

Authorised Version No. 001
Sex Offenders Registration Regulations 2014

S.R. No. 142/2014

Authorised Version as at
27 September 2014

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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**; and
- (b) the notification of reporting obligations to registrable offenders; and
- (c) certain 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 27 September 2014.

4 Revocation

The Regulations set out in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

police officer has the same meaning as in the
Victoria Police Act 2013;

Registrar means the police officer appointed as
Registrar under regulation 10;

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

6 Corresponding Act

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

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

7 Corresponding sex offender registration order

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

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

8 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 1996 of the Australian Capital Territory;

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

9 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.

10 Appointment of Registrar

The Chief Commissioner of Police may appoint a police officer as Registrar for the purposes of these Regulations.

PART 2—REPORTING OBLIGATIONS

Division 1—Preliminary

11 Persons required to report under corresponding Act

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

12 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

13 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 the registrable offender 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.

14 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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- (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 the person, being—
- (a) any one of the documents specified in Column 1 of the Table; and
 - (b) 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 A gas, water, electricity or telephone account issued within the previous 6 months

<i>Column 1</i>	<i>Column 2</i>
<i>One original document required</i>	<i>Two original documents required</i>
An original birth certificate or certified birth extract	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 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

15 Verifying documentation or evidence

A person making a report referred to in section 23(1) of the Act 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—
 - (i) a copy of a current motor vehicle registration notice; or
 - (ii) if the registrable offender cannot present the document referred to in subparagraph (i)—

- (A) a certificate for any vehicle owned by the registrable offender; or
- (B) a document that confirms that a vehicle is generally driven by the registrable offender.

16 Reporting by remote offenders

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

Division 3—Notification of reporting obligations

17 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 a disability or any other special need and is unable to understand their reporting obligations or the consequences of failing to comply with those obligations, the person or body required to give the notice may give the notice to the carer of, or a person nominated in writing by, that registrable offender.

18 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; and
- (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

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- (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
 - (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; and
- (c) a toll free telephone number on which the Registrar can be contacted; and
 - (d) the consequences which may arise if a registrable offender fails to comply with their reporting obligations; and
 - (e) the date of the notice; and
 - (f) the name, signature and position of the person giving the notice.

19 Notice of reporting obligations

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

20 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 their 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.

21 Person or body required to give notice of reporting obligations to registrable offender

- (1) For the purposes of section 50(3) of the Act, the person or body required to give notice to a registrable offender is the person or body specified in column 2 of the Table in Schedule 2 for the class of offender specified in column 1 of the Table to which the registrable offender belongs.

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- (2) Nothing in this regulation requires the person or body specified in column 2 of the Table in Schedule 2 for the class of offender specified in item 5(a) or item 6(a) 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—
- (a) is on special leave, on-ground leave or limited off-ground leave; or
 - (b) is absent from a designated mental health service, a residential treatment facility or a residential institution, without leave of absence or other lawful authority.
- (3) Nothing in this regulation requires the person or body specified in column 2 of the Table in Schedule 2 for the class of offender specified in item 5(b) or (c) 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—
- (a) is on leave of absence; or
 - (b) is absent without leave from the designated mental health service.
- (4) Nothing in this regulation requires the person or body specified in column 2 of the Table in Schedule 2 for the class of offender specified in item 6(b) in column 1 of that Table to give notice to a registrable offender who belongs to the class of offender referred to in that item if that registrable offender—
- (a) is on temporary leave of absence; or
 - (b) has escaped from their place of detention; or
 - (c) is absent from their place of detention without lawful authority.

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- (5) Nothing in this regulation requires the person or body specified in column 2 of the Table in Schedule 2 for the class of offender specified in item 7 in column 1 of that Table to give notice to a registrable offender who belongs to the class of offender referred to in that item if that registrable offender—
- (a) is authorised under the **Corrections Act 1986** to be absent from a prison or other place of custody; or
 - (b) has escaped from their 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 police officer; or
 - (iii) a person acting on lawful authority on behalf of the Secretary or the Chief Commissioner of Police; or
 - (d) is authorised under the **Corrections Act 1986** to be absent from a prison and who—
 - (i) does not return to a 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
 - (iii) does not return to a prison upon being informed by the Secretary or a police officer that the instrument authorising the absence has been revoked; or

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- (e) has wilfully ceased to be in the legal custody of the Secretary or the Chief Commissioner of Police.

22 Supervising authority

- (1) For the purposes of paragraph (b) of the definition of *supervising authority* in section 3 of the Act, an entity specified in column 2 of the Table in Schedule 3 for a class of registrable offender specified in column 1 of the Table is the supervising authority for that class of offender.
- (2) Nothing in this regulation requires the supervising authority specified in column 2 of the Table in Schedule 3 for the class of offender specified in item 1(a) or 2(a) 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.
- (3) Nothing in this regulation requires the supervising authority specified in column 2 of the Table in Schedule 3 for the class of offender specified in item 1(b) or (c) 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 from the designated mental health service.
- (4) Nothing in this regulation requires the supervising authority specified in column 2 of the Table in Schedule 3 for the class of offender specified in item 2(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 the class of

offender referred to in that item if that registrable offender is on temporary leave of absence.

- (5) Nothing in this regulation requires the supervising authority specified in column 2 of the Table in Schedule 3 for the class of offender specified in item 3 in column 1 of that Table to give notice to the Chief Commissioner of Police in respect of a registrable offender who belongs to the class of offender referred to in that item if that registrable offender is authorised under the **Corrections Act 1986** to be absent from a prison or other place of custody.

23 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 the registrable offender was last notified of their reporting period in Victoria must contain the following information—

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

24 Notices from supervising authority

For the purposes 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; and
- (b) the date of the notice; and

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- (c) the event that has occurred and the date of that occurrence; and
 - (d) the name, signature and position of the person giving the notice.
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SCHEDULES

SCHEDULE 1

Regulation 4

REVOCATION

<i>S.R. No.</i>	<i>Title</i>
121/2004	Sex Offenders Registration Regulations 2004
135/2004	Sex Offenders Registration (Amendment) Regulations 2004
94/2005	Sex Offenders Registration (Amendment) Regulations 2005
127/2006	Sex Offenders Registration (Amendment) Regulations 2006
18/2007	Sex Offenders Registration (Amendment) Regulations 2007

SCHEDULE 2

Regulation 21(1)

**PERSON OR BODY REQUIRED TO GIVE NOTICE OF
REPORTING OBLIGATIONS TO REGISTRABLE OFFENDER**

TABLE

<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Person or Body</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— (a) a forensic patient under a custodial supervision order within the meaning of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 who is not under a grant of extended leave under section 57 of that Act; or (b) a security patient subject to a Court Secure Treatment Order within the meaning of the Sentencing Act 1991 ; or (c) a security patient subject to a Court Secure Treatment Order within the meaning of the Mental Health Act 2014	Secretary to the Department of Health

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<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Person or Body</i>
<p>6. A registrable offender who is released from government custody and who is—</p> <p style="margin-left: 20px;">(a) a forensic resident under a custodial supervision order within the meaning of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 who is not under a grant of extended leave under section 57 of that Act; or</p> <p style="margin-left: 20px;">(b) a detainee</p>	<p>Secretary to the Department of Human Services</p>
<p>7. A registrable offender who is released from government custody and who is an inmate</p>	<p>In the case of an inmate who, under Part 1A of the Corrections Act 1986, is deemed to be in the legal custody of the Secretary— Secretary</p> <p>In the case of an inmate who, under Part 1A of the Corrections Act 1986, is deemed to be in the legal custody of the Chief Commissioner of Police— Chief Commissioner of Police</p>
<p>8. A registrable offender who is released from government custody and who is not a person referred to in item 5, 6 or 7</p>	<p>Secretary</p>
<p>9. A registrable offender who enters Victoria, if the registrable offender has not previously been given notice of their reporting obligations in Victoria</p>	<p>Chief Commissioner of Police</p>
<p>10. A registrable offender who is not a person referred to in items 1 to 9</p>	<p>Secretary</p>

SCHEDULE 3

Regulation 22(1)

SUPERVISING AUTHORITY

TABLE

<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
1. A registrable offender who ceases to be in government custody and who is— (a) a forensic patient under a custodial supervision order within the meaning of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 who is not under a grant of extended leave under section 57 of that Act; or (b) a security patient subject to a Court Secure Treatment Order within the meaning of the Sentencing Act 1991 ; or (c) a security patient subject to a Secure Treatment Order within the meaning of the Mental Health Act 2014	Secretary to the Department of Health
2. A registrable offender who ceases to be in government custody and who is— (a) a forensic resident under a custodial supervision order within the meaning of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 who is not under a grant of extended leave under section 57 of that Act; or (b) a detainee	Secretary to the Department of Human Services

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<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
3. 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 Corrections Act 1986 , is deemed to be in the legal custody of the Secretary— Secretary In the case of an inmate who, under Part 1A of the Corrections Act 1986 , is deemed to be in the legal custody of the Chief Commissioner of Police— Chief Commissioner of Police
4. A registrable offender who ceases to be in government custody and who is not a person referred to on item 1, 2 or 3	Secretary
5. A registrable offender who is an adult who ceases to be subject to a supervised sentence	Secretary
6. 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 360(1) of the Children, Youth and Families Act 2005 under which the child is required to submit to strict supervision by a person referred to in paragraph (a) of the definition of <i>strict supervision</i> in the Sex Offenders Registration Act 2004	Secretary

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<i>Column 1</i> <i>Class of offender</i>	<i>Column 2</i> <i>Supervising Authority</i>
7. 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 360(1) of the Children, Youth and Families Act 2005 under which the child is required to submit to strict supervision by a person referred to in paragraph (b) of the definition of <i>strict supervision</i> in the Sex Offenders Registration Act 2004	Secretary to the Department of Human Services
8. A registrable offender who ceases to be subject to a non-custodial supervision order within the meaning of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997	Secretary to the Department of Human Services
9. A registrable offender who ceases to participate in a diversion program under section 59 of the Criminal Procedure Act 2009	Magistrates' Court
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 an adult (other than a person referred to in item 11(b))	Secretary
11. 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

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<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 an existing licensee	Secretary
13. A registrable offender who is not a person referred to in items 1 to 12	Secretary

ENDNOTES

1. General Information

The Sex Offenders Registration Regulations 2014, S.R. No. 142/2014 were made on 23 September 2014 by the Governor in Council under section 75 of the **Sex Offenders Registration Act 2004**, No. 56/2004 and came into operation on 27 September 2014: regulation 3.

The Sex Offenders Registration Regulations 2014 will sunset 10 years after the day of making on 23 September 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

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Endnotes

2. Table of Amendments

There are no amendments made to the Sex Offenders Registration Regulations 2014 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

No entries at date of publication.