

Child Sex Offender Register - Frequently Asked Questions

What is the Child Sex Offender Register?

The register is a record of a range of up to date personal information about registered child sex offenders living in the community. It is a tool to help Police and Corrections staff with the monitoring of people who have been convicted for child sex offences, with the aim of preventing re-offending and keeping children safe.

Who is on the register?

People who are convicted of committing qualifying sexual offences against children and are sentenced to imprisonment, or receive a non-custodial sentence and are ordered by the judge to be registered, are registered on the Child Sex Offender Register. They have to have been 18 years or older when they committed the offence.

What is the purpose of the Child Sex Offender Register?

The aim of the Child Sex Offender Register is to improve child safety by having up to date information available on known child sex offenders living in the community that can be used to monitor risk of reoffending.

When did the register commence?

It commenced on 14 October 2016.

Who administers the register?

The New Zealand Police administers the register and staff from both Corrections and Police are involved in assessing risk of reoffending by registered individuals.

How is the information used?

Information received about an offender is assessed by their Police case manager (and their probation officer if the person is on parole or extended supervision order) and by specialist staff working in the Child Sex Offender Registry. They assess what effect changes in the registered person's circumstances may have on their risk of reoffending, and whether preventative action needs to take place to try and reduce any increased risk and keep children safe.

What if an offender was sentenced prior to the register taking effect?

Offenders who were convicted of a qualifying offence and sentenced to imprisonment prior to legislation coming into force, and are still on a related sentence or order (eg parole or extended supervision order) on that date, are required to be registered.

REGISTRABLE OFFENCES

What is an eligible offence for registration purposes?

Schedule of Qualifying Offences

Class 1 offence

- Indecent communication with a young person under 16
- Meeting young person following sexual grooming
- Conspiracy to induce sexual intercourse (if victim under 16)(repealed)
- Breach outside New Zealand of prohibitions on use in prostitution of persons under 18 years (in relation to an act specified in section 20, 21 or 22(1) of the Prostitution Reform Act 2003 (if victim under 16)
- Organising or promoting child sex tours
- Abduction for purposes of sexual connection (if victim under 16)
- Abduction for the purposes of marriage or sexual connection (if victim under 16 and the offender intends to cause the victim to have sexual connection with some other person)
- Offences involving knowledge in relation to objectionable publications (if the subject, or the subject of the publication is under 16 and the publication deals with sex)
- Exhibition to persons under the age of 18 years (if the exhibition or display is to a person under 16 and the publication deals in sex)
- Offences relating to possession of objectionable publications, involving knowledge (if the subject of the publication is under 16 and the publication deals with sex)

Class 2 offence

- Indecent act with consent induced by threat (victim under 16)
- Indecent act on a dependent family member (victim under 16)
- Indecent act on child under 12
- Indecency with girl under 12 (repealed)
- Indecent act on young person under 16
- Indecent assault (victim under 16)
- Inducing sexual intercourse under pretence of marriage (repealed) (if victim under 16)
- Exploitative indecent act with person with significant impairment (if victim under 16)
- Indecent act between woman and girl (repealed)
- Indecency with boy under 12 (repealed)
- Indecency with boy between 12 and 16 (repealed)
- Indecent assault on man or boy (repealed) (victim under 16)
- Sexual conduct with child or young person outside New Zealand (in relation to an act specified in section 144A(2) or (3)(c)
- Party or accessory to sexual conduct with child or young person outside New Zealand (in relation to an act specified in section 144A(2) or (3)(c) of Crimes Act 1961))

Class 3 offence

- Sexual violation (victim under 16)
- Attempted sexual violation (victim under 16)
- Assault with intent to commit sexual violation (if victim under 16)
- Sexual connection with consent induced by threat (if victim under 16)

- Incest (if victim under 16)
- Sexual connection with a dependent family member (if victim under 16)
- Attempted sexual connection with a dependent family member (if victim under 16)
- Sexual connection with child under 12
- Attempted sexual connection with child under 12
- Sexual connection with a young person under 16
- Attempted sexual connection with a young person under 16
- Exploitative sexual connection with person with significant impairment (if victim u 16)
- Attempted exploitative sexual connection with person with significant impairment (if victim u 16)
- Anal intercourse (repealed) (if victim under 16)
- Sexual conduct with child or young person outside New Zealand (in relation to an act specified in section 144A(2)(a) or (b) or 3(a) or (b) (victim under 16)
- Breach outside New Zealand of prohibitions on use in prostitution of persons under 18 years (in relation to an act specified in section 22(2) of the Prostitution Reform Act 2003)(victim under 16)

LENGTH OF TIME ON THE REGISTER

How long does a person stay on the register?

A person is registered for either 8 years, 15 years or for life, depending on the severity of the offence they committed and the sentence they received.

8 years	if the offender has been sentenced to a term of imprisonment for a class 1 offence <i>or</i> if the offender has been sentenced to a non-custodial sentence for a qualifying offence and has been ordered to be registered by the sentencing judge.
15 years	if the offender has been sentenced to a term of imprisonment for a class 2 offence
Life	if the offender has been sentenced to a term of imprisonment for a class 3 offence

When does the registration start?

The registration period starts on the day the registered person is released from prison into the community, or on the day they were sentenced to a non-custodial sentence and registered at the judge's discretion.

The offender who is sentenced to imprisonment is recorded on the register when they are sentenced, and given notice that they will be required to report once they are released.

REPORTING REQUIREMENTS

What is required of people registered on the Child Sex Offender Register?

All registered offenders are required to provide a range of personal information to the Child Sex Offender Register.

AN INITIAL REPORT

- They must provide an initial report within 72 hours (3 days) of their release from prison.
- If they receive a non-custodial sentence and are directed to be registered by a judge, this information must be provided within 72 hours (3 days) of being sentenced.
- The initial report covers a range of information including passport details, place of residence, work, car and identity information such as photographs and fingerprints.

UPDATING ANY CHANGES

- They are required to update any change of their details within 72 hours (3 days) of the change, or at least 48 hours BEFORE they change where they are living.

AN ANNUAL REPORT

- They are required to update their information annually (that's called a periodic report).

TRAVEL

- They are required to advise the register of travel plans at least 48 hours (2 days) prior to travel.

What information does the registered person have to provide?

- Name and any aliases
- Date of birth
- Address details (including previous addresses)
- Phone and cell phone details
- Email addresses
- Internet access details
- Identification details, such as photos and records of any tattoos, scars or other distinguishing marks
- Passport details
- Employment details (including details of the job, name of employer, address of workplace)
- Vehicle details
- Details of clubs or organisations that they are involved with that have child membership or participation
- Details of any children living in their household
- Travel plans

ACCESS TO INFORMATION

Who has access to the information on the Child Sex Offender Register?

Only authorised personnel from Police and Corrections have direct access to the information on the register. There is no public access to information on the register.

Some other Government agencies (Ministry of Social Development, and Housing New Zealand, Department of Internal Affairs and Customs) may be given relevant information about registered individuals in the interests of public safety.

Can I find out if there are any registered offenders living near me?

Can I find out if someone is on the register?

There is no public access to the register, and only authorised Police and Corrections staff have access to the information on the register.

If you are concerned that a child may be in danger contact your nearest Police station.

Can information about a registered offender be released to a third party?

Yes. NZ Police and Corrections staff have the authority to release information if warranted in the interests of public safety.

Under what circumstances is information released to a third party?

Police and Corrections cannot release information about a registered person unless it is assessed that there is a need to do so to protect a child or children from a significant threat. In these situations, details about the registered offender can be disclosed to the relevant people involved with the children eg parents, schools, and care-givers. Guidance can then be given on how to best keep children safe.

Where information about someone on the register is released, there are strict disclosure protocols that have to be adhered to. It is an offence (with a penalty of up to six months imprisonment) for someone to pass on that information.

FAILURE TO REPORT

What happens if a registered offender fails to report? If the registered person fails to comply with reporting requirements, or provides false or misleading information, this is an offence and the person will be liable for a fine and/or a term of imprisonment:

- failing to comply with reporting obligations – fine of up to \$2,000 and/or imprisonment of up to one year
- providing false or misleading information – fine of up to \$4,000 and/or imprisonment of up to two years

RIGHT OF REVIEW/APPEAL

What right of review or appeal is there for someone who is registered?

There is a right of review and appeal process available in certain circumstances:

- The offender can have the details of their registration reviewed by the Commissioner of Police if they believe that they have been placed on the register in error or an error was made in working out the length of the reporting period. The application for review has to be within 28 days of receipt of the notice of registration.
- If the offender received a non-custodial sentence and the judge ordered them to be registered, the offender can appeal their registration to the District Court within 20 working days of being given notice of the registration.
- If the offender is registered for life, they can seek a review by the District Court of their reporting obligations after 15 years of registration.
- The Commissioner of Police can review reporting obligations during registration if the offender becomes seriously ill or suffers from an impairment that makes it impossible for them to meet reporting obligations.

OTHER QUESTIONS

What happens when a person's registration period is completed?

Once a registered person has completed their registration period, they will no longer need to report.

What happens if a registered person goes overseas?

If a registered person goes overseas, the time they have on the register is put on hold. When they return to New Zealand their registration period recommences. The local law enforcement agency in the country/countries they travel to will be informed of the offender's travel arrangements. If the travel plans of the registered person change before or during their travel, the changes need to be advised to the register.

How does the register fit with other sentences/orders/electronic monitoring?

The register obligations are additional to any other sentence or order requirements the registered person may have.

What if the registered person commits another qualifying offence?

If the registered person is convicted of another qualifying offence (that's one related to child sex offending), and is sentenced to prison, they will automatically receive another period of registration. If they receive a non-custodial sentence, it will be up to the judge to decide whether to order a further registration period. Their length of time on the register will be recalculated taking into account the new registration requirements.



Can someone report or update information on behalf of the registered person?

If the registered person has a disability that makes it impossible or impracticable to make a report, a parent, guardian, carer, or other adult person nominated and approved by the person's Police case manager can report on their behalf.

If someone is a convicted child sex offender in another country (a foreign jurisdiction, not New Zealand) and moves to New Zealand, are they subject to registration in New Zealand?

A person who has been sentenced to imprisonment for a corresponding offence in another country, or is subject to registration requirements for a corresponding offence in another country, will be registered in New Zealand if they intend to move to New Zealand.

They are likely to be served with a registration order at the NZ border, and will be required to make an initial report to a Police case manager within 72 hours (3 days) of arrival in New Zealand.

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