



# **Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022**





Queensland

# Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022

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**2022**

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## **A Bill**

for

***An Act to amend the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, the *Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015* and the *Police Powers and Responsibilities Act 2000* for particular purposes***

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[s 1]

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**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 Offender Prohibition Order) and Other Legislation Amendment Act 2022*. 4  
5  
6

**Part 2 Amendment of Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004** 7  
8  
9  
10

**Clause 2 Act amended** 11  
This part amends the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*. 12  
13

**Clause 3 Replacement of pt 3 (Offender reporting orders)** 14  
Part 3— 15  
*omit, insert—* 16

**Part 3 Offender reporting orders** 17  
18

**Division 1 Making offender reporting orders** 19  
20



<b>12A Offender reporting order defined</b>	1
An <i>offender reporting order</i> is an order made	2
against a person that the person comply with the	3
reporting obligations imposed on a reportable	4
offender under this Act.	5
<b>12B Making offender reporting order—conviction for offence other than prescribed offence</b>	6 7
(1) This section applies if a court—	8
(a) finds a person guilty of an offence other than	9
a prescribed offence; and	10
(b) records a conviction and imposes a sentence	11
for the offence.	12
<i>Note—</i>	13
For when no conviction is recorded, see the	14
<i>Penalties and Sentences Act 1992</i> , section 12 and	15
the <i>Youth Justice Act 1992</i> , section 183.	16
(2) The court may also make an offender reporting	17
order against the person if satisfied, on the	18
balance of probabilities, after considering the	19
matters mentioned in section 12D—	20
(a) the person poses a risk to the lives or the	21
sexual safety of 1 or more children, or of	22
children generally; or	23
(b) for a person convicted of a child abduction	24
offence—	25
(i) the context in which the offence was	26
committed was not familial; and	27
(ii) it is appropriate in the circumstances to	28
make the order.	29
<i>Example of circumstances in which it is</i>	30
<i>appropriate to make the order—</i>	31
The commission of the offence was not	32
merely incidental.	33

- (3) For subsection (2)(a), it is not necessary that the court be able to identify a risk to particular children, or a particular class of children.

**12C Making offender reporting order—forensic order**

- (1) This section applies if a court makes a forensic order in relation to a person.
- (2) The court may also make an offender reporting order against the person if satisfied, on the balance of probabilities, after considering the matters mentioned in section 12D—
- (a) the person poses a risk to the lives or the sexual safety of 1 or more children, or of children generally; or
- (b) if the forensic order was made in relation to a child abduction offence—
- (i) the context in which the offence was committed was not familial; and
- (ii) it is appropriate in the circumstances to make the order.
- (3) For subsection (2)—
- (a) a reference in section 12D to an offence is a reference to the offence in relation to which the forensic order is made; and
- (b) a reference in section 12D to the conduct the subject of the order is a reference to the conduct that constitutes that offence.
- (4) For subsection (2)(a), it is not necessary that the court be able to identify a risk to particular children, or a particular class of children.
- (5) An offender reporting order made under subsection (2) ends if the forensic order is revoked under the *Mental Health Act 2016*,

section 441. 1

**12D Matters court must consider before making  
offender reporting order** 2  
3

The matters a court must consider for section  
12B(2) or 12C(2) are— 4  
5

- (a) when the conduct the subject of the  
proposed offender reporting order  
happened; and 6  
7  
8
- (b) the nature and seriousness of the conduct;  
and 9  
10
- (c) for each offence to which the proposed  
order relates— 11  
12
  - (i) the age of the respondent, the age of  
the victim of the offence and the  
difference in their ages when the  
offence was committed; and 13  
14  
15  
16
  - (ii) the relationship, if any, between the  
respondent and the victim of the  
offence; and 17  
18  
19
- (d) the respondent's criminal history, including  
the seriousness of the criminal history; and 20  
21
- (e) the respondent's circumstances, including— 22
  - (i) the access the respondent has to  
children, including access through the  
respondent's employment; and 23  
24  
25
  - (ii) the respondent's needs in relation to  
accommodation, employment, health  
and mental health; and 26  
27  
28
- (f) anything else the court considers relevant. 29

<b>12E Court may act on own initiative or application</b>	1
(1) A court may make an offender reporting order—	2
(a) on its own initiative; or	3
(b) on the application of the prosecution.	4
(2) The prosecution may make an application under subsection (1)(b) at any time within 6 months after the day the court—	5 6 7
(a) imposes the sentence for the offence; or	8
(b) makes the forensic order.	9
<b>Division 2            Appeals</b>	10
<b>12F Appeal under Criminal Code</b>	11
(1) If a court makes an offender reporting order against a person under section 12B, the person may appeal against the making of the order under the Criminal Code, chapter 67.	12 13 14 15
(2) If a court refuses an application for an offender reporting order to be made against a person under section 12B, the Attorney-General may appeal against the refusal under the Criminal Code, chapter 67.	16 17 18 19 20
(3) For subsections (1) and (2), the Criminal Code, chapter 67 applies as if the order, or the refusal, were a sentence pronounced on conviction of the person for an indictable offence.	21 22 23 24
<b>12G Appeal under Mental Health Act 2016</b>	25
(1) If a court makes an offender reporting order against a person under section 12C, the person may appeal against the making of the order under the <i>Mental Health Act 2016</i> .	26 27 28 29

	(2) If a court refuses an application for the imposition of an offender reporting order against a person under section 12C, the Attorney-General may appeal against the refusal under the <i>Mental Health Act 2016</i> .	1 2 3 4 5
	(3) For subsections (1) and (2), the <i>Mental Health Act 2016</i> applies as if—	6 7
	(a) the order or refusal were a decision of the Mental Health Court; and	8 9
	(b) a reference in the <i>Mental Health Act 2016</i> to the Mental Health Court were a reference to the court that made the order or refused the application.	10 11 12 13
<b>Clause 4</b>	<b>Amendment of s 13D (Matters court must consider before making prohibition order)</b>	14 15
	(1) Section 13D(2), definitions <i>charge</i> and <i>criminal history</i> — <i>relocate</i> to schedule 5.	16 17
	(2) Section 13D(2), as amended by this section— <i>omit</i> .	18 19
<b>Clause 5</b>	<b>Amendment of s 13R (Explaining and giving notice of offender prohibition order to respondent)</b>	20 21
	Section 13R(4), from ‘a notice’— <i>omit, insert</i> — an initial reporting obligations notice.	22 23 24
<b>Clause 6</b>	<b>Amendment of s 13S (Giving respondent copy of offender prohibition order dealt with in respondent’s absence)</b>	25 26
	Section 13S(4)(b), ‘a section 54 notice’— <i>omit, insert</i> —	27 28

	an initial reporting obligations notice	1
<b>Clause 7</b>	<b>Amendment of s 13ZA (Action by registrar and police commissioner after registration of corresponding order)</b>	2
	Section 13ZA(3)(b), ‘a section 54 notice’—	3
	<i>omit, insert—</i>	4
	an initial reporting obligations notice	5
<b>Clause 8</b>	<b>Amendment of s 14 (When reportable offender must make initial report)</b>	6
	Section 14(2) and (4), ‘a notice under section 54(5)’—	7
	<i>omit, insert—</i>	8
	an initial reporting obligations notice	9
<b>Clause 9</b>	<b>Amendment of s 15 (Provision of personal details by corrective services)</b>	10
	(1) Section 15, heading, ‘Provision’—	11
	<i>omit, insert—</i>	12
	<b>Request for and provision</b>	13
	(2) Section 15—	14
	<i>insert—</i>	15
	(1A) The chief executive (corrective services) may ask the offender to give the chief executive (corrective services) details of—	16
	(a) the address of the premises where the offender intends to reside when the offender is released; or	17
	(b) if the offender does not intend to reside at particular premises when the offender is released—each locality where the offender intends to generally be found.	18
		19
		20
		21
		22
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		24
		25
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		28

	(1B) The request may be made—	1
	(a) orally or in writing; and	2
	(b) on or before the offender’s release from government detention.	3 4
	(1C) The offender may, but is not required to, comply with the request.	5 6
	(3) Section 15(2)—	7
	<i>insert—</i>	8
	(d) if the offender complied with a request under subsection (2)—the address or locality given to the chief executive (corrective services) in response to the request.	9 10 11 12 13
	(4) Section 15(4), ‘Subsection (3)’—	14
	<i>omit, insert—</i>	15
	Subsection (6)	16
	(5) Section 15(1A) to (4)—	17
	<i>renumber</i> as section 15(2) to (7).	18
<b>Clause 10</b>	<b>Amendment of s 19 (When periodic reports must be made)</b>	19 20
	(1) Section 19(3), ‘written notice’—	21
	<i>omit, insert—</i>	22
	reporting obligations notice	23
	(2) Section 19(4) and (5)—	24
	<i>omit.</i>	25
<b>Clause 11</b>	<b>Insertion of new s 19B</b>	26
	After section 19A—	27
	<i>insert—</i>	28

<b>19B Requirement to report each change in premises or locality at which offender stays or can be found</b>	1
	2
	3
(1) The police commissioner may require a reportable offender to report the changes in the offender's personal details mentioned in subsection (3) if the commissioner is reasonably satisfied that doing so is necessary to protect the lives or sexual safety of children.	4
	5
	6
	7
	8
	9
(2) The police commissioner imposes the requirement under subsection (1) on the offender by giving the offender a reporting obligations notice under section 54A(3) stating that the offender is required to report the changes.	10
	11
	12
	13
	14
(3) The reportable offender must report each change in the premises where the offender stays, or locality where the offender can generally be found—	15
	16
	17
	18
(a) during each period of 3 or more consecutive days in which—	19
	20
(i) the offender does not stay at the premises where the offender generally resides; or	21
	22
	23
(ii) the offender does not generally reside at any premises; and	24
	25
(b) within 24 hours after the change happens.	26

<b>Clause 12</b>	<b>Amendment of s 21 (Change of travel plans while out of Queensland to be given)</b>	27
		28
	Section 21(3), from 'the report'—	29
	<i>omit, insert—</i>	30
	the report in a way allowed under a regulation.	31



<b>Clause 13</b>	<b>Amendment of s 24 (Information about international travel to be given to the AFP)</b>	1 2
	(1) Section 24, heading, ‘the AFP’—	3
	<i>omit, insert</i> —	4
	<b>Commonwealth agencies</b>	5
	(2) Section 24, from ‘given to’—	6
	<i>omit, insert</i> —	7
	given to—	8
	(a) the Australian Border Force Commissioner; and	9 10
	(b) the secretary of the home affairs department; and	11 12
	(c) the commissioner of the Australian Federal Police.	13 14
 <b>Clause 14</b>	 <b>Amendment of pt 4, div 3, hdg (Provisions applying to all reporting obligations)</b>	 15 16
	Part 4, division 3, heading, ‘Provisions applying to all’—	17
	<i>omit, insert</i> —	18
	<b>Other provisions applying to</b>	19
 <b>Clause 15</b>	 <b>Replacement of ss 25 and 26</b>	 20
	Sections 25 and 26—	21
	<i>omit, insert</i> —	22
	<b>25 Initial report must be made in person</b>	23
	(1) A reportable offender must make the offender’s initial report—	24 25
	(a) in person; and	26

- (b) at the police station or other place stated for making the report in a reporting obligations notice given to the offender. 1  
2  
3
- (2) A police officer, or another person approved by the police commissioner, may receive a reportable offender's initial report. 4  
5  
6
- 26 How other reports must be made** 7
- (1) A reportable offender must make a report the offender is required to make under this part, other than the offender's initial report— 8  
9  
10
- (a) if a reporting obligations notice given to the offender states a way in which the report must be made—in the stated way; or 11  
12  
13
- (b) otherwise— 14
- (i) in a way in which the report may be made stated in a reporting obligations notice given to the offender; or 15  
16  
17
- (ii) in a way allowed under a regulation. 18
- (2) If, under subsection (1)(a), a reportable offender is required to make a report in person, the offender must make the report at the place stated in a reporting obligations notice given to the offender as the place where the report must be made. 19  
20  
21  
22  
23  
24
- Note—* 25
- The place stated in the reporting obligations notice may be a police station. 26  
27
- (3) A police officer, or another person approved by the police commissioner, may receive a report made by a reportable offender. 28  
29  
30

**26A Reportable offender with disability may be assisted to make report**

- (1) This section applies if—
- (a) a reportable offender is a person with disability; and
  - (b) because of the offender’s disability, it is impracticable for the offender to make a report the offender is required to make under this part.
- (2) A parent, guardian or carer of the reportable offender, or another person nominated by the offender, may—
- (a) if the offender is required to make the report in person—accompany the offender to the place where the offender is required to make the report; and
  - (b) make the report on the offender’s behalf.

**Clause 16 Amendment of s 28 (Receipt of information to be acknowledged)**

Section 28(2)(c)(ii) to (iv)—  
*renumber* as section 28(2)(c)(i) to (iii).

**Clause 17 Amendment of s 30 (Power to take fingerprints)**

- (1) Section 30(1)—  
*omit, insert—*
- (1) This section applies if a reportable offender makes a report under this part in person to a police officer.
- (2) Section 30(2), after ‘The’—  
*insert—*  
 police

<b>Clause 18</b>	<b>Amendment of s 33 (Reporting by remote offenders)</b>	1
	Section 33(1), from ‘from the’—	2
	<i>omit, insert—</i>	3
	from—	4
	(a) the nearest police station; or	5
	(b) the place stated in a reporting obligations notice given to the offender as the place where the offender is required to make a report under this part.	6 7 8 9
<b>Clause 19</b>	<b>Amendment of s 50 (Failure to comply with reporting obligations)</b>	10 11
	Section 50—	12
	<i>insert—</i>	13
	(5) If a reportable offender is convicted of an offence against subsection (1), the police commissioner may, by giving the offender a reporting obligations notice under section 54A(3), require the offender to report the unreported information to the commissioner.	14 15 16 17 18 19
	(6) The <i>unreported information</i> is the personal details, change in personal details or other information the reportable offender was required to report under a reporting obligation the offender is convicted of failing to comply with.	20 21 22 23 24
	(7) A reporting obligations notice mentioned in subsection (5) must state—	25 26
	(a) the personal details, change in personal details or other information the offender is required to report; and	27 28 29
	(b) the ways in which the offender is required to, or may, make the report; and	30 31
	(c) that the offender must make the report—	32

	(i) if the offender is sentenced to, and serves, a term of imprisonment for the offence—within 7 days after the offender is released from government detention for the offence; or	1 2 3 4 5
	(ii) otherwise—within 7 days after being given the notice.	6 7
	(8) Section 26 applies for making the report under subsection (5) as if the report were a periodic report.	8 9 10
	(9) For subsection (1), a reportable offender’s reporting obligations include complying with the requirement imposed on the offender under subsection (5).	11 12 13 14
<b>Clause 20</b>	<b>Relocation and renumbering of s 51 (False or misleading information)</b>	15 16
	Section 51—	17
	<i>relocate</i> to part 4AA, division 1, as inserted by this Act, and <i>renumber</i> as section 67FD.	18 19
<b>Clause 21</b>	<b>Relocation and renumbering of s 51A (Failing to comply with offender prohibition order)</b>	20 21
	Section 51A—	22
	<i>relocate</i> to part 4AA, division 1, as inserted by this Act, and <i>renumber</i> as section 67FA.	23 24
<b>Clause 22</b>	<b>Amendment, relocation and renumbering of s 51B (Access information for digital devices)</b>	25 26
	(1) Section 51B(10), definition <i>digital device</i> , paragraph (a), after ‘electronically’—	27 28
	<i>insert</i> —	29
	by a person using the device	30

(2)	Section 51B(10), definition <i>digital device</i> —	1
	<i>insert</i> —	2
	(c) does not include a device if the only information stored on or accessed from the device is stored or accessed automatically when the device is used or operated in the usual way.	3 4 5 6 7
	<i>Examples for paragraph (c)</i> —	8
	digital scales, a fridge with smart technology	9
(3)	Section 51B(10), definition <i>digital device</i> —	10
	<i>relocate</i> to schedule 5.	11
(4)	Section 51B—	12
	<i>relocate</i> to part 4AA, division 1, as inserted by this Act, and <i>renumber</i> as section 67FC.	13 14

<b>Clause 23</b>	<b>Relocation and renumbering of s 51C (Prohibition on disclosing protected information)</b>	15 16
	Section 51C—	17
	<i>relocate</i> to part 4AA, division 1, as inserted by this Act, and <i>renumber</i> as section 67FE.	18 19

<b>Clause 24</b>	<b>Relocation and renumbering of s 52 (No time limit for prosecutions)</b>	20 21
	Section 52—	22
	<i>relocate</i> to part 4AA, division 2, as inserted by this Act, and <i>renumber</i> as section 67FF.	23 24

<b>Clause 25</b>	<b>Amendment, relocation and renumbering of s 52A (Proceedings for an indictable offence)</b>	25 26
	(1) Section 52A(1), from ‘offence’ to ‘or 51C(3)’—	27
	<i>omit, insert</i> —	28

	indictable offence under this Act	1
(2)	Section 52A—	2
	<i>relocate</i> to part 4AA, division 2, as inserted by this Act, and	3
	<i>renumber</i> as section 67FG.	4
<b>Clause 26</b>	<b>Amendment, relocation and renumbering of s 52B          (Limitation on who may summarily hear a proceeding for          an indictable offence and the level of penalty)</b>	5 6 7
(1)	Section 52B, heading—	8
	<i>omit, insert—</i>	9
	<b>52B Constitution of court and maximum penalty for          indictable offences dealt with summarily</b>	10 11
(2)	Section 52B(1)—	12
	<i>omit, insert—</i>	13
	(1) A Magistrates Court that summarily deals with a charge of an indictable offence must be constituted by a magistrate.	14 15 16
(3)	Section 52B—	17
	<i>relocate</i> to part 4AA, division 2, as inserted by this Act, and	18
	<i>renumber</i> as section 67FH.	19
<b>Clause 27</b>	<b>Amendment of s 54 (Notice to be given to reportable          offender)</b>	20 21
(1)	Section 54, heading, ‘Notice’—	22
	<i>omit, insert—</i>	23
	<b>Initial notice</b>	24
(2)	Section 54(4)(b), ‘notice under subsection (5)’—	25
	<i>omit, insert—</i>	26
	reporting obligations notice	27
(3)	Section 54(5)—	28

*omit.* 1

(4) Section 54(6) and (7)— 2

*renumber* as section 54(5) and (6). 3

**Clause 28 Insertion of new s 54A** 4

After section 54— 5

*insert*— 6

**54A Reporting obligations notice** 7

(1) As soon as practicable after an event mentioned in section 54(2) happens in relation to a reportable offender, the police commissioner must give the offender a written notice (a *reporting obligations notice* and also an *initial reporting obligations notice*) about— 8  
9  
10  
11  
12  
13

(a) the offender's reporting obligations; and 14

(b) the consequences that may arise if the offender fails to comply with the obligations. 15  
16  
17

(2) An initial reporting obligations notice must state— 18  
19

(a) the police station or other place where the offender is required to make the offender's initial report; and 20  
21  
22

(b) the ways in which the offender is required to, or may, make a periodic report; and 23  
24

(c) if the notice states that the offender must make a periodic report in person—the police station or other place where the offender is required to make the report. 25  
26  
27  
28

(3) The police commissioner may give a reportable offender a further notice about the offender's reporting obligations (also a *reporting obligations notice*) at any other time. 29  
30  
31  
32



- (4) A reporting obligations notice under subsection (3) may state the following matters—
- (a) the ways in which the offender is required to, or may, make—
    - (i) a periodic report; or
    - (ii) another report the offender is required to make under this part;
  - (b) if the notice states that the offender must make a report in person—the police station or other place where the offender is required to make the report;
  - (c) if the police commissioner decides to change the frequency of the offender’s periodic reports under section 19—when the offender is required to make periodic reports;
  - (d) if the police commissioner decides to require the offender to report changes in the offender’s personal details under section 19B—that the offender is required to report the changes in the offender’s personal details mentioned in section 19B(3);
  - (e) if the commissioner decides to require a reportable offender convicted of an offence against section 50(1) to report the unreported information under section 50(5)—the information stated in section 50(7).
- (5) A reporting obligations notice applies to a reportable offender until—
- (a) the offender’s reporting period ends; or
  - (b) the police commissioner gives the offender another reporting obligations notice under this section.

	(6) A police officer is authorised to give a reporting obligations notice to a reportable offender on behalf of the police commissioner.	1 2 3	
<b>Clause 29</b>	<b>Insertion of new pt 4AA</b>	4	
	After part 4—	5	
	<i>insert—</i>	6	
	<b>Part 4AA</b>	7	
	<b>Offences and proceedings for offences</b>	8 9	
	<b>Division 1</b>	<b>Offences</b>	10
	<b>Division 2</b>	<b>Proceedings for offences</b>	11
<b>Clause 30</b>	<b>Amendment of s 67H (Application for internal review)</b>	12	
	(1) Section 67H—	13	
	<i>insert—</i>	14	
	(1A) However, if the application is for an internal review of a decision to place on the register information that a person is a reportable offender who has been convicted of a device inspection offence, the application may only be made on the grounds that—	15 16 17 18 19 20	
	(a) the device inspection offence the reportable offender has been convicted of is a relevant offence; and	21 22 23	
	(b) a decision that the person committed the offence using an electronic communication network or digital device has been made in error.	24 25 26 27	

- (2) Section 67H— 1  
*insert*— 2  
(4) In this section— 3  
*relevant offence* means an offence mentioned in 4  
the *Police Powers and Responsibilities Act 2000*, 5  
section 21B(5), definition *device inspection* 6  
*offence*— 7  
(a) paragraph (b) or (d); or 8  
(b) paragraph (f) that, if the offence had been 9  
committed in Queensland, would have 10  
constituted an offence mentioned in 11  
paragraph (b) or (d) of that definition. 12  
(3) Section 67H(1A) to (4)— 13  
*renumber* as section 67H(2) to (5). 14

**Clause 31 Amendment of s 68 (Child protection register)** 15

- (1) Section 68(2)— 16  
*insert*— 17  
(ea) whether the reportable offender is an 18  
offender who has been convicted of a device 19  
inspection offence; 20  
*Note*— 21  
See the *Police Powers and Responsibilities Act* 22  
*2000*, section 21B for the power of a police officer 23  
to require a reportable offender who has been 24  
convicted of a device inspection offence to 25  
produce or otherwise make available for 26  
inspection each digital device in the reportable 27  
offender's possession. 28  
(2) Section 68(2)(ea) to (g)— 29  
*renumber* as section 68(2)(f) to (h). 30  
(3) Section 68— 31  
*insert*— 32

	(4) If information that a reportable offender is an offender who has been convicted of a device inspection offence is placed on the register, the police commissioner must give the offender a written notice that states that fact as soon as practicable after the information is placed on the register.	1 2 3 4 5 6 7
<b>Clause 32</b>	<b>Amendment of s 71 (Release of information to corresponding registrar)</b>	8 9
	(1) Section 71, heading, after ‘corresponding registrar’— <i>insert—</i>	10 11
	<b>and Commonwealth agencies</b>	12
	(2) Section 71, from ‘to a corresponding’— <i>omit, insert—</i>	13 14
	to—	15
	(a) a corresponding registrar for the purpose of a corresponding Act; or	16 17
	(b) for the purpose of investigating or preventing a breach of this Act, an order under this Act or the commission of a prescribed offence—	18 19 20 21
	(i) the Australian Border Force Commissioner; or	22 23
	(ii) the secretary of the home affairs department; or	24 25
	(iii) the commissioner of the Australian Federal Police.	26 27
<b>Clause 33</b>	<b>Amendment of s 73 (Reportable offender’s rights in relation to register)</b>	28 29
	(1) Section 73—	30

<i>insert—</i>	1
(2A) However, despite subsections (1) and (2), the police commissioner must not give the offender a copy of reportable information, or other information, held in the register that may identify a child with whom the offender has had reportable contact, other than—	2 3 4 5 6 7
(a) the first initial of the child’s first and last names; and	8 9
(b) the date of the reportable contact.	10
<i>Note—</i>	11
See schedule 2, item 6 for the reportable information held in the register about a child with whom the offender has had reportable contact.	12 13 14
(2) Section 73(4), ‘the request’—	15
<i>omit, insert—</i>	16
a request under subsection (4)	17
(3) Section 73(4A), ‘(3)’—	18
<i>omit, insert—</i>	19
(4)	20
(4) Section 73(2A) to (5)—	21
<i>renumber</i> as section 73(3) to (7).	22

**Clause 34 Amendment of s 74 (Review about entry on register)** 23

(1) Section 74(1) to (3)—	24
<i>omit, insert—</i>	25
(1) A person may apply to the police commissioner to review—	26 27
(a) if the person believes that the person has been placed on the register in error, including, for example, because the police	28 29 30

	commissioner’s belief mentioned in section	1
	9(a)(ii) is not a reasonable belief—the	2
	decision to place the person on the register;	3
	or	4
	(b) if the person believes an error has been	5
	made in working out the length of the	6
	person’s reporting period—the decision	7
	about the length of the period.	8
	(2) The application must be made—	9
	(a) in writing; and	10
	(b) within 28 days after the person is given an	11
	initial reporting obligations notice.	12
(2)	Section 74(7)—	13
	<i>omit, insert—</i>	14
	(7) If the police commissioner otherwise changes a	15
	decision, the police commissioner must ensure	16
	the register is corrected to reflect the change.	17
	<i>Note—</i>	18
	See also sections 67G and 67H and schedule 4 in	19
	relation to review of a decision to place on the register	20
	information that a person is a reportable offender who	21
	has been convicted of a device inspection offence.	22
(3)	Section 74(3A)—	23
	<i>renumber</i> as section 74(3).	24
<b>Clause 35</b>	<b>Amendment of s 74E (Police Commissioner may give</b>	25
	<b>information to government and other entities)</b>	26
(1)	Section 74E(2), ‘written’—	27
	<i>omit.</i>	28
(2)	Section 74E—	29
	<i>insert—</i>	30
	(3) Information or notice under subsection (1) or (2)	31

	may be given orally or in writing.	1
<b>Clause 36</b>	<b>Amendment of s 74F (Disclosing information about offender prohibition orders)</b>	2
	(1) Section 74F(4), ‘written’—	3
	<i>omit.</i>	4
	(2) Section 74F—	5
	<i>insert—</i>	6
	(4A) Information or notice under subsection (2) or (4) may be given orally or in writing.	7
	(3) Section 74F(5), ‘section 51C’—	8
	<i>omit, insert—</i>	9
	section 67FE	10
	(4) Section 74F(4A) to (6)—	11
	<i>renumber</i> as section 74F(5) to (7).	12
<b>Clause 37</b>	<b>Amendment of s 77 (Evidentiary provisions)</b>	13
	(1) Section 77(1)(a), after ‘information’—	14
	<i>insert—</i>	15
	, including information that a stated person was a reportable offender	16
	(2) Section 77(3)—	17
	<i>insert—</i>	18
	(e) a stated person was given a stated reporting obligations notice by a stated police officer on a stated date.	19
	(3) Section 77(4)—	20
	<i>omit, insert—</i>	21
	(4) In a proceeding under this Act—	22
		23
		24
		25
		26
		27

	(a) an affidavit by a stated process server stating the date, time and way the process server served a stated offender prohibition order on a stated person is evidence of the stated matters; and	1 2 3 4 5
	(b) an affidavit by a stated police officer stating the date, time and way the police officer served a stated reporting obligations notice on a stated person is evidence of the stated matters.	6 7 8 9 10
<b>Clause 38</b>	<b>Amendment, relocation and renumbering of s 77E (Reasonable excuse defence)</b>	11 12
	(1) Section 77E, heading, after ‘defence’— <i>insert—</i> <b>for contravening offender prohibition order</b>	13 14 15
	(2) Section 77E, ‘section 51A(1) or (4)’— <i>omit, insert—</i> section 67FA(1) or (4)	16 17 18
	(3) Section 77E— <i>relocate</i> to part 4AA, division 1, as inserted by this Act, and <i>renumber</i> as section 67FB.	19 20 21
<b>Clause 39</b>	<b>Insertion of new pt 7, div 7</b>	22
	Part 7— <i>insert—</i> <b>Division 7 Transitional provisions for Child Protection (Offender Reporting and Offender Prohibition Order) and</b>	23 24 25 26 27 28



<b>Other Legislation</b>	1
<b>Amendment Act 2022</b>	2
<b>95 Definitions for division</b>	3
In this division—	4
<i>amending Act</i> means the <i>Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Act 2022</i> .	5 6 7 8
<i>former</i> , for a provision of this Act, means the provision in force from time to time before the commencement.	9 10 11
<i>new</i> , for a provision of this Act, means the provision in force from the commencement.	12 13
<b>96 Existing offender reporting orders</b>	14
An offender reporting order made under former section 13 is taken to be an offender reporting order made under—	15 16 17
(a) for an order made against a person convicted of an offence that is not a prescribed offence—new section 12B; or	18 19 20
(b) for an order made against a person the subject of a forensic order—new section 12C.	21 22 23
<b>97 Existing applications for offender reporting order</b>	24 25
(1) An application for an offender reporting order mentioned in former section 13(5)(b) is taken to be an application for an offender reporting order mentioned in new section 12E.	26 27 28 29

(2)	This Act as in force from the commencement applies for hearing and deciding the application.	1 2
<b>98</b>	<b>Existing appeals against making of, or refusal to make, offender reporting order</b>	3 4
(1)	This section applies to an appeal under former section 13(6) or (7) started, but not decided, before the commencement.	5 6 7
(2)	The court to which the appeal was made may continue to hear and decide the appeal as if the amending Act had not been enacted.	8 9 10
<b>99</b>	<b>Existing rights of appeal against making of, or refusal to make, offender reporting order</b>	11 12
(1)	This section applies if, immediately before the commencement—	13 14
(a)	a person could have, but had not, started an appeal under former section 13(6) or (7); and	15 16 17
(b)	the period within which the person could start the appeal had not ended.	18 19
(2)	The person may, within the period mentioned in subsection (1)(b), start the appeal and the court to which the appeal is made may hear and decide the appeal as if the amending Act had not been enacted.	20 21 22 23 24
<b>100</b>	<b>Existing notices about reporting obligations given by police commissioner</b>	25 26
(1)	This section applies if, immediately before the commencement, a reportable offender's reporting period had not ended.	27 28 29
(2)	A notice given to the reportable offender by the police commissioner under former section 54(5)	30 31

before the commencement is taken to be a reporting obligations notice given to the offender under new section 54A.

- (3) If the notice is the first notice the police commissioner gave the reportable offender after an event mentioned in former section 54(2) happened, the notice is taken to be the initial reporting obligations notice given to the offender under new section 54A(1).

### **101 Reporting offenders convicted of device inspection offences**

- (1) This section applies in relation to a person who, on the commencement, is a reportable offender who has been convicted of a device inspection offence.
- (2) The police commissioner must ensure new section 68(2)(f) and (4) are complied with in relation to the reportable offender within 3 months after the commencement.

*Note—*

See new section 74(2) and (3) for the reportable offender's right to apply for a review of the decision to place on the register information that the person is a reportable offender who has been convicted of a device inspection offence.

### **102 Existing reviews about entry on register**

- (1) This section applies to a review under former section 74 started, but not decided, before the commencement.
- (2) The police commissioner may continue to consider, and decide, the review under former section 74 as if the amending Act had not been enacted.

<b>103 Existing rights of review about entry on register</b>	1
	2
(1) This section applies if, immediately before the commencement—	3
	4
(a) a person could have, but had not, applied to the police commissioner for a review under former section 74; and	5
	6
	7
(b) the period within which the person could apply for the review had not ended.	8
	9
(2) The person may, within the period mentioned in subsection (1)(b), apply for the review and the police commissioner may consider and decide the review, under former section 74, as if the amending Act had not been enacted.	10
	11
	12
	13
	14

<b>Clause 40 Amendment of sch 2 (Personal details for reportable offenders)</b>	15
	16
(1) Schedule 2, item 9—	17
<i>omit, insert—</i>	18
9 The make, model, colour and registration number of the following vehicles, and the media access control (MAC) address of a radio or other electronic communication device that is part of, or installed in, the vehicle—	19
	20
	21
	22
	23
	24
(a) any vehicle that the reportable offender—	25
	26
(i) owns; or	27
(ii) has driven on at least 7 days within a 1-year period, whether or not the days are consecutive;	28
	29
	30
(b) any caravan or trailer—	31

- (i) that the reportable offender generally resides in; or
  - (ii) that was attached to a vehicle driven by the reportable offender, if the offender has driven the vehicle on at least 7 days within a 1-year period, whether or not the days are consecutive.
- (2) Schedule 2, item 15—  
*omit, insert—*
  - 15 Details of either of the following used, or intended to be used, by the reportable offender, including passwords—
    - (a) an email address;
    - (b) for each account used, or intended to be used, by the offender to communicate through the internet or another electronic communication service—the unique name, number or other identifier used by an internet-based application or the electronic communication service to identify the user’s account with the application or service.  
*Examples of accounts used to communicate through the internet or another electronic communication service—*
      - an instant messaging service, a chat room, a social networking site
- (3) Schedule 2—  
*insert—*
  - 15A Details of each digital device in the reportable offender’s possession, or that the offender has access to, including—

- (a) the media access control (MAC) address of the device; and 1  
2
  - (b) details of each software application stored on the device, or that can be accessed using the device, that is designed or used to hide— 3  
4  
5  
6
    - (i) the identity or location of a person who administers, accesses or uses a network, computer, the device or another digital device; or 7  
8  
9  
10
    - (ii) information stored on a network, computer, the device or another digital device, including, for example, photographs, username and password combinations, and other software applications; or 11  
12  
13  
14  
15  
16
    - (iii) communication, including the exchange of information, between 2 or more persons using a network, computer, the device or another digital device; or 17  
18  
19  
20  
21
    - (iv) the location of a network, computer, the device or another digital device. 22  
23  
24
- Examples of software applications for paragraph (b)—* 25  
26
- a password manager, a hidden digital vault, a virtual environment, software that encrypts, or encrypts and hides, information 27  
28  
29

<b>Clause 41</b>	<b>Amendment of sch 4 (Decisions subject to review)</b>	30
	Schedule 4—	31
	<i>insert—</i>	32

- section 19B(1) decision of police commissioner to require reportable offender to report each change in the premises where the offender stays, or locality where the offender can generally be found
- section 68(2)(f) decision of police commissioner to place on the register information that a person is a reportable offender who has been convicted of a device inspection offence

<b>Clause 42</b>	<b>Amendment of sch 5 (Dictionary)</b>	1
(1)	Schedule 5, definitions <i>offender reporting order</i> and <i>section 54 notice</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 5—	5
	<i>insert</i> —	6
	<b><i>Australian Border Force Commissioner</i></b> means	7
	the Australian Border Force Commissioner under	8
	the <i>Australian Border Force Act 2015</i> (Cwlth).	9
	<b><i>caravan or trailer</i></b> means a vehicle without a	10
	motor—	11
	(a) designed to be attached to, or towed by,	12
	another vehicle that is designed to be	13
	propelled by a motor; and	14
	(b) whether or not the vehicle is attached to the	15
	other vehicle mentioned in paragraph (a).	16
	<b><i>child abduction offence</i></b> means—	17
	(a) an offence against the Criminal Code,	18
	section 354 involving the kidnap of a child;	19
	or	20
	(b) an offence against the Criminal Code,	21
	section 363 or 363A.	22

<i>device inspection offence</i> see the <i>Police Powers and Responsibilities Act 2000</i> , section 21B(5).	1 2
<i>hide</i> , information or a thing, includes—	3
(a) delete or encrypt the information, or information about the information; and	4 5
(b) delete or encrypt information about the thing.	6 7
<i>home affairs department</i> means the department of the Commonwealth responsible for administering the <i>Migration Act 1958</i> (Cwlth).	8 9 10
<i>initial reporting obligations notice</i> see section 54A(1).	11 12
<i>media access control (MAC) address</i> , for a communication device or digital device connected to a network, means the number that uniquely identifies the device for the network—	13 14 15 16
(a) that is usually a 12 digit hexadecimal number; and	17 18
(b) that is usually assigned to the device by its manufacturer when the device is made, but can also be defined by the user; and	19 20 21
(c) that may, for a particular device, be referred to by another name, including, for example, the device’s hardware ID, physical address, wireless ID or wi-fi address.	22 23 24 25
<i>network</i> —	26
(a) means a network of computers or other devices, whether or not part of the internet; and	27 28 29
(b) includes part of a network of computers or other devices.	30 31
<i>offender reporting order</i> —	32
(a) see section 12A; and	33



- (b) includes a corresponding reporting order. 1
- reporting obligations notice* see section 54A(1) 2  
and (3). 3
- social networking site* includes an internet-based 4  
application designed to be used, and used, by 5  
users of the application— 6
- (a) for social networking or to make social 7  
connections with other users of the 8  
application; and 9
- (b) to share user-generated content with other 10  
users of the application. 11
- vehicle* includes— 12
- (a) a vehicle designed to be propelled by a 13  
motor that forms part of the vehicle, even if 14  
the vehicle is not capable of being used, 15  
including, for example, because the vehicle 16  
is mechanically defective or part of the 17  
vehicle has been removed or is missing; and 18
- (b) a caravan or trailer. 19

**Part 3** **Amendment of Child Protection** 20  
**(Offender Reporting and** 21  
**Offender Prohibition Order)** 22  
**Regulation 2015** 23

**Clause 43** **Regulation amended** 24  
This part amends the *Child Protection (Offender Reporting* 25  
*and Offender Prohibition Order) Regulation 2015.* 26

**Clause 44** **Replacement of ss 3–5** 27  
Sections 3 to 5— 28

<i>omit, insert—</i>	1
<b>3 Corresponding reportable offender defined—Act, s 7</b>	2 3
For section 7(c) of the Act, a person is a corresponding offender if, because of being sentenced by a court for an offence committed in respect of a child or a person the offender believed was a child, the person is—	4 5 6 7 8
(a) a registrable offender under the <i>Crimes (Child Sex Offenders) Act 2005</i> (ACT); or	9 10
(b) a registrable person under the <i>Child Protection (Offenders Registration) Act 2000</i> (NSW); or	11 12 13
(c) a reportable offender under the <i>Child Protection (Offender Reporting and Registration) Act 2004</i> (NT); or	14 15 16
(d) a registrable offender under the <i>Child Sex Offenders Registration Act 2006</i> (SA); or	17 18
(e) a reportable offender under the <i>Community Protection (Offender Reporting) Act 2005</i> (Tas); or	19 20 21
(f) a registrable offender under the <i>Sex Offenders Registration Act 2004</i> (Vic); or	22 23
(g) a reportable offender under the <i>Community Protection (Offender Reporting) Act 2004</i> (WA); or	24 25 26
(h) required to report to a corresponding registrar in a jurisdiction outside Australia.	27 28
<b>4 How nominated person may be contacted for report required under corresponding Act—Act, s 16</b>	29 30 31
(1) For section 16(2)(b) of the Act, the following ways are prescribed—	32 33

(a)	in person;	1
(b)	by mail addressed as follows—	2
	The Registrar	3
	Child Protection Offender Registry	4
	GPO Box 1440	5
	Brisbane Qld 4000	6
(c)	by email to an email address approved under subsection (2);	7 8
(d)	in another way for making contact stated on the Queensland Police Service website.	9 10
(2)	The police commissioner may approve an email address for making contact.	11 12
(3)	Contact made by mail to the address mentioned in subsection (1)(b) is taken to have been made on the date stated on the postmark on the mailed contact.	13 14 15 16
<b>5</b>	<b>How reports must be made—Act, ss 21 and 26</b>	17
(1)	For sections 21(3) and 26(1)(b)(ii) of the Act, the following ways for making a report are allowed—	18 19
(a)	by telephone to a telephone number approved under subsection (2);	20 21
(b)	by mail addressed as follows—	22
	The Registrar	23
	Child Protection Offender Registry	24
	GPO Box 1440	25
	Brisbane Qld 4000	26
(c)	by email to an email address approved under subsection (2);	27 28

	(d) by using an electronic system approved under subsection (2);	1 2
	<i>Examples of an electronic system—</i>	3
	an automated kiosk or an online system accessed through a secure website administered by the Queensland Police Service	4 5 6
	(e) in another way for making the report stated on the Queensland Police Service website.	7 8
	(2) The police commissioner may approve a telephone number, email address or electronic system for making a report.	9 10 11
	(3) A telephone number, email address or electronic system approved under subsection (2) must be stated on a reporting obligations notice given to a reportable offender under section 54A of the Act.	12 13 14 15
	(4) A report made by mail to the address mentioned in subsection (1)(b) is taken to have been made on the date stated on the postmark on the mailed report.	16 17 18 19
<b>Clause 45</b>	<b>Omission of ss 6–8</b>	20
	Sections 6 to 8—	21
	<i>omit.</i>	22
<b>Clause 46</b>	<b>Amendment of s 13 (Who must give notice to reportable offender—Act, s 54(3))</b>	23 24
	(1) Section 13, heading, ‘(3)’—	25
	<i>omit.</i>	26
	(2) Section 13(1)—	27
	<i>insert—</i>	28
	(ca) for a reportable offender who is in detention under the <i>Migration Act 1958</i> (Cwlth)—the secretary of the home affairs department;	29 30 31

- 
- (3) Section 13(1)(ca) and (d)— 1  
*renumber* as section 13(1)(d) and (e). 2

- Clause 47 Amendment of s 16 (Definition of *corresponding Act*)** 3  
Section 16— 4  
*insert*— 5  
(h) a law of a jurisdiction outside Australia 6  
under which persons are required to report 7  
to a corresponding registrar because of 8  
being sentenced by a court for an offence 9  
against a law of that jurisdiction committed 10  
in respect of a child or a person the offender 11  
believed was a child. 12

**Part 4 Amendment of Police Powers and Responsibilities Act 2000** 13  
14

- Clause 48 Act amended** 15  
This part amends the *Police Powers and Responsibilities Act* 16  
*2000*. 17

- Clause 49 Amendment of s 21A (Power to enter for Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004)** 18  
19  
20  
(1) Section 21A, heading— 21  
*omit, insert*— 22  
**21A Power to enter residence of reportable offender** 23  
24  
(2) Section 21A(1), from ‘resides to’— 25  
*omit, insert*— 26  
resides— 27

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	(a) to verify the offender’s personal details reported by the offender under the <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i> ; or	1 2 3 4
	(b) to carry out an inspection under section 21B.	5 6
<b>Clause 50</b>	<b>Replacement of s 21B (Power to inspect digital devices for the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004)</b>	7 8 9
	Section 21B—	10
	<i>omit, insert—</i>	11
	<b>21B Power to demand production of and inspect digital devices in possession of reportable offender</b>	12 13 14
	(1) This section applies in relation to a reportable offender if—	15 16
	(a) in the last 3 months, the reportable offender was—	17 18
	(i) released from government detention; or	19
	(ii) sentenced to a supervision order; or	20
	(b) the reportable offender has been convicted of a device inspection offence; or	21 22
	(c) a device inspection order is made for the reportable offender under section 21C.	23 24
	(2) A police officer may—	25
	(a) require the reportable offender to produce, or otherwise make available, for inspection each digital device in the reportable offender’s possession; and	26 27 28 29
	(b) inspect a digital device in the reportable offender’s possession.	30 31
	(3) However, a police officer may not carry out an	32

- 
- inspection in relation to a reportable offender in the circumstances mentioned in subsection (1)(b)—
- (a) unless the offender has been given a notice under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, section 68(4); or
- (b) if at least 4 inspections have been carried out under this section in relation to the offender within the previous 12 months.
- (4) For subsection (3)(b), each occasion on which a police officer inspects 1 or more digital devices counts as 1 inspection.
- (5) In this section—
- device inspection offence*** means—
- (a) an offence against any of the following provisions of the Criminal Code—
- section 218A
  - section 228DA
  - section 228DB; or
- (b) an offence against any of the following provisions of the Criminal Code if the offence was committed using an electronic communication network or digital device—
- section 218B
  - section 228B
  - section 228C
  - section 228D
  - section 229B; or
- (c) an offence against any of the following provisions of the Criminal Code (Cwlth)—

[s 50]

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- section 474.22 1
  - section 474.23 2
  - section 474.23A 3
  - section 474.25A 4
  - section 474.25C 5
  - section 474.26 6
  - section 474.27 7
  - section 474.27AA 8
  - section 474.27A; or 9
- (d) an offence against any of the following 10  
provisions of the Criminal Code (Cwlth) if 11  
the offence was committed using an 12  
electronic communication network or digital 13  
device— 14
- section 271.4 15
  - section 271.7 16
  - section 273.6 17
  - section 273.7; or 18
- (e) an offence against either of the following 19  
provisions of the Criminal Code (Cwlth), as 20  
in force from time to time before being 21  
repealed by the *Combatting Child Sexual 22  
Exploitation Legislation Amendment Act 23  
2019* (Cwlth)— 24
- section 474.19 25
  - section 474.20; or 26
- (f) an offence against a law of a foreign 27  
jurisdiction that, if it had been committed in 28  
Queensland, would have constituted an 29  
offence mentioned in paragraph (a), (b), (c), 30  
(d) or (e). 31



*digital device* see the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, schedule 5. 1  
2  
3

*electronic communication network* means a 4  
network, or part of a network, of computers or 5  
other devices (whether or not part of the internet) 6  
that is, or can be, used for electronic 7  
communication or the electronic exchange of 8  
information. 9

*government detention* see the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, schedule 5. 10  
11  
12

*inspect*, a digital device, includes inspect the 13  
digital device using software. 14

*supervision order* see the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, schedule 5. 15  
16  
17

## **21C Magistrate may make device inspection order for reportable offender** 18 19

(1) This section applies if, in relation to a reportable 20  
offender, the circumstances mentioned in section 21  
21B(1)(a) and (b) do not apply. 22

(2) A police officer may apply to a magistrate for an 23  
order (a *device inspection order*) authorising a 24  
police officer, on a stated day or on 1 day during 25  
a stated period, to inspect any digital devices in 26  
the possession of a reportable offender. 27

(3) The magistrate may make the device inspection 28  
order if satisfied there is an elevated risk that the 29  
reportable offender will engage in conduct that 30  
may constitute a reportable offence against, or in 31  
relation to, a child or children. 32

(4) In this section— 33

*digital device* see the *Child Protection (Offender* 34

[s 51]

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	<i>Reporting and Offender Prohibition Order) Act</i>	1
	<i>2004, schedule 5.</i>	2
	<i>reportable offence</i> see the <i>Child Protection</i>	3
	<i>(Offender Reporting and Offender Prohibition</i>	4
	<i>Order) Act 2004, schedule 5.</i>	5
	<b>21D Offence to contravene requirement to produce</b>	6
	<b>digital device</b>	7
	(1) A reportable offender commits a crime if the	8
	reportable offender, without reasonable excuse,	9
	contravenes a requirement under section	10
	21B(2)(a).	11
	Maximum penalty—300 penalty units or 5 years	12
	imprisonment.	13
	(2) It is not a reasonable excuse for the reportable	14
	offender to contravene the requirement that	15
	complying with it would tend to incriminate the	16
	person.	17
<b>Clause 51</b>	<b>Amendment of s 808A (Annual report about use of device</b>	18
	<b>inspection powers)</b>	19
	(1) Section 808A, heading, after ‘device’—	20
	<i>insert—</i>	21
	<b>production and</b>	22
	(2) Section 808A(2)(b)(i), ‘under’—	23
	<i>omit, insert—</i>	24
	in the circumstances mentioned in	25

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