



Child Protection (Offenders Registration) Amendment Bill.

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Police) [10.02 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Child Protection (Offenders Registration) Amendment Bill. The Carr Government established Australia's first child protection offender registration regime under the Child Protection (Offenders Registration) Act 2000. The Act requires child sex offenders and other specified serious offenders against children to keep police informed of certain personal details for a period of time after their release into the community. This information is placed on the NSW Police Child Protection Register. As at the end of May 2004 a total of 1,500 offenders had been placed on the register. Of those offenders, 971 have been released into the community and those that remain in New South Wales are required to report to police. The Child Protection Register has assisted in detecting breaches of parole, bail, bond and visa conditions, resulting in successful extraditions and deportations. The offender registration scheme has now been operating for almost three years and practical experience has shown that it can be improved in a number of respects.

One of the greatest limitations of the current scheme is that other jurisdictions do not have similar arrangements in place, which means New South Wales offenders can disappear from police attention when they travel outside New South Wales. Without them being monitored in another State, it is difficult to detect their re-entry into New South Wales. It is also difficult for NSW Police to be aware of offenders who enter New South Wales after being sentenced or released from custody in other jurisdictions. That is why I have pursued the development of complementary State and Territory legislation through the Australasian Police Ministers Council [APMC]. The model legislation developed through APMC draws heavily on the current New South Wales scheme, but improves on it by incorporating a number of reforms identified by operational police and elements from legislation introduced in the United Kingdom, the United States of America, Canada and New Zealand.

I will now outline some key features of the bill. The bill allows for a court to order a person convicted of a non-registrable offence to register. There may be evidence admitted in the successful prosecution of some non-registrable offences that clearly demonstrates an offender poses a risk to the sexual safety or life of a child, or children generally. The bill enables the sentencing court to make a child protection registration order, on the application of the prosecution, where it is satisfied that there is a risk the offender will engage in conduct that may constitute a registrable offence. The court cannot make such an order when it dismisses or conditionally dismisses the charge. Offenders subject to child protection registration orders are registrable persons and are treated as class 2 offenders for the purposes of the Act. Child protection registration orders can be appealed in the same manner as any other sentence.

Regarding reporting obligations from offenders from interstate, the bill ensures that registrable persons entering New South Wales from other States are aware of their obligations under New South Wales law. The Commissioner of Police will arrange for offenders who enter New South Wales from other jurisdictions, or who become corresponding registrable persons, to be advised of their reporting obligations. Regarding additional information and frequency, offenders will be required to report. Offenders will be required to report additional information in New South Wales, including previous names they have used and when they used those names, names and ages of any children who generally reside in the same household as them or with whom they have unsupervised contact, details of affiliation with any club or organisation that has child membership or child participation in its activities and details of any tattoos or distinguishing marks that they have.

The bill sets out when registrable persons must report to police and is consistent with arrangements under the current Act. However, offenders from other jurisdictions must report within 14 days of entering and remaining in New South Wales, rather than the current 28 days. This treats a change of jurisdiction in the same manner as a change of address. New South Wales Police are detecting and prosecuting an increasing number of registrable persons who initially report to police but then fail to report changes to their personal information. The bill requires offenders to report to police each year, in the same month as their first report, irrespective of whether their personal information has changed or not. All Australian police forces have agreed that the introduction of annual registration requirements is an essential safeguard to the integrity of the scheme. Annual reporting exists in a number of United States of America and Canadian jurisdictions and has recently been introduced in the United Kingdom.

The bill tightens controls on offenders who attempt to move interstate inside the time they are first required to report. Offenders who live in border areas can also theoretically escape reporting in New South Wales by crossing the border at least every 13 days. This means NSW Police has minimal information about such offenders and it is easier for these persons to disappear from police scrutiny. The bill now requires offenders to make a full report before leaving New South Wales.

The bill also extends current travel reporting requirements. Offenders will be required to report all interstate travel of 14 or more days, rather than the current 28 days. They must also report the additional information of known addresses or locations they will be in whilst outside New South Wales and advise police if they are intending to leave New South Wales permanently. They must report interstate travel a week before leaving New South Wales or, if that is impractical, 24 hours before doing so, consistent with recent amendments to the United Kingdom scheme. If they do not leave New South Wales as reported, or if they change their itinerary whilst outside New South Wales, they must report these changes to NSW Police.

Offenders will also be required to report travel interstate for short periods at least once a month to advise police in general terms of these travel arrangements. These provisions are likely to apply to persons who live in border areas or persons whose work involves regular interstate travel, like long-haul truck drivers. Police will share information on these offenders with the jurisdictions they regularly travel to. NSW Police will also be required to alert the Australian Federal Police of the international travel plans of registrable persons so that they may alert international authorities of high-threat offenders and better investigate overseas child sex offences.

The bill allows police to photograph the offender and parts of the offender's body. This power is consistent with certain United States of America, Canadian and United Kingdom offender registration legislation. The advantages of this are that the onus to provide photos is removed from the offender, the photos will be of higher quality, digital photos will be able to be scanned directly onto the register, and photos will be able to be taken of tattoos and other distinguishing marks by which an offender might be identified. The bill remakes provisions of the current Act and provides new reporting periods for registrable persons, which Australian police forces believe are simpler to apply and more appropriately address the recidivist risk of offenders.

A person found guilty of a single class 2 offence will continue to report for eight years. A person found guilty of a single class 1 offence must report for 15 years—previously 10 years. A person who has been found guilty of two class 2 offences, or multiple class 2 offences all committed before the person was first required to report under the Act, must report for 15 years—previously 12 years. A person who has been required to report under the Act for a single class 1 offence and who subsequently commits another registrable offence must report for the remainder of his or her life—previously 15 years or life, depending on the class of the subsequent offence. A person who has been required to report under the Act for a class 2 offence and who subsequently commits a class 1 offence or another class 2 offence, having been found guilty of three or more class 2 offences, must report for the remainder of his or her life—previously 12 years or 15 years, depending on the class of the subsequent offence.

The bill provides for the recognition and reporting obligations of offenders subject to reporting requirements in other jurisdictions who come to New South Wales. This bill has been developed in consultation with all other jurisdictions so that New South Wales can participate in the national child protection offender registration scheme that it has championed. I am very pleased to say that New South Wales has led the way in the establishment of the national child sex offender register. I look forward to parliaments across the nation establishing the model scheme. I thank all those officers responsible for the development of this bill. I thank those officers working in the ministry, in NSW Police and in my office. In particular, I thank Emma Murphy and my chief of staff, Jane Fitzgerald. I commend the bill to the House.

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