

Passed by both Houses



New South Wales

Child Protection (Offenders Registration) Amendment (Suspended Sentences) Bill 2007

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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, , 2007*



New South Wales

Child Protection (Offenders Registration) Amendment (Suspended Sentences) Bill 2007

Act No , 2007

An Act to amend the *Child Protection (Offenders Registration) Act 2000* with respect to persons who are subject to suspended sentences of imprisonment.

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

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Child Protection (Offenders Registration) Amendment (Suspended Sentences) Act 2007*.

2 Commencement

This Act commences on the date of assent to this Act.

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.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Omit “was serving a term” from paragraph (a) of the definition of *existing controlled person* in section 3 (1).

Insert instead “was subject to a sentence”.

[2] Section 3 (1), definition of “existing controlled person”

Omit “or home detention order” from paragraph (a) (i) of the definition.

Insert instead “, home detention order or sentence suspension order”.

[3] Section 3 (1)

Insert in alphabetical order:

sentence suspension order means an order under section 12 of the *Crimes (Sentencing Procedure) Act 1999*.

[4] Section 3A Registrable persons

Omit “or home detention order” from section 3A (2) (b) (i).

Insert instead “, home detention order or sentence suspension order”.

[5] Section 4 Notices to be given when persons sentenced for registrable offences

Insert after section 4 (2):

- (2A) For the avoidance of doubt, it is declared that this section extends to any registrable person whom the court has sentenced to a term of imprisonment even if the term of imprisonment is subject to a sentence suspension order.

[6] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Child Protection (Offenders Registration) Amendment (Suspended Sentences) Act 2007

[7] **Schedule 2, Part 4**

Insert after Part 3 of Schedule 2:

**Part 4 Provisions consequent on enactment of
Child Protection (Offenders Registration)
Amendment (Suspended Sentences) Act
2007**

10 Application of amendments to suspended sentences

- (1) This Act, as amended by the 2007 amending Act extends, and is taken always to have extended, to any person who has been sentenced in respect of a registrable offence at any time before the commencement of the 2007 amending Act.
- (2) Despite subclause (1), a person who has become a registrable person as a consequence of the amendments made by the 2007 amending Act is not guilty of an offence under this Act by virtue of anything the person has done or omitted to do at any time before the commencement of the 2007 amending Act if, at that time, the person was not a registrable person.
- (3) As soon as practicable after the commencement of the 2007 amending Act, the Commissioner of Police is to give any person who has become a registrable person as a consequence of the amendments made by that Act written notice of:
 - (a) the person's reporting obligations, and
 - (b) the consequences that may arise if the person fails to comply with those obligations.
- (4) In this clause, *the 2007 amending Act* means the *Child Protection (Offenders Registration) Amendment (Suspended Sentences) Act 2007*.