



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 Corresponding reportable offender defined—Act, s 7

For section 7(1) of the Act, a person is a corresponding reportable offender if, because of being sentenced by a court for an offence committed in respect of a child or a person the offender believed was a child, the person is—

- (a) a registrable offender under the *Crimes (Child Sex Offenders) Act 2005* (ACT); or
- (b) a registrable person under the *Child Protection (Offenders Registration) Act 2000* (NSW); or

- (c) a reportable offender under the *Child Protection (Offender Reporting and Registration) Act 2004* (NT); or
- (d) a registrable offender under the *Child Sex Offenders Registration Act 2006* (SA); or
- (e) a reportable offender under the *Community Protection (Offender Reporting) Act 2005* (Tas); or
- (f) a registrable offender under the *Sex Offenders Registration Act 2004* (Vic); or
- (g) a reportable offender under the *Community Protection (Offender Reporting) Act 2004* (WA); or
- (h) required to report to a corresponding registrar in a jurisdiction outside Australia.

#### **4 How nominated person may be contacted for report required under corresponding Act—Act, s 16**

- (1) For section 16(2)(b) of the Act, the following ways are prescribed—
  - (a) in person;
  - (b) by mail addressed as follows—

The Registrar  
Child Protection Offender Registry  
GPO Box 1440  
Brisbane Qld 4000
  - (c) by email to an email address approved under subsection (2);
  - (d) in another way for making contact stated on the Queensland Police Service website.
- (2) The police commissioner may approve an email address for making contact.
- (3) Contact made by mail to the address mentioned in subsection (1)(b) is taken to have been made on the date stated on the postmark on the mailed contact.

## **5 How reports must be made—Act, ss 21 and 26**

- (1) For sections 21(3) and 26(1)(b)(ii) of the Act, the following ways for making a report are allowed—
  - (a) by telephone to a telephone number approved under subsection (2);
  - (b) by mail addressed as follows—

The Registrar  
Child Protection Offender Registry  
GPO Box 1440  
Brisbane Qld 4000
  - (c) by email to an email address approved under subsection (2);
  - (d) by using an electronic system approved under subsection (2);

*Example of an electronic system—*  
an online system accessed through a secure website administered by the Queensland Police Service
  - (e) in another way for making the report stated on the Queensland Police Service website.
- (2) The police commissioner may approve a telephone number, email address or electronic system for making a report.
- (3) A telephone number, email address or electronic system approved under subsection (2) must be stated on a reporting obligations notice given to a reportable offender under section 54A of the Act.
- (4) A report made by mail to the address mentioned in subsection (1)(b) is taken to have been made on the date stated on the postmark on the mailed report.

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

- (1) This section applies if—

[s 11]

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- (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.

## 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**

- (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 a reportable offender who is in detention under the *Migration Act 1958* (Cwlth)—the secretary of the home affairs department;
  - (e) 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*.

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

- (1) This section applies for the purposes of section 54(6) 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);
- (f) the *Sex Offenders Registration Act 2004* (Vic);
- (g) the *Community Protection (Offender Reporting) Act 2004* (WA);
- (h) a law of a jurisdiction outside Australia under which persons are required to report to a corresponding registrar because of being sentenced by a court for an offence against a law of that jurisdiction committed in respect of a child or a person the offender believed was a child.

**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*.