

[Act 2001 No 50]



New South Wales

# Child Protection (Offenders Registration) Amendment Bill 2001

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

### Overview of Bill

The object of this Bill is to amend the *Child Protection (Offenders Registration) Act 2000* so as:

- (a) to include within the definition of ***Class 1 offence*** in section 3 (describing offences having the most onerous reporting requirements under the Act) the offence of persistent sexual abuse of a child arising under section 66EA of the *Crimes Act 1900*, and
- (b) to include within the definition of ***good behaviour bond*** in section 3 all good behaviour bonds imposed under section 33 of the *Children (Criminal Proceedings) Act 1987*, and

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\* Amended in committee—see table at end of volume.

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- (c) to ensure that all persons whose convictions or findings of guilt are quashed or set aside by a court are excluded from the definition of **registrable person** in section 3, and
- (d) to include within the definition of **sentence** in section 3 any order of detention under section 27 or 39 of the *Mental Health (Criminal Procedure) Act 1990*, and
- (e) to include within the definition of **strict government custody** in section 3 those circumstances in which a person in custody, although absent from his or her usual place of custody, remains under immediate supervision, and
- (f) to amend section 3 to make it clear that, for the purposes of the 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, and
- (g) to include within the definition of **supervised sentence** in section 5 (3) any 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of detention under section 27 or 39 of the *Mental Health (Criminal Procedure) Act 1990*, other than an order that, as originally made, requires the person to be kept in strict government custody, and
- (h) to extend the range of circumstances in which notice has to be given to the Commissioner of Police under section 6, and
- (i) to enable the notices under section 6 that have to be given to registrable persons on ceasing to be in custody to be given before, as well as after, such a person is released from custody, and
- (j) to enable the regulations under section 22 to require the functions under section 4, 5 or 6 of a sentencing court or supervising authority (a **primary authority**) to be exercised by any other such court or authority or 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.

## 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 a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Child Protection (Offenders Registration) Act 2000* set out in Schedule 1.

**Schedule 1** amends the *Child Protection (Offenders Registration) Act 2000* so as to give effect to the various objects referred to above.