

## Q+A - Victims' Orders against Violent Offenders Bill

### What does the Bill do?

The Victims' Orders against Violent Offenders Bill will create a new order, called a **non-contact order**, to protect victims of serious violent and sexual offences.

The Bill recognises that very serious offences have ongoing effects and that victims are entitled to a reasonable level of protection.

### How many new orders are likely to be issued each year?

It is difficult to provide an accurate estimate, but officials expect about 10 orders per year will be granted.

However, in the first year, there will probably be significantly more applications – and therefore more orders granted – because of the number of pre-existing eligible victims who may wish to seek an order.

### How are the new orders different to existing measures?

Existing measures – such as protection orders, restraining orders, release and parole conditions – apply only in specific circumstances or are time limited.

For example:

- **protection orders** are only available if a victim is, or has been, in a domestic relationship with the offender.
- a victim can only get a **restraining order** when an offender is, or has been, harassing them.
- **release and parole conditions** cannot apply for more than six months beyond the statutory end date of the sentence, except for indeterminate sentences (such as life imprisonment and preventive detention) where conditions can apply indefinitely.

### Who could apply for an order?

Orders could be sought by a victim of a specified violent or sexual crime for which the offender was sentenced to five or more years in prison. Close family members of murder or manslaughter victims could also apply.

Victims could apply for an order at any time after the offender's release from prison.

The court considering an application will decide if the circumstances justify issuing an order.

## Which violent or sexual crimes are covered by the Bill?

The Bill covers offences listed in section 86A of the Sentencing Act 2002.

These are the listed offences subject to the 'three strikes' regime introduced by the Sentencing and Parole Reform Act 2010 and include:

- (1) [section 128B](#) (sexual violation):
- (2) [section 129](#) (attempted sexual violation and assault with intent to commit sexual violation):
- (3) [section 129A\(1\)](#) (sexual connection with consent induced by threat):
- (4) [section 131\(1\)](#) (sexual connection with dependent family member under 18 years):
- (5) [section 131\(2\)](#) (attempted sexual connection with dependent family member under 18 years):
- (6) [section 132\(1\)](#) (sexual connection with child):
- (7) [section 132\(2\)](#) (attempted sexual connection with child):
- (8) [section 132\(3\)](#) (indecent act on child):
- (9) [section 134\(1\)](#) (sexual connection with young person):
- (10) [section 134\(2\)](#) (attempted sexual connection with young person):
- (11) [section 134\(3\)](#) (indecent act on young person):
- (12) [section 135](#) (indecent assault):
- (13) [section 138\(1\)](#) (exploitative sexual connection with person with significant impairment):
- (14) [section 138\(2\)](#) (attempted exploitative sexual connection with person with significant impairment):
- (15) [section 142A](#) (compelling indecent act with animal):
- (16) [section 144A](#) (sexual conduct with children and young people outside New Zealand):
- (17) [section 172](#) (murder):
- (18) [section 173](#) (attempted murder):
- (19) [section 174](#) (counselling or attempting to procure murder):
- (20) [section 175](#) (conspiracy to murder):
- (21) [section 177](#) (manslaughter):
- (22) [section 188\(1\)](#) (wounding with intent to cause grievous bodily harm):
- (23) [section 188\(2\)](#) (wounding with intent to injure):
- (24) [section 189\(1\)](#) (injuring with intent to cause grievous bodily harm):
- (25) [section 191\(1\)](#) (aggravated wounding):
- (26) [section 191\(2\)](#) (aggravated injury):
- (27) [section 198\(1\)](#) (discharging firearm or doing dangerous act with intent to do grievous bodily harm):
- (28) [section 198\(2\)](#) (discharging firearm or doing dangerous act with intent to injure):
- (29) [section 198A\(1\)](#) (using firearm against law enforcement officer, etc):
- (30) [section 198A\(2\)](#) (using firearm with intent to resist arrest or detention):
- (31) [section 198B](#) (commission of crime with firearm):
- (32) [section 200\(1\)](#) (poisoning with intent to cause grievous bodily harm):
- (33) [section 201](#) (infecting with disease):
- (34) [section 208](#) (abduction for purposes of marriage or sexual connection):

- (35) [section 209](#) (kidnapping):
- (36) [section 232\(1\)](#) (aggravated burglary):
- (37) [section 234](#) (robbery):
- (38) [section 235](#) (aggravated robbery):
- (39) [section 236\(1\)](#) (causing grievous bodily harm with intent to rob or assault with intent to rob in specified circumstances):
- (40) [section 236\(2\)](#) (assault with intent to rob)

### **How long would orders last for?**

An order would last for a period of time specified by the court, which could be indefinite. Where no time period is specified, the order would apply for two years.

### **What kinds of conditions might be imposed?**

Each order will prohibit the offender from contacting the victim in any way.

A judge will decide what other conditions to impose, depending on the circumstances of each case. Other conditions could include:

- restrictions on living or working near the victim's home or workplace; and
- restrictions on visiting particular areas.

### **Could an order be removed, or the conditions changed?**

Yes, the applicant (the person who applied for the order) or the respondent (the person the order is imposed on) could apply to the court for a variation of conditions, or for the order to be discharged.

### **What would be the penalty for breaching orders?**

Breaches of orders would receive up to six months imprisonment or a fine of up to \$5,000. If an offender is convicted of contravening an order at least twice in a three-year period, they could be imprisoned for up to two years.

### **Does this proposal comply with the New Zealand Bill of Rights Act 1990?**

The aim of the new orders is to help victims to feel safe. Current legal mechanisms do not always go far enough in that regard.

Courts will have discretion to decide whether an order is appropriate, and if so, the conditions that are required in the circumstances. Allowing courts to have this discretion ensures that any potential limits on offender's rights are proportionate and justified under section 5 of the Bill of Rights Act 1990.