



New South Wales

Child Protection (Nicole's Law) Bill 2019

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 the Commissioner of Police to publish certain information contained in the Child Protection Register established under section 19 of the *Child Protection (Offenders Registration) Act 2000*, and
- (b) to ensure that the publishing of information does not enable the identity of victims of registrable offences to be ascertained.

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 the date of assent to the proposed Act.

Clause 3 provides that the proposed Act is to be read as if it formed part of the *Child Protection (Offenders Registration) Act 2000*.

Clause 4 defines the term *publishable information* used in the proposed Act.

Clause 5 provides that the Commissioner of Police must publish certain information in respect of known sex offenders and details the information that must be published and the manner in which it must be published.

Clause 6 restricts the information that may be published by the Commissioner of Police so as to ensure that the identity of protected witnesses and victims of registrable offences is not made public.

Clause 7 provides that when a registrable person ceases to be subject to reporting obligations under the *Child Protection (Offenders Registration) Act 2000*, the Commissioner of Police must withdraw from publication any information relating to that person.

Schedule 1 Savings, transitional and other provisions

Schedule 1 enables regulations of a savings or transitional nature to be made.

Schedule 2 Consequential amendments to Child Protection (Offenders Registration) Act 2000 No 42

Schedule 2[1] amends the *Child Protection (Offenders Registration) Act 2000* so as to include further details of a registrable person's physical appearance, including race, gender and a photograph, to that which must be provided as relevant personal information.

Schedule 2[2] makes a minor consequential amendment to the *Child Protection (Offenders Registration) Act 2000*.



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New South Wales

Child Protection (Nicole's Law) Bill 2019

No , 2019

A Bill for

An Act to require the public to be notified of the identity and residential address of convicted child sex offenders; and for other purposes.

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| The Legislature of New South Wales enacts— | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Child Protection (Nicole's Law) Act 2019</i> . | 3 |
| 2 Commencement | 4 |
| This Act commences on the date of assent to this Act. | 5 |
| 3 Relationship to Child Protection (Offenders Registration) Act 2000 | 6 |
| This Act is to be construed with, and as if it formed part of, the <i>Child Protection (Offenders Registration) Act 2000</i> . | 7 8 |
| 4 Definition | 9 |
| (1) In this Act— | 10 |
| <i>publishable information</i> means any information required to be made available by the Commissioner of Police under section 5. | 11 12 |
| (2) Notes included in this Act do not form part of this Act. | 13 |
| 5 Publication of certain information | 14 |
| (1) The Commissioner of Police must publish the following information contained in the Register in respect of each registrable person— | 15 16 |
| (a) the person's name, together with any other name by which the person is or has previously been known, | 17 18 |
| (b) in respect of each name other than the person's current name, the period during which the person was known by that other name, | 19 20 |
| (c) the person's date of birth, | 21 |
| (d) a physical description of the person including the person's gender and race, | 22 |
| (e) the person's most recent photograph, | 23 |
| (f) the suburb and postcode of the residential address of the person, | 24 |
| (g) for a registrable person found guilty of a Class 1 offence, the person's full residential address, | 25 26 |
| (h) details of each Class 1 or Class 2 offence of which the person has been found guilty or with which the person has been charged, | 27 28 |
| (i) details of each offence of which the person has been found guilty that resulted in the making of a child protection registration order, | 29 30 |
| (j) the date on which the person was sentenced for any registrable offence, | 31 |
| (k) the date on which the person ceased to be in government custody in respect of a registrable offence, or entered or ceased to be in government custody in respect of any offence during the person's reporting period. | 32 33 34 |
| (2) The Commissioner of Police must ensure that publishable information— | 35 |
| (a) is made available on the website of the NSW Police Force, and | 36 |
| (b) can be viewed at each police station, free of charge, during ordinary office hours. | 37 38 |
| 6 Restriction on publishable information | 39 |
| (1) The Commissioner of Police must ensure that any publishable information about a protected witness (that is, a person to whom Division 5 of Part 3 of the <i>Child Protection (Offenders Registration) Act 2000</i> applies) whose identity is apparent or | 40 41 42 |

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| can reasonably be ascertained from that public information is not made available to the public under section 5. | 1 |
| (2) The Commissioner of Police must ensure that publishable information does not contain any information from which the identity of a victim of a registrable offence can reasonably be ascertained. | 2 |
| (3) In this section, <i>victim</i> means a person against or in respect of whom a registrable offence has been committed. | 3 |
| 7 Withdrawal of publishable information | 4 |
| The Commissioner of Police must withdraw from publication any information that relates to a registrable person when that person ceases to be subject to reporting obligations under Part 3 of the <i>Child Protection (Offenders Registration) Act 2000</i> . | 5 |
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| Schedule 1 | Savings, transitional and other provisions | 1 |
| Part 1 | General | 2 |
| 1 | Regulations | 3 |
| (1) | The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act. | 4 5 |
| (2) | Any such provision— | 6 |
| (a) | may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date, and | 7 8 |
| (b) | has effect despite anything to the contrary in this Schedule. | 9 |
| (3) | To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as— | 10 11 12 |
| (a) | to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or | 13 14 15 |
| (b) | to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. | 16 17 18 |
| (4) | Without limiting subclauses (1) and (2), regulations made for the purposes of this clause may amend this Schedule to provide for additional or different savings and transitional provisions instead of including the provisions in the regulations. | 19 20 21 |

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| Schedule 2 | Consequential amendments to Child Protection (Offenders Registration) Act 2000 No 42 | 1 |
| | | 2 |
| [1] | Section 9 Relevant personal information to be reported | 3 |
| | Omit section 9(1)(i). Insert instead— | 4 |
| | (i) details of the person's physical appearance including— | 5 |
| | (i) the person's race, and | 6 |
| | (ii) the person's gender, and | 7 |
| | (iii) details of any tattoos or permanent distinguishing marks that the person has (including details of any tattoo or mark that has been removed), and | 8 |
| | | 9 |
| | | 10 |
| | (iv) a photograph of the person taken within the previous 12 months, | 11 |
| [2] | Section 20 Exclusion from personal liability | 12 |
| | Insert "or the <i>Child Protection (Nicole's Law) Act 2019</i> " after "this Act". | 13 |