

Child Protection (Offenders Registration) Amendment Bill 2001

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:

- (a) to include within the definition of **Class 1 offence** in section 3 (describing offences having the most onerous reporting requirements under the Act) the offence of persistent sexual abuse of a child arising under section 66EA of the *Crimes Act 1900*, and
- (b) to include within the definition of **good behaviour bond** in section 3 all good behaviour bonds imposed under section 33 of the *Children (Criminal Proceedings) Act 1987*, and
- (c) to ensure that all persons whose convictions or findings of guilt are quashed or set aside by a court are excluded from the definition of **registrable person** in section 3, and
- (d) to include within the definition of **sentence** in section 3 any order of detention under section 27 or 39 of the *Mental Health (Criminal Procedure) Act 1990*, and
- (e) to include within the definition of **strict government custody** in section 3 those circumstances in which a person in custody, although absent from his or her usual place of custody, remains under immediate supervision, and
- (f) to amend section 3 to make it clear that, for the purposes of the Act, offences arise from the same incident only if they are committed within a single period of 24 hours and are committed against the same person, and
- (g) to include within the definition of **supervised sentence** in section 5 (3) any order of detention under section 27 or 39 of the *Mental Health (Criminal Procedure) Act 1990*, other than an order that, as originally made, requires the person to be kept in strict government custody, and
- (h) to extend the range of circumstances in which notice has to be given to the Commissioner of Police under section 6, and
- (i) to enable the notices under section 6 that have to be given to registrable persons on ceasing to be in custody to be given before, as well as after, such a person is released from custody, and
- (j) to enable the regulations under section 22 to require the functions under section 4, 5 or 6 of a sentencing court or supervising authority (a **primary authority**) to be exercised by any other such court or authority or by the Commissioner of Police (the **secondary authority**), but only with the concurrence of the Minister responsible for the primary authority and the Minister responsible for the secondary authority.

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 a day or days to be appointed by proclamation.

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

Schedule 1 amends the *Child Protection (Offenders Registration) Act 2000* so as to give effect to the various objects referred to above.