

Child Protection Legislation (Registrable Persons) Amendment Bill 2009

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to amend the Child Protection (Offenders Registration) Act 2000:
 - (i) to require a registrable person to report a change in the children who generally reside in the same household as that in which the person generally resides or with whom the person has regular unsupervised contact within 24 hours of the change occurring (instead of within 3 days as at present), and
 - (ii) to require a registrable person to report an intended change in the place where he or she generally resides to the Commissioner of Police, and
 - (iii) to provide for the extension of a registrable person's reporting period during the period in which the registrable person is travelling outside Australia for a month or more or residing outside Australia (unless the person is a person to whom Division 5 of Part 3 or section 11B of the Act applies), and
 - (iv) to confer power on the Administrative Decisions Tribunal to exempt a registrable person from the reporting obligations imposed by such an extension of the reporting period, and
 - (v) to enable the Commissioner of Police to direct certain agencies to provide to the Commissioner certain personal information about a registrable person collected or used by the agencies for the purposes of developing or giving effect to a case management plan for a registrable person, and
- (b) to amend the *Child Protection (Offenders Prohibition Orders) Act 2004* to enable the Local Court to make an order prohibiting a registrable person in relation to a particular registrable offence from contacting a victim of, or co-offender in relation to, that offence.

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.

Schedule 1 Amendment of Child Protection (Offenders Registration) Act 2000 No 42

Schedule 1 [1] and [2] amend sections 9 (1) (e) and 11 (1) (a) of the *Child Protection (Offenders Registration) Act 2000* (the **2000 Act**) to achieve the object described in paragraph (a) (i) of the Overview above.

Schedule 1 [3] inserts proposed section 11F into the 2000 Act to achieve the object described in paragraph (a) (ii) of the Overview above.

Schedule 1 [4] amends section 15 of the 2000 Act to achieve the object described in paragraph (a) (iii) of the Overview above.

Schedule 1 [5]–[8] amend section 16 of the 2000 Act to achieve the object described in paragraph (a) (iv) of the Overview above.

Schedule 1 [9] amends section 19BA of the 2000 Act to achieve the object described in paragraph (a) (v) of the Overview above.

Schedule 1 [10] amends Schedule 2 to the 2000 Act to enable the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Schedule 1 [11] inserts a savings and transitional provision into Schedule 2 to the 2000 Act.

Schedule 2 Amendment of Child Protection (Offenders Prohibition Orders) Act 2004 No 46

Schedule 2 amends the *Child Protection (Offenders Prohibition Orders) Act 2004* (the **2004 Act**) to achieve the object described in paragraph (b) of the Overview above.

Schedule 2 [3] inserts new Part 2A (proposed sections 16A–16H) into the 2004 Act.

Section 16A defines **contact** and **contact prohibition order** for the purposes of the proposed Part.

Section 16B enables the Commissioner of Police to apply for a contact prohibition order in specified circumstances.

Section 16C enables the Local Court to make a contact prohibition order if it is satisfied that there are sufficient grounds to do so. A registrable person who is subject to a contact prohibition order will be prohibited from contacting or attempting to contact a victim or co-offender specified in the order or from procuring another person to contact or attempt to contact the victim or co-offender.

Section 16D limits the power of the Local Court to make contact prohibition orders prohibiting contact with a member of a registrable person's close family.

Section 16E provides for the variation and revocation of contact prohibition orders.

Section 16F requires the Local Court to explain the effect of a contact prohibition order to the registrable person who is subject to the order.

Section 16G makes it an offence to contravene a contact prohibition order.

Section 16H provides for applications under the proposed Part to be dealt with in the absence of the public (with some limited exceptions).

Schedule 2 [1] and [2] make consequential amendments.

Schedule 2 [4] amends section 17 of the 2004 Act to limit the power of the Commissioner of Police to delegate the Commissioner's functions under the proposed Part where the powers concern a young registrable person.

Schedule 2 [5] amends Schedule 2 to the 2004 Act to insert a savings and transitional provision.