Australian Capital Territory

Crimes (Child Sex Offenders) Act 2005

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About this republication

The republished law

This is a republication of 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 16 April 2026. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 16 April 2026.

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 includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).

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Australian Capital Territory

Crimes (Child Sex Offenders) Act 2005

An Act about registration and reporting requirements for certain offenders who commit sexual offences against children, and for other purposes

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Chapter 1 Preliminary

1 Name of Act

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

3 Dictionary

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

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

For example, the signpost definition '***witness protection program***—see the *Witness Protection Act 1996*, dictionary.' means that the term 'witness protection program' is defined in that dictionary and the definition applies to this Act.

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

4 Notes

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

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

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5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

6 Purpose and outline

(1) The purpose of this Act is to—

(a) require certain offenders who commit sexual offences to keep police informed of their whereabouts and other personal details for a period of time—

(i) to reduce the likelihood that they will reoffend; and

(ii) to facilitate the investigation and prosecution of future offences that they may commit; and

(b) prevent registrable offenders working in child-related employment; and

(c) prohibit registrable offenders from engaging in conduct that poses a risk to the lives or sexual safety of children.

(2) In outline, this Act—

(a) provides for the establishment of a child sex offenders register; and

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(b) requires certain offenders who are sentenced for registrable offences to report particular personal details for inclusion in the child sex offenders register; and

(c) allows the sentencing court to order young offenders to comply with the reporting obligations of the Act; and

(d) requires the offenders to keep their details up to date, to report their details annually and to also report certain travel details; and

(e) imposes the reporting obligations for a period of between 4 years and life, depending on the number, severity and timing of the offences committed, and the age of the offender when an offence was committed; and

(f) allows for the recognition of the period of reporting obligations imposed under laws of foreign jurisdictions; and

(g) makes it an offence for registrable offenders to work in child-related employment; and

(h) allows the chief police officer to apply to the Magistrates Court for orders prohibiting registrable offenders from engaging in conduct that poses a risk to the lives or sexual safety of children.

Note The *Ombudsman Act 1989* authorises the ombudsman to monitor compliance with this Act, pt 3.11 (Entry and search warrants) and ch 4 (Child sex offenders register).

7 Meaning of *finding of guilt*

(1) For this Act, a reference to a ***finding of guilt*** (however expressed) in relation to an offence committed by a person is a reference to any of the following:

(a) a court making a formal finding of guilt in relation to the offence;

(b) a court accepting a plea of guilty from the person in relation to the offence;

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(c) an offence taken into account by a court under the *Crimes (Sentencing) Act 2005*, part 4.4 (Taking additional offences into account) in making a sentence-related order in relation to a principal offence, or an admission (however described) being accepted in relation to the offence under a corresponding provision of a foreign law;

(d) an order (however described) being made in relation to the offence under—

(i) the *Crimes (Sentencing) Act 2005*, section 17 (Non-conviction orders—general); or

(ii) a provision of a foreign law corresponding to a provision mentioned in subparagraph (i);

(e) a finding (however expressed) under the *Crimes Act 1900*, division 13.3 or the Criminal Code, section 28 (7) of not guilty because of mental impairment, or a finding under a corresponding provision of a foreign law.

(2) For this Act, a reference to a ***finding of guilt*** (however expressed) in relation to an offence does not include a reference to—

(a) a finding of guilt mentioned in subsection (1) (c) if—

(i) the offence was taken into account by a court under the *Crimes (Sentencing) Act 2005*, part 4.4 (Taking additional offences into account) in making a sentence-related order in relation to a principal offence; and

(ii) the decision to take the offence into account is subsequently quashed or set aside by a court; or

(b) a finding of guilt mentioned in subsection (1) (c) if—

(i) an admission (however described) was accepted in relation to the offence under a corresponding provision of a foreign law; and

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(ii) the decision to accept the admission is subsequently quashed or set aside by a court; or

(c) in any other case—a finding of guilt that is subsequently quashed or set aside by a court.

(3) For this section, a reference to ***taking into account*** an offence includes the taking into account of the offence under the *Crimes Act 1900*, section 357 (repealed).

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Chapter 2 Offenders to whom Act applies

Part 2.1 Who is a registrable offender?

8 Who is a *registrable offender*?

(1) A person is a ***registrable offender*** if the person—

(a) is sentenced by a court for a registrable offence; or

(b) is the subject of a child sex offender registration order; or

(c) is a prescribed corresponding offender.

Note 1 ***Sentence*** is broadly defined for this Act (see dict, def ***sentence***).

Note 2 This Act applies to people sentenced by a court of a foreign jurisdiction for certain offences against the law of that jurisdiction (see dict, def ***court*** and s 10, def ***registrable offence***).

Note 3 This Act applies to certain people who are registrable offenders for corresponding laws of foreign jurisdictions, even though they are not registrable offenders under this Act (see div 3.2.3 (People required to report under corresponding law)).

(2) A person is also a ***registrable offender*** if—

(a) the person has been sentenced by a court for a registrable offence before the commencement of this Act; and

(b) the person is—

(i) a prescribed corresponding offender; or

(ii) a person who, because of a sentence for a registrable offence, was under the supervision of a supervising authority immediately before the commencement of this Act.

(3) This section is subject to the following sections:

- section 9 (*Registrable offender*—exceptions)
- section 13 (Effect of quashing of finding of guilt etc).

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9 Registrable offender—exceptions

(1) A person is not a ***registrable offender*** only because—

(a) a court has made an order against the person for a class 1 or class 2 offence under—

(i) the *Crimes (Sentencing) Act 2005*, section 17 (Non-conviction orders—general); or

(ii) a provision of a foreign law corresponding to a provision mentioned in subparagraph (i); or

(b) the person has been sentenced for a single class 2 offence, and the sentence did not include—

(i) a term of imprisonment; or

(ii) a requirement that the person be under the supervision of a supervising authority or anyone else; or

(c) the person, as a young person, has been sentenced for—

(i) a single offence mentioned in schedule 2 (Class 2 offences), part 2.1 (Offences against ACT legislation), item 3, 4 or 10; or

(ii) a single class 1 or class 2 offence prescribed by regulation.

Note The offence mentioned in—

- sch 2, pt 2.1, item 3 is against the *Crimes Act 1900*, s 61 (1) (Acts of indecency with young people) for an act of indecency on, or in the presence of, a person under 10 years old
- sch 2, pt 2.1, item 4 is against the *Crimes Act 1900*, s 61 (3) (Acts of indecency with young people) for an act of indecency on, or in the presence of, a person under 16 years old
- sch 2, pt 2.1, item 10 is against the *Crimes Act 1900*, s 65 (1) (Possessing child exploitation material).

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(2) A person is not a ***registrable offender*** only because the person has been sentenced for an offence mentioned in schedule 2, part 2.2, item 16 if the court considers, on application by the defence, that the person does not pose a risk to the lives or sexual safety of 1 or more children, or of children generally.

Note The offence mentioned in that item is against the Commonwealth Criminal Code, s 273A.1 (Possession of child-like sex dolls etc).

(3) A person is not a registrable offender if—

(a) the person was a young person at the time the registrable offence was committed; and

(b) a court considers, on application by the defence, that including the person on the register is inappropriate in the circumstances of the case.

(4) In making a decision for subsection (3) (b), the court must consider—

(a) the severity of the offence and the seriousness of the circumstances surrounding the commission of the offence; and

(b) the age of the person at the time of the offence; and

(c) the level of harm to the victim and the community caused by the offence; and

(d) any attempts at rehabilitation by the person; and

(e) whether the person poses a risk to the lives or sexual safety of 1 or more people or of the community; and

(f) any other circumstances that the court considers relevant.

(5) This section does not apply to a person who is a prescribed corresponding offender.

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(6) In this section:

single offence includes a reference to more than 1 offence of the same kind arising from the same incident.

Note Offences arise from the ***same incident*** only if they are committed within a single period of 24 hours and are committed against the same person (see dict, def ***same incident***).

10 What is a *registrable offence*?

(1) In this Act:

registrable offence means—

(a) a class 1 offence; or

(b) a class 2 offence; or

(c) in relation to a person for whom a child sex offender registration order is made—an offence because of which the order was made.

Note If a person is found guilty of an offence that is not a class 1 or class 2 offence, the court may make a child sex offender registration order in relation to the person (see s 15). A ***child sex offender registration order*** is an order declaring that the person is a registrable offender for this Act (see s 14).

(2) A ***class 1 offence*** is an offence mentioned in schedule 1, part 1.1 or part 1.2, column 2, committed in the circumstances (if any) mentioned in column 4 for the offence.

(3) A ***class 2 offence*** is an offence mentioned in schedule 2, part 2.1 or part 2.2, column 2, committed in the circumstances (if any) mentioned in column 4 for the offence.

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(4) A reference in this Act to a ***class 1 offence*** or ***class 2 offence*** includes a reference to a previous form of the offence, despite it having been amended, or repealed and remade, if it is the same in substance as the class 1 offence or class 2 offence.

Note 1 See also the Legislation Act, s 102 (References to laws include references to laws as in force from time to time).

Note 2 For a territory law, see also the Legislation Act, s 96 (Relocated provisions), s 147 (Changes of drafting practice not to affect meaning) and dict, pt 1, def ***amend***.

11 Who is a *prescribed corresponding offender*?

(1) In this Act:

prescribed corresponding offender means—

(a) a person who—

(i) has been convicted of an offence, or is subject to an order corresponding, or substantially corresponding, to a non-conviction order under the *Crimes (Sentencing) Act 2005*, in a foreign jurisdiction in relation to an offence; and

(ii) has been required, at any time (whether before or after the commencement of this Act), to report to the corresponding registrar of the foreign jurisdiction in relation to the offence; and

(iii) would, if the person were currently in the foreign jurisdiction, be required to report to the corresponding registrar of the jurisdiction in relation to the offence; or

(b) a person prescribed by regulation.

Note Power to make a statutory instrument (including a regulation) includes power to make different provision in relation to different matters or different classes of matters (see Legislation Act, s 48).

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(2) However, a person is not a ***prescribed corresponding offender*** if the chief police officer decides the person should not be a prescribed corresponding offender under section 11A.

11A Chief police officer to decide if certain people prescribed corresponding offenders

(1) This section applies to a prescribed corresponding offender under section 11 (1) (a) because the person is subject to an order corresponding, or substantially corresponding, to a non-conviction order under the *Crimes (Sentencing) Act 2005* in a foreign jurisdiction in relation to an offence.

(2) As soon as practicable after the person becomes a prescribed corresponding offender (and not later than 28 days after information about the person is included on the child sex offenders register under section 117), the chief police officer must decide whether the person should be a prescribed corresponding offender.

Note A decision under s (2) is a reviewable decision (see s 132ZV), and the chief police officer must give a reviewable decision notice to the person (see s 132ZW).

(3) In making a decision under subsection (2), the chief police officer must consider—

(a) the severity of the offence; and

(b) the age of the person at the time of the offence; and

(c) the level of harm to the victim and the community caused by the offence; and

(d) the period for which the person was reporting to the corresponding registrar of the foreign jurisdiction; and

(e) compliance by the person with any reporting and sentencing obligations; and

(f) any attempts at rehabilitation by the person; and

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(g) whether the person poses a risk to the lives or sexual safety of 1 or more people or of the community; and

(h) any other circumstances that the chief police officer considers relevant.

(4) If the chief police officer decides that a person should not be a prescribed corresponding offender, the chief police officer must remove the person from the child sex offenders register.

12 Appeal proceedings irrelevant

For this division, it is irrelevant whether or not a person may begin, or has begun, an appeal for a finding of guilt, sentence or child sex offender registration order.

13 Effect of quashing of finding of guilt etc

(1) A person stops being a registrable offender if—

(a) the person is a registrable offender because of only a single finding of guilt for a registrable offence and either—

(i) the finding of guilt is quashed or set aside by a court; or

(ii) the person's sentence for the offence is reduced or otherwise amended on appeal so that the person would have been a person mentioned in section 9 (1) (b) or (c) had the amended sentence been the original sentence; or

(b) the person is a registrable offender only because the person is subject to a child sex offender registration order and the order is quashed or set aside on appeal.

(2) However, the person does not stop being a registrable offender under subsection (1) (a) (i) if the court orders that the person be retried for the registrable offence.

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Part 2.2 Child sex offender registration orders

Division 2.2.1 Child sex offender registration orders—generally

14 What is a *child sex offender registration order*?

A ***child sex offender registration order***, in relation to a person, is—

(a) an order made under section 15 (1) or section 18C; or

(b) a corresponding child sex offender registration order.

Division 2.2.2 Orders for offenders guilty of offence other than class 1 or class 2 offence

15 Court may make child sex offender registration order

(1) If a person is found guilty of an offence that is not a class 1 or class 2 offence, the court sentencing the person for the offence may make a child sex offender registration order in relation to the person.

(2) This section is subject to the following sections:

- section 16 (Court may only make order if person risk to sexual safety)
- section 17 (Court may only make order with sentence)
- section 18 (Court may only make order on prosecution application).

16 Court may only make order if person risk to sexual safety

(1) The court may make a child sex offender registration order only if, after taking into account anything the court considers appropriate, the court is satisfied that the person poses a risk to the sexual safety of 1 or more people or of the community.

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(2) For subsection (1), it is not necessary that the court can identify a risk to particular people, or a particular class of people.

17 Court may only make order with sentence

(1) The court may make a child sex offender registration order in relation to a person for an offence only if it imposes a sentence on the person for the offence, and must make the child sex offender registration order concurrent with the sentence.

(2) In this section:

sentence, for an offence, does not include an order against a young offender under the *Crimes (Sentencing) Act 2005*, section 13, 17, 18, 19, or 27.

18 Court may only make order on prosecution application

The court may make a child sex offender registration order only if an application for the order is made by the prosecution.

Division 2.2.3 Orders for certain previous offenders

18A Meaning of *previous offender*—div 2.2.3

For this division, a person is a ***previous offender*** if the person has been found guilty of a class 1 offence before the commencement of this Act.

18B Application for child sex offender registration order in relation to previous offender

(1) The chief police officer may apply to the Magistrates Court for a child sex offender registration order in relation to a person if the chief police officer believes on reasonable grounds that—

(a) the person is a previous offender; and

(b) the person poses a risk to the lives or sexual safety of 1 or more people or of the community.

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(2) For subsection (1) (b), it is not necessary for the court to be satisfied of a risk to a particular person or class of people.

(3) The application must include—

(a) any information or material relevant to the application (regardless of whether the information or material supports the application); and

(b) details of whether an application under this section has previously been made in relation to the person.

18C Court may make child sex offender registration order in relation to previous offender

(1) The Magistrates Court may, on application under section 18B, make a child sex offender registration order in relation to a person if, by evidence on oath and after taking into account anything it considers appropriate, the court is satisfied that—

(a) the person is a previous offender; and

(b) the person poses a risk to the lives or sexual safety of 1 or more people or of the community; and

(c) making the order will reduce the risk; and

(d) having regard to the matters in section 18D, the order is appropriate.

(2) The application for the order may be heard, and the order made, in the person's absence if the court is satisfied that the application was served—

(a) personally on the person; and

(b) on anyone else as directed by the court.

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18D Matters court must consider before making registration order in relation to previous offender

(1) For section 18C (1) (d), the matters are as follows:

(a) for each offence for which the person is a previous offender—

(i) the seriousness of the offence; and

(ii) the period since the offence was committed; and

(iii) the person's and victim's ages, and the difference in age between them, when the person committed the offence;

(b) the person's age;

(c) the seriousness of the person's criminal history;

(d) whether the level of risk that the person may commit another registrable offence outweighs the effect of the order on the person;

(e) the person's circumstances, to the extent that they relate to the order sought.

Examples

1 the person's accommodation, employment, health, cultural and social needs

2 the need to integrate the person into the community

(2) The court may have regard to anything else the court considers relevant.

(3) In this section:

criminal history, about a person, means a finding of guilt against the person for a class 1 or class 2 offence.

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18E Keeping documents connected with order

If the Magistrates Court makes a child sex offender registration order in relation to a previous offender, the chief police officer must, for the duration of the order, keep a copy of—

(a) the application made under section 18B; and

(b) any document relied upon for the application.

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Chapter 3 Reporting

Part 3.1 Definitions for ch 3

19 What is a *reporting obligation*?

In this Act:

reporting obligation, for a registrable offender, means the offender's obligation under a reporting obligation provision.

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);

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(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).

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Part 3.2 When initial report must be made

Division 3.2.1 When registrable offender must make initial report of personal details

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.

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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.

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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.

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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.

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26 Exception—offender's reporting obligations suspended

This division does not apply to a registrable offender during any period when the offender's reporting obligations are suspended under section 97 (Supreme Court may make suspension order).

27 Exception—protected registrable offender

This division does not apply to a registrable offender if—

(a) the offender is a protected registrable offender; and

(b) the offender reports such of the information that the offender is required to report under this division as the chief police officer requires the offender to report; and

(c) the offender makes the report when, where, and in a way, approved by the chief police officer.

Division 3.2.2 When registrable offender must make new initial report of personal details

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

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(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.

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(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

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(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.

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31 Exception—offender's reporting obligations suspended

This division, other than section 30, does not apply to a registrable offender during any period when the offender's reporting obligations are suspended under section 97 (Supreme Court may make suspension order).

32 Exception—protected registrable offender

This division does not apply to a registrable offender if—

(a) the offender is a protected registrable offender; and

(b) the offender reports such of the information that the offender is required to report under this division as the chief police officer requires the offender to report; and

(c) the offender makes the report when, where, and in a way, approved by the chief police officer.

Division 3.2.3 People required to report under corresponding law

33 Person entering ACT must make contact

(1) This section applies to a person (other than a protected registrable offender) if the person has, at any time, been required to report to a corresponding registrar.

(2) If the person enters the ACT, and remains in the ACT for 7 or more consecutive days (excluding days in government custody), the person must take all reasonable steps to contact (by telephone or another way prescribed by regulation) someone (a ***contact person***) prescribed by regulation for this division—

(a) if the person is not in government custody on the day the person 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

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(b) if the person is in government custody on the day the person 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 person leaves the ACT (other than in government custody) within the 7 days mentioned in subparagraph (i) or (ii)—before leaving the ACT.

(3) If the person contacts a contact person, the contact person must tell the person—

(a) whether the person is a registrable offender for this Act; and

(b) if the person is a registrable offender—what the person's reporting obligations are under this Act.

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

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(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.

35 Exception—person has already made contact

This division does not apply to a person who enters the ACT, and remains in the ACT, if the person has previously contacted (by telephone or another way prescribed by regulation) a contact person in relation to that entry into the ACT.

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36 Exception—offender's reporting obligations suspended

Section 34 does not apply to a registrable offender during any period when the offender's reporting obligations are suspended under section 97 (Supreme Court may make suspension order).

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Part 3.3 Ongoing reporting

Division 3.3.1 Annual reporting

37 Offender must report annually

(1) A registrable offender must—

(a) attend, at a relevant time each year, an approved reporting place; and

(b) report any changes to the offender's personal details to the chief police officer at the approved reporting place; and

(c) if the offender has been in government custody since the offender last reported under this Act—report to the chief police officer details of when and where the custody happened.

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.

(2) This section does not apply if the offender's reporting period has ended before the relevant time for the offender's report in the year.

(3) In this section:

relevant time, in relation to a report by a registrable offender in a year, means before the end of the month in the year when the anniversary of the day the offender first reported under this Act or a corresponding law falls.

Example

J first reported his personal details to the chief police officer on 14 October 2015. J must make a further report of any changes to J's details on or before 31 October 2016, 31 October 2017 (and so on).

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38 Exception—offender in government custody

This division does not apply to a registrable offender in relation to a year if the offender is in government custody at the end of the relevant time for the offender's report in that year.

Example

J first reported his personal details to the chief police officer on 14 October 2005. However, J is in government custody from 1 October 2006 to 1 November 2006. Because of this section, J does not have to report his details on or before 31 October 2006. However, when J leaves custody, he will have to report any change to his personal details (see s 56).

39 Exception—offender outside ACT

This division does not apply to a registrable offender in relation to a year if the offender is outside the ACT for the last 7 days before the relevant time for the offender's report in that year.

Example

J first reported his personal details to the chief police officer on 14 October 2005. However, J is out of the ACT from 1 October 2006 to 1 November 2006. Because of this section, J does not have to report his details on or before 31 October 2006. However, J must report his intention to travel outside the ACT (see s 42) and, when J returns to the ACT for 7 days, he will have to report any change to his personal details (see s 55).

40 Exception—offender's reporting obligations suspended

This division does not apply to a registrable offender during any period when the offender's reporting obligations are suspended under section 97 (Supreme Court may make suspension order).

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41 Exception—protected registrable offender

This division does not apply to a registrable offender if—

(a) the offender is a protected registrable offender; and

(b) the offender reports such of the information that the offender is required to report under this division as the chief police officer requires the offender to report; and

(c) the offender makes the report when, where, and in a way, approved by the chief police officer.

Division 3.3.2 Reporting of travel

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;

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(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.

43 Defence—impracticable to report 7 days before leaving

It is a defence to a prosecution of a registrable offender for an offence against section 58A (Offence—fail to report as required), in relation to a reporting obligation under section 42, if—

(a) circumstances make it impracticable for the registrable offender to make the report at least 7 days before leaving the ACT; and

(b) the offender makes the report at least 24 hours before leaving the ACT.

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.

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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.

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(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).

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(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).

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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).

50 Application to protected registrable offender

This division applies to a protected registrable offender as if a reference to the ***ACT*** were a reference to the jurisdiction where the protected registrable offender generally lives.

51 Exception—protected registrable offender

This division does not apply to a registrable offender if—

(a) the offender is a protected registrable offender; and

(b) the offender reports such of the information that the offender is required to report under this division as the chief police officer requires the offender to report; and

(c) the offender makes the report when, where, and in a way, approved by the chief police officer.

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52 Exception—offender in government custody

This division does not apply to a registrable offender in relation to a report if the offender is in government custody when the report is required to be made.

53 Exception—offender's reporting obligations suspended

This division does not apply to a registrable offender during any period when the offender's reporting obligations are suspended under section 97 (Supreme Court may make suspension order).

Division 3.3.3 Other reporting

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 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

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(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.

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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 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

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(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.

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(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.

57 Exception—offender's reporting obligations suspended

This division does not apply to a registrable offender during any period when the offender's reporting obligations are suspended under section 97 (Supreme Court may make suspension order).

58 Exception—protected registrable offender

(1) Section 54 and section 56 do not apply to a registrable offender if—

(a) the offender is a protected registrable offender; and

(b) the offender reports such of the information that the offender is required to report under this division as the chief police officer requires the offender to report; and

(c) the offender makes the report when, where, and in a way, approved by the chief police officer.

(2) Section 55 does not apply to a registrable offender if the offender is a protected registrable offender.

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.

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(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.

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Part 3.4 Provisions applying to all reports

Division 3.4.1 What information is to be reported

59 What are *personal details*?

(1) In this Act:

personal details, for a registrable offender, means the following:

(a) the offender's name, together with any other name by which the offender is, or has previously been, known;

(b) for each name other than the offender's current name—the period when the offender was known by the other name;

(c) the offender's date of birth;

(d) the address of each of the premises where the offender generally lives or, if the offender does not generally live at any particular premises, the name of each of the localities where the offender can generally be found;

Note A registrable offender generally lives at particular premises only if the offender lives at the premises for at least 7 days (whether or not consecutive) in a period of 12 months (see s 60 (a)).

(e) the names and ages of children—

(i) who generally live in the same household as the offender; or

(ii) with whom the offender has regular unsupervised contact;

Note 1 A child generally lives in the same household as a registrable offender only if they live together in the household for at least 3 days (whether or not consecutive) in a period of 12 months (see s 60 (b)).

Note 2 A registrable offender has regular unsupervised contact with a child only if the offender has unsupervised contact with the child for at least 3 days (whether or not consecutive) in a period of 12 months (see s 60 (c)).

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(f) if the offender is employed—

(i) the nature of the offender's employment; and

(ii) the name of the offender's employer (if any); and

(iii) the address of each of the premises where the offender is generally employed or, if the offender is not generally employed at any particular premises, the name of each of the localities where the offender is generally employed;

Note A registrable offender is generally employed at particular premises only if the offender is employed at the premises for at least 7 days (whether or not consecutive) in a period of 12 months (see s 60 (d)). Employment is also dealt with in s 61.

(g) details of the offender's affiliation with any club or organisation that has child membership or child participation in its activities;

(h) the make, model, colour, registration number, details of any modifications made, and any other particulars prescribed by regulation, of a motor vehicle owned by, or generally driven by, the offender;

Note A registrable offender generally drives a particular motor vehicle only if the offender drives the vehicle on at least 7 days (whether or not consecutive) in a period of 12 months (see s 60 (e)).

(i) 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);

(j) if the offender has ever been found guilty of a corresponding registrable offence—details of—

(i) the offence; and

(ii) when and where the finding of guilt happened; and

(iii) any order made by a court in relation to the finding of guilt;

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(k) if the offender has ever been found guilty under a corresponding law of an offence that required the offender to report to a corresponding registrar—details of—

(i) the offence; and

(ii) when and where the finding of guilt happened; and

(iii) any order made by a court in relation to the finding of guilt;

(l) if the offender has ever been subject to a corresponding child sex offender registration order—details of—

(i) the order; and

(ii) when and where the order was made; and

(iii) the offence because of which the order was made;

(m) if the offender has been in government custody since the offender was sentenced or released from government custody (as the case may be) for a registrable offence or corresponding registrable offence—details of when and where the government custody happened;

(n) if, when making the report, the offender 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)—in general terms, the frequency and destinations of the travel;

(o) if the offender has ever been subject to a corresponding prohibition order—details of—

(i) the order; and

(ii) when and where the order was made;

(p) details of any carriage service used by the offender;

(q) details of any internet service provider or carriage service provider used by the offender;

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(r) details of the kind of any internet connection used by the offender;

Examples

wireless, broadband, ADSL or dial-up connection

(s) details of any email addresses, internet user names, instant messaging user names, chat room user names or any other user name or identity used by the offender through the internet or another electronic communication service;

(t) the passport number and country of issue of each passport held by the offender.

(2) In this section:

carriage service—see the *Telecommunications Act 1997* (Cwlth), section 7 (Definitions).

carriage service provider—see the *Telecommunications Act 1997* (Cwlth), section 87 (Carriage service providers).

corresponding prohibition order means an order made under a law of a foreign jurisdiction that substantially corresponds to a prohibition order or interim prohibition order.

internet service provider—see the *Online Safety Act 2021* (Cwlth), section 19 (Internet service providers).

60 Meaning of some concepts in s 59

For section 59—

(a) a registrable offender generally lives at particular premises only if the offender lives at the premises for at least 7 days (whether or not consecutive) in a period of 12 months; and

(b) a child generally lives in the same household as a registrable offender only if they live together in the household for at least 3 days (whether or not consecutive) in a period of 12 months; and

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(c) a registrable offender has regular unsupervised contact with a child only if the offender has unsupervised contact with the child for at least 3 days (whether or not consecutive) in a period of 12 months; and

(d) a registrable offender is generally employed at particular premises only if the offender is employed at the premises for at least 7 days (whether or not consecutive) in a period of 12 months; and

(e) a registrable offender generally drives a particular motor vehicle only if the offender drives the vehicle on at least 7 days (whether or not consecutive) in a period of 12 months.

61 Meaning of employment in s 59

(1) For section 59, a registrable offender is employed if the offender—

(a) carries out work under a contract of employment; or

(b) carries out work as a self-employed person or as a subcontractor; or

(c) carries out work as a volunteer for an organisation; or

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

(e) undertakes practical training as part of an educational or vocational course; or

(f) carries out work as a minister of religion or in another capacity for a religious organisation.

(2) For section 59, a person is an employer if the person—

(a) arranges, in the course of business, for the registrable offender to be employed by someone else; or

(b) engages the offender under contract to carry out work; or

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

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62 Application of s 59 to protected registrable offender

Section 59 applies to a protected registrable offender as if a reference to the ***ACT*** were a reference to the jurisdiction where the offender generally lives.

Division 3.4.2 How report is to be made

63 How is a report made in an *approved way*?

For this Act, a registrable offender makes a report in an ***approved way*** if the offender makes the report—

(a) in person; or

(b) in another way prescribed by regulation.

Note 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***).

64 Where are *approved reporting places*?

In this Act:

approved reporting place, for a registrable offender, means—

(a) if a direction is given to the offender under a regulation about a police station where the report is to be made—at the police station directed; or

(b) at another place prescribed by regulation.

65 Reports by young offenders

(1) A registrable offender is taken to have made a report in person if—

(a) the offender is a young person; and

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(b) 1 of the following people makes the report, in person, for the offender:

(i) a person with parental responsibility for the offender; or

(ii) if a person with parental responsibility for the offender is unavailable, or is unacceptable to the offender—someone else (other than a police officer) who can represent the interests of the offender and who is, as far as is practicable in the circumstances, acceptable to the offender; and

(c) the offender accompanies the person when the person makes the report.

(2) A registrable offender is taken to have made a report in another way if—

(a) the offender is a young person; and

(b) 1 of the following people makes the report in that way for the offender:

(i) a person with parental responsibility for the offender; or

(ii) if a person with parental responsibility for the offender is unavailable, or is unacceptable to the offender—someone else (other than a police officer) who can represent the interests of the offender and who is, as far as is practicable in the circumstances, acceptable to the offender.

66 Reports by offenders with disability

(1) A registrable offender is taken to have made a report in person if—

(a) the offender has a disability that makes it impracticable for the offender to make a report in person; and

(b) 1 of the following people makes the report, in person, for the offender:

(i) the offender's parent or guardian;

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(ii) the offender's carer;

(iii) someone else nominated by the offender; and

(c) the offender accompanies the person when the person makes the report (unless the offender's disability makes it impracticable).

(2) A registrable offender is taken to have made a report in another way if—

(a) the registrable offender has a disability that makes it impracticable for the offender to make a report in that way; and

(b) 1 of the following people makes the report in that way for the offender:

(i) the offender's parent or guardian;

(ii) the offender's carer;

(iii) someone else nominated by the offender.

67 Regulation about reports not made in person

For a report made otherwise than in person, a regulation may prescribe—

(a) when information about the identity of the person making the report is required; and

(b) when a document verifying or supporting details in the report is required; and

(c) how the information mentioned in paragraph (a) or a document mentioned in paragraph (b) is to be provided.

68 Police officers who may receive reports

Only a police officer approved for the purpose by the chief police officer may receive a report made under this chapter.

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69 Police officer receiving report may arrange interpreter

(1) A police officer receiving a report under this chapter may arrange for an interpreter to be available.

(2) A police officer receiving the report may allow an interpreter to be present only if the interpreter has signed an undertaking not to disclose information derived from the report unless required or authorised by law.

Division 3.4.3 Additional provisions for reports made in person

70 Offence—offender reporting in person must provide identification etc

(1) A registrable offender commits an offence if—

(a) the offender is required to make a report in person under a reporting obligation provision; and

(b) the offender makes the report in person, or accompanies someone else who makes the report in person for the offender; and

(c) the offender or other person does not take all reasonable steps to—

(i) present for inspection the offender's Australian driver licence (if any) or another form of identification, or other document, prescribed by regulation to verify or support details in the report; and

(ii) provide a photograph of the offender's head and face of a kind suitable for use in an Australian passport.

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

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(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.

71 Offence—person reporting in person for offender must provide identification

(1) A person commits an offence if—

(a) an offender is required to make a report in person under a reporting obligation provision; and

(b) the person makes the report, in person, for the offender; and

(c) the person does not take all reasonable steps to present for inspection the person's Australian driver licence (if any) or another form of identification, or other document, prescribed by regulation for this section.

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

Note A person may make a report for an offender if the offender is a young person or has a disability that makes it impracticable for the offender to make a report in person (see s 65 and s 66).

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(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.

72 Identification documents may be copied

A police officer receiving a report under this chapter may copy a document presented to the police officer for inspection under section 70 or section 71.

73 Right to privacy when reporting in person

A person making a report under this chapter in person is entitled to make the report outside the hearing of members of the public.

74 Right to have support person when reporting in person

(1) A person making a report under this chapter in person is entitled to be accompanied by a support person of the person's own choosing.

(2) A young person making a report under this chapter in person must be accompanied by—

(a) a person with parental responsibility for the young person; or

(b) if a person with parental responsibility for the young person is unavailable, or is unacceptable to the young person—someone else (other than a police officer) who can represent the interests of the young person and who is, as far as is practicable in the circumstances, acceptable to the young person.

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75 Offender reporting in person may be fingerprinted to confirm identity

(1) A police officer receiving a report made in person under this chapter may take, or may authorise someone else to take, the fingerprints of the registrable offender if the police officer—

(a) has examined all the material relating to identity provided or presented by, or for, the offender; but

(b) is not satisfied on reasonable grounds about the identity of the offender.

(2) A young person's fingerprints may only be taken in the presence of—

(a) a person with parental responsibility for the young person; or

(b) if a person with parental responsibility for the young person is unavailable, or is unacceptable to the young person—someone else (other than a police officer) who can represent the interests of the young person and who is, as far as is practicable in the circumstances, acceptable to the young person.

(3) To remove any doubt, subsection (2) does not limit the people who may be present.

(4) This section does not apply to a young person who is under 16 years old.

76 Offender to be told why fingerprints needed

Before a registrable offender's fingerprints are taken under section 75, the police officer must tell the offender, in language likely to be understood by the offender—

(a) why the fingerprints are to be taken and why the police officer is not satisfied about the offender's identity; and

(b) that it is an offence for the offender to fail to take all reasonable steps to allow the offender's fingerprints to be taken; and

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(c) that the fingerprints will be kept by the chief police officer.

77 Offence—offender must allow fingerprinting

A registrable offender commits an offence if—

(a) a police officer receiving a report decides, under section 75, to take, or authorise someone else to take, the fingerprints of the offender; and

(b) the offender fails to take all reasonable steps to allow the offender's fingerprints to be taken.

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

78 Photographing offender

(1) A police officer receiving a report made in person by or for a registrable offender may require the offender—

(a) to be photographed; or

(b) to expose any part of the offender's body to enable that part of the body to be photographed by the officer or another person authorised by the officer.

Note See s 79 (2) for a restriction relevant to par (b).

(2) Force may not be used in photographing a registrable offender except in accordance with an order of a magistrate under section 78A.

(3) Before a registrable offender's photograph is taken, the police officer must tell the offender, in language likely to be understood by the offender—

(a) why the photographs are being taken; and

(b) that it is an offence not to comply with the requirement to be photographed; and

(c) that the photographs will be kept by the chief police officer.

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(4) A registrable offender commits an offence if—

(a) a police officer requires the offender to be photographed under this section; and

(b) the offender does not comply with the requirement.

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

78A Order allowing use of force for photographing offender

(1) A magistrate may, on application by a police officer, order the photographing of a registrable offender if satisfied on the balance of probabilities that—

(a) a police officer has required the offender to be photographed under section 78 and the offender has failed to comply with the requirement; and

(b) there are reasonable grounds to believe that photographing the offender is likely to assist law enforcement, crime prevention or child protection purposes; and

(c) allowing reasonable force to be used in photographing the offender is justified in all the circumstances.

(2) For subsection (1) (c), the magistrate must consider the following:

(a) the seriousness of the circumstances surrounding the commission of each offence that resulted in the offender being on the register and the severity of each offence;

(b) the age, mental health and cultural background of the offender, to the extent that they are known by the magistrate;

(c) if the offender gives any reasons for not complying with the requirement—the reasons;

(d) any other circumstances that the magistrate considers relevant.

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(3) An application under this section must be—

(a) made in writing; and

(b) supported by evidence on oath or by affidavit dealing with the matters mentioned in this section.

79 Right to privacy when being photographed

(1) A photograph taken under section 78 or section 78A must be taken—

(a) in a place where no members of the public are present; and

(b) as far as practicable, by a person of the same sex as the registrable offender.

(2) A police officer cannot require an offender who is to be photographed under section 78 or section 78A to expose for that purpose—

(a) the offender's genitals; or

(b) the anal area of the offender's buttocks; or

(c) if the offender is female, or a transgender or intersex person who identifies as female—the offender's breasts.

(3) A police officer present in a place while a photograph is being taken under this section must, as far as practicable, be of the same sex as the registrable offender.

(4) If the offender is a transgender or intersex person who identifies as female, the offender is taken to be female for this section.

(5) If the offender is a transgender or intersex person who identifies as male, the offender is taken to be male for this section.

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80 Right to have support person when being photographed

(1) A registrable offender to be photographed under section 78 or section 78A is entitled to be accompanied by a support person of the offender's choosing.

(2) A young person to be photographed under section 78 or section 78A must be accompanied by—

(a) a person with parental responsibility for the young person; or

(b) if a person with parental responsibility for the young person is unavailable, or is unacceptable to the young person—someone else (other than a police officer) who can represent the interests of the young person and who is, as far as is practicable in the circumstances, acceptable to the young person.

Division 3.4.4 Report to be acknowledged

81 Receipt of report to be acknowledged

(1) A police officer who receives a report under this chapter must acknowledge the making of the report as soon as practicable, but no later than 14 days after the day the police officer receives the report.

(2) The acknowledgment must—

(a) be in writing; and

(b) be given to the person who made the report; and

(c) include the name and signature of the police officer who received the report; and

(d) state how the report was made; and

(e) state the date and time when the report was received; and

(f) if the report was made in person—state the place where the report was made; and

(g) include a copy of the information reported.

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(3) The chief police officer must ensure that a copy of every acknowledgment is kept.

Division 3.4.5 Keeping material for certain purposes

82 Documents, fingerprints, photographs may be kept

(1) The chief police officer may, during a registrable offender's reporting period, keep for law enforcement, crime prevention or child protection purposes any of the following taken under this part from, or in relation to, the offender:

(a) copies of documents;

(b) fingerprints;

(c) photographs.

(2) At the end of the registrable offender's reporting period, the chief police officer must ensure that any item that is being kept under subsection (1) is destroyed.

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Part 3.5 Reporting period

83 When reporting period begins

(1) A registrable offender's (other than a previous offender's) reporting period for a registrable offence begins at the later of the following times:

(a) when the offender is sentenced for the offence;

(b) if the offender is in, or begins, full-time government custody on the day the offender is sentenced for the registrable offence—when the offender stops being in full-time government custody.

(2) A previous offender's reporting period for a registrable offence begins at the later of the following times:

(a) when the offender was sentenced for the offence;

(b) if the offender was in full-time government custody on the day the offender was sentenced for the registrable offence—when the offender stopped or stops being in full-time government custody.

84 Reporting period—single class 1 offence—15 years

If the only registrable offence that a registrable offender has ever been found guilty of is a single class 1 offence, the offender's reporting period is 15 years.

85 Reporting period—single class 2 offence—8 years

If the only registrable offence that a registrable offender has ever been found guilty of is a single class 2 offence, the offender's reporting period is 8 years.

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86 Reporting period—2 class 2 offences—15 years

If the only registrable offences that a registrable offender has ever been found guilty of are 2 class 2 offences, the offender's reporting period is 15 years.

87 Reporting period—multiple offences—life

(1) If a registrable offender has been found guilty of 2 registrable offences and 1 or both of the offences is a class 1 offence, the registrable offender's reporting period is the rest of the offender's life.

(2) If a registrable offender has been found guilty of more than 2 registrable offences, the offender's reporting period is the rest of the offender's life.

Note A life-long reporting obligation may be suspended under s 97 (Supreme Court may make suspension order).

88 Offences committed before commencement of Act used to work out length of reporting period

A reference to an offence in any of the following sections includes an offence committed before the commencement of the section:

(a) section 84 (Reporting period—single class 1 offence—15 years);

(b) section 85 (Reporting period—single class 2 offence—8 years);

(c) section 86 (Reporting period—2 class 2 offences—15 years);

(d) section 87 (Reporting period—multiple offences—life).

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89 Reduced reporting period for young offenders

(1) If a registrable offender was a young person when the offender committed each registrable offence, the offender's reporting period is 7 1/2 years.

(2) However, if the only registrable offence that the offender has ever been found guilty of is a single class 2 offence, the offender's reporting period is 4 years.

90 Offences arising from same incident taken as 1 offence

(1) For this part, 2 or more offences arising from the same incident are to be treated as a single offence.

(2) For this part, 2 or more offences arising from the same incident are to be treated as a single class 1 offence if 1 or more of the offences is a class 1 offence.

Note Offences arise from the ***same incident*** only if they are committed within a single period of 24 hours and are committed against the same person (see dict, def ***same incident***).

91 Reporting period for person subject to child sex offender registration order

For this part, if a court makes a child sex offender registration order in relation to a person for an offence, the person is taken to be a registrable offender found guilty of a class 2 offence.

Note A court may make a child sex offender registration order if a person is found guilty of an offence that is not a class 1 or class 2 offence and the court is satisfied that the person poses a risk to the sexual safety of 1 or more people or of the community (see s 15).

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92 Extended reporting period for offenders on parole

(1) This section applies if—

(a) a registrable offender is on parole for a registrable offence; and

(b) the reporting period for the offence will end before the end of the term of the sentence of imprisonment to which the parole relates.

(2) Despite anything in this part, the registrable offender's reporting period is extended until the end of the term of imprisonment to which the parole relates.

93 Extended reporting period for offender in custody

If a registrable offender spends time in government custody, the offender's reporting period is extended by the length of time the offender is in custody.

94 Reporting period for prescribed corresponding offenders

(1) Despite anything in this part, the reporting period for a prescribed corresponding offender is the period the offender would be required to report to the corresponding registrar of a foreign jurisdiction in the circumstances described in section 11 (1) (a) (Who is a *prescribed corresponding offender*?).

(2) If the prescribed corresponding offender is a prescribed corresponding offender under a law of more than 1 foreign jurisdiction, the offender's reporting period is the longest of the reporting periods of the foreign jurisdictions that apply to the offender.

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Part 3.6 Suspension of reporting obligations

95 Pt 3.6 only applies to offender with life-long reporting period

This part applies only to a registrable offender whose reporting period under part 3.5 (Reporting periods) is the rest of the offender's life.

96 Eligibility of offender to apply for suspension order

A registrable offender is eligible to apply for an order suspending the offender's reporting obligations (a ***suspension order***) only if—

(a) 15 years have passed (excluding days in government custody) since the offender was last sentenced or released from government custody for a registrable offence or a corresponding registrable offence, whichever is later; and

(b) the offender did not become the subject of a life-long reporting period under a corresponding law while in a foreign jurisdiction before becoming the subject of a life-long reporting period in the ACT; and

(c) the offender is not on parole for a registrable offence.

97 Supreme Court may make suspension order

(1) This section applies if a registrable offender is eligible to apply for a suspension order.

(2) On application by the offender, the Supreme Court may make a suspension order.

(3) The court may make the order only if satisfied that the registrable offender does not pose a risk to the sexual safety of 1 or more people or of the community.

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(4) In deciding whether to make the order, the court must take into account—

(a) the seriousness of the offender's registrable offences and corresponding registrable offences; and

(b) the period of time since the offences were committed; and

(c) the age of the offender, the age of the victims of the offences, and the difference in age between the offender and the victims of the offences, when the offences were committed; and

(d) the offender's present age; and

(e) the offender's total criminal record.

(5) Subsection (4) does not limit the matters the court may take into account.

98 Chief police officer is party to application

The chief police officer is a party to an application for a suspension order and may make submissions to the Supreme Court in relation to the application.

99 No costs to be awarded for suspension order application

The Supreme Court may not award costs for a proceeding under this part.

100 Unsuccessful applicant cannot reapply for 5 years

If the Supreme Court refuses to make a suspension order in relation to a registrable offender, the offender is not eligible to reapply for a suspension order for 5 years after the day of the refusal, unless the court otherwise orders when refusing to make the order.

Note However, this section does not apply if a suspension order ceases to have effect under s 101 (1) (see s 102).

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101 Suspension order ceases if offender reoffends

(1) A suspension order made for a registrable offender ceases to have effect if, after the order is made, the offender—

(a) is found guilty of a registrable offence; or

(b) is made the subject of a child sex offender registration order; or

(c) becomes a prescribed corresponding offender.

Note If an offender's reporting obligations are suspended and the suspension order ceases to have effect, the offender must report the offender's personal details to the chief police officer at an approved reporting place within the time stated in s 30 (Offence—offender whose reporting suspension ceases must report).

(2) A suspension order that has ceased to have effect under subsection (1) is revived if—

(a) the finding of guilt because of which the order ceased to have effect is quashed or set aside by a court; or

(b) the order ceased to have effect under subsection (1) (b) and the child sex offender registration order is quashed on appeal or the registrable offender's finding of guilt for the offence because of which the child sex offender registration order is made is quashed or set aside by a court.

(3) For this section, it is irrelevant whether or not a registrable offender may begin, or has begun, an appeal in relation to a finding of guilt or a child sex offender registration order.

102 Application for new suspension order

(1) If a suspension order made for a registrable offender ceases to have effect under section 101 (1), the offender may apply for a new order.

(2) Section 100 (Unsuccessful applicant cannot reapply for 5 years) does not apply to the application.

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(3) If a suspension order made for a registrable offender ceases to have effect under section 101 (1) (b) or (c), and the offender applies for a new suspension order, section 96 (a) (Eligibility for offender to apply for suspension order) applies as if the 15-year period mentioned were a period of 15 years (excluding days in government custody) since the registrable offender last committed a registrable offence or a corresponding registrable offence.

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Part 3.7 Notice of reporting obligations

103 What is a *reporting obligations notice*?

In this Act:

reporting obligations notice, for a registrable offender, means a written notice stating—

(a) the offender's reporting obligations; and

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

104 Reporting obligations notice to be given when person becomes registrable offender

(1) An entity prescribed by regulation for this section must give a registrable offender a reporting obligations notice as soon as practicable, but no later than 14 days after the day any of the following events happen:

(a) the offender is sentenced for a registrable offence;

(b) the offender is released from government custody (whether or not the person was in government custody for a registrable offence);

(c) the offender is released from full-time government custody for a registrable offence;

(d) the offender enters the ACT, and remains in the ACT for 7 days, if the offender has not previously been given notice of the offender's reporting obligations in the ACT;

(e) the offender becomes a prescribed corresponding offender, if the offender is in the ACT at the time.

(2) An entity is not required to give a reporting obligations notice if the notice has been given by someone else.

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(3) Despite anything in this part, a regulation may provide that a reporting obligations notice is not required to state the registrable offender's reporting period if the regulation requires a notice containing that information to be given when the offender reports the offender's personal details in person under this chapter.

105 Reporting obligations notice may be given at any time

The chief police officer may, at any time, give a registrable offender a reporting obligations notice.

106 Courts to provide sentencing information to chief police officer

(1) This section applies if a court—

(a) makes an order or imposes a sentence that has the effect of making a person a registrable offender for this Act; or

(b) imposes a sentence on a person in relation to a registrable offence; or

(c) makes a order in relation to a registrable offender that has the effect of removing the person from the ambit of this Act.

Example for par (c)

a court on appeal quashes a finding of guilt in relation to a registrable offence for which a person had been sentenced and the offence was the only registrable offence for which the person had ever been found guilty

(2) The court must give the chief police officer written notice of the order or sentence as soon as practicable.

(3) In this section:

court does not include a court of a foreign jurisdiction.

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107 Chief police officer must tell offender if reporting period changes

(1) This section applies to a registrable offender whose reporting period has changed since the offender was last told of the offender's reporting period in the ACT.

(2) The chief police officer must give written notice to the registrable offender as soon as practicable after the change, and in no case later than the time the offender next reports under this Act.

108 Supervising authority to tell chief police officer of certain events

(1) This section applies if a registrable offender—

(a) stops being in government custody, irrespective of the reason the offender was in custody; or

(b) stops being in full-time government custody for a registrable offence; or

(c) stops being subject to a community service order, irrespective of the reason the offender was subject to the order; or

(d) stops being subject to a good behaviour order under the *Crimes (Sentencing) Act 2005*; or

(e) stops being subject to a condition of parole requiring the offender to be subject to supervision, irrespective of the reason the offender was on parole; or

(f) becomes a registrable offender prescribed by regulation for this section.

(2) The supervising authority must give written notice of an event mentioned in subsection (1) to the chief police officer as soon as practicable, but no later than 14 days after the day the event happens.

(3) The notice must include any details prescribed by regulation.

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109 Procedural defects do not affect offender's obligations

A failure by a person other than a registrable offender to comply with a procedural requirement imposed on the person by this chapter or by regulation does not, of itself, affect an offender's reporting obligations.

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Part 3.8 Protected witnesses

110 Who is a *protected registrable offender*?

(1) A person is a ***protected registrable offender*** if the person is—

(a) a registrable offender who is—

(i) a participant in the witness protection program; or

(ii) the subject of a protected registrable offender declaration in force under this part; or

(b) a foreign protected witness.

(2) In this section:

foreign protected witness means a person who—

(a) is receiving protection under a law of a foreign jurisdiction that—

(i) provides for the protection of witnesses; and

(ii) is prescribed by regulation for this subsection; or

(b) has the same status under a corresponding law as a person mentioned in paragraph (a).

111 Protected and unprotected registrable offender declarations

If a registrable offender is a participant in the witness protection program and stops being a participant in the program, the chief police officer must declare that the offender is either—

(a) a protected registrable offender (a ***protected registrable offender declaration***); or

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(b) not a protected registrable offender (an ***unprotected registrable offender declaration***).

Note A decision under s 111 is a reviewable decision (see s 132ZV), and the chief police officer must give a reviewable decision notice to the person (see s 132ZW).

115 When protected and unprotected registrable offender declarations take effect

(1) A protected registrable offender declaration takes effect immediately.

(2) An unprotected registrable offender declaration made for a registrable offender takes effect on the later of the following days:

(a) at the end of 28 days after the day the offender is told about the making of the declaration;

(b) if the offender applies to the ACAT under chapter 5B for review of a declaration—on the day the ACAT makes a decision on the application.

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Part 3.10 Failure to comply with reporting obligations—public notices

116A Chief police officer may issue public notice in certain circumstances

(1) The chief police officer or a deputy chief police officer may publish a notice about a registrable offender if—

(a) satisfied that the offender—

(i) has failed to comply with a reporting obligation under this chapter; and

(ii) cannot be located; and

(b) the offender is not a young person; and

(c) the officer believes on reasonable grounds that—

(i) the offender poses a risk to the lives or sexual safety of 1 or more people or of the community; and

(ii) publishing the notice will reduce the risk.

(2) For subsection (1) (c) (i), it is not necessary for the officer to identify a risk to particular people, or a particular class of people.

(3) The notice must—

(a) include 1 or more of the following:

(i) the offender's name;

(ii) a photograph of the offender;

(iii) a description of the offender; and

(b) state that the offender is required by police to answer questions; but

(c) not state that the offender is a registrable offender.

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Part 3.11 Entry and search warrants

Division 3.11.1 Preliminary

116B Definitions—pt 3.11

In this part:

entry and search warrant means a warrant authorising entry and search of the premises of a registrable offender for the purpose of verifying—

(a) the offender's personal details; or

(b) if the offender is subject to an order under chapter 5A (Orders prohibiting offender conduct)—whether the offender has breached, or is likely to breach, the order.

executing officer, of an entry and search warrant, means—

(a) the police officer named in the warrant as the police officer authorised to execute the warrant; or

(b) if that police officer does not intend to be present at the execution of the warrant—another police officer whose name has been written in the warrant by the police officer named under paragraph (a); or

(c) another police officer whose name has been written in the warrant by the police officer named in the warrant under paragraph (b).

occupier, of premises, includes—

(a) a person believed on reasonable grounds to be an occupier of the premises; and

(b) a person apparently in charge of the premises.

offensive weapon—see the *Crimes Act 1900*, dictionary.

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person assisting, in relation to an entry and search warrant, means a person who has been authorised by an executing officer to assist in executing the warrant.

premises includes the following:

(a) land (whether vacant or occupied);

(b) any structure, building, vehicle or place (whether built or not);

(c) any part of a structure, building, vehicle or place.

public official—see the Criminal Code, section 300.

Division 3.11.2 Entry and search warrants—general

116C Entry and search warrant—application

(1) The chief police officer, a deputy chief police officer or a police officer of or above the rank of sergeant (the ***applicant***) may apply to a magistrate for an entry and search warrant.

(2) The application must—

(a) state—

(i) the name of the applicant; and

(ii) the name of the executing officer; and

(iii) the nature and duration of the warrant sought; and

(iv) whether the registrable offender has previously been subject to a search authorised under a territory law in relation to similar information or material; and

(v) whether a previous application has been made under this section in relation to the offender; and

(b) subject to subsection (3), be supported by an affidavit setting out the grounds on which the warrant is sought.

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(3) The application may be made without a supporting affidavit if the applicant believes that—

(a) the immediate use of an entry and search warrant is necessary—

(i) for the purpose of verifying the offender's personal details; or

(ii) if the registrable offender is subject to an order under chapter 5A (Orders prohibiting offender conduct)—because the offender has breached, or is likely to breach, the order; and

(b) it is impracticable for an affidavit to be prepared or sworn before the application is made.

(4) If subsection (3) applies, the applicant must—

(a) give as much information as the magistrate considers reasonably practicable in the circumstances; and

(b) if the magistrate issues the warrant—send the supporting affidavit to the magistrate as soon as practicable; and

(c) if the magistrate refuses to issue the warrant—make a written record of the application and the reasons for the warrant not being issued.

116D Application for entry and search warrant—supporting information

(1) In making an application under section 116C, the applicant must, as part of the affidavit, provide the magistrate with any information or material relevant to the application (regardless of whether the information or material supports the application).

(2) The applicant must keep a copy of any affidavit or information or material relied on under this part for 1 year after the registrable offender stops being subject to a reporting obligation.

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116E Entry and search warrant—remote application

(1) If the applicant believes that it is impracticable for an application for an entry and search warrant to be made in person, the application may be made by telephone, fax, email or any other means of communication.

(2) As soon as practicable after making a remote application, the applicant must make a written record of the application.

(3) If practicable, the magistrate must fax or email a copy of the warrant to the applicant.

116F Entry and search warrant—deciding application

The magistrate may issue an entry and search warrant if satisfied on reasonable grounds that—

(a) either—

(i) the registrable offender has incorrectly reported, or is likely to incorrectly report, personal details; or

(ii) if the registrable offender is subject to an order under chapter 5A (Orders prohibiting offender conduct)—the offender has breached, or is likely to breach, the order; and

(b) for an application without affidavit—it would have been impracticable for an affidavit to have been prepared and sworn before the application was made; and

(c) for a remote application—it would have been impracticable for the application to have been made in person.

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116G Content of entry and search warrant

(1) An entry and search warrant must include statements of the following matters:

(a) a description of the premises, or the name or description of the registrable offender to which the warrant relates;

(b) the kinds of material to be searched for under the warrant;

(c) the name of the police officer who is to be responsible for executing the warrant;

(d) the period, not exceeding 7 days, for which the warrant remains in force;

(e) the times when the search is authorised;

(f) any conditions subject to which premises may be entered under the warrant;

(g) the things under section 116H the warrant authorises the executing officer or an assisting officer to do.

(2) For subsection (1) (e), an entry and search warrant must not authorise a search during the period beginning at 9 pm on a day and ending at 6 am on the next day unless the magistrate is satisfied that—

(a) it is necessary to prevent the concealment, loss or destruction of evidential material in relation to an offence; or

(b) it would not be practicable to conduct the search at another time.

Examples—when not practicable to conduct search at another time

1 conducting the search during normal hours may increase the risk to the safety of officers

2 conducting the search during normal hours may compromise another investigation

(3) In deciding any conditions under subsection (1) (f), the magistrate must have regard to the personal privacy of a third party who may be affected by the warrant.

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(4) Subsection (1) (d) does not prevent the issue of successive warrants in relation to the same premises or person.

116H What an entry and search warrant may authorise

(1) An entry and search warrant may authorise the executing officer or an assisting officer to—

(a) enter the warrant premises, by force if necessary, and to remain at the premises for as long as reasonably necessary (but not longer than 2 hours) to exercise any power authorised under the warrant; and

(b) if the premises is a vehicle—enter the vehicle, by force if necessary, wherever it is; and

(c) search the premises for the kinds of material specified in the warrant, and anything else relevant to the purpose of the warrant, and to seize things of those kinds found at the premises; and

(d) seize other things found at the premises in the course of the search that the executing officer or an assisting officer believes on reasonable grounds to be connected to an offence punishable by imprisonment for 12 months or longer; and

(e) conduct an ordinary search or a frisk search of a person at or near the premises if the executing officer or an assisting officer suspects on reasonable grounds that the person has any evidential material in relation to an offence or seizable items in the person's possession, and to seize things of that kind; and

(f) seize other things found in the course of searching the person that the executing officer or an assisting officer believes on reasonable grounds to be connected to an offence punishable by imprisonment for 12 months or longer; and

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(g) seize a thing found while searching the person or premises that may be used as an offensive weapon, if the executing officer or an assisting officer believes on reasonable grounds that seizure of the thing is necessary to prevent an imminent risk of harm to a person or property; and

(h) take a photograph of a thing found while searching the person or premises that the executing officer or assisting officer believes on reasonable grounds to be evidential material in relation to an offence, material that may assist an investigation, or a seizable item; and

(i) stop and detain a person at the premises for as long as reasonably necessary (but not longer than 2 hours) to assist the executing officer or an assisting officer to exercise any power authorised under the warrant; and

(j) if a registrable offender has refused access to data on an electronic device under section 116Q—access the information for as long as reasonably necessary (but not longer than 4 hours) to assist the executing officer or assisting officer to exercise any power authorised under the warrant; and

(k) exercise a power under this section in relation to part of premises occupied exclusively by a person other than a registrable offender, if the executing officer or assisting officer believes on reasonable grounds that the part of the premises is used by the offender; and

(l) do anything else authorised by the magistrate.

(2) If a transgender or intersex person is searched under this section, the person may require that the search be conducted by either a male or a female.

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(3) Despite paragraphs (1) (a), (i) and (j), an entry and search warrant may authorise the executing officer or an assisting officer to—

(a) remain at the premises or stop and detain a person at the premises for up to 4 hours if the magistrate is satisfied that the warrant cannot be executed within 2 hours; and

(b) access data on a registrable offender's electronic device for up to 8 hours, and remain at premises for that purpose, if satisfied that the warrant cannot be executed within 4 hours.

(4) An entry and search warrant may not authorise a strip search or a search of a person's body cavities.

116I Extension and amendment of entry and search warrant

(1) The chief police officer, deputy chief police officer or police officer of or above the rank of sergeant to whom an entry and search warrant has been issued may apply, at any time before the expiry of the warrant, for an—

(a) extension of the warrant; or

(b) amendment of any condition of the warrant.

(2) The application need not be made to the same magistrate who first issued the warrant.

(3) Section 116C (Entry and search warrant—application), section 116D (Application for entry and search warrant—supporting information) and section 116E (Entry and search warrant—remote application) apply, with any necessary changes, to an application under this section as if it were an application for the warrant.

(4) A magistrate may grant an application under this section only if satisfied that the warrant requires extension or amendment to be properly executed.

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(5) If the magistrate grants the application, the magistrate must endorse the new expiry date or the other amended condition on the original warrant.

(6) An application may be made more than once under this section.

(7) However, an application may only be made once under this section for an extension of time under section 116G (4) or section 116H (3).

116J Revocation of entry and search warrant

(1) An entry and search warrant may be revoked at any time before the end of the period of validity stated in it by the magistrate.

(2) A magistrate may revoke the warrant if satisfied that—

(a) the information supporting the application for the warrant was false or misleading; or

(b) the warrant contains an error; or

(c) the grounds for issue of the warrant no longer exist; or

(d) revoking the warrant is in the interests of justice.

(3) The magistrate must give notice of the revocation of an entry and search warrant to the executing officer to whom the warrant was issued.

(4) If the chief police officer, a deputy chief police officer or a police officer of or above the rank of sergeant is satisfied that the grounds for issue of an entry and search warrant to an executing officer no longer exist, the officer must ensure that an application is made for the revocation of the warrant under this section.

(5) If the executing officer to whom an entry and search warrant has been issued, or who is primarily responsible for executing an entry and search warrant, believes that the grounds for issue of the warrant no longer exist, the officer must tell the chief police officer, a deputy chief police officer or a police officer of or above the rank of sergeant immediately.

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Division 3.11.3 Executing entry and search warrants

116K Use of force and availability of assistance in executing entry and search warrant

(1) An executing officer, assisting officer or a person assisting who is not a police officer may use force in executing an entry and search warrant against people and things that is necessary and reasonable in the circumstances.

(2) An executing officer may obtain the assistance in executing the warrant that is necessary and reasonable in the circumstances.

116L Announcement before entry

(1) An executing officer must, before anyone enters premises under an entry and search warrant—

(a) announce that the person is authorised to enter the premises; and

(b) give anyone at the premises an opportunity to allow entry to the premises; and

(c) if the occupier of the premises is present—identify themself to that person.

(2) The executing officer is not required to comply with subsection (1) if the officer believes on reasonable grounds that immediate entry to the premises is required to ensure—

(a) the safety of anyone (including any police officer or person assisting); or

(b) that the effective execution of the warrant is not frustrated.

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116M Details of warrant to be given to occupier etc

(1) If an entry and search warrant in relation to premises is being executed and the occupier of the premises is present at the premises, the executing officer or an assisting officer must make available to that person a copy of the warrant.

(2) The executing officer or an assisting officer must provide the registrable offender in relation to whom the warrant relates with a copy of the warrant.

(3) If a person is searched under a warrant in relation to premises, the executing officer or an assisting officer must show the person a copy of the warrant.

(4) The executing officer must identify themself to the person at the premises or the person being searched.

(5) The copy of the warrant mentioned in subsections (1) and (2) need not include the signature of the magistrate.

116N Occupier entitled to be present during search etc

(1) If an occupier of premises is present at the premises while an entry and search warrant is being executed, the occupier is entitled to observe the search being conducted.

Note The *Crimes Act 1914* (Cwlth), pt 1C applies in relation to the investigation of certain ACT offences.

(2) However, the occupier is not entitled to observe the search if to do so would impede the search.

(3) This section does not prevent 2 or more areas of the premises being searched at the same time.

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116O Use of equipment to examine or process things

(1) An executing officer or an assisting officer may bring to the premises equipment reasonably necessary for the examination or processing of a thing found at the premises, to determine whether it is a thing that may be seized under an entry and search warrant.

(2) The thing may be moved to another place for examination or processing if—

(a) it is not practicable to examine or process it at the premises; or

(b) the occupier of the premises consents in writing.

(3) If a thing is moved to another place under subsection (2), the executing officer must, if practicable—

(a) tell the occupier the address of the place, and when the examination or processing will be conducted; and

(b) allow the occupier or occupier's representative to be present during the examination or processing.

(4) The executing officer or an assisting officer may operate equipment already at the premises to examine or process a thing to determine whether it is a seizable item, if the officer believes on reasonable grounds that—

(a) the equipment is suitable for the examination or processing; and

(b) the examination or processing can be conducted without damage to the equipment or thing.

116P Use of electronic equipment at premises

(1) An executing officer or an assisting officer may operate electronic equipment at the premises to access data (including data not held at the premises) if the officer believes on reasonable grounds that—

(a) the data may assist the officer in verifying—

(i) the registrable offender's personal details; or

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(ii) if the offender is subject to an order under chapter 5A (Orders prohibiting offender conduct)—whether the offender has breached, or is likely to breach, the order; and

(b) the equipment can be operated without damaging it.

(2) If the executing officer or assisting officer believes that any data accessed by operating the electronic equipment may assist the officer under subsection (1) (a), the officer may—

(a) copy the data to a storage device brought to the premises; or

(b) if the occupier of the premises agrees in writing—copy the data to a data storage device at the premises.

(3) The executing officer or assisting officer may take the device from the premises.

(4) The executing officer or assisting officer may do the following things if the officer finds that any material that may assist the officer under subsection (1) (a) is accessible using the equipment:

(a) seize the equipment and any data storage device;

(b) if the material can, by using facilities at the premises, be put in documentary form—operate the facilities to put the material in that form and seize the documents produced.

(5) A police officer may seize equipment under subsection (4) (a) only if—

(a) it is not practicable to copy the data as mentioned in subsection (2) or put the material in documentary form as mentioned in subsection (4) (b); or

(b) possession of the equipment or material could be an offence.

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116Q Order requiring registrable offender to assist with access to data etc

(1) The chief police officer, a deputy chief police officer or a police officer of or above the rank of sergeant may apply to the Magistrates Court for an order requiring the registrable offender to provide any information or assistance that is reasonably necessary to allow the executing officer or an assisting officer to do any of the following:

(a) access data held in or accessible from electronic equipment that is on the premises;

(b) copy the data to a data storage device;

(c) convert the data into documentary form.

(2) The court may make an order if satisfied on reasonable grounds that—

(a) the registrable offender has failed to provide the information or assistance; or

(b) evidential material in relation to an offence is held in or accessible from the equipment and subject to subsection (4), it is likely that the material would be admissible in a criminal proceeding.

(3) A registrable offender commits an offence if the offender—

(a) is ordered to provide information or assistance under this section; and

(b) is reckless as to the requirement to provide information or assistance; and

(c) fails to provide the information or assistance as ordered.

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

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(4) Any material obtained, directly or indirectly, because of accessing, copying or converting data under this section is not admissible in evidence against the registrable offender in a proceeding, other than a proceeding—

(a) under this Act; or

(b) under the Criminal Code, part 3.4 (False or misleading statements, information and documents).

(5) The provisions of this part relating to the issue of entry and search warrants apply, with any necessary changes, to the making of an order under this section.

116R Damage etc to be minimised

(1) In the exercise, or purported exercise of a function in relation to electronic equipment under section 116O, section 116P or section 116Q, a police officer must take all reasonable steps to ensure that the officer, and any person assisting who is not an officer, causes as little damage as practicable.

(2) If the police officer or person assisting damages anything in the exercise or purported exercise of a function under section 116O, section 116P or section 116Q, the police officer or person assisting must give written notice of the particulars of the damage to the person the police officer or person assisting believes on reasonable grounds is the owner of the thing.

(3) If the damage happens on premises entered under this part in the absence of the occupier, the notice may be given by securing it in a conspicuous place on the premises.

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116S Compensation

(1) A person may claim reasonable compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function in relation to electronic equipment under section 116O, section 116P or section 116Q by a police officer or a person assisting who is not a police officer.

(2) Compensation may be claimed and ordered in a proceeding for—

(a) compensation brought in a court of competent jurisdiction; or

(b) an offence against this Act or another territory law brought against the person making the claim for compensation.

Division 3.11.4 Seized things

116T Copies of seized things to be provided

(1) If the occupier is present at the premises while an entry and search warrant is executed, the occupier may ask a police officer to give the occupier a copy of a seized thing or information that is—

(a) a document, film, computer file or other thing that can be readily copied; or

(b) a data storage device in which the information can be readily copied.

(2) The police officer must give the occupier a copy of a seized thing or information as soon as practicable after the seizure.

(3) However, the police officer is not required to give the occupier a copy of a seized thing or information if—

(a) the thing was seized under section 116P (Use of electronic equipment at premises); or

(b) possession by the occupier of the thing or information could be an offence.

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116U Receipt for things seized

(1) As soon as practicable after a thing is seized under this part, the executing officer or assisting officer must give the person from whom it was seized—

(a) a receipt for the thing; and

(b) a summary of the process by which things can be seized and returned under this part.

(2) The receipt must include a description of the thing seized.

(3) The summary must give the information that a person reasonably needs to understand this part, including—

(a) a description of the process for seizure, forfeiture, return and destruction; and

(b) if an order is made under section 116Q (Order requiring registrable offender to assist with access to data etc)—a description of that section.

116V Return or destruction of things seized

(1) A police officer who has seized a thing under this part must take reasonable steps to return the thing to the person from whom it was seized, or to the owner if that person is not entitled to possess it, if—

(a) the reason for the thing's seizure no longer exists or the thing is not required to be produced in evidence in a proceeding; or

(b) the thing has been seized for more than 1 year, and no further period has been authorised under subsection (2).

(2) A police officer of or above the rank of superintendent may authorise the keeping of a seized thing for a further period, if the officer is satisfied on reasonable grounds that the thing—

(a) is likely to be required to be produced in evidence in a future proceeding; or

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(b) has evidential value in relation to an ongoing inquiry.

(3) On application by a police officer, the Magistrates Court may approve the destruction of a seized thing or data contained in a seized thing under this part if satisfied on reasonable grounds that—

(a) a registrable offender is refusing to assist an executing officer or assisting officer with information or assistance in relation to data contained in the seized thing and the officer has been unable to access the data within 30 days of seizing the thing; or

(b) a registrable offender has been assisting an executing officer or assisting officer but the data contained in the seized thing cannot be accessed by the officer; or

(c) the seized thing or data contained in the seized thing contains material that is likely to constitute an offence.

(4) Before a seized thing is returned under subsection (1), a police officer must remove any material that possession of which would be an offence under this Act or another law.

116W Application for order disallowing seizure

(1) A person claiming to be entitled to anything seized under this part may apply to a court for an order disallowing the seizure.

(2) In deciding whether to make an order under this section, the court must consider whether—

(a) the applicant has a legal or equitable interest in the thing; and

(b) the thing has evidential value in relation to a prosecution, including—

(i) the seriousness of any charge or likely charge; and

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(ii) whether evidence about the thing can be presented without tendering the thing (for example, by tendering a photograph of the thing); and

(c) the thing has been replaced; and

(d) the applicant or another person requires the thing for business purposes or for the generation of income; and

(e) the seizure of the thing will cause hardship to the applicant or another person; and

(f) the thing has sentimental value to the applicant or another person.

(3) However, the court must not make an order if—

(a) possession of the thing by the applicant or another person would be an offence; or

(b) it would be dangerous or unsafe for the applicant or another person to possess the thing; or

(c) the thing is the subject of an application under the *Confiscation of Criminal Assets Act 2003*; or

(d) the thing may be seized or forfeited under another territory law.

(4) If the court refuses to make an order disallowing the seizure under this section, the court may order that the thing be destroyed.

116X Forfeiture and disposal of seized things

(1) This section applies if—

(a) a police officer is required to return a thing under section 116V or another territory law, but the officer cannot locate the person from whom it was seized or the owner after taking reasonable steps having regard to—

(i) the estimated value of the thing; and

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(ii) whether the thing can be easily replaced; and

(iii) the period of time that police have been in possession of the thing; and

(iv) the resources likely to be required to locate the person; and

(v) whether the thing has sentimental value to the person; and

(b) an application for disallowance of the seizure under section 116W has not been made, or has been refused or withdrawn before a decision in relation to the application had been made.

(2) The seized thing—

(a) is forfeited to the Territory; and

(b) may be sold, destroyed or otherwise disposed of.

(3) However, a police officer must attempt to sell the thing before destroying or disposing of it, unless—

(a) possession of the thing would be an offence; or

(b) it would be dangerous or unsafe for a person to possess the thing; or

(c) selling the thing would likely require more resources than destroying or disposing of it.

(4) The police officer may recover the costs of carrying out the sale from the proceeds of the sale.

(5) If the seized thing is a computer, data may be removed and destroyed before the computer is sold, destroyed or otherwise disposed of.

(6) The Minister may, in writing, authorise the chief police officer to keep a forfeited item without selling, destroying or otherwise disposing of it.

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Division 3.11.5 Miscellaneous

116Y Offence—refusal of entry to premises

A person commits an offence if the person—

(a) is required to allow an executing officer, assisting officer or person assisting who is not a police officer entry to premises under this part; and

(b) refuses entry to the premises to the officer, assisting officer or person assisting.

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

116Z Admissibility of evidence

Any material obtained, directly or indirectly, in the exercise of a function under this part (other than under section 116Q) in relation to a registrable offender is not admissible in evidence against the offender in a proceeding, other than a proceeding—

(a) under this Act; or

(b) in relation to a class 1 or class 2 offence; or

(c) under the Criminal Code, part 3.4 (False or misleading statements, information and documents).

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Chapter 4 Child sex offenders register

117 Establishment of child sex offenders register

(1) The chief police officer must establish a register of sex offenders (the ***child sex offenders register***), or arrange for another entity to establish the child sex offenders register.

(2) The child sex offenders register must contain the following information about each registrable offender (to the extent that it is known by the chief police officer):

(a) the offender's name and other identifying particulars;

(b) details of each class 1 and class 2 offence of which the offender has been found guilty or with which the offender has been charged;

(c) details of each offence of which the offender has been found guilty that resulted in the making of a child sex offender registration order;

(d) the date the offender was sentenced for each registrable offence;

(e) the date the offender ceased to be in government custody for a registrable offence, or entered or ceased to be in government custody for an offence during the offender's reporting period;

(f) the date the offender stopped being in full-time government custody for a registrable offence;

(g) any information reported for the offender under chapter 3 (Reporting).

(3) The child sex offenders register may also contain any other information that the chief police officer considers appropriate.

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118 Access to child sex offenders register restricted

(1) The chief police officer must ensure—

(a) that the child sex offenders register, or a part of the register, is only accessed by people who are authorised by the chief police officer or under a regulation; and

(b) that personal information in the child sex offenders register is only disclosed by a person with access to the register, or the relevant part of the register—

(i) for law enforcement functions or activities and then only to an entity prescribed by regulation; or

(ii) as otherwise required or authorised by a regulation or under an Act or other law.

(2) The chief police officer must develop guidelines about access to, and disclosure of, personal information in the child sex offenders register to ensure that access to the personal information in the register is restricted to the greatest extent that is possible without interfering with the purpose of this Act.

(3) For this section, the child sex offenders register includes information from a register maintained under a corresponding law that is accessible by the chief police officer, whether or not the information is physically part of the register.

(4) This section has effect despite any other Act or law to the contrary.

119 Access to information about protected witnesses restricted

(1) The chief police officer must ensure that personal information in the child sex offenders register about a protected registrable offender cannot be accessed other than by a person authorised by the police officer or officer of an approved authority responsible for the day-to-day operation of the witness protection program.

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(2) For this section:

approved authority—see the *Witness Protection Act 1996*, dictionary.

120 Offence—unauthorised person must not access child sex offenders register

A person commits an offence if the person—

(a) accesses the child sex offenders register; and

(b) is not authorised to have access to—

(i) the register; or

(ii) the part of the register that the person accesses.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

122 Registrable offender may correct child sex offenders register

(1) The chief police officer must, if asked by a registrable offender, give the offender a copy of all the reportable information held in the child sex offenders register in relation to the offender.

(2) The chief police officer must comply with subsection (1) as soon as practicable, but no later than 14 days after the day the chief police officer was asked.

(3) A registrable offender may ask the chief police officer to amend any incorrect reportable information held in the child sex offenders register in relation to the offender.

(4) The chief police officer must comply with the request if satisfied that the information is incorrect.

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(5) In this section:

reportable information means information that—

(a) is given to the chief police officer by, or for, the registrable offender; and

(b) the offender is required to report to the chief police officer.

122A Order for removal of registrable offender—application by chief police officer

(1) The chief police officer may apply to the Magistrates Court for an order that a registrable offender be removed from the child sex offenders register.

(2) The court may make the order if satisfied on reasonable grounds that it would be inappropriate for the offender to remain on the register.

(3) In making a decision under subsection (2), the court must consider—

(a) the severity of each offence that resulted in the offender being on the register; and

(b) the age of the offender at the time of each offence; and

(c) the level of harm to the victim and the community caused by each offence; and

(d) the period for which the offender has been included on the register; and

(e) compliance by the offender with any reporting and sentencing obligations; and

(f) any attempts at rehabilitation by the offender; and

(g) whether the offender poses a risk to the lives or sexual safety of 1 or more people or of the community; and

(h) any other circumstances that the court considers relevant.

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(4) The director of public prosecutions may appear in the court on behalf of the victim.

122B Notice to victim of proposed application for order

(1) Before making an application under section 122A, the chief police officer must take reasonable steps to identify, and give notice of the proposed application to, each victim of the registrable offender.

(2) A notice must include the following:

(a) an invitation for the victim, a person nominated by the victim, or a member of the victim's family to make a written submission to the chief police officer about the offender being removed from the register, including the likely effect on the victim or the victim's family;

(b) a statement that any submission made in writing to the chief police officer within the period stated in the notice will be considered in deciding whether to make an application under section 122A;

(c) information about the offender to assist the victim, nominee or family member to make a submission;

Example—information

the registrable offender's conduct while the offender has been included on the register

(d) information about any assistance available to the victim, nominee or family member to make the submission.

(3) For subsection (2) (b), the period stated must be a reasonable time (not less than 7 days after the day the victim is given the notice) to allow the victim, nominee or family member to make a written submission.

(4) The notice may include anything else the chief police officer considers appropriate.

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(5) Before giving notice to a victim under this section, the chief police officer must consult with the victims of crime commissioner.

122C Order for removal of registrable offender who was young offender at time of offence—application by offender

(1) This section applies to an offender who was—

(a) immediately before the commencement day, a registered offender on the child sex offenders register; and

(b) a young offender at the time a registrable offence was committed.

(2) The offender may apply to the Magistrates Court for an order that the offender be removed from the child sex offenders register.

(3) The offender may apply only once.

(4) A copy of the application must be served on—

(a) the victims of crime commissioner; and

(b) the chief police officer; and

(c) the director of public prosecutions.

Note For how documents may be served, see the Legislation Act, pt 19.5.

(5) After receiving a copy of the application, the chief police officer must take reasonable steps to identify, and give notice of the application to, each victim of the registrable offender.

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(6) A notice must—

(a) state that the victim, a person nominated by the victim, or a member of the victim's family may make a written submission to the court about the offender being removed from the register, including the likely effect on the victim or the victim's family; and

(b) include information about the offender to assist the victim, nominee or family member to make a submission; and

Example—information

the registrable offender's conduct while the offender has been included on the register

(c) include information about any assistance available to the victim, nominee or family member to make the submission.

(7) Before giving notice to a victim under this section, the chief police officer must consult with the victims of crime commissioner.

(8) The chief police officer, or a person authorised by the chief police officer, may, with the court's consent, appear and make submissions about information on the child sex offenders register that is relevant to the matters the court must consider under subsection (11).

(9) The director of public prosecutions may appear in the court on behalf of the victim.

(10) The court may make the order if satisfied on reasonable grounds that it would be inappropriate for the offender to remain on the register.

(11) In making a decision under subsection (10), the court must consider—

(a) the severity of each offence that resulted in the offender being on the register and the seriousness of the circumstances surrounding the commission of each offence; and

(b) the age of the offender at the time of each offence; and

(c) the level of harm to the victim and the community caused by each offence; and

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(d) any attempts at rehabilitation by the offender; and

(e) whether the offender poses a risk to the lives or sexual safety of 1 or more people or of the community; and

(f) any other circumstances that the court considers relevant.

(12) The chief police officer must take all reasonable steps to give written notice of this section to each offender to whom this section applies not later than 1 month after the commencement day.

(13) In this section:

commencement day means the day the *Crimes (Child Sex Offenders) Amendment Act 2015*, section 3 commences.

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Chapter 5 Registrable offenders prohibited from child-related employment

123 What is *employment*?

In this chapter:

employment includes—

(a) performance of work—

(i) under a contract of employment or contract for services (whether written or unwritten); or

(ii) as a minister of religion or as part of the duties of a religious vocation; or

(b) undertaking practical training as part of an educational or vocational course; or

(c) performance of work as a volunteer; or

(d) performance of work under, or because of, a sentence, including a community service order.

124 What is *child-related employment*?

(1) Employment is child-related (***child-related employment***) if the employment involves contact with a child in relation to any of the following:

(a) child protection services;

(b) preschools, kindergartens or education and care services or childcare centres;

(c) family day care schemes;

(d) educational institutions for children;

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(e) detention places under the *Children and Young People Act 2008*;

(f) refuges or other residential facilities used by children;

(g) wards of public or private hospitals where children are ordinarily patients;

(h) clubs, associations or movements (including of a cultural, recreational or sporting nature) with significant child membership or involvement (including involvement of a voluntary nature);

(i) religious organisations;

(j) babysitting or childminding services arranged by a commercial agency;

(k) fostering children;

(l) providing public or private transport services for the transport of children;

(m) private tuition services of any kind for children arranged by a commercial agency;

(n) counselling or other support services for children;

(o) overnight camps, irrespective of the kind of accommodation or of how many children are involved;

(p) school-crossing services;

(q) before and after school care programs;

(r) school holiday vacation programs;

(s) approved training contracts under the *Training and Tertiary Education Act 2003*;

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(t) legal services related to a child, provided by Legal Aid ACT;

Examples

1 providing advice to a child

2 representing a child in a legal matter

3 representing a person in a proceeding where a child is a witness

(u) anything else prescribed by regulation for this section.

(2) In this section:

childcare centre includes a childcare centre within the meaning of the *Children and Young People Act 2008*, section 733.

contact means any form of contact between a person and a child, and includes—

(a) any form of physical contact; and

(b) any form of oral communication, whether face-to-face or by telephone; and

(c) any form of written communication, including electronic communication.

educational institutions for children include the following:

(a) a government school or non-government school under the *Education Act 2004*;

(b) a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3;

(c) a registered higher education provider under the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth).

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education and care service—see the *Education and Care Services National Law (ACT)*, section 5.

Note The *Education and Care Services National Law (ACT) Act 2011*, s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.

family day care scheme—see the *Children and Young People Act 2008*, section 734.

Legal Aid ACT—see the *Legal Aid Act 1977*, section 94 (Commission to operate as Legal Aid ACT).

school-crossing services means services provided by people to assist children to cross roads on their way to or from school.

125 When is a person *engaged* in child-related employment?

(1) A person is ***engaged*** in child-related employment if the person is—

(a) an officer of a corporation that is engaged in child-related employment; or

(b) a member of the committee of management of an unincorporated body or association that is engaged in child-related employment; or

(c) a member of a partnership that is engaged in child-related employment.

(2) This section does not limit the circumstances in which a person can be taken to be engaged in child-related employment.

(3) In this section:

officer—

(a) for a corporation within the meaning of the Corporations Act—see the Corporations Act, section 9; and

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(b) for any other corporation—means a person (by whatever name called) who is concerned, or takes part in, the management of the corporation.

126 Offence—offender must not apply for child-related employment

A registrable offender commits an offence if the offender—

(a) applies for child-related employment; and

(b) is reckless about whether the employment is child-related employment.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

127 Offence—offender must not engage in child-related employment

A registrable offender commits an offence if the offender engages in child-related employment.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

128 Offence—person in child-related employment must disclose charges

A person commits an offence if the person—

(a) is engaged in child-related employment; and

(b) is charged with a registrable offence; and

(c) does not disclose the charge to the person's employer within 7 days after the day the person is charged with the registrable offence.

Maximum penalty: 50 penalty units.

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130 Offence—person must disclose charges if applying for child-related employment

(1) A person commits an offence if—

(a) a charge is pending against the person for a registrable offence; and

(b) the person applies for child-related employment; and

(c) the person does not disclose the charge to the person's prospective employer when making the application.

Maximum penalty: 50 penalty units.

(2) A person commits an offence if—

(a) the person has applied for child-related employment; and

(b) the person is charged with a registrable offence while the application is still current; and

(c) the person does not disclose the charge to the person's prospective employer within 7 days after the day the person is charged with the registrable offence.

Maximum penalty: 50 penalty units.

132 Offence—employer must keep information secret

(1) In this section:

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

divulge includes communicate.

produce includes allow access to.

protected information means information about a person that is disclosed to an employer because of the person satisfying the person's obligations under section 128, section 129, section 130 or section 131.

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(2) An employer commits an offence if—

(a) the employer—

(i) makes a record of protected information about someone else; and

(ii) is reckless about whether the information is protected information about someone else; or

(b) the employer—

(i) does something that divulges protected information about someone else; and

(ii) is reckless about whether—

(A) the information is protected information about someone else; and

(B) doing the thing would result in the information being divulged to someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(3) Subsection (2) does not apply if the record is made, or the information is divulged—

(a) under this Act or another territory law; or

(b) in relation to the exercise of a function as an employer.

(4) Subsection (2) does not apply to the divulging of protected information about someone with the person's consent.

(5) Subsection (2) does not apply if the information is divulged for law enforcement functions or activities and then only to an entity prescribed by regulation.

(6) Subsection (2) does not apply if the information is divulged to a court in a legal proceeding or under an order of a court.

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(7) Subsection (2) does not apply if the information is divulged to a lawyer to obtain legal advice or representation relating to a matter under this Act.

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Chapter 5A Orders prohibiting offender conduct

Part 5A.1 Preliminary

132A Definitions—ch 5A

In this chapter:

application, for an order for a person under this chapter, includes an application for the registration of a corresponding prohibition order.

conduct includes a course of conduct.

corresponding prohibition order means an order made under a law of a foreign jurisdiction that substantially corresponds to a prohibition order.

CYP director-general means the director-general of the administrative unit responsible for the *Children and Young People Act 2008*.

CYP director-general's report means the report mentioned in section 132C.

daily care responsibility—see the *Children and Young People Act 2008*, section 19.

interim prohibition order—see section 132H (Court may make interim prohibition order).

long-term care responsibility—see the *Children and Young People Act 2008*, section 20.

make, an order for a person under this chapter, includes register a corresponding prohibition order.

parental responsibility, for a child or young person—see the *Children and Young People Act 2008*, section 15.

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prohibition order—see section 132D (Court may make prohibition order).

registered corresponding prohibition order means a corresponding prohibition order registered under section 132N (Registration of corresponding prohibition order—no amendment) or section 132P (Registration of corresponding prohibition order—with amendment).

registration notice—see section 132O (Notice of registration of unamended corresponding prohibition order).

return date, for an application, means the day set by the Magistrates Court for return of the application before the court.

132AA Delegation

(1) Despite any other territory law, the functions of the chief police officer under this Act must not be delegated to anyone else.

(2) However, the chief police officer may delegate to a deputy chief police officer any of the chief police officer's functions under chapter 5A of this Act.

(3) Not more than 4 delegations may be in force under this section at any one time.

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Part 5A.2 Prohibition orders

132B Application for prohibition order

(1) The chief police officer may apply to the Magistrates Court for a prohibition order for a person if the chief police officer believes on reasonable grounds that—

(a) the person is a registrable offender; and

(b) the person has engaged in conduct the nature or pattern of which poses a risk to the lives or sexual safety of 1 or more children, or of children generally; and

Examples

1 loitering at or near a park fitted with playground equipment regularly used by children

2 seeking employment or volunteer work that will involve the person coming into contact with children, including, for example, door-to-door sales or collecting

3 living near an education and care service or childcare centre

4 boarding in a household with children under 16 years old

(c) prohibiting the conduct stated in the application will reduce the risk.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for this provision, the form must be used.

(2) The application must—

(a) state each registrable offence for which the person has been found guilty; and

(b) state the particulars of the conduct the chief police officer believes the person has engaged in; and

(c) state when the chief police officer believes the person engaged in the conduct; and

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(d) state the conduct of the person proposed to be prohibited under the prohibition order, including the conditions (if any) sought by the chief police officer; and

(e) if the person is a young person—include a copy of the CYP director-general's report for the person.

(3) The application may state that the chief police officer is seeking an interim prohibition order on the application.

Note The chief police officer may delegate a function under this section (see s 132AA).

132C CYP director-general's report

(1) This section applies if the chief police officer intends to apply to the Magistrates Court under section 132B for a prohibition order for a young person.

(2) The chief police officer must ask the CYP director-general in writing for a written report containing the director-general's opinion on—

(a) whether the nature or pattern of conduct the chief police officer believes the young person has engaged in poses a risk to the lives or sexual safety of 1 or more children, or of children generally; and

(b) whether there are other reasonably appropriate ways of managing the young person; and

(c) whether the prohibition of the proposed conduct of the young person is reasonable having regard to the conduct mentioned in paragraph (a); and

(d) what impact a prohibition order may have on the best interests of the young person, including the young person's accommodation, educational, health, cultural, family or other social needs.

(3) The report may contain any other information, assessments or reports that the CYP director-general considers appropriate.

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(4) However, a report need not include protected information under the *Children and Young People Act 2008* about the young person.

Note The CYP director-general may give protected information to the chief police officer if the director-general is satisfied that the information is materially relevant to an investigation a police officer is carrying out (see *Children and Young People Act 2008*, s 865A).

(5) The CYP director-general must give the report to the chief police officer within 28 days after the day the chief police officer requests the report.

Note The chief police officer may delegate a function under this section (see s 132AA).

132D Court may make prohibition order

(1) The Magistrates Court may, on application, make an order (a ***prohibition order***) prohibiting a person from engaging in conduct if satisfied that—

(a) the person is a registrable offender; and

(b) the person has engaged in the conduct stated in the application for the order; and

(c) having regard to the nature or pattern of the conduct engaged in—

(i) the person poses a risk to the lives or sexual safety of 1 or more children, or of children generally; and

(ii) the making of the order will reduce the risk; and

(d) having regard to the matters mentioned in section 132E, the order is appropriate.

Note For the kind of conduct the Magistrates Court may prohibit, see s 132F.

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(2) Also, the Magistrates Court may only make a prohibition order for a young person—

(a) after considering the CYP director-general's report for the young person; and

(b) if satisfied that all other reasonably appropriate ways of managing the young person have been considered by the chief police officer before the chief police officer applied for the order.

(3) For subsection (1), it is not necessary for the Magistrates Court to identify a risk to a particular child, particular children, or a particular class of children.

(4) The application for the order may be heard, and the order made, in the person's absence if the Magistrates Court is satisfied that the person was served with the application under section 132Z (Service of applications).

(5) If a person against whom a prohibition order is sought is already subject to a prohibition order and no application has been made to revoke the existing order, the Magistrates Court must, if it decides to make the order—

(a) revoke the existing order and replace it with a new order (which may contain matters relating to the existing order); or

(b) amend the existing order to include the matters in relation to which it has decided to make the order.

(6) A failure to comply with subsection (5) does not affect the validity of an existing prohibition order or the new prohibition order.

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132E Matters court must consider before making prohibition order

(1) For section 132D (1) (d), the matters are as follows:

(a) for each registrable offence for which the person is a registrable offender—

(i) the seriousness of the offence; and

(ii) the period since the offence was committed; and

(iii) the person's and victim's ages when the person committed the offence, and the difference in age between the person and victim;

(b) the person's present age;

(c) the seriousness of the person's criminal history;

(d) whether the level of risk that the person may commit another registrable offence outweighs the effect of the order on the person;

(e) the person's circumstances, to the extent that they relate to the conduct sought to be prohibited;

Examples

1 the person's accommodation, employment, health, cultural and social needs

2 the need to integrate the person into the community

(f) if the person is a young person—the person's best interests, including the person's educational needs and access to family members.

(2) The Magistrates Court may have regard to anything else the court considers relevant.

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(3) In this section:

criminal history, about a person, means—

(a) a finding of guilt against the person for a registrable offence or relevant offence; and

(b) a charge made against the person for a registrable offence or relevant offence, other than—

(i) a charge that has been withdrawn, discontinued or dismissed; or

(ii) a charge for an offence for which the person was acquitted or found guilty.

family member—see the *Children and Young People Act 2008*, section 13.

relevant offence means any of the following offences (whether committed in the ACT or elsewhere):

(a) a sexual offence;

(b) an offence against the person;

(c) an offence involving violence;

(d) an offence involving dishonesty or fraud;

(e) an offence relating to property;

(f) an offence relating to illegal drugs;

(g) an offence against an animal;

(h) any other offence the chief police officer considers relevant.

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132F Conduct that may be prohibited by prohibition order etc

(1) For section 132D (1) (Court may make prohibition order) or section 132H (1) (Court may make interim prohibition order), the kind of conduct the Magistrates Court may prohibit includes the following:

(a) associating with, or otherwise contacting, stated people or a stated kind of person;

Example

corresponding with other registrable offenders

(b) being in stated places or a stated kind of place;

Example

within 200m of a school between 7 am and 7 pm on school days

(c) living at 1 or more stated premises, a stated kind of premises or premises at a stated place;

Examples

1 a house where children under 16 years old live

2 any premises that are within 200m of an education and care service or childcare centre

(d) engaging in stated behaviour;

Example

taking photographs of children

(e) being in stated employment, or a stated kind of employment, whether paid or voluntary, that is likely to bring the person into contact with children.

Examples

1 door-to-door sales or collecting

2 employment at a place that is within 200m of a school

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(2) The Magistrates Court—

(a) may prohibit conduct absolutely or on the conditions it considers appropriate; and

(b) must state the conduct and any conditions in the order.

(3) If the Magistrates Court prohibits a person from engaging in conduct at or near a place and the person has personal property at the place, the court must, if satisfied that it is necessary to do so, ensure that the order provides for the person to recover the person's personal property from the place.

132G Term of prohibition order

(1) A prohibition order for a person takes effect—

(a) if the person is before the Magistrates Court when the order is made—when it is made; or

(b) if the person is not before the Magistrates Court when the order is made—when a copy of the order is served on the person under section 132ZC (Giving copy of order to person not before court).

(2) The order remains in force for the term, not longer than the following, that the Magistrates Court states in the order:

(a) for a young person—

(i) 1 year; or

(ii) if the young person's reporting period ends in less than 1 year—the young person's reporting period;

(b) in any other case—

(i) 5 years; or

(ii) if the person's reporting period ends in less than 5 years—the person's reporting period.

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Part 5A.3 Interim prohibition orders

132H Court may make interim prohibition order

(1) The Magistrates Court may make an order (an ***interim prohibition order***) prohibiting a person from engaging in conduct if satisfied that—

(a) the person is a registrable offender; and

(b) having regard to the nature or pattern of conduct stated in the application to have been engaged in by the person, the person poses a risk to the lives or sexual safety of 1 or more children, or of children generally; and

(c) it is necessary to make the interim prohibition order to reduce the risk until the application for the prohibition order is decided.

Note For the kind of conduct the Magistrates Court may prohibit, see s 132F.

(2) For subsection (1), it is not necessary for the Magistrates Court to identify a risk to a particular child, particular children, or a particular class of children.

(3) The Magistrates Court may make an interim prohibition order—

(a) only on an application for a prohibition order; and

(b) at any time during the proceeding on the application for the prohibition order to which it relates.

(4) The application for the prohibition order may be heard, and an interim prohibition order made, in the person's absence if the Magistrates Court is satisfied that the person was served with the application under section 132Z (Service of applications).

(5) If the Magistrates Court makes an interim prohibition order for a person, the court must set another return date for the application for the prohibition order for the person.

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132I Term of interim prohibition order

(1) An interim prohibition order for a person takes effect—

(a) if the person is before the Magistrates Court when the order is made—when it is made; or

(b) if the person is not before the Magistrates Court when the order is made—when a copy of the order is served on the person under section 132ZC (Giving copy of order to person not before court).

(2) The interim prohibition order remains in force until the earlier of—

(a) the end of the relevant period for the order; and

(b) 1 of the following:

(i) if the Magistrates Court makes a prohibition order for the person—the day the order takes effect;

(ii) if the Magistrates Court decides not to make a prohibition order for the person—the day the court makes the decision;

(iii) if the chief police officer discontinues the application for the prohibition order for the person—the day the application is discontinued;

(iv) if the order is revoked by the court under section 132L (Court may amend or revoke prohibition order or interim prohibition order) or set aside (however described) on appeal—the day the order is revoked or set aside;

(v) if a proceeding for a prohibition order is not started by the return date set by the court under section 132H (5) and the court does not extend the interim prohibition order under section 132J—the return date;

(vi) if the person's reporting period ends before the relevant period ends—the day the reporting period ends.

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(3) In this section:

relevant period, for an interim prohibition order, means—

(a) 28 days; or

(b) the period for which the order is extended under section 132J.

Note The chief police officer may delegate a function under this section (see s 132AA).

132J Extending interim prohibition order if application for prohibition order adjourned

(1) This section applies in relation to an application for a prohibition order for a person if—

(a) an interim prohibition order is in force for the person; and

(b) the Magistrates Court adjourns the application; and

(c) the interim prohibition order will end before the application is decided.

(2) The Magistrates Court may, on application by the chief police officer or on its own initiative, extend the interim prohibition order for not more than 28 days.

(3) The interim prohibition order may be extended in the person's absence if the Magistrates Court is satisfied that the person was served with the application for the prohibition order under section 132Z (Service of applications).

Note The chief police officer may delegate a function under this section (see s 132AA).

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Part 5A.4 Amending or revoking prohibition and interim prohibition orders

132K Application to amend or revoke prohibition order or interim prohibition order

(1) This section applies to a prohibition order or interim prohibition order for a person.

(2) The person or chief police officer may apply to the Magistrates Court for an order amending or revoking the order.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for this provision, the form must be used.

(3) However, other than in relation to an order made in the person's absence, the person may only make an application under subsection (2) with the Magistrates Court's leave.

(4) The Magistrates Court may grant the leave if satisfied that—

(a) it is in the interests of justice, having regard to changes in the person's circumstances, or circumstances affecting the person, since the prohibition or interim prohibition order was made or last amended by the court; or

Examples—person's circumstances

the person's accommodation, employment, health, cultural or social needs

Example—circumstances affecting person

Under a prohibition order, the person is prohibited from going within 200m of a stated education and care service or childcare centre, and the education and care service or childcare centre has closed down since the order was made.

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(b) it is appropriate on compassionate grounds, including having regard to the person's culturally specific needs.

Example

to attend a relative's funeral

Note The chief police officer may delegate a function under this section (see s 132AA).

132L Court may amend or revoke prohibition order or interim prohibition order

(1) The Magistrates Court may, on application, make an order amending or revoking a prohibition order or interim prohibition order.

(2) In considering an order in relation to a prohibition order, the Magistrates Court must have regard to—

(a) the matters mentioned in section 132D (Court may make prohibition order) to the extent the court that made the prohibition order was required to have regard to those matters; and

(b) any changes in the person's circumstances since the prohibition order was made or last amended by the court.

(3) In considering an order in relation to an interim prohibition order, the Magistrates Court must have regard to—

(a) the matters mentioned in section 132H (Court may make interim prohibition order) to the extent the court that made the interim prohibition order was required to have regard to those matters; and

(b) any changes in the person's circumstances since the interim prohibition order was made or last amended by the court.

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(4) An order amending a prohibition order or interim prohibition order takes effect—

(a) if the person is before the Magistrates Court when the amending order is made—when it is made; or

(b) if the person is not before the Magistrates Court when the amending order is made—when a copy of the order is served on the person under section 132ZC (Giving copy of order to person not before court).

(5) An order revoking a prohibition order or interim prohibition order takes effect when it is made.

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Part 5A.5 Corresponding prohibition orders

132M Application for registration of corresponding prohibition order

(1) The chief police officer may apply to the Magistrates Court for the registration of a corresponding prohibition order for a person.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for this provision, the form must be used.

(2) The application must—

(a) be accompanied by a copy of the corresponding prohibition order; and

(b) if the law of the foreign jurisdiction in which the order was made required the order to be served on the person—include evidence that the corresponding prohibition order was served on the person under that law; and

(c) include details of any amendment sought for the corresponding prohibition order to operate effectively in the ACT.

Note 1 If an application includes details in par (c), the Magistrates Court must set a return date for the hearing of the application (see s 132Y).

Note 2 The chief police officer may delegate a function under this section (see s 132AA).

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132N Registration of corresponding prohibition order—no amendment

(1) This section applies if—

(a) an application is made under section 132M for the registration of a corresponding prohibition order for a person; and

(b) the application does not include details of amendment sought for the corresponding prohibition order to operate effectively in the ACT under section 132M (2) (c).

(2) The Magistrates Court must register the corresponding prohibition order if the court is satisfied that—

(a) the person is a registrable offender; and

(b) the corresponding prohibition order is in force; and

(c) if the law of the foreign jurisdiction in which the order was made required the order to be served on the person—the order was served on the person under that law.

(3) However, if the Magistrates Court considers that the corresponding prohibition order requires amendment to operate effectively in the ACT, the court may, on its own initiative, deal with the application under section 132P (Registration of corresponding prohibition order—with amendment).

Note If the Magistrates Court considers the corresponding prohibition order requires amendment to operate effectively in the ACT, the court must set a return date for the hearing of the application (see s 132Y).

132O Notice of registration of unamended corresponding prohibition order

(1) As soon as practicable after registering a corresponding prohibition order for a person under section 132N, the Magistrates Court must give the chief police officer notice (a ***registration notice***) that the order has been registered.

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(2) The chief police officer must personally serve a copy of the registration notice on the person.

(3) For a registered corresponding prohibition order for a young person, the chief police officer must also personally serve a copy of the registration notice on—

(a) if the young person lives with a person with parental responsibility for the young person—the person with parental responsibility; and

(b) if the CYP director-general has long-term care responsibility or daily care responsibility (alone or shared with someone else) for the young person—the CYP director-general.

(4) The police officer serving the copy of the registration notice must, as far as practicable in the circumstances, explain to the person—

(a) the purpose, terms and effect of the notice; and

(b) any consequences that may follow if the person against whom the corresponding prohibition order is made fails to comply with the registered corresponding prohibition order.

(5) The police officer must explain the matters mentioned in subsection (4) in language likely to be readily understood by the person.

(6) A failure to comply with subsection (4) or (5) does not affect the validity of the registered corresponding prohibition order.

Note The chief police officer may delegate a function under this section (see s 132AA).

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132P Registration of corresponding prohibition order—with amendment

(1) This section applies if—

(a) an application is made under section 132M (Application for registration of corresponding prohibition order) for the registration of a corresponding prohibition order for a person; and

(b) either—

(i) the application includes details of amendments sought for the corresponding prohibition order to operate effectively in the ACT under section 132M (2) (c); or

(ii) the Magistrates Court decides, under section 132N (3) (Registration of corresponding prohibition order—no amendment) to deal with the application under this section.

(2) The application may be heard in the person's absence if the Magistrates Court is satisfied that the person was served with the application under section 132Z (Service of applications).

(3) The Magistrates Court may make an order amending the corresponding prohibition order for its registration in a way the court considers is necessary or desirable for its effective operation in the ACT.

(4) In considering an order under subsection (3), the Magistrates Court must have regard to—

(a) anything that must be considered under section 132D (Court may make prohibition order) on an application for a prohibition order; and

(b) any changes in the person's circumstances since the corresponding prohibition order was made.

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(5) The Magistrates Court must register the corresponding prohibition order as amended under this section if the court is satisfied that—

(a) the person is a registrable offender; and

(b) the corresponding prohibition order is in force; and

(c) if the law of the foreign jurisdiction in which the order was made required the corresponding prohibition order to be served on the person—the order was served on the person under that law.

132Q Term of registered corresponding prohibition order

(1) Registration of a corresponding prohibition order for a person under section 132N (Registration of corresponding prohibition order—no amendment) takes effect when the registration notice for the order is served on the person.

(2) Registration of a corresponding prohibition order for a person under section 132P takes effect—

(a) if the person is before the Magistrates Court when the corresponding prohibition order as amended is registered—when it is registered; or

(b) if the person is not before the Magistrates Court when the corresponding prohibition order as amended is registered—when a copy of the registered corresponding prohibition order is served on the person under section 132ZC (Giving copy of order to person not before court).

(3) A registered corresponding prohibition order is registered for the lesser of—

(a) 5 years; and

(b) the period during which the corresponding prohibition order, as originally made, is in force.

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(4) However, if the person is a young person, the registered corresponding prohibition order is registered for the lesser of—

(a) 3 months; and

(b) the period during which the corresponding prohibition order, as originally made, is in force.

132R Application to amend or cancel registration of registered corresponding prohibition order

(1) A person against whom a registered corresponding prohibition order is in force, or the chief police officer, may apply to the Magistrates Court for an order amending or cancelling the registration of the order.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for this provision, the form must be used.

(2) However, other than in relation to an order made in the person's absence, the person may only make an application under subsection (1) with the court's leave.

(3) The Magistrates Court may grant the leave if satisfied that—

(a) it is in the interests of justice, having regard to changes in the person's circumstances, or circumstances affecting the person, since the corresponding prohibition order was made or last amended by the court; or

Examples—person's circumstances

the person's accommodation, employment, health, cultural or social needs

Example—circumstances affecting person

Under a corresponding prohibition order, the person is prohibited from going within 200m of a stated education and care service or childcare centre, and the education and care service or childcare centre has closed down since the order was made.

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(b) it is appropriate on compassionate grounds, including having regard to the person's culturally specific needs.

Example

to attend a relative's funeral

Note The chief police officer may delegate a function under this section (see s 132AA).

132S Court may amend or cancel registration of registered corresponding prohibition order

(1) The Magistrates Court may, on application, make an order amending or cancelling the registration of a registered corresponding prohibition order.

(2) In considering an order, the Magistrates Court must have regard to—

(a) the matters mentioned in section 132D (Court may make prohibition order); and

(b) any changes in the person's circumstances since the registered corresponding prohibition order was made or last amended by the court.

(3) An order amending a registered corresponding prohibition order takes effect—

(a) if the person is before the Magistrates Court when the amending order is made—when it is made; or

(b) if the person is not before the Magistrates Court when the amending order is made—when a copy of the order is served on the person under section 132ZC (Giving copy of order to person not before court).

(4) An order cancelling the registration of a registered corresponding prohibition order takes effect when it is made.

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Part 5A.6 People with legal disabilities

132T Definitions—pt 5A.6

In this part:

person with a legal disability means—

(a) a young person; or

(b) a person with a mental disability.

person with a mental disability means a person who is not legally competent to be a party to a proceeding on an application for an order under this chapter because of a mental or intellectual disability, and includes such a person even if a disability guardian under the *Guardianship and Management of Property Act 1991* has been appointed.

132U Appointing litigation guardian for person with legal disability

(1) This section applies in relation to a proceeding on an application for an order for a person (the ***relevant person***) under this chapter if the Magistrates Court considers that the person is or may be a person with a legal disability.

(2) The following people may be appointed as a litigation guardian for the relevant person:

(a) an individual who is not a person with a legal disability;

(b) the public advocate.

(3) An individual is appointed under subsection (2) by filing with the Magistrates Court a statement—

(a) about whether, to the best of the individual's knowledge, the relevant person has a guardian or manager, other than the individual; and

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(b) to the effect that the individual—

(i) has no interest in the proceeding that is adverse to the interests of the relevant person; and

(ii) agrees to be appointed.

(4) However, if the relevant person has a guardian or manager, other than the individual, the individual may be appointed as the relevant person's litigation guardian only with the Magistrates Court's leave.

(5) For this section:

guardian—see the *Guardianship and Management of Property Act 1991*, dictionary.

manager—see the *Guardianship and Management of Property Act 1991*, dictionary.

Note Section 132X sets out what happens if a party with a legal disability does not have a representative, or an appropriate or suitable representative.

132V Functions of litigation guardian

(1) This section applies if a litigation guardian has been appointed in a proceeding on an application for an order for a person under this chapter.

(2) Anything that the person is allowed to do under this chapter may be done by the person's litigation guardian.

(3) Anything that the person is required to do under this chapter must be done by the person's litigation guardian.

Note The litigation guardian may not give the person's evidence for the person (see *Evidence Act 1995* (Cwlth), pt 3.2).

(4) The person's litigation guardian must do everything that is necessary in the proceeding to protect the person's interests.

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132W Removal of litigation guardian

(1) The Magistrates Court may, on application or its own initiative—

(a) remove the litigation guardian of a person with a legal disability in a proceeding on an application for an order for the person under this chapter; and

(b) order that the proceeding be stayed until someone else has been appointed as litigation guardian in place of the person removed.

(2) An applicant for an order under subsection (1) must, unless the Magistrates Court otherwise directs, serve notice of the application on the person whose removal is sought and on the person with a legal disability.

(3) An application under subsection (1) may be made by a party to the proceeding or anyone else.

132X Representation of parties with legal disability

(1) This section applies if a party to a proceeding on an application for an order for a person under this chapter—

(a) is a person with a legal disability; and

(b) does not have a representative, or an appropriate or suitable representative.

(2) The Magistrates Court may, on application or its own initiative—

(a) adjourn the proceeding so the party can get representation; and

(b) give the party the information necessary to allow the party to get representation; and

(c) tell the public advocate that the proceeding has been adjourned so the party can get representation.

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Part 5A.7 Other provisions about orders prohibiting offender conduct

132Y Court sets return date

(1) This section applies to an application for an order for a person under this chapter if a hearing will be held for the application.

Note A hearing is not required to register a corresponding prohibition order without amendment (see s 132N).

(2) On receiving the application, the Magistrates Court must—

(a) enter the application into the court's record; and

(b) set a return date for the application; and

(c) state the return date on the application and any copies of the application for service.

(3) The return date must be—

(a) not later than 2 days after the day the application is made; or

(b) not later than 10 days after the day the application is made if—

(i) the chief police officer is not seeking an interim prohibition order on the application; and

(ii) the Magistrates Court is satisfied that the longer time is necessary to allow the person to be served with the application.

132Z Service of applications

(1) This section applies to an application for an order for a person under this chapter if a hearing will be held for the application.

Note A hearing is not required to register a corresponding prohibition order without amendment (see s 132N).

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(2) A copy of the application must be—

(a) personally served on the person; and

(b) served on anyone else the court directs.

Note For how orders may be served under par (b), see the Legislation Act, pt 19.5.

(3) If the application relates to an order for a young person, the application must also be personally served on—

(a) if the young person lives with a person with parental responsibility for the young person—the person with parental responsibility; and

(b) if the CYP director-general has long-term care responsibility or daily care responsibility (alone or shared with someone else) for the young person—the CYP director-general.

(4) The application must be served as soon as practicable after—

(a) if the return date set under section 132Y is not the day the application is made—the day the application is made; or

(b) if the return date set under section 132Y is the day the application is made—the day the application has gone before the Magistrates Court and the court has set a further date for the application's return before the court.

132ZA If personal service impractical or impossible

(1) This section applies if—

(a) an application, order or other document must be personally served on a person under this chapter; and

(b) personal service of the application, order or document is not reasonably practicable.

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(2) The Magistrates Court may order that the application, order or document be served in the way, stated in the order, that the court considers is likely to bring the application, order or document to the attention of the person required to be served.

132ZB Court may issue warrant for person's arrest

(1) This section applies if—

(a) an application for an order for a person under this chapter has been made to the Magistrates Court; and

(b) a hearing will be held for the application; and

Note A hearing is not required to register a corresponding prohibition order without amendment (see s 132N).

(c) the court is satisfied that the person has been served with a copy of the application under section 132Z (Service of applications).

(2) If the Magistrates Court considers it appropriate, the court may—

(a) issue a warrant for the person to be arrested and brought before the court; and

(b) adjourn the hearing of the application until the person is brought before the court.

132ZC Giving copy of order to person not before court

(1) This section applies if—

(a) the Magistrates Court makes an order for a person under this chapter on hearing the application for the order; and

Note A hearing is not required to register a corresponding prohibition order without amendment (see s 132N).

(b) the person is not before the court when the order is made.

(2) A police officer must personally serve on the person—

(a) a copy of the order; and

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(b) if the order is a prohibition order or interim prohibition order—a notice stating that, if a law of a foreign jurisdiction provides for registration of the order in the jurisdiction, the order may be registered in the jurisdiction.

(3) A failure to comply with this section in relation to an order revoking an order, or cancelling the registration of a registered corresponding prohibition order, does not affect the validity of the order.

132ZD Giving copy of order for young person etc

(1) This section applies if—

(a) the Magistrates Court makes an order for a young person under this chapter on hearing the application for the order; and

Note A hearing is not required to register a corresponding prohibition order without amendment (see s 132N).

(b) the order is likely to result in the young person needing to change where the person lives.

(2) The chief police officer must, as soon as practicable after the Magistrates Court makes the order, serve a copy of it on—

(a) if the young person lives with a person with parental responsibility for the young person—the person with parental responsibility; and

(b) if the CYP director-general has long-term care responsibility or daily care responsibility (alone or shared with someone else) for the young person—the CYP director-general.

(3) A failure to comply with this section does not affect the validity of the order.

Note The chief police officer may delegate a function under this section (see s 132AA).

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132ZE Explaining orders if person before court

(1) This section applies if—

(a) the Magistrates Court makes an order for a person under this chapter on hearing the application for the order; and

Note A hearing is not required to register a corresponding prohibition order without amendment (see s 132N).

(b) the person is before the court when the order is made.

(2) For an order, other than an order revoking or cancelling an order, the Magistrates Court must explain to the person—

(a) the purpose, terms and effect of the order; and

(b) any consequences that may follow if the person fails to comply with the order; and

(c) that, if a law of a foreign jurisdiction provides for registration of the order in the jurisdiction, the order may be registered in the jurisdiction.

(3) For an order revoking or cancelling an order, the Magistrates Court must explain to the person the effect of the order.

(4) The Magistrates Court must explain the matters mentioned in subsection (2) or (3) in language likely to be readily understood by the person.

(5) A failure to comply with this section does not affect the validity of the order.

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132ZF Explaining orders if person not before court

(1) This section applies if—

(a) the Magistrates Court makes an order for a person under this chapter on hearing the application for the order; and

Note A hearing is not required to register a corresponding prohibition order without amendment (see s 132N).

(b) the person is not before the court when the order is made; and

(c) the chief police officer is required to personally serve a copy of the order on—

(i) the person; or

(ii) if the person is a young person—the person with parental responsibility for the young person.

(2) For an order, other than an order revoking or cancelling an order, the police officer serving the copy of the order must, as far as is practicable in the circumstances, explain to the person—

(a) the purpose, terms and effect of the order; and

(b) any consequences that may follow if the person against whom the order is made fails to comply with the order; and

(c) that, if a law of a foreign jurisdiction provides for registration of the order in the jurisdiction, the order may be registered in the jurisdiction.

(3) For an order revoking or cancelling an order, the police officer must, as far as is practicable in the circumstances, explain to the person the effect of the order.

(4) The police officer must explain the matters mentioned in subsection (2) or (3) in language likely to be readily understood by the person.

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(5) A failure to comply with this section does not affect the validity of the order.

Note The chief police officer may delegate a function under this section (see s 132AA).

132ZG Proceedings for orders to be closed to public

(1) This section applies in relation to a proceeding on an application for an order for a person (the ***relevant person***) under this chapter.

(2) The application must be heard in the absence of the public.

(3) However, the Magistrates Court may, if it considers it appropriate, order that a person other than the relevant person, chief police officer or lawyer representing the relevant person or chief police officer may be present.

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Part 5A.8 Offences

132ZH Offences—prohibition of publication of identity

(1) A person commits an offence if the person—

(a) publishes protected identity information about a protected person in relation to a proceeding on an application for an order for the person under this chapter; and

(b) intentionally publishes the information.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) A person commits an offence if the person—

(a) publishes protected identity information about a protected person in relation to a proceeding on an application for an order for the person under this chapter; and

(b) is reckless about whether the information is protected identity information about the protected person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(3) It is a defence to a prosecution for an offence against this section if the protected person—

(a) is not a young person; and

(b) consented to the publication of the protected identity information about himself or herself before the publication happened.

Note The defendant has a legal burden in relation to the matters mentioned in s (3) (see Criminal Code, s 59).

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(4) In this section:

protected identity information, about a protected person, means the following:

(a) the person's name;

(b) information about the private, business or official address, email address or telephone number of the person, or that would allow those contact details to be worked out;

(c) information that discloses the identity of the person, or would allow the identity of the person to be worked out.

protected person, in relation to a proceeding on an application for an order for a person under this chapter, means—

(a) the person; or

(b) a victim of a registrable offence committed by the person; or

(c) a person mentioned in the proceeding as a person at risk (however described) because of conduct that is proposed to be, or is, prohibited under the order.

publish means communicate or disseminate information in a way or to an extent that makes it available to, or likely to come to the notice of, the public or a section of the public or anyone else not lawfully entitled to the information.

Note The Criminal Code includes an offence for publishing identifying information about children or young people the subject of a childrens proceeding (see s 712A).

132ZI Offence—contravention of prohibition order etc

(1) A person commits an offence if—

(a) a prohibition order or interim prohibition order is in force for a person; and

(b) the person contravenes the order; and

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(c) the person is reckless about whether the person is contravening the order.

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

(2) Subsection (1) does not apply to a person if the person has a reasonable excuse for contravening the order.

Note 1 The defendant has an evidential burden in relation to the matters mentioned in s (2) (see Criminal Code, s 58).

Note 2 For the matters relevant to the defence of reasonable excuse under this section, see s 132ZK.

132ZJ Offence—contravention of registered corresponding prohibition order

(1) A person commits an offence if—

(a) a registered corresponding prohibition order is in force for a person; and

(b) the person contravenes the registered corresponding prohibition order; and

(c) the person is reckless about whether the person is contravening the registered corresponding prohibition order.

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

(2) Subsection (1) does not apply to a person if the person has a reasonable excuse for contravening the registered corresponding prohibition order.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see Criminal Code, s 58).

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132ZK Matters relevant to reasonable excuse defence

In deciding whether a person has a reasonable excuse for contravening a prohibition order or interim prohibition order under section 132ZI, or a registered corresponding prohibition order under section 132ZJ, the court must have regard to the following:

(a) the person's age;

(b) whether the person had, at the time of the contravention, a disability that affected the person's ability to understand, or to comply with, the order;

(c) whether the form of notice given to the person about the order was adequate to tell the person about the person's obligations under the order, having regard to the person's circumstances;

(d) any other matter the court considers appropriate.

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Part 5A.9 Obtaining and disclosing particular information

132ZL Meaning of *government agency*—pt 5A.9

In this part:

government agency means—

(a) the public service; or

(b) a public sector body; or

(c) a territory instrumentality.

132ZM Chief police officer may require information about person

(1) This section applies if the chief police officer is considering making an application for an order for a person that may be made under this chapter.

(2) The chief police officer may direct a government agency in writing to give the chief police officer any information—

(a) held by the government agency; and

(b) that the chief police officer considers to be reasonably necessary to assess whether the person poses a risk to the lives or sexual safety of 1 or more children, or of children generally.

(3) The direction must state the day by which the information must be given.

(4) The government agency must give the chief police officer the information sought in the direction.

Note The Legislation Act, s 171 deals with the application of client legal privilege.

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(5) However, the government agency need not give personal health information in a health record under the *Health Records (Privacy and Access) Act 1997*.

Note 1 See the *Health Records (Privacy and Access) Act 1997*, privacy principle 10 for the limits on disclosure of personal health information. In particular, a record keeper may disclose a personal health record if the record keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent risk to the life or physical, mental or emotional health of someone.

Note 2 The chief police officer may delegate a function under this section (see s 132AA).

132ZN Chief police officer may give information about order to prescribed entities

(1) The chief police officer may give a prescribed entity the following information about an order for a person under this chapter:

(a) the person's name and date of birth;

(b) the term of the order;

(c) the conduct by the person that the order prohibits;

(d) anything else the chief police officer reasonably considers is necessary to allow the prescribed entity to identify the person to ensure the safety of—

(i) a child or children in the prescribed entity's care; or

(ii) the person.

Example

a photograph of the person

(2) If the chief police officer gives information under this section about an order to a prescribed entity and the order is later amended or revoked, or registration cancelled, the chief police officer must give the prescribed entity written notice of the amendment, revocation or cancellation as soon as practicable.

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(3) In giving information to a prescribed entity under this section, the chief police officer must tell the entity, in writing, about the person's obligations under section 132ZP (Offence—prescribed entities and people with parental responsibility to keep information secret).

(4) In this section:

prescribed entity means an entity prescribed by regulation.

Note The chief police officer may delegate a function under this section (see s 132AA).

132ZO Chief police officer may give information about order to person with parental responsibility for child at risk

(1) The chief police officer may give information about an order for a person under this chapter to a person who has parental responsibility for a child or children protected by the order.

(2) However, the chief police officer must only give information under subsection (1) if the officer considers on reasonable grounds that it is necessary and appropriate to reduce a risk to the lives or sexual safety of the child or children.

(3) In giving information to a person under this section, the chief police officer must tell the person, in writing, about the person's obligations under section 132ZP (Offence—prescribed entities and people with parental responsibility to keep information secret).

Note The chief police officer may delegate a function under this section (see s 132AA).

132ZP Offence—prescribed entities and people with parental responsibility to keep information secret

(1) In this section:

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

divulge includes communicate.

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person to whom this section applies means—

(a) an entity to whom information (***protected information***) is given under section 132ZN (Chief police officer may give information about order to prescribed entities); or

(b) a person to whom information (also ***protected information***) is given under section 132ZO (Chief police officer may give information about order to person with parental responsibility for child at risk).

produce includes allow access to.

(2) A person to whom this section applies commits an offence if—

(a) the person—

(i) makes a record of protected information about someone else; and

(ii) is reckless about whether the information is protected information about someone else; or

(b) the person—

(i) does something that divulges protected information about someone else; and

(ii) is reckless about whether—

(A) the information is protected information about someone else; and

(B) doing the thing would result in the information being divulged to someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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(3) Subsection (2) does not apply if the record is made, or the protected information is divulged, under this Act or another territory law.

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

(4) Subsection (2) does not apply to the divulging of protected information about a person by a prescribed entity to a staff member of the entity to allow the staff member to identify the person to ensure the safety of—

(a) a child or children in the entity's care; or

(b) the person.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see Criminal Code, s 58).

(5) Subsection (2) does not apply to the divulging of protected information about a person with the person's consent.

Note The defendant has an evidential burden in relation to the matters mentioned in s (5) (see Criminal Code, s 58).

(6) Subsection (2) does not apply if the protected information is divulged for law enforcement functions or activities and then only to an entity prescribed by regulation.

Note The defendant has an evidential burden in relation to the matters mentioned in s (6) (see Criminal Code, s 58).

(7) A person to whom this section applies need not divulge protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another territory law.

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132ZQ CYP director-general to be given information about young person

(1) This section applies if the CYP director-general is asked for a CYP director-general's report for a young person.

(2) The CYP director-general may ask a government agency in writing to give the CYP director-general any information—

(a) held by the government agency; and

(b) relevant for the report.

(3) The request must state the day by which the information is to be given.

(4) The government agency must give the CYP director-general the information requested.

Note The Legislation Act, s 171 deals with the application of client legal privilege.

(5) However, the government agency need not give personal health information in a health record under the *Health Records (Privacy and Access) Act 1997*.

Note See the *Health Records (Privacy and Access) Act 1997*, privacy principle 10 for the limits on disclosure of personal health information. In particular, a record keeper may disclose a personal health record if the record keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent risk to the life or physical, mental or emotional health of someone.

132ZR Certain material may be kept

(1) This section applies if the following (the ***relevant material***) has been obtained by the chief police officer in relation to an order for a person under this chapter:

(a) copies of documents;

(b) fingerprints;

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(c) photographs.

(2) The chief police officer may, during the person's reporting period, keep the relevant material for law enforcement, crime prevention or child protection purposes.

(3) At the end of the person's reporting period, the chief police officer must ensure that any item of relevant information is destroyed.

Note The chief police officer may delegate a function under this section (see s 132AA).

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Part 5A.10 Appeals to Supreme Court

132ZS Meaning of *appealable decision*—pt 5A.10

In this part:

appealable decision means a decision of the Magistrates Court to—

(a) make or refuse to make a prohibition order; or

(b) make or refuse to make an order amending or revoking a prohibition order; or

(c) register or refuse to register a corresponding prohibition order, including an order amended under section 132P; or

(d) make or refuse to make an order amending or cancelling the registration of a registered corresponding prohibition order.

132ZT Appeals to Supreme Court

(1) A person may appeal to the Supreme Court against an appealable decision if the person was a party to the proceeding in which the decision was made.

(2) The person must file a notice of appeal (the ***notice of appeal***) with the Supreme Court not later than 21 days after—

(a) if the appealable decision is the registration of a corresponding prohibition order under section 132N—the day the registration notice is served on the person against whom the corresponding prohibition order is made; or

(b) if the appealable decision is another order for a person under this chapter and the person was not before the court when the order was made—the day the order was served on the person against whom the order was made; or

(c) in any other case—the day the appealable decision is made.

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(3) However, the Supreme Court may allow a person to file a notice of appeal after the period mentioned in subsection (2) if satisfied that it is appropriate to do so.

Note See the *Court Procedures Rules 2006*, pt 5.3 (Appeals to Supreme Court).

132ZU Powers of Supreme Court on appeal

On an appeal, the Supreme Court may—

(a) confirm, reverse or amend the appealable decision appealed from; or

(b) make the decision or order that, in all the circumstances, it considers appropriate; or

(c) refuse to make an order; or

(d) set aside the appealable decision appealed from, completely or partly, and remit the proceedings to the Magistrates Court for further hearing, subject to the directions the Supreme Court considers appropriate.

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Chapter 5B Notification and review of decisions

132ZV Meaning of *reviewable decision*—ch 5B

In this chapter:

reviewable decision means a decision mentioned in schedule 3, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

132ZW Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice only to the person mentioned in schedule 3, column 4 in relation to the decision.

Note For how documents may be given, see the Legislation Act, pt 19.5.

132ZX Applications for review

The person mentioned in schedule 3, column 4 in relation to a reviewable decision may apply to the ACAT for review of the decision.

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Chapter 6 Miscellaneous

133 Approved forms

(1) The director-general may approve forms for this Act.

(2) If the director-general approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

133A Offence—secrecy

(1) In this section:

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

divulge includes communicate.

person to whom this section applies means a person who exercises, or has exercised, a function under this Act.

produce includes allow access to.

protected information means information about a person that is disclosed to, or obtained by, a person to whom this section applies because of the exercise of a function under this Act by the person or someone else.

(2) A person to whom this section applies commits an offence if—

(a) the person—

(i) makes a record of protected information about someone else; and

(ii) is reckless about whether the information is protected information about someone else; or

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(b) the person—

(i) does something that divulges protected information about someone else; and

(ii) is reckless about whether—

(A) the information is protected information about someone else; and

(B) doing the thing would result in the information being divulged to someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(3) Subsection (2) does not apply if the record is made, or the information is divulged—

(a) under this Act or another territory law; or

(b) in relation to the exercise of a function, as a person to whom this section applies, under this Act or another territory law.

(4) Subsection (2) does not apply to the divulging of protected information about someone with the person's consent.

(5) Subsection (2) does not apply if the information is divulged for law enforcement functions or activities and then only to an entity prescribed by regulation.

(6) A person to whom this section applies need not divulge protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another territory law.

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133B Offence—failure to tell chief police officer about application to change offender's name

(1) A person commits an offence if the person—

(a) applies under a relevant law to change the name of a registrable offender; and

(b) fails to tell the chief police officer in writing about the application not later than 2 days after the day the person makes the application.

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

(2) In this section:

relevant law means—

(a) the *Births, Deaths and Marriages Registration Act 1997*, part 3 (Change of name); or

(b) a law of a State or external territory that corresponds (or substantially corresponds) to the *Births, Deaths and Marriages Registration Act 1997*, part 3.

134 Protection from liability

(1) A person is not personally liable for anything done or omitted to be done honestly and without recklessness—

(a) in the exercise of a function under this Act; or

(b) in the reasonable belief that the act was in the exercise of a function under this Act.

Note The dictionary defines ***act*** to include omission.

(2) Any civil liability that would, apart from subsection (1), attach to a person attaches instead to the Territory.

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135 Effect of spent convictions

(1) The fact that an offence for which a registrable offender has been found guilty becomes spent does not affect—

(a) the status of the offence as a registrable offence for this Act for the offender; or

(b) a reporting obligation of the offender.

(2) For this section, an offence becomes spent if, under a law in any jurisdiction, the registrable offender is permitted to not disclose the fact that the person was convicted or found guilty of the offence.

(3) This section does not limit the effect of the *Spent Convictions Act 2000*, section 11 (2) (Which convictions can become spent?).

136 Evidentiary certificates

(1) In a proceeding under this Act, a certificate signed by the chief police officer, or a police officer holding a position designated in writing by the chief police officer for this section, certifying that the child sex offenders register at a particular day contained information stated in the certificate is evidence, and in the absence of evidence to the contrary is proof, of the details stated in the certificate.

(2) In a proceeding under this Act, a certificate signed by the chief police officer, or a police officer holding a position designated in writing by the chief police officer for this section, certifying that the child sex offenders register indicated that, during a particular period, a stated person failed to provide information as required by this Act is evidence, and in the absence of evidence to the contrary is proof, of the details stated in the certificate.

(3) For this Act, a certificate that would be evidence under a corresponding law that at a stated time, or during a stated period, a person was required to report to a corresponding registrar under the Act is evidence, and in the absence of evidence to the contrary is proof, of the facts stated in the certificate.

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137 Regulation-making power

(1) The Executive may make regulations for this Act.

(2) A regulation may make provision in relation to the following:

(a) matters incidental to the making of reports under chapter 3 (Reporting), including—

(i) how a report must be made; and

(ii) the verifying documentation or evidence to be provided in support of a report; and

(iii) requiring that a report contain additional information to that required by the chapter;

(b) the form of, or the information to be included in, a notice or other document required to be given to registrable offenders;

(c) how the child sex offenders register is to be established and maintained, including how information is to be entered in the register;

(d) the exchange of information about registrable offenders between the chief police officer and corresponding registrars of foreign jurisdictions, including arrangements between the Territory and foreign jurisdictions for accessing information in the child sex offenders register and registers maintained under corresponding laws;

(e) requiring or permitting the chief police officer to remove information from the child sex offenders register;

(f) telling registrable offenders about reporting obligations, including the following:

(i) how the information is to be given to offenders;

(ii) permitting the person telling an offender to ask the offender to acknowledge being given the notice;

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(iii) making special provision for telling offenders who are young people or who have disabilities or other special needs;

(iv) permitting or requiring an entity to be told about a registrable offender's status as a young person or person with a disability or other special need, including to facilitate notifying and reporting;

(v) providing for notice to be given to a carer of, or a person nominated by, a registrable offender who may be unable to understand the offender's reporting obligations or the consequences of failing to comply with the reporting obligations;

(vi) requiring an offender to be given additional information to that required by this Act;

(vii) requiring an entity to provide information to offenders about their reporting obligations;

(viii) requiring an entity to tell the chief police officer—

(A) that an offender has left the custody or control of the entity; or

(B) that the entity has given stated information to an offender; or

(C) that, in the entity's opinion, an offender does or does not have the legal capacity to understand information;

(ix) requiring an entity to give the chief police officer an acknowledgment by an offender of the receipt of a notice or other information that is held by the entity;

(g) authorising the chief police officer to give directions about the police stations that are to be used as a place for making reports;

(h) providing that a police station is not to be used as a place for making reports without the consent of the chief police officer;

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(i) requiring an entity to create records for this Act and to keep the records;

(j) prescribing a person as a prescribed corresponding offender for this Act;

(k) declaring that an order (however described) made under a corresponding law is a corresponding child sex offender registration order for this Act.

(3) A regulation—

(a) may provide for the exemption of people or things from a provision of a regulation, whether unconditionally or on stated conditions, and either completely or to a stated extent; and

(b) may create offences and fix maximum penalties of not more than 20 penalty units for the offences.

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Schedule 1 Class 1 offences

(see s 10 (2) and (4))

Part 1.1 Offences against ACT legislation

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
1	*Crimes Act 1900*, any offence		the offence involved sexual intercourse (as defined in the *Crimes Act 1900*, section 50) with a child
2	*Crimes Act 1900*, section 12 (2)	murder	(a) the other person is a child; and (b) the person committed the murder in the course of, or immediately after, the commission or attempted commission by the person (or an accomplice of the person) of a class 1 or class 2 offence against the child
3	*Crimes Act 1900*, section 51 (1)	sexual assault in the first degree	(a) the other person (as mentioned in that section) is a child; or (b) the third person (as mentioned in that section) is a child
4	*Crimes Act 1900*, section 51 (3)	sexual assault in the first degree	(a) the third person (as mentioned in that section) is a child; or (b) the other person who is present or nearby (as mentioned in that section) is a child

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
5	*Crimes Act 1900*, section 52 (1)	sexual assault in the second degree	(a) the other person (as mentioned in that section) is a child; or (b) the third person (as mentioned in that section) is a child
6	*Crimes Act 1900*, section 52 (3)	sexual assault in the second degree	(a) the third person (as mentioned in that section) is a child; or (b) the other person who is present or nearby (as mentioned in that section) is a child
7	*Crimes Act 1900*, section 53 (1)	sexual assault in the third degree	(a) the other person (as mentioned in that section) is a child; or (b) the third person (as mentioned in that section) is a child
8	*Crimes Act 1900*, section 53 (3)	sexual assault in the third degree	(a) the third person (as mentioned in that section) is a child; or (b) the other person who is present or nearby (as mentioned in that section) is a child
9	*Crimes Act 1900*, section 55 (1)	sexual intercourse with person under 10 years old	
10	*Crimes Act 1900*, section 55 (3)	sexual intercourse with person under 16 years old	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
11	*Crimes Act 1900*, section 55A (1)	sexual intercourse with young person at least 16 years old under special care	
12	*Crimes Act 1900*, section 56 (1)	persistent sexual abuse of child under 16 years old, or young person at least 16 years old under special care	
13	*Crimes Act 1900*, section 57	act of indecency in the first degree	(a) the other person (as mentioned in that section) is a child; or (b) the third person (as mentioned in that section) is a child
14	*Crimes Act 1900*, section 62 (1)	incest and similar offences committed in relation to person under 10 years old	
15	*Crimes Act 1900*, section 62 (2)	incest and similar offences committed in relation to person under 16 years old	
16	an offence mentioned in items 1 to 15 to which *Crimes Act 1900*, section 72AA applies	aggravated offence—involving family violence	

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Part 1.2 Offences against other legislation

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
1	Commonwealth Criminal Code, section 270.5 (1) and section 270.8 (1) (a)	cause person under 18 years old to enter into or remain in servitude	the service provided in servitude is a sexual service (as defined in the Commonwealth Criminal Code, dictionary)
2	Commonwealth Criminal Code, section 270.5 (2) and section 270.8 (1) (a)	conduct business involving servitude of person under 18 years old	the service provided in servitude is a sexual service (as defined in the Commonwealth Criminal Code, dictionary)
3	Commonwealth Criminal Code, section 272.8 (1)	sexual intercourse with child under 16 years old outside Australia	
4	Commonwealth Criminal Code, section 272.8 (2)	cause child under 16 years old to engage in sexual intercourse in presence of defendant outside Australia	
5	Commonwealth Criminal Code, section 272.10	offence against Commonwealth Criminal Code, section 272.8 or section 272.9, and 1 or more aggravating circumstances in section 272.10 (1) (b) apply	
6	Commonwealth Criminal Code, section 272.11	persistent sexual abuse of child under 16 years old outside Australia	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
7	Commonwealth Criminal Code, section 272.12 (1)	sexual intercourse with young person at least 16 years old but under 18 years old outside Australia by defendant in position of trust or authority	
8	Commonwealth Criminal Code, section 272.12 (2)	cause young person at least 16 years old but under 18 years old to engage in sexual intercourse in presence of defendant outside Australia, defendant in position of trust or authority	
9	Commonwealth Criminal Code, section 272.18	benefit from offence against Commonwealth Criminal Code, division 272	
10	Commonwealth Criminal Code, section 272.19	encourage offence against Commonwealth Criminal Code, division 272	
11	any offence under a law of a foreign jurisdiction that, if it had been committed in the ACT, would have been a class 1 offence		

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Schedule 2 Class 2 offences

(see s 10 (3) and (4))

Part 2.1 Offences against ACT legislation

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
1	*Crimes Act 1900*, section 58	act of indecency in the second degree	(a) the other person (as mentioned in that section) is a child; or (b) the third person (as mentioned in that section) is a child
2	*Crimes Act 1900*, section 59	act of indecency in the third degree	(a) the other person (as mentioned in that section) is a child; or (b) the third person (as mentioned in that section) is a child
3	*Crimes Act 1900*, section 61 (1)	act of indecency on, or in presence of, person under 10 years old	
4	*Crimes Act 1900*, section 61 (3)	act of indecency on, or in presence of, person under 16 years old	
5	*Crimes Act 1900*, section 61A (1)	act of indecency on, or in presence of, young person at least 16 years old under special care	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
6	*Crimes Act 1900*, section 63	abduction with intent to engage in sexual intercourse	(a) the other person (as mentioned in that section) or the third person (as mentioned in that section) is a child; and (b) the person committed the abduction in the course of, or immediately after, the commission or attempted commission by the person (or an accomplice of the person) of a class 1 or class 2 offence against the child or the third person
7	*Crimes Act 1900*, section 64 (1)	use child under 12 years old for production of child exploitation material etc	
8	*Crimes Act 1900*, section 64 (3)	use child 12 years old or older for production of child exploitation material etc	
9	*Crimes Act 1900*, section 64A (1)	produce, publish, offer or sell child exploitation material	
10	*Crimes Act 1900*, section 65 (1)	possess child exploitation material	
11	*Crimes Act 1900*, section 66 (1)	groom or deprave young person under 16 years old	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
12	*Crimes Act 1900*, section 66 (3)	send or make available pornographic material to young person under 16 years old	
13	*Sex Work Act 1992*, section 19 (2)	accost child for commercial sexual services	
14	*Sex Work Act 1992*, section 20 (1)	cause child under 12 years old to provide commercial sexual services	
15	*Sex Work Act 1992*, section 20 (3)	cause child 12 years old or older to provide commercial sexual services	
16	*Sex Work Act 1992*, section 21 (1)	receive proceeds of commercial sexual services by child	
17	an offence mentioned in items 1 to 16 to which *Crimes Act 1900*, section 72AA applies	aggravated offence—involving family violence	

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Part 2.2 Offences against other legislation

column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
1	Commonwealth Criminal Code, section 270.7 and section 270.8 (1) (a)	deceptive recruiting for person under 18 years old to provide labour or services	the service to be provided is a sexual service (as defined in the Commonwealth Criminal Code, dictionary)
2	Commonwealth Criminal Code, section 271.4 (1)	overseas trafficking person under 18 years old, entry into Australia	the first person (as mentioned in the subsection) intends or is reckless as to whether the other person (as mentioned in the subsection) will be used to provide sexual services or will be otherwise exploited
3	Commonwealth Criminal Code, section 271.4 (2)	overseas trafficking person under 18 years old, exit from Australia	the first person (as mentioned in the subsection) intends or is reckless as to whether the other person (as mentioned in the subsection) will be used to provide sexual services or will be otherwise exploited
4	Commonwealth Criminal Code, section 271.7	domestic trafficking person under 18 years old, within Australia	the first person (as mentioned in the subsection) intends or is reckless as to whether the other person (as mentioned in the subsection) will be used to provide sexual services or will be otherwise exploited
5	Commonwealth Criminal Code, section 272.9 (1)	sexual activity (other than sexual intercourse) with child under 16 years old outside Australia	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
6	Commonwealth Criminal Code, section 272.9 (2)	cause child under 16 years old to engage in sexual activity (other than sexual intercourse) in presence of defendant outside Australia	
7	Commonwealth Criminal Code, section 272.13 (1)	sexual activity (other than sexual intercourse) with young person at least 16 years old but under 18 years old outside Australia, defendant in position of trust or authority	
8	Commonwealth Criminal Code, section 272.13 (2)	cause young person at least 16 years old but under 18 years old to engage in sexual activity (other than sexual intercourse) in presence of defendant outside Australia, defendant in position of trust or authority	
9	Commonwealth Criminal Code, section 272.14 (1)	procure child under 16 years old to engage in sexual activity outside Australia	
10	Commonwealth Criminal Code, section 272.15 (1)	groom child under 16 years old to engage in sexual activity outside Australia	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
11	Commonwealth Criminal Code, section 272.15A (1)	groom other person to make it easier to procure child under 16 years old to engage in sexual activity outside Australia	
12	Commonwealth Criminal Code, section 272.20 (1)	prepare or plan offence against Commonwealth Criminal Code, section 272.8, 272.9, 272.10, 272.11 or 272.18	
13	Commonwealth Criminal Code, section 272.20 (2)	prepare or plan offence against Commonwealth Criminal Code, section 272.12 or section 272.13	
14	Commonwealth Criminal Code, section 273.6 (1)	possess, control, produce, distribute or obtain child abuse material outside Australia	
15	Commonwealth Criminal Code, section 273.7 (1)	commit offence against Commonwealth Criminal Code, section 273.6 on 3 or more occasions, and involving 2 or more people	
16	Commonwealth Criminal Code, section 273A.1	possession of child-like sex dolls etc	
17	Commonwealth Criminal Code, section 471.19 (1)	use postal or similar service for child abuse material	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
18	Commonwealth Criminal Code, section 471.19 (2)	request another person use postal or similar service for child abuse material	
19	Commonwealth Criminal Code, section 471.20 (1)	possess, control, produce, supply or obtain child abuse material for use through postal or similar service	
20	Commonwealth Criminal Code, section 471.22 (1)	commit offence against Commonwealth Criminal Code, section 471.19 or section 471.20 on 3 or more occasions, and involving 2 or more people	
21	Commonwealth Criminal Code, section 471.24 (1)	use postal or similar service to procure person under 16 years old to engage in sexual activity with defendant at least 18 years old	
22	Commonwealth Criminal Code, section 471.24 (2)	use postal or similar service to procure person under 16 years old to engage in sexual activity with other person at least 18 years old	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
23	Commonwealth Criminal Code, section 471.24 (3)	use postal or similar service to procure person under 16 years old to engage in sexual activity with other person under 18 years old	
24	Commonwealth Criminal Code, section 471.25 (1)	use postal or similar service to groom person under 16 years old to engage in sexual activity with defendant at least 18 years old	
25	Commonwealth Criminal Code, section 471.25 (2)	use postal or similar service to groom person under 16 years old to engage in sexual activity with other person at least 18 years old	
26	Commonwealth Criminal Code, section 471.25 (3)	use postal or similar service to groom person under 16 years old to engage in sexual activity with other person under 18 years old	
27	Commonwealth Criminal Code, section 471.25A (1)	use postal or similar service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with defendant at least 18 years old	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
28	Commonwealth Criminal Code, section 471.25A (2)	use postal or similar service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with other person at least 18 years old	
29	Commonwealth Criminal Code, section 471.25A (3)	use postal or similar service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with other person under 18 years old	
30	Commonwealth Criminal Code, section 471.26 (1)	use postal or similar service to send indecent material to person under 16 years old, defendant at least 18 years old	
31	Commonwealth Criminal Code, section 474.22 (1)	use carriage service for child abuse material	
32	Commonwealth Criminal Code, section 474.22A (1)	possess or control child abuse material obtained or accessed using carriage service	
33	Commonwealth Criminal Code, section 474.23 (1)	possess, control, produce, supply or obtain child abuse material for use through carriage service	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
34	Commonwealth Criminal Code, section 474.23A (1)	conduct for the purposes of electronic service used for child abuse material	
35	Commonwealth Criminal Code, section 474.24A (1)	commit offence against Commonwealth Criminal Code, section 474.22, section 474.22A or section 474.23 on 3 or more occasions, and involving 2 or more people	
36	Commonwealth Criminal Code, section 474.25A (1)	use carriage service to engage in sexual activity with child under 16 years old, defendant at least 18 years old	
37	Commonwealth Criminal Code, section 474.25A (2)	use carriage service to cause child under 16 years old to engage in sexual activity with other person at least 18 years old	
38	Commonwealth Criminal Code, section 474.25B (1)	commit offence against Commonwealth Criminal Code, section 474.25A (1) or section 474.25A (2) involving child under 16 years old, and 1 or more aggravating circumstances in section 474.25B (1) (b) apply	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
39	Commonwealth Criminal Code, section 474.25C	use carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, child under 16 years old, defendant at least 18 years old	
40	Commonwealth Criminal Code, section 474.26 (1)	use carriage service to procure person under 16 years old to engage in sexual activity, defendant at least 18 years old	
41	Commonwealth Criminal Code, section 474.26 (2)	use carriage service to procure person under 16 years old to engage in sexual activity with other person at least 18 years old	
42	Commonwealth Criminal Code, section 474.26 (3)	use carriage service to procure person under 16 years old to engage in sexual activity with other person under 18 years old	
43	Commonwealth Criminal Code, section 474.27 (1)	use carriage service to groom person under 16 years old, defendant at least 18 years old	
44	Commonwealth Criminal Code, section 474.27 (2)	use carriage service to groom person under 16 years old to engage in sexual activity with other person at least 18 years old	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
45	Commonwealth Criminal Code, section 474.27 (3)	use carriage service to groom person under 16 years old to engage in sexual activity with other person under 18 years old	
46	Commonwealth Criminal Code, section 474.27AA (1)	use carriage service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity, defendant at least 18 years old	
47	Commonwealth Criminal Code, section 474.27AA (2)	use carriage service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with other person at least 18 years old	
48	Commonwealth Criminal Code, section 474.27AA (3)	use carriage service to groom another person to make it easier to procure child under 16 years old to engage in sexual activity with other person under 18 years old	
49	Commonwealth Criminal Code, section 474.27A (1)	use carriage service to transmit indecent communication to person under 16 years old, defendant at least 18 years old	

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column 1 item	column 2 offence	column 3 description	column 4 circumstances (if any)
50	*Customs Act 1901* (Cwlth), section 233BAB (5)	import tier 2 goods	the tier 2 goods are items of child abuse material (see s 233BAB (1) (h), (4) and (4A))
51	*Customs Act 1901* (Cwlth), section 233BAB (6)	export tier 2 goods	the tier 2 goods are items of child abuse material (see s 233BAB (1) (h), (4) and (4A))
52	any offence under a law of a foreign jurisdiction that, if it had been committed in the ACT, would have been a class 2 offence		

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Schedule 3 Reviewable decisions

(see ch 5B)

column 1 item	column 2 section	column 3 decision	column 4 person
1	11A (2)	person should be prescribed corresponding offender	prescribed corresponding offender
2	111	make unprotected registrable offender declaration	registrable offender

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Dictionary

(see s 3)

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

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

- ACAT
- ACT
- administrative unit
- adult
- Australia
- Australian driver licence
- change
- chief police officer
- child
- Commonwealth Criminal Code
- Criminal Code
- director-general (see s 163)
- entity
- external territory
- fail
- function
- parent
- police officer
- prescribed
- public service
- public sector body
- reviewable decision notice
- State
- territory instrumentality.

act includes omission.

appealable decision, for part 5A.10 (Appeals to Supreme Court)—see section 132ZS.

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application, for an order for a person, for chapter 5A (Orders prohibiting offender conduct)—see section 132A.

approved reporting place, for a registrable offender, for a report—see section 64.

approved way, for the making of a report—see section 63.

child-related employment, for chapter 5 (Registrable offenders prohibited from child-related employment)—see section 124.

child sex offender registration order, in relation to a person—see section 14.

child sex offenders register—see section 117.

class 1 offence—see section 10 (2).

class 2 offence—see section 10 (3).

community service order means a community service order within the meaning of the *Crimes (Sentencing) Act 2005*, section 13 (7) (Good behaviour orders).

conduct, for chapter 5A (Orders prohibiting offender conduct)—see section 132A.

contact person—see section 33.

corresponding child sex offender registration order means an order (however described)—

(a) made under a corresponding law; and

(b) prescribed by regulation for this definition.

corresponding law means a law, or a provision of a law, of a foreign jurisdiction that—

(a) provides for people who have committed particular offences to report in that jurisdiction information about themselves and to keep that information current for a time; or

(b) is prescribed by regulation for this definition.

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corresponding prohibition order, for chapter 5A (Orders prohibiting offender conduct)—see section 132A.

corresponding registrable offence means an offence that is a registrable offence for a corresponding law but is not a registrable offence under this Act.

corresponding registrar, for a foreign jurisdiction, means the entity exercising functions under the corresponding law of the jurisdiction that corresponds, or most closely corresponds, to the functions of the chief police officer under this Act.

court includes a court (however described) of a foreign jurisdiction.

CYP director-general, for chapter 5A (Orders prohibiting offender conduct)—see section 132A.

CYP director-general's report, for chapter 5A (Orders prohibiting offender conduct)—see section 132A.

daily care responsibility, for chapter 5A (Orders prohibiting offender conduct)—see the *Children and Young People Act 2008*, section 19.

disability—see *Discrimination Act 1991*, section 5AA (1).

employment, for chapter 5 (Registrable offenders prohibited from child-related employment)—see section 123.

engaged, in child-related employment, for chapter 5 (Registrable offenders prohibited from child-related employment)—see section 125.

entry and search warrant, for part 3.11—see section 116B.

executing officer, of an entry and search warrant, for part 3.11 (Entry and search warrants)—see section 116B.

fingerprints includes fingerscan.

fingerscan means fingerprints taken using a device to obtain a record of the fingerprints.

finding of guilt—see section 7.

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foreign jurisdiction means a jurisdiction other than the ACT (including a jurisdiction outside Australia).

forensic patient—see the *Public Trustee and Guardian Act 1985*, section 19B (2).

government agency, for part 5A.9 (Obtaining and disclosing particular information)—see section 132ZL.

government custody means custody, whether in the ACT or elsewhere—

(a) under a sentence of imprisonment; or

(b) as a detainee under the *Corrections Management Act 2007*; or

(c) as a forensic patient; or

(d) under a corresponding law in the nature of custody mentioned in paragraph (a), (b) or (c), however described.

in person—a person does a thing ***in person*** at a place only if the person does the thing by personally attending at the place.

Examples of things not done in person

a person making a report by telephone or email

interim prohibition order, for chapter 5A (Orders prohibiting offender conduct)—see section 132H (Court may make interim prohibition order).

long-term care responsibility, for chapter 5A (Orders prohibiting offender conduct)—see the *Children and Young People Act 2008*, section 20.

make, an order for a person under this chapter, for chapter 5A (Orders prohibiting offender conduct)—see section 132A.

occupier, of premises, for part 3.11 (Entry and search warrants)—see section 116B.

offensive weapon, for part 3.11 (Entry and search warrants)—see the *Crimes Act 1900*, dictionary.

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parental responsibility, for a child or young person, for chapter 5A (Orders prohibiting offender conduct)—see the *Children and Young People Act 2008*, section 15.

parole means parole under the *Crimes (Sentence Administration) Act 2005*, and includes an equivalent order (however described) made under a foreign law.

person assisting, in relation to an entry and search warrant, for part 3.11 (Entry and search warrants)—see section 116B.

personal details, for a registrable offender—see s 59.

personal information means information about an individual whose identity is apparent, or can reasonably be found out, from the information.

person with a legal disability, for part 5A.6 (People with legal disabilities)—see section 132T.

person with a mental disability, for part 5A.6 (People with legal disabilities)—see section 132T.

person with parental responsibility, for a young person—means a person who has parental responsibility for the young person under the *Children and Young People Act 2008*, division 1.3.2.

premises, for part 3.11 (Entry and search warrants)—see section 116B.

prescribed corresponding offender—see section 11.

previous offender, for div 2.2.3 (Orders for certain previous offenders)—see section 18A.

prohibition order, for chapter 5A (Orders prohibiting offender conduct)—see section 132D (Court may make prohibition order).

protected registrable offender—see section 110.

protected registrable offender declaration—see section 111 (a).

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public official, for part 3.11 (Entry and search warrants)—see the Criminal Code, section 300.

registered corresponding prohibition order, for chapter 5A (Orders prohibiting offender conduct)—see section 132A.

registrable offence—see section 10.

registrable offender—see section 8 and section 9.

registration notice, for chapter 5A (Orders prohibiting offender conduct)—see section 132O (Notice of registration of unamended corresponding prohibition order).

relevant time, for a report by a registrable offender in a year—see section 37 (3).

reporting obligation—see section 19.

reporting obligation provision—see section 20.

reporting obligations notice—see section 103.

reporting period, for a registrable offender, means the period, worked out under part 3.5 (Reporting period), during which the offender must comply with the offender's reporting obligations.

return date, for an application, for chapter 5A (Orders prohibiting offender conduct)—see section 132A.

reviewable decision, for chapter 5B (Notification and review of decisions)—see section 132ZV.

same incident—offences arise from the ***same incident*** only if they are committed within a single period of 24 hours and are committed against the same person.

sentence means—

(a) when used as a noun—the penalty imposed for an offence; or

(b) when used as a verb—to impose a penalty for an offence;

and includes a finding of guilt mentioned in section 7 (1) (c) or (e).

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supervising authority, for a person, means the entity declared by regulation to be the person's supervising authority.

suspension order—see section 96.

travel details, for travel by a registrable offender—see section 42 (2).

unprotected registrable offender declaration—see section 111 (b).

witness protection program—see the *Witness Protection Act 1996*, dictionary.

young person means a person who is not yet an adult.

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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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

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3 Legislation history

Crimes (Child Sex Offenders) Act 2005 A2005-30

notified LR 29 June 2005
s 1, s 2 commenced 29 June 2005 (LA s 75 (1))
remainder commenced 29 December 2005 (s 2 and LA s 79)

as amended by

Public Advocate Act 2005 A2005-47 sch 1 pt 1.3 (as am by A2006-3 amdt 1.8)

notified LR 2 September 2005
s 1, s 2 commenced 2 September 2005 (LA s 75 (1))
sch 1 pt 1.3 commenced 1 March 2006 (s 2 (1) as am by A2006-3 amdt 1.8)

Justice and Community Safety Legislation Amendment Act 2005 (No 4) A2005-60 sch 1 pt 1.11

notified LR 1 December 2005
s 1, s 2 taken to have commenced 23 November 2005 (LA s 75 (2))
sch 1 pt 1.11 commenced 29 December 2005 (LA s 79A and see A2005-30)

Human Rights Commission Legislation Amendment Act 2006 A2006-3 amdt 1.8

notified LR 22 February 2006
s 1, s 2 commenced 22 February 2006 (LA s 75 (1))
amdt 1.8 commenced 23 February 2006 (s 2)

Note This Act only amends the Public Advocate Act 2005 A2005-47

Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.8

notified LR 18 May 2006
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))
sch 1 pt 1.8 commenced 2 June 2006 (s 2 (1) and see Crimes (Sentence Administration) Act 2005 A2005-59 s 2, Crimes (Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

Statute Law Amendment Act 2006 A2006-42 sch 3 pt 3.8

notified LR 26 October 2006
s 1, s 2 taken to have commenced 12 November 2005 (LA s 75 (2))
sch 3 pt 3.8 commenced 16 November 2006 (s 2 (1))

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Training and Tertiary Education Legislation Amendment Act 2007 A2007-12 sch 1 pt 1.7

notified LR 13 June 2007
s 1, s 2 commenced 13 June 2007 (LA s 75 (1))
sch 1 pt 1.7 commenced 1 July 2007 (s 2 and CN2007-3)

Children and Young People (Consequential Amendments) Act 2008 A2008-20 sch 2 pt 2.6, sch 3 pt 3.7, sch 4 pt 4.8

notified LR 17 July 2008
s 1, s 2 commenced 17 July 2008 (LA s 75 (1))
s 3 commenced 18 July 2008 (s 2 (1))
sch 2 pt 2.6 commenced 9 September 2008 (s 2 (3) and see Children and Young People Act 2008 A2008-19, s 2 and CN2008-13)
sch 3 pt 3.7 commenced 27 October 2008 (s 2 (4) and see Children and Young People Act 2008 A2008-19, s 2 and CN2008-13)
sch 4 pt 4.8 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))

Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.19

notified LR 12 August 2008
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))
sch 3 pt 3.19 commenced 26 August 2008 (s 2)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.26

notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.26 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 Act 2010 A2010-45

notified LR 24 November 2010
s 1, s 2 commenced 24 November 2010 (LA s 75 (1))
remainder commenced 25 November 2010 (s 2)

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.41

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.41 commenced 1 July 2011 (s 2 (1))

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Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.15
notified LR 28 November 2011
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))
sch 3 pt 3.15 commenced 12 December 2011 (s 2)

Crimes (Child Sex Offenders) Amendment Act 2012 A2012-20
notified LR 22 May 2012
s 1, s 2 commenced 22 May 2012 (LA s 75 (1))
remainder commenced 13 September 2012 (s 2 and CN2012-15)

Crimes Legislation Amendment Act 2012 A2013-12 pt 3
notified LR 17 April 2013
s 1, s 2 commenced 17 April 2013 (LA s 75 (1))
pt 3 commenced 24 April 2013 (s 2)

Crimes Legislation Amendment Act 2013 (No 2) A2013-50 pt 5
notified LR 9 December 2013
s 1, s 2 commenced 9 December 2013 (LA s 75)
pt 5 commenced 10 December 2013 (s 2 (2))

Training and Tertiary Education Amendment Act 2014 A2014-48 sch 1 pt 1.7
notified LR 6 November 2014
s 1, s 2 commenced 6 November 2014 (LA s 75 (1))
sch 1 pt 1.7 commenced 20 November 2014 (s 2)

Crimes (Sentencing) Amendment Act 2014 A2014-58 sch 1 pt 1.1
notified LR 4 December 2014
s 1, s 2 commenced 4 December 2014 (LA s 75 (1))
sch 1 pt 1.1 commenced 5 December 2014 (s 2)

Crimes (Child Sex Offenders) Amendment Act 2015 A2015-35
notified LR 1 October 2015
s 1, s 2 commenced 1 October 2015 (LA s 75 (1))
remainder commenced 2 October 2015 (s 2)

Protection of Rights (Services) Legislation Amendment Act 2016 (No 2) A2016-13 sch 1 pt 1.15
notified LR 16 March 2016
s 1, s 2 commenced 16 March 2016 (LA s 75 (1))
sch 1 pt 1.15 commenced 1 April 2016 (s 2 and see Protection of Rights (Services) Legislation Amendment Act 2016 A2016-1 s 2)

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Crimes (Serious and Organised Crime) Legislation Amendment Act 2016 A2016-48 pt 5

notified LR 23 August 2016
s 1, s 2 commenced 23 August 2016 (LA s 75 (1))
pt 5 commenced 24 August 2016 (s 2 (1))

Public Sector Management Amendment Act 2016 A2016-52 sch 1 pt 1.16

notified LR 25 August 2016
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))
sch 1 pt 1.16 commenced 1 September 2016 (s 2)

Crimes Legislation Amendment Act 2017 (No 2) A2017-9 pt 2

notified LR 5 April 2017
s 1, s 2 commenced 5 April 2017 (LA s 75 (1))
pt 2 commenced 6 April 2017 (s 2)

Prostitution Amendment Act 2018 A2018-25 sch 1 pt 1.2

notified LR 8 August 2018
s 1, s 2 commenced 8 August 2018 (LA s 75 (1))
sch 1 pt 1.2 commenced 9 August 2018 (s 2)

Crimes Legislation Amendment Act 2018 (No 2) A2018-40 pt 4

notified LR 7 November 2018
s 1, s 2 commenced 7 November 2018 (LA s 75 (1))
pt 4 commenced 8 November 2018 (s 2)

Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.9

notified LR 8 November 2018
s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))
sch 3 pt 3.9 commenced 22 November 2018 (s 2 (1))

Royal Commission Criminal Justice Legislation Amendment Act 2020 A2020-31 sch 1 pt 1.1

notified LR 29 July 2020
s 1, s 2 commenced 29 July 2020 (LA s 75 (1))
sch 1 pt 1.1 commenced 1 September 2020 (s 2 and CN2020-17)

Crimes Legislation Amendment Act 2021 (No 2) A2021-18 pt 2

notified LR 11 August 2021
s 1, s 2 commenced 11 August 2021 (LA s 75 (1))
pt 2 commenced 12 August 2021 (s 2 (1))

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Crimes (Policing) Legislation Amendment Act 2022 A2022-2 pt 2
notified LR 30 March 2022
s 1, s 2 commenced 30 March 2022 (LA s 75 (1))
pt 2 commenced 31 March 2022 (s 2 (1))

Family Violence Legislation Amendment Act 2022 A2022-13 sch 1 pt 1.2
notified LR 10 August 2022
s 1, s 2 commenced 10 August 2022 (LA s 75 (1))
sch 1 pt 1.2 commenced 17 August 2022 (s 2)

Crimes Legislation Amendment Act 2023 A2023-33 sch 2 pt 2.3
notified LR 6 September 2023
s 1, s 2 commenced 6 September 2023 (LA s 75 (1))
sch 2 pt 2.3 commenced 13 September 2023 (s 2)

Crimes Legislation Amendment Act 2024 (No 2) A2024-16 pt 4
notified LR 19 April 2024
s 1, s 2 commenced 19 April 2024 (LA s 75 (1))
pt 4 commenced 26 April 2024 (s 2)

Education and Care Services National Law (ACT) Amendment Act 2024 A2024-33 sch 1 pt 1.3
notified LR 10 July 2024
s 1, s 2 commenced 10 July 2024 (LA s 75 (1))
sch 1 pt 1.3 commenced 11 July 2024 (s 2 (1))

Crimes (Child Sex Offenders) Amendment Act 2025 A2025-4
notified LR 14 March 2025
s 1, s 2 commenced 14 March 2025 (LA s 75 (1))
remainder commenced 14 June 2025 (s 2)

Statute Law Amendment Act 2025 A2025-29 sch 3 pt 3.24, sch 4 pt 4.46
notified LR 6 November 2025
s 1, s 2 commenced 6 November 2025 (LA s 75 (1))
sch 3 pt 3.24, sch 4 pt 4.46 commenced 16 November 2025 (s 2 (1), (9))

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Crimes Legislation Amendment Act 2026 A2026-6 pt 4

notified LR 2 April 2026

s 1, s 2 commenced 2 April 2026 (LA s 75 (1))

s 17 awaiting commencement

pt 4 remainder commenced 16 April 2026 (s 2 (1))

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4 Amendment history

Commencement
s 2 om LA s 89 (4)

Dictionary
s 3 am A2006-42 amdt 3.27

Purpose and outline
s 6 am A2012-20 s 4, s 5; pars renum R17 LA; A2015-35 s 4, s 5

Meaning of *finding of guilt*
s 7 am A2006-23 amdts 1.80-1.83; A2008-20 amdt 4.21, amdt 4.22; pars renum R12 LA; A2023-33 amdt 2.10

***Registrable offender*—exceptions**
s 9 am A2006-23 amdt 1.84, amdt 1.85; A2008-20 amdt 4.23, amdt 4.24; pars renum R12 LA; A2015-35 s 6, s 7; ss renum R23 LA
(1) (a) (i) note, (6) exp 3 June 2021 (s 9 (6))
am A2021-18 s 4; ss renum R34 LA; A2023-33 amdt 2.11; A2025-29 amdt 3.67; A2026-6 s 12, s 13

What is a *registrable offence*?
s 10 am A2026-6 s 14

Who is a *prescribed corresponding offender*?
s 11 sub A2016-48 s 17

Chief police officer to decide if certain people prescribed corresponding offenders
s 11A ins A2016-48 s 17
am R28 LA (see also A2018-42 amdt 3.33)

Child sex offender registration orders—generally
div 2.2.1 hdg ins A2015-35 s 8

What is a *child sex offender registration order*?
s 14 sub A2015-35 s 8

Orders for offenders guilty of offence other than class 1 or class 2 offence
div 2.2.2 hdg ins A2015-35 s 8

Court may only make order with sentence
s 17 am A2008-20 amdt 4.25

Orders for certain previous offenders
div 2.2.3 hdg ins A2015-35 s 9

Meaning of *previous offender*—div 2.2.3
s 18A ins A2015-35 s 9

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Application for child sex offender registration order in relation to previous offender
s 18B ins A2015-35 s 9

Court may make child sex offender registration order in relation to previous offender
s 18C ins A2015-35 s 9

Matters court must consider before making registration order in relation to previous offender
s 18D ins A2015-35 s 9

Keeping documents connected with order
s 18E ins A2015-35 s 9

What is a *reporting obligation*?
s 19 am A2022-2 s 5

What is a *reporting obligation provision*?
s 20 am A2012-20 s 6
note 2 exp 13 September 2013 (s 205)
sub A2022-2 s 6

Offence—offender in ACT at commencement of Act must report
s 21 exp 29 December 2007 (s 21 (2))

Offender in custody at commencement of Act must report
s 22 am A2012-20 s 30
sub A2022-2 s 7

Offender must report after sentencing
s 23 am A2012-20 s 7, s 8, s 30
sub A2022-2 s 7

Offender entering ACT must report
s 24 am A2012-20 s 30
sub A2022-2 s 7

Prescribed corresponding offender must report
s 25 am A2012-20 s 30
sub A2022-2 s 7

Offender later sentenced for registrable offence must report
s 28 am A2012-20 s 30
sub A2022-2 s 8

Offender who later becomes prescribed corresponding offender must report
s 29 am A2012-20 s 30
sub A2022-2 s 8

Offender whose reporting suspension ceases must report
s 30 am A2012-20 s 30
sub A2022-2 s 8

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Offender entering ACT must make contact

s 34	am A2012-20 s 30
	sub A2022-2 s 9

Offender must report annually

s 37 hdg	sub A2022-2 s 10
s 37	am A2012-20 s 30
	sub A2015-35 s 10
	am A2022-2 s 11; ss renum R35 LA

Exception—offender in government custody

s 38	am A2015-35 s 11

Exception—offender outside ACT

s 39	am A2015-35 s 12

Offender leaving ACT must report travel details

s 42	am A2012-20 s 30
	sub A2022-2 s 12

Defence—impracticable to report 7 days before leaving

s 43	am A2022-2 s 13

Offender not to be punished twice for failing to report travel

s 44	sub A2022-2 s 14

Offender outside ACT must report travel details

s 45	am A2012-20 s 30
	sub A2022-2 s 15

Offender outside ACT must report change of travel details

s 46	am A2012-20 s 30
	sub A2022-2 s 15

Offender must report return to ACT

s 47	am A2012-20 s 9, s 30
	sub A2022-2 s 15

Offender must report decision not to leave ACT

s 48	am A2012-20 s 30
	sub A2022-2 s 15

Offender must report regular travel

s 49	am A2012-20 s 30
	sub A2022-2 s 15

Offender in ACT must report change of details

s 54	am A2012-20 ss 10-12, s 30; A2013-50 s 10; A2015-35 s 13, s 14
	sub A2022-2 s 16
	am A2025-29 amdt 3.68

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Offender returning to ACT must report change of details
s 55 am A2012-20 s 13, s 30
sub A2022-2 s 16
am A2025-29 amdt 3.68

Offender leaving custody must report
s 56 am A2012-20 s 30
sub A2022-2 s 16

Failing to report
div 3.3.4 hdg ins A2022-2 s 17

Offence—fail to report as required
s 58A ins A2022-2 s 17

What are *personal details*?
s 59 am A2012-20 ss 14-16; A2015-35 s 15; A2023-33 amdt 2.12

Meaning of some concepts in s 59
s 60 am A2012-20 s 17

Meaning of employment in s 59
s 61 am A2022-2 s 18, s 19; pars renum R35 LA

Offence—offender reporting in person must provide identification etc
s 70 am A2012-20 s 30; A2022-2 ss 20-22

Offence—person reporting in person for offender must provide identification
s 71 am A2012-20 s 30; A2022-2 ss 23-25

Offender reporting in person may be fingerprinted to confirm identity
s 75 am A2008-28 amdt 3.74

Offence—offender must allow fingerprinting
s 77 am A2012-20 s 30

Photographing offender
s 78 sub A2015-35 s 16

Order allowing use of force for photographing offender
s 78A ins A2015-35 s 16

Right to privacy when being photographed
s 79 am A2015-35 s 17, s 18; ss renum R23 LA; A2026-6 s 15, s 16

Right to have support person when being photographed
s 80 am A2015-35 s 19

When reporting period begins
s 83 am A2012-20 s 18; A2014-58 amdt 1.1
sub A2015-35 s 20

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Reporting period for prescribed corresponding offenders
s 94 am A2016-48 s 18; A2018-42 amdt 3.34

What is a *reporting obligations notice*?
s 103 am A2022-2 s 26

Reporting obligations notice to be given when person becomes registrable offender
s 104 am A2012-20 s 19; pars renum R17 LA

Supervising authority to tell chief police officer of certain events
s 108 am A2006-23 amdt 1.86, amdt 1.87
(1) (c) note, (4) exp 3 June 2011 (s 108 (4))
am A2012-20 s 20; pars renum R17 LA

Protected and unprotected registrable offender declarations
s 111 am A2016-48 s 19

Review of unprotected registrable offender declaration
s 112 am A2008-37 amdt 1.101
om A2016-48 s 20

Chief police officer must tell offender about ACAT review
s 113 sub A2008-37 amdt 1.102
om A2016-48 s 20

ACAT review of chief police officer's decision
s 114 sub A2008-37 amdt 1.102
om A2016-48 s 20

When protected and unprotected registrable offender declarations take effect
s 115 am A2008-37 amdt 1.103; A2016-48 s 21

Reasonable steps to comply with reporting obligations
pt 3.9 hdg om A2022-2 s 27

How court decides if person took all reasonable steps to comply with reporting obligations
s 116 om A2022-2 s 27

Failure to comply with reporting obligations—public notices
pt 3.10 hdg ins A2015-35 s 21

Chief police officer may issue public notice in certain circumstances
s 116A ins A2015-35 s 21

Entry and search warrants
pt 3.11 hdg ins A2015-35 s 21

Preliminary
div 3.11.1 hdg ins A2015-35 s 21

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Definitions—pt 3.11

s 116B ins A2015-35 s 21
def ***entry and search warrant*** ins A2015-35 s 21
def ***executing officer*** ins A2015-35 s 21
def ***occupier*** ins A2015-35 s 21
am A2025-29 amdt 3.69
def ***offensive weapon*** ins A2015-35 s 21
def ***person assisting*** ins A2015-35 s 21
def ***premises*** ins A2015-35 s 21
def ***public official*** ins A2015-35 s 21

Entry and search warrants—general

div 3.11.2 hdg ins A2015-35 s 21

Entry and search warrant—application

s 116C ins A2015-35 s 21
am A2017-9 s 4; A2018-40 ss 6-8

Application for entry and search warrant—supporting information

s 116D ins A2015-35 s 21
am A2018-40 s 14

Entry and search warrant—remote application

s 116E ins A2015-35 s 21
am A2018-40 s 14

Entry and search warrant—deciding application

s 116F ins A2015-35 s 21
am A2018-40 s 14

Content of entry and search warrant

s 116G ins A2015-35 s 21
am A2018-40 s 14

What an entry and search warrant may authorise

s 116H ins A2015-35 s 21
am A2018-40 s 9, s 14; A2025-29 amdt 3.70

What an entry and search warrant may authorise

s 116I ins A2015-35 s 21
am A2018-40 s 10, s 11

Revocation of entry and search warrant

s 116J ins A2015-35 s 21
am A2018-40 ss 12-14

Executing entry and search warrants

div 3.11.3 hdg ins A2015-35 s 21

Use of force and availability of assistance in executing entry and search warrant

s 116K ins A2015-35 s 21

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Announcement before entry
s 116L ins A2015-35 s 21

Details of warrant to be given to occupier etc
s 116M ins A2015-35 s 21

Occupier entitled to be present during search etc
s 116N ins A2015-35 s 21

Use of equipment to examine or process things
s 116O ins A2015-35 s 21

Use of electronic equipment at premises
s 116P ins A2015-35 s 21

Order requiring registrable offender to assist with access to data etc
s 116Q ins A2015-35 s 21

Damage etc to be minimised
s 116R ins A2015-35 s 21

Compensation
s 116S ins A2015-35 s 21

Seized things
div 3.11.4 hdg ins A2015-35 s 21

Copies of seized things to be provided
s 116T ins A2015-35 s 21

Receipt for things seized
s 116U ins A2015-35 s 21

Return or destruction of things seized
s 116V ins A2015-35 s 21

Application for order disallowing seizure
s 116W ins A2015-35 s 21

Forfeiture and disposal of seized things
s 116X ins A2015-35 s 21

Miscellaneous
div 3.11.5 hdg ins A2015-35 s 21

Offence—refusal of entry to premises
s 116Y ins A2015-35 s 21

Admissibility of evidence
s 116Z ins A2015-35 s 21

Establishment of child sex offenders register
s 117 am A2012-20 s 21; pars renum R17 LA

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Access to information about protected witnesses restricted
s 119 am A2006-42 amdt 3.28

Offence—secrecy
s 121 reloc and renum as s 133A

Order for removal of registrable offender—application by chief police officer
s 122A ins A2015-35 s 22

Notice to victim of proposed application for order
s 122B ins A2015-35 s 22

Order for removal of registrable offender who was young offender at time of offence—application by offender
s 122C ins A2015-35 s 22
am A2016-48 s 22; ss renum R25 LA; am R28 LA (see also A2018-42 amdt 3.35)

What is *child-related employment*?
s 124 am A2007-12 amdt 1.11, amdt 1.12; A2008-20 amdt 2.17, amdt 4.26; A2014-48 amdt 1.15, amdt 1.16; A2024-33 amdt 1.4, amdt 1.5; A2025-4 s 5, s 6; pars renum R40 LA

Offence—person in child-related employment at commencement of Act must disclose charges
s 129 exp 29 December 2006 (s 129 (2))

Offence—person must disclose charges pending at commencement of Act if applying for child-related employment
s 131 exp 29 December 2006 (s 131 (2))

Orders prohibiting offender conduct
ch 5A hdg ins A2012-20 s 23

Preliminary
pt 5A.1 hdg ins A2012-20 s 23

Definitions—ch 5A
s 132A ins A2012-20 s 23
def ***application*** ins A2012-20 s 23
am A2026-6 s 18
def ***conduct*** ins A2012-20 s 23
def ***corresponding prohibition order*** ins A2012-20 s 23
def ***CYP director-general*** ins A2012-20 s 23
def ***CYP director general's report*** ins A2012-20 s 23
def ***daily care responsibility*** ins A2012-20 s 23
def ***interim prohibition order*** ins A2012-20 s 23
def ***long-term care responsibility*** ins A2012-20 s 23
def ***make*** ins A2012-20 s 23
def ***parental responsibility*** ins A2012-20 s 23
def ***prohibition order*** ins A2012-20 s 23

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def ***registered corresponding prohibition order*** ins A2012-20 s 23
def ***registration notice*** ins A2012-20 s 23
def ***return date*** ins A2012-20 s 23

Delegation
s 132AA ins A2013-50 s 11

Prohibition orders
pt 5A.2 hdg ins A2012-20 s 23

Application for prohibition order
s 132B ins A2012-20 s 23
am A2013-50 s 12; A2024-33 amdt 1.6

CYP director-general's report
s 132C ins A2012-20 s 23
am A2013-50 s 12

Court may make prohibition order
s 132D ins A2012-20 s 23

Matters court must consider before making prohibition order
s 132E ins A2012-20 s 23

Conduct that may be prohibited by prohibition order etc
s 132F ins A2012-20 s 23
am A2024-33 amdt 1.6

Term of prohibition order
s 132G ins A2012-20 s 23

Interim prohibition orders
pt 5A.3 hdg ins A2012-20 s 23

Court may make interim prohibition order
s 132H ins A2012-20 s 23

Term of interim prohibition order
s 132I ins A2012-20 s 23
am A2013-50 s 12

Extending interim prohibition order if application for prohibition order adjourned
s 132J ins A2012-20 s 23
am A2013-50 s 12

Amending or revoking prohibition and interim prohibition orders
pt 5A.4 hdg ins A2012-20 s 23

Application to amend or revoke prohibition order or interim prohibition order
s 132K ins A2012-20 s 23
am A2013-50 s 12; A2024-33 amdt 1.7

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Court may amend or revoke prohibition order or interim prohibition order
s 132L ins A2012-20 s 23

Corresponding prohibition orders
pt 5A.5 hdg ins A2012-20 s 23

Application for registration of corresponding prohibition order
s 132M ins A2012-20 s 23
am A2013-50 s 12

Registration of corresponding prohibition order—no amendment
s 132N ins A2012-20 s 23
am A2026-6 s 19

Notice of registration of unamended corresponding prohibition order
s 132O ins A2012-20 s 23
am A2013-50 s 12

Registration of corresponding prohibition order—with amendment
s 132P ins A2012-20 s 23
am A2026-6 s 20

Term of registered corresponding prohibition order
s 132Q ins A2012-20 s 23

Application to amend or cancel registration of registered corresponding prohibition order
s 132R ins A2012-20 s 23
am A2013-50 s 12; A2024-33 amdt 1.7

Court may amend or cancel registration of registered corresponding prohibition order
s 132S ins A2012-20 s 23

People with legal disabilities
pt 5A.6 hdg ins A2012-20 s 23

Definitions—pt 5A.6
s 132T ins A2012-20 s 23
def ***person with a legal disability*** ins A2012-20 s 23
def ***person with a mental disability*** ins A2012-20 s 23

Appointing litigation guardian for person with legal disability
s 132U ins A2012-20 s 23

Functions of litigation guardian
s 132V ins A2012-20 s 23

Removal of litigation guardian
s 132W ins A2012-20 s 23

Representation of parties with legal disability
s 132X ins A2012-20 s 23

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Other provisions about orders prohibiting offender conduct
pt 5A.7 hdg ins A2012-20 s 23

Court sets return date
s 132Y ins A2012-20 s 23

Service of applications
s 132Z ins A2012-20 s 23

If personal service impractical or impossible
s 132ZA ins A2012-20 s 23

Court may issue warrant for person's arrest
s 132ZB ins A2012-20 s 23

Giving copy of order to person not before court
s 132ZC ins A2012-20 s 23

Giving copy of order for young person etc
s 132ZD ins A2012-20 s 23
am A2013-50 s 12

Explaining orders if person before court
s 132ZE ins A2012-20 s 23

Explaining orders if person not before court
s 132ZF ins A2012-20 s 23
am A2013-50 s 12

Proceedings for orders to be closed to public
s 132ZG ins A2012-20 s 23

Offences
pt 5A.8 hdg ins A2012-20 s 23

Offences—prohibition of publication of identity
s 132ZH ins A2012-20 s 23

Offence—contravention of prohibition order etc
s 132ZI ins A2012-20 s 23

Offence—contravention of registered corresponding prohibition order
s 132ZJ ins A2012-20 s 23

Matters relevant to reasonable excuse defence
s 132ZK ins A2012-20 s 23

Obtaining and disclosing particular information
pt 5A.9 hdg ins A2012-20 s 23

Meaning of *government agency*—pt 5A.9
s 132ZL ins A2012-20 s 23
am A2016-52 amdt 1.54

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Chief police officer may require information about person
s 132ZM ins A2012-20 s 23
am A2013-50 s 12

Chief police officer may give information about order to prescribed entities
s 132ZN ins A2012-20 s 23
am A2013-50 s 12

Chief police officer may give information about order to person with parental responsibility for child at risk
s 132ZO ins A2012-20 s 23
am A2013-50 s 12

Offence—prescribed entities and people with parental responsibility to keep information secret
s 132ZP ins A2012-20 s 23

CYP director-general to be given information about young person
s 132ZQ ins A2012-20 s 23

Certain material may be kept
s 132ZR ins A2012-20 s 23
am A2013-50 s 12

Appeals to Supreme Court
pt 5A.10 hdg ins A2012-20 s 23

Meaning of *appealable decision*—pt 5A.10
s 132ZS ins A2012-20 s 23

Appeals to Supreme Court
s 132ZT ins A2012-20 s 23

Powers of Supreme Court on appeal
s 132ZU ins A2012-20 s 23

Notification and review of decisions
ch 5B hdg ins A2016-48 s 23

Meaning of *reviewable decision*—ch 5B
s 132ZV ins A2016-48 s 23

Reviewable decision notices
s 132ZW ins A2016-48 s 23
am A2025-29 amdt 4.46

Applications for review
s 132ZX ins A2016-48 s 23
am A2025-29 amdt 4.46

Approved forms
s 133 am A2006-42 amdt 3.29; A2011-22 amdt 1.122; A2025-29 amdt 4.46

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Offence—secrecy
s 133A (prev s 121) reloc and renum as s 133A A2012-20 s 22

Offence—failure to tell chief police officer about application to change offender's name
s 133B ins A2012-20 s 24

Regulation-making power
s 137 am A2011-52 amdt 3.61; A2025-29 amdt 4.46

Consequential amendments
ch 7 hdg om LA s 89 (3)

Legislation amended—sch 3
s 138 om LA s 89 (3)

Transitional—Crimes (Child Sex Offenders) Amendment Act 2012
ch 10 hdg ins A2012-20 s 25
exp 13 September 2013 (s 205)

Meaning of *reporting offence*
s 200 ins A2012-20 s 25
exp 13 September 2013 (s 205)

Definitions—ch 10
s 201 ins A2012-20 s 25
exp 13 September 2013 (s 205)
def ***affected registrable offender*** ins A2012-20 s 25
exp 13 September 2013 (s 205)
def ***commencement day*** ins A2012-20 s 25
exp 13 September 2013 (s 205)
def ***periodic detention period*** ins A2012-20 s 25
exp 13 September 2013 (s 205)

Reporting obligations notice to be given
s 202 ins A2012-20 s 25
exp 13 September 2013 (s 205)

Offence—affected registered offender must report
s 203 ins A2012-20 s 25
exp 13 September 2013 (s 205)

When reporting period begins for affected registrable offender
s 204 ins A2012-20 s 25
exp 13 September 2013 (s 205)

Expiry—ch 10 etc
s 205 ins A2012-20 s 25
exp 13 September 2013 (s 205)

Class 1 offences
sch 1 hdg am A2026-6 s 21

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Offences against ACT legislation

sch 1 pt 1.1 am A2013-12 s 16; items renum R18 LA; A2020-31 amdt 1.1 A2022-13 amdt 1.2; A2024-16 s 8; A2026-6 s 22, s 23

Offences against other legislation

sch 1 pt 1.2 am A2010-45 s 4, s 5; items renum R13 LA; A2012-20 s 26; A2023-33 amdt 2.13, amdt 2.25; A2024-16 s 9; items renum R38 LA; A2025-29 amdt 3.71; A2026-6 s 24; items renum R42 LA

Class 2 offences

sch 2 hdg sub A2026-6 s 25

Offences against ACT legislation

sch 2 pt 2.1 am A2013-12 s 17; items renum R18 LA; A2015-35 s 23; A2018-25 amdt 1.2; A2024-16 s 10
sub A2026-6 s 25

Offences against other legislation

sch 2 pt 2.2 am A2005-60 amdt 1.51; items renum R1 LA (see A2005-60 amdt 1.52); A2010-45 ss 6-8; items renum R13 LA; A2012-20 s 27; A2015-35 s 24, s 25; A2021-18 s 5; items renum R34 LA; A2023-33 amdts 2.14-2.22, amdt 2.25; items renum R37 LA; A2024-16 ss 11-17; items renum R38 LA; A2025-29 amdt 3.71
sub A2026-6 s 25

Reviewable decisions

sch 3 om LA s 89 (3)
ins A2016-48 s 24

Dictionary

dict am A2008-37 amdt 1.104; A2011-22 amdt 1.123; A2012-20 s 28; A2016-52 amdt 1.55, amdt 1.56; A2018-42 amdt 3.36; A2025-29 amdt 3.72
def ***appealable decision*** ins A2012-20 s 29
def ***application*** ins A2012-20 s 29
def ***child sex offender registration order*** sub A2015-35 s 26
def ***community service order*** am A2006-23 amdt 1.88
sub A2008-20 amdt 4.27
(a) note exp 3 June 2011 (s 108 (4))
am A2023-33 amdt 2.23
def ***conduct*** ins A2012-20 s 29
def ***corresponding prohibition order*** ins A2012-20 s 29
def ***CYP director-general*** ins A2012-20 s 29
def ***CYP director-general's report*** ins A2012-20 s 29
def ***daily care responsibility*** ins A2012-20 s 29
def ***detainee*** om A2006-23 amdt 1.89

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def ***entry and search warrant*** ins A2015-35 s 27
def ***executing officer*** ins A2015-35 s 27
def ***forensic patient*** sub A2005-47 amdt 1.8; A2016-13 amdt 1.49
def ***government agency*** ins A2012-20 s 29
def ***government custody*** am A2006-23 amdt 1.90
def ***interim prohibition order*** ins A2012-20 s 29
def ***long-term care responsibility*** ins A2012-20 s 29
def ***make*** ins A2012-20 s 29
def ***occupier*** ins A2015-35 s 27
am A2025-29 amdt 3.73
def ***offender's reporting month*** om A2015-35 s 28
def ***offensive weapon*** ins A2015-35 s 29
def ***parental responsibility*** ins A2012-20 s 29
def ***parole*** sub A2006-23 amdt 1.91
am A2023-33 amdt 2.24
def ***person assisting*** ins A2015-35 s 29
def ***person with a legal disability*** ins A2012-20 s 29
def ***person with a mental disability*** ins A2012-20 s 29
def ***person with parental responsibility*** am A2008-20 amdt 3.16
def ***premises*** ins A2015-35 s 29
def ***previous offender*** ins A2015-35 s 29
def ***prohibition order*** ins A2012-20 s 29
def ***public official*** ins A2015-35 s 29
def ***recognised foreign reporting period*** om A2018-42 amdt 3.37
def ***registered corresponding prohibition order*** ins A2012-20 s 29
def ***registration notice*** ins A2012-20 s 29
def ***relevant time*** ins A2015-35 s 29
def ***reporting obligation provision*** ins A2022-2 s 28
def ***reporting offence*** om A2022-2 s 29
def ***reporting offence provision*** om A2022-2 s 29
def ***reviewable decision*** ins A2018-42 amdt 3.38
def ***return date*** ins A2012-20 s 29
def ***travel details*** am A2022-2 s 30
def ***witness protection program*** am A2006-42 amdt 3.30

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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– 28 Feb 2006	A2005-60	new Act and amendments by A2005-60
R2 1 Mar 2006	1 Mar 2006– 1 June 2006	A2006-3	amendments by A2005-47 as amended by A2006-3
R3 2 June 2006	2 June 2006– 15 Nov 2006	A2006-23	amendments by A2006-23
R4 16 Nov 2006	16 Nov 2006– 29 Dec 2006	A2006-42	amendments by A2006-42
R5 30 Dec 2006	30 Dec 2006– 30 June 2007	A2006-42	commenced expiry
R6 1 July 2007	1 July 2007– 29 Dec 2007	A2007-12	amendments by A2007-12
R7 30 Dec 2007	30 Dec 2007– 25 Aug 2008	A2007-12	commenced expiry
R8 26 Aug 2008	26 Aug 2008– 8 Sept 2008	A2008-28	amendments by A2008-28
R9 9 Sept 2008	9 Sept 2008– 26 Oct 2008	A2008-37	amendments by A2008-20
R10 27 Oct 2008	27 Oct 2008– 1 February	A2008-37	amendments by A2008-20
R11 2 Feb 2009	2 Feb 2009– 26 Feb 2009	A2008-37	amendments by A2008-37

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Republication No and date	Effective	Last amendment made by	Republication for
R12 27 Feb 2009	27 Feb 2009– 24 Nov 2010	A2008-37	amendments by A2008-20
R13* 25 Nov 2010	25 Nov 2010– 3 June 2011	A2010-45	amendments by A2010-45
R14 4 June 2011	4 June 2011– 30 June 2011	A2010-45	expiry of provisions
R15 1 July 2011	1 July 2011– 11 Dec 2011	A2011-22	amendments by A2011-22
R16 12 Dec 2011	12 Dec 2011– 12 Sept 2012	A2011-52	amendments by A2011-52
R17 13 Sept 2012	13 Sept 2012– 23 Apr 2013	A2012-20	amendments by A2012-20
R18 24 Apr 2013	24 Apr 2013– 13 Sept 2013	A2013-12	amendments by A2013-12
R19 14 Sept 2013	14 Sept 2013– 9 Dec 2013	A2013-12	expiry of transitional provisions (ch 10)
R20 10 Dec 2013	10 Dec 2013– 19 Nov 2014	A2013-50	amendments by A2013-50
R21 20 Nov 2014	20 Nov 2014– 4 Dec 2014	A2014-48	amendments by A2014-48
R22 5 Dec 2014	5 Dec 2014– 1 Oct 2015	A2014-58	amendments by A2014-58
R23 2 Oct 2015	2 Oct 2015– 31 March 2016	A2015-35	amendments by A2015-35
R24 1 Apr 2016	1 Apr 2016– 23 Aug 2016	A2016-13	amendments by A2016-13
R25 24 Aug 2016	24 Aug 2016– 31 Aug 2016	A2016-48	amendments by A2016-48
R26 1 Sept 2016	1 Sept 2016– 5 Apr 2017	A2016-52	amendments by A2016-52
R27 6 Apr 2017	6 Apr 2017– 8 Aug 2018	A2017-9	amendments by A2017-9

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R28 9 Aug 2018	9 Aug 2018– 7 Nov 2018	A2018-25	amendments by A2018-25
R29 8 Nov 2018	8 Nov 2018– 21 Nov 2018	A2018-40	amendments by A2018-40
R30 22 Nov 2018	22 Nov 2018– 31 Aug 2020	A2018-42	amendments by A2018-42
R31 1 Sept 2020	1 Sept 2020– 5 Jan 2021	A2020-31	amendments by A2020-31
R32 6 Jan 2021	6 Jan 2021– 3 June 2021	A2020-31	includes editorial amendments under Legislation Act
R33 4 June 2021	4 June 2021– 11 Aug 2021	A2020-31	expiry of provisions
R34 12 Aug 2021	12 Aug 2021– 30 Mar 2022	A2021-18	amendments by A2021-18
R35 31 Mar 2022	31 Mar 2022– 16 Aug 2022	A2022-2	amendments by A2022-2
R36 17 Aug 2022	17 Aug 2022– 12 Sept 2023	A2022-13	amendments by A2022-13
R37 (RI) 29 Sept 2023	13 Sept 2023– 25 Apr 2024	A2023-33	amendments by A2023-33 reissued for textual correction in sch 2 pt 2.2
R38 26 Apr 2024	26 Apr 2024– 10 July 2024	A2024-16	amendments by A2024-16
R39 11 July 2024	11 July 2024– 13 June 2025	A2024-33	amendments by A2024-33
R40 14 June 2025	14 June 2025– 15 Nov 2025	A2025-4	amendments by A2025-4
R41 16 Nov 2025	16 Nov 2025– 15 Apr 2026	A2025-29	amendments by A2025-29

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6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation 'exp' followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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