

TASMANIA

**COMMUNITY PROTECTION (OFFENDER
REPORTING) AMENDMENT BILL 2024**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement

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

3. Principal Act
4. Long title substituted
5. Section 3 amended (Interpretation)
6. Section 4A inserted
 - 4A. Delegation by Commissioner
7. Section 5 amended (Reportable offenders)
8. Section 6 amended (Order requiring registration of offender)
9. Section 7 amended (Reporting orders for other offences)
10. Section 9 amended (Magistrate may make reporting order on application from Commissioner)
11. Section 10 amended (Matters to be taken into account)
12. Section 10A amended (Magistrate may make community protection order on application from Commissioner)
13. Section 10B amended (Magistrate may make interim community protection order)

14. Sections 10C and 10D inserted
 - 10C. Variation, extension and revocation of community protection order
 - 10D. Reportable offender not to commit further reportable offence
15. Section 11 substituted
 11. Corresponding reportable offenders
 - 11A. Interaction of orders
16. Section 13 amended (Class 1 offences)
17. Section 14 amended (Class 2 offences)
18. Section 15 amended (Class 3 offences)
19. Part 2A inserted
 - PART 2A – Child-related Services and Disclosure in Relation to Charges
 - 15A. Interpretation of Part
 - 15B. Reportable offenders excluded from child-related services
 - 15C. Commissioner may require charged person to make disclosure in relation to child-related services or reportable contact
 - 15D. Disclosure by charged person to employer in relation to child-related service
 - 15E. Commissioner may make disclosure regarding charged person
 - 15F. Disclosure of information provided under this Part
20. Section 17 amended (Report by reportable offender of personal details)
21. Section 18 substituted
 18. Reportable offender to report annually and as required by the Registrar
22. Section 19 amended (Intended absence from Tasmania to be reported)
23. Section 20 amended (Where reports must be made)
24. Section 21 amended (Power to take photographs and carry out non-intimate forensic procedures)
25. Section 23 substituted
 23. Suspension and extension of reporting obligations
26. Section 23A amended (Application of this Division)

27. Section 23B amended (Variation of reporting obligations of young reportable offenders)
28. Section 23C amended (Suspension of reporting obligations of young reportable offenders)
29. Section 24 amended (Length of reporting period)
30. Section 26 repealed
31. Section 27A inserted
 - 27A. Suspension of reporting obligations of reportable offenders on Commissioner's own initiative
32. Section 30 amended (Commissioner and certain chief executive officers entitled to be parties to proceedings)
33. Sections 33 and 33A substituted
 33. Failure to comply with obligations
 - 33A. Failure to comply with community protection order or interim community protection order
34. Section 34 amended (Providing false or misleading information)
35. Sections 34A and 34B inserted
 - 34A. Conduct intended to cause harassment of reportable offenders or charged persons
 - 34B. Publication, display and distribution of identifying information of reportable offender
36. Section 37 amended (Courts to provide details of orders to Commissioner)
37. Section 41A inserted
 - 41A. Access to information of participants in witness protection programs
38. Section 42 amended (Registrar)
39. Section 44 amended (Access to Register to be restricted)
40. Sections 44AA and 44AB inserted
 - 44AA. Provision of information to corresponding registrar
 - 44AB. Provision of information to court
41. Section 44B amended (Provision of information to prescribed entities)
42. Section 44C amended (Disclosure of information to parent, guardian or carer)
43. Section 44CA inserted

- 44CA. Application by parent, guardian or carer for disclosure
- 44. Section 44D amended (Prescribed entities and parents, guardians or carers to keep information secret)
- 45. Section 45 amended (Confidentiality)
- 46. Section 45AA inserted
 - 45AA. Power to conduct search of person
- 47. Sections 45B and 45C substituted
 - 45B. Power to arrest without warrant
 - 45C. Power to enter and search places, premises, conveyances and containers, and search devices
- 48. Section 45D amended (Failure to comply with Act)
- 49. Sections 47 and 47A substituted
 - 47. Matters generally to be heard in public
 - 47A. Publication of personal details of certain reportable offenders
 - 47B. Publication of de-identified information
- 50. Section 49A inserted
 - 49A. Evidence of electronic monitoring device
- 51. Section 50A amended (Appeals)
- 52. Sections 50B and 50C inserted
 - 50B. Appeals from Magistrates Court decision
 - 50C. Amendment of Schedules by order
- 53. Section 51 amended (Regulations)
- 54. Section 54 inserted
 - 54. Transitional provisions consequent on *Community Protection (Offender Reporting) Amendment Act 2024*
- 55. Schedules 1, 2 and 3 amended
 - SCHEDULE 1 – CLASS 1 OFFENCES**
 - SCHEDULE 2 – CLASS 2 OFFENCES**
 - SCHEDULE 3 – CLASS 3 OFFENCES**

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

- 56. Principal Regulations
- 57. Regulation 4 amended (Authorised persons)
- 58. Regulation 8 amended (Supervising authorities)

- 59. Regulation 8A inserted
 - 8A. Prescribed offences in respect of child offenders
- 60. Regulation 10 amended (Prescribed entities)

PART 4 – SENTENCING ACT 1997 AMENDED

- 61. Principal Act
- 62. Section 11A amended (Matters to be taken or not taken into account in sentencing certain sexual offenders)

PART 5 – CONCLUDING PROVISION

- 63. Repeal of Act

COMMUNITY PROTECTION (OFFENDER REPORTING) AMENDMENT BILL 2024

(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 2024*.

2. Commencement

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

Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024

s. 3 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

**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

*No. 61 of 2005

Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 5

**circumstances, and for related
purposes**

5. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *authorised person* and substituting the following definitions:

authorised person means a prescribed person, or a member of a prescribed class of persons;

charged person means a person who has been charged with a reportable offence in respect of which proceedings have not been finalised, who has been –

- (a) served with a notice to appear in court in relation to the offence; or
- (b) bailed to appear in relation to the offence; or
- (c) remanded in custody in relation to the offence;
- (b) by inserting the following definition after the definition of *child*:

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 5 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

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

- (c) by omitting the definition of *personal details* and substituting the following definition:

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

- (a) the details specified in section 17; and
 - (b) photographs and digital images in relation to that offender;
- (d) by omitting “police officer” from the definition of *Registrar* and substituting “person”;
- (e) by inserting the following definition after the definition of *reporting period*:

RWVP Registrar means the Registrar appointed under section 11 of the *Registration to Work with Vulnerable People Act 2013*;

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 6

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*.

7. Section 5 amended (Reportable offenders)

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

- (4A) Unless otherwise ordered by a court, a person who has not previously been convicted of a reportable offence is not a reportable offender merely because the person, as a child, is sentenced for a single offence (including an equivalent offence under the laws of a foreign jurisdiction) that is an offence prescribed

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 8 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

to be an offence 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 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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 8

- 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 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), the court is to make paramount the

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 9 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

consideration of the safety and protection of children, adults and the community.

- (b) by omitting from subsection (3) “subsection (1)” and substituting “subsections (1A), (1B) and (1C)”.

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:

- (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:

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 11

(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;

(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;

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 12 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

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 subsections after subsection (3):
 - (4) A community protection order relating to a reportable offender made under subsection (2) may, 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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 12

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).

(5) A community protection order relating to a reportable offender made under subsection (2) may, 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, require the reportable offender to surrender, to the Commissioner, all valid passports held by the reportable offender.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 13 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

13. Section 10B amended (Magistrate may make interim community protection order)

Section 10B(2) of the Principal Act is amended by inserting “, or include a requirement or impose a condition referred to in section 10A(4) or (5)” after “section 10A(3)”.

14. Sections 10C and 10D inserted

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

10C. Variation, extension and revocation of community protection order

- (1) The Commissioner, or a reportable offender in relation to whom a community protection order has been made, may at any time apply to a magistrate for a variation, extension or revocation of the community protection order.
- (2) An application referred to in subsection (1) may only be made with the leave of the magistrate.
- (3) The magistrate is not to grant leave under subsection (2) unless satisfied that there has been a substantial change in the relevant circumstances since the order was made or last varied.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 15

10D. 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.

15. 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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 16 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

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.

16. Section 13 amended (Class 1 offences)

Section 13 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraphs:

- (a) in relation to an offender who is a child at the time of the offence, an offence against a provision listed in Part 1 of Schedule 1; or
- (ab) an offence against a provision listed in Part 2 of Schedule 1; or

17. Section 14 amended (Class 2 offences)

Section 14 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraphs:

- (a) in relation to an offender who is an adult at the time of the offence, an offence against a provision listed in Part 1 of Schedule 2; or

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 18

- (ab) in relation to all offenders, an offence against a provision listed in Part 2 of Schedule 2; or

18. Section 15 amended (Class 3 offences)

Section 15 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraphs:

- (a) in relation to an offender who is an adult at the time of the offence, an offence against a provision listed in Part 1 of Schedule 3; or
- (ab) in relation to all offenders, an offence against a provision listed in Part 2 of Schedule 3; or

19. 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).

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 19 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

15B. Reportable offenders excluded from child-related services

(1) In this section –

relevant reportable offender means a reportable offender who –

(a) is not a child; and

(b) was not a child at the time of the commission of the offence in respect of which the person is a reportable offender.

(2) A relevant reportable offender must not –

(a) apply to engage in; or

(b) engage in –

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.

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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 19

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 charged person, who is not a child, 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 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 to engage in, the services; and
 - (c) information regarding any reportable contact that the person has or expects to have with a child.
- (2) A notice under subsection (1) is to be given to a charged person as soon as practicable after the person has been

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 19 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

charged with a reportable offence, but in any case before the first court appearance of the person in respect of that charge.

- (3) A charged 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) The Commissioner is to give a copy of a notice given under subsection (1) to the RWVP Registrar.
- (5) A police officer may make such enquiries, in accordance with any relevant guidelines developed under section 44(4A), as the officer thinks necessary to verify information supplied in response to a notice given under subsection (1).

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

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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 19

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

- (2) A charged person, who is not a child and who applies to engage in the provision of a child-related service, must disclose to the person's prospective employer that the person has been charged with a reportable 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(4A), in respect of a charged person who is not a child, 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 –

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 19 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

that the person has been charged with a reportable 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, prospective employer, manager or supervisor, 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.

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) if the person is an employer of the person to whom the information relates, to a person who –
- (i) is a manager or supervisor, within the organisation or business of the employer; and

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

(ii) manages or supervises, or proposes to manage or supervise, the person to whom the information relates –

for the purpose of managing or supervising the person to whom the information relates;

- (b) to a court or tribunal in the course of legal proceedings;
- (c) pursuant to an order of a court or tribunal;
- (d) 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;
- (e) to a legal practitioner for the purpose of obtaining legal advice or representation;
- (f) with the written authority of the person to whom the information relates;
- (g) to –

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 20 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

(i) the Integrity Commission established under section 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;

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

20. 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 subsection before subsection (1):

(1AA) In this section –

personal relationship has the same meaning as in the *Relationships Act 2003*.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 20

- (b) 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 for more than one night at any premises, and the names and ages of any children of that person; and
- (c) by inserting the following paragraph after paragraph (ed) in subsection (1):
 - (ef) details of any electronic monitoring to which the reportable offender is subject as a result of a sentence, court order or community order given or made in this or any other jurisdiction; and
- (d) 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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 20 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

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

- (e) by inserting in subsection (1)(ie) “, or telecommunications device,” after “number”;
- (f) by inserting the following subsection after subsection (1B):
 - (1C) A reportable offender must present to the Registrar, or an authorised person, for inspection, any working with vulnerable people registration card, issued to the reportable offender under section 42 of the *Registration to Work with Vulnerable People Act 2013*.
- (g) by omitting from subsection (4)(d)(ii) “oral”;
- (h) by inserting the following subsection after subsection (5):

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 21

(6) If a reportable offender presents a working with vulnerable people registration card to the Registrar in accordance with subsection (1C), the Registrar may seize the card and forward it to –

(a) the RWVP Registrar; or

(b) a person in another jurisdiction whose functions in that jurisdiction most closely correspond to the functions of the RWVP Registrar –

for the purposes of the RWVP Registrar, or the person –

(c) checking the validity of the card; and

(d) reviewing the registration to which the card relates.

21. Section 18 substituted

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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 22 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

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.

22. 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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

- location at which the reportable offender intends to stay; and
- (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 with whom the reportable offender intends to travel, or reside, at any time during the intended travel; and
 - (cb) the name, age and contact details of each child with whom the reportable offender intends to

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 22 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

travel, or reside, at any time
during the intended travel; and

- (d) by inserting in subsection (2A) “subsequent to travelling internationally” after “Tasmania”;
- (e) by omitting from subsection (3) “subsection (2A) must, as soon as practicable” and substituting “subsection (2) must, within 24 hours after the making of that decision”;
- (f) by omitting from subsection (4)(a) “facsimile or”;
- (g) 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 Registrar 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 Criminal Intelligence Commission established by section 7 of the *Australian Crime*

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 23

*Commission Act 2002 of
the Commonwealth;*

- (c) the Australian Border Force Commissioner appointed 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.

23. 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”.

24. 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):

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 24 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

(2A) A person must comply with a requirement or procedure under subsection (1), (1A) or (2).

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.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

25. Section 23 substituted

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

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 of 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 of Tasmania, but within Australia, obligations imposed on that reportable offender by this Part continue to apply, unless the reportable offender is the

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 26 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

subject of an order to suspend reporting obligations made under Division 6 (or an equivalent order in a foreign jurisdiction).

26. 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”.

27. Section 23B amended (Variation of reporting obligations of young reportable offenders)

Section 23B(1) of the Principal Act is amended by omitting “a” second occurring and substituting “an unreasonable”.

28. Section 23C amended (Suspension of reporting obligations of young reportable offenders)

Section 23C(1) of the Principal Act is amended by omitting “a” second occurring and substituting “an unreasonable”.

29. 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”;

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

- (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”;
- (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”.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 30 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

30. Section 26 repealed

Section 26 of the Principal Act is repealed.

31. 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 –

(a) to a reportable offender who –

(i) was a child when the person committed the latest offence in relation to which the person is a reportable offender; or

(ii) has a cognitive or physical impairment; or

(iii) has a mental illness; and

(b) if there is a change, after the date on which the reporting obligations were imposed, in the circumstances of the reportable offender as the Commissioner understands them to be.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 31

- (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 an unreasonable 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, an unreasonable 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 Commissioner gives the notice to the reportable offender.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 32 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

32. 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”.

33. Sections 33 and 33A substituted

Sections 33 and 33A of the Principal Act are repealed and the following sections are 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 3 years, or both.

33A. Failure to comply with community protection order or interim community protection order

A person who, without reasonable excuse, fails to comply with a community protection order, or interim community protection order, made, and

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 34

in force, in respect of the person commits
an offence.

Penalty: Fine not exceeding 200 penalty
units or imprisonment for a term
not exceeding 3 years, or both.

34. 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.

35. Sections 34A and 34B inserted

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

34A. Conduct intended to cause harassment of reportable offenders or charged persons

(1) In this section –

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

identified person means a reportable
offender, or a charged person,
about whom information is

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 35 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

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) –

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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 35

- (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 who accesses information, or to whom information is disclosed, under this Act, must not engage in any conduct, otherwise than in private, by which the person intends to cause harassment of a person who is an identified person.

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

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;

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 35 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

identifying information means information accessed or disclosed under this Act in respect of a reportable offender, or charged person, that identifies that the person –

- (a) is a reportable offender;
or
- (b) has been charged with a reportable offence;

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 information in accordance with the provisions of this Act.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 36

36. 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”.

37. 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(2), 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.

38. Section 42 amended (Registrar)

Section 42 of the Principal Act is amended by omitting “police officer” and substituting “person”.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 39 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

39. Section 44 amended (Access to Register to be restricted)

Section 44 of the Principal Act is amended by omitting subsections (1), (2), (3) and (4) and substituting the following subsections:

(1) In this section –

relevant agency means –

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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 39

- (2) The Register, or any part of the Register, is only to be accessed by –
- (a) the Commissioner; or
 - (b) the Registrar; or
 - (c) the staff of the Registrar; or
 - (d) a police officer; or
 - (e) 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, 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
 - (f) a person who is authorised to do so by the Commissioner.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 39 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

- (3) A person, specified in subsection (2)(c), (d), (e) or (f) with access to the Register, or any part of the Register, must only disclose personal details contained in the Register –
- (a) to a police officer or a relevant agency; and
 - (b) in accordance with –
 - (i) guidelines developed under subsection (4A) by the Commissioner; or
 - (ii) a requirement or authorisation by or under any written or other law.

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

- (4) If the Commissioner, or Registrar, discloses personal details in the Register otherwise than to a police officer or a relevant agency, that disclosure must be in accordance with –
- (a) guidelines developed under subsection (4A) by the Commissioner; or
 - (b) a requirement or authorisation by or under any written or other law.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 40

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

- (4A) The Commissioner is to develop guidelines about access to, and the verification and disclosure of, personal details 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.

40. Sections 44AA and 44AB inserted

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

44AA. Provision of information to corresponding registrar

The Registrar may disclose personal details of a reportable offender from the Register to a corresponding registrar for the purposes of a corresponding Act.

44AB. Provision of information to court

Upon the request of a court, the Commissioner must disclose the following information in relation to a person:

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 41 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

- (a) whether or not the person is a reportable offender;
- (b) if the person is a reportable offender, the period and conditions of any order made under this Act in relation to the reportable offender –

if the Commissioner is satisfied that –

- (c) the information requested is for the purposes of informing the court making orders under the *Children, Young Persons and Their Families Act 1997* or the *Family Law Act 1975* of the Commonwealth; and
- (d) the information requested does not identify any victims of the reportable offender other than those in relation to whom the court is making the orders specified in paragraph (c).

41. 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 an authorised person” after “Commissioner”;

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 41

- (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(4A) 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”;
- (g) by inserting in subsection (2)(c) “, Registrar or authorised person” 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”.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 42 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

42. Section 44C amended (Disclosure of information to parent, guardian or carer)

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

- (a) by inserting in subsection (2) “, or the Secretary,” after “subsection (1), the Commissioner”;
- (b) by inserting in subsection (3) “, or the Secretary,” after “Commissioner”.

43. 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.
- (2) An application under subsection (1) –
 - (a) must include evidence, to the satisfaction of the Commissioner, that the specified person has, or has had, regular unsupervised access to a child in respect of

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

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, unless the person was a child when the person committed the latest offence in relation to which the person is a reportable offender.
- (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.

44. 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:

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 45 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

- (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.

45. 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
 - (ii) law enforcement; or
 - (iii) the management of reportable offenders;

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 46

- (ba) in the course of proceedings in court in respect of orders made under this Act;

46. 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 offender; and
- (c) seize, retain, and conduct an examination (including a forensic examination) of any thing that the police officer reasonably believes is evidence that a reportable offender is committing, or has committed, an offence against this Act.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 47 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

47. Sections 45B and 45C substituted

Sections 45B and 45C of the Principal Act are repealed and the following sections are 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.

45C. Power to enter and search places, premises, conveyances and containers, and search devices

- (1) A police officer may, for the following purposes, without warrant, enter into, remain on, search and inspect any place, premises, conveyance or container, or search any device, that the police officer reasonably believes is being, or has been, used by a reportable offender:
 - (a) to ensure that the reportable offender is not committing, or has not committed, a reportable offence or an offence against this Act;
 - (b) to verify any personal details reported by the reportable offender.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 47

- (2) 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 a reportable offence or an offence against this Act.
- (3) In entering into, remaining on, searching and inspecting any place, premises, conveyance, container or device under subsection (1), a police officer may exercise all or any of the following powers:
 - (a) use any force as is reasonably necessary;
 - (b) inspect, take copies of or seize any records, documents or other thing that the police officer considers relevant that is kept at, or in, the place, premises, conveyance or container;
 - (c) break open and search any cupboards, drawers, chests,

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 47 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

trunks, boxes, packages or other things, whether fixtures or not;

- (d) require any conveyance to be stopped;
- (e) inspect any computer, mobile telephone or device capable of storing electronic data;
- (f) seize, retain, conduct an examination (including a forensic examination) of, or remove from the place, premises, conveyance or container, any thing that the police officer reasonably believes is, or may contain, evidence of the commission of a reportable offence, or an offence against this Act, by the reportable offender.

- (4) A reportable offender must allow a police officer to enter into, remain on, search and inspect any place, premises, conveyance, container or device for the purposes of this section and must cooperate with the police officer with respect to that entry, search and inspection.

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

- (5) If a reportable offender is aware that, in order to gain access to data stored on a

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 48

computer, mobile telephone or other device being inspected or removed by a police officer under this section, it is necessary to enter any password, code or other information, or to perform any function in relation to the data, he or she must provide the police officer with that password, code or information or assist the police officer in performing that function.

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

- (6) This section does not authorise the entry into any part of a place that is being used solely for residential purposes by a person other than a reportable offender, except –
- (a) with the consent of that person; or
 - (b) under the authority of a search warrant.

48. 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:

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 49 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

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

(b) by omitting subsection (2).

49. Sections 47 and 47A substituted

Sections 47 and 47A of the Principal Act are repealed and the following sections are 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.

47A. Publication of personal details of certain reportable offenders

- (1) This section does not apply to a young reportable offender or corresponding reportable offender who is a child.
- (2) The Commissioner may publish any or all of the personal details of a reportable offender, or corresponding reportable offender, if the reportable offender's or corresponding reportable offender's

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 50

whereabouts are not known to the
Commissioner.

47B. Publication of de-identified information

The Commissioner may publish
information collected or accessed for the
purposes of this Act, and information
produced from analysis of that
information, provided that –

- (a) no person can be identified from
the information; and
- (b) the publication of that
information is for the purpose of
reporting on the operation and
effectiveness of this Act.

50. Section 49A inserted

After section 49 of the Principal Act, the
following section is inserted in Part 5:

49A. Evidence of electronic monitoring device

- (1) If a reportable offender is required to
submit to electronic monitoring under
this Act, information collected as a result
of that electronic monitoring –
 - (a) must be provided to the
Commissioner; and

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 51 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

- (b) may be used as evidence in proceedings under this or any other Act.
- (2) If a person who is a reportable offender under this Act is required to submit to electronic monitoring under another Act, information collected as a result of that electronic monitoring may be –
 - (a) provided to the Commissioner; and
 - (b) used as evidence in proceedings under this Act.

51. 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”.

52. 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;

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

- (b) a decision not to make an offender reporting order or community protection order, or a failure to make such an order.
- (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.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 52 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

50C. Amendment of Schedules by order

(1) In this section –

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.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

53. Section 51 amended (Regulations)

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

- (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.

54. Section 54 inserted

After section 53 of the Principal Act, the following section is inserted in Part 5:

54. Transitional provisions consequent on *Community Protection (Offender Reporting) Amendment Act 2024*

- (1) Section 6, as in force immediately before the commencement of section 8 of the *Community Protection (Offender Reporting) Amendment Act 2024*, applies to an order made under this Act that is in force on the day on which that section commences.
- (2) Section 13, as in force immediately before the commencement of section 16 of the *Community Protection (Offender Reporting) Amendment Act 2024*, applies to an order made under this Act that is in force on the day on which that section commences.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 54 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

- (3) Section 14, as in force immediately before the commencement of section 17 of the *Community Protection (Offender Reporting) Amendment Act 2024*, applies to an order made under this Act that is in force on the day on which that section commences.
- (4) Section 15, as in force immediately before the commencement of section 18 of the *Community Protection (Offender Reporting) Amendment Act 2024*, applies to an order made under this Act that is in force on the day on which that section commences.
- (5) Section 24, as in force immediately before the commencement of section 29 of the *Community Protection (Offender Reporting) Amendment Act 2024*, applies to an order made under this Act that is in force on the day on which that section commences.
- (6) For the avoidance of doubt, amendments to Schedules 1, 2 and 3 made by section 55 of the *Community Protection (Offender Reporting) Amendment Act 2024* do not affect the validity, or terms, of any order made under this Act that is in force on the day on which that section commences.

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 55

55. Schedules 1, 2 and 3 amended

Schedules 1, 2 and 3 to the Principal Act are repealed and the following Schedules are substituted:

SCHEDULE 1 – CLASS 1 OFFENCES

Section 13

PART 1 – CLASS 1 OFFENCES – CHILD OFFENDER

Provision	Description of offence
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1995</i>	
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
Section 73A	Distributing child exploitation material or facilitating the distribution of child exploitation material
<i>Criminal Code</i>	
Section 130A	Producing child exploitation material

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 55 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

Provision	Description of offence
Section 130B(1)	Distributing child exploitation material
<i>Criminal Code Act 1995 of the Commonwealth</i>	
Section 273.6	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia
Section 471.20	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service
Section 474.23	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service
PART 2 – CLASS 1 OFFENCES – ALL OFFENDERS	
Provision	Description of offence
<i>Children, Young Persons and Their Families Act 1997</i>	
Section 91	Fail to protect child from harm
Section 95	Harbour or conceal a child, &c

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 55

Provision	Description of offence
Section 96	Remove, counsel or induce child to be absent without lawful authority, &c
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1995</i>	
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(2)(a)	Apply to engage in provision of child-related service
Section 15B(2)(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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 55 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

Provision	Description of offence
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 or interim community protection order
Section 34	Provide false or misleading information
Section 45D	Fail to comply with Act
<i>Criminal Code</i>	
Section 105A(2)	Failing to report the abuse of a child
Section 125D(3)	Grooming with intent to expose a child [<i>or</i> young person] to indecent material
Section 130C	Possessing child exploitation material
Section 130D	Accessing child exploitation material
Section 137	Indecency
Section 138	Exhibiting obscene matter

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 55

Provision	Description of offence
<i>Criminal Code Act 1995 of the Commonwealth</i>	
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
Section 471.19	Using a postal or similar service for child abuse material
Section 471.24	Using a postal or similar service to procure persons under 16
Section 471.25	Using a postal or similar service to “groom” persons under 16
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

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 55 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

Provision	Description of offence
Section 471.25A(3)	Using a postal or similar service to “groom” persons under 16 – procurement for sexual activity in presence of sender or another person
Section 471.26	Using a postal or similar service to send indecent material to person under 16
Section 474.22	Using a carriage service for child abuse material
Section 474.22A	Possessing or controlling child abuse material obtained or accessed using a carriage service
Section 474.23A	Conduct for the purposes of electronic service used for child abuse material
Section 474.25A	Using a carriage service for sexual activity with person under 16 years of age
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
Section 474.26	Using a carriage service to procure persons under 16 years of age

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 55

Provision	Description of offence
Section 474.27	Using a carriage service to “groom” persons under 16 years of age
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 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 sexual activity in presence of sender or another person
Section 474.27A	Using a carriage service to transmit indecent communication to person under 16 years of age
<i>Customs Act 1901 of the Commonwealth</i>	
Section 233BAB	Special offences relating to tier 2 goods (if the offence involves items of child abuse material)

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 55 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

Provision	Description of offence
<i>Police Offences Act 1935</i>	
Section 7A	Loitering near children
Section 8(1A)(a)	Wilful and obscene exposing of person
Section 13A(1)	Observation or recording in breach of privacy – private place or private act
Section 13A(2)	Observation or recording in breach of privacy – genital or anal region
Section 13B	Publishing or distributing prohibited visual recording
Section 13C	Possession of prohibited visual recording
Section 21	Indecent or offensive action or behaviour
Section 35(3)	Assault with indecent intent
<i>Sex Industry Offences Act 2005</i>	
Section 11(1)	Permitting child on premises while sexual services are being provided – sex worker

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 55

Provision	Description of offence
Section 11(2)	Permitting child on premises while sexual services are being provided – person receiving sexual services

SCHEDULE 2 – CLASS 2 OFFENCES

Section 14

PART 1 – CLASS 2 OFFENCES – ADULT OFFENDER

Provision	Description of offence
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1995</i>	
Section 73A	Distributing child exploitation material or facilitating the distribution of child exploitation material
<i>Criminal Code Act 1995 of the Commonwealth</i>	
Section 273.6	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia
Section 471.20	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 55 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

Provision	Description of offence
Section 474.23	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service

PART 2 – CLASS 2 OFFENCES –ALL OFFENDERS

Provision	Description of offence
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1995</i>	
Section 72	Make or produce bestiality product
<i>Criminal Code</i>	
Section 122	Bestiality
Section 125(a)	Permit penetrative sexual abuse of child [<i>or</i> young person] on premises – owner or occupier
Section 125(b)	Permit penetrative sexual abuse of child [<i>or</i> young person] on premises – manager or controller
Section 125B	Indecent act with or directed at a child [<i>or</i> young person]
Section 125C(3)	Procuring a child [<i>or</i> young person] for indecent act

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 55

Provision	Description of offence
Section 125E(2)	Fail by a person in authority to protect a child from a sexual offence
Section 127(1)	Indecent assault
Section 130B(1)	Distributing child exploitation material
Section 133(1)	Incest
Section 133(2)	Permitting incest
Section 139(b)	Interfering (indecently) with human remains
Section 169	Administering a drug with intent to facilitate the commission of an offence [<i>or</i> the flight of an offender].
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)
Section 178	Ill-treating a child
Section 186(1)	Forcible abduction
Section 186(2)	Abduction
Section 189	Abduction of a young person under the age of 17 years

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 55 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

Provision	Description of offence
Section 192(1)	Stalking and bullying (if the person against whom the offence is committed is a child)
<i>Criminal Code Act 1995 of the Commonwealth</i>	
Section 272.15	“Grooming” child to engage in sexual activity outside Australia
Section 272.20	Preparing for or planning offence against this Division
<i>Sex Industry Offences Act 2005</i>	
Section 7(1)(a)	Intimidating, assaulting or threatening to assault a sex worker
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

*S.R. 2016, No. 1

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 55

SCHEDULE 3 – CLASS 3 OFFENCES

Section 15

PART 1 – CLASS 3 OFFENCES – ADULT OFFENDER

Provision	Description of offence
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1995</i>	
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

PART 2 – CLASS 3 OFFENCES – ALL OFFENDERS

Provision	Description of offence
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1995</i>	
Section 73	Procuring, or inviting or attempting to procure, child to be involved in making child exploitation material

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 55 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

Provision	Description of offence
<i>Criminal Code</i>	
Section 124	Penetrative sexual abuse of a child [or young person]
Section 124A	Penetrative sexual abuse of a child [or young person] by a person in a position of authority
Section 126	Penetrative sexual abuse of a person with a mental impairment
Section 130A	Producing child exploitation material
Section 170A	Persistent family violence (the commission of which involved an unlawful family violence act involving an offence against another provision listed in Schedule 1, 2 or 3)
<i>Criminal Code Act 1995 of the Commonwealth</i>	
Section 271.4	Trafficking in children
Section 271.7	Domestic trafficking in children
Section 272.8	Sexual intercourse with a child outside Australia

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 55

Provision	Description of offence
Section 272.9	Sexual activity (other than sexual intercourse) with a child outside Australia
Section 272.10	Aggravated offence – child with mental impairment or under care, supervision or authority of defendant
Section 272.11	Persistent sexual abuse of child outside Australia
Section 272.12	Sexual intercourse with young person outside Australia – defendant in position of trust or authority
Section 272.13	Sexual activity (other than sexual intercourse) with young person outside Australia – defendant in position of trust or authority
Section 272.14	Procuring child to engage in sexual activity outside Australia
Section 272.18	Benefiting from offence against this Division
Section 272.19	Encouraging offence against this Division
Section 273.7	Aggravated offence – offence involving conduct on 3 or more occasions and 2 or more people

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 55 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

Provision	Description of offence
Section 471.22	Aggravated offence – offence involving conduct on 3 or more occasions and 2 or more people
Section 474.24A	Aggravated offence – offence involving conduct on 3 or more occasions and 2 or more people
Section 474.25B	Aggravated offence – child with mental impairment or under care, supervision or authority of defendant
<i>Criminal Code</i>	
Section 125A	Persistent sexual abuse of a child [<i>or</i> young person]
Section 125C(2)	Procuring a child [<i>or</i> young person] for penetrative sexual abuse
Section 125D(1)	Grooming with intent to procure a child [<i>or</i> young person] for sexual abuse
Section 129(a)	Procuring a person for penetrative sexual abuse by threats
Section 129(b)	Procuring a person for penetrative sexual abuse by fraud
Section 130	Involving a person under the age of 18 years in the production of child exploitation material

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

s. 55

Provision	Description of offence
Section 165A	Infanticide
Section 169	Administering a drug with intent to facilitate the commission of an offence [<i>or</i> the flight of an offender] (if the person against whom the offence is committed is a child)
Section 178A	Performing female genital mutilation
Section 178B	Removal of child for performance of female genital mutilation
Section 185	Rape
Section 191(1)	Abduction of a child
Section 191(2)	Harbouring an abducted child
Section 191A(a)	Kidnapping
<i>Sex Industry Offences Act 2005</i>	
Section 7(1)(d)	Administering to a sex worker, or causing a sex worker to take, any drug or other substance with the intent to stupefy or overpower that sex worker

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 55 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

Provision	Description of offence
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
Section 8(2)	Accosting a child
Section 9(1)	Procuring, or otherwise causing or permitting, a child to provide sexual services in a sexual services business
Section 9(2)	Receiving a fee or reward from sexual services provided by a child in a sexual services business

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

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

s. 56

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

56. Principal Regulations

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

57. Regulation 4 amended (Authorised persons)

Regulation 4 of the Principal Regulations is amended as follows:

- (a) by omitting “classes of police officers” and substituting “persons and classes of persons”;
- (b) by inserting in paragraph (d) “, and State Service employees,” after “officers”.

58. Regulation 8 amended (Supervising authorities)

Regulation 8 of the Principal Regulations is amended by omitting “Chief Forensic Psychiatrist” from column 2 of item 1 in the table and substituting “Chief Psychiatrist”.

*S.R. 2016, No. 1

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

s. 59 Part 3 – Community Protection (Offender Reporting) Regulations 2016
Amended

59. 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 following offences are prescribed offences:

- (a) sections 72A(a), (b), (c), 73A and 74A(a) of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*;
- (b) sections 130A, 130B and 130C of the *Criminal Code*;
- (c) sections 8(1A), 21 and 35(3) of the *Police Offences Act 1935*;
- (d) sections 273.6, 471.20, 474.22A and 474.23 of the *Criminal Code 1995* of the Commonwealth.

60. Regulation 10 amended (Prescribed entities)

Regulation 10 of the Principal Regulations is amended as follows:

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

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

s. 60

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- (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.

Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024

s. 61

Part 4 – Sentencing Act 1997 Amended

PART 4 – SENTENCING ACT 1997 AMENDED

61. Principal Act

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

62. 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*;

*No. 59 of 1997

*Community Protection (Offender Reporting) Amendment Act
2024
Act No. of 2024*

Part 5 – Concluding provision

s. 63

PART 5 – CONCLUDING PROVISION

63. Repeal of Act

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