

Child Protection (Offender Reporting) Amendment Regulation (No. 1) 2017

Explanatory notes for SL 2017 No. 140

made under the

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

General Outline

Short title

Child Protection (Offender Reporting) Amendment Regulation (No. 1) 2017

Authorising law

Section 78 of the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*

Policy objectives and the reasons for them

The purpose of the *Child Protection (Offender Reporting) Amendment Regulation (No. 1) 2017* (Amendment Regulation) is to amend the *Child Protection (Offender Reporting) Regulation 2015* (CPORR) to:

- change the short title to *Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015* and provide a consequential transitional provision;
- extend the reporting options available to reportable offenders under section 5 when reporting a change in travel plans while outside of Queensland; and
- specify that the police commissioner is only required to include a period of reporting in a notice given to a reportable offender, on one occasion under section 14, unless that period changes.

Section 1: Short title

On 1 July 2017, the short title of the *Child Protection (Offender Reporting) Act 2004* was amended to *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (CPOROPO Act) to reflect the amalgamation of the *Child Protection (Offender Reporting) Act 2004* and the *Child Protection (Offender Prohibition Order) Act 2008*. The CPORR will be renamed the *Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015* for consistency with the CPOROPO Act.

Section 5: Change of travel plans while out of Queensland to be given - Act, section 21(3)

Currently, section 5 of the CPORR provides reportable offenders with other options for reporting a change of travel plans or a change in personal particulars which occur while the offender is outside of Queensland. A reportable offender who is required to report changes to travel under section 21 of the CPOROPO Act may do so through fax, email or mail to the case manager or another person nominated by the police commissioner. The report must be made within seven days of the decision to extend any travel plans or change any details about the travel.

Recent amendments made to the CPOROPO Act have reduced the timeframes associated with reporting personal details, including changes to travel plans, from seven days to 48 hours. It is vital that flexible reporting options are available to assist reportable offenders meet the new reporting timeframes.

The amendment to section 5 of the CPORR will extend the current reporting options available to reportable offenders by allowing reports of changes to travel plans to be made online via a secure Queensland Police Service (QPS) website or to a 1300 telephone number which has been established for the purposes of reporting these details.

Online and telephone reporting reflect contemporary reporting processes which recognise evolving technology and streamline administrative processes.

Section 14: Notice to be given to reportable offender – Act, s 54(7)

Section 14 of the CPORR requires the police commissioner to provide information about a period of reporting when a report of personal details is made. This provision only operates in circumstances where a reportable offender has not previously been advised of the length of a reporting period under section 54 of the CPOROPO Act.

Section 14 does not limit the number of times a period of reporting must be provided to a reportable offender. In this regard, information about a period of reporting may be required to be provided in excess of four times in each year for a minimum of five years. This is in addition to any other notice given to a reportable offender when a period of reporting changes.

The amendment to section 14 will clarify that information about a period of reporting is only required to be given to a reportable offender on one occasion for the purposes of section 54(7) of the CPOROPO Act. This will not impact on the requirement to provide reportable offenders with a notice when a period of reporting changes under section 56 of the CPOROPO Act.

The amendment to section 14 does not adversely impact reportable offenders. All reportable offenders are required to be provided with a notice detailing the period they are required to report. Any changes to that period is also required to be communicated in writing under section 56 of the CPOROPO Act.

Section 20: Transitional provision

Section 20 of the CPORR ensures that amendments to provisions transition smoothly. The amendment to section 20 will allow references to the CPORR in any document to continue to have the same meaning, if the context permits, under the amended Regulation. This amendment does not change any existing policy

regarding how core business is conducted, it merely allows the status quo to be retained.

Achievement of policy objectives

The Amendment Regulation achieves its objectives by amending sections 1, 5, 14 and 20 of the CPORR.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the authorising Act which provides for matters to be prescribed by regulation.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation will not impose any additional costs on Government. The scope of the amendment to section 5 of the CPORR uses an established reporting scheme and will not create an additional impost on the existing QPS business model.

The amendment to section 14 has the capacity to reduce the administrative processes associated with offender reporting, by limiting the number of times reporting period information is required to be included on a notice given to a reportable offender.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis under Category (j) – Regulatory proposals relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services.