

Police Powers and Responsibilities and Other Legislation Amendment Bill 2018

Amendments during consideration in detail to be moved by
The Honourable the Minister for Police and Minister for Corrective Services

1 After clause 3

Page 6, after line 14—

insert—

3A Amendment of s 3 (Purposes of this Act)

Section 3(2)(f)—

omit, insert—

- (f) provides for the making of orders against particular offenders who commit sexual, or particular other serious, offences against children to—
 - (i) prohibit the offenders from engaging in conduct posing a risk to the safety or wellbeing of 1 or more children, or of children generally; or
 - (ii) require the offenders to do particular things to reduce the risk to the safety or wellbeing of 1 or more children, or of children generally.

3B Amendment of s 5 (*Reportable offender defined*)

Section 5(1)—

insert—

- (f) a post-DPSOA reportable offender.

3C Insertion of new s 7A

After section 7—

insert—

7A *Post-DPSOA reportable offender defined*

- (1) A *post-DPSOA reportable offender* is a person who—
- (a) was sentenced for a reportable offence, whether before or after the commencement date; and
 - (b) was, but is no longer, subject to a division 3 order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*; and
 - (c) at the time the person stopped being subject to the division 3 order mentioned in paragraph (b), was not subject to reporting obligations as a reportable offender under section 5(1)(a), (aa) or (b).
- (2) A person becomes a post-DPSOA reportable offender when the person stops being subject to the division 3 order mentioned in subsection (1)(b).

3D Amendment of s 13A (Application)

Section 13A(3), definition *concerning conduct*, ‘lives or sexual safety’—

omit, insert—

safety or wellbeing

3E Amendment of s 13C (Making prohibition order)

Section 13C(1)(b)(i), ‘lives or sexual safety’—

omit, insert—

safety or wellbeing

3F Amendment of s 13D (Matters court must consider before making prohibition order)

Section 13D(1)—

insert—

- (fa) whether the respondent has ever been subject to a division 3 order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*; and

3G Insertion of new s 13FA

After section 13F—

insert—

13FA Conduct that may be required

- (1) A prohibition order may require the respondent to do any of the following things—
- (a) wear a tracking device for a stated period;
 - (b) comply with a condition the court considers necessary to facilitate the operation of a tracking device;
 - (c) reside at a particular place of residence;
 - (d) submit to psychological treatment;
 - (e) comply with a condition the court considers necessary to reduce the risk to the safety or wellbeing of 1 or more children, or of children generally.
- (2) This section does not limit section 13F.
- (3) In this section—

tracking device means an electronic device capable of being worn, and not removed, by a person for the purpose of the police service, or the chief executive (corrective services),

finding or monitoring the geographical location of the person.

3H Amendment of s 13I (Applying for temporary order)

Section 13I(1)(b)(i), ‘lives or sexual safety’—
omit, insert—
safety or wellbeing

3I Insertion of new s 13LA

After section 13L—
insert—

13LA Conduct that may be required

Section 13FA applies to a temporary order as if—

- (a) a reference in the section to a prohibition order were a reference to a temporary order; and
- (b) a reference in the section to the court included, for section 13J, a reference to a magistrate.

3J Amendment of s 19A (Reporting changes in personal details)

Section 19A(1)—
insert—

- (aa) if the offender has ever been subject to a division 3 order under the *Dangerous Prisoners (Sexual Offenders) Act 2003* and the change relates to any premises where the offender generally resides, or a locality where the offender can

generally be found—within 24 hours after the change happens; or

3K Amendment of s 35 (When reporting obligations begin)

Section 35(1)—

insert—

- (aa) for a post-DPSOA reportable offender—when the offender becomes a post-DPSOA reportable offender; or

3L Insertion of new s 38A

After section 38—

insert—

38A Extended reporting period if reportable offender ever subject to division 3 order

- (1) This section applies to a reportable offender who has ever been subject to a division 3 order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*.
- (2) Despite anything to the contrary in this division, the offender must continue to comply with the reporting obligations imposed by this part for the remainder of the offender's life.

3M Amendment of s 41 (Supreme Court may exempt particular reportable offenders)

Section 41(2)(a)—

omit, insert—

- (a) a period of 15 years has passed (ignoring any period during which the reportable offender was in government

detention) since the later of the following days—

- (i) the day the offender was last sentenced in relation to a reportable offence or a corresponding reportable offence;
- (ii) the day the offender was last released from government detention in relation to a reportable offence or a corresponding reportable offence;
- (iii) the day the offender was last subject to a division 3 order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*; and

2 After clause 4

Page 7, after line 21—

insert—

4A Amendment of sch 3 (When reportable offender must make initial report)

Schedule 3, after first entry—

insert—

A reportable offender who is a post-DPSOA offender	reportable offender	24 hours after the reportable offender becomes a post-DPSOA offender	reportable offender
--	---------------------	--	---------------------

4B Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

post-DPSOA reportable offender see section 7A.

© State of Queensland 2018