



Australian Capital Territory

Crimes (Child Sex Offenders) Regulation 2005

SL2005-44

made under the

Crimes (Child Sex Offenders) Act 2005

Republication No 5

Effective: 1 January 2011 – 30 June 2011

Republication date: 1 January 2011

Last amendment made by A2010-54

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Crimes (Child Sex Offenders) Regulation 2005*, made under the *Crimes (Child Sex Offenders) Act 2005* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 January 2011. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 January 2011.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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R5
01/01/11

Crimes (Child Sex Offenders) Regulation 2005
Effective: 01/01/11-30/06/11

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Australian Capital Territory

Crimes (Child Sex Offenders) Regulation 2005

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Crimes (Child Sex Offenders) Act 2005

1 Name of regulation

This regulation is the *Crimes (Child Sex Offenders) Regulation 2005*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*credit card*—see the *Australian Consumer Law (ACT)*, section 2 (1).’ means that the term ‘credit card’ is defined in that law and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

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

A registrable offender may contact a contact person by email.

6 How person may already have made contact—Act, s 35

The Act, division 3.2.3 (People required to report under corresponding law) does not apply if the person has previously contacted a contact person by email in relation to the relevant entry into the ACT.

7 How offender may report travel details—Act, s 45 (2)

A registrable offender may report travel details in 1 of the following ways:

- (a) by sending it by prepaid post, addressed to Reply Paid 83014 Weston ACT 2611;
- (b) by emailing it to actchildsexoffendreg@afp.gov.au;
- (c) by telephoning 1800 031 722.

8 How offender may report changed travel details—Act, s 46 (2)

A registrable offender may report changed travel details in 1 of the following ways:

- (a) by sending it by prepaid post, addressed to Reply Paid 83014 Weston ACT 2611;
- (b) by emailing it to actchildsexoffendreg@afp.gov.au;
- (c) by telephoning 1800 031 722.

9 Particulars of offender's motor vehicle—Act, s 59 (h)

If the chief police officer asks a registrable offender to provide particulars of each motor vehicle owned by or generally driven by the offender (a *relevant vehicle*) or of modifications made to a relevant vehicle, personal details for the offender include those particulars.

10 Approved reporting places—Act, s 64, def *approved reporting place*, par (b)

- (1) The Woden Police Station, Bradley Street, Woden, is an approved reporting place for a registrable offender.
- (2) The chief police officer may declare another place to be an approved reporting place for a registrable offender.

- (3) A declaration under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

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

A person reporting in person for an offender may present for inspection (instead of the person's Australian driver licence)—

- (a) the person's current Australian passport; or
- (b) a primary document for the person and 2 secondary documents for the person.

12 Entities that must give offender reporting obligations notice—Act, s 104 (1)

- (1) The entities that must give a registrable offender a reporting obligations notice are as follows:
- (a) if the offender is sentenced for a registrable offence by the Magistrates Court—the Magistrates Court;
 - (b) if the offender is sentenced for a registrable offence by the Supreme Court—the Supreme Court;
 - (c) if the offender is sentenced for a registrable offence by the Childrens Court—the Childrens Court;
 - (d) if the offender is released from government custody (whether or not the offender was in government custody for a registrable offence)—
 - (i) for an offender who is a child—the chief executive under the *Children and Young People Act 2008*; or
 - (ii) for an offender released from detention under the *Mental Health (Treatment and Care) Act 1994*, part 4 (Mental health orders) or part 5 (Emergency detention and care)—the ACAT; or

- (iii) in any other case—the chief executive under the *Crimes (Sentence Administration) Act 2005*;
 - (e) if the offender enters the ACT, and remains in the ACT for 7 days, and the offender has not previously been given notice of the offender's reporting obligations in the ACT—the chief police officer;
 - (f) if the offender becomes a prescribed corresponding offender, and the offender is in the ACT at the time—the chief police officer.
- (2) If an entity mentioned in subsection (1) (a) to (c) or (d) (i) or (ii) gives a registrable offender a reporting obligations notice, the entity must give a copy of the notice to the chief executive under the *Crimes (Sentence Administration) Act 2005*.

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

A reporting obligations notice given to a registrable offender must include the following:

- (a) the offender's name;
- (b) the offender's date of birth;
- (c) a statement setting out—
 - (i) the offender's obligations to make an initial report (including the period within which the initial report must be made); and
 - (ii) the offender's obligations to make an annual report; and
 - (iii) the offender's obligations to report changes of personal details; and
 - (iv) the details that the registrable offender is required to report under the Act; and

- (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 (Offence—offender must report annually)
 - section 42 (Offence—offender leaving ACT must report travel details)
 - section 45 (Offence—offender outside ACT must report travel details)
 - section 46 (Offence—offender outside ACT must report change of travel details)
 - section 47 (Offence—offender must report return to ACT)
 - section 48 (Offence—offender must report decision not to leave ACT)
 - section 49 (Offence—offender must report regular travel); and
- (vi) the circumstances in which the offender must make a report in person; and
- (vii) the form of identification, or other document, to be presented by the person who makes a report; and
- (viii) the documentation or evidence to be provided in support of a report;
- (d) a toll free telephone number that may be used to make a report otherwise than in person;
- (e) the other ways in which reports under the Act, section 45 (2) or section 46 (2) can be made;
- (f) the consequences that may arise if a registrable offender fails to comply with reporting obligations;
- (g) the date of the notice;

- (h) the name, signature and position of the person giving the notice.

14 Acknowledgement of receipt of notice—Act, s 137 (2) (f) (ii)

- (1) An entity that gives a reporting obligations notice to a registrable offender under the Act, section 104 may ask the offender to acknowledge receipt of the notice.
- (2) Not later than 3 days after the day the entity gives the reporting obligations notice to the registrable offender, the entity must—
 - (a) tell the chief police officer in writing—
 - (i) that the entity has given the notice to the offender; and
 - (ii) the date when the offender was given the notice; and
 - (b) if the offender has acknowledged receipt of the notice to the entity—give the chief police officer a copy of the acknowledgement.

15 Details to be included in events notice—Act, s 108 (3)

A notice given by a supervising authority to the chief police officer under the Act, section 108 (2) in relation to a registrable offender must include the following:

- (a) the offender's name;
- (b) the date of the notice;
- (c) the event that has happened;
- (d) the date the event happened;
- (e) the name and signature of the person giving the notice.

16 Witness protection laws—Act, s 110 (2), def *foreign protected witness*, par (a) (ii)

The following laws are prescribed:

- (a) *Witness Protection Act 1994* (Cwlth);
- (b) *Witness Protection Act 1995* (NSW);
- (c) *Witness Protection Act 1991* (Vic);
- (d) *Witness Protection Act 2000* (Qld);
- (e) *Witness Protection (Western Australia) Act 1996* (WA);
- (f) *Witness Protection Act 1996* (SA);
- (g) *Witness Protection Act 2000* (Tas);
- (h) *Witness Protection (Northern Territory) Act* (NT).

16A Access to personal information in child sex offenders register—Act, s 118 (1) (b) (i)

- (1) The following entities are prescribed:
 - (a) a court, tribunal or special commission of inquiry;
 - (b) a legal representative of a registered offender including—
 - (i) the legal aid commission; and
 - (ii) the Aboriginal Legal Service (NSW/ACT) Limited (ACN 118 431 066);
 - (c) a person who is entitled to report in person for a registered offender under the Act, section 65 (Reports by young offenders) or section 66 (Reports by offenders with disability);
 - (d) the chief officer (however described) of an entity providing an employment service in relation to a registered offender;
 - (e) the chief executive officer of Australian Customs and Border Protection Service;

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- (f) the chief executive of the Department of Disability, Housing and Community Services;
 - (g) the chief executive of the Department of Education and Training;
 - (h) the chief executive of the Department of Justice and Community Safety exercising functions under the *Corrections Management Act 2007*;
 - (i) the chief officer (however described) of a law enforcement agency;
 - (j) the registrar-general exercising a function under the *Births, Deaths and Marriages Registration Act 1997*;
 - (k) the secretary of the Department of Health and Ageing (Cwlth);
 - (l) the secretary of the Department of Immigration and Citizenship (Cwlth);
 - (m) the Attorney-General for the Territory, the Commonwealth, or a State;
 - (n) the director of public prosecutions, or a person performing a similar function under a Commonwealth or State law.
- (2) In this section:
- employment service** includes any of the following:
- (a) a pre-employment service;
 - (b) an employment screening service;
 - (c) finding, or helping to find, employment.
- law enforcement agency** means any of the following:
- (a) the Australian Crime Commission established by the *Australian Crime Commission Act 2002* (Cwlth);
 - (b) the Australian Federal Police;

- (c) the CrimTrac Agency, established under the *Public Service Act 1999* (Cwlth), section 65 (Establishment etc. of Executive Agencies);
- (d) the New South Wales Crime Commission or a similar entity established under the law of another State;
- (e) the New South Wales Independent Commission Against Corruption or a similar entity established under the law of another State;
- (f) the police service or force of a State, or another territory;
- (g) a government department of the Commonwealth or a State or the Territory whose primary functions are the beginning or conduct of proceedings for offences.

17 Verifying documentation or evidence to be provided in support of report—Act, s 137 (2) (a) (ii)

- (1) If a registrable offender is required under the Act to make a report that includes the personal details mentioned in the Act, section 59, definition of *personal details*, paragraph (f), the offender must provide a payslip given to the offender in the last month.
- (2) If a registrable offender is required under the Act to make a report that includes personal details mentioned in the Act, section 59, definition of *personal details*, paragraph (h), the offender must provide, for each motor vehicle owned by, or generally driven by, the offender—
 - (a) if the vehicle is owned by the offender—the current vehicle registration certificate for the vehicle; or
 - (b) if the vehicle is generally driven by the offender—a copy of the current vehicle registration certificate for the vehicle.

18 Prescribed orders—Act, dict, def corresponding child sex offender registration order, par (b)

The following orders are prescribed:

- (a) a child protection registration order under the *Child Protection (Offenders Registration) Act 2000* (NSW);
- (b) a sex offender registration order under the *Sex Offenders Registration Act 2004* (Vic);
- (c) an offender reporting order under the *Child Protection (Offender Reporting) Act 2004* (Qld);
- (d) an offender reporting order under the *Community Protection (Offender Reporting) Act 2004* (WA);
- (e) an offender reporting order under the *Child Protection (Offender Reporting and Registration) Act 2004* (NT).

19 Prescribed laws—Act, dict, def corresponding law, par (b)

The following laws are prescribed:

- (a) *Child Protection (Offenders Registration) Act 2000* (NSW);
- (b) *Sex Offenders Registration Act 2004* (Vic);
- (c) *Child Protection (Offender Reporting) Act 2004* (Qld);
- (d) *Community Protection (Offender Reporting) Act 2004* (WA);
- (e) *Child Protection (Offender Reporting and Registration) Act 2004* (NT).

**20 Supervising authority for registrable offender—Act, dict,
def *supervising authority***

- (1) If the registrable offender is an adult, the supervising authority is the chief executive under the *Crimes (Sentence Administration) Act 2005*.
- (2) If the registrable offender is a child, the supervising authority is the chief executive under the *Children and Young People Act 2008*.

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- ACAT
- ACT
- adult
- Australian Consumer Law (ACT)
- Australian driver licence
- chief police officer
- child
- Childrens Court
- Magistrates Court
- Supreme Court.

Note 3 Terms used in this regulation have the same meaning that they have in the *Crimes (Child Sex Offenders) Act 2005* (see Legislation Act, s 148.) For example, the following terms are defined in the *Crimes (Child Sex Offenders) Act 2005*, dict:

- contact person (see s 33)
- in person
- registrable offender (see s 8 and s 9)
- reporting obligations notice (see s 103).

birth certificate, for a person, means the person's birth certificate, or a certified extract about the person's birth from the register, under the *Births, Deaths and Marriages Registration Act 1997* or a corresponding law of a State, an external territory or New Zealand.

citizenship certificate, for a person, means the person's citizenship certificate issued under the *Australian Citizenship Act 1948* (Cwlth), section 46 (Issue and proof of certificates of Australian citizenship)

or a certified copy of the entry in the register about the person under that Act, section 44 (Evidence of entries in register).

credit card—see the *Australian Consumer Law (ACT)*, section 2 (1).

debit card—see the *Australian Consumer Law (ACT)*, section 2 (1).

entitlement card, for a person, means a card issued to the person by the Commonwealth, a State, an external territory or New Zealand as evidence of the person's entitlement to a financial benefit.

Example of entitlement card

Medicare card

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

primary document, for a person, means the original of either of the following documents:

- (a) the person's birth certificate;
- (b) the person's citizenship certificate.

secondary document means any of the following documents:

- (a) a current entitlement card for the person;
- (b) a current credit or debit card issued to and signed by the person;
- (c) a service bill issued to the person within the last 6 months;
- (d) a student identity card or a certificate or statement of enrolment from an educational institution.

service bill, for a person, means a bill issued to the person for the use of a utility service, telephone service or internet service.

utility service—see the *Utilities Act 2000*, dictionary.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|--|--|
| A = Act | NI = Notifiable instrument |
| AF = Approved form | o = order |
| am = amended | om = omitted/repealed |
| amdt = amendment | ord = ordinance |
| AR = Assembly resolution | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| CN = Commencement notice | pres = present |
| def = definition | prev = previous |
| DI = Disallowable instrument | (prev...) = previously |
| dict = dictionary | pt = part |
| disallowed = disallowed by the Legislative Assembly | r = rule/subrule |
| div = division | reloc = relocated |
| exp = expires/expired | renum = renumbered |
| Gaz = gazette | R[X] = Republication No |
| hdg = heading | RI = reissue |
| IA = Interpretation Act 1967 | s = section/subsection |
| ins = inserted/added | sch = schedule |
| LA = Legislation Act 2001 | sdiv = subdivision |
| LR = legislation register | SL = Subordinate law |
| LRA = Legislation (Republication) Act 1996 | sub = substituted |
| mod = modified/modification | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

Crimes (Child Sex Offenders) Regulation 2005 SL2005-44

notified LR 22 December 2005

s 1, s 2 commenced 22 December 2005 (LA s 75 (1))

remainder commenced 29 December 2005 (LA s 79A and see A2005-30)

as amended by

Children and Young People (Consequential Amendments) Act 2008 A2008-20 sch 4 pt 4.9

notified LR 17 July 2008

s 1, s 2 commenced 17 July 2008 (LA s 75 (1))

sch 4 pt 4.9 commenced 27 February 2009 (s 2 (5) and see Children and Young People Act 2008 A2008-19, s 2 and CN2008-17 (and see CN2008-13))

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.19

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.19 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Crimes (Child Sex Offenders) Amendment Regulation 2010 (No 1) SL2010-27

notified LR 1 July 2010

s 1, s 2 commenced 1 July 2010 (LA s 75 (1))

remainder commenced 2 July 2010 (s 2)

Fair Trading (Australian Consumer Law) Amendment Act 2010 A2010-54 sch 3 pt 3.6

notified LR 16 December 2010

s 1, s 2 commenced 16 December 2010 (LA s 75 (1))

sch 3 pt 3.6 commenced 1 January 2011 (s 2 (1))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Dictionary

s 3 am A2010-54 amdt 3.17

Entities that must give offender reporting obligations notice—Act, s 104 (1)

s 12 am A2008-36 amdt 1.247; A2008-20 amdt 4.28

Access to personal information in child sex offenders register—**Act, s 118 (1) (b) (i)**

s 16A ins SL2010-27 s 4

Supervising authority for registrable offender—Act, dict, def *supervising authority*

s 20 am A2008-20 amdt 4.29

Dictionarydict am A2008-36 amdt 1.248; A2010-54 amdt 3.18
def **credit card** sub A2010-54 amdt 3.19
def **debit card** sub A2010-54 amdt 3.19**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|----------------------------------|-----------------------------|-------------------------------|----------------------------|
| R1 29 Dec 2005 | 29 Dec 2005- 1 Feb 2009 | not amended | new regulation |
| R2 2 Feb 2009 | 2 Feb 2009– 26 Feb 2009 | A2008-36 | amendments by A2008-36 |
| R3 27 Feb 2009 | 27 Feb 2009– 1 July 2010 | A2008-36 | amendments by A2008-20 |
| R4 2 July 2010 | 2 July 2010– 31 Dec 2010 | SL2010-27 | amendments by SL2010-27 |

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