

Operation Tusk Fact Sheet 4: Summary of Supplementary Report on the NSW Child Protection Register

What did the Commission find in Operation Tusk?

Operation Tusk was the Commission's investigation into the NSW Child Protection Register. In the Commission's report on the investigation published on 31 October 2019, we found there have been problems with the Register for 17 years. Since 2002, the NSW Police Force had 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 had been in the community without being monitored by the NSW Police Force. In other cases people had been wrongly convicted, and even unlawfully imprisoned, due to these errors.

What did the Commission recommend?

We made 11 recommendations aimed at remedying the problems that have occurred, and preventing future errors in the Register. The key recommendations were that:

- the NSW Police Force ensures the Child Protection Registry has sufficient staff;
- the NSW Law Reform Commission completes a comprehensive review of the *Child Protection (Offenders Registration) Act 2000* (NSW) (CPOR Act) within six months, and
- an independent body be given the role of conducting audits of the Register.

What does the Supplementary Report say?

In our Supplementary Report we conclude that the NSW Police Force has either fully implemented, or is in the process of implementing, all of the recommendations that can be implemented by the NSW Police Force. These included making sure that the Child Protection Registry has adequate resources, including dedicated legal support, upgrades to electronic systems, and sending out further letters to persons affected by errors in the Register.

However, we conclude that, despite the significant improvements the NSW Police Force has made, errors will continue to be made in the administration of the Register unless the law is changed. This is because the CPOR Act can be very difficult to apply in practice. After the Commission's report was published in 2019, more errors in the Register were identified.

The NSW Police Force and the Commission agree that there is an urgent need for substantial changes to be made to the CPOR Act. The NSW Police Force has been working to develop proposals for changes to that law. Courts and other authorities with responsibilities under that Act need to work closely with police to fix the current system.

The NSW Government has acknowledged the work being done by the NSW Police Force to develop these proposals, but has not made any commitment to change the CPOR Act. If the problems with the CPOR Act are not fixed, the Commission may need to conduct a further inquiry into the Register in the future.