



Child Protection (Child Sex Offender Government Agency Registration) Amendment Act 2017

Public Act 2017 No 6
Date of assent 8 March 2017
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Child Protection (Child Sex Offender Government Agency Registration) Amendment Act 2017.

2 Commencement

This Act is taken to have come into force on 14 October 2016.

3 Principal Act

This Act amends the Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (the **principal Act**).

Part 1

Amendments to Part 1 of principal Act

4 Section 4 amended (Interpretation)

In section 4, insert in their appropriate alphabetical order:

release conditions has the meaning given in section 4 of the Parole Act 2002

sentence expiry date has the meaning given in section 4 of the Parole Act 2002

5 Section 8 amended (Who is a corresponding registrable offender?)

- (1) In section 8, replace “who has been convicted of a corresponding offence in a foreign jurisdiction and,” with “who, as a consequence of a conviction in a foreign jurisdiction for a corresponding offence,”.
- (2) In section 8(a), delete “in respect of that offence,”.
- (3) In section 8(b), delete “as a consequence,”.

6 Section 9 amended (Court may make registration order)

- (1) In section 9(1), replace “convicts a person of a qualifying offence and imposes a non-custodial sentence in respect of that offence” with “imposes on a person a non-custodial sentence in respect of a conviction for a qualifying offence”.
- (2) After section 9(1), insert:
 - (1A) For the purposes of subsection (1), the date on which the person was charged with the offence is irrelevant.

Part 2

Amendments to retrospective application of principal Act

7 Schedule 1 amended

In Schedule 1, replace clause 1 with:

1 Retrospective application

- (1) This clause applies to a person who, on 14 October 2016, is, in respect of a qualifying offence,—
 - (a) serving, in custody, the sentence of imprisonment that was imposed for that offence; or
 - (b) serving, on parole or on release from custody on release conditions, the sentence of imprisonment that was imposed for that offence; or

- (c) subject to an extended supervision order or an interim supervision order following the sentence of imprisonment that was imposed for that offence; or
 - (d) subject to a public protection order or an interim detention order following the sentence of imprisonment that was imposed for that offence; or
 - (e) no longer serving the sentence of imprisonment that was imposed for that offence, but still subject to release conditions following the sentence expiry date of that sentence.
- (2) This clause applies to a person who—
- (a) was convicted before 14 October 2016 of a qualifying offence; and
 - (b) on or after 14 October 2016, in respect of that conviction,—
 - (i) was or is sentenced to imprisonment; or
 - (ii) was or is sentenced to a non-custodial sentence and made subject to a registration order.
- (3) This clause applies to a person who—
- (a) was convicted before 14 October 2016 of a corresponding offence in a foreign jurisdiction; and
 - (b) as a consequence of that conviction, on or after 14 October 2016,—
 - (i) was or is sentenced to imprisonment; or
 - (ii) was or is required to report in that jurisdiction information about himself or herself to a person or body performing functions substantially similar to those of the Commissioner under this Act, and to keep that information current for a particular period (and would, if the person were currently in that jurisdiction, still be required to report that information); or
 - (iii) was or is deported from that jurisdiction.
- (4) A person to whom this clause applies—
- (a) is a registrable offender for the purposes of section 7(1) and this schedule (if subclause (1) or (2) applies); and
 - (b) is a corresponding registrable offender for the purposes of section 8 and a registrable offender for the purposes of section 7(2) and this schedule (if subclause (3) applies); and
 - (c) is subject to all other provisions of this Act with any necessary modifications.

2 Notices to be given

- (1) As soon as practicable after 14 October 2016, the chief executive of the Department of Corrections must cause written notice to be given to every registrable offender referred to in clause 1(1)(a) of—

- (a) the offender's reporting obligations; and
 - (b) the penalties for failing to comply with those obligations.
- (2) Before, or as soon as practicable after, 13 March 2017, the Commissioner must cause written notice to be given to every registrable offender referred to in clause 1(1)(b) to (e) of—
- (a) the offender's reporting obligations; and
 - (b) the penalties for failing to comply with those obligations.
- (3) Before, or as soon as practicable after, 13 March 2017, the Commissioner must cause written notice to be given to every registrable offender referred to in clause 1(2) and (3) who has not already been given notice under section 12, 14, or 15 of—
- (a) the offender's reporting obligations; and
 - (b) the penalties for failing to comply with those obligations.

3 Reporting obligations

- (1) A registrable offender who receives a notice under clause 2(2) or (3) must make an initial report to the Commissioner of all relevant personal information within 72 hours of receiving the notice or within any longer period specified in the notice.
- (2) Despite section 34,—
- (a) the offender's reporting obligations begin when the offender receives the notice; and
 - (b) for the purpose of calculating the length of the reporting period, the offender's reporting period is taken to have begun on the later of the following:
 - (i) the date on which the person was sentenced for a qualifying offence or a corresponding offence;
 - (ii) the date on which the person ceased to be in custody in relation to a qualifying offence or a corresponding offence.

4 Application for registration order

- (1) This clause applies in respect of a person who was or is sentenced after 14 October 2016 and before 13 March 2017 to a non-custodial sentence for a qualifying offence (and regardless of the date on which the person was charged with and convicted of that offence).
- (2) Despite section 9(4), the Commissioner may, in respect of a person described in subclause (1), apply to the court that imposed the sentence for a registration order.
- (3) However, subclause (2) does not apply if, at the time of sentencing, the court declined to make a registration order because it was not satisfied that the per-

son posed a risk to the lives or sexual safety of 1 or more children, or of children generally.

- (4) Section 9 applies, with any necessary modifications, to an application made under this clause.

Legislative history

7 March 2017

Introduction (Bill 243–1), first reading, second reading,
committee of the whole House, third reading

8 March 2017

Royal assent

This Act is administered by the Police.