



Queensland

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

# **Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015**

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# Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015

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# Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015

## 1 Short title

This regulation may be cited as the *Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015*.

## 2 Foreign witness protection laws and corresponding Acts—Act, ss 5(3)(a) and (b) and 62(2)(a) and (b)

Each of the following is both a foreign witness protection law for sections 5(3)(a) and 62(2)(a) of the Act and a corresponding Act for sections 5(3)(b) and 62(2)(b) of the Act—

- (a) the *Witness Protection Act 1994* (Cwlth);
- (b) the *Witness Protection Act 1996* (ACT);
- (c) the *Witness Protection Act 1995* (NSW);
- (d) the *Witness Protection (Northern Territory) Act* (NT);
- (e) the *Witness Protection Act 1996* (SA);
- (f) the *Witness Protection Act 2000* (Tas);
- (g) the *Witness Protection Act 1991* (Vic);
- (h) the *Witness Protection (Western Australia) Act 1996* (WA).

## 3 Prescribed classes of persons who are corresponding reportable offenders—Act, s 7(c)

For the definition of *corresponding reportable offender* in section 7(c) of the Act, the following classes of person are corresponding reportable offenders—

- (a) persons who are registrable offenders under the *Crimes (Child Sex Offenders) Act 2005* (ACT);
- (b) persons who are registrable persons under the *Child Protection (Offenders Registration) Act 2000* (NSW);

- (c) persons who are reportable offenders under the *Child Protection (Offender Reporting and Registration) Act* (NT);
- (d) persons who are registrable offenders under the *Child Sex Offenders Registration Act 2006* (SA);
- (e) persons who are reportable offenders under the *Community Protection (Offender Reporting) Act 2005* (Tas) because of being sentenced by a court for a class 1, 2 or 3 offence under that Act—
  - (i) against or in relation to a child; or
  - (ii) that involves child abuse material, child exploitation material, child pornography or child pornography material;
- (f) persons who are registrable offenders under the *Sex Offenders Registration Act 2004* (Vic), other than persons who are registrable offenders merely because of being sentenced by a court for a class 3 offence or class 4 offence under that Act;
- (g) persons who are reportable offenders under the *Community Protection (Offender Reporting) Act 2004* (WA), other than persons who are reportable offenders merely because of being sentenced by a court for a class 3 offence under that Act.

#### **4 Persons required to report under corresponding Act—Act, s 16(2)(b)**

For section 16(2)(b) of the Act, a person may contact a person nominated by the police commissioner in the following other ways—

- (a) by fax;
- (b) by mail;
- (c) by email;
- (d) in person.

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**5 Change of travel plans while out of Queensland to be given—Act, s 21(3)**

- (1) For section 21(3)(a) of the Act, a reportable offender may make the report to the address of—
  - (a) the reportable offender’s case manager; or
  - (b) another person nominated by the police commissioner by written notice given to the reportable offender.
- (2) For section 21(3)(b) of the Act, the reportable offender may also make the report—
  - (a) by mail; or
  - (b) by telephone to a telephone number approved by the police commissioner; or
  - (c) by an approved electronic reporting method.
- (3) In this section—

*approved electronic reporting method* means a method of reporting using an electronic system approved by the police commissioner.

*Example of method using an electronic system—*

online through a secure website administered by the Queensland Police Service

**6 Police commissioner may direct report be made at stated police station—Act, s 25(1)(b)**

- (1) For section 25(1)(b) of the Act, the police commissioner may, by written notice given to a reportable offender, direct the offender to report (either generally or in a particular case) at a stated police station.
- (2) A written notice given to a reportable offender under subsection (1) must be given to the offender at least 7 days before the day the offender is required to make the report.

**7 Restricted police stations—Act, s 25(3)**

- (1) For section 25(3) of the Act, the following police stations, or class of police stations, are not to be used as a venue for

section 25 of the Act without the police commissioner's approval—

- (a) for a reportable offender the subject of a current reporting station notice—a police station other than the police station stated in the current reporting station notice; or
  - (b) otherwise—a police beat.
- (2) In this section—

***current reporting station notice***, for a reportable offender, means either of the following in force when the reportable offender is required to make a report under part 4 of the Act—

- (a) a direction given to the offender by the police commissioner under section 25(1)(b) of the Act;
- (b) a notice given to the offender by the police commissioner under section 54 of the Act that states a police station at which the report must be made.

***police beat*** means a neighbourhood police beat or a police beat shopfront listed on the Queensland Police Service website.

## **8 How reports must be made—Act, s 26(2)**

- (1) For section 26(2) of the Act, a report other than a report mentioned in section 26(1) of the Act may be made in the following other ways—
- (a) by telephone;
  - (b) by fax;
  - (c) by mail;
  - (d) by email;
  - (e) by an approved electronic reporting method.
- (2) In this section—

***approved electronic reporting method*** means a method of reporting using an electronic system approved by the police commissioner.

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*Examples of methods using an electronic system—*

automated kiosks or online through a secure website administered by the Queensland Police Service

## **9 When report must be made**

A report that a reportable offender is required to make under the Act must be made—

- (a) between 8a.m. and 4p.m. on a business day; or
- (b) at another time approved by the police commissioner by written notice given to the offender.

## **10 Requirement for report made in person other than by reportable offender**

- (1) This section applies if—
  - (a) a report is required to be made in person under the Act; and
  - (b) the person making the report is not a reportable offender.
- (2) The person must advise the police officer, or the other person approved by the police commissioner, receiving the report of the capacity in which the person is making the report, including, for example, as the offender's parent, guardian, carer or nominee.

## **11 Form of identification to be presented with report made in person—Act, s 29(1)(a)(i) and (b)**

- (1) For section 29(1)(a)(i) and (b) of the Act, the other forms of identification or documents to be presented are—
  - (a) 2 of the following—
    - (i) a birth certificate;
    - (ii) an Australian passport, or another document of identity issued by the Commonwealth department in which the *Australian Passports Act 2005*

- (Cwlth) is administered, that is current or has been expired for less than 2 years;
- (iii) a current overseas passport;
  - (iv) an Australian naturalisation or citizenship document or immigration papers issued by the Commonwealth department in which the *Migration Act 1958* (Cwlth) is administered; or
- (b) 1 of the forms of identification or documents mentioned in paragraph (a) and 1 of the following—
- (i) a current Medicare card, pensioner concession card, an entitlement card issued by the Commonwealth department in which the *Veterans' Entitlements Act 1986* (Cwlth) is administered, or another entitlement card issued by the Commonwealth or a State government;
  - (ii) a current credit card, debit card or other account from a financial institution, or a passbook or statement of account, not more than 1 year old from a financial institution;
  - (iii) a telephone, gas or electricity bill not more than 1 year old;
  - (iv) a notice of rates from a local government, water service charges or land valuation, not more than 2 years old;
  - (v) an electoral enrolment card, or other evidence of enrolment as an elector, not more than 2 years old;
  - (vi) a current student identity card, or a certificate or statement of enrolment, not more than 2 years old from an educational institution.
- (2) A form of identification or other document mentioned in this section must be an original.
- (3) In this section—
- local government** includes a local government council, however described, in another State.

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**12 Reports not made in person—Act, s 29(5)**

- (1) For section 29(5) of the Act, if a person makes a report otherwise than in person, the person must verify the reportable offender's identity and, if the person is not the reportable offender, the person's identity, by giving—
  - (a) enough personal information reasonably required by the police officer, or the other person approved by the police commissioner, who receives the report to verify the identity of the offender and the person making the report; and
  - (b) if the offender or person knows the unique personal identification number given to the offender by the police commissioner—the personal identification number.
- (2) Also the reportable offender must send a copy of a document verifying or supporting details in the report by registered mail to the police officer, or the other person approved by the police commissioner, to whom the report is made.
- (3) A copy of a document mentioned in subsection (2) must, before being sent, be certified by a person who is any of the following—
  - (a) a commissioner for declarations, a justice or a notary public;
  - (b) a magistrate or a judge;
  - (c) a member of the Commonwealth or a State Parliament or a member of a local government;
  - (d) a doctor;
  - (e) a commissioned officer under the *Police Service Administration Act 1990*;
  - (f) the manager of a financial institution;
  - (g) a registered teacher under the *Education (Queensland College of Teachers) Act 2005*;
  - (h) a registered nurse;
  - (i) an Australian lawyer under the *Legal Profession Act 2007*;

- (j) the chief executive officer of a local government;
  - (k) a senior executive employee under the *Local Government Act 2009*, section 196(6), of a local government.
- (4) In this section—
- local government** includes a local government council, however described, in another State.
- registered nurse** means a person registered under the Health Practitioner Regulation National Law—
- (a) to practise in the nursing profession, other than as a student; and
  - (b) in the registered nurses division of that profession.

### 13 Who must give notice to reportable offender—Act, s 54(3)

- (1) For section 54(3) of the Act, notice of a reportable offender's reporting obligations must be given to the reportable offender by the following entity—
- (a) for a reportable offender subject to an offender reporting order made under section 13 of the Act—the court that makes the offender reporting order;
  - (b) for a reportable offender who is a prisoner or a supervised reportable offender—the chief executive (corrective services);
  - (c) for a reportable offender who is a child detainee or subject to an intensive supervision order made under the *Youth Justice Act 1992*—the chief executive of the department in which the *Youth Justice Act 1992* is administered;
  - (d) for any other reportable offender—the police commissioner.
- (2) In this section—
- supervised reportable offender** means a reportable offender subject to a supervision order, other than an intensive supervision order made under the *Youth Justice Act 1992*.

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**14 Notice to be given to reportable offender—Act, s 54**

- (1) This section applies for the purposes of section 54(7) of the Act.
- (2) The police commissioner must give the offender a notice that includes the offender's reporting period when a reportable offender reports the offender's personal details to the police commissioner.
- (3) However, subsection (2) does not apply if the police commissioner has previously given the offender a notice under subsection (2).

**15 Details to be included in notice given by supervising authority to police commissioner—Act, s 58(3)**

For section 58(3) of the Act, a notice given under that section must include the following details—

- (a) the reportable offender's name and other details of the offender's identity;
- (b) the relevant dates for the event for which notice is being given;
- (c) any place relevant to the event;
- (d) the type of event or purpose of the event.

**16 Definition of *corresponding Act***

For the Act, schedule 5, definition *corresponding Act*, the following laws are corresponding Acts—

- (a) the *Crimes (Child Sex Offenders) Act 2005* (ACT);
- (b) the *Child Protection (Offenders Registration) Act 2000* (NSW);
- (c) the *Child Protection (Offender Reporting and Registration) Act* (NT);
- (d) the *Child Sex Offenders Registration Act 2006* (SA);
- (e) the *Community Protection (Offender Reporting) Act 2005* (Tas);

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- (f) the *Sex Offenders Registration Act 2004* (Vic);
- (g) the *Community Protection (Offender Reporting) Act 2004* (WA).

**17 Definition of *corresponding offender reporting order***

For the Act, schedule 5, definition *corresponding offender reporting order*, orders made in relation to offences relating to children are corresponding offender reporting orders.

**18 Definition of *supervising authority***

For the Act, schedule 5, definition *supervising authority*, the authority having control of a reportable offender of a kind mentioned in column 1 of the table is the authority specified for the offender in column 2 of the table—

	<b>Column 1</b>	<b>Column 2</b>
	<b>Reportable offender</b>	<b>Authority</b>
1	a forensic reportable offender	the chief psychiatrist appointed under the <i>Mental Health Act 2016</i>
2	a reportable offender who is a child detainee	the chief executive of the department in which the <i>Youth Justice Act 1992</i> is administered
3	a reportable offender entering Queensland, if the offender has not previously been given notice of the offender's reporting obligations in Queensland	the police commissioner
4	a reportable offender, other than a reportable offender mentioned in item 1, 2 or 3	the chief executive (corrective services)

## 19 Repeal

The Child Protection (Offender Reporting) Regulation 2004 SL No. 296 is repealed.

## 20 Transitional provision

- (1) A reference in a document to the repealed regulation is taken, if the context permits, to be a reference to this regulation.
- (2) A written notice given to a reportable offender under former section 7(1)(b), 8(1) or 11(b) is taken to be a written notice given to the offender under the corresponding provision for the former provision.
- (3) A current reporting station notice given to a reportable offender under former section 9 is taken to be a current reporting station notice given to the offender under section 7 of this regulation.
- (4) A reference in a document to the *Child Protection (Offender Reporting) Regulation 2015* is taken, if the context permits, to be a reference to this regulation.
- (5) In this section—

*corresponding provision* means—

- (a) for former section 7(1)(b)—section 5(1)(b) of this regulation; or
- (b) for former section 8(1)—section 6(1) of this regulation; or
- (c) for former section 11(b)—section 9(b) of this regulation.

*former*, for a provision, means the provision of the repealed regulation as in force from time to time before the commencement.

*repealed regulation* means the repealed *Child Protection (Offender Reporting) Regulation 2004*.