



INFORMATION REGARDING A WARNING FOR LOITERING NEAR CHILDREN

Loitering near children

A police officer may warn you that you have been given a 'first occasion warning' relating to loitering near children. The police officer may do this if you have been found loitering near children (e.g. in a park or school) or communicating with children over the internet (e.g. in a chat room or on social media) and you have not provided a reasonable excuse for this behaviour.

This advice is to give you further information and to explain the consequences having received such a warning should you continue to loiter near children or communicate with children over the internet without a reasonable excuse.

The police will have made a record of their conversation with you regarding the warning and of the circumstances of your loitering near children or communicating with children over the internet. Should this behaviour occur on another occasion then police may apply to the South Australian Magistrates Court and request that a Paedophile Restraining Order be issued against you.

If you have further questions you should seek independent legal advice from a registered solicitor.

Paedophile Restraining Order

Section 99AA of the *Summary Procedure Act 1921* allows a court to make a restraining order against a person who:

- has been found—
 - A. loitering near children; or
 - B. using the internet to communicate with children or persons whom the defendant believed to be children (other than children or persons with whom the defendant has some good reason to communicate),

on at least two occasions and there is reason to think that the defendant may, unless restrained, again so loiter or so use the internet; and

- the Court is satisfied that the making of the order is appropriate in the circumstances.

If a Court does issue a Paedophile Restraining Order against you it is likely to have an impact on your personal circumstances and restrict you from engaging in certain activities.



This restraining order may restrain the person from one or more of the following:

A. loitering—

- near children at or in the vicinity of a specified place or class of places or in specified circumstances; or
- near children in any circumstances;

B. using the internet or using the internet in a manner specified in the order;

C. owning, possessing or using a computer or other device that is capable of being used to gain access to the internet.

Further if a Paedophile Restraining Order is issued against you then Section 9 of the *Child Sex Offender Registration Act 2006* allows a court to order that you comply with the reporting obligations that are required of persons on the Child Sex Offender Register. This may mean that you can no longer apply for or engage in child related work.

Breaches of a Paedophile Restraining Order attract a maximum punishment of two years' imprisonment.

If you have further questions about this matter then you should seek independent legal advice from a registered solicitor.

The Legal Services Commission of South Australia can also be contacted on Free call 1300 366 424.

The Legal Services Commission maintains an online law hand book on a variety of different topics. One of the topics that they discuss is a paedophile restraining order. Further information can be found at www.lawhandbook.sa.gov.au