

# Operation Tusk Fact Sheet 1: Summary of final report on the NSW Child Protection Register

## What is the Child Protection Register?

The NSW Child Protection Register was established in 2001, under the *Child Protection (Offenders Registration) Act 2000* (NSW) (CPOR Act). The Register is a database that contains the personal details of people who have been convicted of sexual or certain violent offences against children, or offences involving child abuse material. These offenders have to provide reports to police of their details for a number of years. The information in the Register assists police to monitor and investigate these offenders.

## What did the Commission find?

The Commission's investigation has shown that there have been problems with the Register for 17 years. Since 2002, the NSW Police Force has made over 700 incorrect decisions about which persons needed to be included on the Register, or about the number of years for which persons on the Register were legally required to report their information to police.

As a result of these errors, in some cases:

- child sex offenders have been in the community without being monitored by the NSW Police Force;
- the NSW Police Force has unlawfully required people to report their personal information to police for a number of years, and
- people have been wrongly convicted, and even unlawfully imprisoned, for failing to report under the CPOR Act.

Internal NSW Police Force reports, dating back to 2014, warned that there were problems with the Register. In 2016 the NSW Police Force initiated a review of

5,749 Register case files, to identify and correct errors. When this review ended in 2018, it found that 44% (2,557) of the Register cases had contained errors.

## Why were there errors in the Register?

The reasons why these errors in the Register have occurred include:

- for many years the NSW Police Force Child Protection Registry, the specialist unit that maintains the Register, has not had sufficient staff to handle its increasing workload;
- the CPOR Act can be very difficult to apply, and
- the CPOR Act requires courts and certain government agencies to assist the NSW Police Force to maintain the Register, but since at least 2003 there have been problems with this multi-agency system, forcing the NSW Police Force to take on more responsibility for making decisions under the CPOR Act than was originally intended.

## What does the Commission recommend?

The NSW Police Force has taken significant steps in recent years to address problems with the Register. Our final report contains 11 recommendations aimed at remedying the problems that have occurred, and preventing future errors in the Register. The key recommendations are that:

- the NSW Police Force ensures the Child Protection Registry has sufficient staff;
- the NSW Law Reform Commission completes a comprehensive review of the CPOR Act within six months, and
- an independent body be given the role of conducting audits of the Register.