

Passed by both Houses



New South Wales

# Child Protection (Offenders Registration) Amendment Bill 2024

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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,*

*, 2024*



New South Wales

## **Child Protection (Offenders Registration) Amendment Bill 2024**

Act No \_\_\_\_\_, 2024

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An Act to make miscellaneous amendments to the *Child Protection (Offenders Registration) Act 2000* following a review of the Act; and for other purposes.

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*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.*

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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 2024*.

**2 Commencement**

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

## Schedule 1 Amendment of Child Protection (Offenders Registration) Act 2000 No 42

### [1] Section 3 Definitions

Omit section 3(1), definitions of *child abuse material*, *child protection registration order*, *Class 1 offence*, *Class 2 offence*, *corresponding registrable person*, *government custody*, *parole order*, *relevant personal information*, *reporting obligations* and *reporting period*.

Insert in alphabetical order—

*carriage service* has the same meaning as in the *Telecommunications Act 1997* of the Commonwealth.

*child protection registration order* means an order made under Part 2A, Division 2.

*Class 1 offence*—see section 2D(1).

*Class 2 offence*—see section 2D(2).

*corresponding registrable person*—see section 3L(1).

*forensic custody*—see section 2G(1).

*government custody* means the following—

- (a) custody as an inmate or detainee,
- (b) forensic custody,
- (c) custody under a law of a foreign jurisdiction in the nature of custody referred to in paragraph (a) or (b).

*personal information report*, for a registrable person, means a report that includes all relevant personal information.

*registrable person order*—see section 3C(1).

*relevant personal information* means—

- (a) the information specified in Schedule 1C, and
- (b) other information prescribed by the regulations.

*relevant vehicle or other transport*—see section 2H.

*reporting obligations*, in relation to a registrable person, means the obligations imposed on the person under this Act.

*reporting period*, in relation to a registrable person, means the period during which the person must comply with the person's reporting obligations that is—

- (a) specified in a registrable person order or child protection registration order, or
- (b) determined in accordance with Part 3, Division 6.

*residential premises*, of a registrable person, means premises at which the person resides for 7 days or more, whether or not consecutively, in a 12-month period.

### [2] Section 3(3)

Omit the subsection.

### [3] Section 2B

Renumber section 3, as amended by Schedule 1[1] and [2], as section 2B.

**[4] Section 2C**

Renumber section 3AA as section 2C.

**[5] Sections 2D–2I**

Insert after section 2C, as renumbered by Schedule 1[4]—

**2D Class 1 offences and Class 2 offences**

- (1) In this Act, a ***Class 1 offence*** means the following—
  - (a) murder, if the person murdered was a child,
  - (b) an offence specified in Schedule 1A,
  - (c) an offence under a law of a foreign jurisdiction that—
    - (i) if committed in New South Wales, would be an offence of a kind specified in this subsection, or
    - (ii) is prescribed by the regulations as a Class 1 offence,
  - (d) an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind specified in this subsection,
  - (e) an offence that, when it was committed, was a Class 1 offence,
  - (f) an offence committed before 8 December 2000 that was an offence of a kind specified in this subsection.
- (2) In this Act, a ***Class 2 offence*** means the following—
  - (a) manslaughter, other than manslaughter as a result of a motor vehicle accident, if the person killed was a child,
  - (b) an offence specified in Schedule 1B,
  - (c) an offence under a law of a foreign jurisdiction that—
    - (i) if committed in New South Wales, would be an offence of a kind specified in this subsection, or
    - (ii) is prescribed by the regulations as a Class 2 offence,
  - (d) an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind specified in this subsection,
  - (e) an offence that, when it was committed, was a Class 2 offence,
  - (f) an offence committed before 8 December 2000 that was an offence of a kind specified in this subsection.

**2E Court may treat offences as single offence**

- (1) A court may, for the purposes of this Act, treat 2 or more offences as a single offence if satisfied it is appropriate treat the offences as a single offence.
- (2) Matters that may be relevant to a decision to treat offences as a single offence include the following—
  - (a) whether the offences are of the same kind,
  - (b) whether the offences were committed against the same person,
  - (c) whether the offences were committed at the same time or close together in time,
  - (d) other matters prescribed by the regulations.

**Note—** Offences of the same kind that are committed against the same person in the same 24-hour period are offences that may be treated as a single offence.

- (3) The single offence must be treated as a Class 1 offence if at least 1 of the offences comprising the single offence is a Class 1 offence.
- (4) The single offence must be treated as a Class 2 offence if—
  - (a) at least 1 of the offences comprising the single offence is a Class 2 offence, and
  - (b) none of the offences is a Class 1 offence.

## **2F Offences arising from same incident to be treated as single offence**

- (1) A person, other than a court, who is calculating a reporting period must treat 2 or more offences as a single offence if the offences arise from the same incident.  
**Example—** the Commissioner of Police calculating a reporting period for a corresponding registrable person
- (2) The single offence must be treated as a Class 1 offence if at least 1 of the offences comprising the single offence is a Class 1 offence.
- (3) The single offence must be treated as a Class 2 offence if—
  - (a) at least 1 of the offences comprising the single offence is a Class 2 offence, and
  - (b) none of the offences is a Class 1 offence.
- (4) For this section, offences arise from the same incident if—
  - (a) each of the offences is committed within 24 hours of one or more of the other offences, and
  - (b) for offences committed against a person—the offences are committed against the same person.

## **2G Forensic custody**

- (1) In this Act, a person is in *forensic custody* if the person is—
  - (a) subject to—
    - (i) an order under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, section 33(1), 61(2) or 65(2) that, as originally made, requires the person to be kept in strict government custody, or
    - (ii) an order prescribed by the regulations, or
  - (b) involuntarily detained in a mental health facility in circumstances prescribed by the regulations.
- (2) The regulations may make provision about—
  - (a) the circumstances in which a person in forensic custody is taken not to be in government custody, and
  - (b) the identification of the supervising authority for persons in forensic custody who are not detained in a mental health facility.

## **2H Relevant vehicles or other transport**

- (1) In this Act, a *relevant vehicle or other transport*, for a person, means the following if owned by the person or used by the person for 7 days or more in a 12-month period, whether or not consecutively—
  - (a) a motor vehicle within the meaning of the *Road Transport Act 2013*,
  - (b) a caravan or trailer,

(c) a vessel or aircraft required to be registered under a law of New South Wales or another Australian jurisdiction.

(2) In this section—

*owned* includes leased and hired.

*vessel* has the same meaning as in the *Marine Safety Act 1998*.

## **2I Travel to Norfolk Island is travel outside New South Wales**

For this Act, if a person travels to Norfolk Island, the person travels outside New South Wales.

### **[6] Section 3A Registrable persons**

Omit section 3A(1). Insert instead—

(1) In this Act, each of the following is a *registrable person*—

(a) a person subject to a registrable person order,

(b) a person subject to a child protection registration order,

(c) a corresponding registrable person,

(d) a person who has been found guilty by a court of an offence specified in section 2D(1)(c) or (2)(c),

(e) a person who was a registrable person immediately before the commencement of this subsection, as substituted by the *Child Protection (Offenders Registration) Amendment Act 2024*.

### **[7] Section 3A(2)(c) and (5)**

Omit the provisions.

### **[8] Section 3A(4)**

Omit “or child protection registration order”.

Insert instead “, child protection registration order or corresponding child protection registration order”.

### **[9] Section 3B Circumstances in which person ceases to be registrable person**

Insert “registrable person order or” after “subject to a” in section 3B(c).

### **[10] Section 3C Discretion to treat child offender as non-registrable**

Omit the section.

### **[11] Part 2A**

Omit the heading. Insert instead—

## **Part 2A Registrable person orders and child protection registration orders**

### **[12] Part 2A, Division 1**

Insert before section 3D—

## Division 1 Registrable person orders

### 3C Registrable person orders by sentencing court

- (1) A court (the *sentencing court*) that sentences a person for a registrable offence must make an order (a *registrable person order*) that the person is a registrable person if—
  - (a) for a person who was an adult when the registrable offence was committed—the sentencing court imposes a sentence for the registrable offence, other than a no conviction order, or
  - (b) for a person who was a child when the registrable offence was committed—
    - (i) the sentencing court imposes a sentence for the registrable offence, other than a no conviction order, and
    - (ii) the prosecution requests the registrable person order be made, and
    - (iii) the sentencing court is satisfied the registrable person order is necessary because the person poses a risk to the lives or sexual safety of one or more children or of children generally.

**Note—** The *Crimes (Sentencing Procedure) Act 1999*, section 43 allows proceedings to be reopened if the sentencing court makes an incorrect registrable person order or fails to make a registrable person order.

- (2) If a person is sentenced for more than 1 registrable offence, only 1 registrable person order must be made for all the offences.
- (3) The registrable person order must specify the reporting period calculated in accordance with section 3I.
- (4) In this section—

*adult* means a person who is not a child.  
*no conviction order* means an order under—

  - (a) the *Crimes (Sentencing Procedure) Act 1999*, section 10, or
  - (b) the *Children (Criminal Proceedings) Act 1987*, section 33(1)(a).

### 3CA Effect of appeals on registrable person orders

- (1) A registrable person order is not part of the sentence imposed for the registrable offence that gave rise to the order.
- (2) If an appeal is made against the conviction or sentence for a registrable offence, the registrable person order imposed for the offence is not stayed and continues in force, subject to subsection (3).
- (3) A court (the *appeal court*) that determines an appeal against a registrable person's conviction or sentence for a registrable offence may—
  - (a) if a registrable person order would not be required to be made under this Act if the decision of the appeal court were the original decision of the sentencing court—revoke the registrable person order, or
  - (b) if a different reporting period would be required to be specified in the registrable person order if the decision of the appeal court were the original decision of the sentencing court—amend the registrable person order or the reporting period specified in the order in accordance with section 3I.
- (4) In this section—

*sentencing court* has the same meaning as in section 3C.



## **Division 2 Child protection registration orders**

### **[13] Sections 3D(6), 3E(4), 3F(3) and 3G(4)**

Omit “Division 6 of Part 3” wherever occurring.

Insert instead “calculating the person’s reporting period under this Act”.

### **[14] Section 3F Orders made in relation to foreign offences and old offences**

Omit “an offence referred to in paragraph (a), (a2) or (c1) of the definition of *Class 2 offence* in section 3 (1), of which the person was found guilty before the commencement of this paragraph” from section 3F(1)(c).

Insert instead “a relevant Class 2 offence”.

### **[15] Section 3F(7)**

Insert after section 3F(6)—

(7) In this section—

*relevant Class 2 offence*, in relation to a person, means an offence—

(a) referred to in—

(i) section 2D(2)(a), or

(ii) Schedule 1B, Part 1, item 1 or 21, and

(b) of which the person was found guilty before 24 October 2014.

### **[16] Section 3H**

Insert after section 3G—

#### **3H Child protection registration order must specify reporting period**

A child protection registration order made in relation to a person must specify the reporting period for the person calculated in accordance with section 3I.

### **[17] Part 2A, Division 3**

Insert after section 3H, as inserted by Schedule 1[16]—

## **Division 3 General provisions**

### **3I Calculation of reporting period specified in orders**

(1) The reporting period for a registrable person subject to a registrable person order or child protection registration order is—

(a) 8 years, if the person has only ever been found guilty of a single Class 2 offence, or

(b) 15 years, if the person—

(i) has only ever been found guilty of a single Class 1 offence, or

(ii) has ever been found guilty of more than a single registrable offence, but is not covered by paragraph (c), or

(c) the remainder of the person’s life, if the person is a registrable person in relation to—

(i) a Class 1 offence and the person subsequently commits and is found guilty of another registrable offence, or

(ii) a Class 2 offence and the person subsequently commits and is found guilty of a Class 1 offence, or

- (iii) a Class 2 offence and the person subsequently commits and is found guilty of another Class 2 offence and has ever been found guilty of 3 or more Class 2 offences.
- (2) If the registrable person was a child when each registrable offence was committed, the reporting period for the registrable person order or child protection registration order is—
  - (a) half the period that would otherwise apply under subsection (1)(a) or (b), or
  - (b) 7 and a half years, if subsection (1)(c) would otherwise apply.
- (3) If section 14C applies in relation to the registrable person, the reporting period must be extended in accordance with that section.
- (4) Subsection (1)(c) or (2)(b) does not apply if the registrable person was not given notice of the person's reporting obligations under this Act or a corresponding Act before the person committed the subsequent offence.
- (5) A reference in subsection (1) or (2) to an offence extends to an offence committed before the commencement of the subsection.

### **3J Notice requirements**

- (1) This section applies to a court that makes a registrable person order or child protection registration order in relation to a person.
- (2) When the order is made, the court must—
  - (a) arrange for the following to be given to the person, including if the person is not physically present in the court—
    - (i) a copy of the order,
    - (ii) written notice of—
      - (A) the person's reporting obligations, and
      - (B) the consequences of failing to comply with the person's reporting obligations, and
  - (b) ensure all reasonable steps are taken to verbally explain the matters specified in subparagraph (a)(ii) to the person in language the person is able to readily understand.
- (3) The notice referred to in subsection (2)(a)(ii) must comply with the requirements of the regulations in relation to the form of the notice.
- (4) The court may require the person to remain in court until subsection (2) has been complied with.
- (5) A registrable person order or child protection registration order is not invalidated by a failure to comply with subsection (2)(b).
- (6) The regulations may make provision about the arrangements for giving the person a copy of the order or written notice under subsection (2)(a) if the person is not physically present in the court when the order is made.  
**Example—** a person attending court by audio visual link
- (7) As soon as practicable after the order is made, the court must give a copy of the order to—
  - (a) the Commissioner of Police, and
  - (b) the supervising authority for the person.

**3K Registrable persons taken to know certain matters**

- (1) This section applies to a person if—
  - (a) a registrable person order or child protection registration order is made in relation to the person, and
  - (b) the person has been given a copy of the order and the written notice required under section 3J(2)(a).
- (2) The person is taken to know the following—
  - (a) the person is a registrable person,
  - (b) the person's reporting period,
  - (c) the person's reporting obligations.

**[18] Part 2B**

Insert after Part 2A—

**Part 2B Corresponding registrable persons**

**3L Corresponding registrable persons**

- (1) In this Act, a *corresponding registrable person* means—
  - (a) a person who—
    - (i) has at any time been—
      - (A) in a foreign jurisdiction, and
      - (B) required, other than because the person is a registrable person in New South Wales, to report to the corresponding registrar in that jurisdiction, and
    - (ii) would, if still in that jurisdiction, be required, other than because the person is a registrable person in New South Wales, to report to the corresponding registrar, or
  - (b) a person who—
    - (i) has been found guilty in a foreign jurisdiction of a Class 1 offence or a Class 2 offence, and
    - (ii) has been required, as a consequence of having been found guilty of the offence, to report in that jurisdiction information about the person to a person or body exercising functions substantially similar to the functions of the Commissioner of Police under this Act, and
    - (iii) would, if still in that jurisdiction, be required to report the person's information.
- (2) Subject to the regulations, a person is a corresponding registrable person under subsection (1) even if the offence in relation to which the person is required to report in the foreign jurisdiction is not a registrable offence under this Act.
- (3) The regulations may exclude a person or class of persons from being a corresponding registrable person.

**3M Corresponding registrable persons to report to Commissioner of Police**

- (1) This section applies to a corresponding registrable person in New South Wales if the person has not given a personal information report to the Commissioner of Police within the previous 12 months.

- (2) The corresponding registrable person must give the Commissioner of Police a report that includes the following—
- (a) the person's name and contact details,
  - (b) the foreign jurisdictions in which the person would be required to report to a corresponding registrar if the person were in that jurisdiction,
  - (c) the reason for the person's visit to New South Wales,
  - (d) the amount of time the person is proposing to stay in New South Wales,
  - (e) where the person will be staying in New South Wales,
  - (f) where the person will be travelling to in New South Wales,
  - (g) details of carriage services, including phone numbers, used, or intended to be used, by the person during the visit,
  - (h) details of expected contact with children during the visit,
  - (i) the make, model, colour and registration number of all relevant vehicles or other transport to be used by the person during the visit,
  - (j) information prescribed by the regulations.
- Note—** Failing to give a report under this section is an offence under section 17. Providing false or misleading information in a report under this section is an offence under section 18.
- (3) The report must be given—
- (a) within 5 days after the corresponding registrable person arrives in New South Wales, not counting days when the corresponding registrable person is in government custody, and
  - (b) before the person leaves New South Wales.
- (4) This section does not apply to—
- (a) a person who—
    - (i) resides outside of New South Wales in an area prescribed by the regulations, and
    - (ii) does not stay in New South Wales for more than 24 hours, or
  - (b) a person prescribed by the regulations.

**3N Notice to corresponding registrable person of reporting obligations**

- (1) This section applies to a person (a *relevant person*) who—
- (a) the Commissioner of Police reasonably suspects has become a corresponding registrable person while in New South Wales, or
  - (b) is a corresponding registrable person who has not previously been given notice of the person's reporting obligations in New South Wales and who—
    - (i) notifies the Commissioner of Police that the person proposes to stay in New South Wales for longer than the prescribed period, or
    - (ii) the Commissioner of Police reasonably suspects proposes to stay in New South Wales for longer than the prescribed period.
- (2) The Commissioner of Police must cause written notice of the following to be given to the relevant person—
- (a) the person's reporting obligations, including the person's reporting period,
  - (b) the consequences of failing to comply with the person's reporting obligations.

- (3) The notice must be given as soon as practicable after the Commissioner of Police becomes aware the person is a relevant person.
- (4) The regulations may prescribe—
  - (a) the form of the notice, and
  - (b) the way in which the notice must be given.
- (5) A relevant person must comply with the person's reporting obligations under this Act until the later of—
  - (a) the expiry of the person's reporting period in relation to all corresponding registrars to whom the person has reporting obligations, or
  - (b) the expiry of the reporting period that would have applied to the person under this Act if the person had been sentenced by a court in New South Wales.
- (6) This section does not apply to a corresponding registrable person if the person—
  - (a) is a resident of New South Wales, and
  - (b) has given a personal information report to the Commissioner of Police within the previous 12 months.
- (7) In this section—

*prescribed period*, in relation to a corresponding registrable person, means a period of 14 days, not counting days when the corresponding registrable person is in government custody.

**[19] Sections 4 and 4A**

Omit the sections.

**[20] Section 5 Notices to be given when registrable person commences supervised sentence for registrable offence**

Insert after section 5(1)(a)—

- (a1) the person's reporting period, and

**[21] Section 7 Notices may be given by Commissioner of Police**

Omit section 7(1). Insert instead—

- (1) The Commissioner of Police may, at any time, cause written notice of the following to be given to a registrable person—
  - (a) the person's reporting obligations,
  - (b) the consequences of failing to comply with the person's reporting obligations.

**[22] Section 7A**

Omit the section. Insert instead—

**7A Notices to be given to registrable persons who enter New South Wales**

- (1) This section applies to a registrable person who enters New South Wales if the person has not previously been given notice of the person's reporting obligations in New South Wales.

- (2) The Commissioner of Police must, as soon as practicable after the registrable person becomes a person to whom this section applies, cause written notice of the following to be given to the registrable person—
  - (a) the person’s reporting obligations,
  - (b) the consequences of failing to comply with the person’s reporting obligations.
- (3) The regulations may make provision about the form and way in which written notice must be given under subsection (2).

**[23] Section 7B Notice to be given when reporting obligations change**

Omit section 7B(2). Insert instead—

- (2) The Commissioner of Police must cause written notice of the following to be given to the registrable person—
  - (a) the person’s reporting obligations,
  - (b) the consequences of failing to comply with the person’s reporting obligations.
- (2A) Notice under this section must be given—
  - (a) as soon as practicable after the change in the registrable person’s reporting obligations occurs, and
  - (b) before the person is required to make the person’s next report under this Act.

**[24] Section 9 Relevant personal information to be reported**

Omit the section.

**[25] Sections 9A(1) and (2) and 9B(1), (3) and (5)**

Omit “report the person’s relevant personal information to the Commissioner of Police” wherever occurring.

Insert instead “give the Commissioner of Police a personal information report about the person”.

**[26] Section 9A When initial report must be made**

Omit “7 days” wherever occurring in section 9A(1), Table, Column 2.

Insert instead “5 days”.

**[27] Section 9A(1), Table, Column 1**

Omit “report his or her relevant personal information to the Commissioner of Police”.

Insert instead “give the Commissioner of Police a personal information report about the person”.

**[28] Section 9A(3)**

Insert after section 9A(2)—

- (3) A corresponding registrable person is not required to give the Commissioner of Police a personal information report if the person—
  - (a) does not remain in New South Wales for longer than 14 days, and
  - (b) gives the Commissioner of Police a report under section 3M, and

- (c) is not given written notice by the Commissioner of Police under section 3N.

**[29] Section 9B When new initial report must be made by person whose previous reporting obligations have ceased**

Omit “subsection (1), (2) or (3) to report relevant personal information to the Commissioner of Police, then the person must report that information” from section 9B(4).

Insert instead “subsection (1) or (3) to give the Commissioner of Police a personal information report about the person, the person must give the report”.

**[30] Section 9B(5)**

Omit “subsections (1)–(3)”. Insert instead “subsections (1) and (3)”.

**[31] Section 9C Persons required to report under corresponding Act**

Omit “7 days” from section 9C(2). Insert instead “5 days”.

**[32] Section 9C(4)(d) and (e)**

Omit section 9C(4)(d). Insert instead—

- (d) gives the Commissioner of Police a personal information report in accordance with section 9A, or
- (e) gives the Commissioner of Police a report in accordance with section 3M.

**[33] Sections 10–11**

Omit sections 10 and 11. Insert instead—

**10 Registrable person must report annually**

- (1) A registrable person must give the Commissioner of Police a personal information report about the person each year during the reporting month for the person.
- (2) The personal information report must be given under this section each year during the reporting month, regardless of whether the person has given another report under this Act.
- (3) If the registrable person has been in government custody since the person last gave the Commissioner of Police a personal information report under this section, the report must include details of when and where the government custody occurred.
- (4) In this section—  
*reporting month*, for a registrable person, means—
  - (a) the calendar month in which the person first gave the Commissioner of Police a personal information report under this Act, or
  - (b) if the registrable person’s reporting period expires, but the person is then required to give the Commissioner a personal information report under section 9A—the calendar month in which the person first gave the Commissioner of Police a personal information report for the current reporting period.

**10A Registrable person must report changes in relevant personal information**

- (1) During a registrable person's reporting period, the registrable person must notify the Commissioner of Police of a change in the registrable person's relevant personal information—
  - (a) if the change occurs when the registrable person is in New South Wales and not in government custody—
    - (i) for information referred to in Schedule 1C, clause 9—within 24 hours after the change occurs, or
    - (ii) otherwise—within 5 days after the change occurs, or
  - (b) if the change occurs when the registrable person is in government custody in New South Wales—within 5 days after the registrable person ceases to be in government custody, or
  - (c) if the change occurs when the registrable person is not in New South Wales—within 5 days after the registrable person enters New South Wales.
- (2) A change in a registrable person's relevant personal information includes if relevant personal information previously included in a personal information report no longer applies to the registrable person.
- (3) To avoid doubt, a change in a registrable person's relevant personal information includes the following—
  - (a) starting or ceasing to reside at particular premises,
  - (b) starting or ceasing work,
  - (c) acquiring or disposing of a relevant vehicle or other transport,
  - (d) starting or ceasing to use a telephone number, carriage service or internet service provider,
  - (e) a child starting or ceasing to reside with the registrable person.

**11 Contact with children must be reported**

- (1) This section applies if a registrable person has contact with a child that involves the registrable person—
  - (a) supervising or caring for the child, or
  - (b) visiting or staying at a household where the child is present, or
  - (c) exchanging contact details with the child, including giving the person's contact details to the child, or
  - (d) attempting to befriend the child, or
  - (e) attempting to establish contact or further contact with the child.
- (2) Within 24 hours after the registrable person has the contact with the child, the registrable person must give the Commissioner of Police a report that includes the following information, to the extent it is known by the registrable person—
  - (a) the child's name,
  - (b) the child's date of birth,
  - (c) the child's address or other means of contacting the child.
- (3) A registrable person is not required to give the Commissioner of Police a report under this section if—
  - (a) the child resides with the registrable person, and



- (b) the registrable person has previously reported to the Commissioner of Police that the child resides with the registrable person.

**Note**— See Schedule 1C, clause 9(2) for the circumstances in which a child is taken to reside with a person.

- (4) In this section—

**contact or further contact**, with a child, includes the following—

- (a) physical contact with the child, including by touching the child or being in very close physical proximity to the child,
- (b) oral communication with the child, including communication taking place in person or by telephone or electronic means,
- (c) written communication with the child, including communication taking place by mail, telephone or electronic means.

**[34] Section 11D Report of other absences from New South Wales**

Omit “month” from section 11D(1). Insert instead “calendar month”.

**[35] Section 11F Intended change of place where registrable person generally resides**

Omit “section 11 (1) (b)” from section 11F(1), note. Insert instead “section 10A”.

**[36] Section 11F(4)**

Omit “section 11”. Insert instead “section 10A”.

**[37] Section 11G**

Insert after section 11F—

**11G Approval of travel outside Australia**

- (1) A registrable person may apply to the Commissioner of Police for approval under the *Criminal Code* of the Commonwealth, section 271A.1(3) to travel outside Australia.
- (2) An application must be made in the way determined by the Commissioner of Police.
- (3) The Commissioner of Police may determine an application by—
  - (a) granting the application and giving written approval, or
  - (b) refusing the application.
- (4) If the Commissioner of Police refuses an application, the Commissioner must give the registrable person written notice of the refusal, including the reasons for the refusal.

**[38] Section 12A How reports to be made**

Omit section 12A(1)(a) and (b). Insert instead—

- (a) an initial personal information report required by Division 2,
- (b) an annual personal information report required by section 10,

**[39] Section 13 Modified reporting procedures for protected witnesses**

Omit “Ombudsman” wherever occurring in section 13(8) and (10)(c).

Insert instead “Law Enforcement Conduct Commission”.

**[40] Section 13(9)**

Omit “The Ombudsman’s”.

Insert instead “The Law Enforcement Conduct Commission’s”.

**[41] Section 13A Modification of ongoing reporting obligations**

Omit “Sections 9 (1), 11A–11D”.

Insert instead “Sections 2B(1), definition of *relevant personal information*, 11–11D”.

**[42] Section 14AA**

Insert after section 14—

**14AA Reporting period specified in relevant order**

- (1) If a relevant order made in relation to a registrable person specifies a reporting period, the registrable person must continue to comply with the reporting obligations imposed under this Act for the specified reporting period.
- (2) In this section—  
*relevant order*, for a registrable person, means—
  - (a) a registrable person order or child protection registration order made in relation to the person, or
  - (b) if more than 1 order under paragraph (a) relates to the person—the most recent order.

**[43] Section 14A, heading**

Omit the heading. Insert instead—

**14A Reporting period not specified in relevant order**

**[44] Section 14A(1A)**

Insert before section 14A(1)—

- (1A) This section applies to a registrable person with reporting obligations imposed under this Act to whom section 14AA does not apply.

**[45] Section 14A(1)**

Omit “A registrable person”. Insert instead “The registrable person”.

**[46] Section 15 Suspension and extension of reporting obligations**

Omit section 15(3)–(5). Insert instead—

- (3) The reporting period of a registrable person whose reporting obligations are suspended under subsection (1)(b) is extended by the length of time during the period of suspension that—
  - (a) the person was—
    - (i) travelling outside Australia for longer than 28 days, or
    - (ii) resident outside Australia, and
  - (b) the person was not required to report under a corresponding Act.
- (4) The reporting period of a registrable person is extended by the additional period specified in subsection (5) if the person is in breach of the person’s reporting obligations because the person failed to give the Commissioner of

Police a personal information report within 28 days after the day on which the report was due to be given.

- (5) The additional period for subsection (4)—
- (a) means the period—
    - (i) starting 28 days after the personal information report was due to be given, and
    - (ii) ending when the person gives the Commissioner of Police the personal information report, and
  - (b) excludes any period during which the person's reporting obligations are suspended.

**[47] Section 15A**

Insert after section 15—

**15A Calculation of extended reporting period**

- (1) If a registrable person's reporting period is extended under section 15, the Commissioner of Police must—
- (a) calculate the person's extended reporting period, and
  - (b) cause written notice of the extended reporting period to be given to the person.
- (2) The regulations may make provision about the form and way in which written notice must be given under subsection (1)(b).

**[48] Section 16 NCAT may exempt persons from compliance with reporting obligations**

Omit "by this Part" from section 16(1)(a). Insert instead "under this Act".

**[49] Section 16(6) and (7)**

Omit section 16(6)–(8). Insert instead—

- (6) As soon as practicable after an application under this section is made, the Civil and Administrative Tribunal must notify—
- (a) the Children's Guardian, and
  - (b) the Commissioner of Police.
- (7) The Children's Guardian and the Commissioner of Police are—
- (a) parties to proceedings for an order arising from the application, and
  - (b) entitled to make submissions about the making of the order.

**[50] Section 16A Cessation of order**

Omit "under section 19BC continue to comply with the reporting obligations imposed by this Part" from section 16A(1)(c).

Insert instead "continue to comply with the reporting obligations imposed under this Act".

**[51] Sections 16C and 16D**

Omit section 16C. Insert instead—

**16C Police officers may enter and inspect residential premises**

- (1) One or more police officers may enter and inspect residential premises of a registrable person that are identified, or required to be identified, in a personal information report as premises at which the person generally resides.
- (2) The power of entry and inspection (the *entry power*) also authorises—
  - (a) the entry into and inspection of a relevant vehicle or other transport of the registrable person, and
  - (b) access to information held on, or accessed by or from, an electronic or other device at the premises or in the relevant vehicle or other transport.
- (3) The entry power may be exercised for either or both of the following purposes—
  - (a) to verify relevant personal information reported by the registrable person,
  - (b) to determine whether the registrable person is complying with the requirements of this Act.
- (4) Notice is not required to be given to the registrable person before the entry power is exercised.
- (5) It is a reporting obligation of a registrable person to cooperate with a police officer exercising the entry power, including by—
  - (a) complying with a reasonable direction given to the registrable person by the police officer, and
  - (b) giving the police officer the information or assistance reasonably necessary for the officer to view, or to enable access to, data held in or accessible from an electronic or other device.

**16D Limits on entry into and inspection of residential premises by police officers**

- (1) The entry power under section 16C must not be exercised at particular residential premises of the registrable person more than 2 times in a calendar year, except as provided by subsection (2).
- (2) The entry power may be exercised at particular residential premises more than 2 times in a calendar year if, for each time the entry power is exercised after 2 times, approval is given by a police officer who—
  - (a) holds the rank of superintendent or above, and
  - (b) has a reasonable suspicion the registrable person has committed an offence under this Act that has not been previously dealt with.
- (3) The entry power must not be exercised—
  - (a) if the relevant reporting period of the registrable person has ended, or
  - (b) in part of the residential premises of the registrable person exclusively occupied by another person unless the police officer exercising the entry power has a reasonable suspicion that the part of the premises is used by the registrable person, or
  - (c) in relation to a registrable person who is under 18 years of age unless reasonable steps are taken to have a suitable person present to represent the interests of the registrable person while the power is exercised.
- (4) In this section—

*suitable person*, for a registrable person, means a person, other than a police officer, who—

- (a) is acceptable to the registrable person, and
- (b) is—
  - (i) a parent or guardian of the registrable person, or
  - (ii) capable of representing the interests of the registrable person.

**[52] Section 17 Offence of failing to comply with reporting obligations**

Omit section 17(3). Insert instead—

- (3) It is a defence to proceedings for an offence arising under this section if the registrable person charged with the offence establishes—
  - (a) the offence did not arise because of a failure to comply with section 3M, and
  - (b) at the time the offence is alleged to have occurred, the person—
    - (i) had not received notice of the person’s reporting obligations, and
    - (ii) was otherwise unaware of the person’s reporting obligations.
- (4) In this section—  
*reporting obligation*, for a corresponding registrable person, includes the obligation to give a report to the Commissioner of Police under section 3M.

**[53] Section 18 Offence of furnishing false or misleading information**

Omit “this Part”. Insert instead “this part or section 3M”.

**[54] Section 19 Child Protection Register**

Insert “or corresponding child protection registration order” after “order” in section 19(2)(c).

**[55] Part 3, Division 10**

Omit the division.

**[56] Section 19J**

Insert before section 20—

**19J Registrable persons must not engage in online gaming**

A registrable person must not, during the person’s reporting period, use a digital platform or web-based service for the purposes of playing games if the platform or service allows for online communication with a child.

Maximum penalty—500 penalty units or imprisonment for 5 years, or both.

**[57] Section 20A Application of reporting obligations to persons subject to child protection prohibition orders**

Omit “notify the Commissioner of Police of the person’s relevant personal information” from section 20A(3).

Insert instead “give the Commissioner of Police a personal information report”.

**[58] Section 22 Regulations**

Omit “section 4, 4A” from section 22(3). Insert instead “section 3J”.

**[59] Sections 23–25**

Omit sections 24 and 26. Insert after section 22—

### 23 Audits of administration of Register

- (1) The administration of the Register by the Commissioner of Police must be audited in accordance with this section.
- (2) An audit must be carried out by a person prescribed by the regulations.
- (3) An audit must occur at least once every 2 years.
- (4) The regulations may make provision about audits, including—
  - (a) the matters required to be audited, and
  - (b) the publication of the outcomes of audits.

### 24 Administrative review of decisions by NCAT

A person aggrieved by the following decisions may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the decision—

- (a) a decision that the person is a relevant person for section 3N,
- (b) a decision under section 11G to refuse an application to allow the person to travel outside of Australia,
- (c) a decision to extend a person's reporting obligations under section 15.

### 25 Review of Act

- (1) The Minister must conduct a review of the reviewable provisions to identify whether—
  - (a) the policy objectives of the reviewable provisions remain valid, and
  - (b) the terms of the reviewable provisions remain appropriate for securing the objectives.
- (2) The review must be undertaken as soon as possible after the period of 2 years after the commencement of this section.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 2 years.
- (4) In this section—

*reviewable provisions* means the amendments made to this Act by the *Child Protection (Offenders Registration) Amendment Act 2024*.

## [60] Schedules 1A–1C

Insert before Schedule 1—

### Schedule 1A Class 1 offences

section 2D(1)(b)

#### Part 1 Offences under Crimes Act 1900

Item	Section	Circumstances
1	26 Conspiring to commit murder	the person to be murdered is less than 18 years of age
2	27 Acts done to the person with intent to murder	the person intended to be murdered is less than 18 years of age

<b>Item</b>	<b>Section</b>	<b>Circumstances</b>
3	29 Certain other attempts to murder	the person intended to be murdered is less than 18 years of age
4	30 Attempts to murder by other means	the person attempted to be murdered is less than 18 years of age
5	37(2) Choking, suffocation and strangulation	the other indictable offence is an offence specified in this part
6	38 Using intoxicating substance to commit an indictable offence	(a) the other person is less than 18 years of age, and (b) the indictable offence intended to be committed is an offence specified in this part
7	45 Prohibition of female genital mutilation	the other person is less than 18 years of age
8	55 Possessing or making explosives or other things with intent to injure	(a) the person intended to be injured, or against whom the serious indictable offence is intended to be committed, is less than 18 years of age, and (b) the serious indictable offence is an offence specified in this part
9	61I Sexual assault	the other person is less than 18 years of age
10	61J Aggravated sexual assault	the other person is less than 18 years of age
11	61JA Aggravated sexual assault in company	the other person in section 61JA(1)(a) is less than 18 years of age
12	61K Assault with intent to have sexual intercourse	the other person is less than 18 years of age
13	66A Sexual intercourse—child under 10	—
14	66B Attempting, or assaulting with intent, to have sexual intercourse with child under 10	—
15	66C Sexual intercourse—child between 10 and 16	—
16	66D Assault with intent to have sexual intercourse—child between 10 and 16	—
17	66EA Persistent sexual abuse of a child	—
18	66F Sexual offences—cognitive impairment	the person with a cognitive impairment is less than 18 years of age
19	73 Sexual intercourse—young person between 16 and 18 under special care	—
20	78A Incest	the close family member is less than 18 years of age
21	78B Incest attempts	the close family member is less than 18 years of age
22	80A Sexual assault by forced self-manipulation	the other person is less than 18 years of age

<b>Item</b>	<b>Section</b>	<b>Circumstances</b>
23	113 Breaking etc into any house etc with intent to commit serious indictable offence	(a) the person against whom the serious indictable offence is intended to be committed is less than 18 years of age, and (b) the serious indictable offence is an offence specified in this part
24	114 Being armed with intent to commit indictable offence	(a) the person against whom the indictable offence is intended to be committed is less than 18 years of age, and (b) the indictable offence is an offence specified in this part
25	308C Unauthorised access, modification or impairment with intent to commit serious indictable offence	the serious indictable offence intended to be committed is an offence specified in this part

## **Part 2 Offences under Criminal Code of Commonwealth**

<b>Item</b>	<b>Section</b>	<b>Circumstances</b>
1	11.1 Attempt	the offence attempted is an offence specified in this part
2	11.2 Complicity and common purpose	the offence taken to have been committed is an offence specified in this part
3	11.2A Joint commission	the joint offence is an offence specified in this part
4	11.3 Commission by proxy	the offence taken to have been committed is an offence specified in this part
5	11.4 Incitement	the offence incited is an offence specified in this part
6	11.5 Conspiracy	the offence conspired is an offence specified in this part
7	268.8 Crime against humanity—murder	one or more of the persons murdered are less than 18 years of age
8	268.14 Crime against humanity—rape	the other person is less than 18 years of age
9	268.15 Crime against humanity—sexual slavery	the other person is less than 18 years of age
10	268.16 Crime against humanity—enforced prostitution	one or more of the other persons are less than 18 years of age
11	268.17 Crime against humanity—forced pregnancy	one or more of the women are less than 18 years of age
12	268.18 Crime against humanity—enforced sterilisation	one or more of the other persons are less than 18 years of age
13	268.19 Crime against humanity—sexual violence	one or more of the other persons are less than 18 years of age



<b>Item</b>	<b>Section</b>	<b>Circumstances</b>
14	268.59 War crime—rape	the other person is less than 18 years of age
15	268.60 War crime—sexual slavery	the other person is less than 18 years of age
16	268.61 War crime—enforced prostitution	one or more of the other persons are less than 18 years of age
17	268.62 War crime—forced pregnancy	one or more of the women are less than 18 years of age
18	268.63 War crime—enforced sterilisation	one or more of the other persons are less than 18 years of age
19	268.64 War crime—sexual violence	one or more of the other persons are less than 18 years of age
20	268.70 War crime—murder	one or more of the persons murdered are less than 18 years of age
21	268.82 War crime—rape	the other person is less than 18 years of age
22	268.83 War crime—sexual slavery	the other person is less than 18 years of age
23	268.84 War crime—enforced prostitution	one or more of the other persons are less than 18 years of age
24	268.85 War crime—forced pregnancy	one or more of the women are less than 18 years of age
25	268.86 War crime—enforced sterilisation	one or more of the other persons are less than 18 years of age
26	268.87 War crime—sexual violence	one or more of the other persons are less than 18 years of age
27	271.4 Offence of trafficking in children	—
28	271.7 Offence of domestic trafficking in children	—
29	271.7G Harboursing a victim—aggravated offence	the third person offence is an offence under section 271.4 or 271.7
30	272.8 Sexual intercourse with child outside Australia	—
31	272.10 Aggravated offence—sexual intercourse or other sexual activity with child outside Australia	the underlying offence is an offence under section 272.8
32	272.11 Persistent sexual abuse of child outside Australia	—
33	272.18 Benefiting from offence against this Division	the offence in section 272.18(1)(b) is an offence specified in this part
34	272.19 Encouraging offence against this Division	the offence in section 272.19(1)(b) is an offence specified in this part
35	272.20 Preparing for or planning offence against this Division	the offence in section 272.20(1)(b) or (2)(b) is an offence specified in this part

Item	Section	Circumstances
36	477.1 Unauthorised access, modification or impairment with intent to commit a serious offence	the offence intended to be committed is an offence specified in this part

## Schedule 1B Class 2 offences

section 2D(2)(b)

### Part 1 Offences under Crimes Act 1900

Item	Section	Circumstances
1	33(1) Intent to cause grievous bodily harm	(a) the person against whom the offence is committed is less than 10 years of age, and (b) the person committing the offence is at least 18 years of age
2	37(2) Choking, suffocation and strangulation	the other indictable offence is an offence specified in this part
3	45A Removing person from State for female genital mutilation	the other person is less than 18 years of age
4	55 Possessing or making explosives or other things with intent to injure	(a) the person intended to be injured, or against whom the serious indictable offence is intended to be committed, is less than 18 years of age, and (b) the serious indictable offence is an offence specified in this part
5	61KC Sexual touching	the complainant is less than 18 years of age
6	61KD Aggravated sexual touching	the complainant is less than 18 years of age
7	61KE Sexual act	the complainant is less than 18 years of age
8	61KF Aggravated sexual act	the complainant is less than 18 years of age
9	66DA Sexual touching—child under 10	—
10	66DB Sexual touching—child between 10 and 16	—
11	66DC Sexual act—child under 10	—
12	66DD Sexual act—child between 10 and 16	—
13	66DE Aggravated sexual act—child between 10 and 16	—
14	66DF Sexual act for production of child abuse material—child under 16	—
15	66EB Procuring or grooming child under 16 for unlawful sexual activity	—

<b>Item</b>	<b>Section</b>	<b>Circumstances</b>
16	66EC Grooming a person for unlawful sexual activity with a child under the person's authority	—
17	73A Sexual touching—young person between 16 and 18 under special care	—
18	80D Causing sexual servitude	the other person is less than 18 years of age
19	80E Conduct of business involving sexual servitude	one or more of the other persons are less than 18 years of age
20	86 Kidnapping	the person taken or detained is less than 18 years of age
21	87 Child abduction	the person who committed the offence has never had parental responsibility, within the meaning of the section, for the child
22	91D Promoting or engaging in acts of child prostitution	does not include an offence committed by a prostitute who is less than 18 years of age
23	91E Obtaining benefit from child prostitution	does not include an offence committed by a prostitute who is less than 18 years of age
24	91F Premises not to be used for child prostitution	does not include an offence committed by a prostitute who is less than 18 years of age
25	91G Children not to be used for production of child abuse material	does not include an offence committed by a prostitute who is less than 18 years of age
26	91H Production, dissemination or possession of child abuse material	does not include an offence committed by a prostitute who is less than 18 years of age
27	91HAA Administering a digital platform used to deal with child abuse material	—
28	91HAB Encouraging use of a digital platform to deal with child abuse material	—
29	91J Voyeurism	one or more persons being observed are less than 18 years of age
30	91K Filming a person engaged in private act	one or more persons being filmed are less than 18 years of age
31	91L Filming a person's private parts	the other person is less than 18 years of age

Item	Section	Circumstances
32	91P Record intimate image without consent	(a) the other person is less than 18 years of age, and (b) the offender is— (i) at least 21 years of age, or (ii) less than 21 years of age and has previously been found guilty of one or more offences under the <i>Crimes Act 1900</i> , section 91P, 91Q or 91R in circumstances where the person in the image is, or appears to be, less than 16 years of age
33	91Q Distribute intimate image without consent	(a) the other person is less than 18 years of age, and (b) the offender is— (i) at least 21 years of age, or (ii) less than 21 years of age and has previously been found guilty of one or more offences under the <i>Crimes Act 1900</i> , section 91P, 91Q or 91R in circumstances where the person in the image is, or appears to be, less than 16 years of age
34	91R Threaten to record or distribute intimate image	(a) the other person is less than 18 years of age, and (b) the offender is— (i) at least 21 years of age, or (ii) less than 21 years of age and has previously been found guilty of one or more offences under the <i>Crimes Act 1900</i> , section 91P, 91Q or 91R in circumstances where the person in the image is, or appears to be, less than 16 years of age
35	93AB Slavery, servitude and child forced labour	the person held in slavery or servitude is less than 18 years of age
36	113 Breaking etc into any house etc with intent to commit serious indictable offence	(a) the person against whom the serious indictable offence is intended to be committed is less than 18 years of age, and (b) the serious indictable offence is an offence specified in this part

Item	Section	Circumstances
37	114 Being armed with intent to commit indictable offence	(a) the person against whom the indictable offence is intended to be committed is less than 18 years of age, and (b) the indictable offence is an offence specified in this part
38	308C Unauthorised access, modification or impairment with intent to commit serious indictable offence	the serious indictable offence intended to be committed is an offence specified in this part

## Part 2 Offences under Criminal Code of Commonwealth

Item	Section	Circumstances
1	11.1 Attempt	the offence attempted is an offence specified in this part
2	11.2 Complicity and common purpose	the offence taken to have been committed is an offence specified in this part
3	11.2A Joint commission	the joint offence is an offence specified in this part
4	11.3 Commission by proxy	the offence taken to have been committed is an offence specified in this part
5	11.4 Incitement	the offence incited is an offence specified in this part
6	11.5 Conspiracy	the offence conspired is an offence specified in this part
7	270.3 Slavery offences	one or more slaves are less than 18 years of age
8	270.5 Servitude offences	the other person is less than 18 years of age
9	270.6A Forced labour offences	the other person is less than 18 years of age
10	270.7 Deceptive recruiting for labour or services	the victim is less than 18 years of age
11	270.7B Forced marriage offences	the victim is less than 18 years of age
12	270.7C Offence of debt bondage	the other person is less than 18 years of age
13	272.9 Sexual activity (other than sexual intercourse) with child outside Australia	—
14	272.10 Aggravated offence—sexual intercourse or other sexual activity with child outside Australia	the underlying offence is an offence under section 272.9
15	272.12 Sexual intercourse with young person outside Australia—defendant in position of trust or authority	—

Item	Section	Circumstances
16	272.13 Sexual activity (other than sexual intercourse) with young person outside Australia—defendant in position of trust or authority	—
17	272.14 Procuring child to engage in sexual activity outside Australia	—
18	272.15 “Grooming” child to engage in sexual activity outside Australia	—
19	272.15A “Grooming” person to make it easier to engage in sexual activity with a child outside Australia	—
20	272.18 Benefiting from offence against this Division	the offence in section 272.18(1)(b) is an offence specified in this part
21	272.19 Encouraging offence against this Division	the offence in section 272.19(1)(b) is an offence specified in this part
22	272.20 Preparing for or planning offence against this Division	the offence in section 272.20(1)(b) or (2)(b) is an offence specified in this part
23	273.6 Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia	—
24	273.7 Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people	—
25	273A.1 Possession of child-like sex dolls etc.	—
26	471.19 Using a postal or similar service for child abuse material	—
27	471.20 Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service	—
28	471.22 Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people	—
29	471.24 Using a postal or similar service to procure persons under 16	—
30	471.25 Using a postal or similar service to “groom” persons under 16	—
31	471.25A Using a postal or similar service to “groom” another person to make it easier to procure persons under 16	—
32	471.26 Using a postal or similar service to send indecent material to person under 16	—
33	474.22 Using a carriage service for child abuse material	—

Item	Section	Circumstances
34	474.22A Possessing or controlling child abuse material obtained or accessed using a carriage service	—
35	474.23 Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service	—
36	474.23A Conduct for the purposes of electronic service used for child abuse material	—
37	474.24A Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people	—
38	474.25A Using a carriage service for sexual activity with person under 16 years of age	—
39	474.25B Aggravated offence—using a carriage service for sexual activity with person under 16 years of age	—
40	474.25C Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16	—
41	474.26 Using a carriage service to procure persons under 16 years of age	—
42	474.27 Using a carriage service to “groom” persons under 16 years of age	—
43	474.27AA Using a carriage service to “groom” another person to make it easier to procure persons under 16 years of age	—
44	474.27A Using a carriage service to transmit indecent communication to person under 16 years of age	—
45	477.1 Unauthorised access, modification or impairment with intent to commit a serious offence	the serious offence intended to be committed is an offence specified in this part

### Part 3 Other offences

Item	Act	Section	Circumstances
1	<i>Customs Act 1901</i> of the Commonwealth	233BAB Special offence relating to tier 2 goods	the tier 2 goods are items of child abuse material

### Schedule 1C Relevant personal information

section 2B(1), definition of “relevant personal information”

#### 1 Personal details

The following personal details—

- (a) the person's current name,
- (b) all other names by which the person is or has previously been known and the periods during which the person was known by each other name,
- (c) the person's date of birth,
- (d) the address of each of the premises at which the person generally resides or, if the person does not generally reside at particular premises, the name of each of the localities in which the person may generally be found,
- (e) details of all tattoos or permanent distinguishing marks the person has or has had removed,
- (f) the postal address at which the person elects to receive notices under this Act,
- (g) other details prescribed by the regulations.

## 2 Work

- (1) If the person is a worker, the following details of the person's work—
  - (a) the nature of the person's work,
  - (b) if the person has an employer—the name of the person's employer,
  - (c) the address of each of the premises at which the person generally works,
  - (d) other details prescribed by the regulations.
- (2) If a person does not generally work at particular premises, subclause (1)(c) does not apply and the following information is required instead—
  - (a) the name of each of the localities in which the person generally works, or
  - (b) if the person does not generally work in a locality—
    - (i) information about how to contact the person while the person is working, unless the information has already been provided, and
    - (ii) if the person's work takes the person to a place where the person may reasonably expect to come into contact with children—the address or locality of the place.
- (3) A person is taken to start working with an employer—
  - (a) when the person enters into a contract of employment with the employer, or
  - (b) if the person starts working before or without entering into a contract—on the person's first day of work.

- (4) In this clause—

**employer** has the same meaning as in the *Child Protection (Working with Children) Act 2012*.

**work** includes participation in a work for the dole program.

**worker** has the same meaning as in the *Child Protection (Working with Children) Act 2012*.

## 3 Clubs and other affiliations

Details of the person's affiliation with clubs or organisations that involve either or both of the following—

- (a) child members,



- (b) the participation of children in the club's or organisation's activities.

#### 4 Relevant vehicles or other transport

The following details of each of the person's relevant vehicles or other transport—

- (a) type,
- (b) make,
- (c) model,
- (d) colour,
- (e) registration number,
- (f) other details prescribed by the regulations.

#### 5 Communication devices and services

- (1) The following details of communication devices and services used, or intended to be used, by the person—
  - (a) telephone numbers,
  - (b) email addresses, internet user names, instant messaging user names, chat room user names and all other user names or identities used through the internet or another electronic communication service,
  - (c) carriage services,
  - (d) internet service providers,
  - (e) the type of internet connection, including whether the connection is wireless, broadband, ADSL or dial-up,
  - (f) web-based services that allow for online communication, including accounts, user names and online gaming handles, other than a web-based service—
    - (i) operated by or on behalf of a government agency in Australia, or  
**Examples—** the Service NSW and Medicare mobile phone applications
    - (ii) operated by or on behalf of an authorised deposit-taking institution, or
    - (iii) prescribed by the regulations.
  - (g) other details prescribed by the regulations.
- (2) Details of the website domains owned by the person and the websites administered, managed or updated by the person.
- (3) In this clause—  
*internet service provider* has the same meaning as in the *Online Safety Act 2021* of the Commonwealth.  
*web-based service* includes a platform, application and game.

#### 6 Foreign offences and corresponding child protection registration orders

- (1) Whether the person has ever been found guilty of a relevant foreign offence and, if so, where the finding was made.
- (2) Whether the person has ever been subject to a corresponding child protection registration order and, if so, where the order was made.
- (3) In this clause—  
*relevant foreign offence* means—

- (a) an offence that required the person to report to a corresponding registrar, or
- (b) an offence that is substantially the same as an offence specified in Schedule 1A or 1B.

#### **7 Time in custody**

Details of the time the person has spent in government custody in New South Wales or a foreign jurisdiction in relation to a registrable offence since the person became a registrable person, including when and where the custody occurred.

#### **8 Travel outside New South Wales**

If the person leaves, or intends to leave, New South Wales to travel elsewhere in Australia on an average of at least once in a calendar month, irrespective of the length of the absence from New South Wales, the following details—

- (a) the reason for travelling, in general terms,
- (b) the frequency and destinations of the travel, in general terms,
- (c) other details about the travel prescribed by the regulations.

#### **9 Contact with children**

- (1) The following information for each child with whom the person resides—
  - (a) the child's name,
  - (b) the child's date of birth,
  - (c) the child's address or other means of contacting the child,
  - (d) other information prescribed by the regulations.
- (2) The person is taken to reside with a child if the person stays overnight 3 or more times in a 12-month period, whether or not consecutively, in—
  - (a) the same household as the child, or
  - (b) a household where the child normally resides.

#### **[61] Schedule 2 Savings, transitional and other provisions**

Insert at the end of the schedule, with appropriate part and clause numbering—

### **Part Provisions consequent on enactment of Child Protection (Offenders Registration) Amendment Act 2024**

#### **Application of amendments**

- (1) An existing section 3C order, in force immediately before the repeal of former section 3C by the amending Act, continues in force despite the repeal.
- (2) New section 3C does not apply to a court sentencing a person before the commencement of that section.
- (3) An offence that became a registrable offence because of the commencement of Schedule 1A or 1B, as inserted by the amending Act, is taken not to be a registrable offence if the offence was committed before the commencement of that amendment.

- (4) The repeal of section 9(1C)–(1E) by the amending Act does not affect anything done under the subsections before the repeal.
- (5) In this clause—
- amending Act** means the *Child Protection (Offenders Registration) Amendment Act 2024*.
- existing section 3C order** means an order made under section 3C, as in force immediately before the repeal of former section 3C by the amending Act.
- former section 3C** means section 3C as in force immediately before the repeal of the section by the amending Act.
- new section 3C** means section 3C as inserted by the amending Act.

#### **Ending of reporting obligations for certain offenders**

- (1) The Commissioner of Police may, by order given to a registrable person, direct that the registrable person's reporting obligations cease to have effect.
- (2) The Commissioner of Police may make the order only if—
- (a) the person has the reporting obligations only because of a registrable offence that the person committed when the person was a child, and
  - (b) the person was sentenced for the registrable offence before the commencement of this clause.
- (3) The regulations may make provision in relation to the making of an order, including the following—
- (a) the matters that the Commissioner of Police must consider, or be satisfied of, before making an order,
  - (b) applications for an order,
  - (c) review of decisions by the Commissioner of Police under this clause.

## **Schedule 2      Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

### **Section 43 Court may reopen proceedings to correct sentencing errors**

Insert at the end of section 43(6), definition of *impose a penalty*, paragraph (e)—

, or

- (f) make a registrable person order under the *Child Protection (Offenders Registration) Act 2000*, including specifying a reporting period in the order.