

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 7 July 1987.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 9 July 1987.

**[This Bill was formerly clauses 33 to 46 of the
Violent Offences Bill (No. 2)]**

Right. Hon. Geoffrey Palmer

VICTIMS OF OFFENCES

ANALYSIS

Title	39. Victim impact statements
1. Short Title and commencement	40. Residential address of victim
33. Interpretation	41. Victim's views on bail in certain cases
	42. Notification of release or escape of offender in certain cases
<i>Declaration of Principles</i>	
34. Treatment of victims	<i>Victims Task Force</i>
35. Access to services	43. Establishment of Victims Task Force
36. Early information for victims	44. Functions of Victims Task Force
37. Information about proceedings	45. Victims Task Force Fund
38. Return of property	46. Expiry

A BILL INTITULED

An Act to make better provision for the treatment of victims of criminal offences

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title and commencement**—(1) This Act may be cited as the Victims of Offences Act 1987.

(2) This Act shall come into force on the 1st day of November 1987.

No. 126—3H

Price \$1.50

incl. GST \$1.65

Struck Out

33. Interpretation—In this Part of this Act, the term “victim” means a person who, as a result of a criminal offence by another person (whether or not that person is convicted of the offence), suffers physical or emotional harm, or loss of or damage to property; and where the offence resulted in the death of any person, the term includes the members of the immediate family of the deceased. 5

New

33. Interpretation—In this Part of this Act, the term “victim” means a person who, through or by means of a criminal offence (whether or not any person is convicted of that offence), suffers physical or emotional harm, or loss of or damage to property; and, where an offence results in death, the term includes the members of the immediate family of the deceased. 10
15

Declaration of Principles

34. Treatment of victims—Members of the Police, prosecutors, (*Judges,*) judicial officers, counsel, officials, and other persons dealing with victims should treat them with courtesy, compassion, and respect for their personal dignity and privacy. 20

35. Access to services—Victims and, where (*required*) needed, their families should have access to welfare, health, counselling, medical, and legal assistance responsive to their needs. 25

36. Early information for victims—(1) Members of the Police, officers of the court, and health and social services personnel should inform victims at the earliest practicable opportunity of the services and remedies available to them. 30

(2) Victims should also be told of available protection against unlawful intimidation.

37. Information about proceedings—The prosecuting authority or officers of the court, as the case may require, should make available to a victim information about the 35

progress of the investigation of the offence, the charges laid or the reasons for not laying charges, the role of the victim as a witness in the prosecution of the offence, the date and place of the hearing of the proceedings, and the outcome of the proceedings, including any proceedings on appeal.

38. Return of property—Law enforcement agencies and the courts should return the property of a person (other than the defendant) that is held for evidentiary purposes as promptly as possible so as to minimise inconvenience to that person.

10 **39. Victim impact statements**—

Struck Out

(1) Appropriate administrative arrangements should be made to ensure that a sentencing Judge is informed about the effects of the offence upon the victim, including any physical or emotional harm, or loss of or damage to property, suffered by the victim as a result of the offence.

New

(1) Appropriate administrative arrangements should be made to ensure that a sentencing Judge is informed about any physical or emotional harm, or any loss of or damage to property, suffered by the victim through or by means of the offence, and any other effects of the offence on the victim.

(2) Any such information should be conveyed to the Judge either by the prosecutor orally or by means of a written statement about the victim.

40. Residential address of victim—A victim's residential address should not be disclosed in court unless to exclude it would be contrary to the interests of justice.

41. Victim's views on bail in certain cases—On an application for bail in respect of a charge of sexual violation or other serious assault or injury, the prosecutor should convey to the judicial officer any fears held by the victim about the release on bail of the alleged offender.

42. Notification of release or escape of offender in certain cases—(1) The victim of an offence of sexual violation or other serious assault or injury should be given the opportunity to request notification of the offender's impending release, or escape, from penal custody. 5

(2) Where, in any such case, the victim makes such a request, then so long as the victim has supplied a current address and telephone number to the Secretary for Justice, the victim should be promptly notified of the offender's impending release, or escape, from penal custody. 10

Victims Task Force

43. Establishment of Victims Task Force—(1) For the purposes of this Part of this Act, there is hereby established a task force to be called the Victims Task Force.

(2) The Victims Task Force shall comprise the following: 15

(a) The Secretary for Justice or the Secretary's nominee, who shall chair the Task Force:

(b) The Commissioner of Police or the Commissioner's nominee:

(c) Not more than 4 other persons from time to time appointed by the Minister of Justice. 20

(3) The Victims Task Force is hereby declared to be a board within the meaning of the Fees and Travelling Allowances Act 1951.

44. Functions of Victims Task Force—The functions of the Victims Task Force shall be as follows: 25

(a) As a matter of priority, to work with Judges, Registrars, prosecutors, Government departments, and community organisations involved with victims in order to develop guidelines to promote the principles set out in sections 34 to 42 of this Act: 30

(b) To assess the adequacy of existing services available to victims and to identify any shortcomings:

(c) To co-ordinate and promote the distribution of comprehensive information about the services and facilities available to victims: 35

(d) To consider whether further measures are needed to assist victims:

(e) To receive requests for financial assistance from community organisations working to assist victims, and to make recommendations on those requests to the Secretary for Justice: 40

- (f) To consider whether provision should be made in law, in cases where an offender is sentenced to make reparation pursuant to section 22 of the Criminal Justice Act 1985, for the Crown to make an immediate advance to the victim of part of the sum ordered to be paid by the offender:
- 5
- (g) To consider any other matter relating to victims referred to it by the Minister of Justice:
- (h) To make recommendations to the Minister of Justice, as it
- 10 sees fit, on matters relating to victims.

45. Victims Task Force Fund—(1) For the purposes of the Victims Task Force, the Secretary for Justice shall cause to be established a fund, to be called the Victims Task Force Fund.

(2) There shall be credited to the Victims Task Force Fund in

15 each financial year, without further appropriation than this section, 1 percent of all money received by the Crown in payment of fines.

(3) The Victims Task Force Fund shall be under the control and supervision of the Secretary for Justice.

(4) The Victims Task Force Fund shall be used to meet the costs of, and for the purposes of, the Victims Task Force.

(5) The Victims Task Force Fund shall not be used to pay compensation to victims.

New

25 **45A. Official Information Act 1982 applied to Victims Task Force**—The First Schedule to the Official Information Act 1982 (as substituted by section 23 (1) of the Official Information Amendment Act 1982), is hereby amended by inserting, after the item relating to the Veterinary Services

30 Council, the following item:
“Victims Task Force”.

46. Expiry—Sections 43 to 45A of this Act shall expire with the close of the 31st day of March 1993, and on the close of that day the Victims Task Force and the Victims Task Force Fund

35 shall cease to exist.