

24 August 2015

C73335

Jennifer Katherine Shields
fyi-request-3046-da2f1233@requests.fyi.org.nz

Dear Ms Shields

Thank you for your email dated 14 August 2015, requesting a copy of the document listing the schedule of serious sexual offences as referenced on the Department's website. Your request has been considered under the Official Information Act 1982 (OIA).

As you have highlighted the document is referenced on the website within the Prison Operations Manual (POM) guidelines on transgender and intersex prisoners. The document however, is not available on the website. I can advise that this was an administrative error and we will update the website shortly. In the meantime, please find attached a copy of the document for your reference. I trust the information provided is of assistance, and thank you for bringing this to our attention.

Should you have any concerns with this response, I would encourage you to raise these with the Department. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Charles Post
Manager Ministerial Services (Acting)
Corporate Services

M.03.05.Res.01 Schedule of serious sexual offences



Prisoners are ineligible to apply for a review of their placement if they:

- are currently serving a sentence of imprisonment for a serious sexual offence against a person of the prisoner's nominated sex
- are remanded in custody charged with, or awaiting sentence for a serious sexual offence against a person of the prisoner's nominated sex; or
- have served a sentence of imprisonment for a serious sexual offence:
 - against a person of the prisoner's nominated sex, and
 - the sentence expiry date is 7 years or less before the date on which the prisoner wishes to make an application.

Section	Offence	Penalty
128B	Sexual violation	20 years
129 (1)	Attempted sexual violation with intent to commit sexual violation	10 years
129 (2)	Assault with intent to commit sexual violation	10 years
129A(1)	Sexual conduct with consent induced by certain threats	14 years
130	Incest	10 years
131 (1)	Sexual conduct with dependent family member under the age of 18 years	7 years
131 (2)	Attempted sexual connection with a family member under the age of 18 years	7 years
131B	Meeting young person following sexual grooming	7 years
132 (1)	Sexual connection with child under 12	14 years
132 (2)	Attempted sexual connection with child under 12	10 years
132 (3)	Performing an indecent act (including indecently assaulting) on a child under 12	10 years
134 (1)	Sexual connection with a young person under 16	10 years.
134 (2)	Attempted sexual connection with a young person under 16	10 years
134 (3)	Performing an indecent act (including indecently assaulting) on a young person under 16	7 years
135	Indecent assault	7 years
138 (1)	Exploitative sexual connection with a person with a significant impairment	10 years
138 (2)	Attempted exploitative sexual connection with a person with a significant impairment	10 years
142A (1)	Compelled any person by the actual or threatened application of force to perform, submit or acquiesce in any act of indecency with an animal	14 years
144C (1) (a)	Making or organising any travel arrangements for or on behalf of any other person with the intention of facilitating the commission of an offence against a young person which if committed in New Zealand would be an offence under Sections 132 and 134	Refer below*
144C (1) (a)	Making or organising any travel arrangements for or on behalf of any other person with the intention of facilitating the commission of an offence against a young person which if committed in New Zealand would be an offence under Section 23 (1) of the Prostitution Reform Act 2003	7 years
144C (1) (b)	Transports any other person outside of New Zealand with the intention of facilitating the commission of an offence against a young person which if committed in New Zealand would be an offence under Sections 132 and 134	Refer below*
144C (1) (b)	Transports any other person outside of New Zealand with the intention of facilitating the commission of an offence against a young person which if committed in New Zealand would be an offence under Section 23 (1) of the Prostitution Reform Act 2003	7 Years

*The penalty that applies to that offence if committed in New Zealand