

**Version No. 012**  
**Sex Offenders Registration Regulations 2004**  
**S.R. No. 121/2004**

Version incorporating amendments as at 30 March 2007

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**Version No. 012**  
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**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are to provide for—

- (a) reporting obligations of registrable offenders under Part 3 of the **Sex Offenders Registration Act 2004**;
- (b) the notification of reporting obligations to registrable offenders;
- (c) various other matters authorised to be prescribed under the Act.

**2 Authorising provision**

These Regulations are made under section 75 of the **Sex Offenders Registration Act 2004**.

**3 Commencement**

These Regulations come into operation on 1 October 2004.

**4 Definitions**

In these Regulations—

**Registrar** means the member of the police force appointed by the Chief Commissioner of Police to be Registrar for the purposes of these Regulations;

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Reg. 4 def. of  
*supervising  
authority*  
revoked by  
S.R. No.  
135/2004  
reg. 4.

\* \* \* \* \*

*the Act* means the **Sex Offenders Registration Act 2004**.

Reg. 5  
substituted by  
S.R. No.  
94/2005 reg. 5.

## 5 Corresponding Act

For the purpose of the definition of *corresponding Act* in section 3 of the Act, the following are corresponding Acts for the purposes of the Act—

- (a) the New South Wales Act;
- (b) the Child Protection (Offender Reporting) Act 2004 of Queensland;
- (c) the Community Protection (Offender Reporting) Act 2004 of Western Australia;
- (d) the Child Protection (Offender Reporting and Registration) Act 2004 of the Northern Territory;
- (e) the Crimes (Child Sex Offenders) Act 2005 of the Australian Capital Territory;
- (f) the Community Protection (Offender Reporting) Act 2005 of Tasmania;
- (g) the Child Sex Offenders Registration Act 2006 of South Australia.

Reg. 5(e)  
amended by  
S.R. No.  
127/2006  
reg. 4(1).

Reg. 5(f)  
inserted by  
S.R. No.  
127/2006  
reg. 4(2),  
amended by  
S.R. No.  
18/2007  
reg. 4(1).

Reg. 5(g)  
inserted by  
S.R. No.  
18/2007  
reg. 4(2).

**5A Corresponding sex offender registration order**

For the purpose of the definition of *corresponding sex offender registration order* in section 3 of the Act, the following are corresponding sex offender registration orders for the purposes of the Act—

Reg. 5A  
inserted by  
S.R. No.  
94/2005 reg. 5.

- (a) a child protection registration order under the New South Wales Act;
- (b) an offender reporting order under the Child Protection (Offender Reporting) Act 2004 of Queensland;
- (c) an offender reporting order under the Community Protection (Offender Reporting) Act 2004 of Western Australia;
- (d) an offender reporting order under the Child Protection (Offender Reporting and Registration) Act 2004 of the Northern Territory;
- (e) a child sex offender registration order under the Crimes (Child Sex Offenders) Act 2005 of the Australian Capital Territory;
- (f) an order under section 6, 7 or 9 of the Community Protection (Offender Reporting) Act 2005 of Tasmania;
- (g) an order under section 9 of the Child Sex Offenders Registration Act 2006 of South Australia.

Reg. 5A(e)  
amended by  
S.R. No.  
127/2006  
reg. 5(1).

Reg. 5A(f)  
inserted by  
S.R. No.  
127/2006  
reg. 5(2),  
amended by  
S.R. No.  
18/2007  
reg. 5(1).

Reg. 5A(g)  
inserted by  
S.R. No.  
18/2007  
reg. 5(2).

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## **6 Foreign witness protection laws**

For the purposes of sections 6(5) and 56(2) of the Act, the following laws are foreign witness protection laws—

- (a) the Witness Protection Act 1994 of the Commonwealth;
- (b) the Witness Protection Act 1995 of New South Wales;
- (c) the Witness Protection Act 2000 of Queensland;
- (d) the Witness Protection Act 2000 of Tasmania;
- (e) the Witness Protection Act 1996 of South Australia;
- (f) the Witness Protection (Western Australia) Act 1996 of Western Australia;
- (g) the Witness Protection Act 1996 of the Australian Capital Territory;
- (h) the Witness Protection (Northern Territory) Act 2002 of the Northern Territory.

## **7 New South Wales registrable offenders**

The specified date before which persons were to have been in New South Wales in order to be a New South Wales registrable offender for the purposes of section 10 of the Act, is 1 October 2004.

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## **PART 2—REPORTING OBLIGATIONS**

### **Division 1—Preliminary**

#### **8 Persons required to report under corresponding Act**

The Registrar is the person to be contacted for the purposes of section 15 of the Act.

#### **9 Police stations**

- (1) The Chief Commissioner of Police may give directions nominating the police stations that are to be used under Part 3 of the Act.
- (2) The Registrar may give a direction to a registrable offender specifying the police station at which the registrable offender must report.

### **Division 2—Making reports**

#### **10 Making a report other than in person**

- (1) A registrable offender may make a report under section 19 of the Act by telephone to the Chief Commissioner of Police.
- (2) For the purposes of section 23(2) of the Act, a registrable offender may make any report that he or she is required to make under the Act, other than a report referred to in section 23(1) of the Act, by telephone to the Registrar.

#### **11 Alternative additional identification**

- (1) This regulation applies to a report that is required to be made in person if the person making the report does not have a driver licence.

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S.R. No. 121/2004  
Part 2—Reporting Obligations

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- (2) For the purposes of section 26(1)(a) of the Act, if the person making the report is the registrable offender, that person must present for inspection original documents that identify him or her, being any one of the documents specified in Column 1 of the Table and any two of the documents specified in Column 2 of the Table.
- (3) For the purposes of section 26(1)(c) of the Act, if the person making the report is not the registrable offender, that person must present for inspection—
- (a) original documents required by subregulation (2) that identify the registrable offender; and
  - (b) original documents referred to in subregulation (2) that identify the person making the report.

**TABLE**

<i>Column 1</i>	<i>Column 2</i>
<i>One original document required</i>	<i>Two original documents required</i>
A current Australian passport	A current signed credit card or account card from a bank, building society or credit union or a passbook or account statement
An Australian naturalisation or citizenship certificate	A current Medicare card
An original birth certificate or certified birth extract	A gas, water, electricity or telephone account issued within the previous 6 months
	A current local rates or land valuation notice
	A pension concession card or other entitlement issued by the Commonwealth Government
	A lease or rental agreement

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<i>Column 1</i>	<i>Column 2</i>
<i>One original document required</i>	<i>Two original documents required</i>
	A motor vehicle registration notice or certificate
	A renewal notice for house, contents or motor vehicle insurance
	A student identity card or a certificate or statement of enrolment from an educational institution

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## **12 Verifying documentation or evidence**

A person making a report referred to in section 23(1) must present the following documents to verify or support details in the report—

- (a) in relation to personal details (if any) referred to in section 14(1)(f) of the Act, a copy of two payslips issued to the registrable offender within the previous 2 months;
- (b) in relation to personal details referred to in section 14(1)(h) of the Act, a copy of a current motor vehicle registration notice or certificate for any vehicle owned by the registrable offender or a document that confirms that a vehicle is generally driven by the registrable offender.

## **13 Reporting by remote offenders**

For the purpose of section 31(1) of the Act, the prescribed distance is 100 kilometres.

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**Division 3—Notification of reporting obligations**

**14 Manner of providing notice to registrable offender**

- (1) A notice required to be given to a registrable offender under section 50(1) of the Act must be in writing and handed to the person.
- (2) Despite subregulation (1), if the registrable offender is a child or a person who has disabilities or other special need and is unable to understand his or her reporting obligations or the consequences of failing to comply with those obligations, the supervising authority may give the notice to the carer of, or a person nominated in writing by, that registrable offender.

**15 Information to be included in notices**

A notice required to be given to a registrable offender under section 50(1) of the Act must contain the following information—

- (a) the name of the registrable offender;
- (b) a statement setting out—
  - (i) the obligations of the registrable offender to make an initial report (including the period within which the initial report must be made); and
  - (ii) the obligations of the registrable offender to make an annual report; and
  - (iii) the obligations of the registrable offender to report changes of personal details; and
  - (iv) the details the registrable offender is required to report under section 14 of the Act and under these Regulations; and

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- (v) the obligations of the registrable offender to report under sections 18, 19, 20 and 21 of the Act (including the periods within which the reports must be made); and
  - (vi) the circumstances in which the registrable offender must make a report in person; and
  - (vii) the form of identification to be presented by the person who makes a report; and
  - (viii) the documentation that the registrable offender must present to verify or support details in the report;
- (c) a toll free telephone number on which the Registrar can be contacted;
  - (d) the consequences which may arise if a registrable offender fails to comply with his or her reporting obligations;
  - (e) the date of the notice;
  - (f) the name, signature and position of the person giving the notice.

**16 Notice of reporting obligations**

- (1) A notice required to be given under section 50(1) of the Act is not required to specify the registrable offender's reporting period.

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Reg. 16(2)  
revoked by  
S.R. No.  
94/2005 reg. 6.

## 17 Acknowledgement of receipt of notice

- (1) A person who gives a notice under Part 3 of the Act to a registrable offender may request the registrable offender to acknowledge receipt of that notice.
- (2) The person must, within 3 days after giving the notice—
  - (a) inform the Chief Commissioner of Police in writing—
    - (i) that the registrable offender has been given a notice of his or reporting obligations; and
    - (ii) the date on which the registrable offender was given that notice; and
  - (b) if the registrable offender has acknowledged to the person receipt of the notice, provide the Chief Commissioner of Police with a copy of that acknowledgement.

## 18 Supervising authority

- (1) For the purpose of section 50(3) of the Act, the person or body that is required to give notice to a registrable offender is the supervising authority specified in column 2 of Table A in the Schedule for the class of offender specified in column 1 of the Table to which the registrable offender belongs.
- (2) For the purpose of section 53 of the Act, the person or body that is required to give notice to the Chief Commissioner of Police is the supervising authority specified in column 2 of Table B in the Schedule for the class of offender specified in column 1 of the Table to which the registrable offender belongs.

Reg. 18  
substituted by  
S.R. No.  
135/2004  
reg. 5.

Reg. 18(2)  
amended by  
S.R. No.  
94/2005 reg. 7.

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- (3) Nothing in this regulation requires the supervising authority specified in column 2 of Table A in the Schedule for the class of offender specified in item 5(a) or (b) in column 1 of that Table to give notice to a registrable offender who belongs to a class of offender referred to in either of those items if that registrable offender is on special leave, on-ground leave, limited off-ground leave or is absent from an approved mental health service, or a residential service, without leave of absence or other lawful authority.
- (4) Nothing in this regulation requires the supervising authority specified in column 2 of Table A in the Schedule for the class of offender specified in item 5(c) or (d) in column 1 of that Table to give notice to a registrable offender who belongs to a class of offender referred to in either of those items if that registrable offender is on leave of absence or special leave of absence or is absent without leave.
- (5) Nothing in this regulation requires the supervising authority specified in column 2 of Table A in the Schedule for the class of offender specified in item 5(e) or (f) in column 1 of that Table to give notice to a registrable offender who belongs to a class of offender referred to in either of those items if that registrable offender is on leave of absence or is absent with permission or is absent from an approved mental health service without leave or permission or other lawful authority.
- (6) Nothing in this regulation requires the supervising authority specified in column 2 of Table A in the Schedule for the class of offender specified in item 5(g) in column 1 of that Table to give notice to a registrable offender who belongs to a class of offender referred to in that item if that registrable offender is on temporary leave of absence or has escaped from his or her place of detention or is
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**Reg. 18(3)**  
inserted by  
S.R. No.  
127/2006  
reg. 6.

**Reg. 18(4)**  
inserted by  
S.R. No.  
127/2006  
reg. 6.

**Reg. 18(5)**  
inserted by  
S.R. No.  
127/2006  
reg. 6.

**Reg. 18(6)**  
inserted by  
S.R. No.  
127/2006  
reg. 6.

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absent from his or her place of detention without lawful authority.

Reg. 18(7)  
inserted by  
S.R. No.  
127/2006  
reg. 6.

- (7) Nothing in this regulation requires the supervising authority specified in column 2 of Table A in the Schedule for the class of offender specified in item 8 in column 1 of that Table to give notice to a registrable offender who belongs to a class of offender referred to in that item if that registrable offender—
- (a) is authorised to be absent from a prison, or other place of custody, under the **Corrections Act 1986**; or
  - (b) has escaped from his or her place of custody; or
  - (c) has escaped from the physical custody of—
    - (i) an officer within the meaning of Part 5 of the **Corrections Act 1986** or an escort officer under that Act; or
    - (ii) a member of the police force; or
    - (iii) a person acting on lawful authority on behalf of the Secretary or the Chief Commissioner; or
  - (d) is authorised to be absent from a prison under the **Corrections Act 1986** and who—
    - (i) does not return to prison when the instrument of authority expires or when otherwise required by the instrument to do so; or
    - (ii) is required by the instrument authorising the absence to be under the supervision of another person and wilfully ceases to be under that supervision; or

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- (iii) does not return to prison upon being informed by an officer of the Office of Corrections or a member of the police force that the instrument authorising the absence has been revoked; or
- (e) has wilfully ceased to be in the legal custody of the Secretary to the Department of Justice or the Chief Commissioner of Police.
- (8) Nothing in this regulation requires the supervising authority specified in column 2 of Table B in the Schedule for the class of offender specified in item 1(a) or (b) in column 1 of that Table to give notice to the Chief Commissioner of Police in respect of a registrable offender who belongs to a class of offender referred to in either of those items if that registrable offender is on special leave, on-ground leave or limited off-ground leave. **Reg. 18(8) inserted by S.R. No. 127/2006 reg. 6.**
- (9) Nothing in this regulation requires the supervising authority specified in column 2 of Table B in the Schedule for the class of offender specified in item 1(c) or (d) in column 1 of that Table to give notice to the Chief Commissioner of Police in respect of a registrable offender who belongs to a class of offender referred to in either of those items if that registrable offender is on leave of absence or special leave of absence. **Reg. 18(9) inserted by S.R. No. 127/2006 reg. 6.**
- (10) Nothing in this regulation requires the supervising authority specified in column 2 of Table B in the Schedule for the class of offender specified in item 1(e) or (f) in column 1 of that Table to give notice to the Chief Commissioner of Police in respect of a registrable offender who belongs to a class of offender referred to in either of those items if that registrable offender is on leave of absence or is absent with permission. **Reg. 18(10) inserted by S.R. No. 127/2006 reg. 6.**
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Reg. 18(11)  
inserted by  
S.R. No.  
127/2006  
reg. 6.

(11) Nothing in this regulation requires the supervising authority specified in column 2 of Table B in the Schedule for the class of offender specified in item 1(g) in column 1 of that Table to give notice to the Chief Commissioner of Police in respect of a registrable offender who belongs to a class of offender referred to in that item if that registrable offender is on temporary leave of absence.

Reg. 18(12)  
inserted by  
S.R. No.  
127/2006  
reg. 6.

(12) Nothing in this regulation requires the supervising authority specified in column 2 of Table B in the Schedule for the class of offender specified in item 12 in column 1 of that Table to give notice to the Chief Commissioner of Police in respect of a registrable offender who belongs to a class of offender referred to in that item if that registrable offender is authorised to be absent from a prison, or other place of custody, under the **Corrections Act 1986**.

### **19 Notices where reporting period has changed**

A notice required to be given under section 52(2) of the Act to a registrable offender whose reporting period has changed since he or she was last notified of his or her reporting period in Victoria must contain the following information—

- (a) the name of the registrable offender;
- (b) the registrable offender's new reporting period;
- (c) the date of the notice;
- (d) the name, signature and position of the person giving the notice.

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**20 Notices from supervising authority**

For the purpose of section 53 of the Act, a notice required to be given to the Chief Commissioner of Police by the supervising authority, upon the occurrence of an event listed in section 53(1) of the Act, must contain the following information—

- (a) the name of the registrable offender;
  - (b) the date of the notice;
  - (c) the event that has occurred and the date of that occurrence;
  - (d) the name, signature and position of the person giving the notice.
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Sch.  
substituted by  
S.R. Nos  
135/2004  
reg. 6, 94/2005  
reg. 8,  
127/2006  
reg. 7.

SCHEDULE

Regulation 18(1)

**SUPERVISING AUTHORITIES TO PROVIDE NOTICE TO A  
REGISTRABLE OFFENDER UNDER SECTION 50(3) OF THE  
ACT**

TABLE A

<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
1. A registrable offender who is sentenced for a registrable offence by the Magistrates' Court	Magistrates' Court
2. A registrable offender who is sentenced for a registrable offence by the County Court	County Court
3. A registrable offender who is sentenced for a registrable offence by the Supreme Court	Supreme Court
4. A registrable offender who is sentenced for a registrable offence by the Children's Court	Children's Court
5. A registrable offender who is released from government custody and who is—	Secretary to the Department of Human Services
(a) a forensic patient under a custodial supervision order within the meaning of the <b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</b> who is not under a grant of extended leave under section 57 of that Act; or	
(b) a forensic resident under a custodial supervision order within the meaning of the <b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</b> who is not under a grant of extended leave under section 57 of that Act; or	

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<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
<ul style="list-style-type: none"> <li>(c) a security patient under a hospital security order within the meaning of the <b>Sentencing Act 1991</b>; or</li> <li>(d) a security patient under a restricted hospital transfer order made under section 16(3)(b) of the <b>Mental Health Act 1986</b>; or</li> <li>(e) an involuntary patient under an order made under section 93 of the <b>Sentencing Act 1991</b> who is not also under an order made under section 15A of the <b>Mental Health Act 1986</b>; or</li> <li>(f) an involuntary patient under a hospital transfer order made under section 16(3)(a) of the <b>Mental Health Act 1986</b> and who is a patient of an approved mental health service within the meaning of that Act; or</li> <li>(g) a detainee</li> </ul>	
6. A registrable offender who is released from government custody and who is not a person referred to in item 5 or 8	Secretary to the Department of Justice
7. A registrable offender who enters Victoria, if he or she has not previously been given notice of his or her reporting obligations in Victoria	The Chief Commissioner of Police
8. A registrable offender who is released from government custody and who is an inmate	In the case of an inmate who, under Part 1A of the <b>Corrections Act 1986</b> , is deemed to be in the legal custody of the Secretary, Secretary to the Department of Justice

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Sch.

<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
9. A registrable offender who is not a person referred to in items 1 to 8	<p>In the case of an inmate who, under Part 1A of the <b>Corrections Act 1986</b>, is deemed to be in the legal custody of the Chief Commissioner of Police, the Chief Commissioner of Police</p> <p>Secretary to the Department of Justice</p>

Regulation 18(2)

**SUPERVISING AUTHORITIES TO PROVIDE NOTICE TO  
THE CHIEF COMMISSIONER OF POLICE UNDER  
SECTION 53 OF THE ACT**

**TABLE B**

<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
<p>1. A registrable offender who ceases to be in government custody and who is—</p> <p>(a) a forensic patient under a custodial supervision order within the meaning of the <b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</b> who is not under a grant of extended leave under section 57 of that Act; or</p> <p>(b) a forensic resident under a custodial supervision order within the meaning of the <b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</b> who is not under a grant of extended leave under section 57 of that Act; or</p>	<p>Secretary to the Department of Human Services</p>

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<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
<p>(c) a security patient under a hospital security order within the meaning of the <b>Sentencing Act 1991</b>; or</p> <p>(d) a security patient under a restricted hospital transfer order made under section 16(3)(b) of the <b>Mental Health Act 1986</b>; or</p> <p>(e) an involuntary patient under an order made under section 93 of the <b>Sentencing Act 1991</b> who is not also under an order made under section 15A of the <b>Mental Health Act 1986</b>; or</p> <p>(f) an involuntary patient under a hospital transfer order made under section 16(3)(a) of the <b>Mental Health Act 1986</b> and who is a patient of an approved mental health service within the meaning of that Act; or</p> <p>(g) a detainee</p>	
<p>2. A registrable offender who ceases to be in government custody and who is not a person referred to in item 1 or 12</p>	<p>Secretary to the Department of Justice</p>
<p>3. A registrable offender who is an adult who ceases to be subject to a supervised sentence</p>	<p>Secretary to the Department of Justice</p>
<p>4. A registrable offender who ceases to be subject to a supervised sentence and who is a child in respect of whom an order has been made under section 137(1) of the <b>Children and Young Persons Act 1989</b> committing the person to strict supervision by a person referred to in paragraph (a) of the definition of <i>strict supervision</i></p>	<p>Secretary to the Department of Justice</p>

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<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
5. A registrable offender who ceases to be subject to a supervised sentence and who is a child in respect of whom an order has been made under section 137(1) of the <b>Children and Young Persons Act 1989</b> committing the person to strict supervision by a person referred to in paragraph (b) of the definition of <i>strict supervision</i>	Secretary to the Department of Human Services
6. A registrable offender who ceases to be subject to a restricted community treatment order made under section 15A of the <b>Mental Health Act 1986</b>	Secretary to the Department of Human Services
7. A registrable offender who ceases to be subject to a non-custodial supervision order within the meaning of the <b>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</b>	Secretary to the Department of Human Services
8. A registrable offender who ceases to participate in a diversion program under section 128A of the <b>Magistrates' Court Act 1989</b>	Magistrates' Court
9. A registrable offender who ceases to be subject to a condition of parole requiring the person to be subject to supervision and who is an adult (other than a person referred to in item 10)	Secretary to the Department of Justice
10. A registrable offender who ceases to be subject to a condition of parole requiring the person to be subject to supervision and who is— (a) a child; or (b) an adult who is subject to the jurisdiction of the Youth Parole Board	Secretary to the Department of Human Services
11. A registrable offender who ceases to be an existing licensee	Secretary to the Department of Justice

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Sch.

<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
12. A registrable offender who ceases to be in government custody and who is an inmate	In the case of an inmate who, under Part 1A of the <b>Corrections Act 1986</b> , is deemed to be in the legal custody of the Secretary, Secretary to the Department of Justice  In the case of an inmate who, under Part 1A of the <b>Corrections Act 1986</b> , is deemed to be in the legal custody of the Chief Commissioner of Police, the Chief Commissioner of Police
13. A registrable offender who is not a person referred to in items 1 to 12	Secretary to the Department of Justice

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Endnotes

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**ENDNOTES**

**1. General Information**

The Sex Offenders Registration Regulations 2004, S.R. No. 121/2004 were made on 28 September 2004 by the Governor in Council under section 75 of the **Sex Offenders Registration Act 2004**, No. 56/2004 and came into operation on 1 October 2004: regulation 3.

The Sex Offenders Registration Regulations 2004 will sunset 10 years after the day of making on 28 September 2014 (see section 5 of the **Subordinate Legislation Act 1994**).

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## 2. Table of Amendments

This Version incorporates amendments made to the Sex Offenders Registration Regulations 2004 by statutory rules, subordinate instruments and Acts.

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Sex Offenders Registration (Amendment) Regulations 2004, S.R. No. 135/2004

*Date of Making:* 3.11.04

*Date of Commencement:* 3.11.04

Sex Offenders Registration (Amendment) Regulations 2005, S.R. No. 94/2005

*Date of Making:* 27.7.05

*Date of Commencement:* Regs 5, 7, 8 on 1.8.05: reg. 3(1); reg. 6 on 1.10.05:  
reg. 3(2)

Sex Offenders Registration (Amendment) Regulations 2006, S.R. No. 127/2006

*Date of Making:* 26.9.06

*Date of Commencement:* 1.10.06: reg. 3

Sex Offenders Registration (Amendment) Regulations 2007, S.R. No. 18/2007

*Date of Making:* 27.3.07

*Date of Commencement:* 30.3.07: reg.3

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**Endnotes**

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**3. Explanatory Details**

No entries at date of publication.