



THE CHILD PROTECTION REGISTER

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1. Introduction

The Child Protection Register (CPR) was first established in 2000 with the passing of the *Child Protection (Offenders Registration) Act 2000*¹ (CPORA). This Act was introduced in response to Recommendation 111 of the Wood Royal Commission and made New South Wales the first state in Australia to introduce sex offender registration.

The stated aims of the CPR, according to the Second Reading speech, were to:

- Increase and improve the accuracy of child sex offender intelligence held by police;
- Assist in the investigation and prosecution of child sex offences committed by recidivist offenders;
- Provide a deterrent to re-offending;
- Assist in the monitoring and management of child sex offenders in the community; and
- Provide child abuse victims and their families with an increase sense of security²

There have been numerous amendments to the Act since 2000. The most recent and perhaps most significant amendments were introduced by the *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 No 33*³ which commenced on 1 December 2018.

2. Who goes on the Child Protection Register?

A person will be placed on the CPR if they are a 'registrable person'. Section 3A of CPORA defines a 'registrable person' as a person whom a court has at any time (whether before, on or after the commencement of this section) sentenced in respect of a registrable offence and includes a corresponding registrable person.

The Section 3 definitions outline that a 'registrable offence' means a Class 1 or Class 2 offence. These offences are the types of offences that one would expect to lead to registration, with Class 1 offences being the more serious of the two and including offences like the murder of a child or having sexual intercourse with a child. Class 2 offences include the new offences of sexual touching and sexual acts (previously defined as acts of indecency) with children and various child pornography and child abuse material offences.

There are limited exceptions to registration when a person is sentenced for a registrable offence. Most of these exceptions extend to situations where a child has committed a registrable offence.

As of 31 August 2019, there were 4,344 people on the Child Protection Register⁴ with numbers steadily increasing each year.

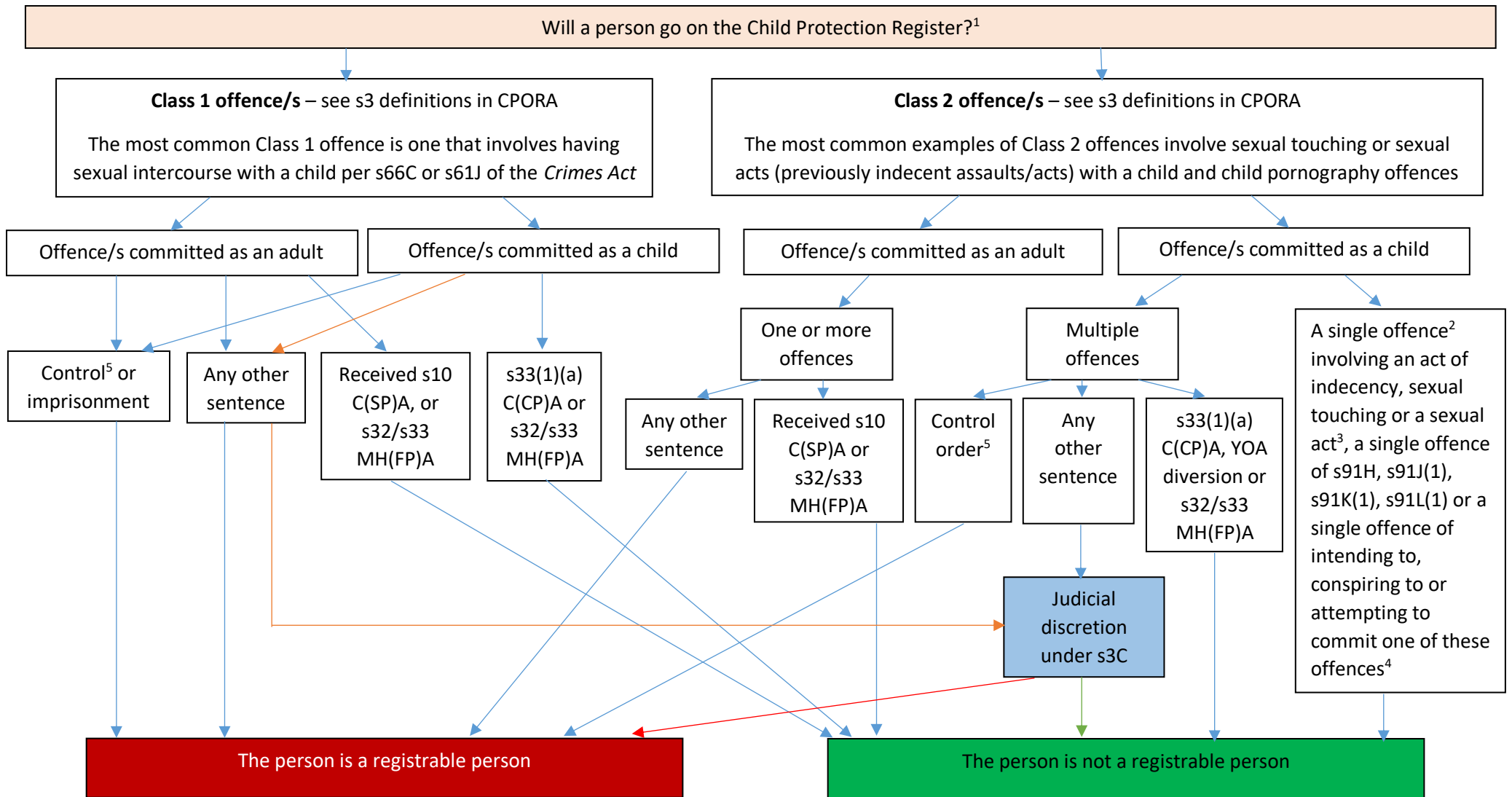
Please refer to the attached flowchart that illustrates the circumstances in which a person will or will not be a registrable person.

¹ *Child Protection (Offenders Registration) Act 2000* (NSW) – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2000/42>.

² The NSW Child Protection Register, Nerissa Keay, 2012 – accessed via http://criminalcpd.net.au/wp-content/uploads/2016/09/Child_Protection_Orders3.pdf; Second Reading Speech Legislative Assembly 1 June 2000.

³ *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018* (NSW) – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2018/33/full>

⁴ <https://www.lecc.nsw.gov.au/news-and-publications/publications/operation-tusket-fact-sheet-3-the-nsw-cpr.pdf>



¹ A person can also become a registrable person if a Child Protection Registration Order is made pursuant to Part 2A of CPORA – this will be discussed later in the paper

² s3A(5) CPORA - A reference to a single offence includes a reference to more than one offence of the same kind arising from the same incident. See also *KE v Commissioner of Police* [2018] NSWSC 941

³ As charged under the *Crimes Act 1900* prior to 1 December 2018 when the offences of indecent assault and acts of indecency were replaced by offences of sexual touching, s61KC and sexual act, s61KE

⁴ Not all Class 2 offences lead to the single offence exemption for a child – see s3 definitions of CPORA and s3A(2)(c)

⁵ Control does not include suspended control orders - see s3C(3)(c)(ii)

3. What is the judicial discretion to not place a child on the CPR?

Prior to the *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 No 33*, a court that sentenced a juvenile for a registrable offence had no discretion about whether a child would be placed on the register. A Magistrate was not even permitted to consider the fact that a particular sentence would lead to registration as a mitigating factor as per section 24A of the *Crimes (Sentencing Procedure) Act 1999*.

However, when the *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 No 33* came into operation on 1 December 2018, it inserted a new section 3C into CPORA that sets out the following:⁵

3C Discretion to treat child offender as non-registrable

(1) A court that sentences a person for a sexual offence committed by the person when the person was a child may make an order declaring that the person is not to be treated as a registrable person for the purposes of this Act in respect of that offence.

(2) While the order remains in force, the person is not a registrable person under this Act because of that offence.

(3) A court may make an order under this section only if:

(a) the victim of the offence was under the age of 18 years at the time that the offence was committed, and

(b) the person has not previously been convicted of any other Class 1 offence or Class 2 offence, and

(c) the court does not impose in respect of the offence:

(i) a sentence of full-time detention, or

(ii) a control order (unless the court also, by order, suspends the execution of the control order), and

(d) the court is satisfied that the person does not pose a risk to the lives or sexual safety of one or more children, or of children generally.

(4) This section applies only if the sexual offence concerned is a registrable offence and does not limit section 3A (2) (c) as it applies to offences committed by children.

(5) If an order is made under this section, the order is taken, for the purpose of any provisions that enable the Crown or a prosecutor to appeal against a sentence imposed on the person, to be a part of the person's sentence.

(6) In this section:

control order means an order under section 33 (1) (g) of the [Children \(Criminal Proceedings\) Act 1987](#).

full-time detention has the same meaning as in the [Crimes \(Sentencing Procedure\) Act 1999](#).

sexual offence means the following offences regardless of when the offence occurred:

(a) an offence under a provision of Division 10, 10A, 15 or 15A of Part 3 of the [Crimes Act 1900](#) or under section 91J, 91K or 91L of that Act,

(b) an offence under a provision of that Act set out in Column 1 of Schedule 1A to that Act,

(c) an offence under section 233BAB of the [Customs Act 1901](#) of the Commonwealth involving items of child pornography or child abuse material,

(d) an offence under Subdivision D of Division 474 of Part 10.6 of the [Criminal Code](#) of the Commonwealth,

(e) an offence of attempting to commit any offence referred to in paragraphs (a)–(d),

(f) an offence under a previous enactment that is substantially similar to an offence referred to in paragraphs (a)–(e).

It can be seen that the necessary pre-conditions for having the discretion exercised are:

⁵ *Child Protection (Offenders Registration) Act 2000* (NSW) s 3C – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2000/42/part2/sec3c>.

- that the person was a child when they committed the registrable offence; and
- that the victim was under 18 at the time of the offence; and
- that the person has no prior convictions for registrable offences; and
- that a control order or term of imprisonment is not imposed (unless it is a suspended sentence); and
- that the court is satisfied that the person does not pose a risk to the lives or sexual safety of one or more children, or children generally.

It is also worth highlighting that the discretion only applies to 'sexual offences'. Other offences that lead to registration, for example a s86 offence of detaining a child, are not covered by this discretion.

The term 'sexual safety' is defined at s3AA of the Act:⁶

3AA 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.

As at March 2020, there is limited guidance about how s3C and s3AA have been interpreted. In *R v RI* [2019] NSWDC 129, Judge Lerve determined that the relevant findings should be made on the balance of probabilities and that the accused bears the onus⁷. In that matter, the discretion was exercised in relation to an offender, three days shy of his 18th birthday charged with having sexual intercourse with a 14 year old girl. His Honour's reasons included the accused's lack of prior offending, evidence of remorse, his mother's evidence and his own evidence that he will make better choices in the future to ensure any partner is of consenting age⁸.

4. Can a Magistrate's s3C discretion be appealed?

Where a Magistrate has declined to exercise their discretion under s3C, this can be appealed to the District Court as a severity appeal. It is suggested that practitioners who intend to lodge an appeal on this basis specify that the discretion is an issue, as the Children's Court Registry staff are required to note this as part of processing the appeal paperwork.

⁶ *Child Protection (Offenders Registration) Act 2000* (NSW) s 3AA – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2000/42/part1/sec3aa>

⁷ *R v RI* [2019] NSWDC 129, para [67].

⁸ *Ibid* para [68].

5. Can a Magistrate or Judge apply their s3C discretion retrospectively?

There are no specific savings or transitional provisions in the Act that allow for the application of s3C retrospectively.

During discussions with the Department of Justice prior to s3C being enacted, the possibility of retrospective operation was raised and the decision was consciously made for the section to operate only in relation to matters where an application is made after 1 December 2018. This means that even in circumstances where the registrable offence occurred before 1 December 2018 but where the young person is sentenced after that date, the discretion can still apply and an application can be made.

It is also arguable that the 'same age defence' at s80AG of the *Crimes Act* (which was also inserted as part of the reforms introduced on 1 December 2018) **may** apply to any offences that occurred prior to that date. I am aware of at least one instance where it has been argued successfully (albeit only in the Children's Court) that the defence applies because the language of s80AG(2) states that it applies '*in any criminal proceedings in which the application of this section is raised.*' This appears to suggest that it applies to all prosecutions on foot when raised regardless of the date of the offence and therefore, as the language is open (and the savings and transitional provisions are silent) the most favourable interpretation of the statute should be adopted.

6. What is a Child Protection Registration Order?

A person who has not committed a Class 1 or Class 2 offence can still be placed on the CPR if a Child Protection Registration Order (CPRO) is made by a court pursuant to Part 2A of CPORA.⁹

This allows a court to consider whether a person who has been found guilty of *any* offence should be subject to the reporting obligations of the CPR, if they are satisfied that the person poses a risk to the lives or sexual safety of one or more children, or children generally¹⁰.

During the course of criminal proceedings, a court cannot make a CPRO if the prosecution has not made an application to do so,¹¹ or if the person receives a s10 of the *Crimes (Sentencing Procedure) Act 1999* or a s33(1)(a) *Children (Criminal Proceedings) Act 1987*¹².

When criminal proceedings have concluded¹³, the Commissioner of Police may make an application to the Local Court for a CPRO within 60 days of the person being sentenced. The Local Court cannot make an order unless it is satisfied the person poses a risk to the lives or sexual safety of one or more children, or children generally and the sentence imposed was not a s10 or a s33(1)(a).

The meaning of 'Risk to sexual safety of children' for the purposes of a CPRO is the same as s3AA which has been extracted above.

⁹ *Child Protection (Offenders Registration) Act 2000* (NSW) Part 2A – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2000/42/part2a>

¹⁰ *Ibid* s 3D.

¹¹ *Ibid* s 3D(2)(c).

¹² *Ibid* s 3D(2)(b).

¹³ *Ibid* s 3E.

If court makes order under s3D, this can be appealed as it is part of a 'sentence' as per the *Criminal Appeal Act*¹⁴.

7. Notice requirements

The notice requirements that a person must be given upon registration are found in Division 1 of Part 3 of CPORA.¹⁵

A sentencing court is to provide notice as soon as practicable after a person is sentenced.¹⁶ This will include information about what consequences may arise for failing to comply with those obligations.

The court is also required to give written notice of the person's registration to the Commissioner of Police and the supervising authority of the person (ie Juvenile Justice or Corrective Services) as soon as practicable.

The notice that is given to a person is called a 'Form 3' – see Annexure 1 for an example.

8. What information does a registrable person have to disclose?

Being placed on the CPR is extremely onerous. The initial report (as per the Form 3) requires a registrable person to disclose their personal information which includes (amongst other things):¹⁷

- Any other names previously used [s 9(b)]
- The address at which the person generally resides or the localities in which the person can generally be found [s 9(d)]
- The names and dates of birth or any children who generally reside in the same household as that in which the person generally resides, or with whom the person has regular unsupervised contact [s 9(e)]
- If the person is employed [s 9(f)]
- The nature of the person's employment [s 9(i)]
- The name of the person's employer (if any) [s 9(ii)]
- The address of the premises at which the person is generally employed or, if the person is not generally employed at any particular premises, the name of each of the localities in which the person is generally employed [s 9(iii)]
- Details of the person's affiliation with any club or organisation that has child membership or child participation in its activities [s 9(g)]
- The make, model, colour and registration number of any motor vehicle owned by, or generally driven by, the person [s 9(h)]
- Details of any tattoos or permanent distinguishing marks [s 9(i)]
- Whether the person has ever been found guilty in any foreign jurisdiction of a registrable offence or of an offence that required the person to report to a corresponding registrar or been subject to a corresponding child protection registration order, and if so, where that finding occurred or that order was made [s 9(j)]

¹⁴ *CJE26 v R* [2019] NSWCCA 139, paras [9]-[10]

¹⁵ *Child Protection (Offenders Registration) Act 2000* (NSW) Part 3, Division 1 – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2000/42/part3/div1>.

¹⁶ *Ibid* s 4.

¹⁷ *Ibid* s 9 – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2000/42/part3/div2/sec9>

- If the person has been in a government custody since the person was sentenced or released from government custody in respect of a registrable offence [s 9(k)]
- If, at the time of making a report under this Division, the person leaves, or intends to leave New South Wales to travel elsewhere in Australia on an average of at least once a month [s 9(l)]
- The reason for travelling [s 9(l)(i)]
- The frequency and destinations of the travel [s 9(l)(ii)]
- Details of any carriage service used by the person [s 9(m)]
- Details of any internet service provider or provider of a carriage service used by the person [s 9(n)]
- Details of the type of internet connection used [s 9(o)]
- Details of any email addresses, internet usernames, instant messaging usernames, chat room usernames or any other user name or identity used, or intended to be used, by the person through the internet or other electronic communication service [s 9(p)]

9. How and when and does a person have to report?

A person's reporting obligations begin once they are sentenced or released from custody and they will have seven days from that time to make their 'initial report'.¹⁸

Apart from the initial report, a registrable person must report annually.¹⁹ They must also update any changes in relevant personal information.²⁰ If the change includes a child residing with the person, this information must be reported within 24 hours. In all other cases it must be reported within seven days. For example, where new online accounts are set up.

They must also report any plans to travel outside of NSW or other planned absences. Any plans to change residence must be reported 14 days before this occurs²¹.

Most information like the initial report, annual report, changes of address or appearance (such as distinguishing marks like tattoos) must be reported in person at the relevant police station²². Other information can be reported by phone pursuant to Regulation 18 (1)²³.

When a person has reported any change in personal information, they should be provided with a formal acknowledgement of receipt of that information.²⁴ This is called a 'Form 4' – see Annexure 2 for an example of what this looks like.

10. Can a person be removed from the CPR?

Once a person is on the CPR, for obvious reasons, it is difficult to get off it. There are however, limited mechanisms which allow for this to occur.

¹⁸ *Child Protection (Offenders Registration) Act 2000* (NSW) s 9A.

¹⁹ *Ibid* s 10.

²⁰ *Ibid* s 11.

²¹ *Ibid* s 11F.

²² *Ibid* s 12A.

²³ Child Protection (Offenders Registration) Regulation 2015 – access via <https://www.legislation.nsw.gov.au/#/view/regulation/2015/422/part5/sec18>

²⁴ *Ibid* s 12C.

Pursuant to s 3B of CPORA, a person may be removed from the CPR if their finding of guilt for the registrable offence is set aside or quashed. They may also be taken off the Register if their sentence is altered in such a way that they would not have been a registrable person if that had been the original sentence. For example, having a s 33(1)(e) probation order reduced to a s 33(1)(a) on appeal.

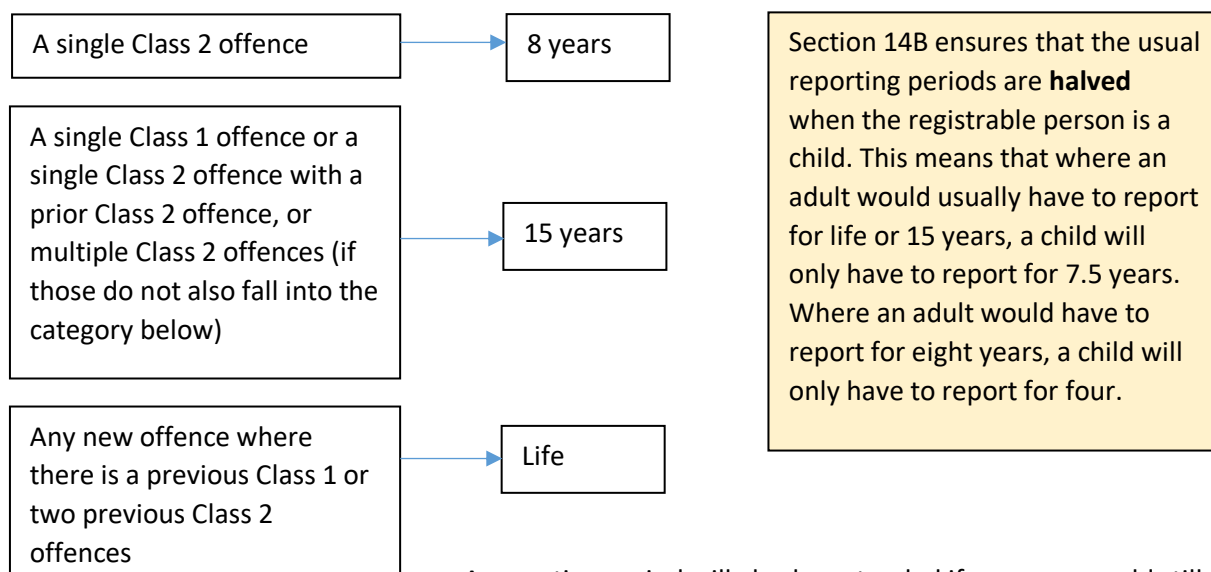
A person may also petition the Governor for a pardon pursuant to the *Crimes (Appeal and Review) Act 2001*.²⁵ Although data about petitions and pardons have not been made publicly available for policy reasons, it is difficult to imagine a pardon being granted in the absence of extraordinary circumstances. However, if a pardon is granted for a person wrongly convicted, the effect of that is they have to be considered as if they were never convicted in the first place.

Suspending reporting requirements

Section 16 of CPORA confers jurisdiction on NCAT to exempt persons from reporting obligations.²⁶ There is a right of review to the Administrative Decisions Tribunal after 15 years for those required to comply with obligations for their lifetime. However, the Tribunal will only make an order suspending a registered person's obligations if it considers that the registered person 'does not pose a risk to the safety of children'.

11. How long does a registrable person have to report for?

The duration of a person's reporting requirements will vary based on their circumstances. The general requirements are set out in Division 6 of Part 3 of CPORA.²⁷ The three levels of reporting lengths are 8 years, 15 years and life:



Section 14B ensures that the usual reporting periods are **halved** when the registrable person is a child. This means that where an adult would usually have to report for life or 15 years, a child will only have to report for 7.5 years. Where an adult would have to report for eight years, a child will only have to report for four.

A reporting period will also be extended if a person would still be on parole when their obligations would otherwise have expired, per s 14C.

²⁵ *Crimes (Appeal and Review) Act 2001* (NSW) s 76 – access via <https://www.legislation.nsw.gov.au/#/view/act/2001/120/part7/div2/sec76>.

²⁶ *Civil and Administration Tribunal Act 2013* (NSW) s 31 – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2013/2/part3/sec31>

²⁷ *Child Protection (Offenders Registration) Act 2000* (NSW) Part 3, Division 6 – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2000/42/part3/div6>

12. What happens if a person fails to comply with their reporting obligations?

Failing to comply with reporting obligations under CPORA is considered to be a serious offence. The maximum penalty is 500 penalty units and/or imprisonment for 5 years.²⁸ Providing misleading or false information carries the same penalties.²⁹

It is a defence to a failing to report offence if a person can demonstrate a reasonable excuse for their failure to report.³⁰ In determining whether a person has a reasonable excuse, a court will have regard to a number of factors. These include the person's age, whether the person has a disability that affects the person's ability to understand or comply with those obligations, whether the form of the notification given to the person about the person's obligations was adequate to inform them of those obligations and any other matter the court considers appropriate.

Consequently, it is important that when a child, in particular, is charged with the offence of failing to comply, that proper instructions are taken about their reasons for doing so. It is not uncommon for practitioners to have entered pleas of guilty to these charges when a defence could properly have been raised under 'reasonable excuse'. Persons charged with this offence will often have mental health difficulties, cognitive impairments or other subjective circumstances that would ground a defence – especially given how complex and dense the Form 3 (Initial Notice) is - see Annexure 1. As a matter of practicality, you may wish to tender your client's Form 3 to demonstrate this if raising the defence of 'reasonable excuse'.

13. Can a person travel outside NSW if they are on the CPR?

A person who is on the CPR can travel interstate without restrictions, subject to the reporting requirements set out earlier in the paper.

However, a person on the register seeking to travel outside of Australia must now seek approval from a 'competent authority' prior to undertaking that travel³¹. This change is a recent one and only commenced on 13 December 2017. If a person travels overseas without permission, or without their reporting obligations being suspended³², they will be subject to a maximum penalty of 5 years imprisonment and/or a \$63,000 fine. Attempting to travel without permission carries the same penalties.

A 'competent authority' for the purpose of this section means the Commissioner of NSW Police.

If an application to travel is refused, it would appear that there are no appeal rights to the AAT or NCAT and that any judicial review would require an appellant to demonstrate the decision maker acted 'irrationally or unreasonably' to the extent that no other decision maker could have so exercised the power.

²⁸ Ibid s 17(1).

²⁹ Ibid s 18.

³⁰ Ibid s 17(2).

³¹ *Criminal Code 1995* (Cth) s 271A.1 – accessed via http://www5.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html.

³² Ibid s 271A.1(3)(b).

See Annexure 3 for information that is provided to registrable persons wishing to travel, and the appropriate form they must use in order to seek permission.³³

14. Who can access personal information on the CPR?

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.³⁴

No one can disclose any information about a registrable person that is gained by them in the administration or execution of the law, unless that disclosure:³⁵

- Is made in connection with the administration or execution of the Act or is for law enforcement purposes, or
- Is made with the person's consent, or
- Is ordered by a court for the purposes of court proceedings, or
- Is consented to by the Commissioner of Police to ensure the safety or protection of a child or of children generally, or
- Is made to the Minister or with the consent of the Minister, or
- Is allowed under any law.

15. What happens when a person's reporting obligations end?

Once a person has been placed on the CPR they will remain on it for life, even after their reporting obligations have ended (subject to the circumstances that would justify removal as set out previously).

This means that the police may continue to gather information about a person and add that information to the CPR pursuant to s 19(g) and s 19(h) of CPORA.

If this further information suggests there is reasonable cause to believe, having regard to the nature and pattern of conduct of the person, that the person poses a risk to the lives or sexual safety of one or more children, or children generally, the police may apply for a Child Protection Prohibition Order.

16. What is a Child Protection Prohibition Order?

A Child Protection Prohibition order (CPPO) is a court order that prohibits a registrable person from engaging in particular forms of conduct. The provisions about CPPOs are set out in the *Child Protection (Offenders Prohibition Orders) Act 2004*.³⁶

³³ This information can also be accessed at: <https://www.passports.gov.au/information-reportable-offenders>

³⁴ *Child Protection (Offenders Registration) Act 2000* (NSW) s 19A – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2000/42/part3/div9/sec19a>

³⁵ *Ibid* s 21E(a)-(f).

³⁶ *Child Protection (Offenders Prohibition Orders) Act 2004* (NSW) – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2004/46/full>.

A CPPO can restrict a person from being in specified locations or kinds of locations (like playgrounds for example), associating with or having contact with specified persons or kinds of persons (children), or engaging in specified behaviours.³⁷

An application for a CPPO against a young person must be applied for by the Commissioner of Police.³⁸ Whenever an application is made, the Local Court must consider a number of factors before making an order.³⁹ A court must be satisfied that the person is a registrable person and that on the balance of probabilities:⁴⁰

(a) there is reasonable cause to believe, having regard to the nature and pattern of conduct of the person, that the person poses a risk to the lives or sexual safety of one or more children, or children generally, and

(b) the making of the order will reduce that risk.

A CPPO can be made for up to 5 years for an adult, or two years for a young person⁴¹.

17. Can a person on the register get a Working with Children's Check?

If the applicant was a child when they became a registrable person, they **may** be able to get a Working With Children's Check (WWCC).

The relevant legislation that governs WWCCs is the *Child Protection (Working With Children) Act 2012*.⁴²

All Class 1 and Class 2 offences for the purposes of the CPR are disqualifying offences for the purposes of a WWCC⁴³. This means that any adult who is on the CPR is a disqualified person and would be unable to obtain a WWCC.⁴⁴

However, if the applicant was a child when the offences were committed, they would not be automatically disqualified. Instead, the offence would trigger a risk assessment.

18 Determination of applications for clearances

(1) The Children's Guardian must not grant a working with children check clearance to the following persons (disqualified persons):

(a) a person convicted before, on or after the commencement of this section of an offence specified in Schedule 2, if the offence was committed as an adult,

(b) a person against whom proceedings for any such offence have been commenced, if the offence was committed as an adult, pending determination of the proceedings for the offence.

³⁷ Ibid s 8.

³⁸ Ibid s 4; Although note that the only Police Officer prescribed by Regulation 3A to apply for orders against young persons is the police officer in charge of the Child Protection Register.

³⁹ Ibid s 5.

⁴⁰ Ibid s 5(1).

⁴¹ Ibid s 6.

⁴² *Child Protection (Working With Children) Act 2012* (NSW) – accessed via <https://www.legislation.nsw.gov.au/#/view/act/2012/51>.

⁴³ Ibid Schedule 2; See also <https://www.kidsguardian.nsw.gov.au/ArticleDocuments/191/Schedule2offences.pdf.aspx?>

⁴⁴ It is of course also possible to NOT be on the CPR and still be unable to get a WWCC

(2) The Children's Guardian must grant a clearance to a person who is subject to a risk assessment under Division 3 unless the Children's Guardian is satisfied that the person poses a risk to the safety of children.

(3) The Children's Guardian must grant a clearance to a person if it is satisfied that the person is not a disqualified person and the person is not subject to a risk assessment under Division 3.

Other matters that can trigger a risk assessment are set out here:

https://www.kidsguardian.nsw.gov.au/ArticleDocuments/191/FS14_Assessmentrequirementtriggerschedule1_Feb2018.pdf.aspx?Embed=Y

It is worth noting that this includes any outcome of proceedings for any s 13 offence under the *Crimes (Domestic and Personal Violence) Act* (NSW) of stalking or intimidation (where the victim is under 18)⁴⁵ and any conviction for a common assault (where victim under 18).⁴⁶

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March 2020

⁴⁵ *Child Protection (Working with Children) Act 2012 No 51* (NSW) Schedule 1, ss (2)(f).

⁴⁶ *Ibid* Schedule 1, ss (4).

CHILD PROTECTION (OFFENDERS REGISTRATION) ACT 2000
NOTICE ISSUED TO REGISTRABLE PERSON

1. Notice of registrable person status

This Notice is given to you, [redacted] because a court has sentenced you in respect of a registrable offence/s and you are a registrable person within the meaning of the Child Protection (Offenders Registration) Act 2000.

OR

A court has made a Child Protection Registration Order against you requiring you to comply with the reporting obligations of a registrable person within the meaning of the Child Protection (Offenders Registration) Act 2000.

2. What does this mean?

This page and the following 6 pages of information tell you how this affects you. In brief, you:

- must go to a police station in the area you live, by the date at the acknowledgment below (within 7 days after sentence or release from custody), and give police information about your name, address, employment and vehicle registration as well as details in regards to children you may have contact with;
- must also give police a photo of your face and other documents to prove your identity;
- must attend at a police station to report your personal information each year and continue to do so each year;
- must report any changes to your personal information;
- must inform the police of your intention and/or plans to travel interstate for more than 14 days, or overseas for any period of time;
- may be charged with a criminal offence if you do not do the above things, for which you can be fined \$55,000 (500 penalty units) or sentenced to five years imprisonment, or both (see Part 14 of this Notice).

In addition the Notice tells you:

- who to ring to arrange a private appointment at the police station;
- that you may take a support person with you to the police station; and
- about the special arrangements that may apply to you if you are under 18 or have special needs.
- that a receipt acknowledging the changes you make to your personal details is required. This will be provided to you on a Form 4 'Acknowledgment Form' pursuant to Section 12C of the Child Protection (Offenders Registration) Act 2000.

It is important that you read this information and understand it, or have someone explain it to you such as your lawyer, your Community Corrections officer, or a police officer.

ACKNOWLEDGMENT OF NOTIFICATION

I acknowledge that I have been given this Notice and am required to attend a police station by no later than: [redacted]
To be completed by registrable person
1. NAME OF REGISTRABLE PERSON [redacted]
2. SIGNATURE OF REGISTRABLE PERSON [redacted]
To be completed by notifier
1. NAME OF NOTIFIER [redacted]
2. SERIAL NUMBER/REGO NUMBER [redacted]
3. SIGNATURE OF NOTIFIER [redacted]
4. RANK & COMMAND [redacted]
5. PLACE & DATE OF NOTIFICATION [redacted]
TICK THIS BOX IF THE REGISTRABLE PERSON HAS BEEN DULY NOTIFIED BUT REFUSES TO SIGN THIS NOTICE ()
TICK THIS BOX IF THE REGISTRABLE PERSON HAS NOT BEEN GIVEN THIS NOTICE ()

Officer to send completed original acknowledgment (7 pages) to the Child Protection Register immediately after notification and file copy.

3. Notice of reporting period

You must report to a police station, in the manner set out below, for the period of time required, of which you will be notified (your "reporting period").

Your reporting period will be extended by the length of any time you are held in custody during that period.

If you are sentenced for a further registrable offence your reporting period may be increased and will restart from the date of your sentence or your release from custody, whichever is later. The period for which a registrable person's reporting obligations continue is extended by any countable period during which the person is in breach of the person's reporting obligations. A *countable period* occurs when a person fails to make an initial report, or an annual report, within one month after the day on which the report was due to be made.

4. You must go to a police station

You must, by the date specified in the acknowledgment on page 1 of this Notice, report to a police station in the area you are living in at that time.

At the police station, you must give police certain information (see Parts 5 and 6 of this Notice). When you do this, you can insist that police make sure there are no members of the public present. You can also ask any person you want to come with you to the police station to offer you support.

Before you go to a police station in accordance with this Notice, you should phone the Crime Manager responsible for the police station or their delegate to arrange a private appointment. This will mean you will not have to tell anybody else at the police station why you are there.

There are certain circumstances where people who live in remote locations may report in ways other than attending a police station. You should discuss this with the Crime Manager (or delegate) at the police station nearest to where you live. To contact the Crime Manager (or delegate) you can phone 9281 0000 (NSW Police Force switch) and ask for the name and phone number of the Crime Manager responsible for the police station you will go to.

5. You must bring certain documents

When you go to the police station, you must bring:

- (a) a current driver photo licence issued in Australia; and
- (b) all current passports (Australian and overseas) in your name.

If you do not have a current driver photo licence or passport you must bring at least two of the following original documents:

- (1) a full birth certificate;
- (2) an Australian passport or Document of Identity issued by the Australian Passport Office that has been expired for less than two years;
- (3) an Australian naturalisation or citizenship document, or immigration papers issued by the Commonwealth Department of Immigration and Border Protection;
- (4) a current Medicare card, Pensioner Concession Card, Department of Veterans' Affairs entitlement card or any other current entitlement card issued by the Commonwealth or New South Wales Government;
- (5) a current credit card, or account from a bank, building society or credit union, or a passbook or account statement up to one year old;
- (6) a telephone, gas or electricity bill up to one year old;
- (7) a water rates notice, council rates or land valuation notice up to two years old;
- (8) an electoral enrolment card or other evidence of enrolment up to two years old;
- (9) a current student identity card, or a certificate or statement of enrolment up to two years old from an educational institution.

If you cannot bring the documents required, then police may confirm your identity by taking your fingerprints when you are at the police station. For registration and identification purposes, police have the power to take fingerprints, photographs and a DNA sample and retain said fingerprints, photographs and DNA sample.

In relation to the DNA sample, a police officer may ask you to consent to the carrying out of a forensic procedure to provide a DNA sample. The sample will be placed on the Offender's Index of the DNA database. You will not have to provide a sample if there is already one on the Offender's Index. The sample can be provided with informed consent, by order of a senior police officer or by a court order. Failing to comply with a court order is an offence that carries a maximum penalty of 12 months imprisonment or a fine of \$5500 (50 penalty units), or both.

6. You must tell police certain personal information

At the police station, you must give your photo and documents to a police officer and tell him/her:

- (a) your name, and any other name by which you are or have been known. In respect of each name other than your current name, the period during which you were known by that name.
 - (b) your date of birth.
 - (c) the address of each place you live at for at least 14 days (whether consecutive or not) in any 12 month period. If you do not live at any particular place for at least 14 days in any 12 month period, you must tell police the localities in which you may generally be found.
 - (d) localities include details that are sufficient to identify the places where you sleep on a regular basis (for example, the name and address of any refuge, shelter or other similar premises, or any other specific place such as a park, beach, where you sleep on a regular basis). (Regular basis means more than once in any period of 14 days).
 - (e) whether or not you hold a current Australian passport or overseas passport, and
If you hold such a passport:
 - i. issuing authority, or issuing country, of the passport, and
 - ii. the name in which the passport is issued, and
 - iii. the passport number, and
 - iv. the date of issue and date of expiry of the passport.
 - (f) the name and date of birth of each child who generally resides in the same household in which you generally reside. A child does not generally reside in the same household as you unless they reside with you for at least 3 days (whether consecutive or not) in any period of 12 months. A child means any person who is under the age of 18 years.
 - (g) the names, dates of birth and address of any children (or other means of contacting each child) with whom you have contact, but only if the contact is
 - i. supervising or caring for the child, or
 - ii. visiting or staying at a household where the child is present, or
 - iii. exchanging contact details with the child (including providing the person's contact details to the child), or
 - iv. attempting to befriend the child.
 - (h) contact with a child, includes you having:
 - i. physical contact with the child (including by touching the child or being in very close physical proximity to the child), or
 - ii. oral communication with the child (including communication that takes place in person, by telephone or by electronic means such as via the internet), or
 - iii. written communication with the child (including communication that takes place by mail, by telephone or by electronic means such as email).
 - (i) if you are a worker:
 - i. the nature of the person's work, and
 - ii. the name of the person's employer (if any), and
 - iii. the address of each of the places you are employed at for 14 or more days (whether consecutive or not) in any 12 month period.
 - iv. if you are not employed at any particular place for 14 or more days (whether consecutive or not) in any 12 month period, you must tell police the localities in which you are generally employed.
- worker means any person who is engaged in work in any of the following capacities:
- i. as an employee,
 - ii. as a self-employed person or as a contractor or subcontractor,
 - iii. as a volunteer,
 - iv. as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience),
 - v. as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.

As a registrable person, you are also a *disqualified person* within the meaning of the *Child Protection (Working with Children) Act 2012*. This means that you may be committing a criminal offence if you apply for, or undertake, or remain in child-related work. Child-related work means paid, unpaid or self employment where one of the essential duties of your position involves direct and/or unsupervised contact with children, and also you work in a child-related role. You should talk to your lawyer if you want to know more about the *Child Protection (Working with Children) Act 2012*.

- (j) details of your affiliation with any club or organisation that has child membership or child participation in its activities.
- (k) the make, model, colour and registration number of any motor vehicle owned or hired by, or generally driven by you.
- (l) details of:
 - i. any carriage service (within the meaning of the *Telecommunications Act 1997 of the Commonwealth*) used, or intended to be used, by you including any phone numbers used, or intended to be used, by you,
 - ii. any internet service provider or provider of a carriage service (within the meaning of the *Telecommunications Act 1997 of the Commonwealth*) used, or intended to be used, by you,
 - iii. the type of any internet connection used, or intended to be used, by you, including whether the connection is a wireless, broadband, ADSL or dial-up connection,
 - iv. any email addresses, internet user names, instant messaging user names, chat room user names or any other user name or identity used, or intended to be used, by you, through the internet or other electronic communication service.
- (m) details of any tattoos or permanent distinguishing marks that you have (including details of any tattoo or mark that has been removed).
- (n) whether you have been found guilty in any foreign jurisdiction of a registrable offence or of an offence that required you to report to a corresponding registrar or been subject to a corresponding Child Protection Registration Order and, if so, where that finding occurred and that order was made.
- (o) details of reason for travelling, frequency and destinations if you leave or intend to leave NSW to travel elsewhere in Australia on an average of at least once a month (irrespective of the length of any such absence).
- (p) if you have been in government custody since you were sentenced or released from government custody (as the case may be) in respect of a registrable offence or corresponding registrable offence, details of when or where that government custody occurred.

IT IS IMPORTANT THAT YOU READ THIS INFORMATION AND UNDERSTAND IT, OR HAVE IT EXPLAINED TO YOU BY THE POLICE OFFICER (OR ANY OTHER SUITABLE PERSON).

7. IMPORTANT - What to do if the above information changes

It is important that you phone the Crime Manager (or delegate) responsible for the Local Area Command within which you reside before you report to the station.

You must report the following to police during your reporting period either **in person** or by way of a **telephone call** to the Crime Manager responsible for the police station within the location you reside:

- (a) If information relating to 6(f) changes you must report change within 24 hours after the change occurs (**by telephone or in person**);
- (b) If your residential details or location that you generally reside is going to change, you must report such change **ONLY IN PERSON** 14 days prior to the change occurring (unless there is an emergency or other exceptional circumstances that make it impracticable for you to report the intended change, but not more than 3 days after the change occurs);
- (c) A change to information in Part 6(m) regarding tattoos or distinguishing marks must be reported **ONLY IN PERSON**.
- (d) If any other personal information required in Part 6 changes you must report such changes within 7 days of the change, (**by telephone or in person**).
- (e) If any of your personal information changes whilst you are not in NSW, you must report the change within 7 days after entering and remaining in NSW for 14 or more consecutive days, (**by telephone or in person**).
- (f) If you are in government custody for **14 or more consecutive days** you must report your personal information **within 7 days** after you stop being in government custody; or before leaving NSW whichever is the sooner, (**by telephone or in person**).

8. If you leave New South Wales

If, during your reporting period you are planning to go to another Australian State or Territory for 14 or more consecutive days, or you are planning to go overseas for any period of time, you must, **at least 7 days before leaving NSW, go to a police station in the area you are residing and tell the Crime Manager (or delegate):**

- (a) each State, Territory or country you plan to go to;
- (b) the approximate dates you plan to be in each State, Territory or country;
- (c) each address or location within each State, Territory or country which you intend to reside and approximate dates during which you intend to reside at those addresses and locations; and
- (d) the approximate date you plan to return to New South Wales;
- (e) if you intend not to return to NSW you must provide a statement to police of that intention.

If you leave NSW, the Australian Federal Police will be notified of your travel overseas. Foreign Law Enforcement officials may also be notified of your travel. Foreign countries may refuse your entry.

If you have left NSW and decide to stay elsewhere in Australia beyond 13 days, or you decide to change your plans and go interstate for 14 consecutive days or go overseas for any period of time, you must report the changed details to police as soon as practicable after making the decision, including those details as they are related to travel that has already been completed.

If you travel elsewhere in Australia you are required to contact the Registrar in that State or Territory, to which you intend to travel, within the timeframe outlined in the table below.

State	Time spent in jurisdiction	Timeframe to contact jurisdiction	Contact
Australian Capital Territory	7 days or more	Within 14 days of arrival	1800 031 722
New South Wales	14 days or more	Within 21 days of arrival	Report to local police
Northern Territory	14 days or more	Within 7 days of arrival	(08) 8922 1560
Queensland	7 days or more	Within 14 days of arrival	1300 552 931
South Australia	7 days or more	Within 14 days of arrival	1800 766 255
Tasmania	14 days or more	Within 7 days of arrival	(03) 6173 2371
Victoria	14 days or more	Within 21 days of arrival	(03) 9247 5839
Western Australia	14 days or more	Within 7 days of arrival	1800 300 400

If, during your reporting period, you decide to travel outside Australia for a period of one month or more or become resident outside Australia and you are not required to report under any corresponding Act, then your reporting period in NSW will be extended by the length of time you are outside NSW.

When you return to NSW, you must report your return to police within 7 days after entering and remaining for 14 or more consecutive days. If you have decided not to leave NSW you must report the change of intention to the police within 7 days of deciding not to leave.

If at the time you report your intention to leave NSW to travel elsewhere in Australia on average of at least once a month, for any period of time, you must report to police the reason for travelling, where you are travelling to, and how long you will be travelling.

Please phone the Crime Manager (or delegate) responsible for the Local Area Command within which you reside, before you report to the station.

You are not required to report to New South Wales Police for the period of time you are outside New South Wales.

9. Applying to change your name

You must first obtain written approval of the Commissioner of Police, before you or someone on your behalf applies to register a change of your name in NSW or any other State or Territory in Australia. If you do not obtain this approval then you may be arrested and charged with an offence that carries a maximum penalty of five years imprisonment or a fine of \$55,000 (500 penalty units), or both. The Commissioner of Police may approve a change of name application if satisfied that the change is necessary and reasonable.

10. Special reporting arrangements if you are under 18, or if you are a person with a special needs that makes it impracticable to give police information in person.

If you are under 18 or have a special need that makes it impracticable to give police the required information in person, you may wish to give a copy of this Notice to your parent, guardian, carer or any other person of your choosing. Your parent, guardian, carer or person of your choosing can give police the information required in Parts 5, 6, 7 and 8 of this Notice on your behalf. Your parent, guardian, carer or person of your choosing will be required to bring to the police station the documents required at Part 5 of this Notice to prove who they are.

11. Additional information for persons who are required to report to police for the rest of their life

You may apply to the Administrative Decisions Tribunal for an order suspending your reporting obligations, if your reporting period is the remainder of your life and;

- (a) a period of 15 years has passed (ignoring any period during which you were in government custody) since you were last sentenced or released from government custody in respect of a registrable offence or a corresponding registrable offence, whichever is later, and
- (b) you did not have a life-long reporting period under foreign legislation, or the legislation of the other States and Territories of Australia before becoming the subject of such a period in NSW, and
- (c) you are not subject to parole or licence in respect of a registrable offence (whether in NSW, any other State or Territory, or outside Australia).

12. Appeals

You may stop being a registrable person if you successfully appeal your conviction(s) for a registrable offence. Your lawyer may give you advice about this.

13. Section 16C of the *Child Protection (Offenders Registration) Act 2000*

One or more police officers may, without prior notice, enter and inspect any residential premises of a registrable person for the purpose of verifying any relevant personal information reported by the registrable person (Part 6 of this Notice). Your obligations under Section 16C of the *Child Protection (Offenders Registration) Act 2000* are part of your ongoing reporting obligations.

Note. Section 201 of the *Law Enforcement (Powers and Responsibilities) Act 2002* applies in respect of any such entry (see, particularly, Section 201 (1) (c) of that Act).

It is an offence for a registrable person to refuse entry and inspection to their residential premise and/or for not co-operating with any reasonable direction from police. If you fail to comply you may be arrested and charged with an offence that carries a maximum penalty of five years imprisonment or a fine of \$55,000 (500 penalty units), or both.

14. Failure to comply with this Notice or your reporting obligations

If you fail to comply with any of your reporting obligations without reasonable excuse, then you may be arrested and charged with an offence that carries a maximum penalty of five years imprisonment or a fine of \$55,000 (500 penalty units), or both.

Police are able to check other sources to see if the information you have provided is correct and up to date. If you furnish information that you know to be false or misleading, you may also be arrested and charged with an offence that carries a maximum penalty of five years imprisonment or a fine of \$55,000 (500 penalty units), or both.

15. What to do if you do not understand or wish to query anything in this Notice

If you do not understand what you must do to comply with this Notice, then you should talk to your lawyer or write to the NSW Police Force Child Protection Register seeking further advice.

If you believe there has been a mistake in identifying you as a registrable person or in calculating your reporting period, or you have successfully appealed a conviction for a registrable offence, you should write to the NSW Police Force Child Protection Register and ask them to review your case.

Letters may be emailed to the Child Protection Register on cpr@police.nsw.gov.au or faxed to (02) 8835 8677 or alternatively mailed to:

CHILD PROTECTION REGISTER
LOCKED BAG NO. 5102
PARRAMATTA NSW 2150

New South Wales Police Force
CHILD PROTECTION REGISTER
ACKNOWLEDGEMENT FORM PURSUANT TO SECTION 12C OF THE CHILD
PROTECTION (OFFENDERS REGISTRATION) ACT 2000

I, [REDACTED] have reported relevant personal information as required under the *Child Protection (Offenders Registration) Act 2000*. The information I have reported appears in the preceding pages headed Form 4. I confirm that I have sighted that information and that the information has been explained to me by the Crime Manager or authorised person and that the information is true and correct. It has been explained to me that it is an offence to provide information that I know is false or misleading information in a material particular.

It has been explained to me and I understand that I am required to report to the Crime Manager or delegated person any change in the relevant personal information I have reported.

I understand that I am required to report relevant personal information to police annually after initial registration.

I have been informed that my reporting period will continue for a period of **7 years and 40 days**. However, It has been explained to me and I understand that my reporting period is likely to be extended by any period I am in custody, if I am found guilty of another registrable offence, or if details of further offences for which I have been found guilty come to light. I have been informed that I will be told of future changes to my reporting period.

I understand that due to me being a registrable person in NSW if I move interstate I may be required to register my details with that other state/territory and adhere to the reporting requirements of that state/territory.

Attached is a copy of the agreement made with me and the Commissioner (or delegated officer) as to the manner in which any reference number or acknowledgement may be given (delete if not applicable)

Reference Number:(delete if not applicable)

I have received a copy of the information I have reported to police.

SIGNED [REDACTED]
 REGISTRABLE PERSON

SIGNED [REDACTED]
 CARER/PARENT/GUARDIAN/SUPPORT PERSON

DATE: 28/07/18

TIME: 4:45

LOCATION WHERE REPORT MADE: [REDACTED]

SIGNED [REDACTED]
 CRIME MANAGER OR DELEGATED PERSON

NAME AND RANK

New South Wales Police Force
CHILD PROTECTION REGISTER
ACKNOWLEDGEMENT FORM PURSUANT TO SECTION 12C OF THE CHILD
PROTECTION (OFFENDERS REGISTRATION) ACT 2000

OFFENDER DETAILS

Name : [REDACTED] CNI No : [REDACTED]
D.O.B : [REDACTED] Licence No : [REDACTED]
Sex : M Licence State : NSW
Passport No. : [REDACTED] Expiry Date : [REDACTED]
Country of Issue : AUSTRALIA

ADDRESS DETAILS

Primary Resid : [REDACTED] Date From : 13/03/2018 Valid Days : MTWTFSS
Mobile : [REDACTED] (DAD) [REDACTED]
 : [REDACTED] (BRO) [REDACTED]
 : [REDACTED] (MUM) [REDACTED]
Employment Addr : [REDACTED] Date From : 11/07/2018 Valid Days : MTWTFSS

OCCUPATION DETAILS

Occupation/Skills : Student

PHYSICAL FEATURES

Feature : Scar
Major/Minor Body Part : [REDACTED]
Description : [REDACTED]

VEHICLE DETAILS

User : [REDACTED] Date From : 17/04/2018 Valid Days : MTWTFSS
Vehicle Type : Motor Vehicle
Rego/Plate No. : [REDACTED] State Reg : NSW
Make : [REDACTED] Colour 1 : Blue
Model : [REDACTED] Colour 2 :
Body Type : [REDACTED] Year Manuf : 2002

New South Wales Police Force
CHILD PROTECTION REGISTER
ACKNOWLEDGEMENT FORM PURSUANT TO SECTION 12C OF THE CHILD
PROTECTION (OFFENDERS REGISTRATION) ACT 2000

CHILD DETAILS

Relationship : Brother
Name : [REDACTED]
Cni No : [REDACTED]
D.O.B. : [REDACTED]
Sex : M
Primary Resid : [REDACTED]
Date From : 13/03/2018
Valid Days : MTWTFSS

Relationship : Friend
Name : [REDACTED]
Cni No : [REDACTED]
D.O.B. : [REDACTED]
Sex : M
Primary Resid : [REDACTED]
Date From : 10/07/2018
Valid Days : MTWTFSS

EMPLOYER DETAILS

Employer Name : [REDACTED]
Date From : 11/07/2018
Valid Days : MTWTFSS

INTERNET REGISTRATION DETAILS

ISP RELATED INFORMATION

Internet Provider Name : TELSTRA BROADBAND CABLE
Connection Type : CABLE MODEM
Account Name : [REDACTED]
Email Addresses Used : [REDACTED]
Date From : 01/01/2014

Internet Provider Name : APPLE IPHONE - APPLE ICLOUD ACCOUNT (OPTUS)
Connection Type : OTHERS
Account Name : [REDACTED]
Email Addresses Used : [REDACTED]

Internet Provider Name : GMAIL
Connection Type : OTHERS
Account Name : [REDACTED]
Email Addresses Used : [REDACTED]
Date From : 28/07/2018

FREE TO AIR SERVICES

No details provided

VOICE OVER INTERNET INFORMATION

No details provided

New South Wales Police Force
CHILD PROTECTION REGISTER
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CHAT ROOM INFORMATION

No details provided

INSTANT MESSAGING INFORMATION

No details provided

SOCIAL NETWORKING SITE INFORMATION

		Date From
Service Provider Name	: OPTUS	01/01/2014
Networking Application	: FACEBOOK	
Email Address to access	: [REDACTED]	
Online ID	: [REDACTED]	
Service Provider Name	: OPTUS	01/01/2014
Networking Application	: SNAPCHAT	
Email Address to access	: [REDACTED]	
Online ID	: [REDACTED]	
Service Provider Name	: OPTUS	01/01/2014
Networking Application	: FACEBOOK MESSENGER	
Email Address to access	: [REDACTED]	
Online ID	: [REDACTED]	
Service Provider Name	: OPTUS	01/01/2014
Networking Application	: INSTAGRAM	
Email Address to access	: [REDACTED]	
Online ID	: [REDACTED]	
Service Provider Name	: TWITCH TV	01/05/2018
Networking Application	: OTHERS	
Email Address to access	: N/A	
Online ID	: [REDACTED]	
Service Provider Name	: PS4	01/01/2013
Networking Application	: OTHERS	
Email Address to access	: [REDACTED]	
Online ID	: [REDACTED]	
Service Provider Name	: EBAY	25/07/2018
Networking Application	: OTHERS	
Email Address to access	: [REDACTED]	
Online ID	: [REDACTED]	
Service Provider Name	: YOUTUBE	28/07/2018
Networking Application	: YOUTUBE	
Email Address to access	: [REDACTED]	
Online ID	: [REDACTED]	



New South Wales Police Force
CHILD PROTECTION REGISTER
ACKNOWLEDGEMENT FORM PURSUANT TO SECTION 12C OF THE CHILD
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AFFILIATIONS WITH CLUBS/ORGANISATIONS

(Must have child membership or participation)

Club/Organisation	Date From	Valid Days
[REDACTED]	13/03/2018	MTWTFSS
[REDACTED]		
[REDACTED]		
[REDACTED]		
Club/Organisation : [REDACTED] Leisure Centre	13/03/2018	MTWTFSS
[REDACTED]		
[REDACTED]		
Club/Organisation : [REDACTED] Heigh School	13/03/2018	MTWTFSS
[REDACTED]		
[REDACTED]		
[REDACTED]		
Club/Organisation : [REDACTED] Community Centre	01/01/2014	-T-----
[REDACTED]		
Club/Organisation : [REDACTED] Tafe College	16/07/2018	MTWTF--
[REDACTED]		
[REDACTED]		

OFFENDER STATED DETAILS

Date Created: 13/03/2018

Offence : Use carriage service to solicit child pornography Last Government Custody :
Parramatta Children Court 6/3/2018 [REDACTED] 18 Months Probation 33(1)(E)

IMPORTANT NOTE

As a registrable person, you may also be classed as a disqualified person within the meaning of the *Child Protection (Working with Children) Act 2012*. This means that you may be committing a criminal offence if you apply for, undertake, or remain in child-related employment. Child-related employment means paid, unpaid or self-employment where one of the essential duties of the position involves direct or unsupervised contact with children.

ABSENCE FROM NSW DETAILS

No Planned Absences Recorded

Date From Date To



New South Wales Police Force
CHILD PROTECTION REGISTER
ACKNOWLEDGEMENT FORM PURSUANT TO SECTION 12C OF THE CHILD
PROTECTION (OFFENDERS REGISTRATION) ACT 2000

FREQUENT TRAVEL DETAILS

Travel elsewhere in Australia other than NSW on an average of at least once a month (regardless of length of absence)

No Frequent Travel Recorded



Information for reportable offenders

Source – DFAT: <https://www.passports.gov.au/Pages/information-for-reportable-offenders.aspx>

Measures applying from 13 December 2017

I am a reportable offender. Can I travel overseas?

If you:

- are an Australian citizen; and
- are entered on a State or Territory child protection register; and
- have current reporting obligations

it is an offence for you to travel overseas without permission from a competent authority. This offence is punishable by imprisonment for 5 years and/or 300 penalty units.

Additionally, if a competent authority requests the Minister for Foreign Affairs to cancel your passport, refuse to issue you a passport, or demand the surrender of a foreign passport you possess, then the Department of Foreign Affairs and Trade (DFAT) will arrange those actions.

For these purposes, a competent authority is any person who has responsibility for, or powers, functions or duties in relation to, a child protection register under a law of the Commonwealth, a State or a Territory.

I'm not an Australian citizen. Am I affected?

No. These measures only apply to Australian citizens.

I'm on a register, but I wasn't convicted of a child sex offence. Am I affected?

Yes. A small number of people on child protection registers have been included for reasons other than a child sex offence. If you are one of them, these measures apply to you. Like others, you may seek permission from a competent authority to travel overseas.

I have an Australian passport. Will it be cancelled? Can I still use it?

If a competent authority requests that your passport be cancelled, DFAT will arrange this. DFAT will then write to you care of the competent authority to tell you that your passport has been cancelled. In the meantime, it is an offence for you to attempt to depart Australia without permission, even if you still have a valid passport.

How do I know if a competent authority has asked DFAT to deny me a passport?

If you want to confirm whether a request has been made, you will need to ask the competent authority responsible for your reporting obligations.

A competent authority has decided I can keep my passport. Am I free to travel?

It is an offence to attempt to depart Australia without permission, even if a competent authority decides not to request that your passport be cancelled.

If I go to the airport to travel, and my passport is still valid, what will happen?

It is a Commonwealth offence for you to attempt to depart Australia without permission, even if you still have a valid passport. If you make any such attempt, your passport may be seized, and you may be detained and prosecuted.

I'm an Australian dual national and I have a foreign passport. Can I use it?

If a competent authority makes a request to DFAT, you will be ordered to surrender your foreign passport. Even if you are not ordered to surrender your foreign passport, it will be a Commonwealth offence for you to attempt to use it to depart Australia without permission.

How do I get permission to travel?

By approaching the relevant competent authority in your State or Territory. Be aware that competent authorities will only grant permission in exceptional circumstances.

Do not contact DFAT to request permission to travel. Only competent authorities can grant such permission. DFAT acts on the basis of those decisions. It has no authority of its own to grant permission for you to leave Australia.

How do I find out who my competent authority is?

Contact the officer or authority to whom you report as part of your reporting obligations.

I have permission to travel. Do I need a new passport?

If you have permission to travel, and if your passport has not been cancelled, then you do not need a new passport.

If your passport has been cancelled, it cannot be reactivated. If you try to use a cancelled passport, it will be impounded at the border and you will not be able to travel. You will need to apply for a new passport. You will not be entitled to any waiver or reduction of the usual application fee.

You can check if your passport is still valid, and ensure it has not been cancelled without your knowing, by phoning 131 232. You will not need to identify yourself as a reportable offender.

How do I get permission to apply for a new passport?

If a competent authority gives you permission to travel, it will record this in your entry in the Australian National Child Offender Register (ANCOR). Specialised staff in DFAT will see this and will process any passport application accordingly. You do not need any separate or additional permission to obtain a passport.

Do not contact DFAT to request permission to travel. Only competent authorities can grant such permission. DFAT acts on the basis of those decisions. It has no authority of its own to grant permission for you to leave Australia.

How do I apply for a passport?

If you have permission to travel, you should apply for a passport in the usual way. When submitting your application, you do not need to identify yourself as a reportable offender to Australian Post or passport office staff. You do not need to submit any documentation as evidence of your permission to travel – the only evidence DFAT will act on is an updated ANCOR entry.

What if the competent authority doesn't tell DFAT?

If you apply for a passport, but a competent authority hasn't told DFAT that you have permission to travel, DFAT will write to you at the address in your application to tell you so. DFAT will not contact the competent authority on your behalf. It will be up to you to arrange with the competent authority for it to advise DFAT via ANCOR, within 28 days from the date on the letter from DFAT, that you have permission to travel. If it does not do this, your passport application will be administratively withdrawn after the 28-day period. You will not be entitled to a refund of your application fee.

How far in advance should I seek permission to travel?

You should allow plenty of time. To allow for any visa applications you may need to make, DFAT will issue a passport up to three months prior to the date on which your permitted travel commences.

How long will it take me to get a passport?

If a competent authority has advised DFAT via ANCOR that you have permission to travel, and if the commencement date of that travel is no more than three months in the future, then your passport application will be processed in line with DFAT's usual service standards.

If the commencement date for your permitted travel is more than three months in the future, DFAT will hold your application until the three month period commences. If you have applied for priority service, you will not be refunded the priority service fee.

What if it's an emergency?

If you need to travel urgently, and you have permission from a competent authority, you can apply for priority processing of your passport application in the usual way. If all the other conditions for a passport are satisfied, DFAT will issue a passport within two business days of receiving everything we need from you. This does not take into account transit times for applications lodged at Australia Post or for passports delivered by mail.

Can I apply for a passport in anticipation of getting permission to travel?

Yes, but if a competent authority does not, within 28 days after you submit your application, provide DFAT with advice via ANCOR that you have permission to travel, then your passport application will be administratively withdrawn, and you will not be refunded the application fee.

Can I use my new passport before my permission to travel commences?

No. You will have to wait until the period covered by your travel permission commences. It is a Commonwealth offence for you to attempt to depart Australia without permission, even if you have a valid passport.

For how long will my passport be valid?

Your passport will be valid until the end of the period when you are permitted to travel, plus an additional six months to take account of the requirement of many countries that all visitor passports be valid for at least six months from when the visitor intends to leave that country.

Will overseas authorities be advised of my international travel?

In accordance with its role and function, the Australian Federal Police (AFP) will notify relevant overseas law enforcement authorities of your proposed and actual travel.

Overseas law enforcement authorities may take action in accordance with their own laws and policies. This may result in refusal or denial of entry to that country. The AFP, DFAT and other government agencies accept no responsibility for any such action which may occur, or any financial loss which may result, from any refusal or denial of entry to any country.

Should I declare my status as a reportable offender when applying for a visa?

Foreign countries have a range of different entry arrangements, including visa-free, visa-waiver and electronic visa programs. You should enquire with the Embassy or Consulate of your intended destination about its requirements, and how your status as a reportable offender affects your eligibility for entry. Failing to declare information when required by a law of a foreign country may be an offence in that country and may result in criminal prosecution, denial of a visa, or denial of entry.

I've finished my overseas travel but my passport is still valid. Can I use it again?

Only if you still have permission to travel. It is a Commonwealth offence for you to attempt to depart Australia without permission, even if you have a valid passport.

I'm overseas. What will happen to me?

If a competent authority requests that your passport be cancelled, then DFAT will arrange this, regardless of your location. DFAT will then write to you care of the competent authority to let you know that your passport has been cancelled.

If you want to confirm whether a request has been made, you will need to ask the competent authority responsible for your reporting obligations. If you are unsure of your passport's current

status, you can check it by phoning 131 232. You will not need to identify yourself as a reportable offender.

If you are overseas, and your passport has been cancelled, and you need a new travel document to return to Australia, you should apply for a passport or travel document at an Australian Embassy, High Commission or Consulate in the usual way. You will receive a limited-validity document valid for one-way travel to Australia. It will be impounded at the border when you arrive in Australia. You do not need any permission from a competent authority in order to receive this travel document.

If I'm overseas when the measures commence, have I broken the law?

No. If you left Australia before the measures commenced then you will not have broken the law.

What happens when my reporting responsibilities end?

When your reporting responsibilities end, it will no longer be an offence for you to attempt to depart Australia without permission.

If your passport was not cancelled, then you do not need a new passport.

If your passport was cancelled, you cannot use it again. Whenever any Australian passport is cancelled, it cannot be reactivated. If you try to use a cancelled passport, it will be impounded at the border and you will not be able to travel. You will need to apply for a new passport in the usual way. You will not be entitled to any waiver or reduction of the usual application fee.

When do these measures commence?

13 December 2017

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Registrable Person Overseas Travel Application Form:

It is a Commonwealth offence for you to depart or attempt to depart Australia without permission, even if you still have a valid passport and even if a Competent Authority has decided not to request that your passport be cancelled.

Penalty: Imprisonment for 5 years and/or a \$63,000 fine (S. 271A.1 Criminal Code Act 2005 (Commonwealth))

If you do not have sufficient space below to answer any question, please attach additional details

SECTION A	For completion by the Registrable Person
SECTION B	For completion by the Competent Authority

SECTION A: FOR COMPLETION BY THE REGISTRABLE PERSON				
First Name				
Middle Names				
Surname				
D.O.B				
Other names or alias names you have been known by	1.	2.		
	3.	4.		
	5.	6.		
	7.	8.		
Current Residential Address				
Contact Phone				
Contact Email				
Passports held by you	Passport Number	Expires	Foreign?	Country of Issue
			<input type="checkbox"/>	
			<input type="checkbox"/>	
TRAVEL DETAILS				
Date Proposed departure from Australia				
Date Proposed return to Australia				
Flight/transportation details (you must attach your itinerary, tickets, receipts or any other documentation to confirm your intended travel arrangements)				

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<p>Documents provided as proof of travel reason</p> <p>Examples of documents include:</p> <ul style="list-style-type: none"> • Travel insurance • Medical Reports • Embassy or consulate correspondence • Invitations • Employment documents (FIFO) – letter from employer • Death Notice • Religious document • Hospital booking documents • Doctors Certificates • Any other relevant documentation 											
<p>Details (Full name, DOB, relationship to you, their passport number) of all persons travelling with you:</p>	<p>1. Travelling Companion Details</p>										
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Surname</td> <td></td> </tr> <tr> <td>First Name</td> <td></td> </tr> <tr> <td>D.O.B</td> <td></td> </tr> <tr> <td>Passport Number</td> <td></td> </tr> <tr> <td>Relationship to you</td> <td></td> </tr> </table>	Surname		First Name		D.O.B		Passport Number		Relationship to you	
	Surname										
	First Name										
	D.O.B										
	Passport Number										
	Relationship to you										
	<p>2. Travelling Companion Details</p>										
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Surname</td> <td></td> </tr> <tr> <td>First Name</td> <td></td> </tr> <tr> <td>D.O.B</td> <td></td> </tr> <tr> <td>Passport Number</td> <td></td> </tr> <tr> <td>Relationship to you</td> <td></td> </tr> </table>	Surname		First Name		D.O.B		Passport Number		Relationship to you	
	Surname										
	First Name										
D.O.B											
Passport Number											
Relationship to you											

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DESTINATION DETAILS		
List ALL countries and locations within each country that you intend to visit during this travel (attach additional details if insufficient space):		
1. Country		
Address		
Intended Dates	From:	
	To:	
Are there children residing at this location?		
2. Country		
Address		
Intended Dates	From:	
	To:	
Are there children residing at this location?		
CHILD DETAILS		
Surname		
First Name		
D.O.B		
Gender:		
Address		
Relationship to you		
Is the parent/guardian aware of your status as an RP?	PLEASE CIRCLE YOUR RESPONSE BELOW	
	Yes	No
Details of any care or supervision that you will provide to this child:		

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REASONS FOR TRAVEL

You need to provide NSW Police Force with a detailed reason, including any extenuating circumstances, relating to your request for permission to travel.

One or two word explanations such as 'personal', 'professional', 'funeral' or 'work' are **not** sufficient.

You should support this by attaching relevant supporting/evidentiary documentation. You can attach an additional page if there is insufficient space below.

Empty space for providing reasons for travel.

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ADDITIONAL INFORMATION	
1	Are you currently in a relationship (married, defacto, partner)? If yes, what is their name? How long have you been in this relationship? Were you in this relationship at the time of the offence?
2a	Do you have children under the age of 18 yrs. that live with you? Provide names and ages.
2b	Do you have children under the age of 18 yrs. that do <i>not</i> live with you? Provide names, ages and who they live with. How frequently do you have contact?
3	Are you currently employed? Provide details.
4	Who are your primary supports (e.g. family, friends etc)?
5	Do you engage in community support services / programs (e.g. counselling, drug and alcohol programs)?
6	In relation to the sex offences you were charged with, please detail who was the victim/s,

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	<p>their age/s, their relationship to you and the offence behaviour. Also include details of online offences.</p>
7	<p>Have you completed any formal sex offender treatment programs? If so, which ones?</p>
8	<p>What factors do you think contributed to your offending? How will you manage these factors whilst overseas?</p>
9	<p>If you have a travel companion, are they aware you are on the Child Protection Register and the nature of your offences?</p>
10	<p>Will your proposed travel involve any contact (planned or anticipated) with children other than those declared on page 3? Please outline.</p>

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REGISTRABLE PERSON DECLARATION

I understand that:

I am a Registrable Person and must gain written approval from a Competent Authority, NSW Police Force by way of this form before I can attempt to travel overseas. It is a Commonwealth Offence to attempt to depart Australia without permission, even if you still have a valid passport, and even if a Competent Authority has decided not to request that your passport be cancelled.

I declare that:

The information I have provided in this application is true and correct and request to be known by the name stated in this application.

I consent to Competent Authority, NSW Police Force disclosing information in this form and any written approval or refusal for travel to other Competent Authorities.

I hereby declare that I have read and understood the declaration above:

REGISTRABLE PERSON DECLARATION

Surname

First
Name

Signature

Date

WITNESS DETAILS

Surname

First
Name

Signature

Date

Note:

Please be advised that the granting of permission to travel overseas by NSW Police Force does NOT grant you entry into the destination countries you intend to visit. You are advised prior to travelling to make contact with the respective High Commission, Consular Office or Embassy of the countries you intend to travel to determine if you conform to their entry requirements. Your travel movements may be shared with Australian Federal Police (AFP) and foreign law enforcement agencies of the overseas countries you have indicated.

It is the policy of the AFP to notify foreign law enforcement agencies of the intended international travel of Australian Registrable Persons in most instances. More information in relation to the AFP's policy can be found on the AFP website, www.afp.gov.au

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