

Legislative Council—No 130

As introduced and read a first time, 30 November 2023

South Australia

Child Sex Offenders Registration (Child-Related Work) Amendment Bill 2023

A BILL FOR

An Act to amend the *Child Sex Offenders Registration Act 2006*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Child Sex Offenders Registration (Child-Related Work) Amendment Act 2023*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Child Sex Offenders Registration Act 2006*

10 3—Amendment of section 64—Interpretation

Section 64(1), definition of *child-related work*—after paragraph (k) insert:

- (ka) businesses or undertakings in which children are employed;

4—Amendment of section 66B—General power of Commissioner to make declaration

- 15 (1) Section 66B(4)—delete "The" and substitute:

Subject to subsection (5a), the

- (2) Section 66B(5)—delete "The" and substitute:

Subject to subsection (5a), the

(3) Section 66B—after subsection (5) insert:

(5a) If a registrable offender applies for a declaration exempting them from the operation of Part 5 or specified provisions of Part 5 in respect of work that is only child-related work by virtue of paragraph (ka) of the definition of that term in section 64, subsections (4) and (5) of this section do not apply and the Commissioner may only make the declaration if—

(a) the relevant offences were not committed in connection with any child-related work; and

(b) the Commissioner is satisfied that the offender does not pose a risk to the safety and well-being of children employed in the business or undertaking that constitutes the child-related work.

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

Commissioner means the Commissioner of Police;

employer includes any person for whom work is performed;

prescribed day, in relation to a registrable offender referred to in clause 2, means—

(a) the day occurring 6 months after the commencement of this Act; or

(b) the day on which the Commissioner determines an application by the registrable offender for a declaration under section 66B of the principal Act exempting them from the operation of section 65 of the principal Act in respect of the child-related work,

whichever occurs first;

principal Act means the *Child Sex Offenders Registration Act 2006*.

2—Application of section 65 to certain registrable offenders

A registrable offender who—

(a) on the commencement of this Act, becomes a person engaged in child-related work (including work under a contract for services) by virtue of this Act; and

(b) gives written notice (no later than 30 days after the commencement of this Act) that they intend to apply for a declaration under section 66B of the principal Act exempting them from the operation of section 65 of the principal Act in respect of that child-related work to—

(i) their employer; and

(ii) the Commissioner,

is taken to be exempt from section 65 of the principal Act in respect of that child-related work until the prescribed day.

3—Application of section 66 to persons arrested or reported before commencement

5 (1) If a person who has been arrested or reported for a class 1 or class 2 offence before the commencement of this Act becomes a person engaged in child-related work (including work under a contract for services) by virtue of this Act, section 66(1) of the principal Act applies to the person as if the disclosure required under that subsection were required to be made within 7 days after the commencement of this Act (if they have not already disclosed that fact to their employer and proceedings relating to the offence have not been finalised).

10 (2) If, before the commencement of this Act, a person—

(a) applied for work that is now, by virtue of this Act, child-related work (including work under a contract for services); and

(b) was arrested or reported for a class 1 or class 2 offence while that application was still current,

15 section 66(3) of the principal Act applies to the person as if the disclosure required under that subsection were required to be made within 7 days after the commencement of this Act (if they have not already disclosed that fact to their employer and proceedings relating to the offence have not been finalised).

(3) Terms used in this clause have the same meaning as in Part 5 of the principal Act.

20 4—Effect of amendment on bail applications

For the purposes of section 11 of the *Bail Act 1985*, the amendment to the definition of *child-related work* effected by section 3 of this Act only applies in relation to a person who applies for bail on or after the commencement of section 3 of this Act (regardless of whether the relevant offence was committed before or after that commencement).