

Child Protection (Offenders Registration) Act 2000 No 42

[2000-42]



New South Wales

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Notes—

- **Does not include amendments by**
[Local Court and Bail Legislation Amendment Act 2025 No 61](#), Sch 2.5 (not commenced)

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Child Protection (Offenders Registration) Act 2000 No 42



New South Wales

An Act with respect to registration and reporting requirements for certain offenders who commit sexual and other serious offences against children; and for other purposes.

Part 1 Preliminary

1 Name of Act

This Act is the *Child Protection (Offenders Registration) Act 2000*.

2 Commencement

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

2A Objects of Act

The objects of this Act are—

- (a) to protect children from serious harm (including physical and psychological harm caused by physical or sexual assault), and
- (b) to ensure the early detection of offences by recidivist child sex offenders, and
- (c) to monitor persons who are registrable persons, and
- (d) to ensure that registrable persons comply with this Act.

2B Definitions

(1) In this Act—

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

child means any person who is under the age of 18 years.

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).

community correction order means a community correction order under the [Crimes \(Sentencing Procedure\) Act 1999](#).

community service order means a community service order under the [Crimes \(Sentencing Procedure\) Act 1999](#) or a children’s community service order under the [Children \(Community Service Orders\) Act 1987](#).

conditional release order means a conditional release order under the [Crimes \(Sentencing Procedure\) Act 1999](#).

corresponding Act means a law of a foreign jurisdiction—

- (a) that provides for people who have committed specified offences to report in that jurisdiction information about themselves and to keep that information current for a specified period, and
- (b) that the regulations state is a corresponding Act for the purposes of this Act.

corresponding child protection registration order means an order made under a corresponding Act that falls within a class of order that the regulations state is a corresponding child protection registration order for the purposes of this Act.

corresponding registrable offence means an offence that is a registrable offence for the purposes of a corresponding Act but is not a registrable offence within the meaning of this Act.

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

corresponding registrar means the person whose functions under a corresponding Act most closely correspond to the functions of the Commissioner of Police under this Act.

court includes any Magistrate exercising functions under the [Criminal Procedure Act 1986](#), and also includes a court (however described) of a foreign jurisdiction.

detainee means a person who—

- (a) is a detainee within the meaning of the [Children \(Detention Centres\) Act 1987](#), or
- (b) is absent from a detention centre pursuant to an order in force under section 24 of that Act.

disability has the same meaning as it has in the [Anti-Discrimination Act 1977](#).

existing controlled person means a person who, immediately before the

commencement of this section—

(a) was subject to a sentence of imprisonment in respect of a registrable offence, including—

(i) a term of imprisonment the subject of an intensive correction order, home detention order or sentence suspension order, and

(ii) a term of imprisonment in respect of which the person was on release on parole under strict supervision,

but not including a term of imprisonment in respect of which the person was on release on parole otherwise than under strict supervision, or

(b) was a forensic patient in respect of a registrable offence, or

(c) was an existing licensee in respect of a registrable offence, or

(d) was participating in the Pre-Trial Diversion of Offenders Program under the *Pre-Trial Diversion of Offenders Act 1985* in respect of a registrable offence, or

(e) was the subject of a community service order in respect of a registrable offence, or

(f) was subject to a good behaviour bond in respect of a registrable offence, being a bond under which the person was required to submit to strict supervision,

whether under the laws of New South Wales or (in whatever terms expressed) under the laws of a foreign jurisdiction.

existing licensee means a person who is—

(a) the holder of an existing licence within the meaning of clause 22 of Schedule 2 to the *Crimes (Sentencing Procedure) Act 1999*, or

(b) the holder of a licence under section 7 of the *Habitual Criminals Act 1957*, or

(c) the holder of any equivalent licence granted under the laws of a foreign jurisdiction,

being a person who is for the time being required by the conditions of the licence to submit to strict supervision.

finding of guilt—see subsection (2).

foreign jurisdiction means a jurisdiction other than New South Wales (including jurisdictions outside Australia).

foreign witness protection law means a law of a foreign jurisdiction that provides for the protection of witnesses.

forensic custody—see section 2G(1).

forensic patient means a person who is subject to an order of detention under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* as a result of a limiting term being imposed on the person, or the person being subject to a special verdict of act proven but not criminally responsible, under that Act.

good behaviour bond means a good behaviour bond under the *Crimes (Sentencing Procedure) Act 1999*, and includes a good behaviour bond referred to in section 33 (1) (b) of the *Children (Criminal Proceedings) Act 1987*.

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).

home detention order means a home detention order under the *Crimes (Sentencing Procedure) Act 1999*.

inmate has the same meaning as it has in the *Crimes (Administration of Sentences) Act 1999*.

intensive correction order means an order referred to in section 7 of the *Crimes (Sentencing Procedure) Act 1999*.

interstate Registrar means an authority responsible under a law of another State or a Territory for the registration of births, deaths and marriages.

NSW Registrar means the Registrar within the meaning of the *Births, Deaths and Marriages Registration Act 1995*.

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

Register means the Child Protection Register established under section 19.

registrable offence means an offence that is—

- (a) a Class 1 offence, or
- (b) a Class 2 offence, or
- (c) an offence that results in the making of a child protection registration order.

registrable person—see section 3A.

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.

sentence includes the following—

- (a) any order under section 65(2) of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* that causes a person to be kept in custody or an order of detention under section 33(1) or 61(2) of that Act,
- (b) any order under section 33 (1) of the *Children (Criminal Proceedings) Act 1987*,
- (c) any action taken under section 10A of the *Crimes (Sentencing Procedure) Act 1999*,
- (d) any undertaking under section 23 of the *Pre-Trial Diversion of Offenders Act 1985*,
- (e) any sentence or equivalent order or undertaking imposed under the laws of a foreign jurisdiction.

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

sexual act, sexual intercourse and **sexual touching** have the same meanings as in Division 10 of Part 3 of the *Crimes Act 1900*.

strict government custody, in relation to a registrable person, means custody as an inmate, detainee or forensic patient, but does not include such custody if the person—

- (a) is regularly permitted to be absent from a place of custody for any period, regardless of its length, whether on leave of absence or otherwise, and

- (b) is not at all such times under the immediate supervision of an officer of a supervising authority or other person having custody of the person.

strict supervision means supervision by—

- (a) the Commissioner of Corrective Services or an officer employed within the Department of Corrective Services, or
- (b) the Director-General of the Department of Juvenile Justice or an officer employed within that Department, or
- (c) the Director-General of the Department of Health or an officer employed within that Department,

or supervision by an authority of a foreign jurisdiction in the nature of an authority referred to in paragraph (a)–(c).

supervised sentence means—

- (a) a sentence of imprisonment the subject of an intensive correction order or home detention order, or
- (b) a community service order or community correction order, or
- (c) a good behaviour bond or conditional release order under which the person is required to submit to strict supervision, or
- (d) an order of detention under section 33(1), 61(2) or 65(2) of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, other than an order that, as originally made, requires the person to be kept in strict government custody.
- (e) (Repealed)

supervising authority, in relation to a registrable person, means an authority prescribed by the regulations as the authority having control of the person.

witness protection program has the same meaning as it has in the *Witness Protection Act 1995*.

Note.

The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

- (1A) Except in so far as the context or subject-matter otherwise indicates or requires or as the regulations provide that this subsection not have effect, a reference in this Act to the *Crimes (Sentencing Procedure) Act 1999* is a reference to that Act as in force at any time (whether before, on or after the commencement of this subsection). This subsection does not affect the meaning or construction of references to any other Act

mentioned in this Act.

Note.

The principal purpose of this subsection is to make it clear that references to orders and bonds under the *Crimes (Sentencing Procedure) Act 1999* extend to orders and bonds under that Act as in force at any time.

- (2) For the purposes of this Act, a reference to a **finding of guilt** in relation to an offence (however expressed) committed by a person is a reference to any of the following—
- (a) a court making a formal finding of guilt in relation to the offence,
 - (b) a court convicting the person of the offence, where there has been no formal finding of guilt before conviction,
 - (c) a court accepting a plea of guilty from the person in relation to the offence,
 - (d) a court accepting an admission of guilt from the person in relation to the offence for the purpose of the offence being taken into account under Division 3 of Part 3 of the *Crimes (Sentencing Procedure) Act 1999*, or under equivalent provisions of the laws of a foreign jurisdiction,
 - (e) a verdict under section 59(1)(b), (c) or (d) or of act proven but not criminally responsible under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, or under equivalent provisions of the laws of a foreign jurisdiction.
- (2A) A reference to a finding of guilt in this Act does not include a finding of guilt that is subsequently quashed or set aside by a court.
- (3) (Repealed)
- (4) For the purposes of this Act, a person who is absent from a detention centre pursuant to an order in force under section 23 or 24 of the *Children (Detention Centres) Act 1987* is taken to be in custody.
- (5) For the purposes of this Act, section 579 of the *Crimes Act 1900* does not apply to or in respect of a registrable offence.
- (6) For the purposes of this Act, a registrable person has a **special need** if—
- (a) the person has impaired intellectual functioning, that is, the person has—
 - (i) total or partial loss of the person’s mental functions, or
 - (ii) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction, or
 - (iii) a disorder, illness or disease that affects the person’s thought processes, perceptions of reality, emotions or judgment, or that results in disturbed behaviour, or

- (b) the person is subject to a guardianship order (within the meaning of the *Guardianship Act 1987*), or
 - (c) the person is illiterate, or is not literate in the English language, or
 - (d) the person is visually impaired to the extent that the person is unable to read a written notice, or
 - (e) the person is subject to some other condition that may prevent the person from being able to understand a written notice.
- (7) A reference to sexual touching or a sexual act in this Act does not include a reference to an offence that only involves indecent exposure.
- (8) A reference to doing a thing “in person” in this Act is a reference to doing the thing by personal attendance at a place, it is not sufficient to attend the place by telephone or by any other electronic means.
- (9) Notes included in this Act do not form part of this Act.

2C Risk to sexual safety of children—meaning

- (1) For the purposes of this Act, a person poses a ***risk to the lives or sexual safety of one or more children, or of children generally*** if there is a risk that the person will engage in conduct that may constitute a Class 1 offence or a Class 2 offence against or in respect of a child or children.
- (2) In order for a court to be satisfied that a person poses a risk to the lives or sexual safety of one or more children, or of children generally, it is not necessary for the court to be able to identify a risk to particular children, or a particular class of children.
- (3) A court is to take the following into account in determining whether a person poses a risk to the lives or sexual safety of one or more children, or of children generally—
- (a) the seriousness of each registrable offence committed by the person,
 - (b) the age of the person at the time each of those offences was committed,
 - (c) the age of each victim of each of those offences at the time that the offence was committed,
 - (d) the seriousness of any other offences committed by the person,
 - (e) the impact on the person if the order being sought is made compared with the likelihood that the person may commit a registrable offence,
 - (f) any other matter that the court considers to be relevant.

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 to 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.

Part 2 Offenders to whom Act applies

3A Registrable persons

(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*.
- (2) Unless a person is a corresponding registrable person, a person is not a registrable person merely because the person—
- (a) is a person in respect of whom a court has made an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999* or section 33 (1) (a) of the *Children (Criminal Proceedings) Act 1987* (or an equivalent order under the laws of a foreign jurisdiction) in respect of a Class 1 or Class 2 offence, or
 - (b), (c) (Repealed)
 - (d) is a person whom a court has found guilty of a registrable offence before 15 October 2001, unless the person is an existing controlled person or the offence results in the making of a child protection registration order against the person.
- (3) A person is not a registrable person if the person is receiving protection under a foreign witness protection law specified by the regulations for the purposes of this subsection, or has the same status as such a person under an order made under a corresponding Act specified by the regulations for the purposes of this section.
- (4) For the purposes of this section, it is irrelevant whether or not a person may lodge, or has lodged, an appeal in respect of a finding of guilt, sentence, child protection registration order or corresponding child protection registration order.
- (5) (Repealed)

3B Circumstances in which person ceases to be registrable person

A person ceases to be a registrable person if—

- (a) the finding of guilt against the person for the only offence that makes the person a registrable person is quashed or set aside by a court, or
- (b) the person's sentence in respect of that offence is reduced or altered so that the person would not have been a registrable person had the amended sentence been the original sentence, or
- (c) the person is a registrable person only because the person is subject to a registrable person order or child protection registration order and that order is quashed on appeal

or otherwise ceases to have effect under this Act.

Part 2A Registrable person orders and child protection registration orders

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 31.
- (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

3D Child protection registration orders made during criminal proceedings

- (1) If a court finds a person guilty of an offence that is not a Class 1 or a Class 2 offence, it may order that the person comply with the reporting obligations of this Act.
- (2) A court may make an order under this section only if—
 - (a) the court is satisfied that the person poses a risk to the lives or sexual safety of one or more children, or of children generally, and
 - (b) the court imposes a sentence on the person in relation to the offence (other than an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999* or section 33 (1) (a) of the *Children (Criminal Proceedings) Act 1987*), and
 - (c) an application for the imposition of the order is made by the prosecution.

Note.

The effect of subsection (2) (b) is to prevent a child protection registration order being made in certain circumstances if an order is made dismissing the charge or conditionally discharging the offender.

- (3)–(5) (Repealed)

(6) For the purposes of calculating the person's reporting period under this Act, a person subject to an order under this section is deemed to have been found guilty of a Class 2 offence.

(7) (Repealed)

3E Orders made after conclusion of criminal proceedings

(1) The Local Court may, on application by the Commissioner of Police, order a person who has been sentenced by a court of New South Wales in respect of an offence that is not a Class 1 offence or a Class 2 offence to comply with the reporting obligations under this Act.

(2) The Local Court may make an order under this section only if—

(a) the Court is satisfied that the person poses a risk to the lives or sexual safety of one or more children, or of children generally, and

(b) the sentence imposed on the person in respect of the offence was not an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999* or under section 33 (1) (a) of the *Children (Criminal Proceedings) Act 1987*.

Note.

The effect of subsection (2) (b) is to prevent a child protection registration order being made if an order is made dismissing the charge or conditionally discharging the offender.

(3) An application for an order under this section must be made within 60 days after the person with respect to whom the order is sought is sentenced for the relevant offence.

(4) For the purposes of calculating the person's reporting period under this Act, if the Local Court makes an order in respect of a person under this section, the person is taken to have been found guilty of, and sentenced for, a Class 2 offence on the date an order under this section is made.

3F Orders made in relation to foreign offences and old offences

(1) The Local Court may, on application by the Commissioner of Police, order any of the following persons to comply with the reporting obligations of this Act—

(a) a person who has been found guilty of an offence against the law of a foreign jurisdiction that, if the offence had been committed in New South Wales, would have been an offence under the law of New South Wales, and who is not otherwise a registrable person in respect of that offence,

(b) a person who has (at any time) been sentenced by a court for a Class 1 offence of which the person was found guilty before 15 October 2001, unless the person was a child at the time that the offence was committed,

(c) a person who has (at any time) been sentenced by a court for a relevant Class 2

offence, unless the person was a child at the time the offence was committed.

- (2) The Local Court may make an order under this section only if it is satisfied that the person poses a risk to the lives or sexual safety of one or more children, or of children generally.
- (3) For the purposes of calculating the person's reporting period under this Act, if the Local Court makes an order in respect of a person under this section, the person is taken to have been found guilty of, and sentenced for, a Class 2 offence on the date an order under this section is made.
- (4) Section 51 of the *Local Court Act 2007* does not apply to proceedings for an order under this section.
- (5) The fact that an offence in respect of which a person has been found guilty is spent does not prevent the making of an order under this section.
- (6) For the purposes of this section, an offence is spent if, under a law in any jurisdiction, the person is permitted not to disclose the fact that the person was convicted or found guilty of the offence.
- (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.

3G Child protection registration orders made after grant of bail under *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*

- (1) A court that grants bail to a person in respect of a Class 1 offence or a Class 2 offence under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* may order that the person comply with the reporting obligations of this Act.
- (2) A court may make an order under this section only if it is satisfied that the person poses a risk to the lives or sexual safety of one or more children, or of children generally.
- (3) A court may make an order under this section only if—
 - (a) an application for the imposition of the order is made by the prosecution, and
 - (b) the order is made concurrently with the granting of the person's bail.

- (4) For the purposes of calculating the person's reporting period under this Act, if a court makes an order in respect of a person under this section the person is taken to have been found guilty of, and sentenced for, a Class 2 offence on the date the order is made.
- (5) A decision to make an order under this section is taken to be part of a bail decision for the purposes of the *Bail Act 2013* and can be varied in accordance with that Act.
- (6) An order made under this section ceases to have effect if—
 - (a) proceedings against the person in respect of the Class 1 offence or Class 2 offence are withdrawn by the prosecution or dismissed by a court, or
 - (b) the person is sentenced by a court in respect of the Class 1 offence or Class 2 offence, or
 - (c) the bail decision is varied under the *Bail Act 2013* and, on that variation, the order is quashed or set aside.
- (7) Subsection (4) ceases to apply if the order ceases to have effect.
- (8) If an order under this section ceases to have effect as a consequence of the person having been sentenced by a court in respect of the Class 1 offence or Class 2 offence, and the person continues to be a registrable person, the period for which the person's reporting obligations continue is to be reduced by the length of time for which the person was required to comply with the reporting obligations under this Act solely as a consequence of the order.

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.

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) 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) 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—
 - (a) to remain in court or otherwise on the court premises until subsection (2) is complied with, or
 - (b) to collect the copy of the order and the written notice required under subsection (2)(a) from the court registry or another place on the court premises before leaving the premises.
- (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 if—
 - (a) a registrable person order or child protection order has been made in relation to a person, and
 - (b) either—
 - (i) the person has been given a copy of the order and the written notice required under section 3J(2)(a), or
 - (ii) both of the following apply—
 - (A) the person's reporting obligations, and the consequences of failing to comply with the reporting arrangements, have been verbally explained to the person under section 3J(2)(b),

(B) the person has failed to comply with a direction under section 3J(4) to remain at the court, or otherwise attend the court registry, to receive copies of the order and the written notice.

- (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.

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.

Part 3 Reporting obligations

Division 1 Notices to be given

4, 4A (Repealed)

5 Notices to be given when registrable person commences supervised sentence for registrable offence

(1) As soon as practicable after a registrable person commences a supervised sentence for a registrable offence, the supervising authority for the person is to give written notice to the person of—

(a) the person's reporting obligations, and

(a1) the person's reporting period, and

(b) the consequences that may arise if the person fails to comply with those obligations.

(2) The regulations may make provision for or with respect to the manner and form in which written notice must be given under this section.

(3) (Repealed)

6 Notices to be given when registrable person ceases to be in custody or under supervision of supervising authority

(1) As soon as practicable before or after a registrable person—

(a) ceases to be in strict government custody, or

(b) ceases to be in government custody, or

(c) ceases to be subject to a supervised sentence, or

(d) ceases to participate in the Pre-Trial Diversion of Offenders Program under the [Pre-Trial Diversion of Offenders Act 1985](#), or

(e) ceases to be subject to a condition of parole requiring the person to be subject to supervision, or

(f) ceases to be an existing licensee, or

(g) becomes subject to an order under section 94 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* that allows the person to be absent from a mental health facility, correctional centre or other place on a regular and unsupervised basis,

whether in respect of a registrable offence or otherwise, the supervising authority for the person is to give written notice of that fact to the Commissioner of Police.

(2) As soon as practicable before or after a registrable person who has been in government custody for 14 or more consecutive days ceases to be in government custody, whether in respect of a registrable offence or otherwise, the supervising authority for the person is to give written notice to the person of—

(a) the person's reporting obligations, and

(b) the consequences that may arise if the person fails to comply with those obligations.

(3) Notice is not required to be given under subsection (2) if the person ceases to be in government custody because of an order under section 94 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* that allows the person to be absent from a mental health facility, correctional centre or other place on a regular and unsupervised basis.

(4) The regulations may make provision for or with respect to the following—

(a) what constitutes absence on a regular and unsupervised basis,

(b) the manner and form in which written notice must be given under this section.

7 Notices may be given by Commissioner of Police

(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.

(2) The regulations may make provision for or with respect to the manner and form in which written notice must be given under this section.

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).

7B Notice to be given when reporting obligations change

- (1) This section applies to a registrable person whose reporting obligations have changed since the person was last notified of them in New South Wales.
- (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.
- (3) The regulations may make provision for or with respect to the manner and form in which written notice must be given under this section.

7C Power of detention to enable notice to be given

- (1) A police officer may exercise a power of detention under this section only if—
 - (a) there are reasonable grounds to suspect that a person is a registrable person and that the person has not been given notice, or is otherwise unaware, of the person's reporting obligations, and
 - (b) all other reasonably appropriate means of determining whether the person is a registrable person, or of notifying the person of reporting obligations, as the case requires, have been taken.
- (2) A police officer may detain the person if it is reasonably necessary to do so—
 - (a) to enable a determination as to whether or not the person is a registrable person or, if the person is a registrable person, as to whether or not the person has been given notice, or is aware, of the person's reporting obligations, or

(b) to enable the person to be given notice of those obligations if the person is not aware of them.

(3) In detaining the person, the police officer must tell the person—

(a) why the person is being detained, and

(b) that the detention is authorised under this Act, and

(c) that the person will be released immediately after the purpose of the detention is fulfilled.

(4) The detained person—

(a) must not be held for a period that is longer than is reasonably necessary to enable the purpose of the detention to be fulfilled, and

(b) must not be held merely because the person has refused to sign an acknowledgement that the person has been given notice of the person's reporting obligations, and

(c) must be released immediately after the purpose of the detention is fulfilled.

8 Failure to comply with procedural requirements does not affect registrable person's obligations

A failure to comply with the requirements of this Division does not affect a registrable person's reporting obligations.

Division 2 Initial report

9 (Repealed)

9A When initial report must be made

(1) A registrable person of a kind referred to in Column 1 of the Table to this subsection must give the Commissioner of Police a personal information report about the person within the period specified in relation to the person in Column 2 of the Table.

Table

Column 1

Registrable person

Column 2

Period for initial report

A registrable person (other than a corresponding registrable person) who enters government custody in New South Wales before, on or after the commencement of this section as a consequence of having being sentenced for a registrable offence and who ceases to be in government custody while in New South Wales

Within 5 days after the registrable person ceases to be in government custody

Any other registrable person who is sentenced for a registrable offence in New South Wales

Within 5 days after the registrable person is sentenced for the registrable offence

A registrable person who enters New South Wales from a foreign jurisdiction and who has not previously been required under this Act to give the Commissioner of Police a personal information report about the person

Within 5 days after entering and remaining in New South Wales for 14 or more consecutive days, not counting any days spent in government custody

- (2) Despite subsection (1), a registrable person must give the Commissioner of Police a personal information report about the person before leaving New South Wales unless the person entered New South Wales from a foreign jurisdiction and remained in New South Wales for less than 14 consecutive days, not counting any days spent in government custody.
- (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.

9B When new initial report must be made by person whose previous reporting obligations have ceased

- (1) If a registrable person's reporting period expires but the person is then sentenced for a registrable offence, the person must give the Commissioner of Police a personal information report about the person—
- (a) within 7 days after the person is sentenced for the registrable offence, or
 - (b) if the registrable person is in government custody, within 7 days after the person ceases to be in government custody,
- whichever is the later.

- (2) (Repealed)
- (3) If a registrable person's reporting obligations are suspended by an order under section 16 (or an equivalent order in a foreign jurisdiction) and that order ceases to have effect under section 16A (or an equivalent provision of the laws of a foreign jurisdiction), the person must give the Commissioner of Police a personal information report about the person—
 - (a) within 7 days after the order ceases to have effect, or
 - (b) if the person is in government custody, within 7 days after the person ceases to be in government custody,whichever is the later.
- (4) If a registrable person is not in New South Wales at the time the person would be required under subsection (1) or (3) to give the Commissioner of Police a personal information report about the person, the person must give the report within 7 days after entering and remaining in New South Wales for 14 or more consecutive days, not counting any days spent in government custody.
- (5) Despite subsections (1) and (3), a registrable person must give the Commissioner of Police a personal information report about the person before leaving New South Wales unless the person entered New South Wales from a foreign jurisdiction and remained in New South Wales for less than 14 consecutive days, not counting any days spent in government custody.

9C Persons required to report under corresponding Act

- (1) This section applies to a person (other than one to whom Division 5 applies) who has been required to report to a corresponding registrar, irrespective of whether the person is a registrable person for the purposes of this Act.
- (2) Unless the person has previously complied with the obligation imposed by this section, the person must, within 5 days after entering and remaining in New South Wales, contact (by telephone or another prescribed means) a person nominated by the Commissioner of Police for the purposes of this section.
- (3) The contacted nominated person must advise the person whether the person is a registrable person for the purposes of this Act and of any reporting obligations that the person has under this Act.
- (4) A person is not guilty of an offence against section 17 because of a failure to comply with the reporting obligations imposed by subsection (2) if the person—
 - (a) is not a registrable person for the purposes of this Act, or
 - (b) has not been notified of that reporting obligation, or

- (c) does not remain in New South Wales for 14 or more consecutive days, not counting any days spent in government custody, or
- (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.

Division 3 Ongoing reporting obligations

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.

11A Intended absence from New South Wales to be reported

- (1) This section applies if a registrable person—
- (a) intends to leave New South Wales for 14 or more consecutive days to travel elsewhere in Australia, or
 - (b) intends to leave New South Wales to travel out of Australia.
- (2) At least 7 days before leaving New South Wales, the registrable person must report the intended travel to the Commissioner of Police and must provide details of—
- (a) each State, Territory or country to which the person intends to go while out of New South Wales, and
 - (b) the approximate dates during which the person intends to be in each of those States, Territories or countries, and
 - (c) each address or location within each State, Territory or country at which the person intends to reside (to the extent that they are known) and the approximate dates during which the person intends to reside at those addresses or locations, and
 - (d) if the person intends to return to New South Wales, the approximate date on which the person intends to return, and

(e) if the person does not intend to return to New South Wales, a statement of that intention.

(3) If circumstances arise making it impracticable for a registrable person to make the report 7 days before the person leaves, it is sufficient compliance with subsection (2) if the registrable person reports the required information to the Commissioner of Police at least 24 hours before the intended travel.

11B Change of travel plans while out of New South Wales to be reported

(1) This section applies if a registrable person who is out of New South Wales decides—

- (a) to extend a stay elsewhere in Australia beyond 13 days, or
- (b) to change any details given to the Commissioner of Police under section 11A.

(2) As soon as is practicable after making the decision, the registrable person must—

- (a) if subsection (1) (a) applies, report the details required by section 11A (2) to the Commissioner of Police (including those details as they relate to the travel that has already been completed), or
- (b) if subsection (1) (b) applies, report the changed details to the Commissioner of Police.

(3) The registrable person must make the report—

- (a) by facsimile or email sent to the Commissioner of Police or to any other address permitted by the regulations, or
- (b) in any other manner permitted by the regulations.

11C Registrable person to report return to New South Wales or decision not to leave

(1) This section applies if a registrable person was required to report that the person intended to leave New South Wales under section 11A.

(2) If the registrable person left New South Wales, the person must report the person's return to New South Wales to the Commissioner of Police within 7 days after entering and remaining in New South Wales for 14 or more consecutive days, not counting any days spent in government custody.

(3) If the registrable person decides not to leave New South Wales, the person must report the change of intention to the Commissioner of Police within 7 days of deciding not to leave.

11D Report of other absences from New South Wales

(1) This section applies if a registrable person, at the time of making a report under this Division, leaves, or intends to leave, New South Wales to travel elsewhere in Australia

on an average of at least once a calendar month (irrespective of the length of any such absence).

- (2) The registrable person must report the following details to the Commissioner of Police—
 - (a) in general terms, the reason for travelling,
 - (b) in general terms, the frequency and destinations of the travel.

11E Information concerning international travel to be given to the Australian Federal Police

As soon as practicable after receiving a report under this Division concerning a registrable person's intentions in relation to travel out of Australia, the Commissioner of Police must ensure that a copy of the report is given to the Commissioner of the Australian Federal Police.

11F Intended change of place where registrable person generally resides

- (1) This section applies if a registrable person intends to change the place where the registrable person generally resides.

Note.

This section imposes an additional reporting requirement with respect to residence to that imposed under section 10A, which requires a registrable person to report actual (as opposed to intended) changes in the place where the person generally resides.

- (2) At least 14 days before changing the place, the registrable person must report the intended change to the Commissioner of Police and must provide details of—
 - (a) the address where the person proposes to generally reside, or
 - (b) if the person does not intend to reside at particular premises—the name of the locality of the place where the person intends to generally reside.
- (3) If a change in the place at which a person generally resides occurs because of an emergency or other exceptional circumstances arise making it impracticable for the registrable person to report the intended change, it is sufficient compliance with subsection (2) if the registrable person—
 - (a) reports the required information to the Commissioner of Police as soon as practicable (but not more than 3 days) after the change occurs, and
 - (b) provides satisfactory evidence of the circumstances which made it impracticable to report the required information sooner to the Commissioner of Police.
- (4) A registrable person who reports an intended change of place under this section and who subsequently changes the place where he or she generally resides to the place detailed in the report is not required to comply with the reporting obligations imposed

by section 10A with respect to that change of place.

- (5) A registrable person who reports an intended change and does not make the change within 14 days after it is reported must report this fact to the Commissioner of Police within 3 days after the end of that 14-day period.

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.

Division 4 Provisions applying to all reporting obligations

12 Where report is to be made

- (1) A report under this Part is to be made—
 - (a) at any police station in the locality in which the registrable person is currently residing (subject to subsection (2)), or
 - (b) if a direction is given in accordance with the regulations as to the police station at which the report is to be made, at the police station so directed, or
 - (c) at some other place approved (either generally or in a particular case) by the Commissioner of Police.
- (2) If a police station in the locality in which a registrable person is currently residing is a restricted police station, the registrable person—
 - (a) with the consent of the Commissioner of Police, may make the report at that station, and
 - (b) may make the report at the next nearest police station that is not a restricted police station.
- (3) For the purposes of subsection (2), a **restricted police station** is a police station that is a police station, or that falls within a class of police station, that the regulations state is not to be used as a venue for the purposes of this section without the consent of the Commissioner of Police.

- (4) This section does not apply if, under section 12A (2), a report is permitted to be made in a way that is inconsistent with this section.

12A How reports to be made

- (1) A registrable person must make the following reports under this Part in person—
- (a) an initial personal information report required by Division 2,
 - (b) an annual personal information report required by section 10,
 - (c) a report of a change of address of the premises at which the person generally resides or, if the person does not generally reside at any particular premises, of the localities in which the person can generally be found,
 - (d) a report of the acquisition of, removal of, or change to, any tattoo or distinguishing mark.
- (2) A registrable person may make any other report that the person is required to make in person or in any other way permitted by the regulations or by the Commissioner of Police, either generally or in a particular case.
- (3) Only a police officer may receive a report made in person and only a police officer or a person approved for the purpose by the Commissioner of Police may receive a report made in another way in accordance with subsection (2).
- (4) If a registrable person attending in person is a child, or has a disability that renders it impracticable for the person to make a report, any parent, guardian, carer or other person nominated by the person who is accompanying the registrable person may make the report on the registrable person's behalf.
- (5) Similarly, if a registrable person who is permitted to make a report other than in person in accordance with subsection (2) is a child, or has a disability that renders it impracticable for the person to make the report himself or herself, a parent, guardian, carer or other person nominated by the registrable person may make the report on the registrable person's behalf.

12B Right to privacy and support when reporting

- (1) A person making a report under this Part at a police station or other place approved by the Commissioner of Police—
- (a) is entitled to make the report out of the hearing of members of the public, and
 - (b) is entitled to be accompanied by a support person of the person's choosing.
- (2) A police officer or other person receiving the report may arrange for an interpreter to be present when a person is making a report under this Part.

- (3) A police officer or other person receiving the report must not allow an interpreter to be present when a person is making a report under this Part unless the interpreter has signed an undertaking not to disclose any information derived from the report unless required or authorised by or under any Act or law to do so.

12C Receipt of information to be acknowledged

- (1) As soon as is practicable after receiving a report under this Part, the police officer or other person receiving the report must acknowledge the making of the report.
- (2) The acknowledgment must be in writing, must be given to the person who made the report and must include—
 - (a) the name and signature of the police officer or other person who received the report, and
 - (b) the date and time when, and the place where, the report was received, and
 - (c) a copy of the information that was reported, and
 - (d) a copy of the record of any agreement made under subsection (4).
- (3) If a report is not made in person, the police officer or other person who received the report must, as soon as practicable—
 - (a) give the person making the report a unique reference number, and
 - (b) record that number on the relevant registrable person's file and on the acknowledgment.
- (4) The Commissioner of Police may make an agreement with the registrable person as to the manner in which any reference number or acknowledgment required to be given by this section may be given.
- (5) The Commissioner of Police must ensure—
 - (a) that there is a method of recording an agreement made under subsection (4), and
 - (b) that, except with the written consent of the registrable person, any reference number or acknowledgment required to be given by this section is given in accordance with the agreement while the agreement remains in force.
- (6) The Commissioner of Police must ensure that a copy of every acknowledgment is retained.

12D Additional matters to be provided

- (1) If a report is required to be made in person, the person making the report must also present for inspection—

- (a) 2 identification documents relating to the registrable person, and
 - (b) if the person making the report is accompanying the registrable person and making the report on the registrable person's behalf, 2 identification documents relating to the person making the report, and
 - (c) in any case, any other form of identification specified by the regulations for the purposes of this subsection.
- (1A) If a registrable person holds a driver licence or a current passport (whether a current Australian passport or current overseas passport), the identification documents presented must include the driver licence, passport or passports (and, if the registrable person holds both a driver licence and a current passport or passports, must include all those identification documents).
- (1B) If a person accompanying a registrable person and making a report on his or her behalf holds a driver licence, the identification documents presented must include the driver licence.
- (2) Each of the following original documents is an **identification document** for the purposes of this section—
- (a) a full birth certificate,
 - (a1) a driver licence,
 - (b) an Australian passport that is current or has been expired for less than 2 years,
 - (c) a current overseas passport,
 - (d) an Australian naturalisation or citizenship document, or immigration papers issued by the Commonwealth Department of Immigration and Multicultural Affairs,
 - (e) a current Medicare card, pensioner concession card, Department of Veterans' Affairs entitlement card or other entitlement card issued by the Commonwealth or a State Government,
 - (f) a current credit card or account from a bank, building society or credit union, or a passbook or statement of account up to one year old,
 - (g) a telephone, gas or electricity bill up to one year old,
 - (h) a notice of council rates, water service charges or land valuation up to 2 years old,
 - (i) an electoral enrolment card or other evidence of enrolment as an elector up to 2 years old,
 - (j) a current student identity card, or a certificate or statement of enrolment up to 2 years old from an educational institution.

- (3) The police officer receiving the report may waive the requirements of subsection (1) (a) and (c) if—
- (a) the registrable person permits his or her fingerprints to be taken immediately before or after the report is made, or
 - (b) the police officer is otherwise satisfied as to the registrable person's identity.
- (4) The police officer receiving the report may waive the requirements of subsection (1) (b) and (c) if the police officer is otherwise satisfied as to the person's identity.
- (5) The police officer receiving a report may copy any document presented to the officer for inspection under subsection (1) (a) or (b).
- (6) If a report is made otherwise than in person, the regulations may specify—
- (a) the circumstances in which—
 - (i) information concerning the identity of the registrable person and the identity of the person making the report, and
 - (ii) a document verifying or supporting details in the report,are required, and
 - (b) the manner in which that information is to be provided,
- but may not require an original document to be provided.
- (7) In this section—

Australian passport includes a document of identity issued by the Australian Passport Office.

driver licence means a New South Wales driver licence, or any other licence issued under a law in force in a foreign jurisdiction authorising the holder to drive a motor vehicle, containing photo identification of the holder of the licence.

12E Power to take fingerprints

A police officer receiving a report made in person under this Part may take, or may cause to be taken by a person authorised by the police officer, the fingerprints of the registrable person if—

- (a) not reasonably satisfied as to the identity of the registrable person after the officer has examined all of the material relating to identity provided or presented to the officer by, or on behalf of, the registrable person, or
- (b) there are no fingerprints of the person held by the NSW Police Force, or

- (c) if a person permits the person's fingerprints to be taken under section 12D.

12F Power to take photographs

- (1) A police officer receiving a report made in person under this Part may require the registrable person—
- (a) to be photographed, or
 - (b) to expose any part of the person's body to enable that part of the body to be photographed by the officer or another person authorised by the officer.
- (2) A police officer cannot, under this section, require a registrable person to expose his or her genitals, the anal area of his or her buttocks or, in the case of females or transgender people who identify as females, their breasts.

12G Information to be given before obtaining fingerprints or photographs

Before attempting to exercise a power under section 12E or 12F, the police officer must inform the registrable person in language likely to be understood by the person—

- (a) of the purpose for which the power is to be exercised and, in the case of section 12E
 - (a), why the officer is not satisfied as to the registrable person's identity, and
- (b) that if the person refuses to give the person's fingerprints, or to expose part of the person's body (as the case may be) voluntarily, reasonable force may be used, and
- (c) that the fingerprints or photographs will be retained by the Commissioner of Police.

12H Retention of documents, fingerprints and photographs

- (1) The Commissioner of Police may retain and use for identification, law enforcement or child protection purposes any of the following taken under this Division from a person—
- (a) copies of any documents,
 - (b) any fingerprints,
 - (c) any photographs.
- (2) A person having possession of documents, fingerprints or photographs provided under this Division must not use them otherwise than for a purpose permitted by this Division.

Maximum penalty—20 penalty units.

- (3) Despite any other law, a person having possession of the fingerprints of a registrable person provided under, or used for the purposes of, this Division is not required to destroy those fingerprints before the registrable person ceases to have reporting

obligations.

Note.

Part 7B of the *Crimes (Forensic Procedures) Act 2000* provides for the carrying out of certain other forensic procedures (including carrying out of buccal swabs and taking samples of hair other than pubic hair) on persons required to comply with the reporting obligations under this Act.

12I Reporting by remote offenders

- (1) This section applies if a registrable person resides more than 100 kilometres from the nearest police station that is not a restricted police station.
- (2) A registrable person need not comply with a time limit concerning the making of a report in person under this Part if—
 - (a) the person, or another person entitled to make the report on the person's behalf, contacts the Commissioner of Police before the time limit expires, and
 - (b) the Commissioner of Police agrees to allow the report to be made at a specific time that is after the time limit and at a specific place, and
 - (c) before the time limit expires the person provides the Commissioner of Police by telephone or other means with the information required to be reported under this Part.
- (3) The Commissioner of Police must ensure that there is a method of recording all agreements made under this section.
- (4) Without limiting subsection (3), the recording method adopted must result in the creation of a written record—
 - (a) that is identified by a unique reference number, and
 - (b) that identifies when and where each agreement was made, and
 - (c) that identifies the person who enters into any agreement, and
 - (d) that contains the terms of any agreement.
- (5) If an agreement is made under this section, the Commissioner of Police must ensure that the registrable person is provided with the reference number required by subsection (4) (a).
- (6) The Commissioner of Police must ensure that there is a method of recording all information provided under subsection (2).

Division 5 Modified reporting procedures for protected witnesses

13 Modified reporting procedures for protected witnesses

- (1) This section applies to each of the following persons—
 - (a) any registrable person who is currently a participant in a witness protection program,
 - (b) any registrable person who has been a participant in a witness protection program but in respect of whom an order under this section is yet to be made,
 - (c) any registrable person the subject of an order in force under this section declaring that the person is a person to whom this section applies.
- (1A) This section (except subsections (3)–(10)) also applies to a registrable person who is receiving protection under a foreign witness protection law specified by the regulations for the purposes of this subsection, or who has the same status as such a person under an order made under a corresponding Act specified by the regulations for the purposes of this subsection.
- (2) It is sufficient compliance with the requirements of this Part—
 - (a) if a person to whom this section applies provides information required by the Commissioner of Police, at the times and in the manner authorised by the Commissioner of Police for the purposes of this section, and
 - (b) if the acknowledgment of the giving of the information is given in a manner approved by the Commissioner of Police, and
 - (c) if copies of relevant documents, rather than original documents, are provided.
- (3) The Commissioner of Police must make an order declaring that a registrable person who is or has been a participant in a witness protection program either is, or is not, a person to whom this section applies—
 - (a) when the person ceases to be a participant in the program as a consequence of a request under section 11 (1) of the *Witness Protection Act 1995*, or
 - (b) when the Commissioner makes a decision under section 11 (2) of the *Witness Protection Act 1995* that the protection and assistance given to the person under the program be terminated.
- (4) On making such an order, the Commissioner of Police must take reasonable steps to notify the person concerned of the terms of the order.
- (5) A person who receives such a notification may, within 14 days after receiving it, apply in writing to the Commissioner of Police for a review of the decision.
- (6) On receiving an application referred to in subsection (5), the Commissioner of Police—

- (a) must review the order, and confirm or reverse it, and
 - (b) before making a decision on the matter, must give the applicant a reasonable opportunity to state his or her case, and
 - (c) after making a decision on the matter, must give written notice of the decision to the applicant.
- (7) If the decision of the Commissioner of Police is to confirm the order, the notice referred to in subsection (6) (c) must inform the applicant of the applicant's rights under subsection (8).
- (8) A person who is aggrieved by a decision of the Commissioner of Police in relation to an order under this section may appeal to the Law Enforcement Conduct Commission against the decision within 3 days after receiving notice of the decision.
- (9) The Law Enforcement Conduct Commission's decision in respect of the appeal has effect according to its terms.
- (9A) An order declaring that this section applies to a registrable person takes effect immediately.
- (10) An order declaring that this section does not apply to a registrable person takes effect—
- (a) at the end of 14 days after notice is given to the person concerned as referred to in subsection (4), or
 - (b) if an application referred to in subsection (5) is made before the end of that period, at the end of 3 days after notice is given to the applicant as referred to in subsection (6) (c), or
 - (c) if an appeal referred to in subsection (8) is made before the end of that period, on the date on which the Law Enforcement Conduct Commission determines the appeal.
- (11) (Repealed)

13A Modification of ongoing reporting obligations

Sections 2B(1), definition of **relevant personal information**, 11-11D and 18A apply with respect to a person to whom section 13 applies as if any reference in them to New South Wales were a reference to the jurisdiction in which the person generally resides.

Division 6 Reporting period

14 When reporting obligations begin

For the purposes of this Act, a registrable person's reporting obligations in respect of a

registrable offence begin—

- (a) when the person is sentenced for the offence, or
 - (b) when the person ceases to be in government custody in relation to the offence,
- whichever is the later.

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.

14A Reporting period not specified in relevant order

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

(1) The registrable person must continue to comply with the reporting obligations imposed by this Part for—

- (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 respect of—
 - (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.

Note.

A life-long reporting obligation may be suspended under Division 7.

- (2) Subsection (1) (c) 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.
- (3) A reference in subsection (1) to an offence extends to an offence committed before the commencement of that subsection.
- (4) For the purposes of this section—
 - (a) 2 or more offences arising from the same incident are to be treated as a single offence, and
 - (b) 2 or more offences arising from the same incident are to be treated as a single Class 1 offence if at least one of those offences is a Class 1 offence.

14B Reduced period applies for young registrable persons

- (1) The reporting periods specified in section 14A do not apply to a person who was a child at the time at which the person committed each registrable offence.
- (2) Instead, a reporting period that is half the reporting period that would otherwise apply to the person under section 14A (or seven and a half years in the case of a reporting period for life) applies to the person.

14C Extended reporting period if registrable person still on parole

- (1) This section applies if—
 - (a) a registrable person is on parole, or is an existing licensee, in respect of a registrable offence, and
 - (b) the reporting period in respect of the offence will end before the expiry of the sentence of imprisonment to which the parole or licence relates.
- (2) Despite anything to the contrary in this Division, the reporting period is extended until the expiry of the term of imprisonment to which the parole or existing licence relates.

14D (Repealed)

Division 7 Suspension and extension of reporting obligations

15 Suspension and extension of reporting obligations

- (1) A registrable person's reporting obligations are suspended for any period during which—
 - (a) the person is in government custody, or
 - (b) the person is outside New South Wales unless the person is a person to whom Division 5 applies or the obligation is under section 11B, or
 - (c) the person is the subject of an order in force under section 16 (or an equivalent order in a foreign jurisdiction), or
 - (d) the person is the subject of an interim supervision order or extended supervision order under the *Crimes (High Risk Offenders) Act 2006* or the *Terrorism (High Risk Offenders) Act 2017*.
- (2) The period for which a registrable person's reporting obligations continue is extended by the length of time for which those obligations are suspended from time to time under subsection (1) (a).
- (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.

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).

16 NCAT may exempt persons from compliance with reporting obligations

- (1) This section applies to a registrable person—
 - (a) who is required to continue to comply with the reporting obligations imposed under this Act for the remainder of his or her life, or
 - (b) whose reporting period has been extended under section 15 (3) (whether or not he or she is a person referred to in paragraph (a)).
- (2) If (in the case of a registrable person referred to in subsection (1) (a))—
 - (a) a period of 15 years has passed (ignoring any period during which the registrable person was in government custody) since the person was last sentenced or released from government custody in respect of a registrable offence or a corresponding registrable offence, whichever is the later, and
 - (b) the person did not become the subject of a life-long reporting period under a corresponding Act while in a foreign jurisdiction before becoming the subject of such a period in New South Wales, and
 - (c) the person is not subject to parole or licence in respect of a registrable offence (whether in New South Wales or a foreign jurisdiction),the person may apply to the Civil and Administrative Tribunal for an order suspending the person's reporting obligations.
- (3) On the application of a registrable person referred to in subsection (2), the Civil and Administrative Tribunal may make an order suspending the registrable person's reporting obligations.
- (3A) On the application of a registrable person referred to in subsection (1) (b), the Civil and Administrative Tribunal may make an order suspending the registrable person's reporting obligations for the length of time by which the registrable person's reporting period was extended under section 15 (3).
- (4) The Civil and Administrative Tribunal is not to make an order under this section unless

it considers that the person the subject of the proposed order does not pose a risk to the safety of children.

- (5) In deciding whether to make an order under this section, the Civil and Administrative Tribunal is to take the following matters into account—
- (a) the seriousness of the registrable person’s registrable offences and corresponding registrable offences,
 - (b) the period of time since those offences were committed,
 - (c) the age of the registrable person, the age of the victims of those offences and the difference in age between the registrable person and the victims of those offences, as at the time those offences were committed,
 - (d) the registrable person’s present age,
 - (e) the registrable person’s total criminal record,
 - (f) any other matter the Tribunal considers appropriate.
- (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.
- (8) (Repealed)
- (9) The Civil and Administrative Tribunal may not award costs in respect of proceedings under this section.
- (10) A party to proceedings under this section may appeal to the Supreme Court, on a question of law, from any decision of the Civil and Administrative Tribunal in the proceedings.
- (11) An applicant in respect of whom the Civil and Administrative Tribunal refuses to make an order under this section is not entitled to make a further application to the Tribunal until 5 years have elapsed from the date of the refusal, unless the Tribunal otherwise orders at the time of the refusal.
- (12) In this section, **Children’s Guardian** means the Children’s Guardian appointed under section 115 of the [Children’s Guardian Act 2019](#).

16A Cessation of order

- (1) An order made under section 16 ceases to have effect if, at any time after the making of the order, the registrable person—
 - (a) is made subject to a child protection registration order or any other order prescribed by the regulations for the purposes of this section, or
 - (b) is found guilty of a registrable offence, or
 - (c) becomes a corresponding registrable person who must continue to comply with the reporting obligations imposed under this Act for any period.
- (2) An order that ceases to have effect in accordance with subsection (1) is revived if—
 - (a) the finding of guilt that caused the order to cease to have effect is quashed or set aside by a court, or
 - (b) the order ceased to have effect in accordance with subsection (1) (a) and the child protection registration order or other order prescribed by the regulations is quashed on appeal or the registrable person's finding of guilt in respect of the offence that resulted in the making of that order is quashed or set aside by a court.
- (3) For the purposes of this section, it is irrelevant whether or not a person may lodge, or has lodged, an appeal in respect of a finding of guilt or child protection registration order or other prescribed order referred to in this section.

16B Application for new order

- (1) If an order ceases to have effect in accordance with section 16A, the registrable person may apply under section 16 for a new order.
- (2) Section 16 (11) does not apply with respect to an application referred to in subsection (1).
- (3) If an order ceases to have effect in accordance with section 16A (1) (b) or (c), on an application for a new order, section 16 (2) (a) applies as if the period referred to were a period of 15 years (ignoring any period during which the person was in government custody) since the person last committed a registrable offence or a corresponding registrable offence.

Division 7A Entry by police to residential premises

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.

Division 8 Offences

17 Offence of failing to comply with reporting obligations

- (1) A registrable person must not fail to comply with any of the person's reporting obligations without reasonable excuse.

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

- (2) In determining whether a registrable person had a reasonable excuse for failing to comply with the person's reporting obligations, the court before which the proceedings are being heard is to have regard to the following matters—
 - (a) the person's age,
 - (b) whether the person has a disability that affects the person's ability to understand, or to comply with, those obligations,
 - (b1) whether the form of the notification given to the person as to the person's obligations was adequate to inform the person of those obligations, having regard to the person's circumstances,
 - (c) any matter prescribed by the regulations,
 - (d) any other matter the court considers appropriate.
- (2A) In proceedings for an offence under this section, the onus of proving that a registrable person had a reasonable excuse lies with the person and must be proved on the balance of probabilities.
- (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.

18 Offence of furnishing false or misleading information

A person must not, in purported compliance with this part or section 3M, furnish information that the person knows to be false or misleading in a material particular.

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

18A Bar to prosecution for failing to report leaving New South Wales

- (1) This section applies if a registrable person leaves New South Wales and is found guilty of failing to report his or her presence in a foreign jurisdiction as required by a corresponding Act.
- (2) The registrable person is not to be prosecuted for a failure to comply with section 17 in respect of the travel out of New South Wales.

Division 9 Child Protection Register

19 Child Protection Register

- (1) The Commissioner of Police is to establish and maintain a Child Protection Register or arrange with another person or body for the establishment and maintenance of a Child Protection Register on the Commissioner's behalf.
- (2) The Register is to contain the following information in respect of each registrable person (to the extent that it is known by the Commissioner of Police)—
 - (a) the person's name and other identifying particulars,
 - (b) 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,
 - (c) details of each offence of which the person has been found guilty that resulted in the making of a child protection registration order or corresponding child protection registration order,

- (d) the date on which the person was sentenced for any registrable offence,
- (e) 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,
- (f) whether the person is a child or has any special need or disability,
- (g) any information provided to the Commissioner in respect of the person under this Part,
- (h) any information the Commissioner considers appropriate for inclusion in the Register,
- (i) any other information prescribed by the regulations.

19A Restriction on who may access personal information on protected witnesses

The Commissioner of Police must ensure that any information in the Register about a person to whom Division 5 applies, whose identity is apparent or can reasonably be ascertained from that information, cannot be accessed other than by a person authorised by the officer responsible for the day to day operation of the witness protection program.

Note.

Division 5 applies to certain people who are, or were, in witness protection programs.

19B Registrable person's rights in relation to Child Protection Register

- (1) If asked to do so by a registrable person, the Commissioner of Police must provide the person with a copy of all the reportable information that is held in the Register in relation to the person.
- (2) The Commissioner of Police must comply with subsection (1) as soon as practicable after being asked to do so.
- (3) A registrable person may ask the Commissioner of Police to amend any reportable information held on the Register in relation to the person that is incorrect.
- (4) The Commissioner of Police must comply with such a request on being satisfied that the information is incorrect.
- (5) In this section—

reportable information means any information supplied to the Commissioner of Police by, or on behalf of, the registrable person that the person is required to report to the Commissioner and that is still held in the Register.

19BA Exemption of certain agencies from privacy protection legislation

- (1) A scheduled agency—

- (a) may collect and use personal information about a registrable person, and
 - (b) may disclose personal information about a registrable person to another scheduled agency,
- if the collection, use or disclosure accords with a written authorisation given by a senior officer of the agency.
- (2) An authorisation under this section must specify—
 - (a) the period (maximum 12 months) for which it has effect, and
 - (b) the agencies to which the personal information may be disclosed.
 - (3) A senior officer of a scheduled agency may give an authorisation under this section only if the officer is satisfied that—
 - (a) there are reasonable grounds to suspect that there is a risk of substantial adverse impact on—
 - (i) the registrable person, or
 - (ii) some other person or class of persons,if the collection or use of the personal information, or the disclosure of the personal information to one or more of the agencies specified in the authorisation, does not occur, or
 - (b) the collection or use of the personal information, or the disclosure of the personal information to one or more of the agencies specified in the authorisation, is likely to assist in developing or giving effect to a case management plan for the registrable person.
 - (3A) For the purposes of avoiding an adverse impact or for developing or giving effect to a case management plan for a registrable person as referred to in subsection (3), the Commissioner of Police may, by written notice served on a scheduled agency, direct the scheduled agency to provide to the Commissioner personal information about the registrable person collected or used by the scheduled agency of the kind described in the notice.
 - (3B) The scheduled agency is authorised to disclose, and must disclose, the personal information about the registrable person to the Commissioner of Police.
 - (3C) The provision of information under this section in good faith—
 - (a) does not give rise to any liability to civil, criminal or disciplinary action, and
 - (b) is not a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct.

(4) This section has effect despite anything to the contrary in the *Privacy and Personal Information Protection Act 1998* or the *Health Records and Information Privacy Act 2002*.

(5) In this section—

personal information means anything that constitutes personal information for the purposes of the *Privacy and Personal Information Protection Act 1998* or the *Health Records and Information Privacy Act 2002*.

scheduled agency means an agency listed in Schedule 1.

senior officer, in relation to a scheduled agency, means a member of staff of the agency whom the head of the agency has nominated in writing as being a senior officer for the purposes of this section.

substantial adverse impact includes, but is not limited to, serious physical or mental harm, sexual abuse, significant loss of benefits or other income, imprisonment, loss of housing or the loss of a carer.

(6) The regulations may amend or substitute Schedule 1.

Division 10

19BB-19BD (Repealed)

Part 3A Change of name

19C Application of Part

- (1) This Part applies despite anything to the contrary in the *Births, Deaths and Marriages Registration Act 1995*.
- (2) For the avoidance of doubt, the provisions of Division 3 of Part 5 of the *Births, Deaths and Marriages Registration Act 1995* apply to a change of name of a registrable person in addition to the provisions of this Part.

19D (Repealed)

19E Applications for change of name by or on behalf of registrable person

- (1) A registrable person must not without reasonable excuse—
 - (a) apply to the NSW Registrar to register a change of his or her name under the *Births, Deaths and Marriages Registration Act 1995*, or
 - (b) apply to an interstate Registrar to register a change of his or her name under a law of another State or Territory that is the equivalent of the *Births, Deaths and Marriages Registration Act 1995*,

without having first obtained the written approval of the Commissioner of Police.

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

- (2) A person must not without reasonable excuse, on behalf of a registrable person—
- (a) apply to the NSW Registrar to register a change of the registrable person's name under the *Births, Deaths and Marriages Registration Act 1995*, or
 - (b) apply to an interstate Registrar to register a change of the registrable person's name under a law of another State or Territory that is the equivalent of the *Births, Deaths and Marriages Registration Act 1995*,

without having first obtained the written approval of the Commissioner of Police.

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

19F Approval by Commissioner of Police

- (1A) This section applies to an application by or on behalf of a registrable person for registration of a change of the person's name in respect of which the written approval of the Commissioner of Police is required under section 19E.
- (1) The Commissioner of Police may approve an application only if the Commissioner is satisfied that the change of name is in all the circumstances necessary or reasonable.
- (2) The Commissioner of Police must not approve an application if the Commissioner is satisfied that the change of name would, if registered, be reasonably likely—
- (a) to be regarded as offensive by a victim of crime or an appreciable sector of the community, or
 - (b) to frustrate the administration of this Act in respect of the registrable person.
- (3) If the Commissioner of Police approves an application, the Commissioner must—
- (a) as soon as practicable, give written notice of the approval to the person who made the application, and
 - (b) if the registrable person consents, give a copy of the written notice of approval to the NSW Registrar or the interstate Registrar (as the case so requires).

19G Registration of change of name

- (1) The NSW Registrar must not register a change of name under the *Births, Deaths and Marriages Registration Act 1995* if—
- (a) the NSW Registrar knows that the change of name relates to the name of the registrable person, and
 - (b) the NSW Registrar has not received a copy of the notice of approval of the

Commissioner of Police under section 19F.

- (2) If the NSW Registrar does not register a change of name because of the operation of subsection (1), the NSW Registrar must give written notice of the application to the Commissioner of Police.

19H Registrar may correct Register

Without limiting section 45 (Correction of Register) of the *Births, Deaths and Marriages Registration Act 1995*, the NSW Registrar may correct the Register under that section if—

- (a) the name of the registrable person on the Register has been changed, and
- (b) the Commissioner of Police has not approved that change under this Part.

19I Information-sharing between Commissioner of Police and NSW Registrar

Despite any law to the contrary—

- (a) the Commissioner of Police may notify the NSW Registrar of the name (including any other name by which a registrable person is or has previously been known), date of birth and residential address or addresses of the registrable person, and
- (b) if the Commissioner of Police has given notification under paragraph (a) in respect of a registrable person, the Commissioner of Police must notify the NSW Registrar as soon as practicable after the registrable person ceases to be a registrable person.

Part 4 Miscellaneous

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.

20 Exclusion of personal liability

An act or omission that a person does or omits to do in good faith in the administration or execution of this Act does not subject the person personally to any action, liability, claim or demand.

20A Application of reporting obligations to persons subject to child protection prohibition orders

- (1) If a prohibition order (within the meaning of the *Child Protection (Offenders Prohibition Orders) Act 2004*) is made against a registrable person, the reporting obligations of the registrable person recommence or continue to apply to the registrable person for the term of the order, despite any other provision of this Act.

- (2) Subsection (1) does not affect any period of the application of reporting obligations to a registrable person under this Act that exceeds the period for which a prohibition order is in force.
- (3) A person whose reporting obligations are recommenced by this section must give the Commissioner of Police a personal information report not later than 28 days after the order is made or within such other period as the regulations may prescribe.
- (4) The regulations may prescribe the manner in which information is to be notified under this section.
- (5) (Repealed)

21 Proceedings for offences

- (1) Proceedings for an offence against this Act, except an offence under section 17, 18, 19E or 19J, are to be dealt with summarily.
- (2) Chapter 5 of the *Criminal Procedure Act 1986* (which relates to the summary disposal of certain indictable offences unless an election is made to proceed on indictment) applies to and in respect of an offence under section 17, 18, 19E or 19J.

21A Certificate evidence

- (1) In proceedings under this Act, a certificate signed by the Commissioner of Police, or a member of the NSW Police Force holding a position designated in writing by the Commissioner of Police for the purposes of this section, certifying that the Register—
 - (a) at any particular date contained information specified in the certificate, or
 - (b) indicated that, during any particular period, a specified person failed to notify information as required by this Act,is evidence (unless evidence to the contrary is adduced) of the particulars certified in the certificate.
- (2) Not more than 3 positions are to be designated at any one time under subsection (1).
- (3) For the purposes of this Act, a certificate that would be evidence under a corresponding Act that at a specified time, or during a specified period, a person was required to report to a corresponding registrar under that Act is evidence, and in the absence of evidence to the contrary is proof, of the facts stated in the certificate.

21B Time limit for prosecutions waived

Despite anything to the contrary in the *Criminal Procedure Act 1986*, a proceeding for an offence under this Act may be commenced at any time.

21C Effect of spent convictions

- (1) The fact that an offence in respect of which a registrable person has been found guilty becomes spent does not affect—
 - (a) the status of the offence as a registrable offence for the purposes of this Act in respect of the person, or
 - (b) any reporting obligations of the person.
- (2) For the purposes of this section, an offence becomes spent if, under a law in any jurisdiction, the registrable person is permitted not to disclose the fact that the person was convicted or found guilty of the offence.

21D Permitted disclosure of information concerning registrable persons

- (1) A government agency may disclose information concerning a registrable person to the Commissioner of Police or a supervising authority.
- (2) This section has effect despite any other law.

21E Prohibited disclosure of information concerning registrable persons

A person must not disclose any information relating to a registrable person obtained in connection with the administration or execution of this Act, unless the disclosure—

- (a) is made in connection with the administration or execution of this Act or a corresponding Act or for law enforcement purposes, or
- (b) is made with the consent of the person to whom the information relates, or
- (c) is ordered by a court, or any other body or person exercising judicial functions, for the purposes of the hearing or determination by the court, body or person of any matter, or
- (d) is made with the consent of the Commissioner of Police given (either generally or in a particular case) for the purposes of ensuring the safety or protection of a child or of children generally, or
- (e) is made to the Minister or with the consent of the Minister (given in a particular case), or
- (f) is authorised or required by or under this Act or any other law.

Maximum penalty—100 penalty units or imprisonment for 2 years, or both.

22 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is

necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(1A) In particular, regulations may be made for or with respect to the following—

- (a) matters incidental to the making of reports under Part 3, including—
 - (i) the manner and form in which a report must be made, and
 - (ii) the nature of any verifying documentation or evidence to be produced in support of any such report,
- (b) the form of, or the information to be included in, any notice or other document that is required by this Act to be given to registrable persons,
- (c) the manner in which a notice or other document may be given under this Act,
- (d) the manner and form in which the Register is to be established and maintained, including the manner and form in which information is to be entered in the Register,
- (e) requiring or permitting the Commissioner of Police to remove specified information, or information of a specified class, from the Register,
- (f) the notification of reporting obligations to registrable persons, including—
 - (i) permitting the person notifying a registrable person to ask the person to acknowledge being given the notice, and
 - (ii) making special provision for the notification of registrable persons who are children or who have disabilities or other special needs, and
 - (iii) permitting or requiring a person or body to be notified of a registrable person's status as a child or person who has a special need or disability to facilitate notification and reporting, and
 - (iv) providing for the notification to be given to a carer of, or a person nominated by, a registrable person who may be unable to understand his or her reporting obligations or the consequences of failing to comply with those obligations, and
 - (v) requiring that a registrable person be given additional information to that required by this Act, and
 - (vi) requiring a person or body to provide specified information to registrable persons concerning their reporting obligations, and
 - (vii) requiring a person or body to inform the Commissioner of Police—
 - (A) that a registrable person has left the custody or control of the person or

body, and

(B) that the person or body has given specified information to a registrable person, and

(C) that, in the opinion of the person or body, a registrable person does or does not have the legal capacity to understand specified information, and

(viii) requiring a person or body to give to the Commissioner of Police any acknowledgment by a registrable person of the receipt of a notice or any other specified information that is held by the person or body,

(g) requiring a person or body to create records for the purposes of this Act and to retain those records for a specified period or an unlimited period.

(2) A regulation may create an offence punishable by a penalty not exceeding 20 penalty units.

(3) The regulations may require the functions under section 3J, 5 or 6 of a court or supervising authority (a **primary authority**) to be exercised—

(a) in relation to the functions of a court—

(i) by a supervising authority, or

(ii) by the Commissioner of Police, or

(b) in relation to the functions of a supervising authority—

(i) by the sentencing court, or

(ii) by some other supervising authority, or

(iii) 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.

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](#).

26 (Repealed)

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

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 (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
8	55 Possessing or making explosives or other things with intent to injure	(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
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

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	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
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
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	—
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 (a) the other person is less than 18 years of age, and (b) the offender is— (i) at least 21 years of age, or
32	91P Record intimate image without consent	(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 (a) the other person is less than 18 years of age, and (b) the offender is— (i) at least 21 years of age, or
33	91Q Distribute intimate image without consent	(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 (a) the other person is less than 18 years of age, and (b) the offender is— (i) at least 21 years of age, or
34	91R Threaten to record or distribute intimate image	(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	<p>(a) the person against whom the serious indictable offence is intended to be committed is less than 18 years of age, and</p> <p>(b) the serious indictable offence is an offence specified in this part</p>
37	114 Being armed with intent to commit indictable offence	<p>(a) the person against whom the indictable offence is intended to be committed is less than 18 years of age, and</p> <p>(b) the indictable offence is an offence specified in this part</p>
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	—
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	—
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
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Part 3 Other offences

Item	Act	Section	Circumstances
1	Customs Act 1901 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.

Schedule 1 Scheduled agencies

(Section 19BA)

- 1 NSW Police Force.
- 2 Each of the following parts of the Department of Justice—
 - (a) Corrective Services NSW, being that part of the Department comprising the group of staff who are principally involved in the administration of the *Crimes (Administration of Sentences) Act 1999*,
 - (b) the part of the Department comprising the group of staff who are principally involved in the administration of the following Acts—
 - (i) the *Children (Community Service Orders) Act 1987*,
 - (ii) the *Children (Detention Centres) Act 1987*,
 - (iii) the *Children (Interstate Transfer of Offenders) Act 1988*.
- 3 Department of Education and Communities.
- 4 Each of the following parts of the Department of Family and Community Services—
 - (a) Ageing, Disability and Home Care, being that part of the Department comprising the group of staff who are principally involved in the administration of the following Acts—
 - (i) the *Disability Services Act 1993*,
 - (ii) the *Home Care Service Act 1988*,and including the group of staff within the Department who are known as Ageing, Disability and Home Care,
 - (b) Community Services, being that part of the Department comprising the group of staff who are principally involved in the administration of the following Acts—
 - (i) the *Adoption Act 2000*,
 - (ii) the *Children and Young Persons (Care and Protection) Act 1998*,and including the group of staff within the Department who are known as Community Services,
 - (c) Housing NSW, being that part of the Department comprising the group of staff who are principally involved in the administration of the *Housing Act 2001* and including the group of

staff within the Department who are known as Housing NSW.

4A Office of the Director of Public Prosecutions.

5 Ministry of Health.

6 Office of the Public Guardian.

7 Each local health district constituted under the *Health Services Act 1997*.

8 The following statutory health corporations constituted under the *Health Services Act 1997*—

(a) Justice Health and Forensic Mental Health Network,

(b) The Sydney Children’s Hospitals Network (Randwick and Westmead) (incorporating The Royal Alexandra Hospital for Children).

9 St Vincent’s Hospital, Darlinghurst (being the recognised establishment or recognised service of St Vincent’s Hospital Sydney Limited in Schedule 3 (Affiliated health organisations) to the *Health Services Act 1997*).

9A Commonwealth Director of Public Prosecutions.

10 Department of Immigration and Border Protection of the Commonwealth.

11 Centrelink (which is part of the Department of Human Services of the Commonwealth).

12 Technical and Further Education Commission.

Schedule 2 Savings, transitional and other provisions

(Section 24)

Part 1 Preliminary

1 Savings and transitional regulations

- (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.
- (2) Such a provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later day.
- (3) To the extent to which such a provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
 - (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 that publication, or
 - (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 that

publication.

Part 2 Provisions consequent on enactment of **Child Protection Legislation Amendment Act 2002**

2 Registrable offences

(1) In this clause—

amending Act means the *Child Protection Legislation Amendment Act 2002*.

new registrable person means a person who becomes a registrable person on the commencement of an amendment made by the amending Act because of that amendment.

- (2) The amendments made by Schedule 1 [1], [2] and [3] to the amending Act are taken to have had effect from 15 October 2001.
- (3) A new registrable person is taken to have complied with any reporting obligations the person may have had for the period commencing on 15 October 2001 and ending on the commencement of this clause.
- (4) Division 1 of Part 2 (except section 7) and section 10 (1) do not apply to a new registrable person who is not in government custody at the commencement of this clause.
- (5) A new registrable person who is not in government custody at the commencement of this clause must notify the Commissioner of Police of the relevant personal information within 28 days after the person is given written notice under section 7.
- (6) Division 1 of Part 2 (except sections 6, 7 and 8) and section 10 (1) do not apply to a new registrable person who is in government custody at the commencement of this clause.
- (7) A new registrable person who is in government custody at the commencement of this clause must notify the Commissioner of Police of the relevant personal information within 28 days after the person ceases to be in government custody.
- (8) A reference in—
- (a) the definition of **reporting obligations** in section 3 (1) to Division 2 of Part 2 includes a reference to this clause, and
 - (b) section 12 (1) to “information that is required to be given to the Commissioner of Police under this Division” includes a reference to information that is required to be given to the Commissioner of Police under this clause.

Part 3 Provisions consequent on enactment of **Child Protection**

(Offenders Registration) Amendment Act 2004

3 Definitions

In this Part—

additional relevant personal information means any information required to be provided by registrable persons under section 9 (as inserted by the amending Act) that was not required to be provided by registrable persons under section 9 (as in force before its repeal by the amending Act).

amending Act means the *Child Protection (Offenders Registration) Amendment Act 2004*.

appropriate period means—

- (a) in relation to a person who is in New South Wales on the commencement of this clause—28 days after that commencement or before the person leaves New South Wales, whichever period ends first, or
- (b) in relation to a person who is not in New South Wales on that commencement—within 14 days after entering and remaining in New South Wales for 14 or more consecutive days.

existing registrable person means a person who was, immediately before the commencement of section 3A, as inserted by the amending Act, a registrable person under this Act, other than—

- (a) a person who was in government custody immediately before that commencement, or
- (b) a person who was a registrable person because of a registrable offence committed in a foreign jurisdiction and who had not carried out any reporting obligations before that commencement.

new registrable person means a person who is a registrable person merely because of having committed an offence that first became a registrable offence on the commencement of section 3A, other than a person who was in government custody on that commencement.

4 Application of reporting periods and associated provisions

- (1) Regulations may be made for or with respect to the application of Division 6 of Part 3, as inserted by the amending Act, and any other amendments made by that Act on and from a day before the commencement of this clause, being a day subsequent to the introduction of the Bill for that Act into Parliament.
- (2) Any such regulation may be made only for the purpose of facilitating the complementary operation of this Act, as amended by the amending Act, and an Act of

another State or Territory that contains provisions that are complementary with this Act as amended by the amending Act.

(3) A regulation under this clause has effect despite any other provision of this Part.

5 Application of Act to existing registrable persons

- (1) This Act, as amended by the amending Act, applies to an existing registrable person, except as provided by this Schedule or regulations made under this Schedule.
- (2) An existing registrable person must, within the appropriate period, provide the person's additional relevant personal information to the Commissioner of Police. The additional relevant personal information must be provided in the same manner in which an initial report must be made under this Act or in any other manner permitted by the Commissioner of Police either generally or in a particular case.
- (3) The first annual report of an existing registrable person, under section 10 (as inserted by the amending Act), must be made before the end of the calendar month in which the first anniversary of the date that the person first reported information to the Commissioner of Police occurs after one month after the commencement of this clause.
- (4) The period of reporting obligations applicable to an existing registrable person immediately before the commencement of this clause continues to apply to the existing registrable person, except as provided by the regulations.
- (5) Nothing in subclause (4) applies to or in respect of any new reporting obligations of an existing registrable person or to a person who becomes a corresponding registrable person after that date.
- (6) Division 1 of Part 3 (except sections 6 (1) (c)-(f), 7-7C and 8) does not apply to or in respect of an existing registrable person.
- (7) Section 11B, as inserted by the amending Act, does not apply to an existing registrable person who was out of New South Wales on the commencement of this clause.
- (8) Section 11C, as inserted by the amending Act, applies to an existing registrable person who, before the commencement of this clause, was required to notify the Commissioner of Police of an intention to leave New South Wales and was outside New South Wales on that commencement.
- (9) In this clause—

new reporting obligations means obligations in respect of an offence for which a person was sentenced after the commencement of this clause.

6 New registrable persons

- (1) This Act, as amended by the amending Act, applies to a new registrable person in the same way that it applies to a registrable person who is not in government custody and is not an existing registrable person, except as provided by this Schedule or regulations made under this Schedule.
- (2) A new registrable person must, within the appropriate period, provide the person's relevant personal information to the Commissioner of Police.
- (3) The report must be made in the manner in which an initial report must be made under this Act.
- (4) For the purposes of calculating the period for which a new registrable person must continue to comply with the person's reporting obligations, the reporting period for a new registrable person is taken to have commenced on the later of—
 - (a) the day when the person was sentenced for the registrable offence, or
 - (b) the day when the person ceased to be in government custody in relation to the registrable offence.
- (5) Division 1 of Part 3 (except sections 6 (1) (c)–(f), 7–7C and 8) does not apply to or in respect of a new registrable person.
- (6) Section 11B, as inserted by the amending Act, does not apply to a new registrable person who is out of New South Wales on the commencement of this clause.

7 References to reporting obligations

A reference in this Act to the reporting obligations of a registrable person includes a reference to reporting obligations imposed under this Part.

8 Register

The Register of Offenders (the **existing Register**), as kept immediately before the repeal of section 19 by the amending Act, is taken to be the Child Protection Register for the purposes of this Act.

9 Time limits for prosecutions

Section 21B, as inserted by the amending Act, does not apply to an offence committed before the commencement of that section if the limitation period for commencing proceedings expired before that commencement.

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*.

Part 5 Provisions consequent on enactment of **Child Protection (Offenders Registration) Amendment Act 2007**

11 Definition

In this Part, **amending Act** means the *Child Protection (Offenders Registration) Amendment Act 2007*.

12 Registrable persons

The amendments made to the definitions of **Class 1 offence** and **sentence** in section 3 (1) and to section 3A (2) (b) by the amending Act apply in respect of any sentence imposed on or after the commencement of the amendments, including any sentence imposed as a consequence of a finding of guilt made before the commencement of the amendments.

13 Corresponding registrable persons

Section 3C, as substituted by the amending Act, applies to any person who has at any time been in a foreign jurisdiction and required to report to the corresponding registrar or to a person or body whose functions are substantially similar to those of the Commissioner of Police under this Act, whether that obligation arose before, on or after

the commencement of this clause (including if it arose as a consequence of a finding of guilt made before 15 October 2001).

14 Child protection registration orders

- (1) Section 3E, as substituted by the amending Act, applies in respect of any person sentenced for an offence on or after the substitution of that section, including if the sentence is imposed for an offence committed before that substitution.
- (2) Section 3F, as inserted by the amending Act, permits a court to make an order referred to in section 3F (1) (a) in respect of any person found guilty of an offence against a law of a foreign jurisdiction at any time, including if the finding of guilt was made before the commencement of that section.
- (3) Section 3G, as inserted by the amending Act, applies to a grant of bail, on or after the commencement of that section, in respect of a Class 1 offence or Class 2 offence which is alleged to have been committed before, on or after that commencement.

15 Changes to personal information

The amendments made to section 11 by the amending Act apply to a change in a person's relevant personal information that occurs on or after the commencement of the amendments.

16 Increase in penalties—sections 17 and 18

The amendments made to this Act by the amending Act in relation to the maximum penalty for an offence under section 17 or 18, and proceedings for that offence, apply only to an offence under section 17 or 18 that is alleged to have been committed on or after the commencement of the amendments.

17 Disclosure of information

- (1) Section 21E, as inserted by the amending Act, extends to the disclosure, on or after the commencement of that section, of information obtained before that commencement.
- (2) Clause 27 of Schedule 1 to the *Freedom of Information Act 1989*, as inserted by the amending Act, extends to a report provided, or information obtained or placed on the Child Protection Register, before the commencement of that clause.

Part 6 Provisions consequent on enactment of [Criminal Legislation Amendment Act 2009](#)

18 Initial report by person whose previous reporting obligations have ceased

Section 9B, as amended by the *Criminal Legislation Amendment Act 2009*, does not apply in respect of the following registrable persons, and that section, as in force immediately

before the commencement of that amendment, continues to apply in respect of any such person—

- (a) a person referred to in section 9B (1) who was sentenced for the registrable offence, or ceased to be in government custody, (whichever is applicable) before that commencement,
- (b) a person referred to in section 9B (2) who became a corresponding registrable person, or ceased to be in government custody, (whichever is applicable) before that commencement,
- (c) a person referred to in section 9B (3), if the order under section 16 ceased to have effect or the person ceased to be in government custody (whichever is applicable) before that commencement.

Part 7 Provisions consequent on enactment of [Child Protection Legislation \(Registrable Persons\) Amendment Act 2009](#)

19 Reporting requirements

(1) In this clause—

amending Act means the [Child Protection Legislation \(Registrable Persons\) Amendment Act 2009](#).

new reporting obligation means any information required to be provided by registrable persons under section 9 (1) (e) or 11F (as amended and inserted, respectively, by the amending Act).

- (2) It is sufficient compliance with a new reporting obligation to report the date of birth of a child if a registrable person who has reported the name and age of a child before the commencement of the amendment to section 9 (1) (e) made by the amending Act reports the date of birth of the child when the registrable person next reports in accordance with this Act after the commencement of the amendment.
- (3) It is sufficient compliance with a new reporting obligation for a registrable person who changes the place where he or she generally resides within 14 days before the insertion of section 11F by the amending Act if the person reports the required information to the Commissioner of Police as soon as possible (but not more than 3 days) after the insertion of that section.
- (4) Section 19BA (3A)–(3C), as inserted by the amending Act, extend to personal information collected or used before the insertion of those subsections.

Part 8 Provisions consequent on enactment of [Courts and Crimes](#)

Legislation Amendment Act 2010

20 Application of amendments

- (1) The amendments made to the definitions of **Class 1 offence** and **Class 2 offence** in section 3 (1) by the amending Act extend to any offence referred to in those amendments (a **new registrable offence**) in respect of which a sentence was imposed before the commencement of the amendments.
- (2) Sections 4 and 5 do not apply in respect of a sentence imposed, or a supervised sentence commenced, before the commencement of the amending Act in respect of a new registrable offence.
- (3) A person who becomes a registrable person on the commencement of the amending Act merely because of having committed a new registrable offence, and who is not in government custody, must, within the appropriate period, report the person's relevant personal information to the Commissioner of Police.
- (4) The **appropriate period** is—
 - (a) in relation to a person who is in New South Wales on the commencement of the amending Act—21 days after that commencement or before the person leaves New South Wales, whichever period ends first, or
 - (b) in relation to a person who is not in New South Wales on that commencement—within 7 days after entering and remaining in New South Wales for 14 or more consecutive days.
- (5) The report must be made in the manner in which an initial report must be made under this Act.
- (6) For the purposes of calculating the period for which a person must continue to comply with the person's reporting obligations in respect of a new registrable offence, the reporting period for the new registrable offence is taken to have commenced—
 - (a) when the person was sentenced for the new registrable offence, or
 - (b) when the person ceases to be in government custody in relation to the offence, whichever is the later.
- (7) A reference in this Act to the reporting obligations of a registrable person includes a reference to the reporting obligations imposed under this Part.
- (8) In this clause, the **amending Act** means the *Courts and Crimes Legislation Amendment Act 2010*.

Part 9 Provisions consequent on enactment of **Child Protection**

Legislation Amendment (Offenders Registration and Prohibition Orders) Act 2013

21 Entry by police to residential premises

The powers under section 16C may be exercised in respect of residential premises of a registrable person even if the initial report was made by the registrable person before the commencement of that section.

Part 10 Provisions consequent on enactment of Child Protection (Offenders Registration) Amendment (Statutory Review) Act 2014

22 Definition

In this Part—

amending Act means the *Child Protection (Offenders Registration) Amendment (Statutory Review) Act 2014*.

23 Reference to section 91H of the Crimes Act 1900 offence of production, dissemination or possession of child abuse material includes references to older offences

- (1) A reference in the definition of **Class 2 offence** in section 3 (1) to an offence under section 91H of the *Crimes Act 1900* includes a reference to an offence (committed before the commencement of section 91H) under section 578B of the *Crimes Act 1900*.
- (2) A reference in section 3A (2) (c) (ii) to an offence under section 91H of the *Crimes Act 1900* includes a reference to an offence (committed before the commencement of section 91H) under section 578B or 578C (2A) of the *Crimes Act 1900*.

24 Reference to section 91K of the Crimes Act 1900 offence of filming a person engaged in a private act includes reference to older offences

A reference in section 3A (2) (c) (iii) to an offence under section 91K (1) of the *Crimes Act 1900* includes a reference to an offence (committed before the commencement of section 91K) under section 21G (1) of the *Summary Offences Act 1988*.

25 Orders made after conclusion of criminal proceedings

Section 3E (3), as amended by the amending Act, applies so as to permit an application for an order to be made within 60 days after a person is sentenced for a relevant offence even if the sentence was imposed before that amendment.

26 Risk to sexual safety of children—meaning

Section 3H (3) applies to any determination made after the commencement of that subsection regardless of whether the determination is made in relation to proceedings

that commenced before the commencement of that subsection.

27 Registrable person who ceases to be under supervision

- (1) Section 6 (1) (g) does not apply to an order under section 49 of the *Mental Health (Forensic Provisions) Act 1990* that was made before the commencement of that paragraph.
- (2) Section 6 (3), as substituted by the amending Act, applies in respect of an order under section 49 of the *Mental Health (Forensic Provisions) Act 1990* whether or not that order was made before the commencement of that subsection.

28 Relevant personal information

Section 9, as amended by the amending Act, applies in respect of a report made after those amendments regardless of whether the report relates to matters occurring before those amendments or the reporting obligations of the registrable person commenced before those amendments.

29 Time within which reports must be made

Sections 11 and 11C, as in force immediately before those sections were amended by the amending Act, continue to apply in respect of changes in circumstances that are required to be reported to the Commissioner of Police under those sections if the change occurred before those amendments commenced.

30 Extension of reporting period

Section 15 (4) does not apply in respect of a breach of reporting obligations occurring before the commencement of that subsection.

Part 11 Provisions consequent on enactment of *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018*

31 Sexual touching and sexual act include former acts of indecency

Any references in this Act to sexual touching or sexual act are taken, in a reference to any offence occurring before the commencement of this clause, to include a reference to an act of indecency.

32 Application of section 3C

Section 3C, as inserted by the *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018*, applies to sentences passed after the commencement of that section, regardless of when the offence was committed.

Part 12 Provisions consequent on enactment of *Child Protection*

(Offenders Registration) Amendment Act 2024

33 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.

34 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.