

Quick Reference - Child Protection Register (CPR)

Child Protection (Offender Registration) Act 2000 NSW ('Act')

WHAT IS THE CHILD PROTECTION REGISTER?

A database managed by NSW Police that records information and collects intelligence about 'registrable persons'.

Registrable persons, within their reporting period, are required to report their personal information annually to NSW Police as well as promptly update police of any changes to their personal information.

Failure to timely report information or report false information carries a maximum penalty of 5 years imprisonment (*Act*, ss 17, 18).

IDENTIFYING RELEVANT CLIENTS IN CRIMINAL MATTERS AT RISK OF BEING REGISTERED

"Automatic" registration

1. They might be sentenced for a Class 1 or Class 2 offence (*Act*, s3(1)) which meets the following general descriptions:
 - a) Your client is charged with an offence of a sexual nature against a child or involving a child
 - b) Your client is charged with a violent offence against a child
 - c) Your client is charged with another serious offence against a child e.g. kidnapping
 - d) Your client is charged with an offence in another jurisdiction that corresponds with (a) – (c) above.

Always refer to the definitions of Class 1 and Class 2 offences

A "child" is a person under 18 years of age for the purpose of the Child Protection Register

NEGOTIATING CRIMINAL MATTERS TO AVOID REGISTRATION OR REPORTING PERIODS

There are two key points to remember when negotiating class 1 and class 2 matters:

1. Can you reduce the charge from Class 1 to Class 2?
2. Can you reduce multiple class 1 charges to a '**single incident**' that is against the same victim within a 24 hour period (this applies to Form 1 NSW and s16BA Cth). By reducing the offending to a single incident, the reporting period will be 8 years instead of 15 years.

ADVICE YOU HAVE TO GIVE CLIENTS BEFORE PLEADING GUILTY TO A REGISTRABLE OFFENCE

International travel is prohibited unless permission from NSW Child Abuse Squad is explicitly granted and it is an offence to leave or attempt to leave Australia without permission.

Reporting obligations are extensive and include all aspects of their life such as employment, car ownership, social media and telecommunication access, interstate travel, change of name, club affiliations such as gymnasiums or RSLs clubs, personal appearance and of course contact with children amongst other personal information (*Act*, s 9).

Your client will be issued with a FORM 3 explaining their reporting obligations.
If they cannot read, invite them to attend a Legal Aid clinic for support or contact the Justice Advocacy Service.

Police can photograph, fingerprint and search residential premises (*Act*, s 16C) however, there is a limit to the number of searches that can be conducted.

Registration will make them eligible for a Child Protection Prohibition Order (CPPO) application being made to the Local Court which can be extremely onerous.
A sentence for failure to comply with reporting obligations, providing false information or failing to comply with a CPPO (if one is made) may render your client eligible for an application under the HRO legislation.

Reporting Period

Offence type	Reporting
Single Class 1	15 years
Single Class 2	8 years

Reporting period (multiple offences)

Multiple Class 2 (Same Incident)	8 years
A Class 1 registrable person committing a subsequent Class 1	Life
A Class 2 registrable person committing a subsequent Class 1	Life
A subsequent Class 2 offence committed by a person who at any time has been found guilty of 3 or more Class 2 offences and at the time of the subsequent class 2 offence was a registrable person for a Class 2 offence	Life
A person sentenced for more than a single registrable offence not covered above	Life

These reporting periods are halved for registrable persons who were **children** at the time of the registrable offence (*Act*, s 14B).

Reporting periods are **suspended** whilst a person is in government custody, travelling overseas for more than 1 month and in some circumstances which they are travelling outside NSW as well as whilst a person is on an interim or final HRO order.

APPEALS

“Manual applications” are appealable however, the decision will not be stayed (e.g. *Act* ss 3D and 3F).

Internal review is available by writing to NSWPF Child Abuse Squad in circumstances which NSWPF have made an error about a persons registrable status or reporting period. If you encounter an error please notify Harriet Ketley, Legal Aid Criminal Law Executive as there is a review being conducted in respect of systemic errors made by NSWPF.

There are specific appeal options available for people who are subject to reporting for life but these are very limited.