

Victims of Sexual Violence (Strengthening Legal Protections) Legislation Act 2025

Information for the legal profession

About the Act

The Act aims to reduce harm for victims of sexual violence when participating in court proceedings.

The Act makes changes to the:

- Crimes Act 1961 to better protect children under 12 years of age.
- Criminal Procedure Act 2011 to enhance victim autonomy and participation in sexual violence cases, through changes to name suppression settings.

Changes to the Crimes Act 1961

These changes apply to offences **committed on or after 30 October 2025**.

Sexual violation – section 128B

Sexual violation can no longer be pursued as a charge if:

- the victim was under the age of 12 years old or
- it cannot be established whether the victim was under or over 12 years old at the time of the offending.

Sexual connection with child under 12 – section 132(1)

The maximum penalty for sexual connection with a child under 12 years old has increased from 14 to 20 years' imprisonment.

This section also applies in cases where it cannot be established whether the victim was under or over 12 years old at the time of the offending.

Changes to the Criminal Procedure Act 2011

These changes apply to cases where charges are **filed on or after 30 October 2025**.

Permanent name suppression for a defendant – section 200

What is the change?

In a prosecution for offences of a sexual nature, the court can no longer make an order for the defendant's permanent name suppression without the complainant's agreement.

When does this apply?

This applies in cases where an adult has been convicted of:

- an offence against sections 128 – 142A or 144A of the Crimes Act or
- any other offence that the court determines is of a sexual nature.

There are some situations where the court can make an order without the complainant's agreement. This includes when:

- The court is satisfied that the complainant cannot be contacted despite reasonable efforts.
- The court is satisfied that the complainant has chosen not to participate.
- The court determines the complainant is unable to engage with the matter. This could include if the complainant is a young child or has a profound intellectual disability.

What if there are multiple complainants?

If there are multiple complainants and their views are different, the court will treat complainants separately and may only make an order in respect of offences against complainants who agreed to the order.

In these instances, the court's suppression order:

- must not allow anything to be published that could identify complainants who agreed to the order (or are otherwise unable, unwilling or cannot be contacted), and the charges in relation to them and
- must not prevent the defendant's name being published in relation to offending against any complainant who did not want the defendant to have permanent name suppression.

If these two points come into conflict, the judge must resolve how to proceed.

How will this work?

When an application for permanent name suppression is made, each complainant must be asked if they want to provide their view to the court. This is the prosecutor's responsibility. If the complainant is engaged with court services for victims, the prosecutor and court victim advisor should discuss who is best placed to seek the complainant's view.

The prosecutor must tell the court if the complainant does not want to participate or could not be contacted.

The prosecutor can seek judicial direction if there is any concern the complainant may be unable to engage with the matter.

Before deciding whether to provide a view, prosecutors and court victim advisors must ensure the complainant understands:

- what it means for a defendant to have permanent name suppression
- it is their choice whether to provide a view
- if they do not disagree the defendant may have name suppression, the judge will decide whether to give name suppression or not

- if they are the only complainant, the judge cannot make an order for permanent name suppression without their agreement
- if there are any other complainants, the judge will only allow the defendant's name to be published if it would not identify any of the complainants who did not want the defendant's name to be published (or were unwilling, unable or could not be contacted)
- they cannot be pressured by anyone else to give a specific view (and if they are pressured, they should tell the officer in charge or court victim advisor).

Support is available to enable a complainant to give a view – it is possible to engage:

- a communication assistant if they have previously been involved in the case – child witnesses aged 12 years and under should have a communication assistant and it is encouraged for young people, particularly if there are communication difficulties or the victim has experienced trauma
- a police specialist child interviewer
- a court victim advisor if they have been supporting the complainant.

Parents and caregivers of child complainants may still provide their view on name suppression, but not on behalf of the complainant.

Automatic name suppression for a complainant – section 203

What is the change?

Automatic name suppression for complainants is being expanded from the offences currently specified in section 203 to also include 'any offence of a sexual nature'. The court will have to determine if the offence is of a sexual nature to confirm whether name suppression for the complainant applies.

How will this work?

When filing charges, prosecutors must indicate to the court if the offence is of a sexual nature. This will prompt the court to determine if automatic name suppression applies.

Although the Crown or Police may indicate the charge as of a sexual nature, it will be up to the judge to determine whether the charge is of a sexual nature.

How will this be indicated to the court?

If charges are filed by Police, this will be indicated in the charging document in the charge details section as *Sexual nature offence (auto NS) Yes*.

If charges are filed by a Crown prosecutor, they will indicate this on the Crown charge notice under each charge as *OFFENCE IS OF A SEXUAL NATURE*.

When will automatic name suppression be determined?

The court will determine if automatic name suppression applies at the earliest opportunity. This will usually be at the first appearance.

If new or amended charges are filed, court staff may refer this to the judge in chambers to avoid any delay in name suppression being applied.

Who can I ask if I am not sure if name suppression applies?

If you are not sure if name suppression applies in a specific case, you can ask a court registry officer.

More information

Victims Information website

The Victims Information website will include information about name suppression for victims.

www.sexualviolence.victimsinfo.govt.nz