

Passed by both Houses



New South Wales

Child Protection (Offenders Registration) Amendment Bill 2001

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Child Protection (Offenders Registration) Act 2000 No 42	2
Schedule 1 Amendments	3

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2001*



New South Wales

Child Protection (Offenders Registration) Amendment Bill 2001

Act No , 2001

An Act to amend the *Child Protection (Offenders Registration) Act 2000* with respect to reporting requirements under that Act and other administrative matters.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Child Protection (Offenders Registration) Amendment Act 2001*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

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

The *Child Protection (Offenders Registration) Act 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert after paragraph (b) of the definition of *Class 1 offence* in section 3 (1):

- (b1) an offence against section 66EA of the *Crimes Act 1900*, or

[2] Section 3 (1), definition of “Class 1 offence”

Omit “(a) or (b)” from paragraph (c). Insert instead “(a), (b) or (b1)”.

[3] Section 3 (1), definition of “good behaviour bond”

Insert “, and includes a good behaviour bond referred to in section 33 (1) (b) of the *Children (Criminal Proceedings) Act 1987*” after “*Crimes (Sentencing Procedure) Act 1999*”.

[4] Section 3 (1), definition of “government custody”

Omit the definition. Insert instead:

government custody means custody as an inmate or detainee, and includes custody as a forensic patient where the order of detention under section 27 or 39 of the *Mental Health (Criminal Procedure) Act 1990*, as originally made, requires the patient to be kept in strict government custody.

[5] Section 3 (1), definition of “registrable person”

Omit paragraph (c). Insert instead:

- (c) a person whose conviction or finding of guilt has been quashed or set aside by a court, or

[6] Section 3 (1), definition of “sentence”

Insert “any order of detention under section 27 or 39 of the *Mental Health (Criminal Procedure) Act 1990*,” after “includes” where firstly occurring.

[7] Section 3 (1), definition of “strict government custody”

Omit the definition. Insert instead:

strict government custody, in relation to a registrable person, means custody as an inmate, detainee or forensic patient, but does not include such custody if the person:

- (a) is regularly permitted to be absent from a place of custody for any period, regardless of its length, whether on leave of absence or otherwise, and
- (b) is not at all such times under the immediate supervision of an officer of a supervising authority or other person having custody of the person.

[8] Section 3 (3)

Insert after section 3 (2):

- (3) For the purposes of this 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.

[9] Section 5 Notices to be given when registrable person commences supervised sentence

Insert at the end of section 5 (3):

- , or
- (d) an 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.

[10] Section 6 Notices to be given when registrable person ceases to be in custody of supervising authority

Omit section 6 (1). Insert instead:

- (1) As soon as practicable before or after a registrable person:
 - (a) ceases to be in strict government custody, or
 - (b) ceases to be in government custody, or
 - (c) ceases to be subject to a supervised sentence (within the meaning of section 5), or

-
- (d) ceases to participate in the Pre-Trial Diversion of Offenders Program under the *Pre-Trial Diversion of Offenders Act 1985*, or
 - (e) ceases to be subject to a condition of parole requiring the person to be subject to supervision, or
 - (f) ceases to be an existing licensee,
- the supervising authority for the person is to give written notice of that fact to the Commissioner of Police.

[11] Section 6 (2)

Insert “before or” after “As soon as practicable”.

[12] Section 12 Manner in which relevant personal information to be given

Omit “or carer” from section 12 (5).

Insert instead “, carer or other person nominated by the registrable person”.

[13] Section 12 (6)

Omit “or carer” wherever occurring.

Insert instead “, carer or nominee”.

[14] Section 14 Period for which reporting obligations continue

Insert “, other than an offence against section 66EA of the *Crimes Act 1900*” after “Class 1 offence” in section 14 (2) (a) (i).

[15] Section 14 (2)

Insert at the end of section 14 (2) (b):

- (iv) if the finding of guilt relates to a single offence against section 66EA of the *Crimes Act 1900*, or

[16] Section 22 Regulations

Insert after section 22 (2):

- (3) The regulations may require the functions under section 4, 5 or 6 of a sentencing court or supervising authority (a *primary authority*) to be exercised:

Child Protection (Offenders Registration) Amendment Bill 2001

Schedule 1 Amendments

- (a) in relation to the functions of a sentencing court:
 - (i) by a supervising authority, or
 - (ii) by the Commissioner of Police, or
- (b) in relation to the functions of a supervising authority:
 - (i) by the sentencing court, or
 - (ii) by some other supervising authority, or
 - (iii) 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.