



# The Rules Committee

## Te Komiti mō ngā Tikanga Kooti

29 October 2025  
Criminal Rules Minutes 08/25

### Circular 20 of 2025

#### Minutes of the Criminal Rules Sub-Committee meeting held on 20 August 2025

*The meeting was held at 9:00am using the Microsoft Teams facility.*

#### ***In Attendance***

Hon Justice Mander, Chair and Judge of the High Court  
His Honour Judge Johnston, National Executive Judge of the District Court  
Ms Clare Cheesman, Manager, Justice Services, Auckland District Court Criminal  
Ms Fiona Guy Kidd KC  
Mr Joshua Chin, Criminal Manager Christchurch High Court  
Ms Julie-Anne Kincade KC  
Ms Megan Noyce, Chief Advisor, Courts and Justice Service Policy  
Ms Zannah Johnston, Crown Law

Ms Cathy Pooke, Parliamentary Counsel Office

Ms Lison Harris, Policy Manager for Victims and Harm Reduction, Ministry of Justice  
Ms Annabella Anders, Policy Advisor for Victims and Harm Reduction, Ministry of Justice

#### ***Apologies***

Ms Georgia Barclay, Clerk to the Rules Committee

### **1. Preliminary**

The Sub-committee confirmed the minutes of the 4 June 2025 meeting, with one minor change.

### **2. Name suppression in sexual cases**

Following previous discussion by the Sub-Committee regarding draft rules to complement the implementation of pt 2 of the Victims of Sexual Violence (Strengthening Legal Protections) Legislation Act 2025, revised rules prepared by PCO had been circulated to members. Lison Harris from MOJ spoke to a paper prepared in respect of the draft amendments to the Rules, and addressed issues previously raised regarding the service of a complainant's application on a defendant, and responsibility for service or the provision of notice.

Further matters were raised and discussed. These included:

- What would constitute service or notice and whether existing rules regarding service are sufficient?
- Whether service or notice requirements would be the same depending on whether the application was being made pursuant to ss 201 or 203 of the Criminal Procedure Act.
- The need to be mindful that name suppression provided by ss 201 and 203 are explicitly for the benefit of the complainant. On the other hand, there was a concern the defendant may not have made their own suppression application on the understanding they effectively had suppression as a result of the effect of those provisions.
- The need for service or notice requirements to be workable in respect of not just extant or recent criminal proceedings but applications made by complainant's many years later, at which time the whereabouts of a defendant may be unknown.
- Whether provision needs to be made for service or notice to be given to the prosecutor and other complainants involved in the same criminal proceeding.
- Is proof of service a strict prerequisite to the Court hearing and determining the application? In that regard, as with other issues, is any distinction to be made between a complainant's application to lift suppression in respect of their name, pursuant to s 203, as compared to an application to remove suppression of the defendant's name under s 201?
- Resource implications for the Ministry of Justice

There was also further discussion by the Sub-Committee regarding whether the same rules regarding service or notice should apply in respect of the two different types of applications, mindful that the original intention was to facilitate the means by which a complainant could apply to have their name suppression lifted pursuant to s 203.

It was observed that, in the context of an extant criminal proceeding in which the prosecution and defendant are actively engaged, removal of suppression under either section can be far more easily case managed within that existing criminal proceeding.

It was noted that the ability of the complainant to lift suppression of their name has been on the statute book since 2011, and such applications have been able to be adequately processed without apparent difficulty.

An alternative approach was proposed whereby the rules simply provide for a Judge, upon receipt of an application, to make bespoke directions depending upon the circumstances of the individual case, rather than prescribing detailed procedural steps.

The Ministry of Justice was asked to consider the matters raised and discussed by the subcommittee. PCO confirmed that it would be happy to work with the Ministry of Justice following its consideration and prepare a further revise of the draft amendments for discussion. The subcommittee agreed to this approach. It was agreed that, rather than wait until the next meeting, MOJ should consult with members directly regarding revised proposals. Members indicated their willingness to provide feedback on that basis before the next meeting.

**3. Code of conduct for expert witnesses in criminal proceedings**

The Sub-committee agreed to resume discussion of this matter at its next meeting in November.

**Justice Cameron Mander**  
Chair