



LEGISLATIVE CHANGES TO THE NSW CHILD PROTECTION REGISTER

Effective 29 September 2025

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The *Child Protection (Offenders Registration) Amendment Act 2024* (**Amendment Act**) will commence by proclamation on 29 September 2025. The Amendment Act makes significant amendments to the *Child Protection (Offenders Registration) Act 2000* (**Act**), which governs the registration of offenders on the NSW Child Protection Register.

This document is intended for general information purposes only and does not purport to summarise all changes made by the Amendment Act. The document highlights key changes brought about by the new legislation and does not replace a thorough reading of the Amendment Act or the Act. Practitioners are encouraged to read the Act and Amendment Act in full.

1. Additional registrable offences

A number of additional offences are now registrable and will attract reporting obligations. Offences remain categorised into Class 1 and Class 2 offences. These are set out in section 2D and Schedules 1A and 1B of the Act.

2. Registrable person orders

A sentencing court is now responsible for making a registrable person order (**RPO**) when sentencing a person for a registrable offence. The RPO must specify the reporting period calculated in accordance with section 3I of the Act. Section 2E allows the court to treat multiple offences as a single offence where appropriate, which may also lead to a reduction in reporting periods. Further, section 3C makes clear that only one RPO must be made for all registrable offences.

Section 3C also sets out when a court must make an RPO. There are different requirements depending on whether the defendant was an adult or child (under 18) when he or she committed the offence.

Adult:

The sentencing court must make an RPO for a defendant who was an adult at the time of the registrable offence where the sentence is anything other than a non-conviction order.

Child:

The sentencing court must make an RPO for a defendant who was a child at the time of the registrable offence whenever:

1. The sentence is anything other than a non-conviction order; and
2. The prosecution requests an RPO be made; and
3. The sentencing court is satisfied the RPO is necessary because the child poses a risk to the lives or sexual safety of one or more children (or of children generally).

This means there is greater discretion provided to the court on whether an RPO should be in place for a defendant who was a child at the time of the offence. In addition, the Commissioner of Police also has discretion to end reporting obligations for a child offender who was sentenced prior to the commencement of the Amendment Act.

Section 3J requires the court to provide the registrable person with:

1. A copy of the order; and
2. Written notice of their reporting obligations and the consequences of failing to comply with their reporting obligations.

The court must also ensure all reasonable steps are taken to verbally explain those obligations in a language that the registrable person can readily understand.

However, notwithstanding this, section 3K introduces a deeming provision, which means that a registrable person is taken to know they are a registrable person, their reporting period and their reporting obligations, as long as they are given a copy of the RPO and written notice of their obligations.

Additionally, while an RPO is not part of the sentence, if the Court makes an incorrect RPO, or fails to make an RPO, the Amendment Act now enables proceedings to be reopened under s 43 of the *Crimes (Sentencing Procedure) Act 1999* (NSW) to correct the error.



3. Reporting obligations for registrable persons

The Amendment Act provides changed and additional reporting obligations for registrable persons.

Initial personal information report:

A registrable person must now give the Commissioner of Police an initial personal information report within five days (previously seven days) of leaving government custody, being sentenced for the registrable offence, or entering and remaining in NSW for 14 or more consecutive days.

Annual report:

The amendments now require that reports are provided in the person's reporting month (generally the month in which the person first gave their initial personal information report), regardless of whether the person has given another report under the Act. The report must include details of any period in government custody in the time since they last reported.

Changes to personal information:

Changes to personal information must now be reported to the Commissioner of Police within five days (previously seven days) of the change occurring. If the change relates to contact with children, the report must now be made **within 24 hours** (see below "Contact with children").

The Amendment Act clarifies that a change in a registrable person's relevant personal information includes when relevant personal information previously included in a report no longer applies (e.g. if the registrable person sells their car or stops working).

Contact with children:

Previously, reports of changes relating to contact with children only had to be made within 24 hours where the change involved children residing with the registrable person. Section 11 has expanded what must be reported within 24 hours to include contact with a child, which may involve the person:

- Supervising or caring for the child;
- Visiting or staying at a household where the child is present;
- Exchanging contact details with the child, including giving their contact details to the child;
- Attempting to befriend the child; or
- Attempting to establish contact or further contact with the child.

The Amendment Act maintains a similar definition of when the registrable person is said to reside with a child, that being staying overnight three or more times in a 12-month period (whether or not consecutively). However, it also now includes households where the child would normally reside (whether they are present or not).

Online communication and gaming:

The Act still requires the registrable person to provide details such as usernames and email addresses used for communication devices and services, including electronic communication. However, the amendments also require that the person provide the names of web-based services used or intended to be used for online communication (except for a web-based service operated by a government agency in Australia, such as Service NSW, or by an authorised deposit-taking institution).

The Amendment Act also creates a new offence under section 19J which prohibits the use of online gaming if it allows for online communication with a child. The maximum penalty for the offence is 500 penalty units or imprisonment for five years or both.

Residence:

The definitions in section 3 now provide that residential premises are where the person resides for seven days (previously 14 days) or more in a 12-month period, regardless of whether they are consecutive days.

Work:

In addition to the previous requirements of providing all addresses/localities where a registrable person works, the Amendment Act also provides that, if the person does not generally work in a specific place, they must instead provide information about how to contact them while they are working. If the person's work takes them to a place where they may reasonably be expected to come into contact with children, the address of that place must also be reported.

Vehicles:

The Amendment Act now defines a vehicle which must be reported as being one which is owned and/or used by a registrable person for 7 days (previously 14 days) or more in a 12 month period (whether or not that is consecutive).

4. New police powers

Section 16C has been amended by now allowing for two annual inspections by police of a reported residential premises each year (previously the section allowed for one in the first four weeks following the initial report, one more in the first year of reporting and one each reporting year following). Further inspections can now also be authorised by a senior police officer at the rank of Superintendent or above if they have a reasonable suspicion that an offence has been committed under the Act and has not previously been dealt with.

The new section 16C also authorises police to enter and inspect relevant vehicles of the registrable person and access information held on electronic devices. Registrable persons must cooperate with police, including by complying with police directions and assisting police to access electronic devices.

Section 16D further provides that these powers must not be exercised in relation to a registrable person under 18 years old unless reasonable steps are taken to have a suitable person present to represent the interests of the young person during the inspection. A suitable person is a person, other than a police officer, who is acceptable to the registrable person and is a parent or guardian of the registrable person, or capable of representing the interests of the registrable person.

5. Reporting by 'corresponding registrable persons'

The Amendment Act mostly maintains the definition of corresponding registrable persons that existed previously. These are essentially persons that enter NSW whilst subject to a requirement in another jurisdiction to report to a register equivalent to the NSW Child Protection Register (whether or not they would be required to be subject to it in NSW or not).

The new section 3M requires corresponding registrable persons who have not given a personal information report to the Commissioner of Police within the previous 12 months to do so within 5 days (previously 7 days) of arriving in NSW and before they leave NSW. There is an exemption for persons who do not stay in NSW for more than 24 hours.

6. Administrative review by NSW Civil and Administrative Tribunal (NCAT) of certain police decisions

Under the new section 24, persons may apply for administrative review by NCAT in relation to some decisions, including the refusal of an application to allow a registrable person to travel outside Australia and the extension of a person's reporting obligations.

7. Transitional provisions

- Existing section 3C orders in force prior to the Amendment Act continue to be in force, as do any orders made subject to the repealed sections 9(1C) – (1E) of the Act.
- An offence that became a registrable offence because of the commencement of Schedule 1A or 1B in the Amendment Act, is taken not to be a registrable offence if the offence was committed before the commencement of the amendment.

