



Australian Capital Territory

Crimes (Policing) Legislation Amendment Act 2022

A2022-2

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
4	Legislation repealed 2
Part 2	Crimes (Child Sex Offenders) Act 2005
5	What is a <i>reporting obligation</i> ? Section 19, definition of <i>reporting obligation</i> 3
6	Section 20 3

J2021-1275

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

	Page	
7	Sections 22 to 25	4
8	Sections 28 to 30	8
9	Section 34	12
10	Section 37 heading	13
11	Section 37 (2) and (3)	13
12	Section 42	13
13	Defence—impracticable to report 7 days before leaving Section 43	15
14	Section 44	15
15	Sections 45 to 49	15
16	Sections 54 to 56	19
17	New division 3.3.4	23
18	Meaning of employment in s 59 New section 61 (1) (ca)	24
19	New section 61 (2) (c)	24
20	Offence—offender reporting in person must provide identification etc Section 70 (a)	24
21	Section 70, note	24
22	New section 70 (2)	25
23	Offence—person reporting in person for offender must provide identification Section 71 (a)	25
24	Section 71, note 2	25
25	New section 71 (2)	26
26	What is a <i>reporting obligations notice</i> ? Section 103, definition of <i>reporting obligations notice</i> , paragraph (b)	26
27	Reasonable steps to comply with reporting obligations Part 3.9	26
28	Dictionary, new definition of <i>reporting obligation provision</i>	26
29	Dictionary, definitions of <i>reporting offence</i> and <i>reporting offence provision</i>	27
30	Dictionary, definition of <i>travel details</i>	27
Part 3 Crimes (Child Sex Offenders) Regulation 2005		
31	Sections 5, 7, 8 and 11 headings	28

		Page
32	Details to be included in reporting obligations notice—Act, s 104 and s 137 (2) (b) and (f) (i) Section 13 (c) (v)	28
33	Section 13 (e)	29
Part 4	Firearms Act 1996	
34	Section 38	30
35	Offence—storage requirements for category C, D and H licences Section 182 (1)	30
36	New section 182 (1A)	31
37	Section 262 heading	31
38	Section 262 (2)	31
39	New section 262 (3A) and (3B)	32
Part 5	Firearms Regulation 2008	
40	New section 47A	33



Australian Capital Territory

Crimes (Policing) Legislation Amendment Act 2022

A2022-2

An Act to amend legislation about crime, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2021-1275

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Crimes (Policing) Legislation Amendment Act 2022*.

2 Commencement

- (1) This Act (other than sections 35 and 36 and part 5) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) Sections 35 and 36 and part 5 (Firearms Regulation 2008) commence 12 months after this Act's notification day.

3 Legislation amended

This Act amends the following legislation:

- [Crimes \(Child Sex Offenders\) Act 2005](#)
- [Crimes \(Child Sex Offenders\) Regulation 2005](#)
- [Firearms Act 1996](#)
- [Firearms Regulation 2008](#).

4 Legislation repealed

The [Firearms \(Amnesty\) Declaration 2021](#) (NI2021-398) is repealed.

Part 2 Crimes (Child Sex Offenders) Act 2005

5 **What is a *reporting obligation*?** **Section 19, definition of *reporting obligation***

omit

reporting offence provision

substitute

reporting obligation provision

6 **Section 20**

substitute

20 **What is a *reporting obligation provision*?**

In this Act, each of the following is a ***reporting obligation provision***:

- (a) section 22 (Offender in custody at commencement of Act must report);
- (b) section 23 (Offender must report after sentencing);
- (c) section 24 (Offender entering ACT must report);
- (d) section 25 (Prescribed corresponding offender must report);
- (e) section 28 (Offender later sentenced for registrable offence must report);
- (f) section 29 (Offender who later becomes prescribed corresponding offender must report);
- (g) section 30 (Offender whose reporting suspension ceases must report);
- (h) section 34 (Offender entering ACT must make contact);

- (i) section 37 (Offender must report annually);
- (j) section 42 (Offender leaving ACT must report travel details);
- (k) section 45 (Offender outside ACT must report travel details);
- (l) section 46 (Offender outside ACT must report change of travel details);
- (m) section 47 (Offender must report return to ACT);
- (n) section 48 (Offender must report decision not to leave ACT);
- (o) section 49 (Offender must report regular travel);
- (p) section 54 (Offender in ACT must report change of details);
- (q) section 55 (Offender returning to ACT must report change of details);
- (r) section 56 (Offender leaving custody must report).

7 Sections 22 to 25

substitute

22 Offender in custody at commencement of Act must report

- (1) This section applies to a registrable offender who—
 - (a) was in government custody immediately before the commencement of this Act; and
 - (b) later stops being in government custody in the ACT.
- (2) The registrable offender must report the offender's personal details, in person, to the chief police officer at an approved reporting place—
 - (a) within 7 days after the day the offender stops being in government custody (excluding days in government custody);or

- (b) if the offender leaves the ACT (other than in government custody) within the 7 days—before leaving the ACT.
- (3) This section does not apply if the registrable offender's reporting period has ended before the end of the 7 days mentioned in subsection (2) (a).

Note 1 For the offender's personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

23 Offender must report after sentencing

- (1) A registrable offender who is sentenced in the ACT for a registrable offence must report the offender's personal details, in person, to the chief police officer at an approved reporting place—
 - (a) if the offender is not in, or does not begin, full-time government custody on the day the offender is sentenced for the registrable offence—within 7 days after the day the offender is sentenced for the registrable offence (excluding days in government custody); or
 - (b) if the offender is in, or begins, full-time government custody on the day the offender is sentenced for the registrable offence and later stops being in full-time government custody in the ACT—within 7 days after the day the offender stops being in full-time government custody (excluding days in government custody); or
 - (c) if the offender leaves the ACT (other than in government custody) within the 7 days mentioned in paragraph (a) or (b)—before leaving the ACT.

- (2) This section does not apply if the registrable offender's reporting period has ended before the end of the period within which the report must be given.

Note 1 For the offender's personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

24 Offender entering ACT must report

- (1) This section applies to a registrable offender who—
- (a) enters the ACT, and remains in the ACT for 7 or more consecutive days (excluding days in government custody); and
 - (b) has not previously reported the offender's personal details to the chief police officer.
- (2) The registrable offender must report the offender's personal details, in person, to the chief police officer at an approved reporting place—
- (a) if the offender is not in government custody on the day the offender has been in the ACT for 7 consecutive days (excluding days in government custody)—within 7 days after that day (excluding days in government custody); or
 - (b) if the offender is in government custody on the day the offender has been in the ACT for 7 consecutive days (excluding days in government custody), and later stops being in government custody in the ACT—within 7 days after the day the offender stops being in government custody (excluding days in government custody); or
 - (c) if the offender leaves the ACT (other than in government custody) within the 7 days mentioned in paragraph (a) or (b)—before leaving the ACT.

- (3) This section does not apply if the registrable offender's reporting period has ended before the end of the period within which the report must be given.

Note 1 For the offender's personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

25 Prescribed corresponding offender must report

- (1) This section applies to a prescribed corresponding offender who—
- (a) is in the ACT on the day the offender becomes a prescribed corresponding offender; and
 - (b) has not previously reported the offender's personal details to the chief police officer.
- (2) The prescribed corresponding offender must report the offender's personal details, in person, to the chief police officer at an approved reporting place—
- (a) if the offender is not in government custody on the day the offender becomes a prescribed corresponding offender—within 7 days after the day the offender becomes a prescribed corresponding offender (excluding days in government custody); or
 - (b) if the offender is in government custody on the day the offender becomes a prescribed corresponding offender and later stops being in government custody in the ACT—within 7 days after the day the offender stops being in government custody (excluding days in government custody); or

- (c) if the offender leaves the ACT (other than in government custody) within the 7 days mentioned in paragraph (a) or (b)—before leaving the ACT.
- (3) This section does not apply if the prescribed corresponding offender's reporting period has ended before the end of the period within which the report must be given.

Note 1 For the offender's personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

8 Sections 28 to 30

substitute

28 Offender later sentenced for registrable offence must report

- (1) A registrable offender whose reporting period has ended and is later sentenced in the ACT for a registrable offence (the *later registrable offence*) must report the offender's personal details, in person, to the chief police officer at an approved reporting place—
- (a) if the offender is not in government custody on the day the offender is sentenced for the later registrable offence—within 7 days after the day the offender is sentenced for the later registrable offence (excluding days in government custody); or
- (b) if the offender is in government custody on the day the offender is sentenced for the later registrable offence and later stops being in government custody in the ACT—within 7 days after the day the offender stops being in government custody (excluding days in government custody); or

- (c) if the offender leaves the ACT (other than in government custody) within the 7 days mentioned in paragraph (a) or (b)—before leaving the ACT.
- (2) This section does not apply if the registrable offender's reporting period in relation to the later registrable offence has ended before the end of the period within which the report must be given.

Note 1 For the offender's personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

29 Offender who later becomes prescribed corresponding offender must report

- (1) This section applies to a registrable offender if—
- (a) the offender's reporting has ended; and
 - (b) the offender is in the ACT on the day the offender later becomes a prescribed corresponding offender; and
 - (c) the offender has not previously reported the offender's personal details to the chief police officer.
- (2) The registrable offender must report the offender's personal details, in person, to the chief police officer at an approved reporting place—
- (a) if the offender is not in government custody on the day the offender later becomes a prescribed corresponding offender—within 7 days after the day the offender later becomes a prescribed corresponding offender (excluding days in government custody); or

- (b) if the offender is in government custody on the day the offender later becomes a prescribed corresponding offender and later stops being in government custody in the ACT—within 7 days after the day the offender stops being in government custody (excluding days in government custody); or
 - (c) if the offender leaves the ACT (other than in government custody) within the 7 days mentioned in paragraph (a) or (b)—before leaving the ACT.
- (3) This section does not apply if the registrable offender’s reporting period for the later offence has ended before the end of the period within which the report must be given.

Note 1 For the offender’s personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

30 Offender whose reporting suspension ceases must report

- (1) This section applies to a registrable offender if—
- (a) the offender’s reporting obligations are suspended by a suspension order, or an equivalent order under a corresponding law; and
 - (b) the offender is in the ACT on the day the suspension order ceases to have effect under section 101 (Suspension order ceases if offender reoffends) or an equivalent provision of a corresponding law.

- (2) The registrable offender must report the offender's personal details, in person, to the chief police officer at an approved reporting place—
- (a) if the offender is not in government custody on the day the suspension order ceases to have effect—within 7 days after the day the suspension order ceases to have effect (excluding days in government custody); or
 - (b) if the offender is in government custody on the day the suspension order ceases to have effect and later stops being in government custody in the ACT—within 7 days after the day the offender stops being in government custody (excluding days in government custody); or
 - (c) if the offender leaves the ACT (other than in government custody) within the 7 days mentioned in paragraph (a) or (b)—before leaving the ACT.
- (3) This section does not apply if the registrable offender's reporting period has ended before the end of the period within which the report must be given.

Note 1 For the offender's personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

9 Section 34*substitute***34 Offender entering ACT must make contact**

- (1) This section applies to a registrable offender (other than a protected registrable offender) who—
 - (a) has, at any time, been required to report under this Act or a corresponding law; and
 - (b) enters the ACT, and remains in the ACT for 7 or more consecutive days (excluding days in government custody).
- (2) The registrable offender must—
 - (a) either—
 - (i) contact a contact person (by telephone or another way prescribed by regulation); or
 - (ii) report the offender's personal details, in person, to the chief police officer at an approved reporting place; and
 - (b) must make the contact or report—
 - (i) if the offender is not in government custody on the day the offender has been in the ACT for 7 consecutive days (excluding days in government custody)—within 7 days after that day (excluding days in government custody); or
 - (ii) if the offender is in government custody on the day the offender has been in the ACT for 7 consecutive days (excluding days in government custody), and later stops being in government custody in the ACT—within 7 days after the day the offender stops being in government custody (excluding days in government custody); or

- (iii) if the offender leaves the ACT (other than in government custody) within the 7 days mentioned in subparagraph (i) or (ii)—before leaving the ACT.
- (3) This section does not apply if the offender’s reporting period has ended before the end of the period within which the report must be given.

Note 1 For the offender’s personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

10 Section 37 heading

substitute

37 Offender must report annually

11 Section 37 (2) and (3)

omit

12 Section 42

substitute

42 Offender leaving ACT must report travel details

- (1) This section applies to a registrable offender who—
- (a) leaves the ACT; and
 - (b) intends to travel—
 - (i) outside the ACT but within Australia for 7 or more consecutive days; or
 - (ii) outside Australia.

- (2) The registrable offender must report the following details (the *travel details*), in person, to the chief police officer at least 7 days before leaving:
- (a) each State, Territory or foreign country where the offender intends to go while outside the ACT;
 - (b) the approximate dates when the offender intends to be in each State, Territory or foreign country;
 - (c) each address or location in each State, Territory or foreign country where the offender intends to live (to the extent that they are known) and the approximate dates when the offender intends to live at the addresses or locations;
 - (d) if the offender intends to return to the ACT—the approximate date when the offender intends to return;
 - (e) if the offender does not intend to return to the ACT—a statement of that intention.
- (3) This section does not apply if the registrable offender’s reporting period has ended before the offender leaves the ACT.

Note 1 For the offender’s personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

**13 Defence—impracticable to report 7 days before leaving
Section 43**

omit

section 42

substitute

section 58A (Offence—fail to report as required), in relation to a reporting obligation under section 42,

14 Section 44

substitute

44 Offender not to be punished twice for failing to report travel

A registrable offender is not liable to be punished for an offence against section 58A (Offence—fail to report as required), in relation to a reporting obligation under section 42, for travel outside the ACT if, in relation to that travel, the offender has been punished for failing to report the offender's presence in a foreign jurisdiction as required under a corresponding law.

15 Sections 45 to 49

substitute

45 Offender outside ACT must report travel details

- (1) This section applies to a registrable offender who—
 - (a) is outside the ACT; and
 - (b) decides to stay outside the ACT but within Australia for 7 or more days.

- (2) The registrable offender must report the offender's travel details (including details about the travel that has already been completed) to the chief police officer, in a way required under subsection (3), within 7 days after the day the decision to stay outside the ACT is made.
- (3) The registrable offender must make the report in 1 of the following ways:
 - (a) by sending it by prepaid post, addressed as required by regulation;
 - (b) by faxing it to a fax number prescribed by regulation;
 - (c) by emailing it to an email address prescribed by regulation;
 - (d) in another way prescribed by regulation.
- (4) This section does not apply if the registrable offender's reporting period has ended before the end of the period within which the report must be given.
- (5) In this section:
travel details, for travel by a registrable offender—see section 42 (2).

46 Offender outside ACT must report change of travel details

- (1) This section applies to a registrable offender if the offender—
 - (a) is outside the ACT; and
 - (b) decides to change any of the travel details given to the chief police officer.
- (2) The registrable offender must report the changed travel details to the chief police officer, in a way required under subsection (3), within 7 days after the day the decision to change the travel details is made.

- (3) The registrable offender must make the report in 1 of the following ways:
- (a) by sending it by prepaid post, addressed as required by regulation;
 - (b) by faxing it to a fax number prescribed by regulation;
 - (c) by emailing it to an email address prescribed by regulation;
 - (d) in another way prescribed by regulation.
- (4) This section does not apply if the registrable offender's reporting period has ended before the end of the period within which the report must be given.

47 Offender must report return to ACT

- (1) This section applies to a registrable offender who—
- (a) reported the offender's travel details under section 42 (Offender leaving ACT must report travel details); and
 - (b) leaves the ACT; and
 - (c) returns to the ACT and remains in the ACT for 7 consecutive days (excluding days in government custody).
- (2) The registrable offender must, within 7 days after returning to the ACT—
- (a) report the offender's return to the ACT to the chief police officer, in an approved way; and

Note For approved ways of reporting, see s 63. Special provision is made for young offenders and offenders with a disability (see s 65 and s 66).

- (b) if the offender travelled outside Australia—give the chief police officer a copy of the offender’s passport and documents that verify or support the offender’s travel details.

Examples—documents

- 1 an airline ticket
 - 2 a receipt for payment of accommodation
- (3) This section does not apply if the registrable offender’s reporting period has ended before the end of the 7 days mentioned in subsection (2).

48 Offender must report decision not to leave ACT

- (1) This section applies to a registrable offender if the offender—
- (a) reported the offender’s travel details under section 42 (Offender leaving ACT must report travel details) in relation to a proposed departure from the ACT; and
 - (b) later decides not to leave the ACT.
- (2) The registrable offender must report the change of decision to the chief police officer, in an approved way, within 7 days after the offender decides not to leave the ACT.

Note For approved ways of reporting, see s 63. Special provision is made for young offenders and offenders with a disability (see s 65 and s 66).

- (3) This section does not apply if the registrable offender’s reporting period has ended before the end of the 7 days mentioned in subsection (2).

49 Offender must report regular travel

- (1) This section applies to a registrable offender who—
- (a) is required to make a report under a reporting obligation provision; and

- (b) when making the report, intends to travel outside the ACT, but within Australia, on an average of at least once a month (irrespective of the length of the absence).
- (2) The registrable offender must report the frequency and destination of the travel, in general terms, to the chief police officer in an approved way.

Note 1 **Reporting obligation provision**—see s 20.

Note 2 For approved ways of reporting, see s 63. Special provision is made for young offenders and offenders with a disability (see s 65 and s 66).

16 Sections 54 to 56

substitute

54 Offender in ACT must report change of details

- (1) If a registrable offender's personal details change while the offender is in the ACT, the offender must report the change to the chief police officer, in the way required under subsection (2)—
 - (a) for personal details mentioned in section 59 (1) (e)—within 24 hours after the day the change happens (excluding days in government custody); or
 - (b) for any other personal details—within 7 days after the day the change happens (excluding days in government custody).
- (2) The registrable offender must report the change—
 - (a) in person, at an approved reporting place, if the report is about a change in relation to—
 - (i) the address of any of the premises where the offender generally lives or, if the offender does not generally live at a particular premises, the name of any of the localities where the offender can generally be found; or

- (ii) details of any tattoo or permanent distinguishing mark that the offender has (including details of a tattoo or mark that has been acquired or removed); or

(b) for any other change—in an approved way.

Examples—other changes in personal details

1 ceasing employment with a particular employer

2 starting new employment

Note 1 The personal details in s (2) (a) (i) and (ii) are required under s 59 (1), def *personal details*, par (d) and (i).

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def *in person*). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

Note 4 For approved ways of reporting, see s 63.

- (3) A change happens in the following personal details only at the end of the relevant 7 days or 3 days mentioned in section 60:
 - (a) the premises where the offender generally lives;
 - (b) the household in which the offender and a child generally live;
 - (c) when the offender has unsupervised contact with a child;
 - (d) the premises where the offender is generally employed;
 - (e) the motor vehicle that the offender generally drives.
- (4) The [Legislation Act](#), section 151A (Periods of time ending on non-working days) does not apply to subsection (1) (a).
- (5) This section does not apply if the registrable offender's reporting period has ended before the end of the period within which the report must be given.

55 Offender returning to ACT must report change of details

- (1) This section applies to a registrable offender if—
 - (a) any of the offender's personal details change while the offender is outside the ACT; and
 - (b) the offender enters the ACT, and remains in the ACT for 7 or more consecutive days (excluding days in government custody).
- (2) The registrable offender must report the change to the chief police officer, in the way required under subsection (3)—
 - (a) for personal details mentioned in section 59 (1) (e)—within 24 hours after the day the offender has been in the ACT for 7 consecutive days (excluding days in government custody); or
 - (b) for any other personal details—within 7 days after the day the offender has been in the ACT for 7 consecutive days (excluding days in government custody).

Note For the offender's personal details, see s 59.

- (3) The registrable offender must report the change—
 - (a) in person, at an approved reporting place, if the report is about a change in relation to—
 - (i) the address of any of the premises where the offender generally lives or, if the offender does not generally live at a particular premises, the name of any of the localities where the offender can generally be found; or
 - (ii) details of any tattoo or permanent distinguishing mark that the offender has (including details of a tattoo or mark that has been acquired or removed); or

(b) for any other change—in an approved way.

Note 1 The personal details in s (3) (a) (i) and (ii) are required under s 59 (1), def **personal details**, par (d) and (i).

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def **in person**). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

Note 4 For approved ways of reporting, see s 63.

- (4) This section does not apply if the registrable offender's reporting period has ended before the end of the period within which the report must be given.

56 Offender leaving custody must report

- (1) This section applies to a registrable offender who—
- (a) is in government custody for 7 or more consecutive days; and
 - (b) leaves government custody in the ACT.
- (2) The registrable offender must report the offender's personal details, in person, to the chief police officer at an approved reporting place—
- (a) within 7 days after the day the offender stops being in government custody in the ACT (excluding days in government custody); or
 - (b) if the offender leaves the ACT (other than in government custody) within the 7 days mentioned in paragraph (a)—before leaving the ACT.

Note 1 For the offender's personal details, see s 59.

Note 2 A registrable offender reports in person at a place only if the offender reports by personally attending at the place (see dict, def **in person**). However, special provision has been made for young offenders and offenders with a disability (see s 65 and s 66).

Note 3 For approved reporting places, see s 64.

- (3) This section does not apply if the registrable offender's reporting period has ended before the end of the period within which the report must be given.

17 New division 3.3.4

insert

Division 3.3.4 Failing to report**58A Offence—fail to report as required**

- (1) A registrable offender commits an offence if the offender—
- (a) is required to report under a reporting obligation provision; and
 - (b) is reckless as to whether the offender is required to report; and
 - (c) fails to report as required by the reporting obligation provision.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (2) Strict liability applies to subsection (1) (c).
- (3) This section does not apply if the registrable offender has a reasonable excuse for failing to report as required by a reporting obligation provision.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) In deciding whether a registrable offender has a reasonable excuse for failing to report as required by a reporting obligation provision, the court must have regard to the following:
- (a) the offender's age;
 - (b) whether the offender had, at the time of the failure to report, a disability that affected the offender's ability to understand, or to comply with, the reporting provision;

- (c) whether the form of notice given to the offender about the reporting provision was adequate to tell the offender about the offender's obligations under the reporting obligation provision, having regard to the offender's circumstances;
- (d) any other matter the court considers appropriate.

18 **Meaning of employment in s 59**
New section 61 (1) (ca)

insert

- (ca) carries out work for a business without pay or as a volunteer; or

19 **New section 61 (2) (c)**

insert

- (c) engages the offender to carry out work without pay or as a volunteer.

20 **Offence—offender reporting in person must provide identification etc**
Section 70 (a)

omit

reporting offence provision

substitute

reporting obligation provision

21 **Section 70, note**

omit

22 New section 70 (2)

insert

- (2) In deciding whether a registrable offender took all reasonable steps to comply with subsection (1) (c), the court must have regard to the following:
- (a) the offender's age;
 - (b) whether the offender had, at the time of failing to comply with subsection (1) (c), a disability that affected the offender's ability to understand, or to comply with, that subsection;
 - (c) whether the form of notice given to the offender about the offender's obligation under subsection (1) (c) was adequate to tell the offender about the obligation, having regard to the offender's circumstances;
 - (d) any other matter the court considers appropriate.

**23 Offence—person reporting in person for offender must provide identification
Section 71 (a)**

omit

reporting offence provision

substitute

reporting obligation provision

24 Section 71, note 2

omit

25 New section 71 (2)

insert

- (2) In deciding whether a person took all reasonable steps to comply with subsection (1) (c), the court must have regard to the following:
- (a) the person's age;
 - (b) whether the person had a disability that affected the person's ability to understand, or to comply with, subsection (1) (c);
 - (c) whether the form of notice given to the person about the person's obligation under subsection (1) (c) was adequate to tell the person about the obligation, having regard to the person's circumstances;
 - (d) any other matter the court considers appropriate.

**26 What is a *reporting obligations notice*?
Section 103, definition of *reporting obligations notice*,
paragraph (b)**

substitute

- (b) the consequences that may arise if the offender does not comply with the obligations.

**27 Reasonable steps to comply with reporting obligations
Part 3.9**

omit

28 Dictionary, new definition of *reporting obligation provision*

insert

reporting obligation provision—see section 20.

29 Dictionary, definitions of *reporting offence* and *reporting offence provision*

omit

30 Dictionary, definition of *travel details*

omit

section 42 (c)

substitute

section 42 (2)

Part 3 Crimes (Child Sex Offenders) Regulation 2005

31 Sections 5, 7, 8 and 11 headings

substitute

5 How offender entering ACT may contact contact person—
Act, s 34 (2) (a) (i)

7 How offender may report travel details—Act, s 45 (3)

8 How offender may report changed travel details—Act,
s 46 (3)

11 Identification documents for person reporting for
offender—Act, s 71 (1) (c)

32 Details to be included in reporting obligations notice— Act, s 104 and s 137 (2) (b) and (f) (i) Section 13 (c) (v)

substitute

- (v) the obligations of the registrable offender to report under the following sections of the [Act](#) (including the periods within which the reports must be made):
- section 37 (Offender must report annually)
 - section 42 (Offender leaving ACT must report travel details)
 - section 45 (Offender outside ACT must report travel details)
 - section 46 (Offender outside ACT must report change of travel details)
 - section 47 (Offender must report return to ACT)

- section 48 (Offender must report decision not to leave ACT)
- section 49 (Offender must report regular travel); and

33 Section 13 (e)

omit

section 45 (2) or section 46 (2)

substitute

section 45 (3) or section 46 (3)

Part 4 Firearms Act 1996

34 Section 38

substitute

38 Amnesty

- (1) A person who is not authorised by a licence or permit to possess a firearm may surrender the firearm to a police officer.
- (2) A proceeding does not lie against a person in relation to the possession of a firearm under either of the following sections if the firearm is surrendered to a police officer under subsection (1):
 - (a) section 42 (Offence—unauthorised possession or use of prohibited firearms);
 - (b) section 43 (Offence—unauthorised possession or use of firearms other than prohibited firearms).

35 Offence—storage requirements for category C, D and H licences Section 182 (1)

after

category H licence

insert

, other than the holder of a category H licence mentioned in subsection (1A),

36 New section 182 (1A)

insert

- (1A) The holder of a category H licence that is an entity that carries on business in the ACT as a security organisation must comply with the following requirements in relation to each registered firearm held under the licence:
- (a) when the firearm is not being used or carried, it must be stored in a container prescribed by regulation;
 - (b) any ammunition for the firearm must be stored in a locked container of a type approved by the registrar and that is kept separate from the container prescribed for paragraph (a);
 - (c) the other requirements relating to security and safe storage that are prescribed by regulation.

Maximum penalty: imprisonment for 2 years.

37 Section 262 heading

substitute

262 Destruction or disposal of seized or surrendered firearms**38 Section 262 (2)**

omit

A police officer

substitute

For a firearm other than a firearm mentioned in subsection (3A), a police officer

39 New section 262 (3A) and (3B)

insert

- (3A) For a firearm surrendered under section 38 (Amnesty), the registrar may destroy or otherwise dispose of the firearm as soon as practicable after it is surrendered if—
- (a) the person surrendering the firearm—
 - (i) stated, when surrendering it, that they did not intend to seek authority to possess the firearm; or
 - (ii) made no statement about whether they would seek authority to possess the firearm; and
 - (b) there are no circumstances that would preclude the destruction or disposal of the firearm.
- (3B) However, if on surrendering a firearm, the person surrendering it states that they intend to seek authority to possess the firearm, the registrar may only destroy or otherwise dispose of the firearm if—
- (a) the registrar has been in possession of the firearm for at least 6 months; and
 - (b) the person who surrendered the firearm has not obtained authority to possess the firearm; and
 - (c) there are no circumstances that would preclude the destruction or disposal of the firearm.

Part 5 Firearms Regulation 2008

40 New section 47A

insert

47A Composite entity licence conditions, category H licences for safe storage of firearms by security organisations— Act, s 182 (1A) (a) and (c)

- (1) This section applies to the holder of a category H licence that is an entity that carries on business in the ACT as a security organisation.
- (2) If not more than 1 registered firearm is held under the licence—
 - (a) when the firearm is not being used or carried, it must be—
 - (i) stored in a locked steel safe—
 - (A) of a type approved by the registrar; and
 - (B) bolted to the structure of the registered premises for the firearm; and
 - (ii) fitted with a trigger or barrel lock that prevents the firearm from being discharged; and
 - (iii) secured on, or in, a locked device within the safe; and
 - (b) the safe must be fitted with an alarm of a type that is—
 - (i) approved by the registrar; and
 - (ii) monitored at a place separate from the registered premises; and
 - (c) the registered premises must be approved by the registrar for storing the firearms.

- (3) If more than 1, but not more than 5, registered firearms are held under the licence—
- (a) when a firearm is not being used or carried, it must be—
 - (i) stored in a safe of a type that meets the requirements mentioned in paragraph (b); and
 - (ii) fitted with a trigger or barrel lock that prevents the firearm from being discharged; and
 - (iii) secured individually on, or in, a locked device within the safe; and
 - (b) the safe must be—
 - (i) a steel safe weighing at least 150kg; and
 - (ii) of a type approved by the registrar; and
 - (iii) bolted to the structure of the registered premises for the firearm; and
 - (iv) fitted with an alarm of a type approved by the registrar that—
 - (A) is monitored at a place separate from the registered premises; and
 - (B) is separate from an alarm for the registered premises; and
 - (v) locked at all times except when accessed for the purpose of distributing a firearm; and
 - (c) the registered premises must be approved by the registrar for storing the firearms.

- (4) If more than 5, but not more than 15, registered firearms are held under the licence—
- (a) when a firearm is not being used or carried, it must be—
 - (i) stored in a safe of a type that meets the requirements mentioned in paragraph (b); and
 - (ii) fitted with a trigger or barrel lock that prevents the firearm from being discharged; and
 - (iii) secured individually on, or in, a locked device within the safe; and
 - (b) the safe must be—
 - (i) a steel safe weighing at least 500kg; and
 - (ii) of a type approved by the registrar; and
 - (iii) bolted to the structure of the registered premises for the firearm; and
 - (iv) fitted with an alarm of a type approved by the registrar that—
 - (A) is monitored at a place separate from the registered premises; and
 - (B) is separate from an alarm for the registered premises; and
 - (v) locked at all times except when accessed for the purpose of distributing a firearm; and
 - (vi) fitted with 15-minute time delay locks; and
 - (c) the registered premises must be approved by the registrar for storing the firearms.

- (5) If more than 15 registered firearms are held under the licence—
- (a) when a firearm is not being used or carried, it must be—
 - (i) stored in—
 - (A) a safe of a type that meets the requirements mentioned in paragraph (b); or
 - (B) within a vault or control room of a type approved by the registrar; and
 - (ii) fitted with a trigger or barrel lock that prevents the firearm from being discharged; and
 - (iii) secured individually on, or in, a locked device within the safe, or vault or control room; and
 - (b) if a safe is used to store the firearms, the safe must be—
 - (i) a steel safe, weighing at least 500kg, of a type approved by the registrar; and
 - (ii) bolted to the structure of the registered premises for the firearm; and
 - (iii) fitted with an alarm of a type approved by the registrar that—
 - (A) is monitored at a place separate from the registered premises; and
 - (B) is separate from an alarm for the registered premises; and
 - (iv) locked at all times except when accessed for the purpose of distributing a firearm; and
 - (c) the registered premises must be approved by the registrar for storing the firearms.

- (6) The registrar must not approve registered premises for storing registered firearms under the licence unless—
- (a) the registrar is satisfied that the premises are capable of being secured to prevent unauthorised entry; and
 - (b) the premises have an intruder alarm system that is monitored at a place separate from the registered premises in a way that the registrar considers appropriate; and
 - (c) if the registrar considers it necessary—the premises have a duress facility that is monitored at a place separate from the premises in a way that the registrar considers appropriate; and
 - (d) the registrar is satisfied that premises are suitable for the nature of the use of the firearm by the licensee; and
 - (e) the registrar is otherwise satisfied that the premises are suitable for use as a place for the safe storage of firearms.

Note In determining the suitability of premises, the registrar must be satisfied that the place is suitable for the storage of firearms.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 1 December 2021.

2 Notification

Notified under the [Legislation Act](#) on 30 March 2022.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Crimes (Policing) Legislation Amendment Bill 2022, which originated in the Legislative Assembly as the Crimes (Policing) Legislation Amendment Bill 2021 and was passed by the Assembly on 23 March 2022.

Clerk of the Legislative Assembly

© Australian Capital Territory 2022