

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the Child Protection (Offenders Registration) Act 2000 so as to enable specified government agencies to collect and use personal information about a registrable person (within the meaning of that Act) and to exchange such information with other specified government agencies.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the Child Protection (Offenders Registration) Act 2000 set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent. Section 30 of the Interpretation Act 1987 provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Proposed section 19BA

Schedule 1 [1] inserts proposed section 19BA into the Act. The proposed section enables any government agency listed in proposed Schedule 1 (a scheduled agency) (a) to collect and use personal information about a registrable person (that is, broadly speaking, a convicted sex offender) and (b) to disclose such information to other scheduled agencies in accordance with a written authorisation given by a member of staff of the agency who has been identified by the agency head as being a senior officer of the agency (proposed subsection (1)).

An authorisation must specify the period for which it has effect and the agencies to which personal information may be disclosed (proposed subsection (2)).

An authorisation may not be given by a senior officer unless he or she is satisfied (a) that there is a risk of "substantial adverse impact" on the registrable person (or some other person or class of persons) if such information is not collected, used or disclosed or (b) that the collection, use or disclosure of such information is likely to assist in developing, or giving effect to, a case management plan for the registrable person (proposed subsection (3)). "Substantial adverse impact" is defined (in proposed subsection (5)) to include serious physical or mental harm, sexual abuse, significant loss of benefits or other income, imprisonment, loss of housing or the loss of a carer.

The proposed section will have effect despite anything to the contrary in the Privacy and Personal Information Protection Act 1998 or the Health Records and Information Privacy Act 2002 (proposed subsection (4)).

The list of agencies in proposed Schedule 1 will be capable of amendment by the regulations (proposed subsection (6)).

Proposed Schedule 1

Schedule 1 [2] inserts proposed Schedule 1 into the Act. The proposed Schedule lists the following agencies:

The NSW Police Force

The Department of Ageing, Disability and Home Care

The Department of Community Services

The Department of Corrective Services

The Department of Education and Training

The Department of Health

Housing NSW

The Department of Juvenile Justice

The Greater Southern Area Health Service

The Greater Western Area Health Service
The Hunter and New England Area Health Service
The North Coast Area Health Service
The Northern Sydney and Central Coast Area Health Service
The South Eastern Sydney and Illawarra Area Health Service
The Sydney South West Area Health Service
The Sydney West Area Health Service
The Children's Hospital at Westmead
Justice Health

As mentioned above, the proposed Schedule will be capable of amendment by the regulations.