



Australian Capital Territory

Crimes (Child Sex Offenders) Regulation 2005

Subordinate Law SL2005-44

The Australian Capital Territory Executive makes the following regulation under the *Crimes (Child Sex Offenders) Act 2005*.

Dated 22 December 2005.

JOHN HARGREAVES
Minister

JON STANHOPE
Minister



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1 Name of regulation

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

2 Commencement

This regulation commences on the day after its notification day.

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

3 Dictionary

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

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

For example, the signpost definition ‘*credit card*—see the *Fair Trading Act 1992*, section 28 (Unsolicited credit and debit cards).’ means that the term ‘credit card’ is defined in that dictionary and the definition applies to this regulation.

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

4 Notes

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

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

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

A registrable offender may contact a contact person by email.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The entities that must give a registrable offender a reporting obligations notice are as follows:
 - (a) if the offender is sentenced for a registrable offence by the Magistrates Court—the Magistrates Court;

- (b) if the offender is sentenced for a registrable offence by the Supreme Court—the Supreme Court;
 - (c) if the offender is sentenced for a registrable offence by the Childrens Court—the Childrens Court;
 - (d) if the offender is released from government custody (whether or not the offender was in government custody for a registrable offence)—
 - (i) for an offender who is a child—the chief executive under the *Children and Young People Act 1999*, chapter 1; or
 - (ii) for an offender released from detention under the *Mental Health (Treatment and Care) Act 1994*, part 4 (Mental health orders) or part 5 (Emergency detention and care)—the mental health tribunal; or
 - (iii) in any other case—the chief executive under the *Crimes (Sentence Administration) Act 2005*;
 - (e) if the offender enters the ACT, and remains in the ACT for 7 days, and the offender has not previously been given notice of the offender’s reporting obligations in the ACT—the chief police officer;
 - (f) if the offender becomes a prescribed corresponding offender, and the offender is in the ACT at the time—the chief police officer.
- (2) If an entity mentioned in subsection (1) (a) to (c) or (d) (i) or (ii) gives a registrable offender a reporting obligations notice, the entity must give a copy of the notice to the chief executive under the *Crimes (Sentence Administration) Act 2005*.

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

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

- (a) the offender's name;
- (b) the offender's date of birth;
- (c) a statement setting out—
 - (i) the offender's obligations to make an initial report (including the period within which the initial report must be made); and
 - (ii) the offender's obligations to make an annual report; and
 - (iii) the offender's obligations to report changes of personal details; and
 - (iv) the details that the registrable offender is required to report under the Act; and
 - (v) the obligations of the registrable offender to report under the following sections of the Act (including the periods within which the reports must be made):
 - section 37 (Offence—offender must report annually)
 - section 42 (Offence—offender leaving ACT must report travel details)
 - section 45 (Offence—offender outside ACT must report travel details)
 - section 46 (Offence—offender outside ACT must report change of travel details)
 - section 47 (Offence—offender must report return to ACT)
 - section 48 (Offence—offender must report decision not to leave ACT)

- section 49 (Offence—offender must report regular travel); and
- (vi) the circumstances in which the offender must make a report in person; and
- (vii) the form of identification, or other document, to be presented by the person who makes a report; and
- (viii) the documentation or evidence to be provided in support of a report;
- (d) a toll free telephone number that may be used to make a report otherwise than in person;
- (e) the other ways in which reports under the Act, section 45 (2) or section 46 (2) can be made;
- (f) the consequences that may arise if a registrable offender fails to comply with reporting obligations;
- (g) the date of the notice;
- (h) the name, signature and position of the person giving the notice.

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

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

- (b) if the offender has acknowledged receipt of the notice to the entity—give the chief police officer a copy of the acknowledgement.

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

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

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

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

The following laws are prescribed:

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

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

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

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

The following orders are prescribed:

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

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

The following laws are prescribed:

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

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

- (1) If the registrable offender is an adult, the supervising authority is the chief executive under the *Crimes (Sentence Administration) Act 2005*.
- (2) If the registrable offender is a child, the supervising authority is the chief executive under the *Children and Young People Act 1999*, chapter 1.

Dictionary

(see s 3)

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

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

- ACT
- adult
- Australian driver licence
- chief police officer
- child
- Childrens Court
- Magistrates Court
- Supreme Court.

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

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

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

citizenship certificate, for a person, means the person's citizenship certificate issued under the *Australian Citizenship Act 1948* (Cwlth), section 46 (Issue and proof of certificates of Australian citizenship) or a certified copy of the entry in the register about the person under that Act, section 44 (Evidence of entries in register).

credit card—see the *Fair Trading Act 1992*, section 28 (4) (Unsolicited credit and debit cards).

debit card—see the *Fair Trading Act 1992*, section 28 (4) (Unsolicited credit and debit cards).

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

Example of entitlement card

Medicare card

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

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

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

secondary document means any of the following documents:

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

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

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

Endnotes

1 Notification

Notified under the Legislation Act on 22 December 2005.

2 Republications of amended laws

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

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