

In Confidence

Office of the Minister of Police

Cabinet Social Outcomes Committee

Amendments to the Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill

Proposal

- 1 This paper seeks approval for several additional amendments to further enhance the effectiveness of the Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill (the Bill). The amendments seek to improve the safety of children and young people in our community.

Relation to government priorities

- 2 These amendments support the Government's restoring law and order priority, by enabling the improved operation of the Child Sex Offender Register (the Register). The amended legislation will support Police and the Department of Corrections (Corrections) to keep children in New Zealand safe from harmful sexual behaviour.

Executive Summary

- 3 On 21 November 2022, Cabinet approved amendments to the Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (the Act) to:
 - better enable government agencies to manage the risk posed by child sex offenders in the community
 - enhance the operation of the Register [SWC-22-Min-0213 refers].
- 4 Parliamentary Counsel Office (PCO) is currently drafting the Bill, which has a priority of Category 5 on the Legislation Programme: to be referred to a Select Committee in 2024.
- 5 Additional amendments have been identified that would further enhance the effectiveness of the Act. These amendments will improve the clarity of the Act and enhance the standard and consistency of practice by Registry staff and district case managers who work with registrable offenders. It will also assist registrable offenders to more easily comply with the requirements placed on them by the Act. This will help to ensure that Registry staff achieve the Act's purpose of protecting public safety, particularly the sexual safety of children.
- 6 I propose the amendments be included in the Bill.

- 7 I also propose that the administrative amendments be retrospective. This means that the amendments would apply to all existing registrable offenders, as well as those who commence registration following enactment. This avoids having to manage two separate groups when the amendments to the Act come into force, which could result in Registry staff being unable to identify and manage risks presented by one group to the same extent as the other group. This could ultimately impact the level of trust placed in the Register, as public expectation will be that all registrable offenders are subject to the same requirements.
- 8 The retrospective nature of these amendments is likely to engage the New Zealand Bill of Rights Act 1990 (NZBORA) – specifically sections 26(2) (Freedom from double jeopardy) and 25(g) (Right to benefit from a lesser penalty when penalties change). It is expected that the Attorney-General will present a section 7 report noting the inconsistencies with the NZBORA.
- 9 I consider that the imposition of retrospective amendments is justified and proportionate under section 5 of the NZBORA, when balanced against the objectives of the Act. The harm to children from sexual offending is acknowledged as severe.

The purpose of the Act is to reduce sexual offending against children

- 10 The purpose of the Act is to reduce sexual reoffending against child victims by establishing and maintaining a register of serious child sex offenders.¹ Information about people on the Register is used to provide:
- government agencies with the information required to monitor and manage the risk posed by child sex offenders in the community
 - up-to-date information that assists Police to resolve cases of child sexual offending more rapidly.
- 11 The Register is a database of personal information about registered child sex offenders. It includes information such as their address, their motor vehicle details, information about their travel plans, and details of children living in their household.² A person who is convicted of a qualifying offence is automatically placed on the Register if they are sentenced to imprisonment. Judges also have the discretion to order persons receiving a non-custodial sentence to be registered.³
- 12 The registrable offender is required to report in person to Registry staff when first released from prison, or upon sentence, and every twelve months until the

¹ A child in the context of the Act means a person under the age of 16 years.

² It is an offence not to comply with reporting obligations. Not providing information incurs a maximum penalty of one year imprisonment or a fine of up to \$2,000. Providing false or misleading information is also an offence, with a maximum penalty of two years' imprisonment or a fine of up to \$4,000.

³ A person stays on the Register for a term of 8 years (Class 1), 15 years (Class 2), or for life (Class 3), depending on the severity of the offence they committed and the sentence they received. Class 1 offences account for 14 percent of current registrable offenders, Class 2 offences account for 20 percent, and Class 3 account for 66 percent. On 1 July 2024, there were 3,974 people on the Register. Of these, 2,549 registrable offenders are being managed in the community (538 people jointly with Corrections and 2,011 people by Police).

completion of the registration period. There are also specific reporting requirements related to domestic and overseas travel (i.e. the details of any travel away from a registrable offender's address for longer than 48 hours must be reported). Any change to personal information must also be reported within prescribed timeframes.

- 13 Corrections and Police⁴ use this information to determine the level of risk the registrable offender poses, and to work with them to proactively reduce their risk of re-offending. When there is a change of circumstances, the registrable offender is reassessed to determine what effect that change has on their risk of re-offending.
- 14 Access to the names of people on the Register is managed. Only authorised Police staff have direct access to the Register. Information about people on the Register can be shared with specified agencies⁵ listed in the Act to identify and manage the risks associated with registrable offenders living in the community. The public does not have access to the information held on the Register.

Cabinet has approved a Bill to improve the effectiveness of the Act and the Register

- 15 On 21 November 2022, Cabinet approved a range of amendments to the Act⁶ to better enable government agencies to manage the risk posed by child sex offenders in the community and to enhance the operation of the Register [SWC-22-Min-0213 refers]. The aim of the amendments is to:
 - improve the clarity of the Act
 - enhance the standard and consistency of the practice of Registry staff and district case managers
 - assist registrable offenders to comply with the requirements placed on them under the Act
 - update the Act to reflect evolving technology (some references to technology have become outdated) and some gaps (the addition of further qualifying offences).
- 16 PCO is currently drafting the Bill, which has a priority of Category 5 on the Legislation Programme: to be referred to a Select Committee in 2024.

⁴ The Department of Corrections is the lead agency if a registrable offender is subject to release or sentence conditions relevant to their qualifying offences, and Police assumes sole responsibility for monitoring and managing registrable offenders once those conditions expire.

⁵ These agencies include the Department of Corrections, the Ministry of Social Development, Kāinga Ora-Homes and Communities, the Department of Internal Affairs and the New Zealand Customs Service.

⁶ The amendments were proposed in response to an evaluation of the Act and Register, which found that although the Act and Register were working as intended some enhancements could be made.

Several further administrative amendments have been identified through the drafting process

- 17 During the drafting process of the Bill, a number of additional amendments have been identified that would further enhance the effectiveness of the Act. The progression of the Child Protection (Child Sex Offender Government Agency Registration) (Overseas Travel Reporting) Amendment Act 2024 (Greg O'Connor's Member's Bill), which will require⁷ registrable offenders to provide additional information about their overseas travel plans, has also highlighted amendments to overseas travel reporting that would be beneficial.
- 18 These amendments align with the intent of the amendments previously approved by Cabinet and outlined in paragraph 15.
- 19 The following table provides a summary of each of the proposed amendments. A more detailed description of the amendments, the rationale for the amendments and their intended effect is provided in Appendix One.

Table One – Summary of proposed amendments

Relevant personal information reporting requirements – proposed amendments
<ul style="list-style-type: none"> Require the contact details of a child's⁸ principal caregiver (in addition to the current requirement to provide their name) be provided so that Registry staff can contact principal caregivers quickly where there is a risk to be managed. Require registrable offenders to report their nationality and the name of each country of which they are a citizen to assist Registry staff to identify the countries for which they can obtain passports. Require registrable offenders to report any change of information in relation to citizenship, nationality, name of the country issuing the passport and refugee travel documentation. This will require electronic evidence of the change to simplify verification. Introduce a definition for residence based on section 72(3) of the Electoral Act 1993, to avoid the need for the current time-based approach and make it easier for registrable offenders to comply with reporting requirements. Require registrable offenders to report changes to their telecommunication services, email addresses, internet services and devices, usernames for online accounts and website domains they own or administer within 48 hours of the change (rather than the current 72 hours) recognising the speed and ease a registrable offender can establish themselves online.

⁷ The Act commences on 4 September 2024.

⁸ This covers situations where a registrable offender resides at a residence where a child resides or where a registrable offender is travelling domestically with a child.

Travel plans (domestic and overseas) – proposed amendments

- Require that a registrable offender who is travelling domestically with a child must report their name, sex and date of birth, and the name and contact details of the child's principal caregiver. This will enable Registry staff to more effectively manage and monitor the risk posed by registrable offenders as it will enable Registry staff to contact principal caregivers quickly where there is a risk to be managed.
- Require registrable offenders to report the sex and age / approximate age of children who will / will likely be present at addresses where the registrable offender is staying while travelling domestically, to better enable the potential risk to children to be assessed.
- Reverse the previous policy approval for the name of a child's principal caregiver to be provided for children who are / will likely be residing at the address the registrable offender is staying (e.g. a relative's residence, motel). The new requirement for the registrable offender to provide information about the sex and approximate age of the children who may be at the address will better assist Registry staff to assess the risk to children at these addresses.
- Require a registrable offender who travels outside of New Zealand for longer than 48 hours to report this information at least seven days in advance (rather than the current 48 hours), to provide international jurisdictions more time to assess the risk posed by the registrable offender.
- Require registrable offenders intending to travel outside of New Zealand for more than 48 hours, who are not intending to return to New Zealand, to report the date they intend to arrive in their new country of residence. At this point, reporting obligations are expected to cease.
- Require registrable offenders to report their return to New Zealand no more than 72 hours after re-entering the country (rather than the current 10 days), to provide more timely information to Registry staff.
- Remove the requirement for the registrable offender to report their intention to travel outside of New Zealand in person (i.e. provide for reporting by phone or electronically).
- Remove the requirement for registrable offenders to report their return to New Zealand in person (i.e. provide for reporting by phone or electronically) and enable the Commissioner to require the registrable offender to provide a copy of each passport by post or electronically.

20 I propose that these additional amendments be included in the Bill.

The amendments will be retrospective

21 To fully achieve the benefits from the amendments, I propose that all amendments, be retrospective. This means that, once enacted, the amendments will apply to all existing registrable offenders, as well as those who commence registration following enactment. The existing offences for non-compliance will apply to the new requirements.

- 22 Some amendments will require existing registrable offenders to provide information that was not required when they were initially registered. These transitional arrangements will be addressed in the Bill.
- 23 Without retrospective application, managing two separate groups of registrable offenders (those registered prior to, and those registered after, the new legislation comes into force) would result in Registry staff being unable to identify or manage the risks presented by one group of registrable offenders to the same extent as those risks presented by the other group. This could ultimately impact the level of trust placed in the Register, as public expectation will be that all registrable offenders are subject to the same requirements.

Cost-of-living Implications

- 24 There are no cost-of-living implications from this paper.

Financial Implications

- 25 There are no direct financial implications from the amendments proposed in this Cabinet paper.

Legislative Implications

- 26 Subject to Cabinet agreement, I will authorise Police to issue drafting instructions to the Parliamentary Counsel Office to draft the additional changes to the Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill.
- 27 The Bill has a priority of Category 5 on the Legislation Programme: to be referred to a Select Committee in 2024.

Impact Analysis

Regulatory Impact Statement

- 28 A Regulatory Impact Statement was previously prepared on amendments to the Child Protection (Child Sex Offender Government Agency Registration) Act 2016.
- 29 The Ministry for Regulation has determined that the proposed amendments to the Child Protection (Child Sex Offender Government Agency Registration) Act 2016 are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that they have no or only minor impacts on businesses, individuals, and not-for-profit entities.

Climate Implications of Policy Assessment

- 30 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal, as the threshold for significance is not met.

Population Implications

- 31 This paper proposes administrative amendments to an existing Act, and as such, does not alter the policy intent of the legislation or the implications for the Treaty of Waitangi or population groups.⁹ These impacts were outlined in the previous Cabinet paper [SWC-22-Min-0213 refers].
- 32 The impact of the amendments will be limited to registrable offenders who are already subject to a range of similar reporting requirements under the Act.

Human Rights

- 33 The amendments seek to promote the rights of children and young people by upholding their rights to be free from sexual abuse and other exploitation under the United Nations Convention on the Right of Children.
- 34 The proposed retrospective nature of all the amendments is likely to engage the New Zealand Bill of Rights Act 1990 (NZBORA):
- Section 26(2) – Freedom from double jeopardy. Additional reporting requirements may be considered a punishment.
 - Section 25(g) – Right to benefit from a lesser penalty where penalties change.
- 35 The Ministry of Justice has also indicated that the proposed amendments could potentially engage the NZBORA section 14 (Right to freedom of expression) due to the requirement to report information and changes of information.
- 36 Previous Attorneys-General have presented section 7 reports on bills for the principal Act, the 2017 and 2021 amendment bills to the Act, and most recently, on the Child Protection (Child Sex Offender Government Agency Registration) (Overseas Travel Reporting) Amendment Act 2024 for the above matters, with the exception of section 14 of NZBORA which has not been previously raised. Parliament examined the matters raised in these section 7 reports and passed each of the bills.
- 37 I consider that the imposition of additional reporting is justified and proportionate under section 5 of the NZBORA, when balanced against the objectives of the Act. While it is too early to determine the effectiveness of the Register,¹⁰ anecdotal evidence points to benefits provided by the Register and this should be balanced against the harm caused to children, from sexual offending, which is known to be severe.

⁹ Disabled children are at a significantly increased risk of sexual abuse (at least three times more likely than non-disabled children). The risk of children with learning/intellectual and mental disabilities being exposed to sexual abuse is 4.6 times higher, compared with their non-disabled peers". *The Lancet* (2012).

¹⁰ Waikato University is leading a phased longitudinal recidivism study to evaluate the effectiveness of the Register. It expects to report initial findings about reoffending data and other measures of effectiveness in 2027.

- 38 In line with the Legislation Design and Advisory Committee Legislation Guidelines, retrospective application will be discussed with PCO during the drafting of the Bill.

Use of external Resources

- 39 No external resources were engaged as part of the preparation of the policy advice in this paper.

Consultation

- 40 The following agencies were consulted on the draft Cabinet paper: Department of Corrections, Ministry of Justice, Department of Internal Affairs, Te Arawhiti, the Treasury, Ministry of Business, Innovation and Employment, Kāinga Ora Homes and Communities, Ministry of Social Development, Oranga Tamariki Ministry for Children, New Zealand Customs Service and Ministry of Disabled People – Whaikaha.
- 41 Mana Mokopuna – Children & Young People's Commission and Office of the Privacy Commissioner have also been consulted.
- 42 The Department of the Prime Minister and Cabinet has been informed.

Communications

- 43 There is no publicity planned for this paper.

Proactive Release

- 44 This paper will be proactively released when the Bill is introduced.

Recommendations

The Minister of Police recommends that the Committee:

- 1 **note** that on 21 November 2022, Cabinet agreed to amendments to the Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (the Act) [SWC-22-Min-0213 refers];
- 2 **note** that additional amendments have been identified that are in keeping with the intent of the original amendments;
- 3 **note** that these amendments will improve the clarity of the legislation and thereby better achieve the purpose of the Act to enhance public safety, particularly the sexual safety of children and young people in the community;
- 4 **agree** that the following amendments are included in the Bill:
 - 4.1 require the contact details of the principal caregiver to be provided;
 - 4.2 require registrable offenders to report their nationality and the name of each country of which they are a citizen;

- 4.3 change the definition of residence by introducing a definition of residence based on section 72(3) of the Electoral Act 1993;
 - 4.4 require registrable offenders to report changes to their telecommunication services, email addresses, internet services and devices, usernames for online accounts and website domains they own or administer within 48 hours of the change occurring;
 - 4.5 require registrable offenders to report any change of information in relation to citizenship, nationality, name of the country issuing the passport and refugee travel documentation, to be supported by evidence that is provided electronically;
 - 4.6 require that when a registrable offender is travelling domestically with a child, they must report their name, sex and date of birth and the name and contact details of the child's principal caregiver;
 - 4.7 require registrable offenders to report the sex and age or approximate age of children who will / will likely be present at addresses where a registrable offender is staying while travelling domestically;
 - 4.8 reverse the policy approval for section 21(2) to require the name of the child's principal caregiver to be provided to Registry staff for children who are / will likely be residing at the address the registrable offender is staying;
 - 4.9 require registrable offenders who travel outside of New Zealand for longer than 48 hours to report this information at least seven days in advance;
 - 4.10 require registrable offenders intending to travel out of New Zealand for more than 48 hours to report the date they intend to arrive in their new country of residence (if not intending to return to New Zealand);
 - 4.11 require registrable offenders to report their return to New Zealand no more than 72 hours after re-entering;
 - 4.12 remove the requirement for registrable offenders to report their return to New Zealand in person;
 - 4.13 enable the Commissioner to require the registrable offender to provide a copy of each passport by post or electronically;
 - 4.14 remove the requirement for the registrable offender to report their intention to travel outside of New Zealand in person;
- 5 **note** that the retrospective nature of the amendments will likely engage sections 26(2) and 25(g) of the New Zealand Bill of Rights Act 1990 and may potentially engage section 14 of the New Zealand Bill of Rights Act 1990, but that this imposition is considered justified when balanced against the objectives of the Act and the severity of the harm caused by child sex offending;

- 6 **invite** the Minister of Police to issue drafting instructions to give effect to these recommendations;
- 7 **authorise** the Minister of Police to make additional minor and technical amendments to give effect to the policy decisions that may arise during the drafting of the Bill;
- 8 **note** that this Bill is currently Category 5 on the 2024 Legislation Programme.

Hon Mark Mitchell

Minister of Police

Appendix One – detailed summary of amendments to the Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill

	Overview	Amendment	Rationale	Intended effect
1	Relevant personal information reporting requirements – principal caregiver’s contact details	<p>Section 16(1)(f) of the 2016 Act requires the registrable offender to provide, in respect of each child who generally resides in the same household, the name of the child’s principal caregiver.</p> <p>I propose amending sections 16(1)(f) and 21(2) to require the contact details of the principal caregiver to be provided.</p>	<p>Section 16(f) already requires the name of a child’s principal caregiver to be provided but not their contact details. Requiring the principal caregiver’s contact details to be reported is being proposed so that they can be contacted quickly by Registry staff if necessary to make a disclosure about a registrable offender who may pose a threat.</p>	<p>The effect of this amendment would be to make it easier for Registry staff to contact the principal caregiver if it is necessary to make a disclosure about a registrable offender who may pose a threat.</p>
2	Relevant personal information reporting requirements – including nationality and citizenship	<p>Section 16(1) of the 2016 Act requires the registrable offender to provide a range of relevant personal information, such as passport details.</p> <p>I propose amending section 16(1), which requires certain relevant personal information to be reported, to require the registrable offender to report their nationality and the name of each country of which they are a citizen.</p>	<p>This amendment is being proposed to assist Registry staff to identify the countries for which a registrable offender may be able to obtain a passport (e.g. because of citizenship or dual nationality).</p>	<p>The amendment will enable Registry staff to collect the relevant personal information needed to effectively monitor and manage the risk posed by child sex offenders in the community.</p>
3	Relevant personal information reporting requirements – place of residence definition	<p>Section 16(2)(a) of the 2016 Act stipulates that for the purposes of this section the registrable offender does not generally reside at any particular premise unless he or she resides at those premises for a least two days (whether consecutive or not) in any 12 months.</p> <p>I propose amending — the definition of residence in section 16(2) — by introducing a definition of residence based on section 72(3) of the Electoral Act 1993. The Electoral Act definition is based on the concept that a person’s residence is where the person bases themselves.</p> <p>The current definition is a time-based calculation “a registrable offender does not generally reside at any particular premises unless he or she resides at those premises for at least 2 days (whether consecutive or not) in any period of 12 months”.</p>	<p>The amendment is being proposed to simplify the current definition of residential address. It does this by removing the time-based component from the definition of residence.</p> <p>The current definition can be confusing when being considered with other time-based reporting requirements, e.g. when the registrable offender is going to be absent from their residence for longer than 48 hours or when a child is present at their residence - both of which must be reported 48 hours in advance.</p>	<p>The amendment would make it easier for registrable offenders to comply with reporting requirements.</p>
4	Changes to be reported – requiring changes to details of communication services to be provided within 48 hours	<p>Section 20(1)(b) of the 2016 Act requires any change to relevant personal information to be reported within 72 hours of the change occurring (unless it is a change of residence).</p> <p>I propose amending section 20(1)(b) to require registrable offenders to report changes to their telecommunication services, email addresses, internet services and devices, usernames for online accounts and website domains they own or administer within 48 hours of the change occurring.</p>	<p>The amendment is being proposed because of the increase in online criminal behaviour and abuse and the speed and ease at which registrable offenders can establish themselves online.</p> <p>48 hours has been selected (rather than 24 hours) to balance the impact of the shorter reporting time on registrable offenders with the ability for a registrable offender to establish themselves online and potentially offend against a child.</p>	<p>The amendment would better enable Registry staff to collect the relevant personal information needed to effectively monitor and manage the risk posed by child sex offenders in the community.</p>

	Overview	Amendment	Rationale	Intended effect
5	Domestic travel reporting requirements – information to be reported about children travelling with a registrable offender	<p>Section 21(2) of the 2016 Act requires registrable offenders to report whether any child will or is likely to reside where they intend to stay when travelling away from their residence for more than 48 hours, but does not require details about children travelling with them to be reported.</p> <p><i>I propose amending</i> section 21(2) to require that when the registrable offender is travelling domestically with a child, they must report their name, sex and date of birth and the name and contact details of the child's principal caregiver to Registry staff.</p>	<p>The amendment is being proposed to address a gap. Information about children who generally reside at the same residence as a registrable offender must be reported. Information about children residing or potentially residing where a registrable offender is intending to stay when travelling must also be reported. However, there is no current requirement to report information about children travelling with the registrable offender.</p>	<p>The amendment would better enable Registry staff to collect the relevant personal information needed to effectively monitor and manage the risk posed by child sex offenders in the community.</p>
6	Domestic travel reporting requirements – information to be reported about children at addresses	<p>Section 21(2) of the 2016 Act requires the registrable offender to report whether any child will or is likely to be residing together at addresses where offender is staying while travelling domestically.</p> <p><i>I propose amending</i> section 21(2) to require the registrable offender report the sex and the age or approximate age of children who will / will likely be present at addresses where a registrable offender is staying while travelling domestically.</p>	<p>This amendment would require registrable offenders to provide more information about children who will / will likely be staying at addresses where a registrable offender is staying while travelling domestically. This type of information will enable Registry staff to assess any potential risk to children at the addresses.</p> <p>The information is not the same as what registrable offenders are required to provide about a child who is travelling with the registrable offender - in recognition of the fact that it is unlikely the registrable offender will know this level of information.</p>	<p>The amendment would better enable Registry staff to collect the information needed to effectively monitor and manage the risk posed by child sex offenders when they are travelling domestically.</p>
7	Domestic travel reporting requirements – information to be reported about principal caregivers	<p>Section 21(2) of the 2016 Act requires the registrable offender to report whether any child will or is likely to be residing together at addresses where offender is staying while travelling domestically.</p> <p>In 2022, Cabinet agreed to require registrable offenders to report the name of the principal caregiver for any child that is or likely to be residing at any proposed address to which they are travelling within New Zealand.</p> <p><i>I propose reversing</i> the previous policy approval for section 21(2) to require the name of the child's principal caregiver to be provided to Registry staff for children who are / will likely be residing at the address the registrable offender is staying.</p> <p>The requirement to provide the name of the child's principal caregiver if the child will / is likely to be travelling with the registrable offender will remain.</p>	<p>After further discussion with Registry staff, Police is of the view that requiring the registrable offender to provide the name of the principal caregiver of children who may be present at the address will be too onerous for the registrable offender to comply with. This could result in possible unfair sanctions or increased non-compliance.</p>	<p>The reversal of this amendment will reflect current practice. However, the amendment discussed above, to require the registrable offender to provide information about sex and approximate age of the children who may be at the address, will assist Registry staff to assess the risk to children at addresses.</p>
8	Overseas travel reporting requirements – requiring information to be reported	<p>Section 21(4) of the 2016 Act requires registrable offenders to report details about their overseas travel at least 48 hours in advance.</p> <p><i>I propose amending</i> section 21(4) to require registrable offenders who travel outside of New Zealand for longer</p>	<p>This amendment is being proposed because the 48 hour timeframe for reporting intended international travel is not always long enough for Registry staff to make all the necessary international notifications and border alerts in a timely way.</p>	<p>The amendment would provide international jurisdictions more time to assess the risk involved with the registrable offender travelling to their countries.</p>

	Overview	Amendment	Rationale	Intended effect
	seven days in advance	than 48 hours to report this information at least seven days in advance rather than the current 48 hours in advance requirement.	<p>The requirement to report intended travel seven days in advance of the travel aligns with the approach taken by Australian jurisdictions (e.g. South Australia).</p> <p>The current exceptional circumstances provisions would continue to apply if it is not possible to provide the information seven days in advance (e.g. unexpected travel for a funeral).</p>	
9	Overseas travel reporting requirements – clarifying the information that is to be provided	<p>Section 21(4) of the 2016 Act requires registrable offenders intending to travel out of New Zealand for more than 48 hours to report if they do not intend to return to New Zealand.</p> <p><i>I propose amending</i> section 21(4) to require all registrable offenders intending to travel out of New Zealand for more than 48 hours to report the date they intend to arrive in their new country of residence (if not intending to return to New Zealand).</p> <p>This proposed amendment retains the 48 hour timeframe for reporting overseas travel in section 21(3). In 2022, Cabinet agreed for this timeframe to be repealed to require all overseas travel to be reported. However, this approach does not align with the amendments made by the Child Protection (Child Sex Offender Government Agency Registration) (Overseas Travel Reporting) Amendment Act 2024, which are based on a 48 hour timeframe for the new reporting requirements.</p> <ul style="list-style-type: none"> • The Child Protection (Child Sex Offender Government Agency Registration) (Overseas Travel Reporting) Amendment Act 2024 requires a registrable offender travelling overseas for more than 48 hours, and who intends to return to New Zealand, to report: <ul style="list-style-type: none"> ○ the dates on which the registrable offender intends to enter and exit each of those countries ○ the addresses where the registrable offender intends to stay while in those countries. • The Amendment Act requires a registrable offender travelling overseas for more than 48 hours, and who does not intend to return to New Zealand, to report the country where they intend to live. <p>The changes being made to overseas travel reporting requirements by the Child Protection (Child Sex Offender Government Agency Registration) (Overseas Travel Reporting) Amendment Act 2024 would be retained.</p>	<p>This amendment would retain the changes to overseas travel reporting requirements made by the Child Protection (Child Sex Offender Government Agency Registration) (Overseas Travel Reporting) Amendment Act 2024, but would require the same information to be reported by all registrable offenders leaving New Zealand, while they are travelling.</p> <p>The proposed amendment would ensure Registry staff know what countries a registrable offender, who is not intending to return to New Zealand, intends to travel to (if any) enroute to their new country of residence (i.e. between the point they exit New Zealand and enter their new country of residence).</p> <p>Including the requirement to provide the date that the registrable offender intends to begin residing in their new country provides a clear cut-off point for them to stop reporting changes to travel information, as required under section 22 of the 2016 Act.</p>	<p>This amendment would enable Registry staff to obtain additional information about where registrable offenders are intending to travel when they go overseas so that the information can be shared with other jurisdictions to keep the public safe.</p> <p>While most registrable offenders intending to travel overseas provide this type of information voluntarily, the amendment will make the information mandatory to provide, and create an offence for failing to provide it.</p>

	Overview	Amendment	Rationale	Intended effect
10	Overseas travel reporting requirements – removing in person reporting requirement	<p>Section 25(1)(e) of the 2016 Act requires registrable offenders to report their intended travel outside of New Zealand in person.</p> <p><i>I propose removing</i> the requirement in section 25(1)(e) to report their intended travel outside of New Zealand in person.</p>	<p>The amendment to section 25(1)(e) would remove the requirement for registrable offenders to report their intended travel outside of New Zealand in person. The amendment would ensure the consistency with the proposal to remove the requirement for registrable offenders to report their return to New Zealand in-person. The proposal also aligns with exceptional circumstance reporting and changes to travel plans while away from home, which are not required to be made in-person.</p>	<p>The amendment would make it easier for registrable offenders to comply with reporting requirements and encourage compliance.</p>
11	Requirement to report return to New Zealand – reducing timeframes and removing in person reporting requirement	<p>Section 23(2) of the 2016 Act requires that if a registrable offender leaves New Zealand, they must, within 72 hours after entering and remaining in New Zealand for seven consecutive days, report their return and present their passport for inspection and copying.</p> <p><i>I propose amending</i> section 23(2) to require registrable offenders to report that their return to New Zealand no more than 72 hours after re-entering.</p> <p><i>I propose removing</i> the requirement in section 23(2) to report the return in person so that their passport can be copied.</p> <p><i>I propose amending</i> section 23(2) to enable the Commissioner to require the registrable offender to transmit a copy of each passport (in a similar way to how reports of changes to travel plans are reported under section 22(3)).</p>	<p>The amendment to section 23(2) would require registrable offenders to report their return within 72 hours so that Registry staff have this information within a shorter time period than the current 10 days. The amendment to section 20(4) would ensure consistency with the amendment to section 23(2).</p> <p>The original reason for the 10 day timeframe is that a registrable offender is currently required to present their passport for inspection and copying in person. As passports no longer have stamps, it is no longer necessary for registrable offenders to report in person with their passport.</p> <p>There may be some scenarios where we would like to see the registrable offender's passport. However, this can be done electronically rather than in person.</p>	<p>This amendment would ensure that the registrable offender engages with Registry staff within a shorter timeframe after their return to New Zealand. It also makes the process less onerous for the registrable offender, thereby encouraging greater compliance.</p>
12	How a report is made – provision of supporting evidence	<p>Section 20(1)(b) of the 2016 Act requires any change to a registrable offender's relevant person information to be reported within 72 hours after the change occurring but does not require supporting documentation to be provided.</p> <p><i>I propose amending</i> section 20(1)(b) to require registrable offenders to report any of change of information in relation to citizenship, nationality, name of the country issuing the passport and refugee travel documentation to be supported by evidence that is provided electronically (in a similar way to how reports of changes to travel plans are reported under section 22(3)).</p>	<p>Registrable offenders are required to report changes to relevant personal information in relation to nationality, citizenship, place of passport issue and refugee travel documentation. These types of information have supporting documentation that should be provided to Registry staff as evidence of the change.</p>	<p>This amendment would ensure that Registry staff have supporting evidence to verify a registrable person's change of nationality, citizenship, name of the country of issuing the passport and refugee travel documentation.</p>