

**IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**CRI-2009-485-168**

**CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONS**  
Applicant

v

**KAXAN CHAINE MURAAHI**  
Respondent

Hearing: 18 December 2009

Appearances: G A Kelly for the Applicant  
Respondent in person

Judgment: 18 December 2009

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**ORAL JUDGMENT OF MACKENZIE J**

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[1] This is an application for an extended supervision order. Mr Muraahi is due for release on 23 June 2010 from a sentence of imprisonment which was imposed in November 1999 for sexual offending against 13 different victims aged between three and 15 years of age. He had been released on 23 January 2007 but was subsequently recalled to continue serving his sentence in prison.

[2] The application is supported by a comprehensive report from the Department of Corrections' psychologist who had interviewed and assessed Mr Muraahi. In that report the psychologist has considered Mr Muraahi's potential to reoffend. As to the risks relevant to s 107F of the Parole Act the nature of any further sexual offending

by the offenders, including age and sex of likely victims, the opinion is expressed that Mr Muraahi might offend against male and female prepubescent children or adolescents and any future reoffending would be more likely to involve known victims with whom Mr Muraahi has a relationship through whanau or friends. As to the offender's ability to control his sexual impulses, the opinion is expressed that the lapses such as were experienced on the first period of release will significantly impact on his ability to inhibit sexual impulses. As to the offender's predilection and proclivity for sexual offending, the report writer notes that Mr Muraahi has an extensive and prolonged period of offending when he demonstrated a high predilection and proclivity for sexual offending against children, and that significant and sustained behavioural change is suggested as the only reliable measure that would demonstrate an absence of predilection and proclivity for sexual offending. As to the offender's acceptance of responsibility and remorse for past offending the report writer notes that Mr Muraahi has demonstrated an understanding of the factors that led him to offend and shown remorse for his actions towards his victims.

[3] It notes that it is possible that the impact of his own sexual abuse is still significant and unresolved and that to date there has been no indication that Mr Muraahi has had counselling to process his own experiences. It is said that this may be an important recommendation for Mr Muraahi and it is one which will no doubt be taken into account in the measures which are taken.

[4] As to any other relevant factors, the report notes the earlier unsuccessful release and recall and that Mr Muraahi is now with reduced support in the community and without a safety plan.

[5] The recommendations in the report are that Mr Muraahi is assessed at being of medium/high risk of committing further sexual offences against children and adolescents under the age of 16 with his victims likely to male or female and known to him. That he has placed himself in high risk situations and the recommendation is that an order for a period of 10 years be sought. A further recommendation is that he be referred to intensive counselling to address his own experience of sexual abuse.

[6] I have carefully considered that report. Mr Muraahi has indicated that he does not wish to be represented by counsel in respect of this application and he acknowledges that an order is appropriate and does not oppose the making of the order. This is a very responsible action on Mr Muraahi's part. I have, quite independently of his acceptance of it, carefully reviewed the papers, including the report that I have briefly summarised, and I am of the clear view that this is indeed a case where an order is appropriate and that Mr Muraahi's acceptance of that does demonstrate, as I have said, a very responsible attitude to it.

[7] For the reason I have given there will be an order as sought and that order will be for a term of 10 years following release.

Solicitors: Crown Solicitor, Wellington for Applicant

**“A D MacKenzie J”**