

House of Representatives

Supplementary Order Paper

Wednesday, 8 December 2021

Sexual Violence Legislation Bill

Proposed amendment to SOP No 105

Hon Kris Faafoi, in Committee, to move the following amendment:

New clauses 27A to 27F and cross-heading

After *clause 27* (page 28), insert:

Consequential amendments to
Rights for Victims of Insane Offenders Act 2021

27A Amendments to Rights for Victims of Insane Offenders Act 2021

Sections 27B to 27F amend the **Rights for Victims of Insane Offenders Act 2021**.

27B Section 14AA repealed (New section 5A inserted (Transitional, savings, and related provisions))

Repeal **section 14AA**.

27C New section 14NA inserted (**Section 28BA** amended (Victim's preferences on presenting victim impact statement))

After **section 14N**, insert:

14NA Section 28BA amended (Victim's preferences on presenting victim impact statement)

In **section 28BA(a)** (as, or when, inserted by **section 24 of the Sexual Violence Legislation Act 2019**), after "sentencing the offender", insert "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”.

27D Section 15AAA replaced

Replace **section 15AAA** with:

15AAA Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 4** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

27E Schedule 4 amended

In **Schedule 4**,—

- (a) heading, replace “**New Schedule 1AA**” with “**New Part 2 of Schedule 1AA**”; and
- (b) delete the heading to **new Schedule 1AA**; and
- (c) delete “**s 5A**”; and
- (d) replace “**Part 1**” with “**Part 2**”; and
- (e) renumber **clause 1** as **clause 2**.

27F Schedule 5 amended

In **Part 2 of Schedule 5**, delete the amendments to—

- (a) section 53; and
- (b) the Schedule heading.

Explanatory note

This Supplementary Order Paper amends consequentially the **Rights for Victims of Insane Offenders Act 2021**. The consequential amendments are needed to ensure that that Act will work as intended because—

- that Act, and the Act arising from this Bill, both amend the Victims’ Rights Act 2002:
- their 2 sets of amendments to that 2002 Act overlap, and are inconsistent:
- the Rights for Victims of Insane Offenders Act 2021 commences 1 year after its Royal assent:
- most amendments to that 2002 Act, and in the Act arising from this Bill, commence earlier, namely on the day after its Royal assent.

