

Victims’ Orders Against Violent Offenders Amendment Bill

(Divided from the Statutes Amendment Bill)

Government Bill

As reported from the Government Administration Committee

Commentary

Recommendation

The Government Administration Committee has examined the Victims’ Orders Against Violent Offenders Amendment Bill and recommends that it be passed with the amendments shown.

Introduction

The clauses of this bill formerly constituted Part 26 of the Statutes Amendment Bill. Amendments made by statutes amendment bills should be minor, technical, and non-controversial changes to existing legislation. We consider that the Statutes Amendment Bill is not the appropriate vehicle for the amendments to the Victims’ Orders Against Violent Offenders Act 2014, as these do not adequately fit these criteria. We believe that these amendments should be progressed in standalone legislation, and that this may provide opportunity for further scrutiny of the bill at a later stage of the legislative process. We therefore resolved to divide the Statutes Amendment Bill, so that Part 26 became a separate bill to be known as the Victims’ Orders Against Violent Offenders Amendment Bill.

We recommend one minor amendment to this separate bill, which is set out below.

Power to clear court and restrict publication of proceedings

We recommend amending clause 107, which would insert new section 24A, to make the language clearer by qualifying the term “proceedings” with “proceedings under this Act”. This amendment would align with the language already used in the principal Act and its associated Rules.

Appendix

Committee process

The Statutes Amendment Bill, from which this bill was divided, was referred to the committee on 9 December 2015. The closing date for submissions was 29 January 2016. We received and considered five submissions from interested groups and individuals. We heard oral evidence from two submitters. On Wednesday 15 June 2016 the committee resolved to divide the Statutes Amendment Bill.

We received advice from the Ministry of Justice.

Committee membership

Hon Ruth Dyson (Chairperson)

Kris Faafoi

Paul Foster-Bell

Brett Hudson

Mojo Mathers

Mark Mitchell

**Victims' Orders Against Violent Offenders Amendment
Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

Hon Simon Bridges

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Victims' Orders Against Violent Offenders Amendment Act
2016.

2

Commencement

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

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106

Principal Act

5

This Act amends the Victims’ Orders Against Violent Offenders Act 2014 (the **principal Act**).

107

New sections 24A to 24C and cross-heading inserted

After section 24, insert:

	<i>Power to clear court and restrict publication of proceedings</i>	10
24A	Power to clear court and restrict publication of proceedings	
(1)	Where, in any proceedings <u>under this Act</u> , the court is of the opinion that it is desirable to do so, after having regard to the interests of any person (including, without limitation, the privacy of the victim) and to the public interest, the court may make any 1 or more of the following orders:	15
(a)	an order forbidding publication of any report or account of the whole or any part of—	
	(i) the evidence adduced:	
	(ii) the submissions made:	
(b)	an order forbidding the publication of—	20
	(i) the name of any person, or any name or particulars likely to lead to the identification of that person:	
	(ii) the affairs of any person:	
(c)	an order excluding all or any persons other than the parties to the proceedings, any lawyer engaged in the proceedings, and any officer of the court from the whole or any part of the proceedings.	25
(2)	The court may make an order under this section on its own motion or on the application of any party to the proceedings.	
(3)	Every application to the court for an order under this section may be heard in open court or in chambers.	30
(4)	An order made under subsection (1)(a) or (b) —	
	(a) may be made for a limited period or permanently; and	
	(b) if it is made for a limited period, may be renewed for a further period or periods by the court under section 24B ; and	

(c)	if it is made permanently, may be reviewed by the court at any time under section 24B .	
(5)	Nothing in this section limits or restricts any other power of the court—	
(a)	to prohibit or restrict the publication of reports or particulars relating to proceedings; or	5
(b)	to hear proceedings in private or to exclude any person from the court.	
24B	Application for renewal or review of order made under section 24A	
(1)	If the court makes an order under section 24(1)(a) or (b) , any person may at any time apply to the court—	
(a)	for a renewal of the order, if the order was made for a limited time:	10
(b)	for a review of the order, if the order was made permanently.	
(2)	An application may be made under subsection (1) by any person who was a party to the proceedings in which the order was made or by any other person.	
(3)	After considering an application under this section, the court may renew, revoke, vary, or continue the order as it thinks fit.	15
24C	Contravention of orders made under section 24A	
(1)	Every person commits an offence who breaches any order made under section 24A(1)(a) or (b) or evades or attempts to evade any such order.	
(2)	Every person who commits an offence against subsection (1) is liable on conviction,—	20
(a)	in the case of an individual, to a fine not exceeding \$1,000:	
(b)	in the case of a body corporate, to a fine not exceeding \$5,000.	
(3)	The breach of any order made under section 24A(1)(c) , or any evasion or attempted evasion of the order, may be dealt with as contempt of court.	
108	Consequential amendment to Victims' Orders Against Violent Offenders Rules 2014	25
(1)	This section amends the Victims' Orders Against Violent Offenders Rules 2014.	
(2)	Revoke rule 44.	
		30

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Legislative history

15 June 2016

Divided from Statutes Amendment Bill (Bill 71–1) by
Government Administration Committee as Bill 71–2A

Wellington, New Zealand:

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