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**POLICE**

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**PO301\***

Community Protection (Offender Reporting) Act 2004

**Community Protection (Offender Reporting)  
Amendment Regulations 2007**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Community Protection (Offender Reporting) Amendment Regulations 2007*.

**2. The regulations amended**

The amendments in these regulations are to the *Community Protection (Offender Reporting) Regulations 2004\**.

[\* *Published in Gazette 31 December 2004, p. 7025-39.*  
*For amendments to 14 December 2006 see Western Australian Legislation Information Tables for 2005, Table 4, and Gazette 8 September 2006.*]

**3. Regulation 3 replaced**

Regulation 3 is repealed and the following regulation is inserted instead —

“

**3. Definitions**

In these regulations —

“**Department of Corrective Services**” means the department of the Public Service principally assisting in the administration of the *Prisons Act 1981*;

“**foreign court**” means a court of a foreign jurisdiction;

“**recognised order**” means a corresponding prohibition order recognised under regulation 23(1);

“**registrar**” has the same meaning as it has in —

(a) the *Children’s Court of Western Australia Act 1988*; or

(b) the *District Court of Western Australia Act 1969*,

as the case requires;

“**relevant court**”, in relation to a corresponding prohibition order, means —

- (a) if the order is made by a foreign court that corresponds to the Children’s Court — the Children’s Court;
- (b) otherwise, the District Court.

”

**4. Regulation 6A inserted**

After regulation 6 the following regulation is inserted —

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**6A. Sentences (s. 3)**

A pre-sentence order made under the *Sentencing Act 1995* Part 3A, in force on or after the commencement of this regulation, is prescribed to be a sentence for the purposes of the definition of that term in section 3 of the Act.

”

**5. Regulation 22 replaced by regulations 22 to 26**

Regulation 22 is repealed and the following regulations are inserted instead —

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**22. Application for recognition of corresponding prohibition orders (s. 108(2)(a))**

- (1) A police officer may, on behalf of the Commissioner, apply to the relevant court for the recognition in Western Australia of a corresponding prohibition order.
- (2) An application does not need to be served on the person who is subject to the corresponding prohibition order.

**23. Recognition of corresponding prohibition orders (s. 108(2)(b))**

- (1) If an application is made under regulation 22, the relevant court is to recognise the corresponding prohibition order that is the subject of the application.
- (2) When the relevant court recognises a corresponding prohibition order, the registrar is to —
  - (a) notify —
    - (i) the foreign court in which the recognised order was made; and
    - (ii) the Commissioner; and
    - (iii) the person who is subject to the recognised order,of that recognition; and

- (b) cause a copy of the recognised order to be delivered to the Commissioner.

**24. Effect of recognition of corresponding prohibition orders (s. 108(2)(d))**

- (1) A recognised order operates in Western Australia as if it were a child protection prohibition order made under Part 5 of the Act —
  - (a) with the terms (including as to its duration) set out in the recognised order or applying to it under the law under which it was made; and
  - (b) from the day on which the recognition of the recognised order was notified to the person who is subject to it,

and the provisions of the Act apply to the recognised order as if it were a child protection prohibition order.

- (2) Without limiting subregulation (1), for the purposes of applying Part 5 of the Act to a recognised order —
  - (a) a reference in that Part to varying a child protection prohibition order is to be read as a reference to making an order varying the operation in Western Australia of the recognised order; and
  - (b) a reference in that Part to revoking a child protection prohibition order is to be read as a reference to making an order revoking the recognition of the recognised order.
- (3) In proceedings for failing to comply, in Western Australia, with a recognised order, no proof is required of —
  - (a) the making of the recognised order or a variation of it that operates under regulation 25; or
  - (b) the service of such an order or variation on the person who is subject to the order.

**25. Variation or revocation of recognised order in a foreign jurisdiction**

- (1) If —
  - (a) a recognised order is varied by a foreign court of the foreign jurisdiction in which the order was made; and
  - (b) notice of the variation is given to the registrar of the relevant court by an officer of the foreign court,

the variation operates in Western Australia as if the recognised order, as varied, was recognised under regulation 23 on the day on which the registrar received notice of the variation.

- (2) If —
- (a) a recognised order is revoked by a foreign court of the foreign jurisdiction in which the order was made; and
  - (b) notice of the revocation is given to the registrar of the relevant court by an officer of the foreign court,

the recognition in Western Australia of the recognised order is revoked from the day on which the registrar receives notice of the revocation.

- (3) A registrar who is given notice of the variation or revocation of a recognised order by a foreign court is to notify the Commissioner accordingly.

## 26. Forms

The forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.

## 6. Schedule 1 amended

Schedule 1 is amended by deleting “[r. 22]” and inserting instead —

“ [r. 26] ”.

## 7. Amendments relating to the Department of Corrective Services

The provisions listed in the Table to this regulation are amended by deleting “Department of Justice” and inserting instead —

“ Department of Corrective Services ”.

### Table

r. 7(1)	r. 19(a)
r. 7(2)(b)	r. 19(e)

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.