



Queensland

# Child Protection (Offender Reporting) Regulation 2004

## Subordinate Legislation 2004 No. 296

made under the

*Child Protection (Offender Reporting) Act 2004*

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## 1 Short title

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

## 2 Commencement

This regulation commences on 1 January 2005.

## 3 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 2002* (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).

## 4 Definition of corresponding reportable offender—Act, s 7(c)

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

- (a) persons who are registrable offenders under the *Child Protection (Offender Registration) Act 2000* (NSW);
- (b) 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 or 4 offence under that Act;

- (c) 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.

**5 Definition of New South Wales reportable offender—Act, s8(1)**

For section 8(1) of the Act, the date is 1 January 2005.

**6 Persons required to report under corresponding Act—Act, s 17(2)**

For section 17(2) of the Act, a person may contact a person nominated by the police commissioner for the purposes of that section in the following other ways—

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

**7 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 the following persons—
- (a) the reportable offender’s case manager;
  - (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 by mail.

**8 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 14 days before the day the offender is required to make the report.

**9 Where report must be made—Act, s 25(3)**

For section 25(3) of the Act, a police station, other than a district headquarters station, is not to be used as a venue for the purposes of section 25 of the Act without the police commissioner's approval.

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

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.

**11 When report must be made**

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

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

**12 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) of the Act, if the reportable offender is not able to present the offender's driver licence, the offender must present 2 of the forms of identification or other documents stated in subsection (3), at least 1 of which must be identification or a document mentioned in subsection (3)(a), (b), (c) or (d).
- (2) For section 29(1)(b) of the Act, if a report is being made by a person who is not a reportable offender, the person must—
  - (a) advise the police officer 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; and
  - (b) if the person is not able to present the person's driver licence, present 2 of the forms of identification or other documents stated in subsection (3), at least 1 of which must be identification or a document mentioned in subsection (3)(a), (b), (c) or (d).
- (3) For subsection (1) and (2), the following are the forms of identification or documents—
  - (a) a full birth certificate or a certified birth extract;
  - (b) an Australian passport or another document of identity issued by the department in which the *Passports Act 1938* (Cwlth) is administered, that is current or has been expired for less than 2 years;
  - (c) a current overseas passport;
  - (d) an Australian naturalisation or citizenship document or immigration papers issued by the Commonwealth department in which the *Migration Act 1958* (Cwlth) is administered;
  - (e) a current Medicare card, pensioner concession card, an entitlement card issued by the department in which the *Veterans' Entitlements Act 1986* (Cwlth) is administered, or another entitlement card issued by the Commonwealth or a State government;

- (f) 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;
  - (g) a telephone, gas or electricity bill not more than 1 year old;
  - (h) a notice of rates from a local government or a local government council (however described) in another State, water service charges or land valuation, not more than 2 years old;
  - (i) an electoral enrolment card or other evidence of enrolment as an elector not more than 2 years old;
  - (j) a current student identity card, or a certificate or statement of enrolment not more than 2 years old from an educational institution.
- (4) A form of identification or other document presented under this section by a reportable offender or other person making a report must be an original.

### **13 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 providing—
  - (a) the unique personal identification number (*PIN*) given to the offender by the police commissioner; or
  - (b) if the person is unable to provide the offender's PIN, sufficient personal information reasonably required by the police officer receiving the report to verify the identity of the offender and the person making the report.
- (2) Also, by registered mail, the reportable offender must send to the police officer to whom the report is made a copy of any document verifying or supporting details in the report.

- (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 of declarations or a justice of the peace;
  - (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 medical practitioner;
  - (e) a commissioned police officer under the *Police Service Administration Act 1990*;
  - (f) the manager of a financial institution;
  - (g) a registered teacher under the *Education (Teacher Registration) Act 1988*;
  - (h) a registered nurse under the *Nursing Act 1992*;
  - (i) an Australian lawyer under the *Legal Profession Act 2004*;
  - (j) the chief executive officer of a local government;
  - (k) a senior executive officer, within the meaning of the *Local Government Act 1993*, of a local government.
- (4) In this section—
- local government** includes a local government council, however described, in another State.

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

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—

- (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 either of the following, the chief executive (corrective services)—
  - (i) a prisoner;

- (ii) a reportable offender subject to a supervision order, other than a supervision order made under the *Juvenile Justice Act 1992*;
- (c) for a reportable offender who is either of the following, the chief executive of the department in which the *Juvenile Justice Act 1992* is administered—
  - (i) a child detainee;
  - (ii) a reportable offender subject to a supervision order made under the *Juvenile Justice Act 1992*;
- (d) for any other reportable offender, the police commissioner.

**15 Notice to be given to reportable offender—Act, s 54(6)**

For section 54(6) of the Act, when a reportable offender reports his or her personal details to the police commissioner, the police commissioner must give the offender a notice that includes information specifying the offender's reporting period.

**16 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.

**17 Definition of *corresponding Act***

For the Act, schedule 3, definition *corresponding Act*, the following laws are corresponding Acts—

- (a) the *Child Protection (Offender Registration) Act 2000* (NSW);
- (b) the *Sex Offenders Registration Act 2004* (Vic);
- (c) the *Community Protection (Offender Reporting) Act 2004* (WA).

### 18 **Definition of *corresponding offender reporting order***

For the Act, schedule 3, definition *corresponding offender reporting order*, orders made in relation to offences relating to children are corresponding offender reporting orders.

### 19 **Definition of *supervising authority***

For the Act, schedule 3, 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>Reportable offender</b>	<b>Column 2</b> <b>Authority</b>
1 a forensic reportable offender	the director of mental health under the <i>Mental Health Act 2000</i>
2 a reportable offender who is a child detainee	the chief executive of the department in which the <i>Juvenile 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)

## ENDNOTES

- 1 Made by the Governor in Council on 16 December 2004.
- 2 Notified in the gazette on 17 December 2004.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Police.