



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

**Current as at 9 December 2016**





Queensland

# Child Protection (Offender Reporting) Act 2004

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# Child Protection (Offender Reporting) Act 2004

**An Act to require particular offenders who commit sexual, or particular other serious, offences against children to keep police informed of their whereabouts and other personal details for a period of time, to reduce the likelihood that they will re-offend, and to facilitate the investigation and prosecution of any future offences that they may commit, and for related purposes**

## Part 1 Preliminary

### 1 Short title

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

### 2 Commencement

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

### 3 Purpose of this Act

- (1) The purpose of this Act is to require particular offenders who commit sexual, or particular other serious, offences against children to keep police informed of their whereabouts and other personal details for a period of time after their release into the community—
  - (a) to reduce the likelihood that they will re-offend; and
  - (b) to facilitate the investigation and prosecution of any future offences that they may commit.
- (2) In outline, this Act—

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- (a) provides for the establishment of a child protection register; and
  - (b) requires offenders who are sentenced for reportable offences after the commencement date to report specified personal details for inclusion in the register, and extends this requirement to particular offenders sentenced for reportable offences before that date; and
  - (c) requires those reportable offenders to keep those details up to date, to report those details periodically and to also report particular travel plans; and
  - (d) imposes those reporting obligations for a period of between 2½ years and life, depending on the number, severity and timing of the offences committed, and the age of the reportable offender at the time an offence was committed; and
  - (e) allows for the recognition of the period of reporting obligations imposed under laws of foreign jurisdictions.
- (3) Subsection (2) is intended only as a guide to readers about the general scheme and effect of this Act.

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

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

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## Part 2 Interpretation

### 5 **Reportable offender defined**

- (1) A **reportable offender** is a person who is—
- (a) sentenced for a reportable offence after the commencement of this section; or
  - (b) an existing reportable offender; or
  - (c) a corresponding reportable offender; or
  - (d) subject to an offender reporting order; or
  - (e) taken to be a reportable offender under the *Child Protection (Offender Prohibition Order) Act 2008*.
- (2) However, a person mentioned in subsection (1)(a) is not a reportable offender merely because—
- (a) the person was convicted of a prescribed offence, if the conviction was not recorded under the *Penalties and Sentences Act 1992*, section 12 or the *Youth Justice Act 1992*, section 183, (or an equivalent order under the laws of a foreign jurisdiction); or
  - (b) the person was sentenced for a single prescribed offence, if the sentence did not include—
    - (i) a term of imprisonment; or
    - (ii) a requirement that the person be under the supervision of a supervising authority or another person or body; or
  - (c) the person, as a child, committed—
    - (i) a single offence against the *Classification of Computer Games and Images Act 1995*, section 26(3), the *Classification of Films Act 1991*, section 41 or 42 or the *Classification of Publications Act 1991*, section 13, 14, 15 or 16; or

- (ii) a single offence of possessing or publishing child pornography (in whatever terms expressed) under the laws of Queensland; or
  - (iii) a single offence of possessing or publishing child pornography (in whatever terms expressed) under the laws of a foreign jurisdiction; or
  - (iv) a single offence (including an offence under the law of a foreign jurisdiction) that falls within a class of offence that the regulations state is an offence for the purposes of this subparagraph.
- (3) Also, a person is not a reportable offender if the person—
- (a) is receiving protection under a foreign witness protection law specified under a regulation for the purposes of this subsection; or
  - (b) has the same status as a person mentioned in paragraph (a) under an order made under a corresponding Act specified under a regulation for the purposes of this subsection.
- (4) For this section, it is irrelevant whether or not a person may lodge, or has lodged, an appeal in relation to a finding of guilt, sentence or offender reporting order.
- (5) For subsection (1)(a), a person is a reportable offender even if the reportable offence was committed before the commencement of this section.
- (6) For subsection (1)(b) to (d), a person is a reportable offender even if the person was sentenced for the reportable offence before the commencement of this section.
- (7) A reference to a single offence in subsection (2)(b) and (c) includes a reference to more than 1 offence arising from the same incident.

*Note—*

For when offences arise from the same incident, see section 11.

- (8) In subsection (2)(b)(ii)—

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*supervision* of a supervising authority does not include supervision under a fine option order.

## 6 **Existing reportable offender defined**

- (1) An *existing reportable offender* is—
- (a) a person who, as a result of having been sentenced for a reportable offence before the commencement date—
    - (i) is serving a term of imprisonment; or
    - (ii) is subject to a supervision order; or
  - (b) a person who, immediately before the commencement date, was subject to a reporting order made under the *Criminal Law Amendment Act 1945*, section 19.
- (2) Subsection (1)(a) does not apply if a conviction was not recorded under the *Penalties and Sentences Act 1992*, section 12 or the *Youth Justice Act 1992*, section 183.

## 7 **Corresponding reportable offender defined**

A *corresponding reportable offender* is a person who—

- (a) had at any time (whether before or after the commencement of this section) been in a foreign jurisdiction and at that time had been required to report to the corresponding registrar in that jurisdiction for a longer period than the person would be required to report under this Act; and
- (b) would, if the person were currently in that foreign jurisdiction, be required to report to the corresponding registrar in that jurisdiction for a longer period (the *recognised foreign reporting period*) than the person would be required to report under this Act; and
- (c) falls within a class of person whom a regulation states is a corresponding reportable offender.

*Note—*

A regulation might prescribe a person to be a corresponding reportable offender if the longer reporting period arises because the foreign jurisdiction recognises, as a reportable offence, an offence that is not a reportable offence under this Act, or the corresponding Act commenced earlier than this Act, or for any other reason.

## **8 When a person stops being a reportable offender**

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

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

*Note for paragraph (d)—*

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

## **9 Reportable offence defined**

A *reportable offence* is—

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

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

### **9A Reportable contact defined**

- (1) A reportable offender has *reportable contact* with a child if the offender—
  - (a) has physical contact with the child; or
  - (b) communicates with the child orally, whether in person, by telephone or over the internet; or
  - (c) communicates with the child in writing (including by electronic communication).
- (2) Without limiting subsection (1), reportable contact includes contact with a child when the offender is—
  - (a) supervising or caring for any child; or
  - (b) exchanging contact details with any child; or
  - (c) attempting to befriend any child.
- (3) Reportable contact does not include contact with a child that is incidental to the offender’s daily life unless the contact—
  - (a) involves an attempt by the offender to befriend, or establish further contact with, the child; or
  - (b) occurs with a regularity or frequency, or in a way, that may reasonably be expected to result in a level of familiarity or trust between the offender and the child beyond what may reasonably be expected to be incidental to the offender’s daily life.

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

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

## **10 Finding of guilt defined**

- (1) A reference to a *finding of guilt* in relation to an offence (however expressed) committed by a person is a reference to any of the following—
  - (a) a court making a formal finding of guilt in relation to the offence;
  - (b) a court convicting the person of the offence, if there has been no formal finding of guilt before conviction;
  - (c) a court accepting a plea of guilty from the person in relation to the offence;
  - (d) a court accepting an admission of guilt from the person in relation to the offence for the purpose of the offence being taken into account under the *Penalties and Sentences Act 1992*, section 189 or the *Youth Justice Act 1992*, section 157, or under equivalent provisions of the laws of a foreign jurisdiction.
- (2) However, a reference to a finding of guilt does not include a finding of guilt that is later quashed or set aside by a court.

## **10A Personal details defined**

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

## **11 References to other terms and concepts**

- (1) Offences arise from the same incident only if they are committed—



- (a) within a single period of 24 hours; and
  - (b) against the same person.
- (2) A reference to doing a thing *in person* is a reference to doing the thing by personal attendance at a place, and is not a reference to attending the place by phone or by other electronic means.

## 12 Definitions

The dictionary in schedule 5 defines particular words used in this Act.

# Part 3 Offender reporting orders

## 13 Offender reporting orders

- (1) If a court—
- (a) finds a person guilty of an offence (the *offence*) that is not a prescribed offence; or
  - (b) makes a forensic order in relation to a person;
- the court may also make an order that the person comply with the reporting obligations of this Act (an *offender reporting order*).
- (2) However, the court may only make the offender reporting order—
- (a) if the court is satisfied that 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 offence is a child abduction offence—without limiting paragraph (a), if the court is satisfied, having regard to the circumstances of the case, that—
    - (i) the context in which the offence was committed was not familial; and
    - (ii) it is appropriate to make the order.

*Example for subparagraph (ii)—*

The commission of the offence was not merely incidental.

- (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.
- (4) A court may make an offender reporting order under subsection (1)(a) only if the court—
  - (a) imposes a sentence for the offence; and
  - (b) records a conviction.

*Note—*

For when no conviction is recorded, see—

- the *Penalties and Sentences Act 1992*, section 12
- the *Youth Justice Act 1992*, section 183.

- (5) A court may make an offender reporting order—
  - (a) on its own initiative; or
  - (b) on an application for the imposition of the order made by the prosecution.
- (5A) The prosecution may make an application under subsection (5)(b) at any time within 6 months after the day the court—
  - (a) imposes the sentence for the offence; or
  - (b) makes the forensic order.
- (6) If a court—
  - (a) has made an offender reporting order under subsection (1)(a) in relation to a person, the person may appeal against the making of the order under the Criminal Code, chapter 67 as if the order were a sentence pronounced on the conviction of the person for an indictable offence; or
  - (b) has refused to make an offender reporting order under subsection (1)(a) in relation to a person, the Attorney-General may appeal against the refusal under the Criminal Code, chapter 67 as if the refusal were a

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sentence pronounced on conviction of the person for an indictable offence.

- (7) If a court—
- (a) has made an offender reporting order under subsection (1)(b) in relation to a person, the person may appeal against the making of the order under the *Mental Health Act 2000*, chapter 8, part 2 as if the order were a decision of the Mental Health Court; or
  - (b) has refused to make an offender reporting order under subsection (1)(b), the Attorney-General may appeal against the refusal under the *Mental Health Act 2000*, chapter 8, part 2 as if the order were a decision of the Mental Health Court.
- (8) For subsection (7), a reference to the Mental Health Court in the *Mental Health Act 2000*, chapter 8, part 2 is to be read as a reference to the court that made, or refused to make, the offender reporting order.
- (9) An order made under subsection (1)(b) ends if the forensic order is revoked under the *Mental Health Act 2000*, section 203.
- (10) For part 4, division 5, if, under subsection (1)(a), an offender reporting order is imposed on a person for the offence, the person is taken to have been found guilty of a prescribed offence.
- (11) In this section—
- child abduction offence*** means—
- (a) an offence against the Criminal Code, section 354 involving the kidnap of a child; or
  - (b) an offence against the Criminal Code, section 363 or 363A.

*Note—*

See the Criminal Code, sections 354 (Kidnapping), 363 (Child-stealing) and 363A (Abduction of a child under 16).

## Part 4 Reporting obligations

### Division 1 Initial report

#### 14 When reportable offender must make initial report

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

- (5) However, subsection (4)(c) does not apply to an offender who enters Queensland from a foreign jurisdiction and remains for less than 7 consecutive days.
- (6) Also, if—
- (a) a reportable offender's reporting period for a reportable offence ends; and
  - (b) the offender is later sentenced for another reportable offence when the offender is not in Queensland;
- the offender must make the offender's initial report to the police commissioner within 7 days after entering and remaining in Queensland for 7 or more consecutive days.
- (7) The 7 or more consecutive days does not include any day the reportable offender spends in government detention.

## **15 Provision of personal details by corrective services**

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

## **16 Persons required to report under corresponding Act**

- (1) This section applies to a person (other than a protected witness) who—
  - (a) is or has been required to report to a corresponding registrar, whether or not the person is a reportable offender under this Act; and
  - (b) has not previously complied with the obligation imposed by this section.
- (2) The person must, within 7 days after entering and remaining in Queensland (not including any day spent in government detention), contact a nominated person—
  - (a) by telephone; or
  - (b) in another way prescribed by regulation.
- (3) The police commissioner must ensure the nominated person's contact details are available at any police station.
- (4) When contacted, the nominated person must advise the person—
  - (a) whether the person is a reportable offender under this Act; and
  - (b) about any reporting obligations the person has under this Act.
- (5) A person is not guilty of an offence against section 50 because of a failure to comply with subsection (2) if the person—
  - (a) is not a reportable offender under this Act; or
  - (b) could not reasonably have been expected to have known that the person was required to report under this Act; or
  - (c) does not remain in Queensland for 7 or more consecutive days, not counting any day spent in government detention; or
  - (d) makes an initial report under section 14.
- (6) In this section—

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

## **Division 2            Ongoing reporting obligations**

### **Subdivision 1        Preliminary**

#### **17        Application of div 2**

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

### **Subdivision 2        Periodic reporting**

#### **18        Requirement to make periodic reports**

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

## **19 When periodic reports must be made**

- (1) A reportable offender must make a periodic report in each reporting month, starting in the first reporting month after the offender makes the offender's initial report.
- (2) However, the police commissioner may at any time require the reportable offender to make periodic reports more frequently, if the commissioner is reasonably satisfied more frequent periodic reporting is necessary to protect the lives or sexual safety of children.
- (3) If the police commissioner decides to require the reportable offender to make periodic reports more frequently, the commissioner must, as soon as reasonably practicable, give the offender a written notice stating when the offender is required to make periodic reports.
- (4) To remove any doubt, it is declared that the notice replaces any notice previously given by the police commissioner to the reportable offender stating when the offender is required to make periodic reports.
- (5) The reportable offender must comply with the notice until whichever of the following first happens—
  - (a) the offender's reporting period ends;
  - (b) the police commissioner gives the offender a written notice that varies when the offender is required to make periodic reports.

## **Subdivision 3 Reporting change in personal details**

### **19A Reporting changes in personal details**

- (1) A reportable offender must report any change in the offender's personal details to the police commissioner—
  - (a) for a change relating to reportable contact between the offender and a child—within 24 hours after the change happens; or



- (b) for a change relating to the reportable offender being in government detention for at least 7 consecutive days—
    - (i) within 7 days after the offender stops being in government detention; or
    - (ii) if the offender intends to leave Queensland before the end of the period mentioned in subparagraph (i)—before the offender leaves Queensland; or
  - (c) for any other change—
    - (i) within 7 days after the change happens; or
    - (ii) if the offender intends to leave Queensland before the end of the period mentioned in subparagraph (i)—before the offender leaves Queensland.
- (2) However, if a reportable offender (other than a protected witness) is not in Queensland when the change in the offender's personal details happens, the offender must report the change within 7 days after entering and remaining in Queensland for 7 or more consecutive days, not counting any day spent in government detention.
- Note—*
- For the suspension of reporting obligations while a reportable offender (other than a protected witness) is not in Queensland, see section 34.
- (3) Also, if a reportable offender made a statement to the police commissioner under section 20(2)(e), the offender is not required to report a change in the offender's personal details unless—
- (a) the offender returns to Queensland and is required to make a report under section 22(2); or
  - (b) the offender decides not to leave Queensland and is required to make a report under section 22(4).
- (4) The obligation on a reportable offender under this section applies in addition to any other reporting obligation imposed on the offender under this part.

## **Subdivision 4      Other reporting**

### **20      Intended absence from Queensland to be reported**

- (1) This section applies if a reportable offender—
  - (a) intends to leave Queensland for 7 or more consecutive days to travel elsewhere in Australia; or
  - (b) intends to leave Queensland to travel out of Australia.
- (2) At least 7 days before leaving Queensland, the reportable offender must report the intended travel to the police commissioner and must give details of—
  - (a) each State, Territory or country to which the offender intends to go while out of Queensland; and
  - (b) the approximate dates during which the offender intends to be in each of those States, Territories or countries; and
  - (c) each address or location within each State, Territory or country at which the offender intends to reside (to the extent that they are known) and the approximate dates during which the offender intends to reside at those addresses or locations; and
  - (d) if the offender intends to return to Queensland, the approximate date on which the offender intends to return; and
  - (e) if the offender does not intend to return to Queensland, a statement of that intention.
- (3) If circumstances arise making it impracticable for a reportable offender to make the report 7 days before the offender leaves, it is sufficient compliance with subsection (2) if the offender reports the required information to the police commissioner at least 24 hours before the intended travel.

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**21 Change of travel plans while out of Queensland to be given**

- (1) This section applies if a reportable offender who is out of Queensland decides—
  - (a) to extend a stay elsewhere in Australia beyond 7 days; or
  - (b) to change any details given to the police commissioner under section 20.
- (2) Within 7 days after making the decision, the reportable offender must—
  - (a) if subsection (1)(a) applies—report the details required by section 20(2) to the police commissioner (including those details as they relate to the travel that has already been completed); or
  - (b) if subsection (1)(b) applies—report the changed details to the police commissioner.
- (3) The reportable offender must make the report—
  - (a) by fax or email sent to the police commissioner, or to another address allowed under a regulation; or
  - (b) in another way allowed under a regulation.

**22 Reportable offender to report return to Queensland or decision not to leave**

- (1) This section applies if a reportable offender was required to report that the offender intended to leave Queensland under section 20.
- (2) If the reportable offender left Queensland, the offender must report his or her return to Queensland to the police commissioner within 7 days after entering and remaining in Queensland for 7 or more consecutive days, not counting any days spent in government detention.
- (3) A report made under subsection (2) in relation to travel out of Australia must be accompanied by a copy of the reportable

offender's passport and travel documents verifying or supporting details in the report.

- (4) If the reportable offender decides not to leave Queensland, the offender must report his or her change of intention to the police commissioner within 7 days after deciding not to leave.

## **23 Report of other absences from Queensland**

- (1) This section applies if a reportable offender leaves, or intends to leave, Queensland to travel elsewhere in Australia on an average of at least once a month (irrespective of the length of the absence).
- (2) The reportable offender must make a report to the police commissioner stating—
  - (a) in general terms—
    - (i) the expected frequency of the offender's travel; and
    - (ii) the offender's travel destinations; and
    - (iii) the offender's reasons for travelling to the destinations with the expected frequency; and
  - (b) whether the offender expects to have reportable contact with a child while travelling.
- (3) The reportable offender must make the report within 7 days before, but not less than 24 hours before, the offender first travels.
- (4) The reportable offender must report any change in the information to the police commissioner—
  - (a) for a change in the information mentioned in subsection (2)(a)—
    - (i) if the change happens when the offender is out of Queensland—within 7 days after the offender returns to Queensland; or
    - (ii) otherwise—within 7 days after the change happens; or

- (b) for a change relating to reportable contact the offender has had, or expects to have, with a child—within 24 hours after the change happens.

## **24 Information about international travel to be given to the AFP**

As soon as practicable after receiving a report under section 20, 21 or 22 about a reportable offender's intentions in relation to travel out of Australia, the police commissioner must ensure that a copy of the report is given to the commissioner of the Australian Federal Police.

## **Division 3 Provisions applying to all reporting obligations**

### **25 Where report must be made**

- (1) A report under this part must be made—
  - (a) at any police station in the locality in which the reportable offender is currently residing (subject to subsection (2)); or
  - (b) if a direction is given under a regulation about the police station at which the report must be made, at that police station; or
  - (c) at some other place approved (either generally or in a particular case) by the police commissioner.

*Example—*

The police commissioner may approve all authorised mental health services under the *Mental Health Act 2000* to be approved places for forensic patients to report under this part.

- (2) If a police station in the locality in which a reportable offender is currently residing is a restricted police station, the offender—
  - (a) with the police commissioner's approval, may make the report at that station; or

- (b) may make the report at the next nearest police station that is not a restricted police station.
- (3) For subsection (2), a ***restricted police station*** is a police station that is a police station, or that falls within a class of police station, that a regulation states is not to be used as a venue for the purposes of this section without the police commissioner's approval.
- (4) This section does not apply if, under section 26(2), a report is allowed to be made in a way that is inconsistent with this section.

## **26 How reports must be made**

- (1) A reportable offender must—
  - (a) make the offender's initial report in person; and
  - (b) make each periodic report in the way stated by the police commissioner in a written notice given under section 54(5) to the offender.
- (2) A reportable offender may make any other report that the offender is required to make in person, or in another way allowed under a regulation or by the police commissioner, either generally or in a particular case.
- (3) A police officer, or another person approved by the police commissioner, may receive a report.
- (4) If a reportable offender attending in person has a disability that makes it impracticable for the offender to make a report, any parent, guardian, carer or other person nominated by the offender who is accompanying the offender may make the report on the offender's behalf.
- (5) Similarly, if a reportable offender who is allowed to make a report other than in person under subsection (2) has a disability that makes it impracticable for the offender to make the report himself or herself, a parent, guardian, carer or other person nominated by the offender may make the report on the offender's behalf.

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## 27 Right to privacy and support when reporting

- (1) A person making a report under this part at a police station or a place approved by the police commissioner—
  - (a) is entitled to make the report out of the hearing of members of the public; and
  - (b) is entitled to be accompanied by a support person of the person's own choosing.
- (2) Subsection (3) applies if a police officer or other person receiving the report is aware the person making the report—
  - (a) has special needs; and
  - (b) because of the special needs, needs to be accompanied by an adult support person when making the report.
- (3) If it is not practicable for the person to be accompanied by an adult support person of the person's own choice, the police officer or person receiving the report must arrange, if practicable, for an adult support person to be present when the person is making the report.
- (4) A police officer or other person receiving the report may arrange for an interpreter to be present when a person is making a report under this part.
- (5) A police officer or other person receiving a report under this part must not allow a support person or interpreter to be present when a person is making the report unless the support person or interpreter has signed an undertaking not to disclose any information derived from the report unless required or authorised by or under any Act or law to do so.
- (6) In this section—

***special needs***, of a person, means the person's needs by taking into account—

  - (a) the person's age, sex or cultural background; and
  - (b) any disability the person has.

## **28 Receipt of information to be acknowledged**

- (1) As soon as practicable after receiving a report under this part, the police officer or other person receiving the report must acknowledge the making of the report.
- (2) The acknowledgement—
  - (a) must be in writing; and
  - (b) must be given to the person who made the report; and
  - (c) must include—
    - (i) the name and signature of the police officer or other person who received the report; and
    - (ii) the date and time when, and the place where, the report was received; and
    - (iii) a copy of the information that was reported; and
    - (iv) a copy of the record of any agreement made under subsection (4).
- (3) If a report is not made in person, the police officer or other person who received the report must as soon as practicable—
  - (a) give the person making the report a unique reference number; and
  - (b) record that number on the relevant reportable offender's file and on the acknowledgement.
- (4) The police commissioner may make an agreement with the reportable offender about the way in which a reference number or acknowledgement required to be given by this section may be given.
- (5) The police commissioner must ensure—
  - (a) that there is a method of recording an agreement made under subsection (4); and
  - (b) that, except with the reportable offender's written consent, a reference number or acknowledgement required to be given by this section is given in



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accordance with the agreement while the agreement remains in force.

- (6) The police commissioner must ensure that a copy of every acknowledgement is kept.

## **29 Additional matters to be given**

- (1) If a report is required to be made in person, the person making the report must also—
- (a) if the person is the reportable offender—
    - (i) present for inspection the offender's driver licence (if any) or another form of identification or other document specified by a regulation for the purposes of this section to verify or support details in the report; and
    - (ii) provide a photograph of the reportable offender's head and face of a type suitable for use in an Australian passport; or
  - (b) if the person is not the reportable offender—present for inspection the person's driver licence (if any) or another form of identification specified by a regulation for the purposes of this section.
- (2) The police officer receiving the report may waive the requirements of subsection (1)(a) or (b) if—
- (a) the reportable offender permits his or her fingerprints to be taken immediately before or after the report is made; or
  - (b) the police officer is otherwise satisfied about the reportable offender's identity.
- (3) The police officer receiving the report may waive the requirements of subsection (1)(b) if the officer is otherwise satisfied about the person's identity.
- (4) The police officer receiving a report may copy a document presented to the officer for inspection under subsection (1)(a) or (b).

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- (5) If a report is made otherwise than in person, a regulation may specify—
- (a) the circumstances in which—
    - (i) information about the identity of the reportable offender and the identity of the person making the report are required; and
    - (ii) a document verifying or supporting details in the report are required; and
  - (b) the way in which the information or document must be given;
- but may not require an original document to be given.

### **30 Power to take fingerprints**

- (1) This section applies if a police officer—
- (a) is receiving a report made in person under this part; and
  - (b) is not reasonably satisfied about the reportable offender's identity after the officer has examined all the material relating to identity given or presented to the officer by, or on behalf of, the reportable offender.
- (2) The officer may take, or cause a person authorised by the officer to take, the reportable offender's fingerprints.

### **31 Power to take photographs**

- (1) A police officer receiving a report made in person under this part may require the reportable offender—
- (a) to be photographed; or
  - (b) to expose any part of the offender's body to enable that part of the body to be photographed by the officer or a person authorised by the officer.
- (2) However, a police officer can not require a reportable offender to expose—
- (a) the offender's genitals; or

- (b) the anal area of the offender's buttocks; or
- (c) if the offender is a female or a transgender person who identifies as a female—the offender's breasts.

### **32 Retention of material for law enforcement, crime prevention or child protection**

For law enforcement, crime prevention or child protection purposes, the police commissioner may keep any of the following taken under this division from a person—

- (a) copies of any documents;
- (b) any fingerprints;
- (c) any photographs.

### **33 Reporting by remote offenders**

- (1) This section applies if a reportable offender resides more than 100 kilometres from the nearest police station that is not a restricted police station.
- (2) A reportable offender need not comply with a time limit about the making of a report in person under this part if—
  - (a) the offender, or a person entitled to make the report on the offender's behalf, contacts the police commissioner before the time limit ends; and
  - (b) the police commissioner agrees to allow the report to be made at a specific time, that is after the time limit, and at a specific place; and
  - (c) when contacting the police commissioner under paragraph (a), the person gives the police commissioner, by phone or another way, the information required to be reported under division 1 or 2.
- (3) The police commissioner must ensure that there is a method of recording all agreements made under this section.
- (4) Without limiting subsection (3), the recording method must result in the creation of a written record that—

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- (a) is identified by a unique reference number; and
  - (b) identifies when and where each agreement was made; and
  - (c) identifies the person who enters into any agreement; and
  - (d) contains the terms of any agreement.
- (5) If an agreement is made under this section, the police commissioner must ensure that the reportable offender is given the reference number mentioned in subsection (4)(a).
- (6) The police commissioner must ensure that there is a method of recording all information given under subsection (2).

## **Division 4                      Suspension and extension of reporting obligations**

### **34                      Suspension and extension of reporting obligations**

- (1) Any obligation imposed on a reportable offender by this part is suspended for any period during which the offender—
- (a) is in government detention; or
  - (b) is outside Queensland unless—
    - (i) the offender is someone to whom division 9 applies; or
    - (ii) the obligation is under section 21; or
  - (c) is the subject of an order under division 6 (or an equivalent order in a foreign jurisdiction); or
  - (d) is the subject of a decision made by the police commissioner under division 10.

*Note—*

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

- (2) The period for which a reportable offender's reporting obligations continue is extended by any length of time for which the obligations are suspended under subsection (1)(a).
- (3) This section does not apply to a forensic reportable offender.

## **Division 5                      Reporting period**

### **35                      When reporting obligations begin**

- (1) A reportable offender's reporting obligations in relation to a reportable offence begin—
  - (a) for a forensic reportable offender—when an offender reporting order is imposed on the reportable offender; or
  - (b) for another reportable offender—
    - (i) when the reportable offender is sentenced for the offence; or
    - (ii) when an offender reporting order is imposed on the reportable offender; or
    - (iii) when the reportable offender stops being in government detention for the offence;whichever is the later.
- (2) Subsection (1) applies even if the reportable offender is already complying with reporting obligations in relation to another reportable offence.
- (3) For an existing reportable offender, if an event mentioned in subsection (1)(b) happened before the commencement date, the reportable offender's reporting obligations begin when the event happened.
- (4) Subsection (1)(b) is subject to section 36(5).

### **36                      Length of reporting period**

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

- (a) 5 years, if the offender—
    - (i) has ever been found guilty of 1 reportable offence; or
    - (ii) has been found guilty of more than 1 reportable offence and paragraph (b) or (c) does not apply to the offender; or
  - (b) 10 years, if the offender—
    - (i) has ever been found guilty of 1 or more reportable offences; and
    - (ii) in relation to the offence or offences, has been given notice of the offender’s reporting obligations under this Act or a corresponding Act; and
    - (iii) after being given the notice, commits and is found guilty of 1 single further reportable offence; or
  - (c) the remainder of the offender’s life, if the offender—
    - (i) has ever been found guilty of 1 or more reportable offences; and
    - (ii) in relation to the offence or offences, has been given notice of the offender’s reporting obligations under this Act or a corresponding Act; and
    - (iii) after being given the notice, commits and is found guilty of more than 1 single further reportable offence.
- (2) Subsection (1)(b) applies even if the reportable offender’s reporting obligations under subsection (1)(a) ended before the offender commits and is found guilty of another reportable offence.
- (2A) Subsection (1)(c) applies even if the reportable offender’s reporting obligations under subsection (1)(a) or (1)(b) ended before the offender commits and is found guilty of another reportable offence.
- (3) A reference in subsection (1) to an offence extends to an offence committed before 1 January 2005.

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- (4) For this section—
- (a) 2 or more offences that arise from the same incident are to be treated as a single offence; and
  - (b) 2 or more offences that arise from the same incident are to be treated as a single class 1 offence if at least 1 of those offences is a class 1 offence.

*Note—*

The meaning of *single offence* is qualified by subsection (4) and by section 11(1).

- (5) For this section, to work out when the reporting obligations of an existing reportable offender end, the offender's reporting obligations in relation to a reportable offence are taken to have commenced—
- (a) when the reportable offender was sentenced for the offence; or
  - (b) if the reportable offender is subject to an order under the *Criminal Law Amendment Act 1945*, section 19—when the order under that section was imposed on the reportable offender; or
  - (c) when the reportable offender stopped being in government detention for the offence;
- whichever was the later.
- (6) Despite anything to the contrary in this section or section 37, a forensic reportable offender must continue to comply with the reporting obligations imposed by this part until the person stops being a reportable offender.

### **37 Reduced period applies for child reportable offenders**

- (1) The reporting periods stated in section 36 do not apply to a reportable offender who was a child at the time at which the offender committed each reportable offence.
- (2) Instead, a reporting period that is half the reporting period that would otherwise apply to the offender under section 36 (or

7<sup>1</sup>/<sub>2</sub> years for a reporting period for life) applies to the offender.

### **38 Extended reporting period if reportable offender still on parole**

- (1) This section applies if—
  - (a) a reportable offender is on parole in relation to a reportable offence; and
  - (b) the reporting period for the offence will end before the expiry of the sentence of imprisonment to which the parole relates.
- (2) Despite anything to the contrary in this division, the reporting period is extended until the end of the term of imprisonment to which the parole relates.

### **39 Reporting period for corresponding reportable offenders**

- (1) Despite anything to the contrary in this part, a corresponding reportable offender must continue to comply with the reporting obligations imposed by this part for the recognised foreign reporting period mentioned in section 7(b).
- (2) For this section, if a corresponding reportable offender is a corresponding reportable offender under the laws of more than 1 jurisdiction, the recognised foreign reporting period is the longest period for which the offender would be required to report to the corresponding registrar of a foreign jurisdiction.

## **Division 5A Obligations about DNA sampling and analysis**

### **40A Allowing DNA sample to be taken**

- (1) A reportable offender must comply with a written notice given to the offender by the police commissioner requiring the offender to—



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- (a) attend at a stated time and place; and
  - (b) allow a DNA sampler to take a DNA sample from the offender for DNA analysis.

*Note—*

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

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

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

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

## **Division 6                      Exemption from reporting obligations**

### **41                      Supreme Court may exempt particular reportable offenders**

- (1) This division applies to a reportable offender who is required to continue to comply with the reporting obligations imposed by this part for the rest of the offender's life.
- (2) If—
  - (a) a period of 15 years has passed (ignoring any period during which the reportable offender was in government detention) since the offender was last sentenced or released from government detention in relation to a

reportable offence or a corresponding reportable offence, whichever is later; and

- (b) the offender did not become the subject of a life-long reporting period under a corresponding Act while in a foreign jurisdiction before becoming the subject of a life-long reporting period in Queensland; and
- (c) the offender is not subject to parole in relation to a reportable offence;

the offender may apply to the Supreme Court for an order suspending the reporting obligations.

## **42 Order for suspension**

- (1) On the application of a reportable offender mentioned in section 41(2), the Supreme Court may make an order suspending the offender's reporting obligations.
- (2) The court must not make the order unless it is satisfied that the offender does not pose a risk to the safety of children.
- (3) When deciding whether to make the order, the court must take into account—
  - (a) the seriousness of the offender's reportable offences and corresponding reportable offences; and
  - (b) the period of time since the offences were committed; and
  - (c) the age of the offender, the age of the victims of the offences, and the difference in age between the offender and the victims, when the offences were committed; and
  - (d) the offender's present age; and
  - (e) the offender's criminal record; and
  - (f) any other matter that the court considers appropriate.

**44 Police to be notified of order**

A registrar of the Supreme Court must notify the police commissioner of the terms of any order made under this division, unless the police commissioner is a party to the application.

**45 No costs to be awarded**

The Supreme Court may not award costs in relation to proceedings under this division.

**46 Right of appeal**

A party to proceedings under this division may appeal to the Court of Appeal, on a question of law, from any decision of the Supreme Court in the proceedings.

**47 Restriction on right of unsuccessful applicant to re-apply for order**

If the Supreme Court refuses to make an order under this division, the reportable offender is not entitled to make a further application to the court until 5 years have elapsed from the date of the refusal, unless the court otherwise orders at the time of the refusal.

**48 When order stops having effect**

- (1) An order made under this division stops having effect if, at any time after the making of the order, the reportable offender becomes—
  - (a) a reportable offender, other than a corresponding reportable offender; or
  - (b) a corresponding reportable offender who must, under section 39, continue to comply with the reporting obligations imposed by this part for any period.

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- (2) An order that stopped having effect under subsection (1) is revived if—
  - (a) the finding of guilt that caused the order to stop having effect is quashed or set aside by a court; or
  - (b) for an order that stopped having effect under subsection (1)(a)—
    - (i) the offender reporting order is quashed on appeal; or
    - (ii) the offender’s finding of guilt in relation to the offence that resulted in the making of that order is quashed or set aside by a court.
- (3) For this section, it is irrelevant whether or not a person may lodge, or has lodged, an appeal in relation to a finding of guilt or offender reporting order.

#### **49 Application for new order**

- (1) If an order stops having effect under section 48(1), the reportable offender may apply under this division for a new order.
- (2) Section 47 does not apply to an application under subsection (1).
- (3) If an order stops having effect under section 48(1), on an application under this division for a new order, section 41(2)(a) applies as if the period referred to were a period of 15 years (ignoring any period during which the offender was in government detention) since the offender last committed a reportable offence or corresponding reportable offence.

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## **Division 7                      Offences**

### **50            Failure to comply with reporting obligations**

- (1) A reportable offender must comply with the offender's reporting obligations, unless the offender has a reasonable excuse.

Maximum penalty—300 penalty units or 5 years imprisonment.

- (2) An offence against subsection (1) is a crime.
- (3) When deciding whether a reportable offender has a reasonable excuse, the court must have regard to—
- (a) the offender's age; and
  - (b) whether the offender has a disability that affects the offender's ability to understand, or to comply with, the obligations; and
  - (c) whether the form of notice given to the offender about the obligations was adequate to inform the offender of the obligations, having regard to the offender's circumstances; and
  - (d) any matter specified by a regulation for the purposes of this section; and
  - (e) any other matter that the court considers is appropriate.
- (4) It is a defence to proceedings for an offence of failing to comply with a reporting obligation if it is established by or on behalf of the person charged with the offence that, at the time the offence is alleged to have occurred, the person had not received notice, and was otherwise unaware, of the obligation.

### **51            False or misleading information**

- (1) A person must not give information to a person under this Act that the person knows is false or misleading in a material particular.

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Maximum penalty—300 penalty units or 5 years imprisonment.

- (2) An offence against subsection (1) is a crime.
- (3) Subsection (1) does not apply to information given in a document, if the person when giving the document—
  - (a) informs the person being given the document, to the best of the person's ability, how the information is false or misleading; and
  - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.
- (4) It is enough for a complaint against a person for an offence against subsection (1) to state that the information was 'false or misleading', without specifying whether it was false or whether it was misleading.

## **52 No time limit for prosecutions**

Despite anything to the contrary in the *Justices Act 1886*, a proceeding for an offence under this Act may be started at any time.

## **52A Proceedings for an indictable offence**

- (1) A proceeding for a charge of an offence against section 50(1) or 51(1) may, at the prosecution's election, be taken—
  - (a) by way of summary proceedings before a magistrate under the *Justices Act 1886*; or
  - (b) on indictment.
- (2) Subsection (3) applies if at any stage during a summary proceeding the magistrate is satisfied that the defendant may not be adequately punished on summary conviction because of the nature and seriousness of the offence or any other relevant consideration.
- (3) The Magistrates Court—
  - (a) must not decide the charge as a summary offence; and

- (b) must proceed by way of an examination of witnesses in relation to an indictable offence.
- (4) If a Magistrates Court acts under subsection (3)—
  - (a) any plea of the person charged, made at the start of the proceeding, must be disregarded; and
  - (b) any evidence brought in the proceeding before the magistrate decided to act under subsection (3) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
  - (c) before committing the person for trial or sentence the magistrate must make a statement to the person under the *Justices Act 1886*, section 104(2)(b).
- (5) The magistrate must invite and hear any submissions from the prosecution and defence before making a decision under subsection (2).

**52B Limitation on who may summarily hear a proceeding for an indictable offence and the level of penalty**

- (1) A proceeding against a person for an offence against section 50(1) or 51(1) must be before a magistrate if it is a proceeding—
  - (a) for the summary conviction of a person; or
  - (b) for an examination of witnesses in relation to the charge.
- (2) However, if a proceeding for the offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.
- (3) The maximum penalty that may be imposed on a summary conviction of the offence is 200 penalty units or 3 years imprisonment.

**53 Bar to prosecution for failing to report leaving Queensland**

- (1) This section applies if—
  - (a) a reportable offender leaves Queensland; and
  - (b) the offender is found guilty of failing to report his or her presence in a foreign jurisdiction, as required by a corresponding Act.
- (2) The offender must not be prosecuted for a failure to comply with section 20 in relation to the travel out of Queensland.

**Division 8 Notification of reporting obligations**

**54 Notice to be given to reportable offender**

- (1) A reportable offender must be given written notice of—
  - (a) his or her reporting obligations; and
  - (b) the consequences that may arise if the offender fails to comply with those obligations.
- (2) A reportable offender must be given the notice as soon as practicable after any of the following events happen—
  - (a) the offender is—
    - (i) sentenced for a reportable offence; or
    - (ii) made subject to an offender reporting order;
  - (b) the offender is released from government detention (whether in government detention for a reportable offence or otherwise);
  - (c) the offender enters Queensland, if the offender has not previously been given notice of his or her reporting obligations in Queensland;
  - (d) the offender becomes a corresponding reportable offender, if the person is in Queensland at that time.



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- (3) The notice must be given by the entity specified in, or determined under, a regulation.
  - (4) However, an entity is not required to give the notice if—
    - (a) it has been given by another entity; or
    - (b) the police commissioner has given the reportable offender a notice under subsection (5).
  - (5) The police commissioner may at any time give a reportable offender written notice in relation to—
    - (a) the offender's reporting obligations; and
    - (b) the consequences that may arise if the offender fails to comply with them.
  - (6) A regulation under subsection (3) must not specify a court, or an officer of the court, to be an entity except when the court has made an offender reporting order.
  - (7) Despite anything to the contrary in this division, a notice given under this section is not required to specify the reportable offender's reporting period if, as required by a regulation, a notice containing that information is given to the reportable offender when reporting his or her personal details to the police commissioner.

## **55 Courts to provide sentencing information to police commissioner**

- (1) This section applies if a court—
  - (a) makes any order or imposes any sentence that has the effect of making a person a reportable offender for this Act; or
  - (b) imposes any sentence on a person for a reportable offence; or
  - (c) makes any order in relation to a reportable offender that has the effect of removing the offender from the ambit of this Act.

*Example—*

Paragraph (c) would apply, for instance, if a court on appeal quashes a person's finding of guilt for a reportable offence for which the person had been sentenced and that was the only reportable offence that the person had ever been found guilty of.

- (2) The court must ensure that details of the order or sentence are given to the police commissioner as soon as practicable after the making or imposition of the order or sentence.
- (3) For subsection (2), it is sufficient for the verdict and judgement record, made under the Criminal Practice Rules, to be given to the police commissioner.
- (4) In this section—  
*court* does not include a court of a foreign jurisdiction.

## **56 Notice to be given when reporting period changes**

- (1) This section applies to a reportable offender whose reporting period has changed since the offender was last notified of his or her reporting period in Queensland.
- (2) The police commissioner must give written notice to the reportable offender as soon as practicable after the change, but no later than the time that the offender next reports under this Act.

## **57 Supervising authority to notify police commissioner of personal details**

- (1) For the purposes of this Act, the police commissioner may require a supervising authority who the police commissioner reasonably considers has the personal details of a reportable offender to give the details to the police commissioner.
- (2) The supervising authority is authorised and directed to give the details to the police commissioner.

*Example—*

If a reportable offender has failed to report and can not be located, the police commissioner may ask the supervising authority for the offender's address.

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**58 Supervising authority to notify police commissioner of particular events**

- (1) As soon as practicable before or after a decision is made under section 173, 186, 203 or 289 of the *Mental Health Act 2000* in relation to a forensic reportable offender, the supervising authority is authorised and directed to give written notice of that fact to the police commissioner.
- (2) As soon as practicable before or after any other reportable offender—
  - (a) is on unescorted leave of absence; or
  - (b) is authorised to leave Queensland under the *Corrective Services Act 2006* or the *Youth Justice Act 1992*; or
  - (c) stops being in government detention, including because of the making of a supervision order; or
  - (d) stops being subject to a supervision order;the supervising authority is authorised and directed to give written notice of that fact to the police commissioner.
- (3) A notice under this section must include any details required by a regulation.
- (4) Subsection (2) applies regardless of why a reportable offender who was in government detention or subject to the supervision order was in government detention or subject to the supervision order.

**60 Power of detention to enable notice to be given**

- (1) This section applies if there are reasonable grounds to suspect that—
  - (a) a person is a reportable offender; and
  - (b) the person has not been given notice, or is otherwise unaware, of his or her reporting obligations.
- (2) A police officer may detain the person if it is reasonably necessary to do so—
  - (a) to enable a decision to be made about—

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- (i) whether or not the person is a reportable offender; or
  - (ii) if the person is a reportable offender—whether or not the person has been given notice, or is aware, of his or her reporting obligations; or
- (b) to enable the person to be given notice of those obligations if the person is not aware of them.
- (3) When detaining the person, the police officer must tell the person—
  - (a) why the person is being detained; and
  - (b) that the detention is authorised under this Act; and
  - (c) that the person will be released immediately after the reasons for the detention are satisfied.
- (4) The detained person—
  - (a) may be taken to the nearest police station; and
  - (b) must—
    - (i) not be held for longer than is reasonably necessary to enable the purpose of the detention to be satisfied; and
    - (ii) not be held only because the person has refused to sign an acknowledgement that the person has been given notice of the person’s reporting obligations; and
    - (iii) be released immediately after the purpose of detention is satisfied.

**61 Failure to comply with procedural requirements does not affect reportable offender’s obligations**

A failure by a person other than a reportable offender to comply with a procedural requirement imposed on the person by this part or a regulation does not, of itself, affect a reportable offender’s reporting obligations.

*Note—*

This section aims to prevent a reportable offender who was not given notice of a reporting obligation by an official as required by this part from arguing that the obligation does not apply to him or her as a result of that failure if there is evidence that the reportable offender was aware of the obligation through some other way. If there is no evidence of that, then the reportable offender would have a defence to the charge under section 50(4) on the basis that the person was not aware of the obligation.

## **Division 9                      Modified reporting procedures for protected witnesses**

### **62      Who this division applies to**

- (1) This division applies to a reportable offender who—
  - (a) is currently a participant in a witness protection program; or
  - (b) is the subject of an order in force under this division declaring that the person is a person to whom this division applies; or
  - (c) has been a participant in a witness protection program but in relation to whom an order under this division is not yet in effect.
- (2) This division (other than sections 64 to 66) also applies to a reportable offender who—
  - (a) is receiving protection under a foreign witness protection law specified by a regulation for the purposes of this subsection; or
  - (b) has the same status as a person mentioned in paragraph (a) under an order made under a corresponding Act specified by a regulation for the purposes of this subsection.
- (3) In this division—

***witness protection program*** has the same meaning as it has in the *Witness Protection Act 2000*.

*Note—*

Section 5(3) excludes from the definition *reportable offender* persons receiving protection under foreign witness protection laws prescribed for the purposes of that section or who have the same status as those persons under a corresponding Act that is so prescribed.

### **63 Report need not be made in person**

It is sufficient compliance with this part if—

- (a) a person to whom this division applies reports the information that the person is required to report under this part at the times, and in a way, authorised by the police commissioner for the purposes of this section; and
- (b) the acknowledgement of the making of a report is given in a way approved by the police commissioner.

### **64 Order about whether this division applies**

- (1) The police commissioner must make an order declaring that a reportable offender who is, or has been, a participant in a witness protection program either is, or is not, a person to whom this division applies—
  - (a) when the reportable offender stops being a participant in the program as a result of a withdrawal under the *Witness Protection Act 2000*, section 13; or
  - (b) when the chairperson of the Crime and Corruption Commission makes a decision under the *Witness Protection Act 2000*, section 14, to end the protection and assistance given to the reportable offender under the program.
- (2) On making the order, the police commissioner must take reasonable steps to notify the reportable offender of the terms of the order.
- (3) A person who receives the notice may, within 28 days after receiving it, apply in writing to the police commissioner for a review of the decision.

- (4) On receiving an application for a review, the police commissioner must—
  - (a) give the applicant a reasonable opportunity to state his or her case before making a decision on the matter; and
  - (b) review the order, and confirm or reverse it; and
  - (c) give written notice of the decision to the applicant.
- (5) If the police commissioner's decision is to confirm the order, the notice of the decision must inform the applicant of his or her rights under section 65.

## **65 Appeal against order**

- (1) A person who is aggrieved by a decision of the police commissioner about an order under this division may appeal to the Supreme Court against the decision within 3 days after receiving notice of the decision.
- (2) The Supreme Court, in deciding the appeal, may make any decision that could have been made by the police commissioner.
- (3) The Supreme Court's decision for the appeal is final and has effect according to its terms.

## **66 When order takes effect**

- (1) An order declaring that this division applies to a reportable offender takes effect immediately.
- (2) An order declaring that this division does not apply to a reportable offender takes effect—
  - (a) at the end of 28 days after notice of the making of the order is given to the reportable offender; or
  - (b) if an application mentioned in section 64(3) is made before the end of that period, at the end of 3 days after notice is given to the applicant as mentioned in section 64(4)(c); or

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- (c) if an appeal is made under section 65 before the end of that 3 day period, on the day on which the Supreme Court decides the appeal;
- whichever is the later.

## **67 Modification of reporting obligations**

Sections 20 to 23 and 53 and schedule 2 apply to a person to whom this division applies as if a reference to Queensland were a reference to the jurisdiction in which the person generally resides.

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

### **67A Application of this division**

This division applies to a reportable offender who—

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

### **67B Reportable offenders under legal guardianship**

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



- (i) if the reportable offender is a child—the offender’s parent or legal guardian; or
- (ii) if the reportable offender is an adult for whom a legal guardian has been appointed—the offender’s legal guardian.

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

- (1) The police commissioner may suspend the reportable offender’s reporting obligations on the commissioner’s own initiative only if satisfied, on reasonable grounds, that—
  - (a) the offender does not pose a risk to the lives or sexual safety of children; and
  - (b) if the offender has a cognitive or physical impairment—the impairment is a significant impairment.
- (2) The police commissioner must give the reportable offender written notice of the suspension as soon as reasonably practicable.
- (3) The suspension takes effect when the commissioner gives the notice to the reportable offender.

**67D Reportable offenders may apply for suspension of reporting obligations**

- (1) The reportable offender may apply, in writing, to the police commissioner for a suspension of the offender’s reporting obligations.
- (2) If the reportable offender is a child or an adult for whom a legal guardian has been appointed, the offender’s parent or guardian may apply for the offender.
- (3) The reportable offender’s reporting obligations are not suspended only because the application is made.

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- (4) The police commissioner must decide whether to grant or refuse the application as soon as reasonably practicable after receiving the application.
- (5) The police commissioner may grant the application only if satisfied, on reasonable grounds, that—
  - (a) the reportable offender does not pose a risk to the lives or sexual safety of children; and
  - (b) if the reportable offender has a cognitive or physical impairment—the impairment is a significant impairment.
- (6) The police commissioner must give written notice of the grant or refusal of the application to the reportable offender as soon as reasonably practicable.
- (7) A suspension of the reportable offender’s reporting obligations takes effect when the commissioner gives the notice to the reportable offender.

### **67E Effect of suspension**

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

### **67F Revocation of suspension**

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

- (3) The revocation takes effect when the police commissioner gives the notice to the reportable offender.

## **Part 4A                      Reviews and appeals**

*Notes—*

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

### **Division 1                      Preliminary**

#### **67G      Application of pt 4A**

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

### **Division 2                      Internal review**

#### **67H      Application for internal review**

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

## **67I Internal review**

- (1) As soon as reasonably practicable after receiving the application, the police commissioner must—
  - (a) review the decision; and
  - (b) decide to—
    - (i) confirm the decision; or
    - (ii) amend the decision; or
    - (iii) substitute another decision for the decision.
- (2) The application must not be decided by—
  - (a) the person who made the decision; or
  - (b) a person in a less senior office than the person who made the decision.
- (3) Subsection (2)—
  - (a) applies despite the *Acts Interpretation Act 1954*, section 27A; and
  - (b) does not apply to a decision made by the police commissioner.
- (4) If the police commissioner decides to confirm or amend the decision, the decision, or the amended decision, is taken to be the police commissioner's decision for the purpose of an appeal under division 3.
- (5) The police commissioner must give the reportable offender a written notice that states—
  - (a) the decision on the review; and
  - (b) the reasons for the decision; and
  - (c) that the offender may appeal against the decision to a Magistrates Court within 28 days after the day when the notice is given to the offender.
- (6) If the police commissioner does not give the notice to the reportable offender within 10 business days after making his or her decision, the commissioner is taken to have confirmed the decision.

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## **Division 3                      Appeals to Magistrates Court**

### **67J      Appeal**

- (1) The reportable offender may appeal against the police commissioner's decision under section 67I by filing a notice of appeal with a Magistrates Court within—
  - (a) 28 days after the day when the offender receives, or ought to have received, the notice; or
  - (b) if the Court extends the time for filing the notice of appeal—the time allowed by the Court.
- (2) The reportable offender must serve a copy of the notice of appeal on the police commissioner.
- (3) The procedure for an appeal under this part must be in accordance with the rules of court applicable to the appeal.
- (4) In deciding an appeal, the Magistrates Court may—
  - (a) confirm the decision; or
  - (b) amend the decision; or
  - (c) set aside the decision and substitute a decision the Court considers should have been made.
- (5) If the Magistrates Court amends the decision or substitutes another decision, the amended decision, or the substituted decision, is taken to be the decision of the police commissioner for the purposes of this Act, other than this part.
- (6) The Magistrates Court must not award costs in relation to an appeal under this part.



- (c) the Australian Federal Police;
- (d) the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Cwlth), section 7;
- (e) another entity or agency of the Commonwealth or a State prescribed by regulation.

## **69 Access to the register to be restricted**

- (1) The police commissioner must ensure—
  - (a) that the register, or any part of the register, is only accessed by a person, or a class of person, who is authorised to do so by the police commissioner; and
  - (b) that personal information in the register is only disclosed by a person with access to the register, or the relevant part of the register, in circumstances authorised by the police commissioner or as otherwise required by or under any Act or law.
- (2) The police commissioner must develop guidelines about the access to, and disclosure of, personal information in the register that attempt to ensure that access to the personal information in the register is restricted to the greatest extent possible without interfering with the purpose of this Act.
- (3) For this section, the register includes any information from any register maintained under a corresponding Act that is accessible by the police commissioner, regardless of whether or not that information is physically part of the register.
- (4) This section has effect despite any other Act or law to the contrary.

## **70 Confidentiality**

- (1) A person authorised to have access to the register or any part of the register must not disclose any personal information in the register, unless the person—

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- (a) is authorised by the police commissioner to disclose the information; or
- (b) is otherwise required, under any Act or law, to disclose the information.

Maximum penalty—150 penalty units or 2 years imprisonment.

- (2) If the person is a police officer, an authorisation for subsection (1)(a) may be given under this Act or the *Police Service Administration Act 1990*, section 10.2.

## **71 Release of information to corresponding registrar**

The police commissioner may release personal information in the register to a corresponding registrar for the purposes of a corresponding Act.

## **72 Restriction on who may access personal information on protected witnesses**

The police commissioner must ensure that any personal information in the register about a person to whom part 4, division 9 applies can not be accessed other than by a person authorised by the officer responsible for the day to day operation of the witness protection program.

*Note—*

Part 4, division 9 applies to particular people who are, or were, in witness protection programs.

## **73 Reportable offender's rights in relation to register**

- (1) If asked to do so by a reportable offender, the police commissioner must give the offender a copy of all the reportable information that is held in the register in relation to the offender.
- (2) The police commissioner must comply with subsection (1) as soon as practicable after being asked to do so.



- (3) A reportable offender may ask the police commissioner to amend any reportable information held on the register in relation to the offender that is incorrect.
- (4) The police commissioner must comply with the request on being satisfied that the information is incorrect.
- (5) In this section—

*reportable information* means any information given to the police commissioner by, or on behalf of, the reportable offender that the offender is required to report to the police commissioner and that is still held in the register.

## **74 Review about entry on register**

- (1) This section applies if a person believes that—
  - (a) the person has been placed on the register—
    - (i) in error; or
    - (ii) for a person who has been placed on the register because of the police commissioner's belief mentioned in section 9(a)(ii)—the police commissioner's belief is not a reasonable belief; or
  - (b) an error has been made in working out the length of the person's reporting period.
- (2) The person may apply in writing to the police commissioner to review the following—
  - (a) the decision to place the person on the register;
  - (b) the decision about the length of the person's reporting period.
- (3) The application must be made within 28 days after the person is given notice of his or her reporting obligations under section 54.
- (4) The person's reporting obligations are not suspended because the person made the application.
- (5) On receiving an application for a review, the police commissioner must—

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- (a) give the person a reasonable opportunity to state his or her case before making a decision on the matter; and
  - (b) if the application relates to a decision to place the person on the register—review the decision to place the person on the register and confirm or revoke it; and
  - (c) if the application relates to a decision about the length of the person’s reporting period—review the decision and confirm or change it; and
  - (d) give the person written notice—
    - (i) of the decision; and
    - (ii) informing the person of the person’s right to a copy of all reportable information that is held in the register in relation to the person under section 73.
- (6) If the police commissioner revokes a decision to place a person on the register, the police commissioner must ensure that the person’s personal details are removed from the register, and any copies of documents, fingerprints or photographs taken from the person under this Act are not kept.
- (7) If the police commissioner changes a decision about the length of a person’s reporting period, the police commissioner must ensure the entry for the reporting period on the register is corrected.

## Part 5A                      Change of name

### 74A      Change of name of reportable offender

- (1) This section applies if a reportable offender intends to change his or her name under the *Births, Deaths and Marriages Registration Act 2003* or a law of a foreign jurisdiction (each the **relevant law**).
- (2) The reportable offender must obtain the police commissioner’s written permission before changing, or applying to change, the offender’s name under the relevant law.

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Maximum penalty—20 penalty units or 6 months imprisonment.

- (3) In deciding whether to give the permission, the police commissioner must consider each of the following—
  - (a) the safety of the reportable offender and other persons;
  - (b) the reportable offender's rehabilitation or care or treatment;
  - (c) whether the proposed name change could be used to further an unlawful activity or purpose;
  - (d) whether the proposed name change could be considered offensive to a victim of a crime or an immediate family member of a deceased victim of a crime.
- (4) Subsection (5) applies if the police commissioner becomes aware that the reportable offender has failed to comply with subsection (2) in registering, under the *Births, Deaths and Marriages Registration Act 2003*, a change of name.
- (5) The police commissioner may apply to the registrar under the *Births, Deaths and Marriages Registration Act 2003* for the cancellation of the registration.

## Part 6 Other matters

### **74B Declaration about disclosure or release of personal information to particular corresponding registrars**

- (1) This section applies to a disclosure or release of personal information in the register made under or purportedly under this Act or the *Police Service Administration Act 1990*—
  - (a) by the commissioner before the prescribed day; and
  - (b) to a person who became a corresponding registrar on the prescribed day.
- (2) The disclosure or release is and always was as lawfully made as if it were made on the prescribed day.

(3) In this section—

*prescribed day* means the day each of the following Acts became a corresponding Act—

- (a) the *Child Protection (Offender Reporting and Registration) Act* (NT);
- (b) the *Child Sex Offenders Registration Act 2006* (SA);
- (c) the *Community Protection (Offender Reporting) Act 2005* (Tas);
- (d) the *Crimes (Child Sex Offenders) Act 2005* (ACT).

## **75 Protection from personal liability**

- (1) A person acting in the administration or execution of this Act does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents civil liability attaching to the person, the liability attaches instead to the State.

## **76 Effect of spent convictions**

- (1) The fact that an offence for which a reportable offender has been found guilty becomes spent does not affect—
  - (a) the status of the offence as a reportable offence under this Act in relation to the offender; or
  - (b) any reporting obligations of the offender.
- (2) For this section, an offence becomes spent if, under a law in any jurisdiction, the reportable offender is allowed to not disclose the fact that the person was convicted or found guilty of the offence.

## **77 Evidentiary provisions**

- (1) In a proceeding under this Act, a statement in a complaint that the register—

- (a) at a particular date contained particular information; or
- (b) indicated that, during a particular period, a specified person failed to notify information as required by this Act;

is evidence of the stated matters.

- (2) For this Act, a certificate that would be evidence under a corresponding Act that at a specified time, or during a specified period, a person was required to report to a corresponding registrar under that Act is evidence of the facts stated in the certificate.

## **78 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) Without limiting subsection (1), the Governor in Council may make a regulation imposing a penalty of not more than 20 penalty units for a contravention of a regulation.

# **Part 7 Transitional provisions**

## **Division 1 Provision for the Criminal Code and Other Acts Amendment Act 2008**

### **79 Transitional provision**

Schedule 1 applies as if the reference to the Criminal Code, section 208 included a reference to the Criminal Code, section 209 as in force at any time before its repeal by the *Criminal Code and Other Acts Amendment Act 2008*.

## **Division 2**                      **Provisions for the Child Protection (Offender Reporting) and Other Legislation Amendment Act 2011**

### **80**      **Declaration about application of s 14**

- (1) This section applies to a reportable offender who—
  - (a) before the commencement, was required to make an initial report; but
  - (b) had not made the report before the commencement because the period, stated in pre-amended section 14, for making the report had not ended.
- (2) To remove any doubt, it is declared that pre-amended section 14 continues to apply to the reportable offender for making the report.
- (3) In this section—

*commencement* means the commencement of this section.

*pre-amended section 14* means section 14 as in force immediately before the commencement.

### **81**      **Application of s 33**

- (1) This section applies if—
  - (a) before the commencement, the police commissioner agreed, under section 33(2), to allow a reportable offender to make a report at a specific time; and
  - (b) at the commencement, the specific time had not ended and the offender had not made the report.
- (2) Section 33(2) as in force immediately before the commencement continues to apply to the reportable offender until the end of the specific time.
- (3) In this section—

*commencement* means the commencement of this section.

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**82 Declaration and other provision about effect of previous sentence for a new class 1 or class 2 offence**

- (1) This section applies to a person who—
  - (a) before the commencement, was sentenced for an offence that is a new class 1 or 2 offence; but
  - (b) immediately before the commencement, was not a reportable offender.
- (2) To remove any doubt, it is declared that, subject to section 5, the person is a reportable offender.
- (3) However, a reporting obligation does not apply to the person unless the police commissioner has given the person a notice under section 59.

- (4) In this section—

*commencement* means the commencement of this section.

*new class 1 or 2 offence* means an offence that—

- (a) before the commencement, was not a class 1 or 2 offence; but
- (b) on the commencement, is a class 1 or 2 offence.

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

**83 Definitions for div 3**

In this division—

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

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

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

#### **84 Single offence by child against Criminal Code, s 210**

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

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

#### **85 New South Wales reportable offenders**

- (1) This section applies to a person who—
  - (a) was, immediately before the commencement, a New South Wales reportable offender under the pre-amended Act, section 8; and
  - (b) would, except for the amendment made by the amending Act, have continued to be a New South Wales reportable offender for a period (the *remaining reporting period*) after the commencement.
- (2) The person is taken to be a corresponding reportable offender under this Act until—
  - (a) the remaining reporting period ends; or
  - (b) the person otherwise stops being a reportable offender.

#### **86 Reportable offenders who have made annual report before commencement**

- (1) This section applies if a reportable offender has, before the commencement, made an annual report for 2014 under the pre-amended Act, section 18.
- (2) The reportable offender must start making periodic reports—



- 
- (a) if the police commissioner gives the offender a notice under section 19(3)—at the time stated in the notice; or
  - (b) otherwise—
    - (i) if the anniversary of the date when the offender made the initial report falls in a reporting month—in that month; or
    - (ii) if the anniversary does not fall in a reporting month—in the next reporting month after the anniversary.

*Example for paragraph (b)—*

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

## **87 Evidence certificates for existing proceedings**

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

## **Division 4 Transitional provision for Health and Other Legislation Amendment Act 2016**

### **88 Sch 1 references to the Criminal Code, s 215**

Schedule 1 applies as if the reference to the Criminal Code, section 215 included a reference to—

- (a) the Criminal Code, section 208 as in force at any time before its repeal by the *Health and Other Legislation Amendment Act 2016*; and
- (b) the Criminal Code, section 209 as in force at any time before its repeal by the *Criminal Code and Other Acts Amendment Act 2008*.

## Schedule 1 Prescribed offences

section 9(a) and (b)

- 1 An offence against any of the following provisions of the *Classification of Computer Games and Images Act 1995*—
  - section 26(3) (Possession of objectionable computer game)
  - section 27(3) or (4) (Making objectionable computer game)
  - section 28 (Obtaining minor for objectionable computer game).
- 2 An offence against any of the following provisions of the *Classification of Films Act 1991*—
  - section 41(3) (Possession of objectionable film)
  - section 42(3) or (4) (Making objectionable film)
  - section 43 (Procurement of minor for objectionable film).
- 3 An offence against any of the following provisions of the *Classification of Publications Act 1991*—
  - section 12 (Sale etc. of prohibited publication or child abuse photograph), if the offence involves a child abuse publication or child abuse photograph
  - section 13 (Possession of prohibited publication), if the offence involves a child abuse publication or child abuse photograph
  - section 14 (Possession of child abuse publication or child abuse photograph)
  - section 15 (Exhibition or display of prohibited publication or child abuse photograph), if the offence involves a child abuse publication or child abuse photograph

- 
- section 16 (Leaving prohibited publication or child abuse photograph in or on public place), if the offence involves a child abuse publication or child abuse photograph
  - section 17(1) or (2) (Producing prohibited publication), if the offence involves a child abuse publication
  - section 17(3) or (4) (Producing prohibited publication)
  - section 18 (Procurement of minor for RC publication or child abuse photograph), if the offence involves a child abuse publication or child abuse photograph
  - section 20 (Leaving prohibited publication or child abuse photograph in or on private premises), if the offence involves a child abuse publication or child abuse photograph.
- 4 An offence against any of the following provisions of the Criminal Code—
- section 210 (Indecent treatment of children under 16)
  - section 213 (Owner etc. permitting abuse of children on premises)
  - section 215 (Carnal knowledge with or of children under 16)
  - section 218A (Using internet etc. to procure children under 16)
  - section 218B (Grooming children under 16)
  - section 219 (Taking child for immoral purposes)
  - section 228A (Involving child in making child exploitation material)
  - section 228B (Making child exploitation material)
  - section 228C (Distributing child exploitation material)
  - section 228D (Possessing child exploitation material)
  - section 228DA (Administering child exploitation material website)

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- section 228DB (Encouraging use of child exploitation material website)
  - section 228DC (Distributing information about avoiding detection)
  - section 229B (Maintaining a sexual relationship with a child).
- 5 An offence against either of the following provisions of the Criminal Code, as in force from time to time before being repealed by *The Criminal Code, Evidence Act and Other Acts Amendment Act 1989*—
- section 212 (Defilement of Girls under Twelve)
  - section 214 (Attempt to Abuse Girls under Ten).
- 6 An offence against any of the following provisions of the Criminal Code (Cwlth)—
- section 272.8 (Sexual intercourse with child outside Australia)
  - section 272.9 (Sexual activity (other than sexual intercourse) with child outside Australia)
  - section 272.10 (Aggravated offence—child with mental impairment or under care, supervision or authority of defendant)
  - section 272.11 (Persistent sexual abuse of child outside Australia)
  - section 272.14 (Procuring child to engage in sexual activity outside Australia)
  - section 272.15 (“Grooming” child to engage in sexual activity outside Australia)
  - section 272.18 (Benefiting from offence against this Division)
  - section 272.19 (Encouraging offence against this Division)
  - section 272.20 (Preparing for or planning offence against this Division)

- 
- section 273.5 (Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia)
  - section 273.6 (Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia)
  - section 471.16 (Using a postal or similar service for child pornography material)
  - section 471.17 (Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service)
  - section 471.19 (Using a postal or similar service for child abuse material)
  - section 471.24 (Using a postal or similar service to procure persons under 16)
  - section 471.25 (Using a postal or similar service to “groom” persons under 16)
  - section 474.19 (Using a carriage service for child pornography material)
  - section 474.20 (Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service)
  - section 474.22 (Using a carriage service for child abuse material)
  - section 474.23 (Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service)
  - section 474.25A (Using a carriage service for sexual activity with person under 16 years of age)
  - section 474.26 (Using a carriage service to procure persons under 16 years of age)
  - section 474.27 (Using a carriage service to “groom” persons under 16 years of age)

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- section 474.27A (Using a carriage service to transmit indecent communication to person under 16 years of age).
- 7 An offence against any of the following provisions of the *Crimes Act 1914* (Cwlth), as in force from time to time before being repealed by the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010* (Cwlth)—
- section 50BA (Sexual intercourse with child under 16)
  - section 50BB (Inducing child under 16 to engage in sexual intercourse)
  - section 50BC (Sexual conduct involving child under 16)
  - section 50BD (Inducing child under 16 to be involved in sexual conduct)
  - section 50DA (Benefiting from offence against this Part)
  - section 50DB (Encouraging offence against this Part).
- 8 An offence against the *Customs Act 1901* (Cwlth), section 233BAB (Special offence relating to tier 2 goods) that involves child pornography or child abuse material.
- 9 Any of the following offences—
- (a) an offence against any of the following provisions of the Criminal Code—
- section 216 (Abuse of persons with an impairment of the mind)
  - section 217 (Procuring young person etc. for carnal knowledge)
  - section 218 (Procuring sexual acts by coercion etc.)
  - section 221 (Conspiracy to defile)
  - section 222 (Incest)
  - section 228 (Obscene publications and exhibitions)
  - section 229G (Procuring engagement in prostitution)

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- section 229H (Knowingly participating in provision of prostitution)
  - section 229I (Persons found in places reasonably suspected of being used for prostitution etc.)
  - section 229L (Permitting young person etc. to be at place used for prostitution)
  - section 300 (Unlawful homicide) in circumstances that amount to murder
  - section 349 (Rape)
  - section 350 (Attempt to commit rape)
  - section 351 (Assault with intent to commit rape)
  - section 352 (Sexual assaults);
- (b) an offence against the Criminal Code, section 220 (Unlawful Detention with Intent to Defile or in a Brothel), as in force from time to time before being repealed by *The Criminal Code, Evidence Act and Other Acts Amendment Act 1989*;
- (c) an offence against either of the following provisions of the Criminal Code, as in force from time to time before being repealed by the *Criminal Law Amendment Act 1997*—
- section 223 (Incest by adult female)
  - section 344 (Aggravated assaults), if the offence was of a sexual nature as defined by the *Criminal Law Amendment Act 1945*, section 2A;
- (d) an offence against either of the following provisions of the Criminal Code (Cwlth), as in force from time to time before being amended by the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013*—
- section 270.6 (Sexual servitude offences)
  - section 270.7 (Deceptive recruiting for sexual services);

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



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## Schedule 2      Personal details for reportable offenders

## section 10A

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

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- (a) the child's name and address;
  - (b) the child's age and date of birth;
  - (c) the nature of the reportable contact;
  - (d) any telephone contact number for the child;
  - (e) any email address belonging to the child or to which the child has access.
- 7 If the reportable offender is employed—
- (a) the nature of the employment; and
  - (b) if the offender is employed by an employer—the name of the employer; and
  - (c) the address or locality of each of the offender's usual places of employment.
- 8 Details of any club or organisation of which the reportable offender is an associate, employee, member, official or subordinate that—
- (a) has child members; or
  - (b) organises, supports or undertakes activities in which children participate; or
  - (c) directly supports the function or operation of a club or organisation of a type mentioned in paragraph (a) or (b).
- 9 The make, model, colour and registration number of any motor vehicle that the reportable offender—
- (a) owns; or
  - (b) has driven for at least 7 days, whether or not the days are consecutive, within a 1-year period.
- 10 Whether the reportable offender has ever been—
- (a) subject to a corresponding offender reporting order; and
  - (b) if so, where and when the order was made.
- 11 Whether the reportable offender has ever been—

- 
- (a) found guilty in a foreign jurisdiction of a reportable offence, or an offence that required the offender to report to a corresponding registrar; and
  - (b) if so, where and when the finding was made.
- 12 If the reportable offender has been in government detention since the offender was sentenced or was released from government detention for a reportable offence or corresponding reportable offence—details of when and where the government detention occurred.
- 13 Details of any of the following used, or intended to be used, by the reportable offender—
- (a) a carriage service within the meaning of the *Telecommunications Act 1997* (Cwlth), including—
    - (i) the name of the carriage service provider; and
    - (ii) any current telephone number for the service;
  - (b) an internet carriage service within the meaning of the *Broadcasting Services Act 1992* (Cwlth), including—
    - (i) the name of the internet service provider; and
    - (ii) whether the connection is a wireless, broadband, ADSL or dial-up connection; and
    - (iii) any current telephone number for the service.
- 14 Details of any social networking site that the reportable offender joins, participates in or contributes to, or with which the offender registers or opens an account, including passwords for the registration or account.
- 15 Details of either of the following used, or intended to be used, by the reportable offender through the internet or another electronic communication service, including passwords—
- (a) an email address;
  - (b) an internet user name, including a user name or identity associated with an instant messaging service, chat room or social networking site.
- 16 The passport number and country of issue of each passport held by the reportable offender.

- 17 For a reportable offender who is making the offender's initial report and intends to travel outside Queensland, but within Australia, on an average of at least once a month (irrespective of the length of the period of travel)—
- (a) the reason for travelling, in general terms; and
  - (b) the frequency and destinations of the travel, in general terms.

## Schedule 3      When reportable offender must make initial report

### section 14

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

Schedule 3

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

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

## **Schedule 4      Decisions subject to review**

section 67G

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



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## Schedule 5 Dictionary

### section 12

***child detainee*** means a child who is detained in a detention centre under the *Youth Justice Act 1992*.

***commencement date*** means 1 January 2005.

***corresponding Act*** means a law of a foreign jurisdiction—

- (a) that provides for people who have committed specified offences—
  - (i) to report, in that jurisdiction, information about themselves; and
  - (ii) to keep that information current for a specified period; and
- (b) that a regulation states is a corresponding Act.

***corresponding offender reporting order*** means an order made under a corresponding Act that falls within a class of order that a regulation states is a corresponding offender reporting order.

***corresponding registrar*** means the person whose functions under a corresponding Act most closely correspond to the functions of the police commissioner under this Act.

***corresponding reportable offence*** means an offence that is a reportable offence under a corresponding Act, but is not a reportable offence under this Act.

***corresponding reportable offender*** see section 7.

***court*** includes a court of a foreign jurisdiction, however described.

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

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

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

**disability** has the same meaning as it has in the *Disability Services Act 2006*, section 11.

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

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

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

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

**existing reportable offender** see section 6.

**finding of guilt** see section 10.

**fingerprints** includes fingerprints taken by a device to obtain a record of the fingerprints.

**foreign jurisdiction** means a jurisdiction other than Queensland, including jurisdictions outside Australia.

**foreign witness protection law** means a law of a foreign jurisdiction that provides for the protection of witnesses.

**forensic order** means a following order under the *Mental Health Act 2000*—

- (a) forensic order (Criminal Code);

- (b) forensic order (Mental Health Court);
- (c) forensic order (Mental Health Court—Disability).

***forensic patient*** means a person in relation to whom a forensic order has been made.

***forensic reportable offender*** means a person who is subject to an offender reporting order that was made with a forensic order under the *Mental Health Act 2000*.

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

***government detention*** means—

- (a) detention, other than under a supervision order, of—
  - (i) a prisoner under the *Corrective Services Act 2006*;  
or
  - (ii) a child detainee under the *Youth Justice Act 1992*;  
including if the prisoner or child detainee is on unescorted leave of absence; or
- (b) detention under a law of a foreign jurisdiction in the nature of detention mentioned in paragraph (a).

***government entity*** see the *Public Service Act 2008*, section 24.

***imprisonment*** includes detention under the *Youth Justice Act 1992*.

***initial report*** see section 14(2).

***intensive correction order*** means—

- (a) an intensive correction order under the *Penalties and Sentences Act 1992*; or
- (b) an intensive supervision order under the *Youth Justice Act 1992*.

***offender reporting order*** means—

- (a) an order made under section 13; or
- (b) a corresponding offender reporting order.

***parole order*** means—

- (a) a parole order under the *Corrective Services Act 2006*;  
or
- (b) any equivalent order made under the laws of a foreign jurisdiction.

***periodic report*** see section 18(1).

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

***personal information*** means information about an individual whose identity is apparent or can reasonably be ascertained from the information.

***police commissioner*** means the commissioner of the police service.

***prescribed offence*** see section 9.

***prisoner*** means a person who is in custody of the chief executive (corrective services), including a person who is subject to a parole order.

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

***register*** means the child protection register established under section 68.

***released*** from government detention includes discharged from custody.

***reportable contact*** see section 9A.

***reportable offence*** see section 9.

***reportable offender*** see section 5.

***reporting month*** means each of the following—

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

**reporting obligations**, in relation to a reportable offender, means the obligations imposed on the offender by part 4.

**reporting period** means the period, worked out under part 4, division 5, during which a reportable offender must comply with his or her reporting obligations.

**restricted police station** see section 25(3).

**sentence** includes something in the nature of a sentence imposed under the laws of a foreign jurisdiction.

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

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

**supervising authority**, in relation to a reportable offender, means an authority that a regulation states is the authority having control of the offender.

**supervision order** means—

- (a) a community service order, a probation order, an intensive correction order, or an order that a term of imprisonment be suspended, under the *Penalties and Sentences Act 1992*; or
- (b) a community service order, probation order, intensive supervision order, conditional release order, or supervised release order, under the *Youth Justice Act 1992*; or
- (c) a parole order; or
- (d) a continuing detention order or supervision order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*; or
- (e) an order equivalent to any order mentioned in paragraph (a), (b), (c) or (d) made under the laws of a foreign jurisdiction.

**unescorted leave of absence** means—

- (a) for a prisoner—leave of absence granted under the *Corrective Services Act 2006*, section 72 if the prisoner is not ordered to remain in the physical custody of a corrective services officer under that Act during the leave; or
- (b) for a child detainee—leave of absence granted under the *Youth Justice Act 1992*, section 269 if the child detainee is not in the physical custody of a person under that Act during the leave.

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

## 1 Index to endnotes

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

## 2 Key

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

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>AIA</b>	<b>= Acts Interpretation Act 1954</b>	<b>(prev)</b>	<b>= previously</b>
<b>amd</b>	<b>= amended</b>	<b>proc</b>	<b>= proclamation</b>
<b>amd</b>	<b>= amendment</b>	<b>prov</b>	<b>= provision</b>
<b>t</b>			
<b>ch</b>	<b>= chapter</b>	<b>pt</b>	<b>= part</b>
<b>def</b>	<b>= definition</b>	<b>pubd</b>	<b>= published</b>
<b>div</b>	<b>= division</b>	<b>R[X]</b>	<b>= Reprint No. [X]</b>
<b>exp</b>	<b>= expires/expired</b>	<b>RA</b>	<b>= Reprints Act 1992</b>
<b>gaz</b>	<b>= gazette</b>	<b>reloc</b>	<b>= relocated</b>
<b>hdg</b>	<b>= heading</b>	<b>renu</b>	<b>= renumbered</b>
		<b>m</b>	
<b>ins</b>	<b>= inserted</b>	<b>rep</b>	<b>= repealed</b>
<b>lap</b>	<b>= lapsed</b>	<b>(retro</b>	<b>= retrospectively</b>
		<b>)</b>	
<b>notf</b>	<b>= notified</b>	<b>rv</b>	<b>= revised version</b>
<b>d</b>			
<b>num</b>	<b>= numbered</b>	<b>s</b>	<b>= section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

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

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

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

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	1 January 2005	
1A	2005 Act No. 9	4 April 2005	



<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1B	2005 Act No. 17	1 July 2005	
1C	2006 Act No. 12	1 July 2006	
1D	2006 Act No. 29	28 August 2006	
1E	2007 Act No. 27	28 May 2007	
1F	2008 Act No. 17	2 June 2008	R1F withdrawn, see R2
2	—	2 June 2008	
2A	2008 Act No. 55	1 December 2008	
2B	2009 Act No. 25	2 November 2009	
2C	2009 Act No. 34	29 March 2010	
2D	2011 Act No. 10 2011 Act No. 13	1 July 2011	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
24 April 2013	2013 Act No. 14	
1 July 2014	2006 Act No. 12 (amd 2014 Act No. 12) 2014 Act No. 21 2014 Act No. 28	
22 September 2014	2014 Act No. 34	
5 May 2016	2016 Act No. 19	
1 July 2016	2016 Act No. 48	
23 September 2016	2016 Act No. 50	
9 December 2016	2016 Act No. 62	

## **4 List of legislation**

### **Child Protection (Offender Reporting) Act 2004 No. 52**

date of assent 29 November 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2005 (2004 SL No. 295)

amending legislation—

### **Criminal Code (Child Pornography and Abuse) Amendment Act 2005 No. 9 pts 1, 3**

date of assent 18 March 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 4 April 2005 (2005 SL No. 48)

### **Police and Other Legislation Amendment Act 2005 No. 17 pts 1, 6**

date of assent 29 April 2005

ss 1–2 commenced on date of assent (see s 2)

remaining provisions commenced 1 July 2005 (2005 SL No. 144)

### **Disability Services Act 2006 No. 12 ss 1–2, 241 sch 1, 333 sch 2 (this Act is amended, see amending legislation below)**

date of assent 4 April 2006

ss 1–2 commenced on date of assent

s 333 sch 2 commenced 1 July 2014 (2014 SL No. 95)

remaining provisions commenced 1 July 2006 (2006 SL No. 160)

amending legislation—

### **Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014 No. 12 ss 1–2, pt 4 (amends 2006 No. 12 above)**

date of assent 9 April 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 95)

### **Corrective Services Act 2006 No. 29 ss 1, 2(2), 518 sch 3**

date of assent 1 June 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 28 August 2006 (2006 SL No. 213)

### **Police and Other Legislation Amendment Act 2007 No. 27 s 1, pt 2**

date of assent 28 May 2007

commenced on date of assent

### **Child Protection (Offender Prohibition Order) Act 2008 No. 17 ss 1–2, pt 11**

date of assent 23 April 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 2 June 2008 (see s 2)

### **Criminal Code and Other Acts Amendment Act 2008 No. 55 ss 1–2, 150 sch**

date of assent 23 October 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2008 (2008 SL No. 386)

**Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 No. 25 pt 1, s 83 sch**

date of assent 11 August 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 2 November 2009 (2009 SL No. 241)

**Juvenile Justice and Other Acts Amendment Act 2009 No. 34 ss 1, 2(2), 45(1) sch pt 1 amdt 7**

date of assent 17 September 2009

ss 1–2 commenced on date of assent

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

**Child Protection (Offender Reporting) and Other Legislation Amendment Act 2011 No. 10 pts 1–2**

date of assent 14 April 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2011 (2011 SL No. 72)

**Forensic Disability Act 2011 No. 13 ch 1 pt 1, s 270 sch 2 pt 2**

date of assent 19 May 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2011 (2011 SL No. 121 item 1)

**Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Act 2013 No. 14 ss 1, 54 sch**

date of assent 29 April 2013

commenced on date of assent

**Crime and Misconduct and Other Legislation Amendment Act 2014 No. 21 ss 1, 2(2), 94(2) sch 2**

date of assent 21 May 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 107)

**Child Protection Reform Amendment Act 2014 No. 28 ss 1, 2(2), 105 sch 1**

date of assent 28 May 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (see s 2(2))

**Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014 No. 34 pts 1–2**

date of assent 12 June 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 22 September 2014 (2014 SL No. 207)

**Mental Health Act 2016 No. 5 ss 1–2, 923 sch 4**

date of assent 4 March 2016

ss 1–2 commenced on date of assent

s 923 sch 4 not yet proclaimed into force (see s 2)

**Crime and Corruption Amendment Act 2016 No. 19 pt 1, s 46 sch 1**

date of assent 5 May 2016

commenced on date of assent

**Australian Crime Commission (Queensland) and Other Legislation Amendment Act 2016 No. 48 ss 1, 18 sch 1**

date of assent 23 September 2016

s 1 commenced on date of assent

s 18 sch 1 commenced 1 July 2016 immediately after the commencement of the Australian Crime Commission Amendment (National Policing Information) Act 2016 (Cwlth) (see s 2(b))

**Health and Other Legislation Amendment Act 2016 No. 50 ss 1, 40 sch 1**

date of assent 23 September 2016

ss 1, 40 sch 1 commenced on date of assent

**Serious and Organised Crime Legislation Amendment Act 2016 No. 62 s 1, pt 3**

date of assent 9 December 2016

commenced on date of assent

## 5 List of annotations

**Purpose of this Act**

s 3 amd 2014 No. 34 s 4

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

s 4 prev s 4 om 2011 No. 10 s 4

pres s 4 ins 2014 No. 34 s 5

**Reportable offender defined**

s 5 amd 2006 No. 29 s 518 sch 3; 2008 No. 17 s 65; 2009 No. 34 s 45(1) sch pt 1 amdt 7; 2014 No. 34 s 6

**Existing reportable offender defined**

s 6 amd 2009 No. 34 s 45(1) sch pt 1 amdt 7

**When a person stops being a reportable offender**

s 8 sub 2014 No. 34 s 7

**Reportable offence defined**

s 9 sub 2014 No. 34 s 7

**Reportable contact defined**

s 9A ins 2014 No. 34 s 7

**Finding of guilt defined**

s 10 amd 2009 No. 34 s 45(1) sch pt 1 amdt 7

**Personal details defined**

s 10A ins 2014 No. 34 s 8

**Definitions**

s 12 amd 2014 No. 34 s 9

**Offender reporting orders**

s 13 amd 2008 No. 17 s 66; 2009 No. 34 s 45(1) sch pt 1 amdt 7; 2011 No. 10 s 5;  
2014 No. 34 s 10

**PART 4—REPORTING OBLIGATIONS****Division 1—Initial report****When reportable offender must make initial report**

s 14 amd 2007 No. 27 s 4; 2011 No. 10 s 6  
sub 2014 No. 34 s 11

**Provision of personal details by corrective services**

s 15 amd 2011 No. 10 s 7  
sub 2014 No. 34 s 11

**Persons required to report under corresponding Act**

s 16 amd 2011 No. 10 s 8  
sub 2014 No. 34 s 11

**Division 2—Ongoing reporting obligations**

div hdg sub 2014 No. 34 s 11

**Subdivision 1—Preliminary**

sdiv hdg ins 2014 No. 34 s 11

**Application of div 2**

s 17 sub 2014 No. 34 s 11

**Subdivision 2—Periodic reporting**

sdiv hdg ins 2014 No. 34 s 11

**Requirement to make periodic reports**

s 18 sub 2014 No. 34 s 11

**When periodic reports must be made**

s 19 amd 2011 No. 10 s 9  
sub 2014 No. 34 s 11

**Subdivision 3—Reporting change in personal details**

sdiv hdg ins 2014 No. 34 s 11

**Reporting changes in personal details**

s 19A ins 2014 No. 34 s 11

**Subdivision 4—Other reporting**

sdiv hdg ins 2014 No. 34 s 11

**Intended absence from Queensland to be reported**

s 20 amd 2014 No. 34 s 12

**Change of travel plans while out of Queensland to be given**

s 21 amd 2014 No. 34 s 13

**Reportable offender to report return to Queensland or decision not to leave**

s 22 amd 2011 No. 10 s 10; 2014 No. 34 s 14

**Report of other absences from Queensland**

s 23 amd 2014 No. 34 s 15

**How reports must be made**

s 26 amd 2011 No. 10 s 11; 2014 No. 34 s 16

**Right to privacy and support when reporting**

s 27 amd 2011 No. 10 s 12

**Reporting by remote offenders**

s 33 amd 2011 No. 10 s 13

**Suspension and extension of reporting obligations**

s 34 amd 2014 No. 34 s 17

**When reporting obligations begin**

s 35 amd 2014 No. 34 s 18

**Length of reporting period**

s 36 amd 2014 No. 34 s 19

**Reduced period applies for child reportable offenders**

s 37 amd 2014 No. 34 s 20

**Extended reporting period if reportable offender still on parole**

s 38 amd 2006 No. 29 s 518 sch 3

**Reporting period for New South Wales reportable offenders**

s 40 om 2014 No. 34 s 21

**Division 5A—Obligations about DNA sampling and analysis**

div hdg ins 2011 No. 10 s 14

**Allowing DNA sample to be taken**

s 40A ins 2011 No. 10 s 14

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**Supreme Court may exempt particular reportable offenders**

s 41 amd 2006 No. 29 s 518 sch 3

**Commission for Children and Young People and Child Guardian is party to an application**

s 43 om 2014 No. 28 s 105 sch 1

**Failure to comply with reporting obligations**

s 50 amd 2011 No. 10 s 15

**False or misleading information**

s 51 amd 2011 No. 10 s 16

**Proceedings for an indictable offence**

s 52A ins 2011 No. 10 s 17

**Limitation on who may summarily hear a proceeding for an indictable offence and the level of penalty**

s 52B ins 2011 No. 10 s 17

**Notice to be given to reportable offender**

s 54 amd 2007 No. 27 s 5; 2014 No. 34 s 23

**Supervising authority to notify police commissioner of particular events**

s 58 amd 2006 No. 29 s 518 sch 3; 2009 No. 34 s 45(1) sch pt 1 amdt 7

**Notices may be given by police commissioner**

s 59 om 2014 No. 34 s 24

**Power of detention to enable notice to be given**

s 60 om 2014 No. 28 s 105 sch 1  
amd 2014 No. 34 s 25

**Failure to comply with procedural requirements does not affect reportable offender's obligations**

s 61 amd 2011 No. 10 s 18

**Order about whether this division applies**

s 64 amd 2005 No. 17 s 45; 2014 No. 21 s 94(2) sch 2; 2016 No. 19 s 46 sch 1

**Modification of reporting obligations**

s 67 amd 2014 No. 34 s 26

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**Division 2—Internal review**

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**Division 3—Appeals to Magistrates Court**

div 3 (s 67J) ins 2014 No. 34 s 27

**Child protection register**

s 68 amd 2014 No. 34 s 28; 2016 No. 48 s 18 sch 1

**Confidentiality**

s 70 amd 2007 No. 27 s 6

**Review about entry on register**

s 74 amd 2007 No. 27 s 7; 2014 No. 34 s 29

**PART 5A—CHANGE OF NAME**

pt 5A (s 74A) ins 2011 No. 10 s 19

**Declaration about disclosure or release of personal information to particular corresponding registrars**

s 74B ins 2011 No. 10 s 20

**Evidentiary provisions**

s 77 amd 2014 No. 34 s 30

**PART 7—TRANSITIONAL PROVISIONS**

**pt hdg** ins 2008 No. 55 s 150 sch  
sub 2011 No. 10 s 21

**Division 1—Provision for the Criminal Code and Other Acts Amendment Act 2008**

**div hdg** ins 2011 No. 10 s 21

**Transitional provision**

s 79 ins 2008 No. 55 s 150 sch  
amd 2011 No. 10 s 22

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**Definitions for div 3**

s 83 ins 2014 No. 34 s 31

**Single offence by child against Criminal Code, s 210**

s 84 ins 2014 No. 34 s 31

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**Reportable offenders who have made annual report before commencement**

s 86 ins 2014 No. 34 s 31

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**Division 4—Transitional provision for Health and Other Legislation Amendment Act 2016**

**div hdg** ins 2016 No. 50 s 40 sch 1

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amd 2008 No. 55 s 150 sch; 2011 No. 10 s 24



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amd 2005 No. 9 s 9; 2011 No. 10 s 25; 2013 No. 14 s 54 sch  
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(prev sch 2A) ins 2014 No. 34 s 32  
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(prev sch 2B) ins 2014 No. 34 s 32  
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#### **SCHEDULE 5—DICTIONARY**

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om 2014 No. 34 s 33(1)  
def *child detainee* amd 2009 No. 34 s 45(1) sch pt 1 amdt 7  
def *class 1 offence* om 2014 No. 34 s 33(1)  
def *class 1 or 2 offence* om 2014 No. 34 s 33(1)  
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def *commencement date* amd 2011 No. 10 s 26(2)  
def *details* ins 2014 No. 34 s 33(2)  
def *disability* amd 2006 No. 12 s 241 sch 1; 2006 No. 12 s 333 sch 2 (amd 2014 No. 12 s 74)  
def *employer* ins 2014 No. 34 s 33(2)  
def *employment* ins 2014 No. 34 s 33(2)  
def *forensic order* sub 2011 No. 13 s 270 sch 2 pt 2  
def *generally reside* ins 2014 No. 34 s 33(2)  
def *government detention* amd 2006 No. 29 s 518 sch 3; 2009 No. 34 s 45(1) sch pt 1 amdt 7  
def *government entity* amd 2009 No. 25 s 83 sch  
def *home detention order* om 2006 No. 29 s 518 sch 3  
def *imprisonment* amd 2009 No. 34 s 45(1) sch pt 1 amdt 7  
def *initial report* ins 2011 No. 10 s 26(1)  
sub 2014 No. 34 s 33  
def *intensive correction order* amd 2009 No. 34 s 45(1) sch pt 1 amdt 7  
def *New South Wales Act* om 2014 No. 34 s 33(1)  
def *New South Wales reportable offender* om 2014 No. 34 s 33(1)  
def *parole order* ins 2006 No. 29 s 518 sch 3  
def *periodic report* ins 2014 No. 34 s 33(2)  
def *personal details* sub 2014 No. 34 s 33  
def *post-prison community based release order* om 2006 No. 29 s 518 sch 3  
def *prescribed offence* ins 2014 No. 34 s 33(2)  
def *prisoner* amd 2006 No. 29 s 518 sch 3  
def *protected witness* ins 2014 No. 34 s 33(2)  
def *reportable contact* ins 2014 No. 34 s 33(2)

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def *reporting month* ins 2014 No. 34 s 33(2)

def *restricted police station* ins 2011 No. 10 s 26(1)

def *significant impairment* ins 2014 No. 34 s 33(2)

def *supervision order* amd 2006 No. 29 s 518 sch 3; 2009 No. 34 s 45(1) sch pt 1  
amdt 7

def *unescorted leave of absence* amd 2006 No. 29 s 518 sch 3; 2009 No. 34 s 45(1)  
sch pt 1 amdt 7

def *usual place of employment* ins 2014 No. 34 s 33(2)

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