

TASMANIA

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**COMMUNITY PROTECTION (OFFENDER  
REPORTING) AMENDMENT BILL 2023**

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# COMMUNITY PROTECTION (OFFENDER REPORTING) AMENDMENT BILL 2023

*(Brought in by the Minister for Police, Fire and Emergency Management, the Honourable Felix Ashton Ellis)*

## A BILL FOR

**An Act to amend the *Community Protection (Offender Reporting) Act 2005*, the *Community Protection (Offender Reporting) Regulations 2016* and the *Sentencing Act 1997***

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

## PART 1 – PRELIMINARY

### 1. Short title

This Act may be cited as the *Community Protection (Offender Reporting) Amendment Act 2023*.

### 2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

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**PART 2 – COMMUNITY PROTECTION (OFFENDER  
REPORTING) ACT 2005 AMENDED**

**3. Principal Act**

In this Part, the *Community Protection (Offender Reporting) Act 2005\** is referred to as the Principal Act.

**4. Long title substituted**

The Principal Act is amended by omitting the long title and substituting the following long title:

**An Act to protect children, adults and the community from future offending by certain offenders who commit sexual or other serious offences, by requiring courts to make orders specifying certain offenders to be reportable offenders, requiring those offenders to keep police informed of their whereabouts and other personal details for a period of time and to refrain from engaging in certain work, requiring a Register of collected information to be kept, establishing an information disclosure scheme to enable the sharing of information under the Act in certain**

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\*No. 61 of 2005

**circumstances, and for related purposes**

**5. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended by inserting after the definition of *child* the following definition:

*child-related service* has the same meaning as in the *Registration to Work with Vulnerable People Regulations 2014*;

**6. Section 4A inserted**

After section 4 of the Principal Act, the following section is inserted in Part 1:

**4A. Delegation by Commissioner**

The Commissioner may delegate any of the Commissioner's powers or functions under this Act, other than this power of delegation, to any one or more of the following persons –

- (a) a specified police officer; or
- (b) a specified class of police officers; or
- (c) a person appointed or employed under the *State Service Act 2000*.

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**7. Section 5 amended (Reportable offenders)**

Section 5 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (4A) A person is not a reportable offender merely because the person, as a child, committed a single offence (including an offence under the laws of a foreign jurisdiction) that falls within a class of offences that are prescribed by the regulations to be offences for the purposes of this subsection.

**8. Section 6 amended (Order requiring registration of offender)**

Section 6 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsections:

- (1) Subject to subsections (1A) and (1B), if a court, on or after the commencement of this Act, sentences a person, who is not a person referred to in section 5(4A), for a reportable offence, the court is to make an order directing that –

- (a) the Registrar cause the name of the person to be



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placed on the Register;  
and

- (b) the person comply with all obligations under this Act for the period determined by the court in accordance with sections 24 and 25.

(1A) Despite subsection (1), if the person is a child, the court may omit to make such an order if the court is satisfied that the child does not pose an unreasonable risk of committing a reportable offence against another child, an adult or the community.

(1B) Despite subsection (1), the court may omit to make such an order in the following circumstances:

- (a) if the reportable offence is a Class 1 offence and the court is satisfied that the person does not pose an unreasonable risk of committing a reportable offence against a child, an adult or the community;
- (b) if the reportable offence is a Class 2 or Class 3 offence and the court is satisfied that exceptional

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circumstances exist that indicate that the person does not pose a risk of committing a reportable offence against a child, an adult or the community.

(1C) In deciding whether exceptional circumstances exist under subsection (1B)(b) –

(a) the court is to make the consideration of the safety and protection of children, adults and the community paramount; and

(b) it is not necessary that the court be able to identify a risk of offending against a particular person, or particular persons, or a particular class of persons.

(b) by omitting subsection (3).

**9. Section 7 amended (Reporting orders for other offences)**

Section 7(1) of the Principal Act is amended by omitting paragraph (d) and substituting the following paragraph:

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- (d) the person comply with all obligations under this Act for the period determined by the court in accordance with sections 24 and 25 –

**10. Section 9 amended (Magistrate may make reporting order on application from Commissioner)**

Section 9(1) of the Principal Act is amended by omitting “the reporting obligations under this Act” and substituting “all obligations under this Act, for the period determined by the magistrate in accordance with sections 24 and 25,”.

**11. Section 10 amended (Matters to be taken into account)**

Section 10 of the Principal Act is amended as follows:

- (a) by inserting the following paragraphs after paragraph (f) in subsection (1):
  - (fa) the offender’s criminal history, including prior convictions and findings of guilt in respect of offences committed in the State or elsewhere, and any pattern in the committing of offences indicated by that history;
  - (fb) any previous offender reporting order or previous community protection order in respect of the offender;

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(b) by inserting the following paragraphs after paragraph (f) in subsection (2):

(fa) the offender’s criminal history, including prior convictions and findings of guilt in respect of offences committed in the State or elsewhere, and any pattern in the committing of offences indicated by that history;

(fb) any previous offender reporting order or previous community protection order in respect of the offender;

**12. Section 10A amended (Magistrate may make community protection order on application from Commissioner)**

Section 10A of the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (c) in subsection (3):

(ca) the reportable offender accessing or using the internet;

(b) by inserting the following subsection after subsection (3):

(4) A community protection order relating to a reportable offender made under subsection (2) may,

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for a period specified in the order not exceeding 12 months, or for any further period specified in the order that the magistrate considers reasonably necessary to prevent a risk to any child, or children –

- (a) require the reportable offender to submit to electronic monitoring, including by wearing or carrying an electronic device; and
- (b) impose a condition that the offender must not remove, tamper with, damage or disable any device used for the purpose of the electronic monitoring required under paragraph (a); and
- (c) impose a condition that the offender must comply with all reasonable and lawful directions given to the offender in relation to the electronic monitoring required under paragraph (a).

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**13. Section 10C inserted**

After section 10B of the Principal Act, the following section is inserted in Part 2:

**10C. Reportable offender not to commit further reportable offence**

It is an obligation of a reportable offender that the reportable offender not commit any further reportable offence during the reporting period in respect of that reportable offender.

**14. Section 11 substituted**

Section 11 of the Principal Act is repealed and the following sections are substituted:

**11. Corresponding reportable offenders**

A corresponding reportable offender is a person who –

- (a) would, if the person were currently in a foreign jurisdiction, be required to report to the corresponding registrar in that jurisdiction for a particular period; or
- (b) falls within a class of persons who are prescribed by the regulations to be corresponding reportable offenders for the purposes of this Act.

### 11A. Interaction of orders

For the avoidance of doubt, if a reportable offender is subject to two or more orders under this Act, a corresponding Act, or both this Act and a corresponding Act, and there is an inconsistency between the conditions or obligations of those orders, the most recently made order prevails to the extent of the inconsistency.

### 15. Part 2A inserted

After section 15 of the Principal Act, the following Part is inserted:

## **PART 2A – CHILD-RELATED SERVICES AND DISCLOSURE IN RELATION TO CHARGES**

### 15A. Interpretation of Part

In this Part –

*employer* has the same meaning as in section 17(3).

### 15B. Reportable offenders excluded from child-related services

- (1) A reportable offender who is not a child must not –
  - (a) apply to engage in; or
  - (b) engage in –

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the provision of a child-related service.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (2) It is a defence in proceedings for an offence against subsection (1) to prove that the defendant did not know, after making all inquiries that are reasonable in the circumstances, at the time the offence is alleged to have been committed, that the service was a child-related service.

**15C. Commissioner may require charged person to make disclosure in relation to child-related services or reportable contact**

- (1) The Commissioner may give to a person, who is not a child, who has been charged with a reportable offence, a notice in writing requiring the person to provide to the Commissioner –
- (a) information as to whether or not the person currently engages in the provision of any child-related services, and the nature of those services, within 48 hours of being given the notice; and
  - (b) information, on an ongoing basis, about the nature of any child-related services that the person



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applies to engage in, or commences engaging in, at any time before proceedings in relation to the offence have been finalised, within 48 hours after so applying for, or commencing engaging in, the services; and

(c) information regarding any reportable contact the person has or expects to have with a child.

(2) A notice under subsection (1) is to be given to a person as soon as practicable after the person has been charged with a reportable offence, but in any case before the first court appearance of the person in respect of that charge.

(3) A person must comply with a notice given to the person under subsection (1).

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

(4) A police officer may make such enquiries, in accordance with any relevant guidelines developed under section 44(1A), as the officer thinks necessary to verify information supplied in response to a notice given under subsection (1).

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**15D. Disclosure by charged person to employer in relation to child-related service**

- (1) A person, who is not a child, who engages in the provision of a child-related service and who has been charged with a reportable offence, must disclose to the person's employer that the person has been charged with that offence within 7 days after becoming aware that the person has been charged with the offence.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (2) A person, who is not a child, who applies to engage in the provision of a child-related service and who has been charged with a reportable offence, must disclose to the person's prospective employer that the person has been charged with the offence within 7 days after becoming aware that the person has been charged with the offence.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

**15E. Commissioner may make disclosure regarding charged person**

The Commissioner may, despite any Act or law, and in accordance with any relevant guidelines developed under section 44(1A), in respect of a person who is not a child, who has been charged with a reportable offence, advise –

- (a) any employer or prospective employer of the person; and
- (b) any parent, guardian or carer of a child with whom the person has, or the Commissioner reasonably believes may have, reportable contact –

that the person has been charged with that offence and the details of that offence.

**15F. Disclosure of information provided under this Part**

- (1) Subject to subsection (2), if information is disclosed under this Part to an employer or prospective employer, or to a parent, guardian or carer of a child, the person to whom that information is disclosed must not disclose that information to any other person.

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Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (2) A person may disclose information obtained under this Part in the following circumstances:
- (a) to a court or tribunal in the course of legal proceedings;
  - (b) pursuant to an order of a court or tribunal;
  - (c) to a law enforcement or prosecution authority of this State, or of a foreign jurisdiction, or any other authority established by the government of this State, or of a foreign jurisdiction, to facilitate law enforcement or the prosecution of offences;
  - (d) to a legal practitioner for the purpose of obtaining legal advice or representation;
  - (e) with the written authority of the person to whom the information relates;
  - (f) to –
    - (i) the Integrity Commission established under section

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7 of the *Integrity Commission Act 2009*; or

(ii) the Ombudsman appointed under section 5 of the *Ombudsman Act 1978*; or

(iii) the Commissioner –

for the purposes of an investigation under the *Integrity Commission Act 2009*, the *Ombudsman Act 1978*, or the *Police Service Act 2003*, respectively;

(g) as required or authorised by or under any Act or law.

**16. Section 17 amended (Report by reportable offender of personal details)**

Section 17 of the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (da) in subsection (1):

(db) the relationship status of the reportable offender, including the name and address of any person with whom the reportable offender has a personal relationship, or is staying with for more than one night at any

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premises, and the names and ages  
of any children of that person;  
and

(b) by omitting paragraph (ic) from  
subsection (1) and substituting the  
following paragraph:

(ic) details of all virtual private  
networks (VPNs), email  
accounts, instant messaging  
accounts, chat room identities,  
social media accounts, dating or  
networking accounts, cloud-based  
services, vault applications or any  
other account, user name or  
identity used, or intended to be  
used, by the reportable offender  
through the internet or other  
electronic communication  
service, along with the programs,  
software and applications with  
which these are associated and  
any passwords associated with  
each of these; and

(c) by omitting from subsection (4)(d)(ii)  
“oral”.

**17. Section 18 substituted**

Section 18 of the Principal Act is repealed and  
the following section is substituted:

**18. Reportable offender to report annually and as required by the Registrar**

- (1) A reportable offender must report to the Registrar, and provide the reportable offender's personal details to the Registrar, each year during the calendar month in which the reportable offender first reported in accordance with this Act or a corresponding Act.
- (2) In addition to the report required under subsection (1), the reportable offender must report to the Registrar, and provide the reportable offender's personal details to the Registrar, at such other times as directed by the Registrar.

**18. Section 19 amended (Intended absence from Tasmania to be reported)**

Section 19 of the Principal Act is amended as follows:

- (a) by inserting in subsection (2)(b) "exact, if known, or" after "details of the";
- (b) by inserting the following paragraphs after paragraph (b) in subsection (2):
  - (ba) a contact mobile phone number, or if the reportable offender has no mobile phone, a contact phone number for each address or location at which the reportable offender intends to stay; and

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- (bb) the reason for travel; and
- (bc) the intended mode of travel, including but not limited to –
  - (i) the vehicle registration number of any private vehicle in which the reportable offender plans to travel; and
  - (ii) copies of any pre-booked tickets for air, land or sea travel; and
  - (iii) copies of any bookings for a hire car in which the reportable offender plans to travel; and
- (c) by inserting the following paragraphs after paragraph (c) in subsection (2):
  - (ca) the names and contact details of all adult persons that the reportable offender intends to travel with, or reside with, at any time during the intended travel; and
  - (cb) the name, age and contact details of each child that the reportable offender intends to travel with, or reside with at any time during the intended travel; and



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- (d) by inserting in subsection (3) “provided or” after “anything”;
  - (e) by omitting from subsection (3) “subsection (2A)” and substituting “subsection (2) or (2A)”;
  - (f) by omitting from subsection (3) “as soon as practicable” and substituting “within 24 hours after the making of that decision”;
  - (g) by omitting from subsection (4)(a) “facsimile or”;
  - (h) by inserting the following subsection after subsection (4):
    - (5) As soon as practicable after receiving a report under this section in relation to a reportable offender’s intention to travel outside of Australia, the Commissioner must ensure that a copy of the report is given to each of the following:
      - (a) the Commissioner of the Australian Federal Police;
      - (b) the CEO of the Australian Crime Commission established by section 7 of the *Australian Crime Commission Act 2002* of the Commonwealth;

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- (c) the Australian Border Force Commissioner established under the *Australian Border Force Act 2015* of the Commonwealth;
- (d) a person responsible for the issue of Australian passports under the *Australian Passports Act 2005* of the Commonwealth.

**19. Section 20 amended (Where reports must be made)**

Section 20(1) of the Principal Act is amended by inserting “or in a manner” after “place”.

**20. Section 21 amended (Power to take photographs and carry out non-intimate forensic procedures)**

Section 21 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, subject to subsection (4),” after “her body”;
- (b) by inserting the following subsection after subsection (2):
  - (2A) A person must comply with a requirement or procedure under subsection (1), (1A) or (2).

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Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

(c) by inserting the following subsection after subsection (7):

(8) A person authorised to carry out a non-intimate forensic procedure on a reportable offender may use reasonable force –

(a) to enable the non-intimate forensic procedure to be carried out; and

(b) to prevent the loss, destruction or contamination of any forensic material, within the meaning of the *Forensic Procedures Act 2000*, taken as a result of the carrying out of the non-intimate forensic procedure.

**21. Section 23 substituted**

Section 23 of the Principal Act is repealed and the following section is substituted:

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**23. Suspension and extension of reporting obligations**

- (1) An obligation imposed on a reportable offender by this Part is suspended for any period during which the reportable offender –
  - (a) is in government custody; or
  - (b) is outside Australia; or
  - (c) is the subject of an order to suspend reporting obligations made under Division 6 (or an equivalent order in a foreign jurisdiction).
- (2) If obligations are suspended under subsection (1)(a) or (b), the period during which a reportable offender's reporting obligations continue is extended by the length of time that the reportable offender is in government custody or outside of Australia, respectively.
- (3) If a reportable offender is outside Tasmania, but within Australia, obligations imposed on that reportable offender by this Part continue to apply, unless the reportable offender is the subject of an order to suspend reporting obligations made under Division 6 (or an equivalent order in a foreign jurisdiction).

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**22. Section 23A amended (Application of this Division)**

Section 23A of the Principal Act is amended by inserting “and a corresponding reportable offender who is a child” after “offender”.

**23. Section 24 amended (Length of reporting period)**

Section 24 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “of not less than 3 years and” after “period”;
- (b) by omitting from subsection (1) “been sentenced for not more than” and substituting “only ever been sentenced for”;
- (c) by inserting in subsection (2) “of not less than 8 years and” after “period”;
- (d) by omitting paragraph (a) from subsection (2) and substituting the following paragraph:
  - (a) has only ever been sentenced for one Class 2 offence or one Class 3 offence; or
- (e) by inserting in subsection (2)(b) “ever” after “has”;
- (f) by inserting in subsection (3) “that is not less than 15 years” after “period”;

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(g) by omitting paragraph (a) from subsection (3) and substituting the following paragraph:

(a) is a reportable offender in respect of an offence –

(i) specified in section 15(f) or (g); or

(ii) against section 125A of the *Criminal Code* ; or

(h) by inserting in subsection (3)(b) “ever” after “has”.

**24. Section 26 repealed**

Section 26 of the Principal Act is repealed.

**25. Section 27A inserted**

After section 27 of the Principal Act, the following section is inserted in Division 6:

**27A. Suspension of reporting obligations of reportable offenders on Commissioner’s own initiative**

(1) This section applies to a reportable offender who –

(a) was a child when the person committed the offence that makes

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the person a reportable offender;  
or

(b) has a cognitive or physical impairment; or

(c) has a mental illness.

(2) The Commissioner may suspend the reporting obligations of a reportable offender specified in subsection (1) on the Commissioner's own initiative if satisfied, on reasonable grounds, that the offender does not pose a risk of offending against a child, an adult or the community.

(3) The Commissioner may revoke a suspension made under this section if the Commissioner believes, on reasonable grounds, that the offender poses, or may pose, a risk of offending against a child, an adult or the community.

(4) If the Commissioner suspends a reportable offender's reporting obligations under subsection (2), or revokes such a suspension under subsection (3), the Commissioner must give the reportable offender written notice of the suspension or revocation as soon as is reasonably practicable.

(5) A suspension under subsection (2), or a revocation of such a suspension under subsection (3), takes effect when the

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Commissioner gives the notice to the reportable offender.

**26. Section 30 amended (Commissioner and certain chief executive officers entitled to be parties to proceedings)**

Section 30(3) of the Principal Act is amended by omitting “the Commissioner” and substituting “all relevant authorities”.

**27. Section 33 substituted**

Section 33 of the Principal Act is repealed and the following section is substituted:

**33. Failure to comply with obligations**

A reportable offender who, without reasonable excuse, fails to comply with any obligations imposed on the reportable offender under this Act, commits an offence.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

**28. Section 33A amended (Failure to comply with community protection order)**

Section 33A of the Principal Act is amended by omitting the penalty and substituting the following penalty:



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Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

**29. Section 34 amended (Providing false or misleading information)**

Section 34 of the Principal Act is amended by omitting the penalty and substituting the following penalty:

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

**30. Sections 34A and 34B inserted**

After section 34 of the Principal Act, the following sections are inserted in Division 7:

**34A. Conduct intended to incite animosity towards, or harassment of, reportable offenders**

(1) In this section –

*animosity towards* means hatred of or serious contempt for;

*harassment* includes threat, serious and substantial abuse and severe ridicule;

*identified offender* means a reportable offender, or a person who has been charged with a reportable

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offence, about whom information is accessed or disclosed under this Act;

*public place* includes –

- (a) a place to which the public, or any section of the public, has or is permitted to have access, whether on payment or otherwise; and
- (b) a privately owned place to which the public has access with the express or implied approval of, or without interference from, the owner, occupier or person who has the control or management of the place; and
- (c) a school, university or other place of education, other than a part of it to which neither students nor the public usually have access.

(2) In subsection (3) or (4) –

- (a) reference to conduct includes a reference to conduct occurring on a number of occasions over a period of time; and

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- (b) conduct is taken not to occur in private if it –
- (i) consists of any form of communication with the public or a section of the public; or
  - (ii) occurs in a public place or in sight or hearing of people who are in a public place.
- (3) A person must not engage in any conduct, otherwise than in private, by which the person intends to create, promote or increase animosity towards, or harassment of, a person who is an identified offender.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (4) A person must not engage in any conduct, otherwise than in private, that is likely to create, promote or increase animosity towards, or harassment of, a person who is an identified offender.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

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**34B. Publication, display and distribution of identifying information of reportable offender**

(1) In this section –

*display* means display in or within view of a public place, as defined in section 34A;

*distribute* means distribute to the public or a section of the public;

*identifying information* means information in respect of a reportable offender, or a person who has been charged with a reportable offence, that identifies the person or that the person is a reportable offender;

*publish* means publish to the public or a section of the public.

(2) A person must not, without having first obtained the written approval of the Minister, publish, distribute or display any identifying information.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

(3) Subsection (2) does not apply to a person who publishes, distributes or displays

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information in accordance with the provisions of this Act.

**31. Section 37 amended (Courts to provide details of orders to Commissioner)**

Section 37(3) of the Principal Act is amended by omitting “as soon as is practicable” and substituting “within 7 days”.

**32. Section 41A inserted**

After section 41 of the Principal Act, the following section is inserted in Division 9:

**41A. Access to information of participants in witness protection programs**

Despite section 44(1), personal information of a reportable offender to whom this Division applies that is contained in the Register must only be accessed by the following persons:

- (a) the Registrar and the staff of the Registrar; and
- (b) a person undertaking duties in accordance with the *Witness Protection Act 2000* that require access to that information for the purposes of those duties.

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**33. Section 44 amended (Access to Register to be restricted)**

Section 44 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsections:

(1) The Register, or any part of the Register, is only to be accessed by –

(a) the Registrar and the staff of the Registrar; or

(b) a police officer; or

(c) an employee, within the meaning of the *State Service Act 2000*, who accesses the Register in the course of the employee's duties, for the purposes of –

(i) enforcing or administering a law of the State, or of another State, a Territory or the Commonwealth; or

(ii) monitoring compliance with,

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or investigating a  
contravention of, a  
law of the State, or  
of another State, a  
Territory or the  
Commonwealth;  
or

(iii) the administration  
of justice; or

(d) a person who is  
authorised to do so by the  
Commissioner.

(1A) The Commissioner is to develop  
guidelines about access to, and  
the verification and disclosure of,  
personal information in the  
Register that ensure that access to  
the personal information in the  
Register is restricted to the  
greatest extent possible without  
interfering with the purpose of  
the protection of children, adults  
and the community.

(b) by omitting from subsection (2) “is only  
to” and substituting “must only”;

(c) by omitting from subsection (2) “police  
officer” and substituting “person”;

(d) by omitting from subsection (2)  
“circumstances authorised” and  
substituting “accordance with the

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guidelines developed under  
subsection (1A)”;

- (e) by inserting the following penalty after  
subsection (2):

Penalty: Fine not exceeding 200 penalty  
units or imprisonment for a term  
not exceeding 2 years, or both.

- (f) by omitting from subsection (3) “law  
enforcement” and substituting “relevant”;

- (g) by omitting from subsection (3) “may”  
and substituting “must”;

- (h) by inserting the following penalty after  
subsection (3):

Penalty: Fine not exceeding 200 penalty  
units or imprisonment for a term  
not exceeding 2 years, or both.

- (i) by omitting the definition of *law  
enforcement agency* from subsection (4)  
and substituting the following definition:

***relevant agency*** means –

- (a) the Commissioner of the  
Australian Federal Police;  
or  
(b) the Commissioner  
(however designated) of  
the police force of another



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- State, or a Territory, or another country; or
- (c) the Australian Criminal Intelligence Commission; or
- (d) the Australian Transaction Reports and Analysis Centre (AUSTRAC) continued in existence by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth;
- (e) any other government authority of the Commonwealth or of this or any other State, or of a Territory, responsible for the protection of children or reportable offender management.

**34. Section 44AA inserted**

After section 44A of the Principal Act, the following section is inserted in Part 4:

**44AA. Provision of information to corresponding registrar**

The Registrar may release personal information in the register to a

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corresponding registrar for the purposes  
of a corresponding Act.

**35. Section 44B amended (Provision of information to prescribed entities)**

Section 44B of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, the Registrar or a police officer” after “Commissioner”;
- (b) by omitting from subsection (1) “in writing”;
- (c) by inserting in subsection (1) “, or an entity of a class prescribed by the regulations to be a class of entities,” after “prescribed entity”;
- (d) by omitting from subsection (2) “may only” and substituting “must”;
- (e) by inserting in subsection (2) “in accordance with any relevant guidelines developed under section 44(1A) and” after “subsection (1)”;
- (f) by inserting in subsection (2)(a) “the protection of children, adults and the community, the management of reportable offenders,” after “of”;

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- (g) by inserting in subsection (2)(c) “, Registrar or police officer” after “Commissioner”;
- (h) by omitting from subsection (3) “the Commissioner” first occurring and substituting “a person”;
- (i) by omitting from subsection (3) “Commissioner” second occurring and substituting “person”;
- (j) by omitting from subsection (4) “the Commissioner” and substituting “a person”.

**36. Section 44CA inserted**

After section 44C of the Principal Act, the following section is inserted in Part 4:

**44CA. Application by parent, guardian or carer for disclosure**

- (1) A parent, guardian or carer of a child (the *applicant*) may apply to the Commissioner to be informed whether or not a person specified in the application (the *specified person*), other than a person who is a child, is a reportable offender or has been charged with a reportable offence.
- (2) An application under subsection (1) –
  - (a) must include evidence, to the satisfaction of the Commissioner,

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that the specified person has, or has had, regular unsupervised access to a child in respect of whom the applicant is a parent, guardian or carer; and

- (b) is to be made in a form approved by the Commissioner.
- (3) For the purposes of subsection (2)(a), a person does not have regular unsupervised contact with a child unless the person has unsupervised contact with the child for at least 3 days (whether consecutive or not) in any period of 12 months.
- (4) On receiving an application in accordance with this section, the Commissioner may disclose to the applicant whether the specified person is a reportable offender or has been charged with a reportable offence.
- (5) In disclosing information to an applicant under subsection (4), the Commissioner must inform the applicant, in writing, of the obligation under section 44D to keep that information secret.

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**37. Section 44D amended (Prescribed entities and parents, guardians or carers to keep information secret)**

Section 44D(1) of the Principal Act is amended as follows:

- (a) by omitting “An entity” and substituting “A person who is a member of an entity, or a member of an entity within a class of entities,”;
- (b) by inserting “or section 44CA” after “section 44C”;
- (c) by omitting “prescribed entity” and substituting “person”;
- (d) by omitting the penalty and substituting the following penalty:

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

**38. Section 45 amended (Confidentiality)**

Section 45(2) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraphs:

- (b) for the purposes, in this or any other jurisdiction, of –
  - (i) the protection of children, adults and the community; or

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- (ii) law enforcement; or
  - (iii) the management of reportable offenders;
- (ba) in the course of proceedings in court in respect of orders made under this Act;

**39. Section 45AA inserted**

After section 45A of the Principal Act, the following section is inserted in Part 5:

**45AA. Power to conduct search of person**

If a police officer reasonably suspects that a reportable offender is committing, or has committed, an offence against this Act, the police officer may, without warrant, in a public place or after entering a place, premises, conveyance or container in accordance with section 45C –

- (a) conduct a frisk search, within the meaning of the *Search Warrants Act 1997*, of the reportable offender; and
- (b) search any thing in the possession of the reportable person; and
- (c) seize and retain any thing that the police officer reasonably believes is evidence that a reportable offender is committing, or has

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committed, an offence against  
this Act.

**40. Section 45B substituted**

Section 45B of the Principal Act is repealed and  
the following section is substituted:

**45B. Power to arrest without warrant**

A police officer who suspects on  
reasonable grounds that a person has  
committed an offence under this Act may  
arrest the person without a warrant.

**41. Section 45C amended (Power to enter and search  
places, premises, conveyances and containers)**

Section 45C of the Principal Act is amended as  
follows:

(a) by omitting subsection (1) and  
substituting the following subsections:

(1) A police officer may, without  
warrant, enter into, remain on,  
search and inspect any place,  
premises, conveyance or  
container that the police officer  
reasonably believes is being, or  
has been, used by a reportable  
offender, for the following  
purposes:

(a) if the police officer  
reasonably suspects that

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the reportable offender is committing, or has committed, a reportable offence or an offence against this Act;

(b) to verify any personal details reported by the reportable offender.

(1A) Before entering premises under subsection (1), a police officer must communicate to, or attempt to communicate to, a reportable offender within the premises the police officer's authority to enter the premises, unless the police officer reasonably believes that communicating or attempting to communicate with the reportable offender would be likely to endanger any person or lead to the loss or destruction of evidence in relation to the commission of an offence or non-compliance with this Act.

(b) by omitting paragraph (f) from subsection (2) and substituting the following paragraph:

(f) seize, and remove from the place, premises, conveyance or container, any thing that the police officer reasonably believes



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is, or may contain, evidence of the commission of a reportable offence, or an offence against this Act, by the reportable offender.

- (c) by omitting the penalty from subsection (3) and substituting the following penalty:

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (d) by omitting the penalty from subsection (4) and substituting the following penalty:

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

**42. Section 45D amended (Failure to comply with Act)**

Section 45D of the Principal Act is amended as follows:

- (a) by omitting the penalty from subsection (1) and substituting the following penalty:

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (b) by omitting subsection (2).

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**43. Section 47 substituted**

Section 47 of the Principal Act is repealed and the following section is substituted:

**47. Matters generally to be heard in public**

Proceedings in relation to any matter under this Act must be heard in open court unless –

- (a) the matter involves a reportable offender to whom Division 9 applies; or
- (b) the court determines otherwise.

**44. Section 47A amended (Publication of personal details of certain reportable offenders)**

Section 47A of the Principal Act is amended as follows:

- (a) by omitting the definition of *personal details* from subsection (1) and substituting the following definition:

*personal details*, in relation to a reportable offender or corresponding reportable offender, includes –

- (a) the details specified in section 17; and

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- (b) photographs and digital images in relation to that offender.
- (b) by omitting paragraph (a) from subsection (3);
- (c) by inserting in subsection (3)(b) “to the Commissioner” after “known”.

**45. Section 50A amended (Appeals)**

Section 50A(2) of the Principal Act is amended by inserting “, within 28 days after the making of the order,” after “be made”.

**46. Sections 50B and 50C inserted**

After section 50A of the Principal Act, the following sections are inserted in Part 5:

**50B. Appeals from Magistrates Court decision**

- (1) The following decisions of a magistrate may be appealed to the Supreme Court:
  - (a) a decision to make an offender reporting order or community protection order;
  - (b) a decision not to make an offender reporting order or community protection order, or a failure to make such an order.

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- (2) An appeal made under subsection (1)(a) may be made, within 28 days after the making of the order, by the prosecution or the person against whom the order has been made.
- (3) On an appeal made under subsection (1)(a), the Supreme Court may affirm, quash or vary the order in respect of which the appeal is made.
- (4) An appeal made under subsection (1)(b) may be made, within 28 days after the giving of the sentence to which the order would relate, by the prosecution.
- (5) On an appeal made under subsection (1)(b), the Supreme Court may –
  - (a) affirm that an offender reporting order or community protection order not be made; or
  - (b) make such an order.
- (6) Nothing in this section restricts or affects any right of appeal that a person would have apart from this section.

**50C. Amendment of Schedules by order**

- (1) In this section –

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*item* means a heading, enactment or description of an offence contained in Schedule 1, 2 or 3.

- (2) The Governor may, by order, amend Schedule 1, 2 or 3 by doing one or more of the following:
  - (a) adding an item to, or omitting an item from, the Schedule;
  - (b) omitting an item from a Schedule and substituting another item;
  - (c) amending an item appearing in any of the Schedules;
  - (d) omitting all or any of those Schedules and substituting a new Schedule or Schedules.
- (3) An order made under this section is a statutory rule for the purposes of the *Rules Publication Act 1953*.
- (4) The provisions of sections 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* apply to an order under this section as if the order were regulations within the meaning of that Act.

**47. Section 51 amended (Regulations)**

Section 51 of the Principal Act is amended by inserting after subsection (3) the following subsection:

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- (4) The amendment by an Act of regulations made for the purposes of this Act does not bar their subsequent amendment or repeal by regulation.

**48. Schedule 1 amended (Class 1 offences)**

Schedule 1 to the Principal Act is amended as follows:

- (a) by omitting

Section 74A	Possessing, accessing or attempting to access child exploitation material
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and substituting the following item:

Section 74	Possessing bestiality product
Section 74A(a)	Possessing child exploitation material
Section 74A(b)	Accessing, or attempting to access, child exploitation material
<i>Community Protection (Offender Reporting) Act 2005</i>	
Section 15B(1)(a)	Apply to engage in provision of child-related service

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Section 15B(1)(b)	Engage in provision of child-related service
Section 15C	Fail to comply with notice to disclose
Section 15D(1)	Fail to disclose charge to employer
Section 15D(2)	Fail to disclose charge to prospective employer
Section 21(2A)	Fail to comply with requirement to be photographed or undergo non-intimate forensic procedure
Section 33	Fail to comply with obligations
Section 33A	Fail to comply with community protection order
Section 34	Provide false or misleading information
Section 45D	Fail to comply with Act

(b) by inserting after

Section 273.6	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia
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the following item:

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Section 273A.1	Possession of child-like sex dolls etc.
Section 273B.4	Fail to protect child at risk of child sexual abuse offence
Section 273B.5(1)	Fail to report child sexual abuse offence – reasonable belief
Section 273B.5(2)	Fail to report child sexual abuse offence – reasonable suspicion

(c) by inserting after

Section 471.25	Using a postal or similar service to “groom” persons under 16
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the following item:

Section 471.25A(1)	Using a postal or similar service to “groom” persons under 16 – procurement for sender
Section 471.25A(2)	Using a postal or similar service to “groom” persons under 16 – procurement for another person
Section 471.25A(3)	Using a postal or similar service to “groom” persons under 16 – procurement for sexual activity in presence of sender or other person



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(d) by inserting after

Section 474.22	Using a carriage service for child abuse material
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the following item:

Section 474.22A	Possessing or controlling child abuse material obtained or accessed using a carriage service
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(e) by inserting after

Section 474.23	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service
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the following item:

Section 474.23A	Conduct for the purposes of electronic service used for child abuse material
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(f) by inserting after

Section 474.25A	Using a carriage service for sexual activity with person under 16 years of age
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the following item:

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Section 474.25C

Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16 years of age

(g) by inserting after

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Section 474.27

Using a carriage service to “groom” persons under 16 years of age

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the following item:

Section 474.27AA(1)

Using a carriage service to “groom” another person to make it easier to procure persons under 16 years of age – procurement for the sender

Section 474.27AA(2)

Using a carriage service to “groom” another person to make it easier to procure persons under 16 years of age – procurement for another person

Section 474.27AA(3)

Using a carriage service to “groom” another person to make it easier to procure persons under 16 years of age – procurement for activity in presence of sender or other person

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(h) by omitting

Section 13A	Observation or recording in breach of privacy
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and substituting the following item:

Section 13A(1)	Observation or recording in breach of privacy – private place or private act
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Section 13A(2)	Observation or recording in breach of privacy – genital or anal region
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(i) by inserting after

Section 35(3)	Assaulting with indecent intent
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the following item:

*Sex Industry Offences Act 2005*

Section 11(1)	Permitting child on premises – sex worker
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Section 11(2)	Permitting child on premises – person receiving sexual services
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**49. Schedule 2 amended (Class 2 offences)**

Schedule 2 to the Principal Act is amended as follows:

(a) by inserting in the column headings after

<b>Enactment</b>	<b>Description of offence</b>
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the following item:

*Children, Young Persons and  
Their Families Act 1997*

Section 91

Fail to protect child from harm

Section 95

Harbour or conceal a child

Section 96

Remove, counsel or induce  
child to be absent without  
lawful authority

(b) by omitting

Section 72A

Making or reproducing child  
exploitation material, causing  
or permitting child exploitation  
material to be made or being in  
any way involved in the making  
or reproduction of child  
exploitation material

and substituting the following item:

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Section 72	Make or produce bestiality product
Section 72A(a)	Make or reproduce child exploitation material
Section 72A(b)	Cause or permit child exploitation material to be made or reproduced
Section 72A(c)	Be involved in the making or reproduction of child exploitation material

(c) by inserting after

<i>Criminal Code</i>	
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the following item:

Section 105A(2)	Fail to report the abuse of a child
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(d) by omitting

Section 125	Permitting penetrative sexual abuse of a child [ <i>or</i> young person] on premises
Section 125A	Persistent sexual abuse of a child [ <i>or</i> young person]

and substituting the following items:

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Section 125(a)	Permit penetrative sexual abuse of child or young person on premises – owner or occupier
Section 125(b)	Permit penetrative sexual abuse of child or young person on premises – manager or controller

(e) by inserting after

Section 125C(3)	Procuring a child [ <i>or</i> young person] for indecent act
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the following item:

Section 125E(2)	Fail by a person in authority to protect a child from a sexual offence
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(f) by omitting the following item

Section 127A(1)	Aggravated sexual assault
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;

(g) by inserting after

Section 133(1)	Incest
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the following item:

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Section 133(2)	Permit incest
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(h) by inserting after

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Section 170A	Persistent family violence (the commission of which involved an unlawful family violence act involving an offence against another provision listed in this Schedule)
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the following item:

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Section 178	Ill-treatment of child
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(i) by inserting after

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Section 186(1)	Forcible abduction
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the following item:

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Section 186(2)	Abduction
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(j) by omitting

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Section 7(2)	Intimidating, assaulting or threatening to assault person or threatening to cause person to be deported for purpose of inducing provision or continued provision of
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and substituting the following items:

Section 7(2)(a)	Intimidating, assaulting or threatening to assault person to induce provision of sexual services or fee or reward derived from provision of sexual services
Section 7(2)(d)	Administer to a person, or cause a person to take, any drug or other substance with the intent to stupefy or overpower that person to induce provision of sexual services or fee or reward derived from provision of sexual services

**50. Schedule 3 amended (Class 3 offences)**

Schedule 3 to the Principal Act is amended as follows:

(a) by inserting after

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<i>Criminal Code Act 1995</i> of the Commonwealth	
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the following item:

Section 271.4	Trafficking in children
Section 271.7	Domestic trafficking in children



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(b) by inserting after

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<i>Criminal Code</i>	
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the following item:

Section 125A	Persistent sexual abuse of a child or young person
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(c) by omitting

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Section 127A(1)	Aggravated sexual assault (if the person against whom the offence is committed is a child)
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and substituting the following item:

Section 129(a)	Procure a person for penetrative sexual abuse by threat or intimidation
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Section 129(b)	Procure a person for penetrative sexual abuse by false pretence
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(d) by inserting after

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Section 130	Involving a person under the age of 18 years in the production of child exploitation material
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the following item:

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Section 165A	Infanticide
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(e) by omitting the following item

Section 133(1)	Incest (if the person against whom the offence is committed is a child)
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(f) by inserting after

Section 170A	Persistent family violence (the commission of which involved an unlawful family violence act involving an offence against another provision listed in this Schedule)
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the following item:

Section 178A	Female genital mutilation
Section 178B	Removal of child from State for performance of female genital mutilation

(g) by inserting after

<i>Sex Industry Offences Act 2005</i>	
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the following item:

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Section 8(2)

| Accosting a child

Consultation draft

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s. 51            Part 3 – Community Protection (Offender Reporting) Regulations 2016  
Amended

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**PART 3 – COMMUNITY PROTECTION (OFFENDER  
REPORTING) REGULATIONS 2016 AMENDED**

**51. Principal Regulations**

In this Part, the *Community Protection (Offender Reporting) Regulations 2016\** are referred to as the Principal Regulations.

**52. Regulation 8 amended (Supervising authorities)**

Regulation 8 of the Principal Regulations is amended by omitting “Forensic” from column 3 of item 1 in the table.

**53. Regulation 8A inserted**

After regulation 8 of the Principal Regulations, the following regulation is inserted:

**8A. Prescribed offences in respect of child offenders**

For the purposes of section 5(4A) of the Act, the prescribed class of offences is the offences specified in Schedule 1 to the Act.

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\*S.R. 2016, No. 1

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Part 3 – Community Protection (Offender Reporting) Regulations 2016  
Amended

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**54. Regulation 10 amended (Prescribed entities)**

Regulation 10 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “of Education” and substituting “for Education, Children, and Young People”;
- (b) by omitting from paragraph (b) “Communities Tasmania” and substituting “Health”;
- (c) by omitting from paragraph (c) “Justice.” and substituting “Justice;”;
- (d) by inserting the following paragraphs after paragraph (c):
  - (d) the Department of Premier and Cabinet;
  - (e) Homes Tasmania;
  - (f) a government authority of the Commonwealth, or of this or any other State or of a Territory, responsible for the protection of children or reportable offender management.

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Part 4 – Sentencing Act 1997 Amended

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**PART 4 – SENTENCING ACT 1997 AMENDED**

**55. Principal Act**

In this Part, the *Sentencing Act 1997*\* is referred to as the Principal Act.

**56. Section 11A amended (Matters to be taken or not taken into account in sentencing certain sexual offenders)**

Section 11A(1) of the Principal Act is amended by inserting after paragraph (i) in the definition of *aggravating circumstance* the following paragraph:

- (j) the offender, at the time of the commission of the offence, being a reportable offender within the meaning of the *Community Protection (Offender Reporting) Act 2005*;

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\*No. 59 of 1997

*Community Protection (Offender Reporting) Amendment Act 2023*  
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Part 5 – Concluding provision

s. 57

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**PART 5 – CONCLUDING PROVISION**

**57. Repeal of Act**

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

Consultation draft