



New South Wales

# Child Protection (Offenders Registration) Amendment (Offences) Regulation 2010

under the

Child Protection (Offenders Registration) Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Child Protection (Offenders Registration) Act 2000*.

MICHAEL DALEY, MP  
Minister for Police

## Explanatory note

The objects of this Regulation are:

- (a) to state that certain offences established by the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010* of the Commonwealth are Class 1 offences or Class 2 offences. The class of an offence affects, amongst other things, the length of the period for which a person is required to comply with reporting requirements under the *Child Protection (Offenders Registration) Act 2000*, and
- (b) to prescribe the Commissioner of Corrective Services NSW as the supervising authority in respect of correctional patients and to authorise the Commissioner to exercise the function of a sentencing Court (with respect to giving notice to a person of their reporting requirements and the consequences for failing to comply with the reporting requirements) in relation to a registrable person who is a correctional patient.

This Regulation is made under the *Child Protection (Offenders Registration) Act 2000*, including the definitions of **Class 1 offence**, **Class 2 offence** and **supervising authority** in section 3 (1) and section 22 (the general regulation-making power).

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Clause 1 Child Protection (Offenders Registration) Amendment (Offences)  
Regulation 2010

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**Child Protection (Offenders Registration) Amendment  
(Offences) Regulation 2010**

under the

Child Protection (Offenders Registration) Act 2000

**1 Name of Regulation**

This Regulation is the *Child Protection (Offenders Registration) Amendment (Offences) Regulation 2010*.

**2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1 Amendment of Child Protection (Offenders Registration) Regulation 2009**

**[1] Clause 7 Exercise of sentencing court's functions by supervising authorities**

Omit "a correctional patient or" from clause 7 (b).

**[2] Clause 7 (e)**

Insert at the end of clause 7 (d):

, and

- (e) by the Commissioner of Corrective Services NSW, in relation to any registrable person who is a correctional patient.

**[3] Clause 13 Additional written notice for certain forensic patients**

Omit "a correctional patient or" from clause 13 (1).

**[4] Clause 13A**

Insert after clause 13:

**13A Additional written notices for certain correctional patients.**

- (1) This clause applies to and in respect of a correctional patient to whom (in accordance with clause 7 (e)) the Commissioner of Corrective Services NSW is required to give a statutory notice under section 5 of the Act.
- (2) If the Commissioner is of the opinion that the registrable person to whom such a notice relates is incapable of understanding the notice, the Commissioner must cause a record of that fact to be kept.
- (3) As soon as practicable after forming the opinion that a registrable person in respect of whom such a record has been made is now capable of understanding a statutory notice, the Commissioner must ensure that a copy of the notice is again given to the registrable person.
- (4) This clause does not cease to apply to a registrable person just because the Commissioner takes measures in accordance with clause 14 to assist the person to understand:
  - (a) the person's reporting obligations, and

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(b) the consequences that may arise if the person fails to comply with those obligations,  
and the Commissioner must comply with the requirements of this clause in addition to taking those measures.

**[5] Clause 18A**

Insert before clause 18:

**18A Class 1 offence**

For the purposes of paragraph (f) of the definition of *Class 1 offence* in section 3 (1) of the Act, an offence against section 272.10 of the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth (in relation to an offence referred to in section 272.10 (a) (i) or (ii) of the Criminal Code) is stated to be a Class 1 offence.

**[6] Clause 18 Class 2 offences**

Omit paragraphs (a)–(h). Insert instead:

- (a) section 271.4,
- (b) section 271.7,
- (c) section 272.10 (in relation to an offence referred to in section 272.10 (a) (iii) or (iv)),
- (d) section 272.11,
- (e) section 272.12,
- (f) section 272.13,
- (g) section 272.14,
- (h) section 272.15,
- (i) section 273.5,
- (j) section 273.6,
- (k) section 273.7,
- (l) section 471.16,
- (m) section 471.17,
- (n) section 471.19,
- (o) section 471.20,
- (p) section 471.22,
- (q) section 471.24,
- (r) section 471.25,
- (s) section 471.26,

- (t) section 474.19,
- (u) section 474.20,
- (v) section 474.22,
- (w) section 474.23,
- (x) section 474.24A,
- (y) section 474.25A,
- (z) section 474.25B,
- (aa) section 474.26,
- (ab) section 474.27,
- (ac) section 474.27A.

**[7] Clause 19 Supervising authorities**

Omit “a correctional patient or” from clause 19 (d).

**[8] Clause 19 (e)**

Insert after clause 19 (d):

- (e) the Commissioner of Corrective Services NSW, in relation to any registrable person who is a correctional patient.