Version
as at 26 September 2026

Victims' Rights Act 2002

Public Act	2002 No 39
Date of assent	17 October 2002
Commencement	see section 2

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The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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1 Title

This Act is the Victims' Rights Act 2002.

Part 1
Preliminary provisions

2 Commencement

This Act comes into force 2 months after the date on which it receives the Royal assent.

3 Purpose of Act

The purpose of this Act is to improve provisions for the treatment and rights of victims of offences.

4 Interpretation

In this Act, unless the context otherwise requires,—

accused or **person accused of the offence**, in relation to a victim, means a person charged (whether as a principal or party or accessory after the fact or otherwise) with the commission of the offence that affected the victim

act proven but not criminally responsible on account of insanity has the same meaning as in section 4(1) of the Criminal Procedure (Mentally Impaired Persons) Act 2003

address, in relation to a victim or representative, means the address to which notices may be sent by post or electronic means (including by fax or email) and received by the victim or representative

audio record means a recording on any medium from which a sound track may be produced by any means

child means a person under the age of 14 years

facility has the same meaning as in section 9 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003; and includes a secure facility within the meaning of that section

family violence has the meaning given in section 9 of the Family Violence Act 2018

hospital has the same meaning as in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992

immediate family, in relation to a victim,—

(a) means a member of the victim's family, whanau, or other culturally recognised family group, who is in a close relationship with the victim at the time of the offence; and

(b) to avoid doubt, includes a person who is—

  (i) the victim's spouse, civil union partner, or de facto partner; or

  (ii) the victim's child or step-child; or

  (iii) the victim's brother or sister or step-brother or step-sister; or

(iv) a parent or step-parent of the victim; or

(v) a grandparent of the victim

incapable, in relation to a person,—

(a) means that the person—

(i) lacks, wholly or partly, the capacity to understand the nature, and to foresee the consequences, of decisions in respect of matters relating to his or her personal care and welfare; or

(ii) has the capacity to understand the nature, and to foresee the consequences, of decisions in respect of matters relating to his or her personal care and welfare, but wholly lacks the capacity to communicate decisions in respect of matters of that kind; and

(b) includes the person being in a state of continuing unconsciousness

judicial officer means a Judge, or other person who holds a judicial office (for example, a Justice of the Peace or Community Magistrate), exercising jurisdiction in criminal cases and, in relation to proceedings in court, means the judicial officer presiding over the proceedings

lawyer has the meaning given to it by section 6 of the Lawyers and Conveyancers Act 2006

offence, in relation to a victim,—

(a) means an offence against an enactment—

(i) committed against the victim (or committed against a child or young person of whom the victim is a parent or legal guardian); or

(ii) through which, or by means of which, the victim (or a child or young person of whom the victim is a parent or legal guardian) suffered physical injury or emotional harm, or loss of, or damage to, property; or

(iii) that resulted in the death of a member of the victim's immediate family, or in a member of the victim's immediate family being incapable; and

(b) includes an alleged offence (whether or not a person is convicted of the offence) committed against the victim (or committed against a child or young person of whom the victim is a parent or legal guardian), or that has affected the victim (or a child or young person of whom the victim is a parent or legal guardian) in any of the ways referred to in paragraph (a)(ii) or (iii); and

(c) includes an offence—

(i) committed against the victim; and

(ii) in respect of which the court recorded a finding of act proven but not criminally responsible on account of insanity under section 20 of the Criminal Procedure (Mentally Impaired Persons) Act 2003

offender, in relation to a victim,—

(a) means a person—

(i) convicted of the crime or offence that affected the victim; or

(ii) charged with the crime or offence that affected the victim, and in respect of which the court recorded a finding of act proven but not criminally responsible on account of insanity under section 20 of the Criminal Procedure (Mentally Impaired Persons) Act 2003; and

(b) in section 9 (which relates to meetings requested by victims) and sections 17AA to 27 (which relate to victim impact statements), includes a person found guilty of, or who pleads guilty to, that crime or offence

representative means a person appointed under section 40

Secretary means the Secretary for Justice

sexual case means a criminal proceeding in which a person is charged with, or is waiting to be sentenced or otherwise dealt with for,—

(a) an offence against any of the provisions of sections 128 to 142A or section 144A of the Crimes Act 1961; or

(b) any other offence against the person of a sexual nature

sexual case complainant means a complainant who is to give or is giving evidence in a sexual case

specified offence has the meaning given in section 29

support person, in relation to a victim, means—

(a) a spouse, civil union partner, or de facto partner of the victim:

(b) a parent or another close relative or a legal guardian of the victim:

(ba) a person whom the victim nominates by notice in writing as his or her support person (not being a person accused of the offence, or the offender):

(c) a Social Worker (as defined in section 2(1) of the Oranga Tamariki Act 1989) if—

(i) the victim is a child or young person who is in the custody or under the guardianship or in the care of the chief executive or another person under that Act; or

(ii) the victim is a child who is not married or in a civil union and who is placed under the guardianship of the court by an order under section 31(1)(a) of the Care of Children Act 2004, and the Social Worker is appointed the agent of the court by an order under section 31(1)(b) or section 33(1)(c)(ii) of that Act:

(d) a welfare guardian of the victim, or manager of the property of the victim, appointed under the Protection of Personal and Property Rights Act 1988:

(e) an attorney appointed by the victim under a power of attorney described in section 95 of the Protection of Personal and Property Rights Act 1988 if—

(i) the matter is one relating to the personal care and welfare of the victim in relation to which the attorney is authorised to act under the power of attorney; and

(ii) the occasion for the attorney to act has arisen under section 98(3) of that Act

victim—

(a) means—

(i) a person against whom an offence is committed by another person; and

(ii) a person who, through, or by means of, an offence committed by another person, suffers physical injury, or loss of, or damage to, property; and

(iii) a parent or legal guardian of a child, or of a young person, who falls within subparagraph (i) or subparagraph (ii), unless that parent or guardian is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the offence concerned; and

(iv) a member of the immediate family of a person who, as a result of an offence committed by another person, dies or is incapable, unless that member is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the offence concerned; and

(b) for the purposes only of sections 7 and 8, includes—

(i) a person who, through, or by means of, an offence committed by another person, suffers any form of emotional harm; and

(ii) a parent or legal guardian of a child, or of a young person, who falls within subparagraph (i), unless that parent or guardian is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the offence concerned; and

(iii) a person who has experienced family violence; and

(iv) a child or young person residing with a person who falls within subparagraph (iii); and

(c) despite paragraphs (a) and (b), if an offence is committed by a person, does not include another person charged (whether as a principal or party

or accessory after the fact or otherwise) with the commission of, or convicted or found guilty of, or who pleads guilty to,—

(i) that offence; or

(ii) an offence relating to the same incident or series of incidents as that crime or offence

victim of a specified offence means a victim of an offence that the Commissioner of Police determines, under section 29A, is a specified offence

video record means a recording on any medium from which a moving image may be produced by any means; and includes an accompanying sound track

young person means a person of or over the age of 14 years but under 18 years.

Compare: 1987 No 173 s 2

Section 4 **act proven but not criminally responsible on account of insanity**: inserted, on 13 December 2022, by section 28(3) of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Section 4 **address**: inserted, on 6 December 2014, by section 4(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 4 **audio record**: inserted, on 21 December 2021, by section 26 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Section 4 **child**: amended, on 1 July 2019, by section 60(1) of the Oranga Tamariki Legislation Act 2019 (2019 No 30).

Section 4 **domestic violence**: repealed, on 1 July 2019, by section 259(1) of the Family Violence Act 2018 (2018 No 46).

Section 4 **facility**: inserted, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 4 **family violence**: inserted, on 1 July 2019, by section 259(1) of the Family Violence Act 2018 (2018 No 46).

Section 4 **immediate family** paragraph (b): substituted, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 4 **lawyer**: substituted, on 1 August 2008, by section 348 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

Section 4 **offence** paragraph (c): inserted, on 13 December 2022, by section 28(1) of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Section 4 **offender**: replaced, on 13 December 2022, by section 28(2) of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Section 4 **representative**: inserted, on 6 December 2014, by section 4(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 4 **Secretary**: inserted, on 6 December 2014, by section 4(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 4 **sexual case**: inserted, on 21 December 2021, by section 26 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Section 4 **sexual case complainant**: inserted, on 21 December 2021, by section 26 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Section 4 **specified offence**: inserted, on 6 December 2014, by section 4(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 4 **support person** paragraph (a): substituted, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 4 **support person** paragraph (ba): inserted, on 6 December 2014, by section 4(3) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 4 **support person** paragraph (c): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 4 **support person** paragraph (c)(ii): amended, on 1 July 2005, by section 151 of the Care of Children Act 2004 (2004 No 90).

Section 4 **support person** paragraph (c)(ii): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 4 **victim** paragraph (b)(iii): inserted, on 6 December 2014, by section 4(4) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 4 **victim** paragraph (b)(iii): amended, on 1 July 2019, by section 259(1) of the Family Violence Act 2018 (2018 No 46).

Section 4 **victim** paragraph (b)(iv): inserted, on 6 December 2014, by section 4(4) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 4 **victim of a specified offence**: inserted, on 6 December 2014, by section 4(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 4 **video record**: inserted, on 21 December 2021, by section 26 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Section 4 **young person**: replaced, on 1 July 2019, by section 60(2) of the Oranga Tamariki Legislation Act 2019 (2019 No 30).

5 Directions about members of immediate family

(1) This section applies when an offence committed by a person results in the death of another person (**person A**) or in that other person being incapable.

(2) On an application for the purpose by or on behalf of a person who is not a member of person A's immediate family for the purposes of this Act, a judicial officer may give a direction that the person must be treated as if he or she were a member of person A's immediate family for the purposes of this Act.

(3) On an application for the purpose by a prosecutor, and in the circumstances stated in subsection (4), a judicial officer may—

(a) give a direction that a person who is a member of person A's immediate family for the purposes of this Act must be treated as if the person were not a member of person A's immediate family for the purposes of this Act; or

(b) revoke a direction, given under subsection (2), that required a person to be treated as a member of person A's immediate family for the purposes of this Act.

(4) The circumstances are that the judicial officer is satisfied—

(a) that 1 or more members of person A's immediate family, being members of that kind closer to person A than the person, consider it improper that the person be treated as a member of person A's immediate family for the purposes of this Act; or

(b) that the interests of justice require that the person not be treated as a member of person A's immediate family for the purposes of this Act.

(5) A person who is the subject of a direction given and not later revoked under this section must be treated in accordance with the direction.

5A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 5A: inserted, on 21 December 2021, by section 27 of the Sexual Violence Legislation Act 2021 (2021 No 60).

6 Act binds the Crown

This Act binds the Crown.

Part 2
Provisions relating to treatment and rights of victims generally

Principles guiding treatment of victims

7 Treatment

Any person who deals with a victim (for example, a judicial officer, lawyer, member of court staff, Police employee, probation officer, or member of the New Zealand Parole Board) should—

(a) treat the victim with courtesy and compassion; and

(b) respect the victim's dignity and privacy.

Compare: 1987 No 173 s 3

Section 7: amended, on 6 December 2014, by section 5 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 7: amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

8 Access to services

A victim or member of a victim's family who has welfare, health, counselling, medical, or legal needs arising from the offence should have access to services that are responsive to those needs.

Compare: 1987 No 173 s 4

9 Restorative justice meetings to resolve issues relating to offence

(1) This section applies if a victim requests to meet with the offender to resolve issues relating to the offence.

(2) A member of court staff, a Police employee, or, if appropriate, a probation officer must, if satisfied that the necessary resources are available, refer the request to a suitable person who is available to arrange and facilitate a restorative justice meeting.

Section 9: replaced, on 6 December 2014, by section 6 of the Victims' Rights Amendment Act 2014 (2014 No 35).

10 Enforceability of principles

Sections 7 to 9, and the principles in them guiding the treatment of victims, do not confer on any person any legal right that is enforceable, for example, in a court of law.

Compare: 1993 No 28 s 11(2)

Information to be given to victims

11 Information about programmes, remedies, and services

(1) A victim must, as soon as practicable after the victim comes into contact with an agency, be given information by the personnel of the agency about programmes, remedies, or services available to the victim through the agency.

(2) In this section,—

agency means—

(a) the Accident Compensation Corporation:

(b) Health New Zealand (as defined in section 4 of the Healthy Futures (Pae Ora) Act 2022):

(c) the Department of Corrections:

(d) the Ministry of Justice:

(e) the Ministry of Social Development:

(f) the New Zealand Police

services includes participation in restorative justice processes.

(3) Nothing in this section prevents information of a kind that, under this section, must be given to a victim of an offence, from also being given to any other person (for example, to a person who was disadvantaged by the offence).

Section 11(2): replaced, on 6 December 2014, by section 7 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 11(2) **agency** paragraph (b): replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 11(2) **agency** paragraph (b): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

12 Information about proceedings

(1) A victim must, as soon as practicable, be given information by investigating authorities or, as the case requires, by members of court staff, or the prosecutor, about the following matters:

(a) the progress of the investigation of the offence:

(b) the charges laid or reasons for not laying charges, and all changes to the charges laid:

(c) the victim's role as a witness in the prosecution of the offence:

(ca) the possibility (if any) of the court making an order prohibiting the publication of identifying information about the victim, and the steps that the victim may take in relation to the making of that order:

(d) the date and place of each event listed in subsection (2):

(e) the outcome of the prosecution of the offence (and of any proceedings on appeal), for example—

(i) any plea of guilty or conviction entered, and sentence imposed or substituted; or

(ii) any finding that an accused is unfit to stand trial; or

(iii) any finding that the charge was not proved; or

(iv) any acquittal or deemed acquittal; or

(v) any grant of free pardon.

(2) The events referred to in subsection (1)(d) are—

(a) the first appearance in court, in connection with the offence, of the person accused of the offence:

(b) any preliminary hearing relating to the offence:

(c) any trial relating to the offence:

(d) any hearings set down for sentencing for the offence:

(e) any hearings of appeals (if any) against conviction of the offence, or against the sentence imposed, or to be imposed, for the offence, or both:

(f) any referral of the conviction or sentence by the Criminal Cases Review Commission under section 17 of the Criminal Cases Review Commission Act 2019.

(3) Nothing in this section prevents information of a kind that, under this section, must be given to a victim of an offence, from also being given to any other person (for example, to a person who was disadvantaged by the offence).

(4) In this section, **investigating authorities** means persons or bodies investigating the offence in the performance or exercise of their official functions, powers, or duties; but does not include a person exercising or performing functions, powers, or duties of a probation officer under any enactment.

Compare: 1987 No 173 s 6

Section 12(1)(ca): inserted, on 6 December 2014, by section 8(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 12(1)(e): replaced, on 6 December 2014, by section 8(2) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 12(2)(c): amended, on 1 July 2013, by section 8 of the Victims' Rights Amendment Act 2011 (2011 No 95).

Section 12(2)(f): replaced, on 1 July 2020, by section 54 of the Criminal Cases Review Commission Act 2019 (2019 No 66).

Section 12(4): amended, on 1 July 2013, by section 8 of the Victims' Rights Amendment Act 2011 (2011 No 95).

13 Limits on duties to give information under sections 11 and 12

(1) Nothing in section 11 or section 12 requires any person to give information if good reason for withholding the information would exist under any of sections 6, 7, and 9 of the Official Information Act 1982, if a request for that information were made under that Act.

(2) An example of a case where good reason of that kind for withholding information would exist is where the giving of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

(3) Nothing in section 11 or section 12 affects any enactment, rule of law, or order or direction of a court that prohibits or restricts the making available of information of a kind referred to in section 11 or section 12 (for example, one forbidding the publication, in a report or account of proceedings in respect of an offence, of the name of, or of any particulars likely to identify, a participant in the proceedings).

14 Information may be given to victim's support person

Information required to be given under section 11 or section 12 may be given to a support person of a victim if the victim—

(a) cannot receive it; or

(b) is not, or may not be, capable alone of understanding it; or

(c) has, in writing, nominated that support person to receive it and given a current address for that support person.

Section 14(b): amended, on 6 December 2014, by section 9 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 14(c): inserted, on 6 December 2014, by section 9 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Privacy of victims

15 Victim's rights under Privacy Act 2020

(1) No person may interfere with the privacy of a victim contrary to the Privacy Act 2020.

(2) This section is not limited by section 7, and does not limit or affect, or give any person any rights separate from, or additional to, the Privacy Act 2020.

Section 15 heading: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 15(1): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 15(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

16 Restriction on disclosing victim's contact details in evidence or information provided to court

(1) This section applies to information (the **information**) that discloses, or that may lead to the disclosure of, a victim's contact details.

(2) The information may be given in evidence or in information provided to a court only with the leave of the judicial officer.

(3) The judicial officer must not grant leave unless satisfied—

(a) that the information is directly relevant to the facts in issue in the proceedings; and

(b) that the evidential value of the information (if any) outweighs any prejudice to the victim's interests, or any harm to the victim, that is likely to be caused by the giving of the information.

(4) In this section, **contact details** means any 1 or more of the following:

(a) residential address:

(b) postal address:

(c) email address:

(d) home telephone number:

(e) business telephone number:

(f) mobile telephone number:

(g) fax number.

Compare: 1987 No 173 s 9

Section 16 heading: replaced, on 6 December 2014, by section 10(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 16(1): replaced, on 6 December 2014, by section 10(2) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 16(4): inserted, on 6 December 2014, by section 10(3) of the Victims' Rights Amendment Act 2014 (2014 No 35).

16A Criminal proceedings to which section 16 does not apply

Nothing in section 16 applies to a criminal proceeding if it is necessary to disclose the information in the charge in order to ensure that the defendant is fully and fairly informed of the nature of the charge.

Section 16A: inserted, on 26 June 2008, by section 4 of the Victims' Rights Amendment Act 2008 (2008 No 42).

Victim's views on application for order prohibiting permanently publication of name of accused or offender

Heading (formerly above section 28): repositioned, on 13 December 2022, by section 42 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

16B Victim's views on application for order prohibiting permanently publication of name of accused or offender

(1) This section applies to a victim if the person accused of the offence or, as the case requires, the offender applies to a court under section 200 of the Criminal Procedure Act 2011 for an order or further order—

(a) prohibiting the publication of his or her name, address, or occupation, or of any particulars likely to lead to his or her identification; and

(b) having effect permanently.

(2) If this section applies to a victim, the prosecutor—

(a) must make all reasonable efforts to ensure that any views the victim has on the application are ascertained; and

(b) must inform the court of any views ascertained under paragraph (a).

Section 16B (former section 28): renumbered, on 13 December 2022, by section 42 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Section 16B(1) (former section 28(1): amended, on 5 March 2012 (applying in relation to a proceeding for an offence that was commenced before that date), by section 393 of the Criminal Procedure Act 2011 (2011 No 81).

Victim impact statements

[Repealed]

Heading: repealed, on 13 December 2022, by section 30 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Part 2AA
Victim impact statements

Part 2AA heading: inserted, on 13 December 2022, by section 30 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Definitions and purpose

Heading: inserted, on 13 December 2022, by section 30 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

17AA Victim impact statement defined

(1) In sections 17AB to 27, **victim impact statement**—

(a) means information that—

(i) is ascertained under section 17 from—

(A) a victim; or

(B) a person who, under section 17AAB, is treated as a victim; and

(ii) is to be, or has been, submitted—

(A) under section 21AA, on request, to a judicial officer for the purpose of giving the accused a sentence indication:

(B) under section 21 to the judicial officer sentencing the offender or making an order under section 24(1) or 25(1) of the Criminal Procedure (Mentally Impaired Persons) Act 2003 in relation to a defendant who is acquitted on account of insanity; and

(b) includes any recording, summary, transcript, or other copy of that information.

(2) In this section, **information** may include any photographs, drawings, or other visual representations provided by the victim.

Section 17AA: inserted, on 6 December 2014, by section 11 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 17AA(1)(a)(i)(B): amended, on 13 December 2022, by section 45 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Section 17AA(1)(a)(ii)(B): amended, on 13 December 2022, by section 31 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

17AAB Statements by others disadvantaged by offence

(1) The prosecutor may, if he or she considers it appropriate to do so, decide to treat as a victim, for the purposes of sections 17 to 19 and sections 21 to 27, a person—

(a) who was disadvantaged by an offence; and

(b) from whom information on the effects of the offence has been, or could be, ascertained by or on behalf of the prosecutor; and

(c) who is not a victim of the offence, a person accused of the offence, or the offender.

(2) If the prosecutor decides under subsection (1) to treat a person as a victim of an offence, the person must be treated for the purposes of sections 17 to 19 and sections 21 to 27 as if he or she were a victim of the offence.

Section 17AAB (former section 20): renumbered, on 13 December 2022, by section 33 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

17AB Purpose of victim impact statements

The purpose of a victim impact statement is to—

(a) enable the victim to provide information to the court about the effects of the offending; and

(b) assist the court in understanding the victim's views about the offending; and

(c) inform the offender about the impact of the offending from the victim's perspective.

Section 17AB: inserted, on 6 December 2014, by section 11 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Information to be ascertained

Heading: inserted, on 13 December 2022, by section 32 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

17 Information to be ascertained from victim

(1) The prosecutor must make all reasonable efforts to ensure that information about the matters specified in subsection (2) is ascertained from the victim.

(2) The matters referred to in subsection (1) are—

(a) any physical injury or emotional harm suffered by the victim through, or by means of, the offence; and

(b) any loss of, or damage to, property suffered by the victim through, or by means of, the offence; and

(c) any other effects of the offence on the victim; and

(d) any other matter consistent with the purpose of victim impact statements set out in section 17AB.

(3) If a person is a victim in terms of paragraph (a)(iii) of the definition of **victim** in section 4, then a reference in subsection (2)(a) to (c) of this section to the victim includes a reference to the child or young person concerned.

(4) If a person is a victim in terms of paragraph (a)(iv) of the definition of **victim** in section 4 because a member of that person's immediate family is incapable, then a reference in subsection (2)(a) to (c) of this section to the victim includes a reference to the incapable person concerned.

Section 17: replaced, on 6 December 2014, by section 12 of the Victims' Rights Amendment Act 2014 (2014 No 35).

18 Procedure before ascertaining information from victim

The prosecutor must make all reasonable efforts to ensure, before information is ascertained from a victim under section 17,—

(a) that the victim is informed—

(i) that the information is being ascertained for a victim impact statement; and

(ii) that the victim must ensure that any information that he or she gives is true; and

(iii) that the information must be recorded, and may be verified in the way stated in section 19(3) or (4); and

(b) that the victim is informed about who may properly see or make or keep copies of the victim impact statement, and about the orders, directions,

and conditions, relating to disclosure and distribution of it, that may be made under sections 24(3)(b), 25, and 27; and

(c) that any views the victim has on whether the prosecutor should apply for orders, directions, or conditions of that kind, are ascertained.

Section 18(a)(i): replaced, on 6 December 2014, by section 13(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 18(b): amended, on 6 December 2014, by section 13(2) of the Victims' Rights Amendment Act 2014 (2014 No 35).

19 Form and verification of information ascertained

(1) Information ascertained from a victim under section 17 must be put into writing or recorded in another way (for example, as an audio record or video record), unless the victim objects to it being included in the victim impact statement.

(2) Information recorded under subsection (1) may be verified—

(a) in the way stated in subsection (3), if practicable; or

(b) if it is not practicable to verify it in the way stated in subsection (3), in the way stated in subsection (4).

(3) The information may be verified by being submitted to the victim for signature or other approval, and signed or otherwise approved by the victim, after the prosecutor, or some other person on behalf of the prosecutor, has added to it statements—

(a) that the victim gave the information knowing that it was to be included in a victim impact statement, and knowing that he or she was required to ensure that any information that he or she gave is true; and

(b) that the information is true to the best of the victim's knowledge and belief.

(4) The information may also be verified by being signed or otherwise approved by the prosecutor, or some other person on behalf of the prosecutor, after the prosecutor or other person has added to it statements that he or she—

(a) advised the victim that the information was to be included in a victim impact statement; and

(ab) advised the victim that he or she was required to ensure that any information that he or she gave is true; and

(b) read it or replayed it or submitted it in another way to the victim, and is satisfied that the victim approves of it.

Section 19(1): amended, on 21 December 2021, by section 28 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Section 19(1): amended, on 6 December 2014, by section 14(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 19(3)(a): replaced, on 6 December 2014, by section 14(2) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 19(4)(a): replaced, on 6 December 2014, by section 14(3) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 19(4)(ab): inserted, on 5 March 2012, by section 5(2) of the Victims' Rights Amendment Act 2011 (2011 No 95).

Sentence indication

Heading: inserted, on 13 December 2022, by section 34 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

21AA Victim impact statement may be used for purpose of sentence indication

(1) If requested by a court giving a sentence indication under section 61 of the Criminal Procedure Act 2011, the prosecutor must submit to a judicial officer any victim impact statement that has been prepared in relation to the offence.

(2) A victim impact statement must be submitted under subsection (1) in the form in which it was recorded under section 19 unless the judicial officer directs otherwise.

(3) For the purposes of subsection (1), it does not matter that the victim impact statement was prepared before this section came into force.

Section 21AA: inserted, on 6 December 2014, by section 15 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Use by judicial officer

Heading: inserted, on 13 December 2022, by section 35 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

21 Victim impact statement to be submitted to judicial officer

(1) If a victim impact statement has been prepared, the victim impact statement must be submitted by the prosecutor—

(a) to the judicial officer—

(i) sentencing the offender; or

(ii) making an order under section 24(1) or 25(1) of the Criminal Procedure (Mentally Impaired Persons) Act 2003 in relation to a defendant who is acquitted on account of insanity; and

(b) in the form in which it was recorded under section 19 unless the judicial officer directs otherwise.

(2) Despite subsection (1), a victim impact statement containing information ascertained from a person treated as a victim under section 17AAB may only be submitted with the leave of the judicial officer.

Section 21: replaced, on 6 December 2014, by section 15 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 21(1)(a): replaced, on 13 December 2022, by section 36 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Section 21(2): amended, on 13 December 2022, by section 45 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

21A Victim impact statement may be used for purpose of sentence indication

[Repealed]

Section 21A: repealed, on 6 December 2014, by section 15 of the Victims' Rights Amendment Act 2014 (2014 No 35).

22 Victim impact statement may be read to court

(1) A victim may make a request to the judicial officer sentencing the offender or making an order under section 24(1) or 25(1) of the Criminal Procedure (Mentally Impaired Persons) Act 2003 in relation to a defendant who is acquitted on account of insanity to have all or any part of a victim impact statement submitted under section 21 read to the court by—

(a) the victim; or

(b) the prosecutor; or

(c) a person nominated by the victim, not being an accused or offender in relation to—

(i) the offence; or

(ii) another offence arising from the same incident or series of incidents as the offence.

(2) A judicial officer—

(a) must agree to a request made under subsection (1) by a victim of a specified offence unless the judicial officer considers it inappropriate to do so because of—

(i) the number of requests made under subsection (1):

(ii) the age and maturity of the offender:

(iii) the content of the victim impact statement being inconsistent with the purpose of victim impact statements set out in section 17AB:

(iv) concern about the risk of serious disruption to the proceedings or a risk to the safety of any person:

(b) may agree to a request made under subsection (1) by a victim of an offence of any other kind.

(3) The reading of all or any part of a victim impact statement to the court may be subject to any time limit that the judicial officer considers appropriate.

Section 22: replaced, on 6 December 2014, by section 15 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 22(1): amended, on 13 December 2022, by section 37 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

22A Victim impact statement may be presented to court in some other manner

(1) The judicial officer sentencing the offender or making an order under section 24(1) or 25(1) of the Criminal Procedure (Mentally Impaired Persons) Act 2003 in relation to a defendant who is acquitted on account of insanity may,

at the request of the prosecutor, agree that all or any part of a victim impact statement submitted under section 21 be presented to the court in any manner other than by reading it in accordance with section 22.

(2) For example, the manner in which all or any part of the statement may be presented to the court under this section may be any of the following:

(a) it can be read to the court by the victim while in the courtroom but unable to see the defendant or some other specified person:

(b) it can be read to the court by the victim from an appropriate place outside the courtroom, either in New Zealand or elsewhere:

(c) if it is an audio record, it can be presented by playing that record:

(d) if it is a video record, it can be presented by playing that record.

Section 22A: replaced, on 21 December 2021, by section 29 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Section 22A(1): amended, on 13 December 2022, by section 38 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

22B Weight to be given to victim impact statement

In determining the weight to give to a victim impact statement, the judicial officer to whom the statement has been submitted must have regard to the following matters:

(a) whether the statement is verified in the way stated in section 19(3) or (4); and

(b) if the statement is verified, the date of the verification; and

(c) any other matters that the judicial officer considers may properly be taken into account.

Section 22B: inserted, on 6 December 2014, by section 15 of the Victims' Rights Amendment Act 2014 (2014 No 35).

22C Judicial officer not to take into account withheld part

(1) In this section, **withheld part** means a part of a victim impact statement withheld under an order made under section 25.

(2) A judicial officer must not take into account a withheld part in—

(a) sentencing the offender; or

(b) making an order under section 24(1) or 25(1) of the Criminal Procedure (Mentally Impaired Persons) Act 2003 in relation to a defendant who is acquitted on account of insanity.

Section 22C: inserted, on 13 December 2022, by section 39 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Distribution or disclosure

Heading: inserted, on 13 December 2022, by section 40 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

23 Offender not to be given statement to keep

(1) A prosecutor, or lawyer for an offender, who has a copy of a victim impact statement relating to an offender, must show the statement to the offender if asked to do so by the offender, unless the prosecutor or lawyer—

(a) intends to apply for an order under section 25 in respect of part of the statement; or

(b) knows that an application of that kind is to be made, or has been made but has not yet been determined.

(2) However, no person (other than the victim concerned, or a person acting under the authority of the victim concerned) may give an offender a victim impact statement to keep.

(3) Nothing in this section permits a person to show part of a victim impact statement to an offender or a lawyer representing an offender contrary to an order made under section 25.

(4) Despite anything in the Privacy Act 2020, no offender may have access to a victim impact statement relating to the offender under that Act.

Section 23(4): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

24 Return of statements at end of proceedings

(1) Every person who receives or makes a copy or copies of a victim impact statement during proceedings must return the copy or copies to a member of court staff as soon as practicable after the end of the proceedings.

(2) In subsection (1), **end of the proceedings**, in relation to an offence,—

(a) means the date of disposal of all appeals (if any) against conviction of the offence, or a sentence imposed for the offence, or both, lodged by the date when the time for lodging those appeals expires; and

(b) if there are no rights of appeal of that kind, the date on which proceedings relating to the offence are otherwise finally determined.

(3) Subsection (1) does not apply to—

(a) the victim concerned, a member of court staff, Police employee, probation officer, or prosecutor; and

(b) any other person (other than the offender) if the judicial officer, in his or her discretion and on an application for the purpose, orders that the other person need not return the copy or copies of the statement.

Section 24(3)(a): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

25 Judicial officer may withhold part of statement from offender to protect victim's physical safety or security

A judicial officer may, on his or her own initiative or on an application for the purpose, order that an offender and every lawyer (if any) representing the offender not be given or shown any part of a victim impact statement if, in the judicial officer's opinion, withholding the part is necessary to protect the physical safety or security of the victim concerned.

26 Judicial officer not to take into account withheld part

[Repealed]

Section 26: repealed, on 13 December 2022, by section 41 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

27 Directions or conditions on other disclosure or other distribution of statements

(1) The judicial officer may, on his or her own initiative or on an application for the purpose by the prosecutor, give directions, or impose conditions, that—

(a) relate to the disclosure and distribution of a victim impact statement; and

(b) may be necessary to protect the victim's physical safety or security, emotional welfare, and privacy; and

(c) are not inconsistent with section 23(1) or (2) or with any order made under section 24(3)(b) or section 25.

(2) Under subsection (1), the judicial officer may—

(a) give directions or impose conditions about the copying of the statement, including the number of copies that may be made:

(b) give directions to, or impose conditions on, the people to whom the statement may be disclosed or distributed:

(c) direct that all or any part of the statement not be disclosed or distributed, either generally or to a specified person:

(d) impose conditions on the disclosure or distribution of all or any part of the statement:

(e) direct that all or any part of the statement not be published, either generally or by a specified person:

(f) impose conditions on the publication of all or any part of the statement:

(g) give directions, and impose conditions, about any other matters to do with the disclosure and distribution of the statement that the judicial officer considers necessary or appropriate in the circumstances.

(3) No direction given, or condition imposed, under subsection (1) may be in the same terms or have the same effect as an order made under section 24(3)(b) or section 25.

Part 2A
Provisions relating to rights of victims who are sexual case complainants

Part 2A: inserted, on 21 December 2021, by section 30 of the Sexual Violence Legislation Act 2021 (2021 No 60).

28A Sections 28B to 28D apply only to individual victims, or all victims, who are sexual case complainants

(1) Sections 28B, 28BA, and 28D apply only to an individual victim who is a sexual case complainant (the **victim**).

(2) Section 28C applies only to all victims who are sexual case complainants (the **victims**).

Section 28A: replaced, on 21 December 2022, by section 31 of the Sexual Violence Legislation Act 2021 (2021 No 60).

28B Victim's preferences on ways of giving evidence

The prosecutor must make all reasonable efforts to ensure that—

(a) the victim is informed about the ways in which the victim may give evidence (whether in chief or under cross-examination or on re-examination) as a sexual case complainant; and

(b) any preferences the victim has on the ways of giving evidence as a sexual case complainant are ascertained and taken into account in the operation of sections 106C to 106J of the Evidence Act 2006.

Section 28B: inserted, on 21 December 2022, by section 31 of the Sexual Violence Legislation Act 2021 (2021 No 60).

28BA Victim's preferences on presenting victim impact statement

If a victim impact statement of the victim as a sexual case complainant is to be, or has been, submitted under section 21(1), the prosecutor must make all reasonable efforts to ensure that—

(a) the victim is informed about the ways in which the victim impact statement may, with the agreement of the judicial officer sentencing the offender, be read to the court, or presented to the court in some other manner, under sections 22 and 22A; and

(b) any preferences the victim has on that matter are ascertained and taken into account in the operation of those sections.

Section 28BA: replaced, on 21 December 2022, by section 31 of the Sexual Violence Legislation Act 2021 (2021 No 60).

28C Availability of appropriate facilities when attending court

(1) The Secretary must make all reasonable efforts to ensure that appropriate facilities are available to the victims when attending court, or participating in

or viewing the proceeding related to the offences concerned, as sexual case complainants.

(2) In determining whether facilities for those purposes are appropriate, the Secretary must, in addition to any other factors that the Secretary considers relevant, take into account—

(a) the victims' physical and emotional comfort and safety:

(b) any physical constraints posed by the courtroom or courthouse.

(3) Examples of appropriate facilities may include—

(a) alternative waiting areas away from the general public:

(b) alternative bathroom facilities:

(c) other measures to minimise the likelihood that the victims encounter the defendants or the defendants' supporters.

Section 28C: inserted, on 21 December 2022, by section 31 of the Sexual Violence Legislation Act 2021 (2021 No 60).

28D Court may be cleared when victim impact statement read or otherwise presented to court

A court may, on an application made for the purpose by the prosecutor under section 199AA of the Criminal Procedure Act 2011, make an order under that section that the courtroom be cleared while the victim's victim impact statement is read or otherwise presented to the court.

Section 28D: inserted, on 21 December 2021, by section 30 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Part 3
Provisions relating to rights of victims of certain offences

Sections 30 to 48 apply only to victims of specified offences

Heading: replaced, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

29 Specified offence defined

In this Act, a **specified offence** is—

(a) an offence of a sexual nature specified in—

(i) Part 7 of the Crimes Act 1961, excluding the offences in sections 143 and 144; or

(ii) sections 216H to 216J of the Crimes Act 1961; or

(b) an offence of serious assault that does not come within paragraph (a); or

(c) an offence that has resulted in serious injury to a person, in the death of a person, or in a person becoming incapable; or

(d) an offence of another kind, and that has led to the victim having ongoing fears, on reasonable grounds,—

(i) for his or her physical safety or security; or

(ii) for the physical safety or security of 1 or more members of his or her immediate family.

Section 29: replaced, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

29A Commissioner of Police to determine whether offence affecting victim is specified offence

As soon as practicable after a victim comes into contact with the New Zealand Police, the Commissioner of Police must determine whether the offence that affected the victim is a specified offence.

Section 29A: inserted, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Victim's views about release on bail of accused or offender

Heading: replaced, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

30 Victim's views about release on bail of accused or offender

(1) This section applies if—

(a) the victim is the victim of a specified offence; and

(b) the person accused of the offence or, as the case requires, the offender, applies to a court for release on bail.

(2) If this section applies, the prosecutor must—

(a) make all reasonable efforts to ascertain any views the victim has about the accused, or, as the case requires, the offender, being released on bail; and

(b) inform the court of any views ascertained under paragraph (a).

Section 30: replaced, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Notice for victims of persons or offenders subject to mental health or intellectual disability care

Heading: inserted, on 13 December 2022, by section 43 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

30A Victims of persons or offenders subject to mental health or intellectual disability care must be notified of person's or offender's designation

(1) Without limiting sections 29 and 32B, this section applies to a victim if the person accused of the offence or, as the case requires, the offender—

(a) is liable to be detained in a hospital or facility in connection with the offence; and

(b) when their liability of that kind began, they were liable to be detained in a hospital or facility—

(i) as a special patient as defined in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or as a special care recipient as defined in section 6(2) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003; or

(ii) under an order made under section 25(1)(a) or (b) or 34(1)(b) of the Criminal Procedure (Mentally Impaired Persons) Act 2003.

(2) The Director-General of Health must give a victim to whom this section applies—

(a) notice of whether the person or offender has been designated as—

(i) a special patient as defined in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or

(ii) a special care recipient as defined in section 6(2) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003; or

(iii) a patient under the Mental Health (Compulsory Assessment and Treatment) Act 1992, under an order made under section 25(1)(a) or 34(1)(b) of the Criminal Procedure (Mentally Impaired Persons) Act 2003; or

(iv) a care recipient under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003, under an order made under section 25(1)(b) or 34(1)(b) of the Criminal Procedure (Mentally Impaired Persons) Act 2003; and

(b) an explanation of the meaning and consequences of the person or offender's designation; and

(c) a list of the future notifications that the victim is eligible to receive.

(3) The Director-General of Health must give notice under subsection (2) to the victim as soon as practicable after the person or offender has been designated as one of the classes of people described in subsection (2)(a).

Section 30A: inserted, on 13 December 2022, by section 43 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Duties in relation to informing victims about receiving notices under sections 34 to 39

Heading: replaced, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

31 Police to give victims of specified offences information about right to ask for notice and to appoint representative

(1) This section applies in respect of a victim of a specified offence.

(2) The Commissioner of Police must, as soon as practicable,—

(a) inform the victim of the matters required by subsections (3) to (5); and

(b) inform a support person of the victim of the matters required by subsection (6).

(3) The Commissioner of Police must inform the victim that the victim has the right to ask to be given any notice under sections 34 to 38 and that, if he or she asks to be given such notices, then the victim must at the same time give to the New Zealand Police his or her address in accordance with section 32B(1)(c)(i).

(4) The Commissioner of Police must inform the victim that if the victim asks to be given any notice under sections 34 to 38 and gives the New Zealand Police his or her address, then the victim may also be given notice under the following provisions:

(a) section 39:

(b) section 20 of the Prisoners' and Victims' Claims Act 2005.

(5) The Commissioner of Police must inform the victim that—

(a) the victim may appoint a representative under section 40 to request and receive on his or her behalf any notice given under sections 34 to 39; and

(b) if the victim appoints a representative, the victim or his or her representative must give to the New Zealand Police the name and address of the representative in accordance with section 32B(1)(c)(ii).

(6) If the Commissioner of Police knows, or ought reasonably to know, that the victim is not, or may not be, capable alone of doing any of the following, the Commissioner must inform a support person of the victim that a representative of the victim may be appointed under section 42:

(a) asking for, receiving, or understanding a notice under any of sections 34 to 39; and

(b) appointing a representative under section 40.

(7) Subsection (6) does not limit subsections (3) to (5).

Section 31: replaced, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

32 Police to give Secretary information about victims of specified offences

As soon as practicable after determining that the offence that affected the victim is a specified offence, the Commissioner of Police must give to the Secretary the following information:

(a) the name of—

(i) the victim; and

(ii) the victim's representative (if any); and

(b) the address of—

(i) the victim; or

(ii) the victim's representative.

Section 32: replaced, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

32A Secretary to give victim information about right to appoint representative and to request notices

As soon as practicable after receiving a notice under section 32 in respect of a victim, the Secretary must inform the victim that—

(a) the victim may appoint a representative under section 40; and

(b) the victim, or his or her representative, has the right to request to be given any notice under sections 34 to 38; and

(c) the victim, or his or her representative, at the same time as exercising the right in paragraph (b), must give to the New Zealand Police an address under section 32B(1)(c)(i) or (ii).

Section 32A: inserted, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Sections 34 to 38 and 47 apply only to certain victims who request notice and give address

Heading: inserted, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

32B Application of sections 34 to 38 and 47

(1) Sections 34 to 38 and 47 apply to a victim only if—

(a) the victim is a victim of a specified offence; and

(b) the victim, or the victim's representative, has requested the New Zealand Police to ensure that the victim—

(i) is given notice under sections 34 to 38; and

(ii) is given or supplied with notice or advice of matters or decisions or directions, and copies of orders and conditions, to be given or supplied to victims under sections 41, 43, 45, 50, and 58 (and any other relevant provisions) of the Parole Act 2002; and

(c) at the same time as the victim, or the victim's representative, makes a request under paragraph (b), the New Zealand Police is given—

(i) the victim's address; or

(ii) the name and address of the victim's representative.

(2) Section 34 also applies to a victim (to whom subsection (1)(a) applies but not subsection (1)(b) and (c)) if—

(a) the victim's views have been ascertained under section 30 about the release on bail of the person accused of the offence or the offender; and

(b) the victim, or the victim's representative, has—

(i) requested the New Zealand Police to ensure that the victim is given notice under section 34; and

(ii) given to the New Zealand Police, at the same time as making a request under subparagraph (i),—

(A) the victim's address; or

(B) the name and address of the victim's representative.

Section 32B: inserted, on 6 December 2014, by section 16 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Victim's address to be forwarded in certain cases

33 Address of victim or victim's representative to be forwarded in certain cases

(1) If a victim or the victim's representative has made a request under section 32B(1)(b) and complied with section 32B(1)(c), the Commissioner of Police must forward to the persons specified in subsection (2) the following information:

(a) the victim's name and address; or

(b) the victim's name and the name and address of the victim's representative.

(2) The persons referred to in subsection (1) are—

(a) the chief executive of the Department of Corrections, if—

(i) the person accused of the offence or, as the case requires, the offender is or becomes liable to be detained in a prison in connection with the offence and the Commissioner has not already forwarded a copy of the address under paragraph (b); or

(ii) the offender has been sentenced to home detention:

(b) the Director-General of Health, if the person accused of the offence or, as the case requires, the offender is or becomes liable to be detained in a hospital or facility in connection with the offence, his or her liability to detention is of a kind referred to in section 37(1)(a) or (b), and the

Commissioner has not already forwarded a copy of the address under paragraph (a).

(3) The chief executive of the Department of Corrections must forward to the Director-General of Health the information that the chief executive of the Department of Corrections has received under subsection (1) if the offender, having been liable to be detained in a prison in connection with the offence, becomes liable to be detained—

(a) in a hospital following an application under section 45(2) of the Mental Health (Compulsory Assessment and Treatment) Act 1992, or under an arrangement under section 46 of that Act; or

(b) in a facility following an application under section 29(1) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.

(4) The Director-General of Health must forward to the chief executive of the Department of Corrections the information that the Director-General of Health has received under subsection (1) if the person accused of the offence or, as the case requires, the offender, having been liable to be detained in a hospital or facility in connection with the offence, is removed to a prison under section 47(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or section 71 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.

(5) An address required to be forwarded under this section must be forwarded as soon as practicable after the requirement arises.

Section 33: replaced, on 6 December 2014, by section 17 of the Victims' Rights Amendment Act 2014 (2014 No 35).

33A Notification of change of address of victim or representative

(1) A victim may change his or her address given under section 32B(1)(c)(i) or (2)(b)(ii)(A) by notifying in writing the persons specified in subsection (3) of that change.

(2) A victim or the victim's representative may change the representative's address given under section 32B(1)(c)(ii) or (2)(b)(ii)(B) by notifying in writing the persons specified in subsection (3) of that change.

(3) The persons referred to in subsections (1) and (2) are any of the following persons who would be likely to give the victim or the victim's representative a notice under any of sections 34 to 38:

(a) the Commissioner of Police:

(b) the chief executive of the Department of Corrections:

(c) the Director-General of Health.

(4) On receipt of a notification under subsection (1), a person (**Person A**) must—

(a) confirm receipt of the notification to the victim; and

(b) forward the notification to any other person (**Person B**) to whom Person A has, under section 33, forwarded the victim's name and address; and

(c) if the notification has been forwarded under paragraph (b), inform the victim—

(i) that this has been done; and

(ii) of the name of Person B.

(5) On receipt of a notification under subsection (2), a person (**Person A**) must—

(a) confirm receipt of the notification to the victim or the victim's representative, as the case may be; and

(b) forward the notification to any other person (**Person B**) to whom Person A has, under section 33, forwarded the victim's name and address; and

(c) if the notification has been forwarded under paragraph (b), inform the victim or the victim's representative from whom the notification was received—

(i) that this has been done; and

(ii) of the name of Person B.

(6) Person B who has been forwarded a notification under subsection (4)(a) or (5)(a) must confirm to the victim or the victim's representative, as the case may be,—

(a) receipt of the notification from Person A; and

(b) that any future change of address should be notified under subsection (1) or (2) to Person B.

Section 33A: replaced, on 6 December 2014, by section 17 of the Victims' Rights Amendment Act 2014 (2014 No 35).

33B Notification of withdrawal of request to be given notice

(1) A victim may withdraw his or her request to be given notice under any of sections 34 to 38 by notifying in writing each of the following persons from whom the victim or the victim's representative would be likely to receive notice under those sections:

(a) the Commissioner of Police:

(b) the chief executive of the Department of Corrections:

(c) the Director-General of Health.

(2) On receipt of a notification under subsection (1), a person (**Person A**) must—

(a) confirm receipt of the notification to the victim; and

(b) forward the notification to any other person (**Person B**) to whom Person A has, under section 33, forwarded—

(i) the victim's name and address; or

(ii) the name and address of the victim's representative; and

(c) if the notification has been forwarded under paragraph (b), inform the victim—

(i) that this has been done; and

(ii) of the name of Person B.

(3) A person who receives a written notification under subsection (1) or (2) is, on and after the date of receipt of that notification, no longer required to give to that victim, or the victim's representative, any notice under sections 34 to 38.

Section 33B: inserted, on 6 December 2014, by section 17 of the Victims' Rights Amendment Act 2014 (2014 No 35).

33C Secretary must request victim's address for notice under Prisoners' and Victims' Claims Act 2005

(1) If the Secretary is required by section 20 of the Prisoners' and Victims' Claims Act 2005 to give a written notice notifying the payment of money into the victims' claims trust bank account to be held in trust for an accused or an offender, the Secretary must—

(a) advise each of the following persons of that fact:

(i) the Commissioner of Police:

(ii) the chief executive of the Department of Corrections:

(iii) the Director-General of Health; and

(b) request each of those persons to supply the full name and address of any victim of the offence, or the victim's representative, in respect of whom the person has received an address under any of sections 32B to 33A.

(2) As soon as practicable after receiving a request under subsection (1)(b), a person must—

(a) respond to that request; and

(b) if possible, supply that information.

Section 33C: inserted, on 6 December 2014, by section 17 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Notice of certain matters to be given to victims of certain offences

34 Notice of release on bail of accused or offender

(1) In the case of a victim to whom this section applies by section 32B(1), the victim or his or her representative must, as soon as practicable, be given notice of the matters specified in subsection (1B) by the Commissioner of Police.

(1A) In the case of a victim to whom this section applies by section 32B(2), the victim or his or her representative must, as soon as practicable, be given notice of the matters specified in subsection (1B) by—

(a) the Commissioner of Police, if the application for release on bail was opposed by the prosecutor; or

(b) the Secretary, if—

(i) the application for release on bail was not opposed by the prosecutor; and

(ii) in respect of the victim or his or her representative, the Secretary has received an address under section 32(b).

(1B) The matters referred to in subsections (1) and (1A) are—

(a) whether the person accused of the offence or, as the case requires, the offender has been released on bail; and

(b) if the person accused of the offence or, as the case requires, the offender has been released on bail, any terms or conditions of release imposed at any time that—

(i) relate to the safety and security of the victim, or of 1 or more members of the victim's immediate family, or of both; or

(ii) require the accused or offender not to associate with, or not to contact, the victim, or 1 or more members of the victim's immediate family, or both; and

(c) if any term or condition of release referred to in paragraph (b)(i) or (ii) is by order of the court or Registrar varied, revoked, or substituted with any other term or condition, the detail of that order; and

(d) if an application for release on bail has been made and the hearing of that application has been adjourned, the date to which the hearing has been adjourned.

(2) In this section, **release on bail** includes a release on bail—

(a) until the hearing of proceedings:

(b) during an adjournment of proceedings:

(c) until sentencing:

(d) until determination of an appeal against conviction or sentence.

(3) However, nothing in this section requires or permits the Commissioner to give notice of a matter contrary to an order made under section 19 of the Bail Act 2000 prohibiting publication of matters relating to a bail hearing.

Section 34(1): replaced, on 6 December 2014, by section 18 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 34(1A): inserted, on 6 December 2014, by section 18 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 34(1B): inserted, on 6 December 2014, by section 18 of the Victims' Rights Amendment Act 2014 (2014 No 35).

35 Notice of release or escape from prison detention, or of death, of offender

(1) The chief executive of the Department of Corrections must give a victim to whom this section applies—

(a) reasonable prior notice of the offender's—

(i) impending temporary release from custody under section 62 of the Corrections Act 2004 (other than where the offender is to be accompanied throughout by 1 or more constables as a condition of the release):

(ii) sentence of imprisonment being cancelled and substituted with a sentence of home detention under section 80K of the Sentencing Act 2002:

(iii) impending release from prison detention if the offender does not have a parole eligibility date under section 20 of the Parole Act 2002 (because the offender has cumulative sentences of imprisonment of not more than 24 months):

(b) notice, as soon as practicable, of the accused or offender's—

(i) escape from prison detention, unless the accused or offender sooner returns, or is returned to, the place of prison detention:

(ii) death in prison:

(c) notice, as soon as practicable, of the offender's death if the offender dies while subject to any release conditions imposed by—

(i) the court under section 93 of the Sentencing Act 2002:

(ii) the New Zealand Parole Board under section 18(2) or 29(1) of the Parole Act 2002:

(d) notice, shortly beforehand, of the offender's sentence end date for the offence, being the date that is the later of the following applicable dates:

(i) the date on which the offender has served the full term of the sentence imposed in respect of the offence:

(ii) the expiry date of any release conditions imposed by the court under section 93 of the Sentencing Act 2002 when sentencing the offender for the offence:

(iii) the expiry date of any release conditions imposed on the offender by the New Zealand Parole Board under section 18(2) of the Parole Act 2002 that apply after the offender has served the full term of the sentence imposed in respect of the offence.

(2) In this section, **prison detention**—

(a) means detention in a prison (or in a Police station or other place of confinement, in accordance with section 35 of the Corrections Act 2004); and

(b) includes, if a child or young person is serving a sentence of imprisonment, detention of the child or young person under that sentence in a residence of the kind referred to in section 34A of the Corrections Act 2004; but

(c) does not include—

(i) detention of a child or young person in Police custody, or in the custody of the chief executive, an Iwi Social Service, or a Cultural Social Service, and pending hearing, under section 238(1)(d) or (e) of the Oranga Tamariki Act 1989; or

(ia) detention of a child or young person under a supervision with residence order made under section 311 or a military-style academy order made under section 320U of that Act; or

(ii) detention of a kind referred to in section 37(1)(a) or (b) of this Act.

Section 35: replaced, on 6 December 2014, by section 19 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 35(2)(c)(i): amended, on 26 September 2026, by section 60 of the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Act 2026 (2026 No 65).

Section 35(2)(c)(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 35(2)(c)(ia): inserted, on 26 September 2026, by section 60 of the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Act 2026 (2026 No 65).

35A Notice of cessation of, or absconding from, or death during, home detention of offender

The chief executive of the Department of Corrections must give a victim to whom this section applies—

(a) reasonable prior notice of the offender ceasing to be subject to a sentence of home detention (including where the sentence of home detention is cancelled and substituted with another sentence under section 80F(4) of the Sentencing Act 2002); and

(b) notice, as soon as practicable, of—

(i) every instance of the offender, being on home detention, leaving the home detention residence (other than in accordance with his or her detention conditions) unless the offender sooner returns, or is returned to, the home detention residence:

(ii) the offender's death during home detention or while subject to any post-detention conditions imposed under section 80N or 80R of the Sentencing Act 2002; and

(c) notice, shortly beforehand, of the expiry date of any post-detention conditions imposed under section 80N or 80R of the Sentencing Act 2002.

Section 35A: inserted, on 6 December 2014, by section 19 of the Victims' Rights Amendment Act 2014 (2014 No 35).

35B Notice of offender on temporary release escaping from lawful custody

If the accused or offender is temporarily released from custody under section 62(1)(a) of the Corrections Act 2004, the chief executive of the Department

of Corrections must give a victim to whom this section applies notice, as soon as practicable, of every instance the accused or offender is deemed to be unlawfully at large under section 63(3) of that Act.

Section 35B: inserted, on 22 August 2017, by section 68 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

36 Notice of convictions and sentences for breaching release or detention conditions

(1) The chief executive of the Department of Corrections must give a victim to whom this section applies notice, as soon as practicable, of—

(a) every conviction of the offender for an offence against section 71(1) of the Parole Act 2002 of breaching, without reasonable excuse, any standard release conditions or special conditions imposed by the New Zealand Parole Board:

(b) every conviction of the offender for an offence against section 80S(a) or 80U(1) of the Sentencing Act 2002 of breaching, without reasonable excuse,—

(i) any standard or special detention conditions of a sentence of home detention:

(ii) any standard or special post-detention conditions of a sentence of home detention:

(c) every conviction of the offender for an offence against section 96(1) of the Sentencing Act 2002 of breaching, without reasonable excuse, any standard or special conditions imposed by the court that apply on release from a term of imprisonment of 24 months or less:

(d) the sentence imposed on the offender in respect of a conviction referred to in paragraphs (a), (b), and (c).

(2) Subsection (1) does not prevent the chief executive of the Department of Corrections giving a victim to whom this section applies notice of any other matters relating to the offender's compliance with release or detention conditions.

Section 36: replaced, on 6 December 2014, by section 20 of the Victims' Rights Amendment Act 2014 (2014 No 35).

36A Notice of decisions on recall orders

(1) The New Zealand Parole Board must give a victim to whom this section applies notice, as soon as practicable, of—

(a) every decision to make an interim recall order, under section 62 of the Parole Act 2002, that results in the offender being detained in a prison pending the determination of an application for recall made under that Act in respect of the offender:

(b) every decision to make or to refuse to make a final recall order, under section 66 of the Parole Act 2002, recalling the offender to continue serving his or her sentence in a prison:

(c) every decision to quash an interim recall order or a final recall order, being a decision made on a review under section 67 of the Parole Act 2002 (or made by the New Zealand Parole Board after a referral back to it on a review of that kind).

(2) The chief executive of the Department of Corrections must give a victim to whom this section applies notice, as soon as practicable, of every decision to quash a final recall order, being a decision made on an appeal under section 68 of the Parole Act 2002 (or made by the New Zealand Parole Board after a referral back to it on an appeal of that kind).

Section 36A: inserted, on 6 December 2014, by section 20 of the Victims' Rights Amendment Act 2014 (2014 No 35).

37 Notice of discharge, leave of absence, or escape or death of accused or offender who is compulsorily detained in hospital or facility

(1) Without limiting sections 29 and 32B, this section applies to a victim only if the person accused of the offence or, as the case requires, the offender, is liable to be detained in a hospital or facility in connection with the offence and, when his or her liability of that kind began, he or she was liable to be detained in a hospital or facility—

(a) as a special patient as defined in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or as a special care recipient as defined in section 6(2) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003; or

(b) under an order made under section 25(1)(a) or (b) or section 34(1)(b) of the Criminal Procedure (Mentally Impaired Persons) Act 2003.

(2) The Director-General of Health must give a victim to whom this section applies—

(a) reasonable prior notice of an impending discharge of the person or offender; and

(b) reasonable prior notice of the first unescorted leave of absence from the hospital or facility granted to the person or offender under a leave provision; and

(ba) reasonable prior notice of the first unescorted overnight leave of absence granted to the person or offender under a leave provision; and

(c) notice, as soon as practicable, of every escape by the person or offender; and

(d) notice, as soon as practicable, of the death (whether within or outside a hospital or facility) of the person or offender.

(3) To avoid doubt, in subsection (2)(b),—

facility includes the land on which the facility is situated

hospital includes the land on which the hospital is situated.

(4) In this section, **leave provision** means any of the following provisions:

(a) section 31, 50, or 52 of the Mental Health (Compulsory Assessment and Treatment) Act 1992:

(b) section 65, 66, or 67 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.

Compare: 1987 No 173 s 11A

Section 37 heading: amended, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 37(1): amended, on 6 December 2014, by section 21(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 37(1): amended, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 37(1)(a): amended, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 37(1)(b): amended, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 37(2)(b): replaced, on 6 December 2014, by section 21(2) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 37(2)(ba): inserted, on 6 December 2014, by section 21(2) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 37(2)(d): amended, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 37(3): inserted, on 6 December 2014, by section 21(3) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 37(4): inserted, on 6 December 2014, by section 21(3) of the Victims' Rights Amendment Act 2014 (2014 No 35).

38 Exception to section 37 once certain offenders no longer liable to detention for sentence imposed for offence

(1) This section applies if an offender referred to in section 37—

(a) was, when his or her liability to detention in a hospital or facility began, liable to be detained—

(i) following an application under section 45(2) of the Mental Health (Compulsory Assessment and Treatment) Act 1992, or under an arrangement under section 46 of that Act; or

(ii) following an application under section 29(1) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003; or

(iii) under an order under section 34(1)(a) of the Criminal Procedure (Mentally Impaired Persons) Act 2003; and

(b) ceases, under section 48 of the Mental Health (Compulsory Assessment and Treatment) Act 1992, to be a special patient within the meaning of that Act or ceases, under section 69 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003, to be a special care recipient within the meaning of that Act.

(2) If this section applies, the Director-General of Health must, instead of complying with section 37(2), give the victim notice, as soon as practicable, that the offender is no longer liable to detention for the sentence imposed for the offence.

Section 38(1): substituted, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

39 Notice of proposal to cancel or suspend liability for deportation

(1) The chief executive of the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Immigration Act 2009 must perform the actions in subsection (2) if—

(a) a person is liable for deportation under the Immigration Act 2009 as a result of any criminal offending; and

(b) the Minister of Immigration is considering cancelling or suspending the person's liability for deportation or the person appeals against his or her liability for deportation to the Immigration and Protection Tribunal.

(2) If subsection (1) applies, the chief executive must—

(a) advise each specified person (as defined in subsection (4)) that—

(i) the Minister is considering suspending or cancelling the liability for deportation of the criminal offender; or

(ii) the criminal offender has appealed against his or her liability for deportation to the Immigration and Protection Tribunal; and

(b) request the specified person to provide to the chief executive the address of the victim of the offence, or of the victim's representative.

(3) A specified person must, as soon as practicable after receiving a request under subsection (2)(b), comply with that request if—

(a) that address has been given or forwarded to the specified person under sections 32B to 33A; and

(b) the specified person has not forwarded that address under section 33 to any other specified person.

(4) For the purposes of subsection (2), each of the following persons is a specified person:

(a) the Commissioner of Police:

(b) the chief executive of the Department of Corrections:

(c) the Director-General of Health.

(5) If the victim's address is given to the chief executive under subsection (2),—

(a) the chief executive must, if practicable, give the victim notice that the Minister is considering cancelling or suspending the deportation liability of the offender under section 172 of the Immigration Act 2009; and

(b) if a deportation liability notice has been served and the offender concerned appeals against that liability for deportation on humanitarian grounds under section 206 of that Act, the chief executive must give the victim's address to the Immigration and Protection Tribunal, and that Tribunal must give the victim prior notice of the hearing of the appeal.

(6) Failure to comply with subsection (2) or (5) does not invalidate any decision of the kind referred to in subsection (5)(a) or a decision on an appeal of the kind referred to in subsection (5)(b).

Section 39: substituted, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 39(2)(b): replaced, on 6 December 2014, by section 22(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 39(3): replaced, on 6 December 2014, by section 22(2) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Representatives for notice

40 Representatives for notice

A victim to whom this section applies may, for any reason he or she thinks fit, appoint any other person to receive on the victim's behalf, and ensure that the victim is given and understands, any notice to be given to the victim under any of sections 34 to 39 (in sections 41 to 45 called the **information**).

Section 40: amended, on 6 December 2014, by section 23 of the Victims' Rights Amendment Act 2014 (2014 No 35).

41 Effect of appointment of representative

(1) If a representative of a victim is appointed, then, unless the appointment is terminated under section 44,—

(a) *[Repealed]*

(b) the information to which the appointment relates must be given to the representative, rather than to the victim; and

(c) the representative must make all reasonable efforts to receive on the victim's behalf, and ensure that the victim is given and understands, the information to which the appointment relates.

(2) However, despite subsection (1)(b), if the information to which the appointment relates is a notice to be given to the victim under section 35(1)(b)(i), 35A(b)(i), 35B, or 37(2)(c), that notice may be given to the victim directly in any case where the person giving the notice reasonably believes—

(a) there is a risk to the victim's safety; and

(b) that risk cannot in the circumstances be sufficiently managed by giving the notice to the representative.

Section 41(1)(a): repealed, on 6 December 2014, by section 24 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 41(2): inserted, on 22 August 2017, by section 69 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

42 Victim's support person may be or appoint representative

A victim's support person (**person A**) may appoint himself or herself, or another support person of the victim, as representative of the victim, on behalf of the victim, if—

(a) the victim is not, or may not be, capable alone of appointing a representative; and

(b) no representative of the victim has been appointed (whether in reliance on this section or not); and

(c) person A has discussed the appointment proposed with the victim and with each other support person of the victim who person A knows, or ought reasonably to know, is another support person of the victim.

43 Method of appointment of representative

The appointment of a representative must be by a written notice that—

(a) identifies the information to which the appointment relates; and

(b) if the representative is appointed for a limited period only, states that period and when it starts; and

(c) includes the representative's consent to the appointment; and

(d) is given to the representative, and to the people who are to give the victim, through the representative, the information to which the appointment relates.

44 Termination of appointment

The appointment of a representative may be terminated by notice in writing given—

(a) by the victim to both the representative and the people who were to give the victim, through the representative, the information to which the appointment relates; or

(b) by the representative to the victim, and to the people who were to give the victim, through the representative, the information to which the appointment relates.

45 When notices take effect

A notice appointing, or terminating the appointment of, a representative, takes effect—

(a) as soon as it has been given to everyone to whom it is required to be given under section 43(d) or section 44(a) or (b); or

(b) if it has been given to each of those people, on any later date stated in it as the date on which it takes effect.

Compliance with requirements to give notice

46 Ways in which notice required may be given

(1) It is sufficient compliance with a requirement to give notice to a victim under any of sections 34 to 39 if the notice is given within the time required by the relevant section and by any 1 or more of the following means:

(a) by telephoning the victim at a telephone number he or she gave as part of his or her address; or

(b) by posting it, or delivering it by courier or otherwise, to the victim at a postal address (for example, one of a house or office, letterbox, rural delivery box, document exchange box, or private box at a postal outlet) he or she gave as part of his or her address; or

(c) by sending it by fax machine to a fax number given by the victim as part of his or her address; or

(d) by sending it by email to the victim at the email address he or she gave as part of his or her address.

(2) If, as required by section 41(1)(b), information is to be given to the representative of a victim, it is sufficient compliance with that requirement to give the information by any of the means set out in subsection (1)(a) to (d) and all references in those paragraphs to the victim are to be read as references to the representative.

(3) Nothing in subsection (1) or (2) prevents notice from being given by any other means.

Section 46(1)(a): amended, on 6 December 2014, by section 25(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 46(1)(b): amended, on 6 December 2014, by section 25(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 46(1)(c): amended, on 6 December 2014, by section 25(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 46(1)(d): amended, on 6 December 2014, by section 25(1) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 46(2): replaced, on 6 December 2014, by section 25(2) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 46(3): inserted, on 6 December 2014, by section 25(2) of the Victims' Rights Amendment Act 2014 (2014 No 35).

Participation in process under Parole Act 2002

47 Victim may participate in process for offender's release from prison

A victim to whom this section applies may participate in the process for making decisions about the offender's release from prison under sections 43(3), 43(5), and 49(4) (and any other relevant provisions) of the Parole Act 2002.

Section 47: replaced, on 6 December 2014, by section 26 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Submissions on deportation of offender

48 Victim may make submission on consideration of cancellation or suspension of liability for deportation, or offender's appeal against deportation

A victim to whom this section applies may make submissions to the Minister of Immigration and to the Immigration and Protection Tribunal, in accordance with sections 173 and 208 of the Immigration Act 2009.

Section 48: substituted, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Part 4
Miscellaneous provisions

Complaints and other ways in which rights may be enforced

49 Complaints

(1) This section applies if a victim or person considers—

(a) that he or she is entitled to be accorded a right under any of sections 11 to 21, 28 to 48, and 51 (in this section and section 50 called the **specified provisions**); and

(b) that he or she has not been accorded the right.

(2) The victim or person may complain to—

(a) the person who, under the relevant specified provisions, appears to be required to accord the victim or person the right:

(b) an Ombudsman, in accordance with the Ombudsmen Act 1975, if the person who, under the relevant specified provisions, appears to be required to accord the victim or person the right, may be the subject of a complaint under that Act:

(c) the Independent Police Conduct Authority, in accordance with the Independent Police Conduct Authority Act 1988, if the person who, under the relevant specified provisions, appears to be required to accord the victim or person the right, is a constable:

(d) the Privacy Commissioner, in accordance with the Privacy Act 2020, if the matter involves, or may involve, an action that is, or appears to be, an interference with the privacy of the victim or person.

(3) Any person who receives a complaint under subsection (2)(a) must deal with the complaint promptly and fairly.

Section 49(2)(c): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 49(2)(c): amended, on 29 November 2007, by section 26 of the Independent Police Conduct Authority Amendment Act 2007 (2007 No 38).

Section 49(2)(d): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 49(3): inserted, on 6 December 2014, by section 27 of the Victims' Rights Amendment Act 2014 (2014 No 35).

50 Other ways in which rights may be enforced

(1) Except as provided in subsection (2), neither section 49 nor this section limits the ways in which rights conferred by the specified provisions (as defined in section 49(1)(a)) may be enforced.

(2) No person (for example, the Crown in right of New Zealand) may be required (for example, by any court, tribunal, or other body) to pay any money (whether by way of damages, compensation, or otherwise) to any other person just because of a breach of any of the specified provisions.

(3) An example of the operation of subsection (2) is that the Human Rights Review Tribunal (as defined in section 7(1) of the Privacy Act 2020) may require the payment of money in respect of conduct that is, or may be, a breach of any of the specified provisions, if that conduct also constitutes an interference with the privacy of an individual.

Section 50(3): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

50A Information about complaints to be included in annual report

(1) Without limiting section 43 of the Public Finance Act 1989, each agency specified in subsection (2) must include in its annual report for each financial year that commences after the commencement of this section—

(a) a summary of the services provided by that agency to victims (as defined in this Act):

(b) statistical information about—

(i) the number and type of complaints received by that agency under section 49 of this Act; and

(ii) the disposition of those complaints.

(2) The agencies referred to in subsection (1) are—

(a) the Crown Law Office:

(b) the Department of Corrections:

(c) the Ministry of Business, Innovation, and Employment:

(d) the Ministry of Justice:

(e) the Ministry of Social Development:

(f) the New Zealand Police.

Section 50A: inserted, on 6 December 2014, by section 28 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Section 50A(2)(c): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Return of property held as evidence

51 Return of property held as evidence

(1) Law enforcement agencies that hold property of a person (other than an offender) for evidentiary purposes must, to the extent that it is possible to do so, return it to the person as soon as practicable after they no longer need to hold it for those purposes.

(2) Subsection (1) does not apply to a law enforcement agency if the person advises that agency that he or she does not want the property returned.

Compare: 1987 No 173 s 7

Section 51(2): inserted, on 6 December 2014, by section 29 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Code for victims

Heading: inserted, on 7 June 2014, by section 30 of the Victims' Rights Amendment Act 2014 (2014 No 35).

51A Interpretation

In sections 51B to 51E,—

code means the code for victims

Minister means the Minister of Justice.

Section 51A: inserted, on 7 June 2014, by section 30 of the Victims' Rights Amendment Act 2014 (2014 No 35).

51B Secretary to prepare code

(1) As soon as practicable after the commencement of this section, the Secretary must prepare a code.

(2) The purpose of the code is to make available to victims information that is consistent with this Act and any other Act about—

(a) the rights of victims; and

(b) the services available to victims from government agencies and other organisations; and

(c) the duties and responsibilities of government agencies when dealing with victims.

(3) In preparing the code, the Secretary—

(a) must consult the government agencies that provide services to victims; and

(b) may consult any persons or representatives of persons as the Secretary considers appropriate.

Section 51B: inserted, on 7 June 2014, by section 30 of the Victims' Rights Amendment Act 2014 (2014 No 35).

51C Code to be approved by Minister

A code prepared under section 51B does not have any effect for the purposes of this Act until—

(a) it has been submitted to the Minister; and

(b) the Minister, after being satisfied that appropriate consultation has been carried out under section 51B(3), has approved and signed the code.

Section 51C: inserted, on 7 June 2014, by section 30 of the Victims' Rights Amendment Act 2014 (2014 No 35).

51D Publication of code

(1) As soon as practicable after the code has been approved by the Minister, the Secretary must notify the approval of the code in the *Gazette*.

(2) The Secretary must—

(a) promote awareness of the code in a variety of communications media; and

(b) make copies of the code accessible to members of the public (whether electronically or otherwise).

Section 51D: inserted, on 7 June 2014, by section 30 of the Victims' Rights Amendment Act 2014 (2014 No 35).

51E Amendment to code

The Secretary may at any time amend the code in the manner provided in sections 51B to 51D, except that consultation need not be undertaken on matters involving minor corrections or updating, or otherwise of a minor or technical nature.

Section 51E: inserted, on 7 June 2014, by section 30 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Director-General of Health may delegate duties under Act

52 Director-General of Health may delegate duties

(1) The Director-General of Health may delegate any of his or her duties under sections 33(3), and 37 to 39 to any person who—

(a) holds the office of Director or Deputy Director of Mental Health, pursuant to section 91 of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or

(b) is a Director of Area Mental Health Services appointed under section 92 of that Act; or

(c) is a compulsory care co-ordinator appointed under section 140 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.

(2) The delegation—

(a) must be in writing and signed by the Director-General:

(b) must specify the duties delegated, and the person or persons to whom they are delegated (the **delegates**):

(c) does not prevent the Director-General from performing the duties delegated, or affect his or her responsibility for actions of the delegates:

(d) is revocable at will by written notice to the delegates:

(e) may be made subject to any terms and conditions stated in it the Director-General thinks fit:

(f) may permit some or all of the delegates to delegate further the duties delegated, subject to any terms and conditions stated in it the Director-General thinks fit.

(3) A delegate—

(a) may perform the duties delegated in the same manner and with the same effect as if they had been conferred or imposed on the delegate directly by this Act; but

(b) must perform them (and may further delegate them to the extent that the delegation permits) only in accordance with any terms and conditions stated in the delegation.

Section 52(1)(b): amended, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 52(1)(c): added, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Amendments

53 Amendments

The Acts specified in Schedule 1 are amended in the manner indicated in that schedule.

Section 53: amended, on 21 December 2021, by section 32 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Repeal

54 Victims of Offences Act 1987 repealed

The Victims of Offences Act 1987 (1987 No 173) is repealed.

Schedule 1AA
Transitional, savings, and related provisions

s 5A

Schedule 1AA: inserted, on 21 December 2021, by section 33 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Part 1
Provision relating to Part 2 of Sexual Violence Legislation Act 2021

Schedule 1AA Part 1: inserted, on 21 December 2021, by section 33 of the Sexual Violence Legislation Act 2021 (2021 No 60).

1 Proceedings affected by Part

(1) Amendments made by a provision of Part 2 of the Sexual Violence Legislation Act 2021 (except for this clause) apply only to proceedings commenced on or after the commencement of that provision.

(2) Proceedings commenced before that commencement, and not finally determined (including any rehearing, retrial, or appeal) before that commencement, continue as if those amendments had not been enacted.

(3) However, the following provisions apply, after they come into force, to proceedings specified in subclause (2):

- (a) section 22A (victim impact statement may be presented to court in some other manner):
- (b) section 28A (sections 28BA and 28D apply only to individual victims who are sexual case complainants) (as inserted by section 30 of that Act):
- (c) section 28A (sections 28B to 28D apply only to individual victims, or all victims, who are sexual case complainants) (as inserted by section 31 of that Act), but only to the extent that it relates to the application of sections 28BA and 28D:
- (d) section 28BA (victim's preferences on presenting victim impact statement) (as inserted by section 30 or 31 of that Act):
- (e) section 28D (court may be cleared when victim impact statement read or otherwise presented to court).

Schedule 1AA clause 1: inserted, on 21 December 2021, by section 33 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Part 2
Provision relating to Rights for Victims of Insane Offenders Act 2021

Schedule 1AA Part 2: inserted, on 13 December 2022, by section 44 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

2 Transitional provision

(1) This clause applies to any matter initiated under section 17AA, 20, 21, 22, 22A, 26, or 28 before the commencement of this clause.

(2) If this clause applies, the provisions of the relevant section, as they read immediately before the commencement of this clause, continue to apply to the matter as if they had not been amended or replaced by the Rights for Victims of Insane Offenders Act 2021.

(3) In this clause, **matter** includes any—

- (a) action undertaken:
- (b) decision taken:
- (c) notice given:
- (d) proceeding commenced:
- (e) application made:
- (f) agreement entered into:
- (g) requirement imposed.

Schedule 1AA clause 2: inserted, on 13 December 2022, by section 44 of the Rights for Victims of Insane Offenders Act 2021 (2021 No 55).

Schedule 1
Enactments amended

s 53

Schedule 1 heading: replaced, on 21 December 2021, by section 34 of the Sexual Violence Legislation Act 2021 (2021 No 60).

Bail Act 2000 (2000 No 38)

Amendment(s) incorporated in the Act(s).

Criminal Justice Act 1985 (1985 No 120)

Amendment(s) incorporated in the Act(s).

Immigration Act 1987 (1987 No 74)

Amendment(s) incorporated in the Act(s).

Official Information Act 1982 (1982 No 156)

Amendment(s) incorporated in the Act(s).

Parole Act 2002 (2002 No 10)

Amendment(s) incorporated in the Act(s).

Privacy Act 1993 (1993 No 28)

Amendment(s) incorporated in the Act(s).

Sentencing Act 2002 (2002 No 9)

Amendment(s) incorporated in the Act(s).

Victims' Rights Amendment Act 2011 (2011 No 95)

Repeal sections 4 to 7.

Schedule: amended, on 6 December 2014, by section 32 of the Victims' Rights Amendment Act 2014 (2014 No 35).

Notes

1 General

This is a consolidation of the Victims' Rights Act 2002 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Oranga Tamariki (Responding to Serious Youth Offending) Amendment Act 2026 (2026 No 65): section 60

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Sexual Violence Legislation Act 2021 (2021 No 60): Part 2

Rights for Victims of Insane Offenders Act 2021 (2021 No 55): Part 4

Privacy Act 2020 (2020 No 31): section 217

Criminal Cases Review Commission Act 2019 (2019 No 66): section 54

Oranga Tamariki Legislation Act 2019 (2019 No 30): Part 2 subpart 10

Family Violence Act 2018 (2018 No 46): section 259(1)

Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42): Part 2 subpart 11

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

Health and Safety at Work Act 2015 (2015 No 70): section 232

Victims' Rights Amendment Act 2014 (2014 No 35)

Victims' Rights Amendment Act 2011 (2011 No 95)

Criminal Procedure Act 2011 (2011 No 81): section 393

Immigration Act 2009 (2009 No 51): section 406(1)

Policing Act 2008 (2008 No 72): sections 116(a)(ii), 130(1)

Victims' Rights Amendment Act 2008 (2008 No 42)

Independent Police Conduct Authority Amendment Act 2007 (2007 No 38): section 26

Lawyers and Conveyancers Act 2006 (2006 No 1): section 348

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Care of Children Act 2004 (2004 No 90): section 151

Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115): section 51

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026