**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1039**

**DATE OF QUESTION PAPER: 05 MAY 2017**

**DATE OF SUBMISSION: 19 MAY 2017**

**Ms T Stander (DA) to ask the Minister of Justice and Correctional Services:**

1. On which dates has the Department of Basic Education (DBE) requested assistance from his department to obtain the sexual offenders list;
2. Did his department assist in this regard; if not, why not; if so, how?

**NW1169E**

**REPLY**:

1. No, the Department of Basic Education has not requested assistance from the Department of Justice and Constitutional Development (DoJ&CD) to obtain the list of sexual offenders. It must be noted that section 52 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 23 of 2007) requires the confidentiality and non-disclosure of any information contained in the National Register for Sex Offenders (NRSO). The Registrar of the National Register for Sex Offender is only allowed to disclose information from the register upon receipt of an application that gives effect to the provisions of Chapter 6 of the Act or in response to a court order to that effect. No such application or court order has been received by the Registrar concerning the DBE’s request.

2) No, as the Department of Justice & Constitutional Development has not received any application from the Department of Basic Education for the disclosure of certain information contained in the National Register for Sex Offenders. As earlier indicated, the NRSO is kept in a confidential manner, which essentially means that it can only be accessed by way of an application to the Registrar of the National Register for Sex Offenders by the following category of persons:-

(i) a Relevant Authority in terms of section 48(1) of the Act ;

(ii) an employee in respect of her own particulars;

(iii) a person applying for a license or approval to manage or operate any entity -section 47(2) of the Act;

(iv) a person applying to become a foster parent –section 48 (2) of the Act; and

(v) any person applying in respect of his or her own particulars.

It is therefore important to note that should the Department of Basic Education wishes to ascertain whether or not the names of teachers appear in the National Register of Sex Offenders, it must apply to the Registrar of the NRSO for a prescribed certificate, as required by the Act.