

**Proposed**  
**Amendment No. 3**  
**to the**  
**Justice Sector Unique Identifier Code 1998**  
**Information Paper**

**Submissions**

Submissions may be emailed to [code@privacy.org.nz](mailto:code@privacy.org.nz) or mailed to:

*Submissions on Amendment 3 to JSUIC  
Office of the Privacy Commissioner  
PO Box 10094  
Wellington*

Closing date for submissions is 30 May 2014. Any enquiries may be addressed to Sebastian Morgan-Lynch, Senior Policy Adviser (Health) on (04) 474 7593.

## Proposed Amendment No. 3 to the Justice Sector Unique Identifier Code 1998 Information Paper

### Introduction

This amendment updates the definition of 'offence' in the Justice Sector Unique Identifier Code 1998 (the Code). The amendment is necessary because the Civil Procedure Act 2011 repealed the terms 'indictable offence' and 'summary offence', both of which are currently used in the JSUIC definition of offence.

### Proposed change

Current Code definition of 'offence':

***offence** means an indictable offence, a summary offence, or an infringement offence as those terms are defined in section 2 of the Summary Proceedings Act 1957, and includes any action other than an indictable offence, a summary offence or an infringement offence, in respect of which a warrant for imprisonment, order for community work, or warrant to arrest is imposed against an individual by any New Zealand court;*

Proposed new definition:

***offence** means a category 1, 2, 3 or 4 offence, as defined in sections 5 and 6 of the Criminal Procedure Act 2011, or an infringement offence for which an infringement has been issued, as defined in section 2 of the Summary Proceedings Act 1957, and includes any action in respect of which a warrant for imprisonment, order for community work, or warrant to arrest has been imposed against an individual by a New Zealand court;*

The reason for this redrafting is that offences are no longer categorised as summary or indictable, but instead receive a categorisation under section 6 of the Criminal Procedure Act 2011. The terms 'summary offence' and 'indictable offence' have been repealed. The term 'infringement offence' has not been repealed and is a category one offence. It remains defined in section 2 of the Summary Proceedings Act 1957; the interpretation section of the Criminal Procedure Act<sup>1</sup> notes this. Referring to the Summary Proceedings Act in the JSUI Code redraft is not strictly necessary, but slightly improves clarity.

The words "other than an indictable offence, a summary offence or an infringement offence" have been removed from the definition rather than updating them, also with the goal of improving clarity.

---

<sup>1</sup> Specifically: "***infringement offence*** has the meaning given to it in [section 2](#) of the Summary Proceedings Act 1957"