

## SUPPLEMENTARY INFORMATION

### ABOUT THE CRIMINAL RECORDS (CLEAN SLATE) ACT 2004

This legislation is designed to allow individuals with less serious convictions who have been conviction free for at least seven years and who meet all other relevant criteria to put their past behind them. It will enable eligible individuals to conceal convictions in most circumstances. There are some exceptions when individuals' convictions will continue to be disclosed. The Criminal Records (Clean Slate) Act 2004 is an automatic scheme - therefore, it is not necessary to apply for a 'clean slate'. If you meet all the criteria for concealing previous convictions, you are eligible to have your convictions concealed by the Ministry. Your convictions will be entitled to be concealed as long as you continue to meet all the criteria. Those who do not meet all criteria will be ineligible for 'clean slate' purposes and will receive a criminal convictions report. [View the Criminal Records \(Clean Slate\) Act 2004 on the New Zealand Legislation website.](#)

#### What are the criteria for concealing my criminal record?

An individual must meet all the criteria in section 7 of the Act before all of their convictions can be concealed. The general criteria for obtaining the benefits of the 'clean slate' scheme are set out below. The Act should be consulted for full information.

The individual must have:

- no convictions within the last 7 years
- never been sentenced to a custodial sentence (e.g. imprisonment, corrective training, borstal);
- never been ordered by a Court during a criminal case to be detained in a hospital due to his/her mental condition, instead of being sentenced
- not been convicted of a "specified offence" (e.g. sexual offending against children and young people or the mentally impaired) (see interpretation section for a full list)
- paid in full any fine, reparation or costs ordered by the Court in a criminal case
- never been indefinitely disqualified from driving under section 65 Land Transport Act 1998 or earlier equivalent provision.

#### How will I know if I meet the criteria?

The Criminal Records (Clean Slate) Act 2004 is an automatic scheme - therefore, it is not necessary to apply for a 'clean slate'.

Individuals can request a copy of their criminal record from the Criminal Records Unit of the Ministry of Justice. If an individual is eligible under the scheme his/her convictions will be concealed. If the individual's convictions continue to be on their criminal record they do not meet the eligibility criteria.

#### Exceptions under Section 19 of the Act

There are specific exceptions where a complete criminal record is required, as detailed in section 19 of the Criminal Records (Clean Slate) Act. Approved users can request the required form by contacting the Criminal Records Unit in writing:

Criminal Records Unit  
Ministry of Justice  
SX10161  
Wellington

#### How does this legislation impact on my ability to travel overseas & completing visa application forms?

Because New Zealand legislation cannot bind a foreign government, the Act will have no impact on the border and immigration disclosure requirements of overseas jurisdictions.

Where a foreign State requires disclosure of all criminal convictions, whether entitled to be concealed or not, all convictions will need to continue to be provided. The weight that is given to the conviction in relation to the immigration or visa application is at the discretion of the country in question.

#### Background to the Act

The Criminal Records (Clean Slate) Bill received its third reading in Parliament on 11 May 2004. It received the Royal Assent on 16th of May 2004. This Act came into force on Monday 29 November 2004. Any questions asked about criminal records or requests for an individual's criminal record processed on or after Monday 29 November 2004 will comply with the requirements of the Criminal Records (Clean Slate) Act 2004.

This legislation is designed to allow individuals with less serious convictions who have been conviction-free for at least seven years to put their past behind them. It will enable eligible individuals to conceal convictions in most circumstances. There are some exceptions when individuals' convictions can continue to be disclosed (see Section 19 of the Act).

The Act did not come into force immediately. Therefore, individuals could not obtain the benefit of the clean slate scheme until the Act commenced. The Act commenced on Monday 29 November 2004.

Delayed commencement was necessary to enable the Ministry of Justice and the New Zealand Police to implement the Act, with changes to information technology systems and day-to-day work practices.

### CHILDREN'S ACT 2014

For full information on the Children's Act 2014 please go to: <https://www.legislation.govt.nz/act/public/2014/0040/latest/whole.html>

This Act is administered by Oranga Tamariki—Ministry for Children and the Ministry of Education.

### PRIVACY, FEES AND RULES

**Privacy:** The Organisation collects and stores information from this form to comply with the requirements of the Ministry of Education (MOE), New Zealand Qualifications Authority (NZQA), Tertiary Education Commission (TEC), Industry Training Organisations (ITO), Ministry of Social Development, Inland Revenue Department (IRD), Department of Immigration and Agencies who support particular students through scholarships and prizes, payment of fees or other awards (if you are a recipient of one of these awards) and employers. The information is also used to select students for qualifications, to manage internal administrative processes, and for internal reporting. Information about students may be supplied to, and sought from, other educational organisations for the purpose of verifying academic records.

When required by law, the Organisation will release information to parents, caregivers, agents and to government agencies such as the New Zealand Police, Department of Justice, Oranga Tamariki, Inland Revenue, Ministry of Social Development and the Accident Compensation Corporation. You have the right to access and correct personal information about you which has been collected by NZSE College/ Seafield School of English in accordance with NZSEG's Privacy of Information Policy and Procedures

In signing this application form you authorise such disclosure on the understanding that the Organisation will observe the general conditions governing the release of information, as set out in the Privacy Act 1993 and the Post-Compulsory Unique Identifier Code of Practice. You may see any information held about you and amend any errors in that information. To do so, contact the Enrolment Officer.

**NB:** The Privacy Act came into force on 1 July 1993 with the stated aim of protecting the privacy of natural persons. It requires the Organisation to collect, hold, handle, use and disclose personal information in accordance with the twelve information privacy principles in the Act.

**Fees:** In signing this application form you undertake to pay all fees as they become due, and to meet any late fees and collection charges associated with debt recovery. The Organisation's policy on withdrawal and refund of fees may be obtained from the Enrolment Officer.

**Rules:** In signing this application form you undertake to comply with the published rules and policies of the Organisation with regard to attendance, academic progress, standard of dress, health and safety, and behaviour.