

Child Protection (Offenders Registration) Bill 2000

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to require persons who have been found guilty of certain offences against children to keep the Commissioner of Police informed as to where they live and work and as to what motor vehicles they drive, and
- (b) to make consequential amendments to certain Acts.

Outline of provisions

Part 1 Preliminary

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 a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act, of which the more significant are **existing controlled person** (describing a class of persons to whom the proposed Act will apply in relation to offences committed before its commencement), **registrable offence** (describing the offences in relation to which the provisions of the proposed Act will apply) and **registrable person** (meaning a person who has received a certain kind of sentence in respect of a registrable offence).

Part 2 Registration of offenders

Division 1 Notices to be given

Clause 4 requires a court to notify a person whom it has sentenced for a registrable offence of the person's reporting obligations under the proposed Act, and of the consequences that may arise if the person fails to comply with those obligations. The clause also requires the court to notify the Commissioner of Police and the appropriate supervising authority of the fact that it has found the person guilty of such an offence.

Clause 5 requires a supervising authority to notify a person who has commenced a supervised sentence (that is, a sentence of imprisonment to be served by way of periodic detention or home detention, a community service order or a good behaviour bond requiring supervision) of the person's reporting obligations under the proposed Act, and of the consequences that may arise if the person fails to comply with those obligations.

Clause 6 requires a supervising authority to notify a person whom it has released from custody of the person's reporting obligations under the proposed Act, and of the consequences that may arise if the person fails to comply with those obligations. The clause also requires the supervising authority to notify the Commissioner of Police of the fact that it has released the person from custody.

Clause 7 enables the Commissioner of Police to notify a registrable person of the person's reporting obligations under the proposed Act, and of the consequences that may arise if the person fails to comply with those obligations, if the Commissioner suspects that the person may not be aware of those matters.

Clause 8 provides that a failure to comply with the requirements of the proposed Division does not affect a registrable person's reporting obligations.

Division 2 Reporting obligations

Clause 9 defines **relevant personal information** to mean information as to a registrable person's name, date of birth, residential address, occupation and place of work, as to the make, model, colour and registration number of any motor vehicle regularly driven by the person and as to the offences by reason of which the person is a registrable person.

Clause 10 requires a registrable person to keep the Commissioner of Police informed as to the relevant personal information that is current in relation to the person.

Clause 11 requires a registrable person to notify the Commissioner of Police of certain intended absences from New South Wales by the person.

Clause 12 requires the giving of relevant personal information to be carried out at a police station, to be acknowledged by a police officer and to be given in person (except in the case of a child or a person with a disability that precludes the information being given in person, in which case it may be given by a parent, guardian or carer of the person).

Clause 13 modifies the procedures set out in clause 12 in relation to all persons who are participants in witness protection programs and to those persons who have been, but are no longer, participants in such programs but whose circumstances the Commissioner of Police believes justify the application of the modified procedures.

Clause 14 prescribes the period for which a registrable person's reporting obligations continue, ranging from 8 years up to life, depending on the nature of the offence and on whether the registrable person is a repeat offender. In the case of offences committed by children, the periods are generally halved.

Clause 15 provides for the suspension and extension of reporting obligations in various circumstances.

Clause 16 enables the Administrative Decisions Tribunal to suspend the reporting obligations of a person whose obligations have continued for at least 15 years and would otherwise continue for life.

Division 3 Offences

Clause 17 makes it an offence for a registrable person to fail to comply with the person's reporting obligations without reasonable excuse. Such an offence is punishable by a penalty of 100 penalty units (\$11,000) or imprisonment for 2 years, or both.

Clause 18 makes it an offence for a person to furnish false or misleading information in purported compliance with the proposed Part. Such an offence is punishable by a penalty of 100 penalty units (\$11,000) or imprisonment for 2 years, or both.

Division 4 Register of Offenders

Clause 19 requires the Commissioner of Police to establish and maintain a Register of Offenders for the purposes of the proposed Part.

Part 3 Miscellaneous

Clause 20 excludes persons engaged in the administration of the proposed Act from personal liability for acts and omissions that are done or omitted in good faith.

Clause 21 provides for offences under the proposed Act, or the regulations under the proposed Act, to be dealt with summarily by a Local Court constituted by a Magistrate sitting alone.

Clause 22 empowers the making of regulations, including regulations creating offences punishable by a penalty of up to 20 penalty units (\$2,200).

Clause 23 is a formal provision that gives effect to Schedule 1 (Amendment of Acts).

Clause 24 is a formal provision that gives effect to Schedule 2 (Savings, transitional and other provisions).

Clause 25 provides for the monitoring by the Ombudsman of the proposed Act, and of any regulations made for the purposes of the proposed Act, and for the preparation by the Ombudsman of a report on the Ombudsman's work and activities under the clause.

Clause 26 provides for the review of the proposed Act to take place as soon as possible after the completion of the Ombudsman's report referred to in clause 25.

Schedule 1 Amendment of Acts

The proposed Schedule makes consequential amendments to the following Acts:

- (a) the *Child Protection (Prohibited Employment) Act 1998 No 147*,
- (b) the *Commission for Children and Young People Act 1998 No 146*.

Schedule 2 Savings, transitional and other provisions

The proposed Schedule contains a single clause that enables regulations of a savings or

transitional nature to be made as a consequence of the enactment of the proposed Act.