

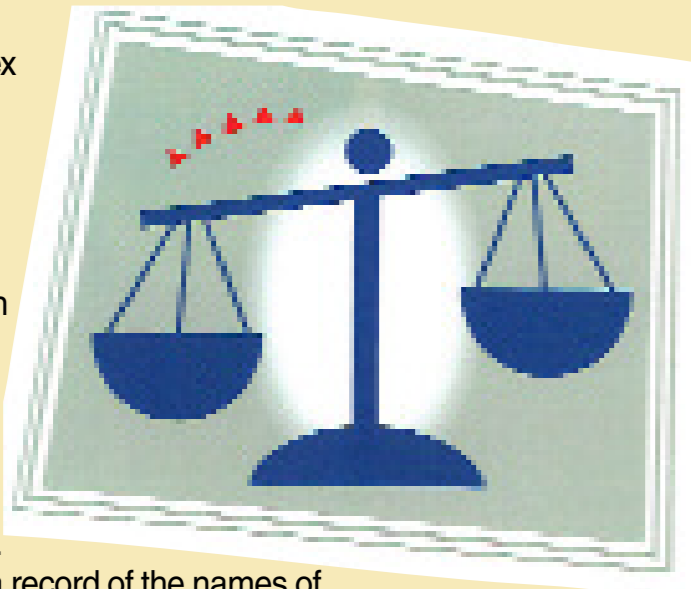
THE NATIONAL REGISTER FOR SEX OFFENDERS



Chapter 6 of Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), established the National Register for Sexual Offenders

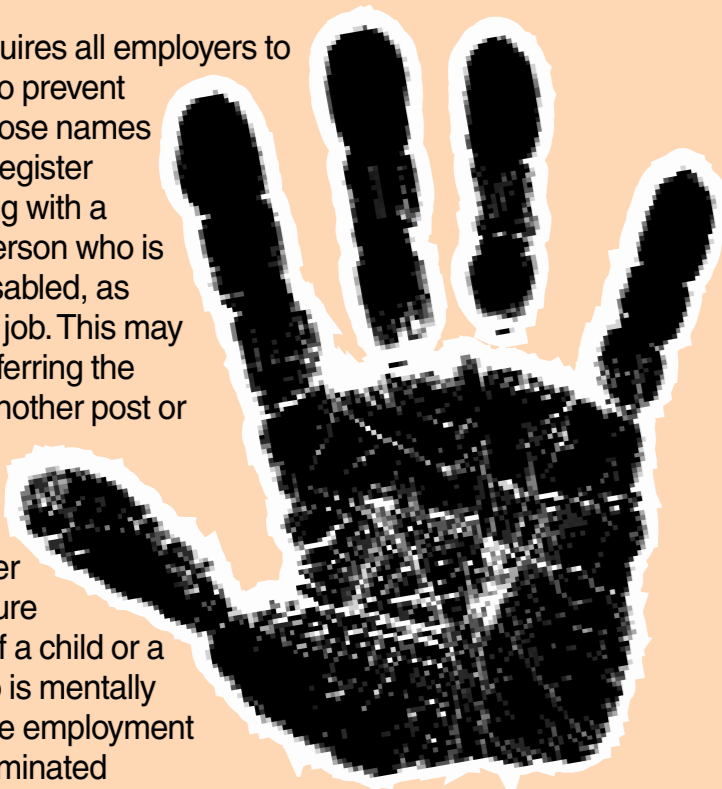
What is the NRSO and why was it created?

- The National Register for Sex Offenders (NRSO) was established in 2007.
- It aims to protect children and mentally disabled persons from anyone found guilty of a sexual offence.
- The NRSO is a record of the names of individuals found guilty of sexual offences against children and mentally disabled people.
- It seeks to protect children and mentally disabled persons from convicted sex offenders.
- The register will also carry the names of sex offenders found guilty before the law came into being.
- All sexual offences are placed on the Register, even if the offence took place outside of the country.



What must employers do to keep children and mentally disabled persons safe?

- The law requires all employers to take steps to prevent workers whose names are in the Register from working with a child or a person who is mentally disabled, as part of their job. This may mean transferring the person to another post or position, when it is possible.
- If the transfer will not ensure the safety of a child or a person who is mentally disabled, the employment must be terminated immediately.
- An employer must immediately end the employment of someone who fails to divulge a conviction of a sexual offence against a child or a person who is mentally disabled or that he or she is alleged to have committed a sexual offence against a child or a person who is mentally disabled and who has been dealt with in terms of the Criminal Procedure Act.



Prohibition of certain types of employment for people who have been convicted of a sexual offence:

- Anyone found guilty of an sexual offence against a child or mentally disabled person may not:
 - Be employed to work with a child or a person who is mentally disabled;
 - Hold any position, related to his or her job, or for any financial benefit which puts him or her in any position of authority, supervision or care of a child or a person who is mentally disabled;
 - Hold any position where he or she enjoys access to a child or a person who is mentally disabled or places where persons who are mentally disabled are present;
 - Be granted a licence or be given approval to manage or operate a body in relation tasked with supervision over or care of a child or person who is mentally disabled;
 - Become the foster parent, kinship caregiver, temporary adoptive parent of a child or the curator of a person who is mentally disabled.



Who is an employer?

An employer refers to any public or private organisation, including any club, person, or association, that hires staff who, as part of their job, are placed in a position where: they work with a child or a person who is mentally disabled; they take charge of, or are involved in looking after a child or a person who is mentally disabled; and/or they have access to a child or a person who is mentally disabled or work in places where children or persons who are mentally disabled gather.



What does the Register expect of employers?

- An employer with staff, or who intends to employ staff, who work with children and mentally disabled persons may apply to the Registrar for a clearance certificate, asking whether or not the details of the employee are kept in the Register.
- An employer shall not employ anyone whose name appears on the National Register for Sexual Offenders.



What must an employer do if a staff member's name appears on the Register?

If an employer at any time finds out that the name of an employee appears in the Register, the employer must immediately terminate the employment of the worker, unless the person can be moved to another post which will not bring the worker into contact with a child or a person who is mentally disabled.

What does the Register expect of employees?

- An employee found guilty of a sexual offence against a child or a person who is mentally disabled must tell an employer about the ruling.
- In terms of the Criminal Procedure Act, the employee must tell his/her new employer about the court decision when applying for a job.
- An employee who does not tell his employer about the court decision is guilty of an offence.
- This could lead to a fine or up to seven years in prison, or both a fine and imprisonment.
- A person who does not reveal that he/she has been found guilty of an offence and applies for permission to run a business or organisation working with children or mentally disabled persons is breaking the law.



What happens to an employer who does not act against offenders in the workplace?

An employer, who does not comply with the law, is guilty of an offence and could be given a fine or sent to prison for a term not more than seven years or to both a fine and a jail sentence.



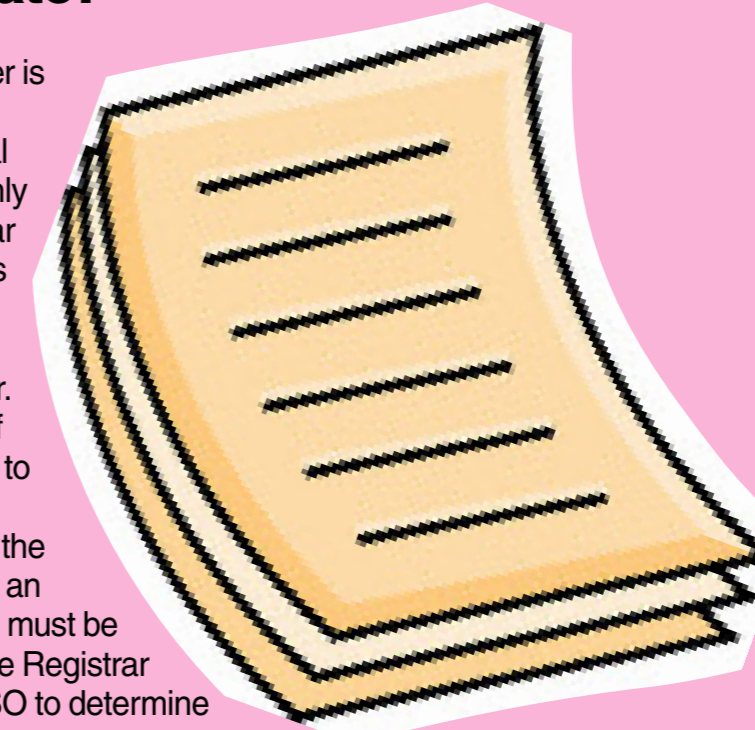
What is a Clearance Certificate?

It is a document from the Registrar saying whether a person's details are in the Register or not.



How does one apply for a clearance certificate?

- The register is held in a confidential manner. Only the registrar has access to the content in the register.
- However, if one needs to apply for clearance, the process is, an application must be made to the Registrar of the NRSO to determine whether or not the particulars of a person mentioned in the application are recorded in the Register and the Registrar must, on receiving an application for clearance or as soon as is reasonably possible but in any event within 10 working days after receipt of the application issue a certificate, saying whether the person's details appears on the Register or not.



What is the process and who can apply for a Clearance Certificate?

Only certain categories of persons can apply for a clearance certificate. These include:

- An employer in respect of a staff member – (this can be done as per terms on FORM 9 available via the Department of Justice and Constitutional Development (DOJ&CD) website).
- A licensing authority in respect of an applicant – through FORM 8 in the DOJ&CD website.
- An employee in respect of his or her own particulars – through FORM 7 in the DOJ&CD website.
- A person applying for a licence or approval to manage or operate any entity, business concern or trade in relation to the supervision over or care of children or persons who are mentally disabled in respect of his or her own particulars – through FORM 8 in the DOJ&CD website.
- A person applying to become a foster parent, kinship care-giver, temporary safe care-giver or adoptive parent in respect of his or her own particulars – through FORM 8 in the DOJ&CD website.
- Any person whose details are on the Register can apply concerning his/her own particulars - through FORM 8 in the DOJ&CD website.

For more information contact:

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