

21 June 2017

Attorney General

Courts Matters Bill (PCO 20266/5.0) – consistency with the New Zealand Bill of Rights Act 1990
Our Ref: ATT395/220

1. We have examined the Courts Matters Bill for consistency with the New Zealand Bill of Rights Act 1990 (“Bill of Rights Act”). We have concluded that whilst the Bill raises some issues under the Bill of Rights Act, it is not inconsistent with that Act.
2. The Bill is an omnibus Bill that intends to make amendments to 14 different Acts, and is a cognate Bill with the Tribunals Powers and Procedures Legislation Bill. The latter has also been analysed for consistency with the Bill of Rights Act, and that advice accompanies the current advice.

Amendments to Courts Security Act 1999

3. A key function of the Bill is to amend the Courts Security Act 1999 to expand the powers of a Court Security Officer (“CSO”) to deny entry to or remove individuals from court areas, and to expand the circumstances in which a CSO may detain individuals and seize items. Related ancillary matters are also addressed. Given the nature of the Bill, it is helpful to understand how the Courts Security Act currently works before considering the proposed amendments. We will approach this in a thematic way.

Outline of Courts Security Act 1999

4. The Act provides for the security of courts, and the safety of the public and others who access and use the courts.¹ It prescribes a CSO’s powers within a “courtroom” (the place in which proceedings before a listed set of bodies, including certain tribunals, are heard) and a “court”.² A “court” includes the courtroom of each of the bodies, the part of the building that services the courtroom, the grounds immediately adjacent to the building that belong to or service the building, and any car parking area in the building or grounds.³ It also includes the Judge’s chambers and those parts of the building and grounds associated with servicing the chambers.⁴

¹ Long title to Courts Security Act 1999.

² Sections 3(2) and 3(5) Courts Security Act 1999.

³ Sections 3(1) and s(3) Courts Security Act 1999.

⁴ Sections 3(1), 3(4) and 3(5) Courts Security Act 1999.

Power to deny entry or remove

5. In sum, the Act makes provision for the following matters:⁵
 - 5.1 An individual entering or in a court can be asked for identification; and his reason for coming to court (if there are reasonable grounds for asking);
 - 5.2 An individual entering or in a court can be asked to agree to a scanner or electronic search of person or property; or to an external examination of his clothes or non-electronic search of his property (if there are reasonable grounds for asking);
 - 5.3 An individual can be asked to show items that are detected during a search to a CSO. If he complies and there are reasonable grounds to believe the item may threaten the security of the court, the individual may be asked to leave the item with the CSO while he is in court.
6. A CSO can deny entry to or remove an individual who does not agree to these requests. A CSO can also do so if the person refuses to show a CSO a detected item (and the CSO has no reasonable grounds to believe a specified offence may have been, or is about to be, committed in the court or immediately adjacent area). A CSO may use reasonable force when exercising these powers.⁶
7. Denial of entry or removal from court does not itself give the person a reasonable excuse for failing to do what the person was at court to do. A CSO must inform the person of this fact.
8. A person who is denied entry to, or removed from, a court is entitled to enter if he later complies with the CSO's requests.⁷

Power to seize and power to detain

9. In terms of the powers to detain and to seize items, the Act provides for the following:⁸
 - 9.1 If a CSO has reasonable grounds to believe that a person who wants to enter, or is in, a court may recently have committed a specified offence in the court or an area immediately adjacent to it, or may be about to do so, he may detain the individual;
 - 9.2 If an individual refuses to show a CSO a detected item and the CSO has reasonable grounds to believe a specified offence may have been, or is about to be, committed in the court or immediately adjacent area, he may seize the item and must detain the individual if he does so;
 - 9.3 If an individual shows a CSO a detected item and it is of such a nature to give rise to the reasonable grounds set out above (and the individual has no

⁵ Sections 12-18 Courts Security Act 1999.

⁶ Section 21 Courts Security Act 1999.

⁷ Section 22 Courts Security Act 1999.

⁸ Sections 15(5), 16, 19 and 20 Courts Security Act 1999.

reasonable excuse for having the item), the CSO may seize the item and must detain the individual if he does so;

10. Again, reasonable force can be used in exercising the power to detain (but not when exercising the power to seize). It is incumbent on the CSO to call the police as soon as reasonably practicable after the detention, and the CSO must either deliver the individual to a police officer for arrest or free him if the Police do not wish to arrest him. The CSO may handcuff the detained person if there are reasonable grounds to believe the individual may abscond, or may harm himself or others. The handcuffs may remain on until a police officer decides on next steps.⁹
11. In terms of any seized item, the CSO must provide it to the arresting Police officer (if the individual is arrested) or return it to the individual if he is not arrested.

Amendments proposed in Courts Matters Bill

12. The Bill is intended to promote the orderly operation of courts and tribunals.¹⁰ This will support the Act's current purpose of providing for the security of the courts and safety of its users. The Bill extends the geographic area within which a CSO's powers may be exercised, expands the list of specified offences and sets out other circumstances which give rise to the power to detain, and provides additional grounds for a CSO to deny entry or remove an individual from court premises.

Extension of geographic area covered by the Act and extension to additional tribunals

13. The Bill expands the meaning of "courtroom" by providing that the bodies before which proceedings are heard includes every court, tribunal and other constituted dispute-resolution body that conducts proceedings in the same building as a court or tribunal, and those bodies designated as a court or tribunal by notice in the *Gazette* (cl 6). This replaces a provision by which courts or tribunals could be declared by regulations to be a body to which the Courts Security Act applies. No such regulations were made. While a CSO's powers will be able to be exercised in additional places, they are clearly judicial or quasi-judicial locations. This extension is uncontroversial, and chimes with the (sound) intention for the Courts Security Act to cover courts and tribunals.
14. The Bill also extends the meaning of "court" to include every other part of the building (including any cells) that is used for services relating to the court or judicial/quasi-judicial functions, and any footpath between the building and the road (cl 6). This means the existing powers set out above, which have been assessed as legitimate, can be exercised in a slightly wider geographical area. The idea is that the safety and security of the court would be enhanced by the expansion of a safe space around the court. We do not consider there is anything about the extension to the area that requires the existing powers to be subject to a wholesale re-assessment. The extended area is, however, particularly relevant to the expanded list of specified offences, which we discuss below.

⁹ Sections 20 and 21 Courts Security Act 1999.

¹⁰ Clause 4 (amendment to Long Title of Courts Security Act).

Powers relating to detention

Specified offences

15. A CSO's power to detain is triggered by the commission or likely commission of a specified offence. The Bill expands the definition of specified offence to include disorderly behaviour, graffiti vandalism, possession of graffiti implements, carrying or possession of an imitation firearm without lawful purpose, possession of controlled drugs, and any other offence committed on court premises that a CSO believes on reasonable grounds threatens the safety or security of another person or their property or may cause serious damage to the court premises (cl 5).
16. The ancillary powers set out in paragraph 10 above will apply.
17. The Bill also inserts a provision to limit the period for which a CSO may detain a person whom the CSO has reasonable grounds to believe may have committed a specified offence or whom the CSO can detain in the other circumstances set out in paragraph 21 below. The person may be detained for a maximum of four hours or any lesser period the CSO considers to be reasonable in the circumstances (cl 13).¹¹ Also, if a CSO detains a person, he must be detained separately from other prisoners in a cell or other safe place until the arresting Police officer arrives or the CSO is satisfied the person is not going to be arrested (cl 13).
18. The proposal to expand the list of specified offences raises issues relating to consistency with s 22 of the Bill of Rights Act. This guarantees the right not to be arbitrarily arrested or detained. Here, there is a legitimate purpose for detention, namely to ensure the safe, secure and orderly operation of the courts/tribunals and all court users.¹² The current list of specified offences – which triggers the detention power - is not adequately meeting this purpose, as a range of less serious offences are frequently encountered. While more minor, some of the new proposed offences are nonetheless still imprisonable.¹³ We consider that inclusion of additional offences is warranted. While there is a greater degree of intrusion, the purpose of detention remains sound, and the power to detain is rationally and proportionately connected to it. Further, in terms of safeguards, the power may only be exercised if the reasonable grounds exist, the detention is limited in duration (either up to delivery to Police, a decision by Police not to arrest, or for a maximum period of four hours), and the person must be held in an appropriate place away from prisoners. The requirement to involve the Police means the individual will be placed promptly within the standard law enforcement processes.
19. In light of these factors, we conclude that the proposed expanded list of specified offences does not authorise an arbitrary detention and is thus consistent with s 22 of the Bill of Rights Act.

¹¹ Clause 13 also amends the provisions relating to detention of an individual from whom an item has been seized, and an individual who does not allow a CSO to examine an item (discussed in paragraphs [9.2] and [9.3] above) so as to provide a *discretion* as to whether to detain and to limit the period of detention to 4 hours or any lesser period considered by the CSO to be reasonable in the circumstances. This achieves consistency with the other detention powers.

¹² An independent inquiry circa 1999 concluded that court security staff needed statutory powers to protect the safety and security of court users. We understand that the only Police officers routinely present at courts now are the prosecutors who are working in the court rooms rather than screening people on entry and maintaining order in the public areas.

¹³ The graffiti offences are not imprisonable, but disorderly behaviour and possession of controlled drugs are imprisonable.

20. We have specifically considered the effect of the expanded definition of “courtroom” that includes the adjoining footpath in combination with the expanded list of specified offences that includes graffiti vandalism and possession of graffiti instruments. This means that a person who uses chalk on the footpath outside a Court as a means of protest, could *potentially* be detained by a CSO. However, the graffiti offences are only committed if a person ‘damages’ or ‘defaces’ the property,¹⁴ which very arguably does not occur with the use of chalk. As such, on the basis the instructions given to a CSO make this clear, we do not consider the proposal enables an arbitrary detention or raises issues relating to consistency with the right to freedom of expression in s 14 of the Bill of Rights Act.

New power to detain

21. In addition, the Bill provides for a new power to detain in other defined circumstances (cl 12). This is triggered if a CSO has reasonable grounds to believe that a person:
- 21.1 Has refused to leave court premises after having been required to do so, or has attempted to re-enter court premises after being removed or denied entry, and has been warned of detention but persisted with his actions; or
 - 21.2 Has refused to obey a direction from a CSO to do anything that is reasonably necessary to protect the safety or security of persons being escorted in/out of court premises for reasons related to appearances in court, or to stop doing anything that adversely affects the safety or security of those persons; or
 - 21.3 Has refused to obey a direction from a CSO to do anything that is reasonably necessary to protect the safety or security of any person involved in any activity outside the court premises that is part of the proceedings (for example, a jury visiting a crime scene), or to stop doing anything that adversely affects the safety or security of those persons; or
 - 21.4 Has committed any offence on court premises and has refused to give his full name, address, and date of birth on the request of a CSO, has been warned that he will be detained if he refuses to provide details and continues to refuse to give those details.
22. Similarly, the ancillary powers set out in paragraph 10 above will apply.
23. This proposal again raises issues relating to consistency with s 22. There is clearly an escalating range of circumstances which can give rise to detention, and this proposal set outs circumstances at the lower end. But bearing in mind the legitimate purpose of ensuring the safe, secure and orderly operation of the courts/tribunals and all court users, having regard to the matters and safeguards set out above in paragraph 18 and the additional requirement for a warning of detention in certain of these circumstances, we consider this new power to detain is justified and does not authorise an arbitrary detention.

¹⁴ See definitions in s 11A and 11B Summary Offences Act 1981.

Power in relation to a detained person

24. The Bill provides that in respect to a detained person, a CSO may direct the person to do or not to do a thing if the CSO believes on reasonable grounds that the direction is necessary in the circumstances for the purpose of ensuring the safety of the person or the CSO or any other person (cl 13). In our view this could only be interpreted to mean a direction that is consistent with the Courts Security Act and which does not breach the Bill of Rights Act. It is difficult to envisage what such a direction might be, and the consequences of non-compliance are not prescribed. In these circumstances we do not consider this provision raises Bill of Rights Act issues.

Power to pursue

25. The Bill contains a new power to pursue a person who is to be detained or is otherwise in lawful custody on court premises (cl 14). If such a person flees or escapes from the court premises:
- 25.1 A CSO may pursue that person while he is within a short distance of the CSO (and must do so if ordered by the Court); and
- 25.2 A CSO may detain the pursued person (although a person who has escaped from lawful custody must be returned to the person who is entitled to custody of that person).
26. A power to detain will generally require an ancillary power to take steps to maintain the detention in the case of attempted flight. Extending this power to the small geographic area of “within a short distance of the CSO” is justifiable.

Powers in relation to seizure of items

Impact of expanded list of specified offences

27. A CSO’s powers to seize items, set out above, is also triggered by a CSO having reasonable grounds to believe a specified offence may have been or is about to be committed. As such, the proposal to expand the list of specified offences raises issues relating to consistency with s 21 of the Bill of Rights Act – the right to be secure against unreasonable search or seizure.
28. The touchstone of s 21 is the protection of reasonable expectations of privacy.¹⁵ Reasonable expectations of privacy are lower in public places than on private property, and there is generally a higher expectation of privacy in relation to personal belongings (as compared to commercial or business-related material). As such, whether a seizure is unreasonable will depend on many factors, including the nature of the object being seized, the degree of intrusiveness into personal privacy and the rationale for the seizure. The greater the degree of intrusiveness, the greater the justification required (and the greater the attendant safeguards required to ensure that the justification is present).
29. We consider that the proposal to expand the list of specified offences and consequently expand the circumstances in which a CSO can seize items does not authorise an unreasonable seizure. The power to seize applies when an individual is in, and has brought an item to, a public place, and is conditional on a CSO having

¹⁵ *Grayson & Taylor* at 407.

reasonable grounds to believe the person has committed or is about to commit an offence that impacts upon the safe, secure and orderly operation of the courts/tribunals and court users. The CSO's seizure is limited in duration because the item seized will either be provided to the Police in the event of an arrest, or returned. For these reasons, we consider that no issue of inconsistency arises under s 21 in respect of these proposals.

New power to remove or dispose of alcohol

30. The Bill contains a provision that permits a CSO to require a person who brings alcohol onto court premises to remove it from those premises, and to seize and dispose of that alcohol if the person who is required to remove it refuses or fails to do so (cl 9). A combination of other amendments means this power can be used in a courtroom where proceedings are being heard in certain circumstances, and in relation to a person in custody of Police or other agencies in certain defined circumstances.
31. This provision again raises issues regarding consistency with s 21. The purpose of the provision is to reduce the risk of disruptive behaviour arising from the consumption of alcohol in court buildings. This is a legitimate aim. While the seizure is permanent rather than temporary (in that the alcohol may be disposed of), it can only occur after the person is given the opportunity to remove the alcohol from the premises. The seizure is not of personal items but rather is of a commercial commodity, such that there is a low level of intrusion into privacy. We consider the provision does not authorise an unreasonable seizure, and is therefore consistent with s 21.
32. The Bill also provides that a CSO can use reasonable force when exercising this power. We consider this is a reasonable ancillary power.

Power in relation to items taken into temporary custody

33. As set out above, a CSO may request an individual to leave an item that is detected during a search with the CSO while the person is in court (if there are reasonable grounds to believe the item may threaten the security of the court).
34. The Bill provides that if an item is taken into temporary custody and is not claimed within 10 working days, the CSO may dispose of it (cl 10). While this may raise prima facie issues relating to s 21 of the Bill of Rights Act, we consider this is a practical proposal, conferring a discretion on the CSO, and is not incompatible with s 21.

Powers relating to denial of entry or removal

35. The Bill makes provision for a new section in the Act entitled "right of public to enter and remain in areas of court open to public" (cl 7). It provides that a person may enter and remain in court premises that are open to the public if the person complies with directions given or requirements made by a CSO that affect the person (or directions given and requirements made by a presiding judicial officer). We consider this can only be a reference to general principle and the giving of lawful directions that are authorised by the Act. As such, it does not raise Bill of Rights Act issues.

36. The Bill contains additional provisions relating to refusal of access to court premises. It provides¹⁶ that a court security officer may refuse a person access to, or direct a person to leave, court premises if the CSO believes on reasonable grounds that the person —
- 36.1 is harassing or intimidating another person; or
 - 36.2 is causing a serious risk of violence within, or damage to, court premises; or
 - 36.3 is significantly disrupting proceedings, the administration of a court, or the conduct of lawful activities on court premises.
37. The proposed power to refuse access to and remove (or direct the removal of) people from court premises is prima facie inconsistent with s 18(1) of the Bill of Rights Act, which provides that everyone lawfully in New Zealand has the right to freedom of movement in New Zealand.
38. The right to access courts freely is an important principle. However, there is an identified need to address the issue of individuals who harass or intimidate other court users, significantly disrupt court proceedings or activities, or cause a serious risk of violence on court premises. Such behaviour disrupts the safe, secure and orderly operation of the courts and increases the stress experienced by other court users (including potentially vulnerable users such as parties to civil or family proceedings, and jurors, victims and witnesses in criminal proceedings). This is a legitimate objective. The threshold for a refusal to enter or removal is not low (e.g. a *significant* disruption), and the re-entry provision would apply (such that a person could enter or re-enter at a later point if he modified his behaviour). We therefore consider that the provision is a reasonable limit on the right that can be demonstrably justified in a free and democratic society (s 5 of the Bill of Rights Act).
39. Similarly, the provision raises issues relating to the right to freedom of expression in s 14 of the Bill of Rights, in that a protest within the precincts of the court is a form of expression and could well disrupt court proceedings, administration or activities. However, for the reasons set out above we consider that any limit on the s 14 right can be demonstrably justified.
40. The ability to use reasonable force when executing the power to deny entry or remove is a reasonable ancillary power.
41. Although a large-scale limitation on the right to freedom of movement may involve an infringement of the right to be free from arbitrary detention (s 22 Bill of Rights Act), we do not consider that is the case here. Any detention of individuals who are harassing, intimidating others or significantly disrupting court business would be incidental to the removal process and would necessarily be limited to such detention as is reasonably necessary to effect a removal from the court buildings. As such, no issue of inconsistency arises.

¹⁶ Clause 11

Powers involving judicial officers

42. Various clauses in the Bill give new powers to judicial officers. To the extent any of these might implicate rights in the Bill of Rights Act, the safeguard is that Judges would necessarily have to take into account the Bill of Rights Act when exercising the powers. Further, there is no mandatory requirement to exercise the powers.

Amendments to Criminal Procedure Act 2011

43. The Bill intends to make various amendments to the Criminal Procedure Act 2011, but only four require mention here.
44. Currently, the Criminal Procedure Act provides that if a charging document has been filed and a summons has been issued but not served on the defendant, a warrant to arrest can be issued if reasonable efforts have been made to serve the summons.¹⁷ The Bill proposes to allow a warrant to be issued even if a summons has not been issued or served (where a charging document has been filed for a category 2, 3 or 4 offence). A judicial officer or Registrar can issue a warrant to arrest the defendant to bring him before Court if satisfied a warrant is necessary to compel the attendance of the defendant (for example because the location of the defendant is unknown), or having regard to the gravity of the alleged offence and the circumstances of the case, a warrant is desirable to compel the attendance of the defendant (cl 27).
45. The grounds for arrest are prescribed. Further, the judicial officer or Registrar has a discretion as to whether to issue the warrant and must exercise that discretion in a manner consistent with s 22. In these circumstances we consider the enabling provision is consistent with s 22 of the Bill of Rights Act.
46. The Bill proposes another arrest power, but in different circumstances. The Bill will amend the Criminal Procedure Act to make it clear a court may not impose a community-based sentence on a defendant in his absence (cl 30). When a defendant who is charged with a category 1 offence has not appeared at a hearing and a community-based sentence may be imposed, the Court may issue a summons or issue a warrant to arrest the defendant to bring him before court (cl 30). For the same reasons as set out in paragraph 48 above, we consider this provision is consistent with s 22.
47. Turning to the trial of different charges together, the Bill contains a new provision that changes the point in time after which the prosecution must seek leave to join charges together (or charges against one or more defendants), from the point of plea to the date of the case review hearing (cl 32). This makes it easier for the prosecution to join charges together at a later point in time. The Court retains the ability to sever charges if it is in the interests of justice to do so. Given that, we do not consider this provision raises fair trial issues.
48. The Bill widens the circumstances where proceedings (including convictions) are not invalid because the defendant should have been dealt with in the Youth Court, to include cases where a defendant has been convicted of a category 1 or 2 offence, or a category 3 offence punishable by imprisonment (where no jury trial was elected) (cl

¹⁷ Section 34 Criminal Procedure Act 2011.

40). The ability for the Court to order a retrial remains, and accordingly we do not consider this proposal raises fair trial issues under s 25 of the Bill of Rights Act.

Amendments to Summary Proceedings Act 1957

49. Again, the Bill will amend a variety of sections of the Summary Proceedings Act 1957, but only one amendment raises Bill of Rights Act issues.
50. There is a proposal to allow a Registrar to cancel an arrangement to extend the time period for paying a fine, without notice, if the Registrar has reason to believe that the defendant has supplied false or misleading information about his financial position, or the defendant's financial situation has significantly improved, or the defendant entered into the arrangement to avoid interception before departing New Zealand (cl 54). (At present, before cancelling an arrangement on certain grounds, notice has to be given and a defendant has the opportunity to make submissions.) Cancellation of a time to pay arrangement enables immediate enforcement action to be taken to collect the fine.
51. This proposal may raise issues relating to consistency with s 27(1) of the Bill of Rights Act, which provides for the observance of the principles of natural justice. However, there is an identified need to address the issue of an individual who evades his obligations to pay his fines by hiding or disposing of money or assets during the usual submission-making period. This prejudices the public purse and undermines both the system of fines as a deterrent and the time to pay arrangement, which is premised on the individual having the ability to pay his fines over a period of time so as not to cause undue hardship. This is a legitimate objective. Even if s 27(1) is engaged, we consider the proposal is a reasonable limit that can be demonstrably justified.

AMENDMENTS TO OTHER ACTS

Amendments to Bail Act 2000

52. The Bill intends to amend the Bail Act 2000 in a number of ways. It standardises the procedures that apply to variation of bail in different courts, and standardises the procedures for appeals against decisions relating to bail in the District Court, High Court, Court of Appeal and Supreme Court (clauses 86 and 87). In the latter context, in order to achieve standardisation, the Bill provides expressly that Judges of all of these courts may, if they think fit, issue a warrant for the arrest of a defendant who does not appear at the hearing of an appeal. This power is not currently explicitly set out in relation to Judges of the Court of Appeal and Supreme Court. The grounds for arrest are prescribed, a discretion is vested in the judicial officer, and the proposal provides consistency across the courts. We do not consider it is inconsistent with s 22 of the Bill of Rights Act.

Amendments to the Care of Children Act 2004

53. The proposed amendments to the Care of Children Act 2004 do not raise issues of consistency with the Bill of Rights Act.

Amendments to the Criminal Disclosure Act 2008

54. The proposed amendments to the Criminal Disclosure Act 2008 do not raise issues of consistency with the Bill of Rights Act.

Amendments to Criminal Investigations (Bodily Samples) Act 1995

55. A proposed amendment to the Criminal Investigations (Bodily Samples) Act 1995 will enable a High Court Judge, in addition to a District Court Judge, to make an order requiring a respondent to provide a bodily sample. Given the threshold and procedural protections set out in the Act, together with a judicial discretion whether to make an order, this provision was previously assessed as consistent with s 21 of the Bill of Rights Act (the right to be free from an unreasonable search or seizure). The extension of the power to a High Court Judge does not give any basis to reconsider this assessment.

Amendments to the Criminal Procedure (Mentally Impaired Persons) Act 2003

56. The proposed amendments to the Criminal Procedure (Mentally Impaired Persons) Act 2003 do not raise issues of consistency with the Bill of Rights Act.

Amendments to the Family Proceedings Act 1980

57. The proposed amendments to the Family Proceedings Act 1980 do not raise issues of consistency with the Bill of Rights Act.

Amendments to the Juries Act 1980

58. The proposed amendments to the Juries Act 1980 do not raise issues of consistency with the Bill of Rights Act.

Amendments to Land Transport Act 1998

59. The proposed amendments to the Land Transport Act 1998 do not raise issues of consistency with the Bill of Rights Act.

Amendments to Protection of Personal and Property Rights Act 1988

60. The proposed amendments to the Protection of Personal and Property Rights Act 1988 do not raise issues of consistency with the Bill of Rights Act.

Amendments to Sentencing Act 2002

61. The proposed amendments to the Sentencing Act 2002 do not raise issues of consistency with the Bill of Rights Act.

Amendments to Victims' Orders Against Violent Offenders Act 2014

62. This Act currently empowers the court, on the application of a victim, to make a non-contact order prohibiting an offender from having any form of contact with the victim. The Bill contains a new provision that enables a court that is hearing a proceeding under the Act to restrict the publication of the proceedings and to clear the court of any persons other than the parties, their lawyers and officers of the

court. This provision raises issues relating to the right to freedom of expression in s 14 of the Bill of Rights, but having regard to the privacy interests of the victim, we consider that any limit on the s 14 right is demonstrably justified.

Review of Advice

63. This advice has been reviewed in accordance with Crown Law protocol by Austin Powell, Senior Crown Counsel.



Alison Todd
Crown Counsel