



New South Wales

# Child Protection (Offenders Registration) Amendment Act 2001 No 50

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New South Wales

# **Child Protection (Offenders Registration) Amendment Act 2001 No 50**

Act No 50, 2001

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An Act to amend the *Child Protection (Offenders Registration) Act 2000* with respect to reporting requirements under that Act and other administrative matters. [Assented to 17 July 2001]

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**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.

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## 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patient where the order of detention under section 27 or 39 of the *Mental Health (Criminal Procedure) Act 1990*, as originally made, requires the patient to be kept in strict government custody.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:

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- (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.

[Minister's second reading speech made in—  
Legislative Assembly on 20 June 2001  
Legislative Council on 4 July 2001]

BY AUTHORITY