



New South Wales

# Child Protection (Offenders Registration) Amendment (Suspended Sentences) Act 2007 No 13

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New South Wales

# **Child Protection (Offenders Registration) Amendment (Suspended Sentences) Act 2007 No 13**

Act No 13, 2007

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An Act to amend the *Child Protection (Offenders Registration) Act 2000* with respect to persons who are subject to suspended sentences of imprisonment. [Assented to 28 June 2007]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Child Protection (Offenders Registration) Amendment (Suspended Sentences) Act 2007*.

**2 Commencement**

This Act commences on the date of assent to this Act.

**3 Amendment of Child Protection (Offenders Registration) Act 2000 No 42**

The *Child Protection (Offenders Registration) Act 2000* is amended as set out in Schedule 1.

**4 Repeal of Act**

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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## Schedule 1 Amendments

(Section 3)

**[1] Section 3 Definitions**

Omit “was serving a term” from paragraph (a) of the definition of *existing controlled person* in section 3 (1).

Insert instead “was subject to a sentence”.

**[2] Section 3 (1), definition of “existing controlled person”**

Omit “or home detention order” from paragraph (a) (i) of the definition.

Insert instead “, home detention order or sentence suspension order”.

**[3] Section 3 (1)**

Insert in alphabetical order:

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

**[4] Section 3A Registrable persons**

Omit “or home detention order” from section 3A (2) (b) (i).

Insert instead “, home detention order or sentence suspension order”.

**[5] Section 4 Notices to be given when persons sentenced for registrable offences**

Insert after section 4 (2):

- (2A) For the avoidance of doubt, it is declared that this section extends to any registrable person whom the court has sentenced to a term of imprisonment even if the term of imprisonment is subject to a sentence suspension order.

**[6] Schedule 2 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Child Protection (Offenders Registration) Amendment (Suspended Sentences) Act 2007*

[7] **Schedule 2, Part 4**

Insert after Part 3 of Schedule 2:

**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*.

[Agreement in principle speech made in Legislative Assembly on 19 June 2007  
Second reading speech made in Legislative Council on 27 June 2007]

BY AUTHORITY