

30 April 2021

C133685

s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your email of 23 March 2021, requesting information about Australian citizens in New Zealand prisons. Your request has been considered under the Official Information Act 1982 (OIA).

You requested:

*- How many people serving time inside New Zealand prisons currently have Australian Citizenship? \**

*\* Could you please breakdown that information by gender, age, offence, how long they have spent in prison and when they are due to be released, if possible?*

Please find the number of people with Australian citizenship in New Zealand prisons at 31 March 2021 in the tables below.

When reviewing these figures, note that Corrections does not require information about citizenship for the day-to-day management of people in prison. Citizenship is either self-reported or identified from another source which indicates the individual's citizenship, for example, a deportation order, a passport or another official document. When provided by individuals on entry to custody, this information is not checked for accuracy. Where there is no citizenship information for an individual, the database automatically defaults to record New Zealand citizenship.

Gender	Total
Female	3
Male	16

Age group	Total
20 - 24	1
25 - 29	2
30 - 39	9
40 - 49	5
50 - 59	1
60 and over	1

Most serious offence	Total
Breaches	1
Burglary	1
Dishonesty	1
Drugs	4
Property	2
Sexual	6
Violence	4

Time in prison	Total
6 months or less	4
Over 1 year to 2 years	6
Over 2 years to 3 years	3
Over 3 years to 5 years	2
Over 5 years to 10 years	4

Time to statutory release date	Total
6 months or less	2
Over 6 months to 1 year	1
Over 1 year to 2 years	3
Over 2 years to 3 years	2
Over 3 years to 5 years	4
Over 5 years to 10 years	3
Over 10 years	2
Indeterminate	2

*- How many people born in Australia, without New Zealand citizenship are serving time in New Zealand prisons?*

Corrections does not centrally record the country of births of individuals in prison. This information, if held at all, will be recorded in the individual file of those in prison. In order to obtain this information, we would be required to manually review a large number of files.

In accordance with the OIA, we have considered whether to affix a charge or extend the time limit for responding. However, given the scale of the request we do not consider that this would be an appropriate use of our publicly funded resources. Accordingly, this part of your request is declined under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research.

As per section 18B of the OIA, we have considered whether consulting the requestor would assist to make the request in a form that would remove the reason for the refusal. However, we do not consider that the request could be refined in this instance.

*- Since 2014, how many Australian citizens, or people born in Australia have been convicted of crimes, and been sentenced to more than 12 months in prison?*

Corrections reports this data by financial year, being 1 July to 30 June. Therefore, the information requested from 2014 has been provided from the start of the 2014/15 financial year, being 1 July 2014.

As at 31 March 2021, 64 recorded Australian citizens have been sentenced to more than 12 months imprisonment in New Zealand since 1 July 2014.

As advised above, Corrections does not centrally record the country of births of individuals in prison and is unable to provide information for this part of your request as it pertains to individuals born in Australia.

*- Since 2014, how many Australian nationals/citizens who have spent 1-year plus in jail have been released from prison?*

As at 31 March 2021, 39 recorded Australian citizens, who were imprisoned in New Zealand for one year or longer, have been released since 1 July 2014.

*- How many Australian nationals/citizens have been sentenced to jail, been released, then re-offended and given more prison time?*

As at 31 March 2021, a total of 152 recorded Australian citizens, who had previously been sentenced to imprisoned in New Zealand and released, reoffended and were imprisoned again in New Zealand.

*- How many deportees of Australia's '501' program have ended up in New Zealand prisons since 2014?*

Not all people who are deported to New Zealand from Australia are subject to Corrections' management. Corrections only centrally records information for individuals deported from Australia under the '501' programme if they are subject to a Returning Offender Order. The parameters of your request have been adjusted accordingly.

The Returning Offenders (Management and Information) Act 2015 enables Corrections to manage and monitor certain individuals returning from overseas. The supervision regime applies to eligible individuals who have served a term or terms of imprisonment of more than one year in another country. The law applies regardless of whether the offender is deported, removed, or returns voluntarily. This means Corrections is able to work with individuals who previously would have returned to the community without the reintegrative support and supervision required to safeguard them and the public.

Around 1,500 people have been subject to a Returning Offenders Order since November 2015. The Returning Offenders (Management and Information) Act 2015 does not provide for the imprisonment of individuals on their return to New Zealand.

More information is available here:

[https://www.corrections.govt.nz/working\\_with\\_offenders/community\\_sentences/sentences\\_and\\_orders/returning\\_offenders\\_order](https://www.corrections.govt.nz/working_with_offenders/community_sentences/sentences_and_orders/returning_offenders_order)

As at 31 March 2021, 343 individuals who were deported to New Zealand and who were subject to a Returning Offender Order have been imprisoned at any point.

As above, this figure may exclude further individuals who were deported from Australia under the '501' programme but were not initially subject to Corrections' management under a Returning Offenders Order.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise them with Corrections. 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.

Ngā mihi



Lynette Cave  
Acting National Commissioner