

**Victims of Sexual Violence (Strengthening Legal
Protections) Legislation Bill**

Government Bill

As reported from the committee of the whole House

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Protections) Legislation Bill**

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

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Hon Paul Goldsmith

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Victims of Sexual Violence (Strengthening Legal Protections) Legislation Act **2023**.

2 Commencement

This Act comes into force 4 months after Royal assent.

Part 1 Amendments to Crimes Act 1961

3 Principal Act

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This Part amends the Crimes Act 1961.

4 Section 128B amended (Sexual violation)

After section 128B(3), insert:

~~(4) This section does not apply if person B (as described in section 128) is under the age of 12 years.~~

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(4) This section does not apply if—

(a) person B (as described in section 128) is under the age of 12 years; or

(b) it cannot be established whether person B was under or over the age of 12 years.

5 Section 132 amended (Sexual conduct with child under 12)

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(1) In section 132(1), replace “14 years” with “20 years”.

(2) Replace section 132(6)(a) with:

(a) **child**—

(i) means a person under the age of 12 years; and

(ii) for the purposes of **subsection (1)**, includes person B (as described in section 128) if it cannot be established whether person B was under or over the age of 12 years; and

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Part 2 Amendments to Criminal Procedure Act 2011

6 Principal Act

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This Part amends the Criminal Procedure Act 2011.

6A Section 200 amended (Court may suppress identity of defendant)

After section 200(6), insert:

(7) **Subsections (8) and (9)** apply—

(a) in the case of an adult who is convicted of an offence against any of sections 128 to 142A or section 144A of the Crimes Act 1961 or any other offence against a person that the court determines is of a sexual nature; and

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- (b) to any order made under subsection (1) other than an interim order.
- (8) The court may make an order under subsection (1) without the agreement of the complainant only if the court is satisfied that the complainant—
- (a) is unable or unwilling to engage with the matter; or
 - (b) despite all reasonable efforts, cannot be contacted. 5
- (9) If the case specified in **subsection (7)(a)** involves more than 1 complainant,—
- (a) the court may make an order under subsection (1) only in respect of the complainants who—
 - (i) have agreed to the making of the order; or 10
 - (ii) are described in **subsection (8)(a) or (b)**; and
 - (b) the order—
 - (i) must provide that nothing may be published that could identify the complainants who agreed to the making of the order or who are described in **subsection (8)(a) or (b)**, including (without limitation) the charges involved in the case; and 15
 - (ii) must not prevent the identification of the person convicted or the offence for which the person was convicted in relation to any complainant who disagreed with the making of the order.
- 7 Section 201 amended (Automatic suppression of identity of defendant in specified sexual cases) 20**
- (1) Replace section 201(2) with:
- (2) The purpose of this section is to protect the complainant’s privacy and support the complainant’s autonomy in connection with the publication of the details of a person accused or convicted of an offence referred to in subsection (1). 25
- (1A) Replace section 201(4)(a)(ii) with:
- (ii) applies to the court for such an order in accordance with the Criminal Procedure Rules 2012; and
- (2) After section 201(4), insert:
- (4A) The court, when determining whether to make an order under subsection (3), must take into account any views of the complainant (or, if there were 2 or more complainants, each complainant) in respect of the publication of the details of the person accused or convicted of an offence referred to in subsection (1). 30
- 8 Section 203 amended (Automatic suppression of identity of complainant in specified sexual cases) 35**
- (1AAA) In the heading to section 203, delete “specified”.

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- (1AAB) In section 203(1), after “an offence against any of sections 128 to 142A or 144A of the Crimes Act 1961”, insert “or any other offence against a person that the court determines is of a sexual nature”.
- (1) Replace section 203(2) with:
- (2) The purpose of this section is to protect the complainant’s privacy and support the complainant’s autonomy in connection with the publication of their details. 5
- (2) Replace section 203(4)(a)(ii) with:
- (ii) applies to the court for such an order in accordance with the Criminal Procedure Rules 2012; and
- (3) After section 203(4), insert: 10
- (4A) The court, when determining whether to make an order under subsection (3), must take into account any views of the complainant in respect of the publication of their details.

Legislative history

10 August 2023
29 August 2023
10 March 2025
2 April 2025
20 May 2025

Introduction (Bill 274–1)
First reading and referral to Justice Committee
Reported from Justice Committee (Bill 274–2)
Second reading
Committee of the whole House (Bill 274–3)