

Queensland



**CRIMINAL LAW (SEX
OFFENDERS REPORTING)
BILL 1997**

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CRIMINAL LAW (SEX OFFENDERS REPORTING) BILL 1997

TABLE OF PROVISIONS

Section	Page
1 Short title	4
2 Dictionary	4
3 Meaning of “sex offender”	4
4 Registrar of court to advise commissioner of conviction etc. of sex offenders	5
5 Requirement on sex offenders to advise commissioner of presence in Queensland	5
6 Requirement on sex offenders to advise commissioner of particular changes	6
7 Period for which sex offender subject to reporting requirements	7
8 Sex offenders register	8
9 Approval of forms	9
10 Regulation-making power	9
11 Acts amended	10
12 Transitional—delayed reporting requirement	10
SCHEDULE 1	11

CONSEQUENTIAL AMENDMENTS

AMENDMENT OF CRIMINAL LAW AMENDMENT ACT 1945	11
AMENDMENT OF CRIMINAL LAW (REHABILITATION OF OFFENDERS) ACT 1986	11
AMENDMENT OF FREEDOM OF INFORMATION ACT 1992	12

SCHEDULE 2	13
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DICTIONARY

1997

A BILL

FOR

**An Act to require the notification of information to the police by
persons who have committed certain sexual offences, and for
other purposes**

The Parliament of Queensland enacts—

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Short title

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1. This Act may be cited as the *Criminal Law (Sex Offenders Reporting) Act 1997*.

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Dictionary

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2. The dictionary in schedule 2 defines particular words used in this Act.

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Meaning of “sex offender”

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3.(1) A “sex offender” is an adult who—

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(a) has been convicted of either of the following offences and sentenced to serve a term of imprisonment of at least 6 months for the offence—

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(i) a serious sex offence in relation to a child;

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(ii) an offence relating to obscene material depicting children; or

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(b) has been acquitted of an offence mentioned in paragraph (a) on the ground of unsoundness of mind; or

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(c) is a person in relation to whom an order under the *Criminal Law Amendment Act 1945* was in force immediately before the commencement of this section.

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(2) Subsection (1)(a) or (b) applies to a conviction, or an acquittal on the ground of unsoundness of mind, that—

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(a) happens after the commencement of this section; or

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(b) happened within 10 years before the commencement of this section.

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(3) For subsection (1)(a) or (b), it is immaterial whether the person was convicted or acquitted in Queensland or elsewhere.

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Registrar of court to advise commissioner of conviction etc. of sex offenders

4.(1) The registrar of a court must notify the commissioner if, in the court, a person is convicted, or acquitted on the ground of unsoundness of mind, of either of the following offences—

(a) a serious sex offence committed in relation to a child;

(b) an offence relating to obscene material depicting children.

(2) However, for a conviction, the registrar must notify the commissioner only if the person is sentenced to serve a term of imprisonment of at least 6 months for the offence.

(3) The registrar must give the notification in the approved form immediately after the conviction or acquittal on the ground of unsoundness of mind.

(4) In this section—

“court” means the Supreme Court, the District Court or a Magistrates Court.

Requirement on sex offenders to advise commissioner of presence in Queensland

5.(1) This section applies to a sex offender who is—

(a) subject to a reporting period under section 7;¹ and

(b) in Queensland; and

(c) not in custody.

(2) The sex offender must notify the commissioner of the offender’s presence in Queensland by personally reporting at the police station nearest the offender’s residential address and giving a police officer at the station the following details—

(a) the offender’s name or, if the offender uses more than 1 name, each name used by the offender;

(b) the offender’s residential address;

¹ Section 7 (Period for which sex offender subject to reporting requirements)

Criminal Law (Sex Offenders Reporting)

(c) the offender's date of birth;	1
(d) details of the conviction, or acquittal on the ground of unsoundness of mind, that makes the person a sex offender;	2 3
(e) anything else that may be prescribed under a regulation.	4
Maximum penalty—30 penalty units.	5
(3) Unless the sex offender has a reasonable excuse, the offender must give the details to the police officer—	6 7
(a) on the offender being discharged from custody in Queensland—within 7 days after the offender is discharged; or	8 9
(b) on the offender entering Queensland temporarily or to take up residency in Queensland—within 7 days after entering Queensland.	10 11 12
Maximum penalty—30 penalty units.	13
(4) The police officer must acknowledge receiving the details in the approved form and give a copy of the form to the sex offender.	14 15
(5) For subsection (3)(b), a sex offender enters Queensland “temporarily” if the offender enters Queensland and stays or intends staying in Queensland—	16 17 18
(a) for a period of not less than 14 days; or	19
(b) in any period of 12 months—for 2 or more periods that, taken together, are not less than 14 days.	20 21
Requirement on sex offenders to advise commissioner of particular changes	22 23
6.(1) This section applies to a sex offender who is—	24
(a) subject to a reporting period under section 7; and	25
(b) in Queensland; and	26
(c) not in custody.	27
(2) The sex offender must notify the commissioner of the following changes by personally reporting at the police station nearest the offender's residential address and giving a police officer at the station details of the	28 29 30

Criminal Law (Sex Offenders Reporting)

changes—	1
(a) a change in the name the offender ordinarily uses;	2
(b) a change in the offender's residential address;	3
(c) any further conviction, or acquittal on the ground of unsoundness of mind, that makes the person a sex offender.	4
Maximum penalty—30 penalty units.	5
(3) Unless the offender has a reasonable excuse, the offender must give the police officer the details of the change within 7 days after the change happens.	6
Maximum penalty—30 penalty units.	7
(4) If the sex offender intends to leave Queensland, the sex offender must personally report at the police station nearest the offender's residential address and give a police officer at the station notice of the intention.	8
Maximum penalty—30 penalty units.	9
(5) Unless the offender has a reasonable excuse, the offender must give the notice in the approved form not more than 14 days or less than 3 days before the offender intends to leave Queensland.	10
Maximum penalty—30 penalty units.	11
(6) The police officer must acknowledge receiving the details of the change or notice in the approved form and give a copy of the form to the offender.	12
	13
Period for which sex offender subject to reporting requirements	14
7.(1) A sex offender who was sentenced to serve a term of—	15
(a) 6 months or more, but less than life imprisonment—is subject to a reporting period equal to 2.5 times the term of imprisonment the offender is sentenced to serve; or	16
(b) life imprisonment—is subject to an indefinite reporting period.	17
(2) A sex offender acquitted, on the ground of unsoundness of mind, of a serious sex offence in relation to a child or an offence relating to obscene material depicting children is subject to an indefinite reporting period.	18
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Criminal Law (Sex Offenders Reporting)

- (3) A person in relation to whom an order under the *Criminal Law Amendment Act 1945* was in force immediately before the commencement of section 3 is subject to the reporting period that is the longer of the following periods—
- (a) the period for which the offender was required to report under the order;
 - (b) the period to which the offender is subject under subsection (1).
- (4) For subsection (1)(a), the term of imprisonment of a sex offender is worked out on the following basis—
- (a) if the offender is convicted of a single serious sex offence in relation to a child or a single offence relating to obscene material depicting children—the term of imprisonment the offender is sentenced to serve;
 - (b) if the offender is convicted of more than 1 serious sex offence in relation to a child or more than 1 offence relating to obscene material depicting children or at least 1 serious sex offence in relation to a child and at least 1 offence relating to obscene material depicting children—
 - (i) if the offender is sentenced to terms of imprisonment for 1 or more of the offences to be served concurrently—the longest term of imprisonment the offender is sentenced to serve; or
 - (ii) if the offender is sentenced to terms of imprisonment for 1 or more of the offences to be served cumulatively—the longest term of imprisonment the offender is liable to serve assuming that the offender is not eligible to apply for parole.

Sex offenders register

- 8.(1) The commissioner may keep a register (“**sex offenders register**”) of sex offenders.
- (2) The register may contain, for a sex offender, the following details—
- (a) the offender’s name or, if the offender uses more than 1 name, each name used by the offender;

Criminal Law (Sex Offenders Reporting)

(b) the offender's address;	1
(c) the offender's date of birth;	2
(d) identifying particulars, including for example, fingerprints and palmprints;	3 4
(e) anything else the commissioner considers appropriate.	5
(3) The commissioner must remove a sex offender's name and other details from the register immediately after the offender stops being subject to a reporting period under section 7.	6 7 8
(4) The commissioner may disclose information in the register only to the following persons—	9 10
(a) the chief executive of a department of government;	11
(b) a law enforcement agency within Queensland or outside Queensland;	12 13
(c) the children's commissioner;	14
(d) an entity prescribed under a regulation.	15
(5) The register—	16
(a) may be a mechanical, electronic or other device suitable for containing information or documents; and	17 18
(b) may contain information or documents in a physical, electronic, digital or other form.	19 20
(6) In this section—	21
“contain” includes record and store.	22
Approval of forms	23
9. The commissioner may approve forms for use under this Act.	24
Regulation-making power	25
10. The Governor in Council may make regulations under this Act.	26

Acts amended

11. Schedule 1 amends the Acts mentioned in it.

Transitional—delayed reporting requirement

12.(1) A sex offender required to notify the commissioner of the offender’s presence in Queensland under section 5 does not contravene section 5(2) or (3)(a)² if the offender complies with section 5(2) within 3 months after the commencement.

(2) This section expires 6 months after the commencement.

(3) In this section—

“commencement” means the commencement of this section.

“sex offender” does not include a sex offender who enters Queensland after the commencement.

² Section 5 (Requirement on sex offenders to advise commissioner of presence in Queensland)

SCHEDULE 1

1

CONSEQUENTIAL AMENDMENTS

2

section 11

3

**AMENDMENT OF CRIMINAL LAW AMENDMENT
ACT 1945**

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1. Section 17(1), ‘under section 19(9) or’—

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omit.

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2. Sections 19, 20 and 21—

8

omit.

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**AMENDMENT OF CRIMINAL LAW
(REHABILITATION OF OFFENDERS) ACT 1986**

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1. Section 7—

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insert—

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‘(3) Section 6 does not apply in relation to a sex offender subject to a reporting period under the *Criminal Law (Sex Offenders Reporting) Act 1997*.’.

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2. Section 8—

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insert—

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‘(3) This section does not apply in relation to a sex offender subject to a

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SCHEDULE 1 (continued)

reporting period under the *Criminal Law (Sex Offenders Reporting) Act 1997*.’. 1
2

3. Section 9(1), ‘Subject to subsection (2), any’— 3

omit, insert— 4

‘Any’. 5

4. Section 9— 6

insert— 7

‘(3) Subsection (1) does not apply in relation to a sex offender subject to 8
a reporting period under the *Criminal Law (Sex Offenders Reporting) Act 9
1997*.’. 10

AMENDMENT OF FREEDOM OF INFORMATION 11 ACT 1992 12

1. Schedule 1— 13

insert— 14

‘*Criminal Law (Sex Offenders Reporting) Act 1997*, section 8(4)’.

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16

SCHEDULE 2	1
DICTIONARY	2
section 2	3
“approved form” see section 9.	4
“commissioner” means the commissioner of the police service.	5
“obscene material” , depicting children, includes—	6
(a) a child abuse computer game under the <i>Classification of Computer Games and Images Act 1995</i> ; and	7 8
(b) a child abuse publication or child abuse photograph under the <i>Classification of Publications Act 1991</i> ; and	9 10
(c) a thing that, if possessed in Queensland, would be—	11
(i) a child abuse computer game under the <i>Classification of Computer Games and Images Act 1995</i> ; or	12 13
(ii) a child abuse publication or child abuse photograph under the <i>Classification of Publications Act 1991</i> ; or	14 15
(iii) a child abuse film under the <i>Classification of Films Act 1991</i> .	16 17
“residential address” includes, for a sex offender who enters Queensland temporarily, the address at which the offender is staying while the offender is in Queensland.	18 19 20
“serious sex offence” , in relation to a child, means any of the following offences committed in relation to a child—	21 22
(a) rape;	23
(b) unlawful sodomy;	24
(c) attempted sodomy;	25
(d) an offence against any of the following sections of the Criminal Code—	26 27

SCHEDULE 2 (continued)

- section 210 1
- section 213 2
- section 215 3
- section 217 4
- section 218 5
- section 221 6
- section 222 7
- section 229B 8
- section 229G³ 9

and includes an act that, if committed in Queensland, would be an 10
offence mentioned in paragraphs (a) to (d). 11

“sex offender” see section 3. 12

“sex offenders register” see section 8. 13

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³ Section 210 (Indecent treatment of children under 16), section 213 (Owner etc. permitting abuse of children on premises), section 215 (Carnal knowledge of girls under 16), 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 229B (Maintaining a sexual relationship with a child) and 229G (Procuring prostitution)