

Legislative Statement for Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill 2021—first reading

Presented to the House of Representatives in accordance with Standing Order 272

17 March 2021

The Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill 2021 (the Bill) will amend the Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (the Act). It aims to amend the retrospective provisions to ensure that the Act applies to **all** child sex offenders sentenced after commencement, irrespective of whether the offending occurred **before** or **after** the Act was enacted.

The Act came into force on 14 October 2016, and established a Child Sex Offender Register (the Register) to reduce sexual reoffending against child victims, and the risk posed by serious child sex offenders, through monitoring of registered offenders.

The Act, as enacted in 2016, contains retrospective provisions in Schedule One, Part One. In 2017, the retrospective provisions of the Act were amended under urgency. This occurred after three groups of registered persons were identified as being outside the scope of the retrospective provisions of the Act and therefore not registrable as intended. This included individuals who were convicted of a qualifying offence prior to commencement on 14 October 2016, but were sentenced after that date.

On 9 February 2021, the Supreme Court released a decision ((SC 31/2019) [2021] NZSC2) which determined that the registration provisions do not apply where the qualifying offence was committed before the Act came into force, but the individual was not convicted and sentenced until **after** the Act came into force.

To give effect to the Act's intent, the Bill inserts amendments and new provisions in Schedule 1 of the Act to clarify the Act's retrospective application. The Bill will enable the reinstatement on the Register of those who have been deregistered as a result of the Supreme Court decision, by validating the registration. It will also ensure that all individuals convicted and sentenced for qualifying offences following the Supreme Court decision are eligible for registration. This will include persons who committed a qualifying offence prior to 14 October 2016.

The Bill will enable review of decisions around a person's eligibility to be placed on the Register under section 9, for those individuals sentenced, but not placed on the Register, following the 9 February 2021 Supreme Court decision.

The Bill is essential for the wellbeing and sexual safety of children, and their family/whānau. It will ensure that individuals convicted of historical child sex abuse are eligible for registration.