

# House of Representatives

## Supplementary Order Paper

Tuesday, 15 June 2004

### Parole (Extended Supervision) and Sentencing Amendment Bill

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#### *Proposed amendments*

Hon Phil Goff, in Committee, to move the following amendments:

#### *Clause 12A*

To insert, after line 31 on page 24, the following subclauses:

- (1AA) Section 2(1) of the Corrections Act 2004 is amended by inserting, after the words “(except sections”, the words “**182A to 182E** and sections”.
- (1AAB) Section 2 of the Corrections Act 2004 is amended by inserting, after subsection (1), the following subsection:
  - “(1A) **Sections 182A to 182E** come into force on the date on which the **Parole (Extended Supervision) Amendment Act 2004** comes into force.”

To add, after line 4 on page 25, the following subclause:

- (2) The Corrections Act 2004 is amended by inserting, after section 182, the following heading and sections:
  - “*Information sharing about child sex offenders*
  - “**182A Information sharing about child sex offenders**
  - “(1) A specified agency that enters into an information sharing agreement under **section 182D** with another specified agency is authorised to disclose to that agency any personal information about a child sex offender, but only if the disclosure is for, or relates to, a purpose listed in **subsection (3)**.
  - “(2) Nothing in **subsection (1)** limits the operation of the Privacy Act 1993 or section 182 of this Act.

- “(3) The purposes for which personal information about a child sex offender may be disclosed under an information sharing agreement between specified agencies are:
- “(a) to monitor compliance by the child sex offender with his or her release conditions, detention conditions, conditions of a sentence of supervision, or conditions of an extended supervision order:
  - “(b) to manage the risk that the offender may commit further sexual offences against children:
  - “(c) to identify any increased risk that the offender may breach his or her conditions or will commit further sexual offences against children:
  - “(d) to facilitate the reintegration of the offender into the community.

“182B **Definition of child sex offender**

- “(1) For the purposes of **section 182A**, **child sex offender** means a person who—
- “(a) has been convicted of a relevant offence as defined in **section 107B(1)** of the Parole Act 2002 (other than where the offence is one referred to in **section 107B(3)** (pornography offences)); and
  - “(b) whose sentence for the relevant offence has not been quashed or otherwise set aside; and
  - “(c) who is subject to release conditions, detention conditions, a sentence of supervision, or an extended supervision order.
- “(2) However, a person is not a child sex offender for the purposes of **section 182A** if,—
- “(a) since his or her latest conviction for a relevant offence, the offender has had a period during which he or she was not subject to any sentence for an offence and was not subject to release conditions of any sort; and
  - “(b) the offender is not subject to an extended supervision order.

“182C **Definition of specified agency**

For the purposes of **section 182A**, **specified agency** means—

- “(a) the Department of Corrections:
- “(b) the Department of Child, Youth and Family Services:
- “(c) Housing New Zealand Corporation:
- “(d) the Ministry of Social Development:
- “(e) the New Zealand Police:
- “(f) any public sector agency (as that term is defined in section 2 of the Privacy Act 1993) that the Minister of Justice, after consultation with the Privacy Commissioner, identifies as a specified agency by notice in the *Gazette*.

**“182D Information sharing agreements**

- “(1) An agreement entered into under this section for sharing information about child sex offenders must set out the operational details about how the information is to be shared.
- “(2) Without limiting **subsection (1)**, every agreement must—
- “(a) specify the nature of the information to be disclosed; and
  - “(b) specify the manner in which the information may be disclosed; and
  - “(c) set out how the information privacy principles, as set out in section 6 of the Privacy Act 1993, will be complied with.
- “(3) Before an information sharing agreement is concluded, reviewed, or substantially amended, the specified agencies concerned must consult with the Privacy Commissioner.

**“182E Application of agreements**

When specified agencies enter into an information sharing agreement, the agreement applies to all personal information held by the agencies about a child sex offender, whether the information was obtained before or after the agreement came into force.”

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**Explanatory note**

This Supplementary Order Paper (SOP) amends the Parole (Extended Supervision) and Sentencing Amendment Bill by inserting provisions into the Corrections Act 2004 about inter-agency sharing of information about child sex offenders. The provisions will come into force before most of the rest of the Corrections Act 2004 will come into force.

Part 1 of the Parole (Extended Supervision) and Sentencing Amendment Bill provides for the imposition of extended supervision orders on certain child sex offenders. Effective monitoring of compliance with an extended supervisory order requires that agencies that have contact with the offender are able to share information about the offender with each other. The provisions of this SOP set out a framework within which that information sharing may be managed.

However, the framework applies not only to child sex offenders who are subject to an extended supervision order. It also applies to other child sex offenders who are subject to a sentence of imprisonment or supervision, or are still subject to conditions following release from prison. Information sharing is a necessary tool in managing the risk posed by this group of offenders.

The information sharing provisions need to be located in the Corrections Act 2004 rather than the Parole Act 2002 because they relate to a wider group than just those subject to an extended supervision order or serving a sentence of

imprisonment. For that reason, they are outside the scope of the Parole (Extended Supervision) and Sentencing Amendment Bill.

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