



Guide to applying for an identity publication order to lift a defendant or offender's automatic name suppression

About this guide

Read this guide to find out more about how to apply for an identity publication order to lift a defendant or offender's automatic name suppression. If you need help or support, there are contacts at the end of this guide that can help you.

What is an identity publication order?

If you are a victim of incest or sexual conduct by a family or whānau member with power or authority over you (sexual conduct with a dependent family member), the person charged with or convicted of the offence will have automatic name suppression to protect your privacy and wellbeing.

If you do not want their name to be suppressed, you can apply to the court for a **defendant identity publication order**.

Having a defendant identity publication order means the defendant/offender's name can be published or talked about in connection to the offending against you in the news, on social media or anywhere else.

You may have heard of this as 'lifting name suppression'.

If you want to apply for a defendant identity publication order because you want to speak publicly about the offending, you will also need to apply for an identity publication order to lift your own name suppression.

Who can apply for a defendant identity publication order?

You can apply for an identity publication order if you are:

- a victim of incest or sexual conduct by a family or whānau member with power or authority over you (sexual conduct with a dependent family member); and
- aged 18 years or older.

If you are not sure of the offence the defendant/offender was charged with or convicted of, a court victim advisor or the Police can tell you.

You can apply at any time during the court process or after the case is closed.

How do I apply?

There are two ways to apply:

1. Complete the short application and affidavit form at the end of this guide; or
2. Make an oral application (asking the judge in court). If you want to make an oral application, you can ask the prosecutor to arrange this for you.

What if I am not the only victim?

All victims in the case must agree that they want to lift a defendant/offender's name suppression. All victims will need to make an application, by completing the application and supporting affidavit form at the end of this guide, or by making an oral application for a defendant identity publication order.

What is an affidavit?

An affidavit is a legal document that includes information about your situation and what you are asking the court to do. The document must be sworn or affirmed. This means taking an oath on a religious book, such as the Bible or Quran, or by saying out loud that the information you are giving to the court is true. A court staff member, justice of the peace or a lawyer needs to watch you sign your affidavit and take your oath or affirmation. You can use the form at the end of this guide to complete an affidavit.

Who will see my written application and affidavit?

A copy of the application and affidavit will be given to the judge and the prosecutor.

Court staff will inform the defendant/offender or their lawyer that you have made an application. The defendant/offender will not get a copy of the application and affidavit. The judge will decide if there is any information they think the defendant/offender should know about the application.

When you've finished your written application and affidavit

If you have completed the short form at the back of this guide, you can take it to the nearest court and have it sworn or affirmed. It is free to do this.

If you have already had your affidavit sworn, you can give your application and affidavit to the court staff at your nearest court or by email.

You can find the email address for your nearest court at: www.justice.govt.nz/contact-us/find-us

What happens next?

The prosecutor and defendant/offender will have the opportunity to respond to the court in writing about the application.

The judge will then make a decision or schedule a court hearing to speak with you about the application.

When the judge makes a decision, you will be told the outcome and be given a copy of the decision in writing.

If the judge directs that a hearing is scheduled, the court will tell you the time and date you need to come to court. The defendant/offender and their lawyer may be present at the hearing. It may be possible to attend by video link.

What are the possible outcomes?

If the judge makes an identity publication order:

- The defendant/offender's name and identifying details **can** be published in the news or on social media in connection with the offending against you.
- Your name (and identifying details) and the names of any other victims will still be suppressed unless you or another victim apply for an identity publication order to lift your own name suppression. However, you may want to consider that if your application is successful, you or other victims may be identified because of the nature of the offending.

If the judge declines your application, the defendant/offender's name and identifying details **cannot** be published in the news or on social media in connection with the offending against you.

Who can I contact if I have questions or need support?



Court victim advisor

A court victim advisor can answer any questions you have about identity publication orders and how to make an application.

To talk to a court victim advisor, you can use the Victims Information freephone: **0800 650 654** (9am – 5pm, Monday – Friday).



Legal help

You can make an application yourself or you may want to get a lawyer to help you fill out this form. Community Law Centres have lawyers who can help you. This service is free.

Visit: www.communitylaw.org.nz

The New Zealand Law Society has a list of lawyers around New Zealand.

Visit: www.lawsociety.org.nz



Need support or someone to talk to?

There are organisations who are here to help you.

Safe to Talk

Freephone: 0800 044 334

Free text: 4334

24 hours, everyday

Visit: www.safetotalk.nz

Rape Prevention Education Trust

The *get help* page on this website has a list of sexual support services in your region.

Visit: www.rpe.co.nz/find-your-local-support-service

Application for a defendant identity publication order



Rule 4.4A Criminal Procedure Rules 2012

When to use this form

Fill in this application to apply to lift the defendant/offender's name suppression.



Your details

The court may share your name with the defendant/offender so they know who has made the application, however your contact details will **not** be shared with them.

Full name

Email

Address

Phone

Date of birth

I am aged 18 years or older



Case details

Complete this section with any information you can provide. A court victim advisor or the police may be able to tell you some of the case details. If you don't know, you can leave it blank.

Case number

Court location

Sentencing date
(if closed case)

Defendant/
offender's full name



Application

I am applying for an identity publication order to lift **the defendant/offender's** name suppression.

Signed

Date

Affidavit

Rule 4.4A Criminal Procedure Rules 2012

I (Full name)

Of (City/town)

Occupation

swear/solemnly and sincerely affirm that I want a defendant identity publication order.

I understand that:

- the judge may want to talk to me in court before making a decision about my application.
- I can withdraw this application at any time before the judge makes a decision.

I understand that if my application is successful:

- the defendant/offender's name cannot be suppressed again.
- the defendant/offender's name and identifying information may be published in the news and on social media in connection with the offending.
- I may be identified because of the offending involved and the family relationship to the defendant/offender.

I confirm:

- I am applying for a defendant identity publication order because it is what I want.
- I have not been pressured into making this application.

My reasons for wanting a defendant identity publication order are:

Completing this section is optional. If you want to, you can write the reasons why you want the defendant/ offenders name suppression lifted. This will help the judge understand why the order is important to you.

Initials:

Affidavit

Signature

Please only complete this section in front of a Registrar/Deputy Registrar, or Justice of the Peace or a solicitor of the High Court of New Zealand.

Signed

Sworn or affirmed at (*place*)

On this date

Before me

Signature of Registrar/Deputy Registrar, or Justice of the Peace or a solicitor of the High Court of New Zealand.

Initials: