

COMMUNITY PROTECTION (OFFENDER REPORTING) AMENDMENT BILL 2011

Council's Amendments — Consideration in Detail

The following amendments made by the Council now considered —

No 1

Page 12, lines 27 and 28 — To delete “form of identification or other document,” and insert —
identification documents,

No 2

Page 12, lines 30 and 31 — To delete the lines and insert —
required by subsection (2A);

No 3

Page 13, after line 2 — To insert —

(2) Delete section 38(1)(c) and insert:

(c) if not the reportable offender — present for inspection —

(i) any passport that the person holds; or

(ii) if the person does not hold a passport — the identification documents, relating to the identity of the person making the report, required by subsection (2A).

(3) After section 38(1) insert:

(2A) For the purposes of subsection (1)(a)(ii) and (c)(ii), the identification documents required are —

(a) any one of the following —

(i) a current driver's licence that displays a photograph or digital image of the licence holder;

(ii) an Australian naturalisation or citizenship document;

(iii) an original birth certificate or a certified copy, or certified extract, of a birth certificate;

(iv) a form of identification or document prescribed for the purposes of this paragraph;

and

(b) any one of the following —

(i) a current signed credit or debit card, a passbook or a statement of account issued by a bank, building society or credit union;

(ii) a current Medicare card;

(iii) a gas, water, electricity or telephone account issued within 12 months before the report is made;

(iv) a notice of rates from a local government (however described) or a notice of water service charges or land valuation;

(v) a pensioner concession card, a Commonwealth seniors health card, an entitlement card issued under the *Veterans' Entitlements Act 1986* (Commonwealth) or another entitlement card issued by the Commonwealth government or a State or Territory government;

(vi) a lease or rental agreement;

(vii) a motor vehicle registration notice or certificate;

(viii) a renewal notice for a home building or contents, or a motor vehicle, policy of insurance;

- (ix) a student identity card or a certificate or statement of enrolment from an educational institution;
 - (x) an electoral enrolment card or other evidence of electoral enrolment;
 - (xi) a form of identification or document prescribed for the purposes of this paragraph.
- (2B) A form of identification or other document is not valid for the purposes of subsection (2A)(b)(iv) to (xi) unless it was issued or entered into, as the case requires, within 2 years before the report is made.
- (2C) Except as stated in subsection (2A)(a)(iii), a form of identification or other document is not valid for the purposes of subsection (2A) unless it is an original.

Mrs L.M. HARVEY: I move —

That amendment 1 made by the Council be agreed to.

Mrs M.H. ROBERTS: Can the minister give an explanation as to why this amendment is necessary?

Mrs L.M. HARVEY: What this and the other two amendments on the notice paper effectively do is move the forms of identification previously prescribed by regulation into the legislation. For the purposes of officers from the sex offender management squad who investigate and indeed deal with reportable offenders, in order to ascertain the identity of these offenders, officers from time to time require offenders to present identification. That identification has, in the past, been a passport or other forms of identification as prescribed by regulation. This amendment will import the other forms of identification into the legislation.

Mrs M.H. ROBERTS: Why was it decided to put this into the bill rather than leave it in the regulations, as was argued in this house?

Mrs L.M. HARVEY: It was a Standing Committee on Uniform Legislation and Statutes Review recommendation that was moved in the other place.

Question put and passed; the Council's amendment agreed to.

Mrs L.M. HARVEY: I move —

That amendment 2 made by the Council be agreed to.

Mrs M.H. ROBERTS: I seek an explanation from the minister as to why this amendment is required.

Mrs L.M. HARVEY: As per my previous explanation, this amendment effectively activates the next clause, which is dealt with at amendment 3. It enables the other forms of identification to be used under the legislation for the purposes of the sex offender management squad.

Mrs M.H. ROBERTS: Amendment 2 reads —

Page 12, lines 30 and 31 — To delete the lines and insert —
required by subsection (2A);

Can the minister explain what subsection (2A) is?

Mrs L.M. HARVEY: Subsection (2A) is on the notice paper under amendment 3. It amends section 38(1) of the act. Subsection (2A) prescribes the identification documents into the legislation. It is on pages 9 and 10 of the notice paper.

Mrs M.H. Roberts: That is actually in amendment 3.

Mrs L.M. HARVEY: Yes.

Question put and passed; the Council's amendment agreed to.

Mrs L.M. HARVEY: I move —

That amendment 3 made by the Council be agreed to.

Mrs M.H. ROBERTS: With amendment 3, there is a section to be deleted and a section to be inserted. I ask the minister why the section there to be deleted is being deleted?

Mrs L.M. HARVEY: The words being deleted prescribed that a passport can be used as identification. With the subsequent parts of this amendment, a passport is the preferred and primary form of identification. The offender

will be compelled to use it. In the absence of a passport, we have prescribed the other forms of identification that can be used.

Mrs M.H. ROBERTS: Where has that list come from? Is it modelled on other legislation or is it uniform with what other states have in place?

Mrs L.M. HARVEY: We had requirements in our previous legislation for offenders to provide their passport for identification. These additional forms of identification have come in part from other jurisdictions. They are recommendations from the Standing Committee on Uniform Legislation and Statutes Review. They were previously prescribed by regulation; they are now forming part of the legislation.

Question put and passed; the Council's amendment agreed to.

The Council acquainted accordingly.