the most effective 27
way of reducing the risk mentioned in 28
subsection (1)(b)(i). 29
- (3) For subsection (1), it is not necessary for the court 30
to be able to identify a risk to a particular child or 31
particular children. 32
- (4) The application for the prohibition order may be 33

heard in the respondent's absence if the court is 1
satisfied the respondent was served with the 2
application documents under section 13B(3). 3

- (5) However, the court may, at any time before 4
making the prohibition order, direct the police 5
commissioner to give a further appearance notice 6
to the respondent as directed by the court. 7

**13D Matters court must consider before making 8
prohibition order 9**

- (1) The matters a court must consider for section 13C 10
(1) are— 11
- (a) when the conduct that is the subject of the 12
proposed prohibition order happened; and 13
 - (b) the seriousness of the respondent's 14
reportable offences committed against a 15
child, whether committed in Queensland or 16
elsewhere; and 17
 - (c) the period since the reportable offences 18
were committed; and 19
 - (d) for each reportable offence— 20
 - (i) the age of the respondent, and the age 21
of the victim of the offence, when the 22
offence was committed; and 23
 - (ii) the difference in age between the 24
respondent and the victim of the 25
offence; and 26
 - (e) the respondent's present age; and 27
 - (f) the seriousness of the respondent's criminal 28
history; and 29
 - (g) the effect of the prohibition order sought on 30
the respondent in comparison with the level 31
of risk of the respondent committing a 32
reportable offence against a child; and 33

[s 11]

- (h) the respondent's circumstances— 1
 - (i) to the extent the circumstances relate to 2
 - the conduct sought to be prohibited; 3
 - and 4
 - (ii) including the reportable offender's 5
 - accommodation, employment needs 6
 - and integration into the community; 7
 - and 8
 - (i) for a child respondent—the child 9
 - respondent's educational needs; and 10
 - (j) anything else the court considers relevant. 11
- (2) In this section— 12
 - charge**, of an offence, means a charge in any 13
 - form, including, for example— 14
 - (a) a charge on an arrest; and 15
 - (b) a notice to appear served under the *Police 16*
Powers and Responsibilities Act 2000, 17
section 382; and 18
 - (c) a complaint under the *Justices Act 1886*; and 19
 - (d) a charge by a court under the *Justices Act 20*
1886, section 42(1A), or another provision 21
of an Act; and 22
 - Note*— 23
 - The *Justices Act 1886*, section 42 deals with the 24
commencement of proceedings. 25
 - (e) an indictment. 26
 - criminal history**, of a person, means, despite the 27
Criminal Law (Rehabilitation of Offenders) Act 28
1986, sections 5, 6, 8 and 9— 29
 - (a) every conviction of the person for a 30
reportable offence committed against a 31
child, in Queensland or elsewhere, whether 32
before or after the commencement; and 33

-
- (b) every charge made against the person for a reportable offence committed against a child, in Queensland or elsewhere, whether before or after the commencement—
 - (i) that has not been withdrawn or discontinued, or dismissed by a court; or
 - (ii) for which the respondent has not been acquitted or convicted; or
 - (iii) that has been withdrawn or discontinued because the complainant died or was unable or unwilling to proceed with the matter.

13E Court must order report before making prohibition order for child respondent

- (1) This section applies if the court is satisfied of the matters mentioned in section 13C (1) in relation to a child respondent.
- (2) Before making a prohibition order for the child respondent, the court must direct the chief executive (communities) to give to the court a written report containing stated information, assessments and reports about—
 - (a) the child respondent; or
 - (b) the child respondent’s family; or
 - (c) other matters.
- (3) The report may contain the opinion of the chief executive (communities) on what impact a prohibition order may have on the child respondent in relation to the child respondent’s accommodation, educational, health, cultural or social needs.
- (4) The report must be given to the court within the period stated by the court in the direction.

[s 11]

- (5) When the report is given to the court under subsection (4), the registrar of the court must give a copy of the report to each party to the proceeding.

13F Conduct that may be prohibited

- (1) A prohibition order may prohibit the respondent from engaging in stated conduct, including, for example—
- (a) associating with, or otherwise contacting, stated persons or a stated kind of person; or
- Example—*
- corresponding with other relevant sexual offenders
- (b) being in stated locations or a stated kind of location; or
- Example—*
- within 200m of a school between 7a.m. and 7p.m. on school days
- (c) residing at a stated residence, stated residences, a stated kind of residence or a residence at a stated location; or
- Examples—*
- a residence within 200m of a school
 - a residence where children under 16 years reside
- (d) engaging in stated behaviour; or
- Examples—*
- taking photos of children
 - downloading from the internet catalogues that feature child models
 - using internet chat rooms that are primarily aimed at children
- (e) being in stated employment, or a stated kind of employment, whether paid or voluntary,

that is likely to bring the respondent into
contact with children. 1
2

Examples— 3

- employment in a cafe in the vicinity of a
school 4
5
- door-to-door sales or collecting 6

(2) A prohibition order may prohibit conduct— 7

(a) absolutely; or 8

(b) on the terms the court considers appropriate. 9

(3) A prohibition order may prohibit the respondent 10
from entering or remaining in a stated place even 11
if the respondent has a right to enter or to be in the 12
place. 13

(4) If a prohibition order prohibits the respondent 14
from entering or remaining in a place as 15
mentioned in subsection (3), the court must, if 16
satisfied it is necessary to do so, ensure the 17
prohibition order provides for the respondent to 18
recover the respondent's personal property from 19
the place. 20

Example— 21

A provision of a prohibition order may allow a 22
respondent to enter a stated place between stated times, 23
if accompanied by a police officer, to recover the 24
respondent's property. 25

13G Term of prohibition order 26

(1) A prohibition order— 27

(a) takes effect on the day notice of it is given to 28
the respondent; and 29

(b) subject to subsection (3), remains in force 30
for the following term— 31

(i) for an adult respondent—5 years; 32

(ii) for a child respondent—2 years. 33

[s 11]

- (2) Subsection (3) applies if an application for a new prohibition order for a respondent— 1
2
- (a) is made before the end of the term of the existing prohibition order for the respondent; and 3
4
5
- (b) is not decided before the day the existing prohibition order ends. 6
7
- (3) The existing prohibition order continues to have effect until the application for the new prohibition order is decided. 8
9
10
- (4) The term of a new prohibition order mentioned in subsection (3) starts when the term of the existing prohibition order mentioned in the subsection ends. 11
12
13
14
- Example—* 15
- The term of the existing prohibition order ends on 30 June 2018. An application for a new prohibition order is made on 31 May 2018. The application for the new prohibition order is decided, and the new prohibition order is made, on 1 August 2018. 16
17
18
19
20
- Under subsection (3), the term of the existing prohibition order is extended until the new prohibition order is made on 1 August 2018. Although the new prohibition order takes effect on 1 August 2018 under subsection (1), its term starts on 1 July 2018 under subsection (4). 21
22
23
24
25
26
- (5) In this section— 27
- term*, of an existing prohibition order, does not include the period for which the existing prohibition order’s effect is continued under subsection (3). 28
29
30
31

Subdivision 2 Temporary orders 32

-
- 13H Definition for subdivision** 1
- In this subdivision— 2
- final order* means an order under section 13C (1). 3
- 13I Applying for temporary order** 4
- (1) The police commissioner may apply in the 5
approved form to a magistrate for a temporary 6
order for a person if the police commissioner— 7
- (a) has the belief mentioned in section 13A(1) 8
about the person; and 9
- (b) also believes on reasonable grounds that— 10
- (i) the making of a temporary order for the 11
person is necessary to prevent an 12
immediate risk of the respondent 13
engaging in conduct posing a risk to 14
the lives or sexual safety of 1 or more 15
children, or of children generally; and 16
- (ii) the making of the temporary order will 17
reduce the risk. 18
- (2) The application must state— 19
- (a) the matters mentioned in section 13A(2); 20
and 21
- (b) why the police commissioner believes the 22
temporary order is necessary. 23
- (3) The application may be made without notice 24
being given to the respondent, or a police officer 25
may give notice, in the approved form, to the 26
respondent stating— 27
- (a) when and how the application will be made; 28
and 29
- (b) that the respondent— 30
- (i) may be present before the magistrate 31
when the application is made; and 32

[s 11]

- (ii) may make submissions to the magistrate. 1
2
- (4) The *Police Powers and Responsibilities Act 2000*, 3
sections 800 to 802 apply to the application for the 4
temporary order as if the temporary order were a 5
prescribed authority within the meaning of that 6
Act. 7
- Note—* 8
 - The *Police Powers and Responsibilities Act 2000*, 9
sections 800 to 802 provide for obtaining prescribed 10
authorities by phone, fax, radio, email or another similar 11
facility. 12

13J Temporary order made by magistrate 13

- (1) A magistrate may make a temporary order if the 14
magistrate is satisfied, on the balance of 15
probabilities, of the matters mentioned in section 16
13C (1). 17
- (2) For subsection (1)— 18
 - (a) the reference in section 13C (1)(b)(ii) to the 19
prohibition order is taken to be a reference 20
to the temporary order; and 21
 - (b) it is not necessary for the magistrate to be 22
able to identify a risk to a particular child or 23
particular children; and 24
 - (c) sections 13C (2), (4) and (5), 13D and 13E 25
do not apply. 26
- (3) Also, for subsection (1), if the application for the 27
temporary order is made without notice being 28
given to the respondent, the magistrate may not 29
make the temporary order unless the magistrate 30
considers it necessary to make the temporary 31
order without notice to the respondent in the 32
particular circumstances of the case. 33
- (4) The temporary order need only be supported by 34

information the magistrate considers sufficient 1
and appropriate having regard to the temporary 2
nature of the temporary order. 3

Example— 4
oral submissions, rather than evidence on oath 5

(5) When the magistrate makes the temporary order, 6
the magistrate must fix a return date, time and 7
place for an application for a final order. 8

(6) On the making of the temporary order, the police 9
commissioner must immediately start a 10
proceeding under section 13B(1) for the final 11
order. 12

(7) The date, time and place stated in the appearance 13
notice for the final order must be the date, time 14
and place fixed under subsection (5). 15

13K Temporary order made by court 16

(1) During a proceeding for a final order for a 17
respondent, the court must, on its own initiative or 18
on application by a party to the proceeding, decide 19
whether to make a temporary order for the 20
respondent. 21

(2) However, the court may only make the temporary 22
order if the court— 23

(a) is satisfied, on the balance of probabilities, 24
of the matters mentioned in section 13C (1); 25
and 26

(b) after the temporary order is made, adjourns 27
the proceedings. 28

(3) For subsection (2)(a)— 29

(a) the reference in section 13C (1)(b)(ii) to the 30
prohibition order is taken to be a reference 31
to the temporary order; and 32

[s 11]

- (b) it is not necessary for the court to be able to identify a risk to a particular child or particular children; and
- (c) sections 13C (2), (4) and (5), 13D and 13E do not apply.
- (4) The temporary order need only be supported by information the court considers sufficient and appropriate having regard to the temporary nature of the temporary order.
- (5) The temporary order may be made in the respondent's absence if the court is satisfied application documents for the final order were served on the respondent under section 13B(3).

13L Conduct that may be prohibited

Section 13F applies to a temporary order as if—

- (a) a reference in the section to a prohibition order were a reference to a temporary order; and
- (b) a reference in the section to the court included, for section 13J , a reference to a magistrate.

13M Term of temporary order

- (1) A temporary order takes effect—
 - (a) if the respondent is present before the magistrate or court when the temporary order is made—when it is made; or
 - (b) if the respondent is not present before the magistrate or court when the temporary order is made—when a copy of the temporary order is served on the respondent under section 13S (2).
- (2) The temporary order remains in force until

-
- whichever of the following happens first— 1
- (a) if the temporary order is made under section 13J—a proceeding for a final order is not started by the return date and time fixed by a magistrate under section 13J (5); 2
3
4
5
 - (b) the application for the final order is next mentioned in a court and the court does not extend the term of the temporary order under section 13N ; 6
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 - (c) the prescribed period ends; 10
 - (d) a court decides the application for the final order; 11
12
 - (e) the police commissioner discontinues the application for the final order; 13
14
 - (f) the temporary order is revoked under section 13Q or on appeal. 15
16
- (3) In this section— 17
- final order* means a final order for the respondent for the temporary order. 18
19
- prescribed period* means— 20
- (a) the period for which the temporary order is extended under section 13N ; or 21
22
 - (b) otherwise—28 days. 23
- 13N Extending temporary order if application for final order adjourned** 24
25
- (1) This section applies if— 26
 - (a) a temporary order is in force for the respondent to an application for a final order; and 27
28
29
 - (b) the court adjourns the application; and 30

[s 11]

(c) the temporary order will end before the application is decided.	1 2
(2) The court may, on application or on its own initiative, extend the temporary order for not more than 28 days, or a longer period to which the respondent consents.	3 4 5 6
(3) The temporary order may be extended in the respondent's absence if the court is satisfied application documents for the final order were served on the respondent under section 13B(3).	7 8 9 10
Subdivision 3 Other provisions about offender prohibition orders	11 12
130 Who may be present at hearing of application	13
(1) A magistrate or court hearing an application for an offender prohibition order must hear the application in the presence of only—	14 15 16
(a) the applicant; and	17
(b) unless the application is heard in the respondent's absence—the respondent; and	18 19
(c) any witness the magistrate or court allows for the application; and	20 21
(d) another person the magistrate or court considers appropriate to be present and allows to be present; and	22 23 24
<i>Examples—</i>	25
• a parent of a child respondent	26
• another person who is able to provide cultural or emotional support for the respondent, or for a witness whom the magistrate or court has allowed to be present	27 28 29 30
• a person conducting relevant academic or scientific research	31 32

(e) a lawyer representing anyone mentioned in paragraph (a), (b) or (c); and 1
2

(f) a person whose presence the magistrate or court considers is necessary or desirable for the proper conduct of the proceedings. 3
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Example— 6

a recorder performing a function under the *Recording of Evidence Act 1962* 7
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(2) This section does not limit the *Police Service Administration Act 1990*, section 10.24. 9
10

Note— 11

The *Police Service Administration Act 1990*, section 10.24 provides for the representation of police officers in court. 12
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13P Making order for adult respondent by consent 15

(1) This section applies if an application is made to a magistrate or court for an order under this part for an adult respondent. 16
17
18

(2) The magistrate or court may make the order if the applicant and the respondent consent to the making of the order. 19
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(3) The court may make an offender prohibition order with the consent of the applicant and the respondent without being satisfied of the matters stated in section 13C, or considering the matters mentioned in section 13D, unless the court considers it is not in the interests of justice to do so. 22
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(4) In considering the interests of justice for subsection (3), the matters to which the court may have regard include— 29
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(a) whether the respondent has obtained legal advice about the proposed offender prohibition order; and 32
33
34

[s 11]

- | | |
|--|----------------------------|
| (b) whether the respondent— | 1 |
| (i) has an intellectual disability or cognitive impairment; or | 2
3 |
| <i>Examples—</i> | 4 |
| an acquired brain injury, Alzheimer’s disease or dementia | 5
6 |
| (ii) has a significant mental illness that requires ongoing treatment by a psychiatrist; or | 7
8
9 |
| (iii) has an alcohol or drug addiction that impairs the respondent’s decision-making ability or has caused the respondent to be hospitalised; or | 10
11
12
13 |
| (iv) is a person for whom an order appointing a guardian is in force under the <i>Guardianship and Administration Act 2000</i> ; or | 14
15
16
17 |
| (v) is illiterate, or is not literate in the English language; or | 18
19 |
| <i>Example—</i> | 20 |
| a person from a non-English speaking background | 21
22 |
| (vi) is subject to some other condition preventing the respondent from understanding the effect of consenting to the proposed offender prohibition order being made. | 23
24
25
26
27 |
| (5) This section does not limit the magistrate’s or court’s power under section 13C , 13J , 13K or 13Q . | 28
29
30 |

13Q Varying or revoking offender prohibition order 31

- | | |
|---|----------------|
| (1) The police commissioner, or the respondent, may apply to the court under the relevant rules of court for the variation or revocation of an offender | 32
33
34 |
|---|----------------|

-
- prohibition order. 1
- (2) However, other than in relation to an offender 2
prohibition order made in the respondent's 3
absence, the respondent may only make an 4
application under subsection (1) with the court's 5
leave. 6
- (3) The court may grant the leave if satisfied— 7
- (a) it is in the interests of justice, having regard 8
to changes in the respondent's 9
circumstances, or circumstances affecting 10
the respondent, since the prohibition order 11
was made or last varied; or 12
- Example of the respondent's circumstances—* 13
- the respondent's accommodation, employment, 14
health, cultural or social needs 15
- Example of circumstances affecting the respondent—* 16
- Under the prohibition order, the respondent is 17
prohibited from going within a stated distance of 18
stated premises and the premises have closed 19
down since the prohibition order was made. 20
- (b) it is appropriate on compassionate grounds, 21
including having regard to the respondent's 22
culturally specific needs. 23
- Examples—* 24
- to visit a relative who is seriously ill 25
 - to attend a relative's funeral 26
- (4) In deciding the application, the court must have 27
regard to— 28
- (a) the matters mentioned in sections 13C and 29
13D, to the extent the magistrate or court 30
that made the offender prohibition order was 31
required to have regard to those matters; and 32
- (b) any changes in the respondent's 33
circumstances since the offender prohibition 34
order was made or last varied. 35

[s 11]

(5) A variation takes effect—	1
(a) if the respondent is present in court when the variation is made—when it is made; or	2 3
(b) if the respondent is not present in court when the variation is made—when a copy of the order varying the offender prohibition order is served on the respondent under section 13S (2).	4 5 6 7 8
(6) A revocation takes effect when it is made.	9
13R Explaining and giving notice of offender prohibition order to respondent	10 11
(1) Subsection (2) applies if the respondent is present before—	12 13
(a) a magistrate when the magistrate makes an offender prohibition order; or	14 15
(b) a court when the court makes or varies an offender prohibition order.	16 17
(2) The magistrate or court must ensure all reasonable steps are taken to explain to the respondent in language likely to be understood by the respondent—	18 19 20 21
(a) the respondent’s obligations under the offender prohibition order or variation; and	22 23
(b) the consequences that may follow if the respondent fails to comply with the obligations.	24 25 26
(3) Also, subsection (4) applies if the respondent was not a reportable offender immediately before the offender prohibition order was made.	27 28 29
(4) As soon as practicable after the offender prohibition order is made, the police commissioner must give the respondent a notice complying with section 54 (a <i>section 54 notice</i>).	30 31 32 33

-
- (5) Subsection (4) applies despite section 54(4). 1
- (6) Failure to comply with subsection (2) or (4) does 2
not affect the validity of the offender prohibition 3
order. 4
- 13S Giving respondent copy of offender 5
prohibition order dealt with in respondent's 6
absence 7**
- (1) This section applies if a magistrate or court 8
makes, varies or revokes an offender prohibition 9
order in the respondent's absence. 10
- (2) A police officer must serve the respondent with 11
the documents mentioned in subsections (3) and 12
(4). 13
- Note—* 14
For further provisions about service, see section 13ZL . 15
- (3) In each case, the respondent must be served with 16
a copy of the order making, varying or revoking 17
the offender prohibition order. 18
- (4) Also, if the magistrate or court makes an offender 19
prohibition order, the respondent must be served 20
with— 21
- (a) a notice stating that, if a law of another 22
jurisdiction provides for registration of the 23
offender prohibition order under 24
corresponding provisions, the offender 25
prohibition order may be registered in the 26
other jurisdiction; and 27
- (b) if the respondent was not a reportable 28
offender immediately before the offender 29
prohibition order was made—a section 54 30
notice in relation to the respondent as a 31
reportable offender. 32
- (5) Also, for a child respondent, the police 33
commissioner must, as soon as practicable after 34

[s 11]

- the magistrate or court makes, varies or revokes 1
the offender prohibition order, give a copy of the 2
court's or magistrate's order to— 3
- (a) the chief executive (child safety), if the 4
offender prohibition order is likely to result 5
in the child respondent needing to change 6
the child respondent's place of residence; 7
and 8
- (b) a parent of the child respondent, if the police 9
commissioner is able to find a parent of the 10
child respondent after making reasonable 11
attempts. 12
- (6) Failure to comply with any of subsections (2) to 13
(5) does not affect the validity of the offender 14
prohibition order. 15
- (7) In this section— 16
corresponding provisions means provisions 17
corresponding to division 2. 18

**13T Making disqualification order instead of 19
temporary order 20**

- (1) This section applies if— 21
- (a) a magistrate hearing an application for a 22
temporary order (the *relevant application*) 23
for a person decides not to make the 24
temporary order; or 25
- (b) a court hearing an application for an 26
offender prohibition order (also the *relevant* 27
application) for a person— 28
- (i) has not made a final order for the 29
person; and 30
- (ii) decides not to make a temporary order 31
for the person under section 13K . 32
- (2) The magistrate or court must consider whether to 33

-
- make an order (*disqualification order*) in relation to the person stating the person may not—
- (a) hold a positive notice or positive exemption notice; or
 - (b) apply for a prescribed notice or exemption notice.
- (3) However, the magistrate or court may make the disqualification order only if the magistrate or court considers it would not be in the interests of children for the chief executive (justice) to issue a positive notice or positive exemption notice to the person.
- (4) The following provisions apply to the making of the disqualification order—
- (a) if the relevant application is made under section 13I —section 13J (3) to (7);
 - (b) if the relevant application is made under section 13K —section 13K (4) and (5).
- (5) The provisions mentioned in subsection (4) apply for that subsection as if—
- (a) a reference in the provisions to the respondent were a reference to the person; and
 - (b) a reference in the provisions to a temporary order were a reference to the disqualification order.
- (6) If the magistrate or court makes the disqualification order in the person’s absence, a police officer must serve the person with a copy of the disqualification order.

13U Term of disqualification order

- (1) A disqualification order takes effect—

[s 11]

- (a) if the person who is subject to the disqualification order is present before the magistrate or court when the disqualification order is made—when it is made; or 1
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- (b) if the person who is subject to the disqualification order is not present before the magistrate or court when the disqualification order is made—when a copy of the disqualification order is served on the person under section 13T (6). 6
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- (2) The disqualification order remains in force until whichever of the following happens first— 12
13
- (a) if the disqualification order is made by a magistrate hearing an application for a temporary order under section 13J —a proceeding for a final order is not started by the return date and time fixed by the magistrate under section 13J (5); 14
15
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- (b) the application for the final order is next mentioned in a court and the court does not extend the term of the disqualification order under section 13V ; 20
21
22
23
- (c) the prescribed period ends; 24
- (d) a court decides the application for the final order; 25
26
- (e) the police commissioner discontinues the application for the final order; 27
28
- (f) the disqualification order is revoked under section 13W . 29
30
- (3) In this section— 31
- final order* means a final order for the person. 32
- prescribed period* means— 33

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- (a) the period for which the disqualification order is extended under section 13V ; or 1
2
- (b) otherwise—28 days. 3

13V Extending disqualification order if application for final order adjourned 4
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Section 13N applies in relation to a disqualification order as if— 6
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- (a) a reference in the section to a temporary order were a reference to the disqualification order; and 8
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- (b) a reference in the section to the respondent were a reference to the person who is subject to the disqualification order. 11
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13W Revoking disqualification order 14

- (1) A person who is subject to a disqualification order may apply to the court under the relevant rules of court for revocation of the disqualification order. 15
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- (2) However, other than in relation to a disqualification order made in the person's absence, the person may only make an application under subsection (1) with the court's leave. 18
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- (3) The court may grant the leave if satisfied it is in the interests of justice to do so. 22
23
- (4) In deciding the application, the court must have regard to whether it would be in the best interests of children for the chief executive (justice) to issue a positive notice or positive exemption notice to the person. 24
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- (5) A revocation takes effect when it is made. 29

[s 11]

13X Costs	1
A court must not award costs on an application for an offender prohibition order or for a variation or revocation of an offender prohibition order unless the court dismisses the application as frivolous or vexatious or another abuse of process.	2 3 4 5 6
Division 2 Corresponding orders	7
13Y Application for registration of corresponding order in Queensland	8 9
The police commissioner may apply in the approved form to the registrar of a Magistrates Court (the <i>registrar</i>) for the registration of a corresponding order.	10 11 12 13
13Z Registration of corresponding order	14
(1) This section applies if the registrar is satisfied—	15
(a) the corresponding order is in force; and	16
(b) the corresponding order was served on the person against whom it was made under the law of the jurisdiction where the corresponding order was made.	17 18 19 20
(2) Subject to subsections (3) and (10), the registrar must register the corresponding order.	21 22
(3) The registrar must refer the corresponding order to the court for adaptation or modification for its effective operation in the State if—	23 24 25
(a) the registrar believes it is necessary to do so; or	26 27
(b) the police commissioner asks the registrar to do so.	28 29
(4) If the corresponding order is referred to the court,	30

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- a police officer must serve a copy of the application for registration of the corresponding order and an appearance notice on the respondent. 1
2
3
- (5) The application may be heard in the respondent's absence if the court is satisfied a copy of the application and an appearance notice were served on the respondent under subsection (4). 4
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- (6) However, the court may, at any time before deciding the application, direct the police commissioner to give a further appearance notice to the respondent. 8
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- (7) Section 13O applies to the hearing for the variation of the corresponding order as if the hearing were a hearing for an offender prohibition order. 12
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- (8) The court may vary the corresponding order for the purposes of its registration by adapting or modifying it in a way the court considers necessary or desirable for its effective operation in the State. 16
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- (9) For varying the corresponding order as mentioned in subsection (8), the court must consider— 21
22
- (a) anything that may be considered under sections 13C and 13D on an application for a prohibition order under section 13C ; and 23
24
25
- (b) any changes in the respondent's circumstances since the corresponding order was made. 26
27
28
- (10) The registrar must register the corresponding order as varied by the court. 29
30
- (11) A registered corresponding order is registered for the period during which the corresponding order, as originally made, is in force. 31
32
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- (12) A regulation may— 34
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[s 11]

- (a) prescribe the way the registrar is to register a corresponding order or a varied corresponding order; and
 - (b) provide for the keeping of the register and access to it.
- (13) In this section—
- appearance notice* means a notice, in the approved form, stating the following in relation to a corresponding order—
- (a) that an application for the registration of the corresponding order has been referred to the court;
 - (b) when and where the application is to be heard;
 - (c) that the respondent is required to appear at the hearing;
 - (d) that the court may register the corresponding order, or the corresponding order as varied by the court, in the respondent's absence if the respondent fails to appear at the hearing.

13ZA Action by registrar and police commissioner after registration of corresponding order

- (1) No later than 2 business days after registering a corresponding order, the registrar must give the police commissioner a certificate of the registration with a copy of the registered corresponding order attached.
- (2) The registrar may not ask the police commissioner for any fee, or reimbursement for any expenses incurred, under this division.
- (3) After receiving a copy of the registered corresponding order, the police commissioner must serve on the respondent—

-
- (a) a copy of the registered corresponding order; and 1
2
- (b) if the respondent for the registered corresponding order was not a reportable offender immediately before its registration—a section 54 notice in relation to the respondent as a reportable offender. 3
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- Note—* 8
- Under section 13ZB (1)(a), the registered corresponding order has the same effect as a prohibition order made under this part. 9
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- (4) Also, for a child respondent, the police commissioner must, as soon as practicable after receiving a copy of the registered corresponding order, give a copy of the registered corresponding order to— 12
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16
- (a) the chief executive (child safety), if the registered corresponding order is likely to result in the respondent needing to change the respondent’s place of residence; and 17
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20
- (b) a parent of the child respondent, if the police commissioner is able to find a parent of the child respondent after making reasonable attempts. 21
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23
24
- (5) Failure to comply with subsection (3) or (4) does not affect the validity of the registration of the corresponding order. 25
26
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13ZB Effect of registration of corresponding order 28

- (1) A registered corresponding order— 29
- (a) has the same effect as a prohibition order made under this part; and 30
31
- (b) may be enforced against the respondent as if it were a prohibition order made under this part. 32
33
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[s 11]

- (2) Subsection (1) has effect even if the corresponding order was registered in the respondent's absence. 1
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3
- (3) Subsection (4) applies if the corresponding order was varied under section 13Z (8) in the respondent's absence, and the respondent has not been notified of the variation. 4
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7
- (4) Despite subsection (2), until the respondent is notified of the variation, the registered corresponding order has effect and is enforceable against the respondent as if it had not been varied. 8
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13ZC Varying registered corresponding order 12

- (1) The police commissioner, or the respondent, may apply to the court under the relevant rules of court for a variation of a registered corresponding order. 13
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15
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- (2) In deciding the application, the court must consider— 17
18
- (a) anything that must be considered under sections 13C and 13D on an application for a prohibition order under section 13C ; and 19
20
21
- (b) any changes in the respondent's circumstances since the registered corresponding order was registered or last varied. 22
23
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- (3) Also, section 13Q (2), (3) and (5) applies to the application as if a reference in the subsections to an offender prohibition order were a reference to a registered corresponding order. 26
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13ZD Cancelling registration of registered corresponding order 30
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- (1) The police commissioner, or the respondent, may apply to the court for an order cancelling the 32
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registration of a registered corresponding order.	1	
(2) In deciding the application, the court must consider—	2 3	
(a) anything that must be considered under sections 13C and 13D on an application for a prohibition order under section 13C ; and	4 5 6	
(b) any changes in the respondent's circumstances since the registered corresponding order was registered.	7 8 9	
(3) Also, section 13Q (2) and (3) applies to the application as if a reference in the subsections to an offender prohibition order were a reference to a registered corresponding order.	10 11 12 13	
(4) If the court cancels the registration of the registered corresponding order, the corresponding order, or the corresponding order as varied under this part, stops having effect in Queensland.	14 15 16 17	
Division 3	Reportable offender obligations	18 19
13ZE Offender reporting requirement after offender prohibition order made		20 21
(1) If a court makes an offender prohibition order for a respondent who is not a reportable offender—		22 23
(a) the respondent becomes a reportable offender; and		24 25
(b) the length of the respondent's reporting period is taken to be the period for which the offender prohibition order has effect.		26 27 28
(2) Subsection (1)(b) has effect despite sections 36 and 37.		29 30

[s 11]

13ZF Offender reporting requirement after registration of corresponding order	1 2
(1) If the respondent for a registered corresponding order is not a reportable offender immediately before the registration of the corresponding order, on its registration—	3 4 5 6
(a) the respondent is taken to be a reportable offender; and	7 8
(b) the registered corresponding order is taken to be an offender reporting order; and	9 10
(c) the length of the respondent’s reporting period is taken to be—	11 12
(i) for an adult respondent—5 years, or the period for which the registered corresponding order has effect, whichever is shorter; or	13 14 15 16
(ii) for a child respondent—2 years, or the period for which the registered corresponding order has effect, whichever is shorter.	17 18 19 20
(2) Subsection (1)(c) has effect despite sections 36 and 37.	21 22

Division 4 Appeals 23

13ZG Who may appeal 24

The police commissioner, or the respondent for an offender prohibition order or registered corresponding order (the *relevant order*), may appeal to the following entity (the *appeal court*) against a decision made by a court under this part (the *relevant decision*) in relation to the relevant order— 25
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- (a) for a child respondent—a Childrens Court constituted by a Childrens Court judge; 1
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 - (b) otherwise—the District Court. 3

13ZH Starting appeal 4

- (1) The appeal must be started within 28 days (the *appeal period*) after— 5
6
 - (a) the day the relevant decision is made; or 7
 - (b) if the relevant decision was made in the absence of the respondent for the relevant order—the day on which a copy of the order resulting from the relevant decision is served on the respondent for the relevant order. 8
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- (2) On application, the appeal court may extend the appeal period. 14
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- (3) The appeal must be started by filing a notice of appeal in writing with the registrar of the appeal court. 16
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- (4) If it appears to the appeal court that it is not reasonably practicable to serve a copy of the notice of appeal on the respondent to the appeal, the appeal court may make an order substituting another way of serving the notice of appeal. 19
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- (5) The appeal must be heard in the presence of only— 24
25
 - (a) the appellant; and 26
 - (b) the respondent; and 27
 - (c) any witness the appeal court allows for the proceeding; and 28
29
 - (d) anyone else the appeal court considers appropriate to be present and allows to be present; and 30
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[s 11]

<i>Examples—</i>	1
• a parent of a child respondent	2
• another person who is able to provide cultural or emotional support for the respondent or a witness	3 4 5
• a person conducting relevant academic or scientific research	6 7
(e) a lawyer representing anyone mentioned in paragraph (a), (b) or (c).	8 9
13ZI Nature of appeal	10
(1) The appeal is by way of rehearing and, subject to section 13ZH , under the <i>Uniform Civil Procedure Rules 1999</i> or, to the extent the rules can not be applied to the appeal, in accordance with directions given by a judge of—	11 12 13 14 15
(a) for a child respondent—the Childrens Court; or	16 17
(b) otherwise—the District Court.	18
(2) Despite subsection (1), further evidence may not be admitted on the appeal.	19 20
(3) An appeal against a relevant decision does not stay the operation of the relevant order, unless the appeal court orders otherwise.	21 22 23
13ZJ Powers on appeal	24
(1) The appeal court may, on an appeal against a relevant decision about an offender prohibition order—	25 26 27
(a) make, vary or revoke the offender prohibition order, as it considers appropriate; or	28 29 30
(b) make another order or decision it considers should have been made.	31 32

-
- (2) The appeal court may, on an appeal against a relevant decision about a registered corresponding order—
- (a) register, or revoke the registration of, the corresponding order or a variation of it; or
 - (b) make another order or decision it considers should have been made.
- (3) An order or decision made under subsection (1)(b) or (2)(b) takes effect from when it is made.

13ZK Court may not award costs unless application is frivolous or vexatious or another abuse of process

An appeal court must not award costs on an appeal under this division unless the appeal court dismisses the application as frivolous or vexatious or another abuse of process.

Division 5 Miscellaneous

13ZL Service of documents

- (1) This section applies if a provision of this part requires a police officer, including the police commissioner, to serve a document on a respondent for—
- (a) a proposed offender prohibition order; or
 - (b) an offender prohibition order; or
 - (c) a corresponding order; or
 - (d) a registered corresponding order.
- (2) This section also applies for the purpose of service of notice on a respondent in relation to an application for a temporary order if notice is given.

[s 11]

- (3) The document must be served personally on the respondent. 1
2
- (4) However, if, despite making reasonable attempts, a police officer is unable to personally serve a document on the respondent, the police commissioner may apply to the court to authorise substituted service under subsection (5). 3
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- (5) If it appears to the court that it is not reasonably practicable to serve the document personally on the respondent, the court may authorise another way of serving it (*substituted service*). 8
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- Example—* 12
- by personal service of the document on a relative, guardian or other person with whom the respondent is known to associate 13
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15
- (6) When serving an appearance notice personally on the respondent, the police officer must explain the contents of the appearance notice to the respondent in language likely to be understood by the respondent, having regard, for example, to the respondent's age and cultural, educational and social background. 16
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- (7) A document that is to be served personally on a child respondent— 23
24
- (a) must be served on the child respondent as discreetly as possible; and 25
26
- (b) must not be served on the child respondent at or in the vicinity of the child respondent's place of employment or school, unless there is no other place where the document may reasonably be served on the child respondent. 27
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13ZM No filing fee is payable 33

A fee is not payable for making an application, or filing another document, under this part. 34
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	13ZN Approval of forms	1
	The police commissioner may approve forms for use under this part.	2 3
Clause 12	Amendment of s 19A (Reporting changes in personal details)	4 5
	(1) Section 19A(2), from ‘7 days’ to ‘day’—	6
	<i>omit, insert—</i>	7
	48 hours after entering and remaining in Queensland for 48 consecutive hours, not counting any time	8 9 10
	(2) Section 19A—	11
	<i>insert—</i>	12
	(5) In this section—	13
	change , in relation to a reportable offender’s personal details, includes any of the personal details no longer applying to the offender.	14 15 16
	<i>Example—</i>	17
	A reportable offender has advised the police commissioner of the details of a car the offender bought. The sale of the car is a change in the offender’s personal details that must be reported to the police commissioner.	18 19 20 21
Clause 13	Amendment of s 20 (Intended absence from Queensland to be reported)	22 23
	(1) Section 20(1)(a)—	24
	<i>omit, insert—</i>	25
	(a) intends to leave Queensland for 48 or more consecutive hours to travel elsewhere in Australia; or	26 27 28
	<i>Note—</i>	29
	If a reportable offender intends to leave Queensland to travel elsewhere in Australia on an average of at least	30 31

[s 14]

	once a month, irrespective of the length of the absence, see section 23.	1 2
(2)	Before section 20(2)(a)—	3
	<i>insert—</i>	4
	(aa) any child the reportable offender—	5
	(i) intends to leave Queensland with; or	6
	(ii) intends to have reportable contact with while out of Queensland; and	7 8
Clause 14	Amendment of s 21 (Change of travel plans while out of Queensland to be given)	9 10
	Section 21(1)(a) and (2), ‘7 days’—	11
	<i>omit, insert—</i>	12
	48 hours	13
Clause 15	Amendment of s 22 (Reportable offender to report return to Queensland or decision not to leave)	14 15
(1)	Section 22(2), from ‘7 days’ to ‘any days’—	16
	<i>omit, insert—</i>	17
	48 hours after entering and remaining in Queensland for 48 consecutive hours, not counting any time	18 19 20
(2)	Section 22(4), ‘7 days’—	21
	<i>omit, insert—</i>	22
	48 hours	23
Clause 16	Amendment of s 23 (Report of other absences from Queensland)	24 25
(1)	Section 23, heading, ‘other’—	26
	<i>omit, insert—</i>	27

	recurring	1
(2)	Section 23(2)(b), after ‘offender expects to’—	2
	<i>insert—</i>	3
	travel with a child or	4
(3)	Section 23(3)—	5
	<i>insert—</i>	6
	<i>Note—</i>	7
	The reportable offender is not required to make another report under this section unless the information that is required to be reported under subsection (2) changes, including, for example, the travel destination.	8 9 10 11
(4)	Section 23(4)(a)(i), ‘7 days’—	12
	<i>omit, insert—</i>	13
	48 hours	14
(5)	Section 23(4)(b), after ‘change relating to’—	15
	<i>insert—</i>	16
	travel with a child or	17
Clause 17	Amendment of s 28 (Receipt of information to be acknowledged)	18 19
	Section 28(2)(c)(i)—	20
	<i>omit.</i>	21
Clause 18	Amendment of s 30 (Power to take fingerprints)	22
	Section 30(1)—	23
	<i>omit, insert—</i>	24
	(1) This section applies if—	25
	(a) a reportable offender is making the initial report of the offender’s personal details to	26 27

[s 19]

	the police commissioner after receiving a	1
	section 54 notice; or	2
	(b) a police officer—	3
	(i) is receiving a report made in person	4
	under this part; and	5
	(ii) is not reasonably satisfied about the	6
	reportable offender’s identity after the	7
	officer has examined all the material	8
	relating to identity given or presented	9
	to the officer by, or on behalf of, the	10
	reportable offender.	11
Clause 19	Amendment of s 31 (Power to take photographs)	12
	(1) Section 31(1), from ‘receiving’ to ‘the reportable offender’—	13
	<i>omit, insert—</i>	14
	may require a reportable offender	15
	(2) Section 31—	16
	<i>insert—</i>	17
	(3) Also, a police officer may photograph a thing if a	18
	reportable offender is required to report	19
	information about the thing under this part.	20
	<i>Example—</i>	21
	A police officer may photograph a car that a reportable	22
	offender has reported as just having been bought by the	23
	reportable offender.	24
Clause 20	Amendment of s 35 (When reporting obligations begin)	25
	Section 35(1)(b)(ii), after ‘offender reporting order’—	26
	<i>insert—</i>	27
	or offender prohibition order	28

Clause 21	Amendment of s 36 (Length of reporting period)	1
	Section 36(4), other than the note—	2
	<i>omit, insert—</i>	3
	(4) For this section, 2 or more offences that arise from the same incident are to be treated as a single offence.	4 5 6
Clause 22	Insertion of new ss 51A–51C	7
	After section 51—	8
	<i>insert—</i>	9
	51A Failing to comply with offender prohibition order	10 11
	(1) A respondent for an offender prohibition order must not contravene the offender prohibition order, unless the respondent has a reasonable excuse.	12 13 14 15
	Maximum penalty—300 penalty units or 5 years imprisonment.	16 17
	(2) An offence against subsection (1) is a crime.	18
	(3) If an issue is raised in a proceeding of whether the respondent knew of the offender prohibition order, it is enough if it is proved—	19 20 21
	(a) the respondent was present in court when the prohibition order was made; or	22 23
	(b) the respondent was served personally with a copy of the prohibition order; or	24 25
	(c) a police officer told the respondent about the existence of the prohibition order.	26 27
	(4) A respondent for a registered corresponding order must not contravene the registered corresponding order, unless the respondent has a reasonable excuse.	28 29 30 31

[s 22]

- Maximum penalty—300 penalty units or 5 years imprisonment. 1
2
- (5) An offence against subsection (4) is a crime. 3
- (6) If an issue is raised in a proceeding of whether the 4
respondent for a registered corresponding order 5
knew of the registered corresponding order, it is 6
enough if it is proved— 7
- (a) the respondent was present in court when 8
the corresponding order was made and the 9
corresponding order stated that it could be 10
registered in another jurisdiction; or 11
- (b) the respondent was served personally with a 12
copy of the corresponding order and the 13
order stated that it could be registered in 14
another jurisdiction; or 15
- (c) a police officer told the respondent about the 16
existence of the corresponding order, 17
including the fact that the corresponding 18
order could be registered in another 19
jurisdiction; or 20
- (d) that the respondent ought to have known 21
that the corresponding order was registered 22
in this jurisdiction. 23
- (7) In this section— 24
- police officer*, for subsection (6)(c), includes a 25
member of the police force of the jurisdiction 26
where the registered corresponding order was 27
made. 28

51B Access information for storage devices 29

- (1) This section applies if an authorised police officer 30
suspects, on reasonable grounds, that a reportable 31
offender has committed an indictable offence 32
against this Act. 33

-
- (2) The authorised police officer may require the reportable offender to—
- (a) give a police officer access to a storage device—
 - (i) that is in the offender’s possession; or
 - (ii) to which the offender has access; or
 - (b) give a police officer access information, and any other information or help, necessary for the officer to gain access to information stored on the device; or
 - (c) allow a police officer to—
 - (i) use the access information to gain access to the information stored on the device; or
 - (ii) examine the information stored on the device, including by using a software program on the device, to find out whether the information may be relevant evidence; or
 - (iii) make a copy of information stored on the device that may be relevant evidence, including by using another storage device; or
 - (iv) convert information stored on the device that may be relevant evidence into documentary form, or another form, that enables the information to be understood by a person.
- (3) The reportable offender must comply with the requirement, unless the reportable offender has a reasonable excuse.
- Maximum penalty—300 penalty units or 5 years imprisonment.
- (4) An offence against subsection (3) is a crime.

[s 22]

- (5) It is not a reasonable excuse to fail to comply with the requirement that complying might tend to incriminate the reportable offender or expose the offender to a penalty. 1
2
3
4
- (6) The *Police Powers and Responsibilities Act 2000*, sections 161 to 163 apply as if a reference in those sections to a police officer exercising powers under section 160 of that Act were a reference to the authorised police officer exercising a power under subsection (2) of this section. 5
6
7
8
9
10
- (7) The reportable offender does not commit an offence against subsection (3) unless a magistrate makes a post-search approval order under the *Police Powers and Responsibilities Act 2000*, section 162 in relation to the exercise of a power under subsection (2). 11
12
13
14
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16
- (8) The police officer must inform the reportable offender, in a way that is reasonable in the circumstances, that the offender must comply with the requirement even though complying might tend to incriminate the offender or expose the offender to a penalty. 17
18
19
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22
- (9) If a court convicts a reportable offender of an offence against subsection (3), the court may, as well as imposing a penalty for the offence, order the offender to comply with the requirement. 23
24
25
26
- (10) In this section— 27
- access information** means information that is 28
necessary for a person to access and read 29
information that— 30
- (a) is stored electronically on a storage device; 31
or 32
- (b) may be accessed through a storage device. 33
- authorised police officer** means a police officer 34
authorised in writing by the police commissioner 35
to exercise a power under this Act. 36

-
- relevant evidence* means evidence of the
commission of—
- (a) a reportable offence; or
 - (b) an offence against this Act.
- storage device* means a device—
- (a) on which information may be stored electronically, including, for example, a smart phone; or
 - (b) through which information may be accessed, including, for example, from the cloud.
- stored*, in relation to information, means the information is stored on, or accessible through, a storage device.

51C Prohibition on disclosing protected information

- (1) A person who obtains protected information because of the person's involvement in the administration of part 3A, including a proceeding under part 3A, must not disclose the information to anyone else.
Maximum penalty—2 years imprisonment.
- (2) Subsection (1) does not apply to—
 - (a) a disclosure authorised by a magistrate or court in a proceeding under part 3A; or
 - (b) a disclosure authorised under an offender prohibition order or registered corresponding order; or
 - (c) a disclosure by a person that the person is a respondent; or
 - (d) a disclosure made in a proceeding before a court or tribunal; or

[s 22]

- (e) a disclosure to a respondent made for the purposes of—
 - (i) the administration of part 3A; or
 - (ii) the operation of the relevant offender prohibition order or registered corresponding order; or
 - (f) a disclosure to a police officer, or someone else who is a member of a law enforcement agency of a State or the Commonwealth, for the purpose of the performance of the police officer's or other person's functions; or
 - (g) a disclosure made for the purpose of an Act the operation of which requires the disclosure; or
 - (h) a disclosure to a person involved in the respondent's assessment and management under an Act; or
Example—
 - a corrective services officer under the *Corrective Services Act 2006*
 - (i) a disclosure to a lawyer representing a person who is, or was, a party to a proceeding under part 3A; or
 - (j) a disclosure to anyone else to whom the disclosure is required or permitted to be made under an Act; or
 - (k) if the protected information relates to a child—a disclosure for a purpose directly related to the child's protection or wellbeing.
- (3) A person must not disclose protected information to another person with intention to incite anyone to intimidate or harass a respondent.
- Maximum penalty—300 penalty units or 5 years imprisonment.

(4)	An offence against subsection (3) is a crime.	1
(5)	In this section—	2
	<i>Act</i> includes an Act of the Commonwealth or another State.	3 4
	<i>intimidate or harass</i> includes—	5
(a)	intimidate or harass whether on 1, or more than 1, occasion; and	6 7
(b)	vilify, persecute, victimise and engage in any act of vigilantism.	8 9
	<i>proceeding</i> includes an application under part 3A and any prosecution for an offence against this Act.	10 11 12
	<i>protected information</i> means—	13
(a)	the name of a respondent; or	14
(b)	the name of any victim of a reportable offence committed by a respondent; or	15 16
(c)	the name of any particular person referred to in a proceeding under part 3A as a person at risk because of the conduct prohibited, or proposed to be prohibited, by an offender prohibition order or registered corresponding order; or	17 18 19 20 21 22
(d)	anything else reasonably likely to enable a person mentioned in paragraph (a), (b) or (c) to be identified.	23 24 25
	<i>respondent</i> means a respondent for a proposed offender prohibition order, an offender prohibition order, a corresponding order or a registered corresponding order.	26 27 28 29
Clause 23	Amendment of s 52A (Proceedings for an indictable offence)	30 31
	Section 52A(1), ‘or 51(1)’—	32

[s 24]

omit, insert—

1

, 51(1), 51A (1) or (4), 51B (3) or 51C (3)

2

Clause 24 Amendment of s 52B (Limitation on who may summarily hear a proceeding for an indictable offence and the level of penalty)

3

4

5

Section 52B(1), ‘or 51(1)’—

6

omit, insert—

7

, 51(1), 51A (1) or (4), 51B (3) or 51C (3)

8

Clause 25 Amendment of s 54 (Notice to be given to reportable offender)

9

10

Section 54(2)(a)(ii), after ‘offender reporting order’—

11

insert—

12

or offender prohibition order

13

Clause 26 Amendment of s 56 (Notice to be given when reporting period changes)

14

15

Section 56(2), from ‘, but’ to ‘Act’—

16

omit.

17

Clause 27 Amendment of s 67A (Application of this division)

18

Section 67A—

19

insert—

20

(c) has a mental illness.

21

Clause 28 Amendment of s 67C (Suspension of reporting obligations of reportable offenders on police commissioner’s own initiative)

22

23

24

(1) Section 67C(1)(a), ‘children’—

25

omit, insert— 1

1 or more children, or of children generally 2

(2) Section 67C(1)— 3

insert— 4

(c) if the offender has a mental illness—the 5

illness is a significant mental illness. 6

Clause 29 Amendment of s 67D (Reportable offenders may apply for suspension of reporting obligations) 7
8

(1) Section 67D(5)(a), ‘children’— 9

omit, insert— 10

1 or more children, or of children generally 11

(2) Section 67D(5)— 12

insert— 13

(c) if the offender has a mental illness—the 14

illness is a significant mental illness. 15

Clause 30 Amendment of s 67F (Revocation of suspension) 16

(1) Section 67F(1)(a), ‘children’— 17

omit, insert— 18

1 or more children, or of children generally 19

(2) Section 67F(1)— 20

insert— 21

(c) if the offender has a mental illness—the 22

illness is not, or is no longer, a significant 23

mental illness. 24

Clause 31 Amendment of s 68 (Child protection register) 25

(1) Section 68(2), ‘must’— 26

[s 32]

omit, insert— 1

may 2

(2) Section 68(3)(d)— 3

omit, insert— 4

(d) the Australian Criminal Intelligence 5

Commission; 6

Clause 32 Amendment of s 73 (Reportable offender's rights in relation to register) 7
8

Section 73— 9

insert— 10

(4A) A request may be made under subsection (1) or 11

(3) for a reportable offender by another person 12

only if the other person has been authorised in 13

writing by the reportable offender to make the 14

request. 15

Clause 33 Amendment of s 74 (Review about entry on register) 16

Section 74— 17

insert— 18

(3A) The application may be made by another person 19

(an *agent*) on the person's behalf only if the 20

person has authorised the agent in writing to make 21

the application. 22

Clause 34 Insertion of new ss 74C–74J 23

After section 74B— 24

insert— 25

74C Review of Act 26

(1) The Crime and Corruption Commission must— 27

(a) review the operation of this Act; and 28

-
- (b) prepare a report on the review. 1
 - (2) The conduct of the review, and the preparation of 2
the report, is a function of the Crime and 3
Corruption Commission for the *Crime and* 4
Corruption Act 2001. 5
 - (3) The review must be started as soon as practicable 6
after 5 years after the commencement. 7
 - (4) The Crime and Corruption Commission must give 8
a copy of the report to the Speaker for tabling in 9
the Legislative Assembly. 10

74D Giving information to police commissioner 11

- (1) For the purposes of this Act, the police 12
commissioner may direct an entity to give the 13
police commissioner any information about a 14
reportable offender, including about an order 15
made under this Act in relation to the offender, 16
held by the entity that is relevant to— 17
 - (a) deciding whether an application for an order 18
under this Act should be made; or 19
 - (b) the making of an order under this Act; or 20
 - (c) amending or revoking an order under this 21
Act; or 22
 - (d) serving an application or order under this 23
Act; or 24
 - (e) investigating an alleged breach of this Act or 25
an order under this Act. 26
- (2) The direction must— 27
 - (a) be given in writing; and 28
 - (b) state the day on or before which the 29
information must be given. 30
- (3) The entity is authorised and, despite any other 31
Act, required to give the information sought by 32

[s 34]

- the direction to the police commissioner. 1
- (4) However, the entity is not required to give the 2
information if the information is subject to legal 3
professional privilege. 4
- (5) This section does not apply to the following 5
entities— 6
- (a) the chief executive of the department in 7
which the Hospital and Health Boards Act 8
2011 is administered; 9
- (b) a Hospital and Health Service under that 10
Act. 11
- (6) In this section— 12
entity includes a government entity. 13
- 74E Police commissioner may give information to 14
government and other entities 15**
- (1) For the purposes of this Act, the police 16
commissioner may give the following 17
information about a reportable offender, 18
including about an order made under this Act in 19
relation to the offender, to an entity— 20
- (a) the offender’s name and date of birth; 21
- (b) the term of any order; 22
- (c) the conduct by the offender that any order 23
prohibits; 24
- (d) anything else the police commissioner 25
reasonably considers is necessary to allow 26
the entity to identify the offender to ensure 27
the safety of— 28
- (i) a child or children in the entity’s care; 29
or 30
- (ii) the offender. 31

-
- Example—* 1
a photo of the offender 2
- (2) If— 3
- (a) the police commissioner gives information 4
about an order to an entity; and 5
- (b) the order is later varied or revoked; 6
the police commissioner must give written notice 7
of the variation or revocation to the entity. 8
- (3) This section does not apply to the following 9
entities— 10
- (a) the chief executive of the department in 11
which the Hospital and Health Boards Act 12
2011 is administered; 13
- (b) a Hospital and Health Service under that 14
Act. 15
- (4) In this section— 16
- entity* includes a government entity. 17
- order* includes a registered corresponding order. 18
- 74F Disclosing information about offender 19
prohibition orders 20**
- (1) This section applies if a prescribed entity is given 21
information about an offender prohibition order 22
under section 74E (1). 23
- (2) If the prescribed entity reasonably believes the 24
giving of the information to a person is 25
necessary— 26
- (a) for the purpose of the person performing a 27
function under a relevant Act; or 28
- (b) for the purpose of an approved teacher 29
protecting the life or sexual safety of a 30
student of a school; 31

[s 34]

- the prescribed entity may give the information to the person. 1
2
- (3) Subsection (4) applies if— 3
- (a) a prescribed entity has given information about an offender prohibition order to a person under subsection (2); and 4
5
6
- (b) the prescribed entity is given notice of the variation or revocation of the offender prohibition order under section 74E (2). 7
8
9
- (4) The prescribed entity must give written notice of the variation or revocation to the person. 10
11
- (5) A person given information under subsection (2) or (4) must not disclose the information, unless authorised to do so under section 51C or the relevant Act. 12
13
14
15
- (6) In this section— 16
- approved teacher*** means an approved teacher within the meaning of the *Education (Queensland College of Teachers) Act 2005*. 17
18
19
- offender prohibition order*** includes a registered corresponding order. 20
21
- prescribed entity*** means— 22
- (a) the chief executive (child safety); or 23
- (b) the chief executive (communities); or 24
- (c) the chief executive (corrective services); or 25
- (d) the chief executive (education); or 26
- (e) the chief executive (justice). 27
- relevant Act*** means— 28
- (a) for the chief executive (child safety)—the *Child Protection Act 1999*; or 29
30

-
- (b) for the chief executive (education)—the *Education (General Provisions) Act 2006*; or
(c) for the chief executive (justice)—the *Youth Justice Act 1992* or the *Working with Children Act*.

74G Chief executive (communities) to be given information about child respondent

- (1) For the purpose of giving a report to the court in compliance with a direction of the court under section 13E (2), the chief executive (communities) may ask a government entity to give the chief executive (communities) any information—
- (a) held by the government entity; and
(b) relevant for the report.
- (2) The request must—
- (a) be given in writing; and
(b) state the day on or before which the information is to be given.
- (3) The government entity is authorised, despite any other Act, to give the chief executive (communities) the information requested.

74H Duty of persons obtaining information

- (1) This section applies to a person who obtains information under sections 74D to 74G .
- (2) It is the duty of the person to take all reasonable steps to ensure the information is used or disclosed only for the purpose for which it was obtained.

[s 35]

74I Police commissioner may give information about order to other particular persons	1 2
To the extent the police commissioner reasonably considers it necessary and appropriate to reduce a risk to the lives or sexual safety of 1 or more children, or of children generally, the police commissioner may give information about an order made under this Act to a person, including, for example—	3 4 5 6 7 8 9
(a) if the respondent is a child respondent—a parent or guardian of the child respondent; or	10 11 12
(b) a parent or guardian of any child protected by the order.	13 14

74J Protection from liability for giving information	15
(1) This section applies if a person, acting honestly, gives information under this Act.	16 17
(2) The person is not liable, civilly, criminally or under an administrative process, for giving the information.	18 19 20
(3) Without limiting subsection (2)—	21
(a) in a proceeding for defamation, the person has a defence of absolute privilege for disclosing the information; and	22 23 24
(b) if the person would otherwise be required to maintain confidentiality about the information under an Act, the person does not contravene the Act by giving the information.	25 26 27 28 29

Clause 35 Amendment of s 77 (Evidentiary provisions)	30
(1) Section 77(1), ‘in a complaint’— <i>omit, insert—</i>	31 32

-
- by the prosecution 1
- (2) Section 77— 2
- insert—* 3
- (3) In a proceeding under this Act, a statement by the 4
prosecution about the following matters is 5
evidence of the matters— 6
- (a) a stated person was served with a copy of a 7
stated offender prohibition order, stated 8
corresponding order or stated registered 9
corresponding order by a stated process 10
server on a stated date; 11
- (b) a stated process server was authorised to 12
serve a stated corresponding order; 13
- (c) the respondent for an offender prohibition 14
order, or corresponding order, was present in 15
court when the order was made; 16
- (d) the respondent for a registered 17
corresponding order was present in court 18
when the order was registered. 19
- (4) In a proceeding under this Act, an affidavit by a 20
stated process server stating the date, time and 21
way the process server served a stated offender 22
prohibition order on a stated person is evidence of 23
the stated matters. 24
- (5) If a defendant intends to challenge a matter stated 25
in either of the following paragraphs at a hearing 26
in a proceeding for an offence against this part, 27
the defendant must give written notice of the 28
challenge to the prosecution at least 3 business 29
days before the day fixed for the hearing— 30
- (a) a statement mentioned in subsection (3); 31
- (b) an affidavit mentioned in subsection (4). 32
- (6) In this section— 33
- court*, in relation to the making of a corresponding 34
-

[s 36]

- order, means any court of another jurisdiction that
made the corresponding order. 1 2
- process server*** means— 3
- (a) a police officer; or 4
- (b) in relation to a registered corresponding
order— 5 6
- (i) a member of the police force of the
jurisdiction where the corresponding
order was made; or 7 8 9
- (ii) another person authorised under the
law of that jurisdiction to serve the
corresponding order. 10 11 12

Clause 36 Insertion of new ss 77A–77F 13

After section 77— 14

insert— 15

77A Legal proceedings for pt 3A 16

- (1) An application under part 3A may be made, and a
court may deal with the application, even if a
person concerned in the application has been
charged with an offence arising out of conduct on
which the application is based. 17 18 19 20 21
- (2) The *Uniform Civil Procedure Rules 1999* apply to
a proceeding under part 3A, other than a
proceeding for— 22 23 24
- (a) a temporary order; or 25
- (b) an offence against this Act. 26
- (3) A question of fact in a proceeding under part 3A
is to be decided on the balance of probabilities. 27 28

77B Cross-examining protected witnesses 29

The *Evidence Act 1977*, part 2, division 6 applies 30

-
- to a proceeding under this Act as if a reference to a person charged were a reference to—
- (a) a reportable offender; or
 - (b) a respondent in a proceeding under this Act.

77C Application of Evidence Act 1977, s 53

- (1) In a proceeding under part 3A, the relevant provision applies for the purpose of proving—
 - (a) an offender prohibition order or another order made under part 3A; or
 - (b) a corresponding order; or
 - (c) the registration of a corresponding order under part 3A.
- (2) For applying the relevant provision as mentioned in subsection (1)(a)—
 - (a) a reference to a court in subsection (1)(a) to (f) of the relevant provision includes a reference to a magistrate; and
 - (b) a reference to a court in subsection (1)(g) of the relevant provision, in relation to an order made by a magistrate, includes a reference to the court where the magistrate usually constitutes the court.
- (3) For applying the relevant provision as mentioned in subsection (1)(b) or (c)—
 - (a) a reference to a court in subsection (1)(a) of the relevant provision includes—
 - (i) a judicial officer of a court of another jurisdiction who has made a corresponding order; and
 - (ii) a registrar of a Magistrates Court who has registered a corresponding order; and

[s 36]

(b) a reference to a court in subsection (1)(g) of the relevant provision includes a reference to the court where the corresponding order was registered. 1
2
3
4

(4) In this section— 5

relevant provision means the *Evidence Act 1977*, section 53. 6
7

Note— 8

See also the *Evidence Act 1995* (Cwlth), sections 5, 157 and 158 for proof of corresponding orders. 9
10

77D Proof of knowledge of order conditions 11

(1) Subsection (2) applies if— 12

(a) an issue is raised in a proceeding of whether a respondent for an offender prohibition order or registered corresponding order knew about a particular condition of the order alleged to have been contravened; and 13
14
15
16
17

(b) there is evidence that the respondent only knew of the existence of the order because a police officer told the respondent about its existence. 18
19
20
21

(2) The respondent can not be convicted unless it is proved that the police officer told the respondent about the particular condition. 22
23
24

(3) In this section— 25

police officer, in relation to a registered corresponding order, includes a member of the police force of the jurisdiction where the corresponding order was made. 26
27
28
29

77E Reasonable excuse defence 30

When deciding whether a respondent had a reasonable excuse for contravening section 51A 31
32

-
- (1) or (4), the court must have regard to— 1
- (a) the respondent’s age; and 2
- (b) whether the respondent had, at the time of 3
the contravention, a disability that affected 4
the respondent’s ability to understand, or to 5
comply with, the offender prohibition order 6
or registered corresponding order; and 7
- (c) whether the form of notice given to the 8
respondent about the offender prohibition 9
order or registered corresponding order was 10
adequate to inform the respondent of the 11
respondent’s obligations under the order, 12
having regard to the respondent’s 13
circumstances; and 14
- (d) any other matter the court considers 15
appropriate. 16

77F Concurrent criminal proceeding 17

- (1) An application under this Act may be made, and a 18
court may deal with the application, even if a 19
person concerned in the application has been 20
charged with an offence arising out of conduct on 21
which the application is based. 22
- (2) However, if a person is charged with an offence 23
arising out of conduct on which an application 24
under this Act is based, a reference to any of the 25
following is admissible in the trial of the person 26
for the offence only with the leave of the court— 27
- (a) the existence of the application; 28
- (b) the existence of any proceeding relating to 29
the application; 30
- (c) the making of, or refusal to make, any order 31
relating to the application; 32

[s 37]

	(d) the making of, or refusal to make, any variation of any order relating to the application;	1 2 3
	(e) the fact that evidence of a particular nature or content was given in any proceeding relating to the application.	4 5 6
	(3) To remove any doubt, it is declared that, subject to this section, an application, proceeding or order under this Act in relation to the conduct of a person does not affect—	7 8 9 10
	(a) any proceeding for an offence against the person arising out of the same conduct; or	11 12
	(b) any civil liability of the person.	13
	(4) The person may be punished for the offence mentioned in subsection (3)(a) despite any order made against the person under this Act.	14 15 16
Clause 37	Insertion of new pt 7, div 5	17
	Part 7—	18
	<i>insert—</i>	19
	Division 5	
	Transitional provisions for Child Protection (Offender Reporting) and Other Legislation Amendment Act 2016	20 21 22 23 24
	89 References to Child Protection (Offender Prohibition Order) Act 2008	25 26
	If the context allows, a reference in an Act or other document to the <i>Child Protection (Offender Prohibition Order) Act 2008</i> (the repealed Act) is taken to be a reference to this Act.	27 28 29 30

-
- 90 Documents under Child Protection (Offender Prohibition Order) Act 2008** 1
2
- (1) This section applies to a document under the 3
repealed Act that is in effect immediately before 4
the Act is repealed. 5
- (2) The document continues to have effect according 6
to its terms and conditions. 7
- (3) This Act applies to the document as if the 8
document had been made under this Act. 9
- (4) To remove any doubt, it is declared that the 10
document took effect or was made, given or 11
received when the document took effect or was 12
made, given or received under the repealed Act. 13
- (5) In this section— 14
document includes— 15
- (a) an offender prohibition order or any other 16
order; and 17
- (b) a direction; and 18
- (c) a delegation; and 19
- (d) a notice. 20
- 91 Taking fingerprints** 21
- (1) This section applies to a reportable offender who, 22
before the commencement— 23
- (a) made an initial report of the offender’s 24
personal details to the police commissioner 25
after receiving a notice under section 54(5); 26
and 27
- (b) when making the initial report, was not 28
required to allow a police officer to take, or 29
cause a person authorised by the officer to 30
take, the offender’s fingerprints. 31
- (2) The police commissioner must, by written notice, 32
-

[s 38]

require the reportable offender to allow a police officer to take, or cause a person authorised by the officer to take, the offender's fingerprints when the offender is next required under this Act to make a report. 1
2
3
4
5

Clause 38 Amendment of sch 3 (When reportable offender must make initial report) 6
7

Schedule 3, at the end— 8
insert— 9

A reportable offender who is taken to be a reportable offender when a court makes an offender prohibition order	7 days after the offender prohibition order is made
---	---

Clause 39 Amendment of sch 5 (Dictionary) 10

- (1) Schedule 5, definition *court*— 11
omit. 12
- (2) Schedule 5— 13
insert— 14

adult respondent means a respondent who is not a child respondent. 15
16

appeal court, for part 3A, division 4, see section 13ZG . 17
18

appearance notice, for a proceeding for an offender prohibition order, means a notice in the approved form stating the following in relation to the order— 19
20
21
22

(a) that an application for the order will be made against the respondent; 23
24

(b) when and where the application is to be heard; 25
26

-
- (c) that the respondent is required to appear at the hearing to be heard on the application; 1
2
- (d) that the court may make the order in the respondent's absence if the respondent fails to appear at the hearing; 3
4
5
- (e) that on the making of the order— 6
- (i) the respondent becomes a reportable offender; and 7
8
- (ii) the respondent is prohibited from applying for a prescribed notice or exemption notice; and 9
10
11
- (iii) any positive notice, positive notice blue card or positive exemption notice held by the respondent is— 12
13
14
- (A) if the order is a temporary order—suspended; or 15
16
- (B) if the order is a final order—cancelled; 17
18
- (f) that the order may be registered in a jurisdiction other than Queensland, including a jurisdiction outside Australia, if a law of the other jurisdiction provides for the registration. 19
20
21
22
23
- application documents***, for an offender prohibition order, see section 13B(3). 24
25
- approved form*** means a form approved under section 13ZN. 26
27
- Australian Criminal Intelligence Commission*** means the Australian Criminal Intelligence Commission established under the *Australian Crime Commission Act 2002* (Cwlth). 28
29
30
31
- chief executive (child safety)*** means the chief executive of the department in which the *Child Protection Act 1999* is administered. 32
33
34
-

[s 39]

chief executive (communities) means the chief executive of the department in which the <i>Youth Justice Act 1992</i> is administered.	1 2 3
chief executive (corrective services) means the chief executive of the department in which the <i>Corrective Services Act 2006</i> is administered.	4 5 6
chief executive (education) means the chief executive of the department in which the <i>Education (General Provisions) Act 2006</i> is administered.	7 8 9 10
chief executive (justice) means the chief executive of the department in which the <i>Attorney-General Act 1999</i> is administered.	11 12 13
child respondent means—	14
(a) for a temporary order—a respondent who is a child when the application for the temporary order is made; or	15 16 17
(b) for a corresponding order or registered corresponding order—a respondent who is a child when the corresponding order is registered under this Act; or	18 19 20 21
(c) otherwise—a respondent who is a child when the application for the offender prohibition order is made.	22 23 24
committed against a child includes committed in relation to a child.	25 26
conduct includes an act, omission and course of conduct.	27 28
conviction includes a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.	29 30 31
corresponding order means an order made under a law of a jurisdiction other than Queensland, including a jurisdiction outside Australia, that closely corresponds to an offender prohibition	32 33 34 35

order.	1
<i>court</i> —	2
(a) for an offender prohibition order for a child respondent—means the Childrens Court constituted by a Childrens Court magistrate; or	3 4 5 6
(b) for any other offender prohibition order—means a Magistrates Court, other than a Magistrates Court constituted by justices who are not magistrates; or	7 8 9 10
(c) otherwise, includes a court of a foreign jurisdiction, however described.	11 12
<i>disqualification order</i> see section 13T (2).	13
<i>exemption notice</i> means an exemption notice under the Working with Children Act.	14 15
<i>final order</i> see section 13H .	16
<i>lawyer</i> means an Australian lawyer within the meaning of the <i>Legal Profession Act 2007</i> who, under that Act, may engage in legal practice in this State.	17 18 19 20
<i>magistrate</i> , for a child respondent, means a Childrens Court magistrate.	21 22
<i>offender prohibition order</i> means—	23
(a) a prohibition order; or	24
(b) a temporary order.	25
<i>parent</i> , of a person, means a parent or guardian of the person and includes—	26 27
(a) for an Aboriginal person—a person who, under Aboriginal tradition, is regarded as a parent of the person; or	28 29 30
(b) for a Torres Strait Islander person—a person who, under Island custom, is regarded as a parent of the person;	31 32 33

[s 39]

- but does not include an approved carer of the person under the *Child Protection Act 1999*. 1
2
- positive exemption notice** means a positive exemption notice under the Working with Children Act. 3
4
5
- positive notice** means a positive notice under the Working with Children Act. 6
7
- positive notice blue card** means a positive notice blue card under the Working with Children Act. 8
9
- prescribed notice** means a prescribed notice under the Working with Children Act. 10
11
- prohibition order** means an order under section 13C . 12
13
- registered corresponding order** means a corresponding order registered under section 13Z . 14
15
16
- registrar**, for part 3A, division 2, see section 13Y . 17
- relevant decision**, for part 3A, division 4, see section 13ZG . 18
19
- relevant order**, for part 3A, division 4, see section 13ZG . 20
21
- relevant sexual offender** means a following person who is not subject to a supervision order or interim supervision order under the *Dangerous Prisoners (Sexual Offenders) Act 2003* or a forensic order— 22
23
24
25
26
- (a) a person who is a reportable offender; 27
- (b) a person who would be a reportable offender if the person’s sentence for a reportable offence had not ended before the commencement of section 5; 28
29
30
31
- (c) a person who would be a reportable offender if all the reporting periods for the person had not ended, as mentioned in section 8(d). 32
33
34

<i>repealed Act</i> see section 89.	1
<i>respondent</i> means—	2
(a) for a proposed offender prohibition order—the person who is the respondent to the application for the proposed offender prohibition order; or	3 4 5 6
(b) for an offender prohibition order—the person against whom the offender prohibition order is made; or	7 8 9
(c) for a corresponding order or a registered corresponding order—the person against whom the corresponding order is made.	10 11 12
<i>section 54 notice</i> see section 13R (4).	13
<i>significant mental illness</i> , for a reportable offender, means a mental illness that—	14 15
(a) seriously impedes the offender’s ability to comply with the offender’s reporting obligations under part 4; or	16 17 18
(b) makes the offender incapable of complying with the offender’s reporting obligations under part 4.	19 20 21
<i>temporary order</i> means an order made under section 13J or 13K .	22 23
<i>Working with Children Act</i> means the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	24 25 26
(3) Schedule 5, definition <i>government detention</i> —	27
<i>insert</i> —	28
(c) detention under the <i>Mental Health Act 2000</i> ; or	29 30
(d) detention under the <i>Migration Act 1958</i> (Cwlth).	31 32

[s 40]

Part 3	Amendment of Police Powers and Responsibilities Act 2000	1 2
Clause 40	Act amended	3
	This part amends the <i>Police Powers and Responsibilities Act 2000</i> .	4 5
Clause 41	Amendment of s 21A (Power to enter for Child Protection (Offender Reporting) Act 2004)	6 7
	(1) Section 21A, heading, ‘Child Protection (Offender Reporting) Act 2004’—	8 9
	<i>omit, insert—</i>	10
	Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004	11 12
	(2) Section 21A, ‘ <i>Child Protection (Offender Reporting) Act 2004</i> ’—	13 14
	<i>omit, insert—</i>	15
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	16 17
Clause 42	Insertion of new s 21B	18
	After section 21A—	19
	<i>insert—</i>	20
	21B Power to inspect storage devices for the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004	21 22 23
	(1) A police officer may inspect a storage device in the possession of a reportable offender if—	24 25
	(a) in the last 3 months, the reportable offender has been—	26 27
	(i) released from government detention; or	28

-
- (ii) sentenced to a supervision order; or 1
- (b) the reportable offender has been convicted 2
of a prescribed internet offence; or 3
- (c) a magistrate makes a device inspection order 4
for the reportable offender. 5
- (2) However, a police officer may not carry out an 6
inspection under subsection (1)(b) if at least 4 7
inspections have been carried out by a police 8
officer under this section in relation to the 9
reportable offender within the previous 12 10
months. 11
- (3) If an inspection of a storage device in the 12
possession of a reportable offender may not be 13
carried out under subsection (1)(a) or (b), a police 14
officer may apply to a magistrate for a device 15
inspection order for the reportable offender. 16
- (4) The magistrate may make the device inspection 17
order if satisfied there is an elevated risk that the 18
reportable offender will engage in conduct that 19
may constitute a reportable offence against, or in 20
relation to, a child or children. 21
- (5) For subsection (2), each occasion on which a 22
police officer inspects 1 or more storage devices 23
counts as 1 inspection. 24
- (6) In this section— 25
- device inspection order***, for a reportable offender, 26
means an order authorising a police officer, on a 27
stated day or on 1 day during a stated period, to 28
inspect any storage devices in the possession of 29
the reportable offender. 30
- inspect***, a storage device, includes inspect the 31
storage device using software. 32
- government detention*** see the Offender 33
Reporting Act, schedule 5. 34
- Offender Reporting Act*** means the *Child* 35
-

[s 42]

<i>Protection (Offender Reporting and Offender Prohibition Order) Act 2004.</i>	1 2
<i>prescribed internet offence</i> means—	3
(a) an offence against the Criminal Code, section 218A; or	4 5
(b) an offence against any of the following provisions of the Criminal Code (Cwlth)—	6 7
• section 474.19	8
• section 474.20	9
• section 474.22	10
• section 474.23	11
• section 474.25A	12
• section 474.26	13
• section 474.27	14
• section 474.27A; or	15
(c) 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 mentioned in paragraph (a) or (b).	16 17 18 19 20
<i>prescribed offence</i> see the Offender Reporting Act, schedule 5.	21 22
<i>reportable offence</i> see the Offender Reporting Act, schedule 5.	23 24
<i>reportable offender</i> see the Offender Reporting Act, schedule 5.	25 26
<i>storage device</i> means a device—	27
(a) on which information may be stored electronically, including, for example, a smart phone; or	28 29 30

	(b) through which information may be accessed, including, for example, from the cloud.	1 2 3
	<i>supervision order</i> see the Offender Reporting Act, schedule 5.	4 5
Clause 43	Amendment of s 284 (Form of authority)	6
	Section 284(2)(h)(iii)— <i>omit.</i>	7 8
Clause 44	Replacement of s 285 (Period of authority)	9
	Section 285— <i>omit, insert—</i>	10 11
	285 Period of authority	12
	An authority for an authorised officer or authorised civilian remains in force until—	13 14
	(a) the end of any term stated in the authority; or	15 16
	(b) the authority is cancelled under section 286.	17
Clause 45	Amendment of s 488A (Taking DNA sample from reportable offender for Child Protection (Offender Reporting) Act 2004)	18 19 20
	(1) Section 488A, heading, ‘Child Protection (Offender Reporting) Act 2004’— <i>omit, insert—</i>	21 22 23
	Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004	24 25
	(2) Section 488A(b), ‘ <i>Child Protection (Offender Reporting) Act 2004</i> ’— <i>omit, insert—</i>	26 27 28

[s 46]

*Child Protection (Offender Reporting and
Offender Prohibition Order) Act 2004* 1
2

Clause 46	Insertion of new s 808A	3
	After section 808—	4
	<i>insert—</i>	5
	808A Annual report about use of device inspection powers	6 7
	(1) As soon as practicable after the end of each financial year, the commissioner must prepare and give to the Minister a report about the use by police officers of powers under section 21B during the financial year.	8 9 10 11 12
	(2) The report must include—	13
	(a) for each reportable offender in relation to whom an inspection was carried out—the number of inspections carried out for the reportable offender; and	14 15 16 17
	(b) for each inspection—	18
	(i) whether it was carried out under section 21B(1)(a), (b) or (c); and	19 20
	(ii) the date and time it was carried out; and	21 22
	(iii) the action taken in relation to the reportable offender as a result of the inspection.	23 24 25
	(3) For subsection (2)(a), each occasion on which a police officer inspects 1 or more storage devices counts as 1 inspection.	26 27 28
	(4) The report must not include any information identifying, or that is likely to lead to the identification of, a reportable offender.	29 30 31
	(5) Within 14 sitting days after receiving the report,	32

	the Minister must table a copy of the report in the Legislative Assembly.	1 2
Clause 47	Amendment of sch 3 (Relevant offences for chapter 13 disclosure of information provisions)	3 4
	(1) Schedule 3, item 1, heading, ‘Child Protection (Offender Reporting) Act 2004’—	5 6
	<i>omit, insert—</i>	7
	Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004	8 9
	(2) Schedule 3, item 1, ‘ <i>Child Protection (Offender Reporting) Act 2004</i> ’—	10 11
	<i>omit, insert—</i>	12
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	13 14
Clause 48	Amendment of sch 6 (Dictionary)	15
	Schedule 6, definition <i>reportable offender</i> , ‘ <i>Child Protection (Offender Reporting) Act 2004</i> ’—	16 17
	<i>omit, insert—</i>	18
	Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004	19 20
Part 4	Repeal	21
Clause 49	Repeal	22
	The Child Protection (Offender Prohibition Order) Act 2008, No. 17 is repealed.	23 24

[s 50]

Part 5 **Amendment of other Acts** 1

Clause 50	Acts amended	2
	Schedule 1 amends the Acts it mentions.	3

Schedule 1	Amendment of other Acts	1
	section 50	2
Adoption Act 2009		3
1	Section 121(3)(b)(i), ‘Child Protection (Offender Prohibition Order) Act 2008’—	4
	<i>omit, insert—</i>	5
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	6
		7
		8
2	Schedule 3, definition <i>disqualification order</i>, paragraph (b), ‘Child Protection (Offender Prohibition Order) Act 2008, section 25’—	9
	<i>omit, insert—</i>	10
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, section 13T</i>	11
		12
		13
		14
		15
3	Schedule 3, definition <i>offender prohibition order</i>, ‘Child Protection (Offender Prohibition Order) Act 2008’—	16
	<i>omit, insert—</i>	17
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	18
		19
		20

	Births, Deaths and Marriages Registration Act 2003	1
1	Section 42(1)(c), ‘Child Protection (Offender Reporting) Act 2004’—	2 3
	<i>omit, insert—</i>	4
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	5 6
	Child Protection Act 1999	7
1	Schedule 3, definition <i>criminal history</i>, paragraph (d), ‘Child Protection (Offender Prohibition Order) Act 2008’—	8 9
	<i>omit, insert—</i>	10
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	11 12
	Disability Services Act 2006	13
1	Section 47(1)(f), ‘Child Protection (Offender Reporting) Act 2004’—	14 15
	<i>omit, insert—</i>	16
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	17 18
2	Section 117(8)(d), ‘a CPOPOA’—	19
	<i>omit, insert—</i>	20
	an offender prohibition	21

3	Section 117(8)(d), ‘the CPOPOA’—	1
	<i>omit, insert—</i>	2
	the offender prohibition	3
4	Schedule 8, definition <i>CPOPOA disqualification order</i>—	4
	<i>omit.</i>	5
5	Schedule 8, definition <i>disqualification order</i>, paragraph (b), ‘a CPOPOA’—	6
	<i>omit, insert—</i>	7
	an offender prohibition	8
		9
6	Schedule 8, definition <i>final offender prohibition order</i>, ‘<i>Child Protection (Offender Prohibition Order) Act 2008</i>’—	10
	<i>omit, insert—</i>	11
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	12
		13
		14
7	Schedule 8—	15
	<i>insert—</i>	16
	<i>offender prohibition disqualification order</i>	17
	means a disqualification order made under the	18
	<i>Child Protection (Offender Reporting and</i>	19
	<i>Offender Prohibition Order) Act 2004</i> , section	20
	13T .	21
8	Schedule 8, definition <i>offender prohibition order</i>, ‘<i>Child Protection (Offender Prohibition Order) Act 2008</i>’—	22
	<i>omit, insert—</i>	23
	<i>Child Protection (Offender Reporting and</i>	24
	<i>Offender Prohibition Order) Act 2004</i>	25
		26

Schedule 1

9	Schedule 8, definition <i>offender reporting obligations</i>, '<i>Child Protection (Offender Reporting) Act 2004</i>'—	1 2
	<i>omit, insert—</i>	3
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	4 5
10	Schedule 8, definition <i>police information</i>, paragraph (c)(iii), 'CPOPOA'—	6 7
	<i>omit, insert—</i>	8
	offender prohibition	9
11	Schedule 8, definition <i>relevant disqualified person</i>, paragraph (b)(iii), 'CPOPOA'—	10 11
	<i>omit, insert—</i>	12
	offender prohibition	13
12	Schedule 8, definition <i>temporary offender prohibition order</i>, '<i>Child Protection (Offender Prohibition Order) Act 2008</i>'—	14 15 16
	<i>omit, insert—</i>	17
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	18 19
Education (Queensland College of Teachers) Act 2005		20
1	Section 15(6A)(c) and (6B), 'a CPOPOA'—	21
	<i>omit, insert—</i>	22
	an offender prohibition	23

2	Section 15(6B)(d), ‘the CPOPOA’—	1
	<i>omit, insert—</i>	2
	the offender prohibition	3
3	Section 69(3)(c) and (4), ‘a CPOPOA’—	4
	<i>omit, insert—</i>	5
	an offender prohibition	6
4	Section 69(4)(d), ‘the CPOPOA’—	7
	<i>omit, insert—</i>	8
	the offender prohibition	9
5	Section 75(1)(a)(iv) and (3)(c)(iii) and (d), ‘a CPOPOA’—	10
	<i>omit, insert—</i>	11
	an offender prohibition	12
6	Section 75(3)(d), ‘the CPOPOA’—	13
	<i>omit, insert—</i>	14
	the offender prohibition	15
7	Schedule 3, definition <i>CPOPOA disqualification order</i>—	16
	<i>omit.</i>	17
8	Schedule 3, definition <i>final offender prohibition order, ‘Child Protection (Offender Prohibition Order) Act 2008’—</i>	18
	<i>omit, insert—</i>	19
	<i>Child Protection (Offender Reporting and</i>	20
	<i>Offender Prohibition Order) Act 2004</i>	21
		22

Schedule 1

9	Schedule 3—	1
	<i>insert—</i>	2
	<i>offender prohibition disqualification order</i> means a disqualification order made under the <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i> , section 13T.	3 4 5 6
10	Schedule 3, definition <i>offender prohibition order</i>, ‘<i>Child Protection (Offender Prohibition Order) Act 2008</i>’—	7 8
	<i>omit, insert—</i>	9
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	10 11
11	Schedule 3, definition <i>offender reporting obligations</i>, ‘<i>Child Protection (Offender Reporting) Act 2004</i>’—	12 13
	<i>omit, insert—</i>	14
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	15 16
12	Schedule 3, definition <i>police information</i>, paragraph (b)(iii), ‘a CPOPOA’—	17 18
	<i>omit, insert—</i>	19
	an offender prohibition	20
13	Schedule 3, definition <i>relevant excluded person</i>, paragraph (c), ‘a CPOPOA’—	21 22
	<i>omit, insert—</i>	23
	an offender prohibition	24

14	Schedule 3, definition <i>temporary offender prohibition order</i>, ‘<i>Child Protection (Offender Prohibition Order) Act 2008</i>’—	1 2 3
	<i>omit, insert—</i>	4
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	5 6
Mental Health Act 2000		7
1	Section 205(1)(f), ‘<i>Child Protection (Offender Reporting) Act 2004</i>’—	8 9
	<i>omit, insert—</i>	10
	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	11 12
Right to Information Act 2009		13
1	Schedule 3, section 12(1), 6th and 7th dot points—	14
	<i>omit, insert—</i>	15
	• <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, sections 51C and 70</i>	16 17 18

Working with Children (Risk Management and Screening) Act 2000	1 2
1 Section 314(d), ‘a CPOPOA’—	3
<i>omit, insert—</i>	4
an offender reporting	5
2 Section 314(d), ‘the CPOPOA’—	6
<i>omit, insert—</i>	7
the offender reporting	8
3 Section 341(1)(b)—	9
<i>omit.</i>	10
4 Schedule 7, definition <i>CPOPOA disqualification order</i>—	11
<i>omit.</i>	12
5 Schedule 7, definition <i>disqualification order</i>, paragraph (b), ‘a CPOPOA’—	13 14
<i>omit, insert—</i>	15
an offender reporting	16
6 Schedule 7, definition <i>final offender prohibition order</i>, ‘Offender Prohibition Order Act’—	17 18
<i>omit, insert—</i>	19
Offender Reporting Act	20
7 Schedule 7—	21
<i>insert—</i>	22
<i>offender prohibition disqualification order</i>	23

	means a disqualification order made under the Offender Reporting Act, section 13T .	1 2
8	Schedule 7, definition <i>offender prohibition order</i>, 'Offender Prohibition Order'— <i>omit, insert—</i> Offender Reporting Act	3 4 5 6
9	Schedule 7, definition <i>Offender Prohibition Order Act</i>— <i>omit.</i>	7 8
10	Schedule 7, definition <i>Offender Reporting Act</i>, '<i>Child Protection (Offender Reporting) Act 2004</i>'— <i>omit, insert—</i> <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>	9 10 11 12 13
11	Schedule 7, definition <i>temporary offender prohibition order</i>, 'Offender Prohibition Order'— <i>omit, insert—</i> Offender Reporting Act	14 15 16 17