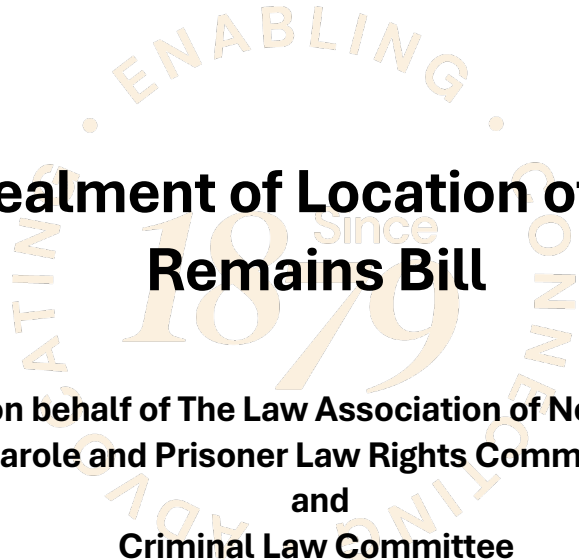




Concealment of Location of Victim Remains Bill

**Submissions on behalf of The Law Association of New Zealand by the
Parole and Prisoner Law Rights Committee
and
Criminal Law Committee**

03 September 2026

INTRODUCTION

The Law Association of New Zealand (The Law Association) is an independent membership organisation for the New Zealand legal profession with more than 11,000 members. The Law Association maintains expert law committees that contribute to legislative review and policy development by providing independent, practical and specialist legal analysis.

The Law Association appreciates the opportunity to make submissions on the Concealment of Location of Victim Remains Bill (the Bill).

This submission brings together the views of two of The Law Association's specialist law committees: the Parole and Prisoners' Rights Law Committee and the Criminal Law Committee. Each Committee has considered the Bill from the perspective of its respective area of expertise.

The Committees' submissions are attached as follows:

Annex 1: Submission of the Parole and Prisoners' Rights Law Committee

Annex 2: Submission of the Criminal Law Committee

The submissions have been prepared separately and address the Bill from the respective areas of expertise of each Committee. They should be considered together as The Law Association's submission on the Bill. The views and recommendations expressed in each annex are those of the Committee that prepared that annex.

The Law Association would welcome the opportunity to discuss these submissions and answer any questions from the Committee. Should clarification be required regarding any matters raised, please contact Moira McFarland, Committee Executive, at Moira.McFarland@tlanz.nz.

The views represented in these submissions are not necessarily representative of the views of all The Law Association members but are those of individual The Law Association members or The Law Association committees who have responded to the consultation.

ANNEX 1 - SUBMISSION OF THE PAROLE AND PRISONERS' RIGHTS LAW COMMITTEE

INTRODUCTION

1. The Committee submits that the Concealment of Location of Victim Remains Bill (the Bill) should not proceed for the reasons below.
2. The submission acknowledges at the outset the profound and continuing suffering experienced by families whose loved ones' remains have not been located following a homicide. The inability to recover and lay a loved one to rest can cause significant and enduring grief and trauma. The interests and rights of victims and their families are important considerations within the criminal justice system. However, on balance the legitimate objective of assisting victims' families does not, of itself, justify a departure from fundamental principles governing sentencing, imprisonment and parole, particularly when there is a lack of evidence that the proposed legislation would achieve its aims.
3. The Bill would make two principal amendments. First, it would amend s 9 of the Sentencing Act 2002 so that a failure or refusal by a person convicted of homicide to reveal, or cooperate in efforts to identify, the location of the victim's remains becomes an aggravating factor at sentencing.
4. Secondly, and more significantly, it would insert the proposed s 28A into the Parole Act 2002. The proposed provision would provide that the New Zealand Parole Board **must refuse** to direct release unless it is satisfied that the prisoner has satisfactorily cooperated (either before or after sentencing) in identifying the location of the victim's remains.
5. The Bill therefore goes considerably further than recognising victims' interests in parole decision-making. It establishes an additional statutory barrier to release which would result in continued imprisonment in circumstances where the prisoner has otherwise satisfied the statutory requirements for release and is not an undue risk to the safety of the community.
6. For the reasons set out below, the Committee is respectfully urged to recommend that the Bill not proceed, and in particular that the proposed s 28A not be enacted.

EXECUTIVE SUMMARY

7. The Committee recommends that the Bill not proceed for the following reasons:
 - (a) The proposed s 28A is inconsistent with the guiding principles and purposes of the Parole Act 2002;
 - (b) The Attorney-General has concluded the Bill appears to be inconsistent with section 22 of the Bill of Rights Act 1990, which affirms the right not to be arbitrarily arrested or detained;
 - (c) Proposed s 28A may prolong detention even where a prisoner poses no undue risk to community safety;

- (d) If enacted, the Bill's impacts on affected prisoners should be properly researched, given the potential for arbitrary detention; and
- (e) There is insufficient evidence that the Bill will achieve its objective of increasing disclosure and assisting families to locate victims' remains, and the resulting limitation on s 22 has not been justified.

8. The Committee wishes to be heard in support of this submission.

SUBMISSIONS

Purpose of the proposed Bill

- 9. The Bill aims to acknowledge the additional anguish faced by families who do not have a chance to lay their loved ones to rest and to encourage offenders to disclose the location of victims' remains by making satisfactory cooperation a condition of parole.
- 10. If enacted, the Bill may increase the period spent in custody by an offender who has been convicted of homicide and is otherwise eligible for parole but is either unwilling or *unable* to disclose the location of the victim's remains.
- 11. Accordingly, the primary purpose of the proposed Bill is to introduce a punitive statutory consideration into sentencing and parole.

Purpose of the Parole Act 2002

- 12. The origins of Parole date back to ancient Greek and Roman times where prisoners were given conditional release upon pledging to give up their right to take arms against their captors.
- 13. In 1840, Alexander Maconochie, the appointed superintendent of the British penal colonies in Norfolk Island, developed a plan to prepare prisoners for eventual return to society earned through good behaviour, labour, and study. However, if conditional rules were violated upon release they would be returned to prison.
- 14. Now under the Parole Act 2002, the Parole Board assesses whether the offender poses an undue risk to the safety of the community and, if satisfied that they do not, may direct release on appropriate conditions.
- 15. The New Zealand Parole Board members, in making an informed decision, are able to take into account any relevant information and to question and examine the offender's responses at a parole hearing.
- 16. In reaching its decisions, the New Zealand Parole Board is guided by statutory principles, including:
 - (a) The paramount consideration is the safety of the community;

- (b) That offenders must not be detained any longer than is consistent with the safety of the community;
- (c) The public interest in the reintegration of the offender into society as a law-abiding citizen;
- (d) That the rights of victims are upheld, and submissions by victims and any restorative justice outcomes are given due weight.

17. The following case study from the New Zealand Parole Board Annual Report 2011/12 illustrates the role of parole in supporting rehabilitation and reintegration:

- a. *Mark* was sentenced to life imprisonment after killing his estranged wife. They had two children who had now lost their mother and effectively their father. He was 40 at the time. After extensive counselling, rehabilitation and employment within the prison, Mark was considered as posing no undue risk to the community and was released into a strong support network and full-time work. Mark was released by the former National Parole Board, prior to 2002. He has now been on parole for 15 years. He has become a successful businessman, winning awards for his work. He belongs to community assistance and business networking groups and sponsors children in third-world countries. He no doubt lives every day with the tragedy he caused – and will continue to be on parole for life – but while he is considered as posing no undue risk to the community, he is able to contribute in a meaningful way to New Zealand society.*

Attorney-General's Report

18. The Attorney-General's report on the Bill concluded that the Bill overall appears to be inconsistent with s 22 of the Bill of Rights Act.¹

19. In particular, the Attorney-General concluded "that the proposed new s 28A gives rise to a prima facie inconsistency with s 22 of the Bill of Rights Act".²

"While the new s 28A will not have broad application, it has the potential to become the sole basis for ongoing detention of the narrow subset of offenders ..."

20. The report states that prolonging detention in these circumstances is a punitive measure at odds with the parole regime's focus on public safety. The Attorney-General further observed that:³

"I do not consider there to be any necessary connection between an offender's cooperation (or lack thereof) in identifying the location of a victim's remains and the risk that they pose to the community if released on parole".

¹ Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Concealment of Location of Victim Remains Bill (21 July 2026) at [37].

² Attorney-General's report, above n 1, at [19]–[22].

³ Attorney-General's report, above n 1, at [20]–[22].

“In my view, this is an insufficient basis on which to justify continued detention in circumstances where:

- (a) The period of imprisonment considered by the sentencing court to be necessary to serve the purposes of punishment, deterrence and denunciation of the offender (as reflected in the applicable minimum period of imprisonment) has passed; and*
- (b) The offender is not considered to pose an ongoing risk to community safety.”*

Manifest Injustice

- 21. The genuine possibility of wrongful conviction must not be disregarded when legislating for consequences of this magnitude.
- 22. While the criminal justice system operates on the basis that convictions are reached according to the applicable standard of proof (beyond reasonable doubt), that does not mean wrongful convictions are impossible; miscarriages of justice have occurred throughout history.
- 23. The names Alan Hall, Peter Ellis, Teina Pora, Gail Maney and David Dougherty remind us that every justice system has flaws and that the risk of miscarriages of justice is always present.
- 24. The Bill creates an especially difficult situation where there may be a wrongful conviction and the prisoner continues to maintain their innocence.
- 25. In other words, a person who has been wrongly convicted of homicide may be unable to provide the location of remains because they never knew where the remains were located.
- 26. Under the proposed regime, that person could nevertheless face continued imprisonment because they cannot satisfy the Board that they have cooperated satisfactorily. In this situation a further injustice would compound the original miscarriage of justice.

Other investigatory techniques are available to achieve the Bill’s aims

- 27. Resorting to such an arbitrary and punitive measure is not necessary because other, more effective techniques are already available.
- 28. The Supreme Court has considered the admissibility of evidence obtained through deceptive undercover techniques in murder investigations.⁴ Such techniques contributed to the recovery of the victims’ remains in the *Kamal Reddy* case.

⁴ *R v Wichman* [2015] NZSC 198

29. By contrast, evidence from foreign jurisdictions does not demonstrate that similar “no body, no parole” laws are effective in recovering victims’ remains.

Evidence of Impact Overseas

30. The Committee has identified no notable example of a similar law in another jurisdiction resulting in the recovery of a victim’s remains.
31. A 2022 article published in *The Conversation* analysed similar laws in Queensland using published parole decisions.⁵ Ten cases were analysed during the data collection period and six of them involved co-operation by the applicant. None resulted in remains being found.
32. One case cited in the article as a success of the law was that of Graeme Evans. However, he pleaded guilty to the manslaughter of his former partner and was not eligible for parole when he cooperated. The only connection with the law was that the detective in charge of the case reported using the threat of the law to convince Evans to cooperate.
33. The authors noted that “no body laws” lack evidence to support their use and *may offer false hope to victims’ families if remains cannot be recovered*.

Research and Consultation

34. If s 28A is enacted, further research and consultation should be undertaken into its impacts on affected prisoners.
35. The likely small number of affected prisoners, and the uncertainty about that number, heighten the risk that the measure may operate arbitrarily and disproportionately.
36. At the time of this submission, the Department of Corrections has not been able to provide on the number of prisoners likely to be affected by the Bill and the Committee’s OIA request on this issue has been referred to the New Zealand Parole Board for consideration.
37. This uncertainty reinforces the need for further research and consultation before proposed s 28A is enacted.

⁵ “No body, no parole laws could be disastrous for the wrongfully convicted” *The Conversation* (23 September 2022) <<https://theconversation.com/no-body-no-parole-laws-could-be-disastrous-for-the-wrongfully-convicted-191083>>.

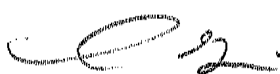
ACKNOWLEDGMENTS

The Committee acknowledges the contributions of Phillip Osborne and its members to these submissions.

Ngā mihi



**Emma Priest
Co-Convenor
The Law Association
Parole Law Committee**



**Hannah Kim
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ANNEX 2 - SUBMISSION OF THE CRIMINAL LAW COMMITTEE

INTRODUCTION

1. The Committee recognises the exceptional circumstances in which the Bill arises. Where the remains of a homicide victim have not been located, the consequences for the victim's family can be profound and enduring. The Law Association Criminal Law Committee nevertheless opposes the Bill in its current form, and particularly the proposed s 28A of the Parole Act 2002.
2. In the Committee's submission, the proposed regime is inconsistent with fundamental criminal-law principles and risks imposing significant additional punishment on defendants in circumstances which do not necessarily establish culpable conduct or any continuing risk to the community.
3. The Committee's submissions are intended to complement, rather than duplicate, those made by the Parole Law and Prisoners' Rights Committee. Accordingly, the Committee does not repeat the submissions concerning the statutory purposes of parole, the general operation of the Parole Act 2002, or the Attorney-General's conclusion concerning s 22 of the New Zealand Bill of Rights Act 1990.
4. The Criminal Law Committee instead considers the Bill from the perspective of established criminal-law principles, particularly:
 - (I) the principles governing the imposition of criminal punishment;
 - (II) the right to silence and privilege against self-incrimination;
 - (III) the difficulties inherent in treating post-conviction cooperation as a statutory consequence of the criminal process;
 - (IV) the potential for the same conduct to be taken into account at both sentencing and parole; and
 - (V) the lessons from comparable overseas criminal justice regimes.

The sentencing amendment

6. Clause 4 of the Bill proposes to amend s 9 of the Sentencing Act 2002 by requiring the sentencing Court, in a homicide case, to take into account as an aggravating factor:

“any failure or refusal by the defendant ... to reveal, or to co-operate in any efforts to identify, the location of the body or of any remains of the victim”.
7. Sentencing is concerned with the defendant's culpability for the offence, the purposes and principles of sentencing, and the circumstances properly relevant to determining the sentence for that offending.

8. The proposed amendment introduces a new category of aggravation based not upon the harm caused by the homicide itself, but upon the defendant's subsequent conduct concerning the investigation and recovery of the victim's remains.
9. It is submitted that there is an important distinction between:
 - (i) conduct which forms part of, or aggravates, the criminal offending; and
 - (ii) conduct occurring after the offending which consists of a refusal or failure to provide information to authorities.
11. The amendment is particularly problematic because "failure" and "refusal" are capable of capturing materially different circumstances.
12. A "refusal" may involve a deliberate decision not to provide information. A "failure", however, may arise because a defendant does not know the location, cannot remember it, has provided all information available to them, or genuinely believes that information already provided is sufficient, or maintains their innocence and therefore does not possess any information as to the location of the victim's remains.
13. The Bill does not distinguish between those circumstances. Nor does the proposed amendment require the sentencing court to establish that the defendant possesses information which could reasonably assist in locating the remains.
14. It is submitted that an aggravating factor of this nature should not operate on the basis of an inference that a defendant necessarily possesses further information simply because the remains have not been found.

The right to silence and privilege against self-incrimination

17. The criminal justice system places considerable importance on the right of a defendant to remain silent and not to be compelled to assist the Police/Crown in establishing its case.
18. Those protections are fundamental to the accusatorial character of the criminal justice system in New Zealand.
19. The Bill does not expressly compel an accused person to provide information before trial. However, the proposed sentencing amendment creates a significant indirect incentive to do so.
20. It is submitted that a person facing a homicide prosecution would be required to consider whether declining to answer questions about the location of remains may subsequently be relied upon as an aggravating factor at sentencing.
21. The proposed s 28A creates a further and potentially more significant incentive after conviction. A prisoner may be unable to obtain parole **unless** the Board is satisfied that they have satisfactorily cooperated in identifying the victim's location. The Bill expressly permits cooperation occurring before sentencing to be taken into account.

22. The Criminal Law Committee is against the creation of a regime in which the exercise of fundamental criminal-process rights may subsequently result in adverse consequences for sentencing or parole. In the Committee's submission, the Bill risks undermining the distinction between the Police/Crown proving its case against a defendant and requiring the defendant to assist the State in resolving matters beyond the elements of the offence. The concern is particularly acute where a person has maintained their innocence throughout the proceedings.
23. A person who maintains that they did not commit the offence may nevertheless be convicted. If that person maintains their denial and cannot provide information concerning the location of remains, their refusal to incriminate themselves or contradict their defence may subsequently be treated as a failure to cooperate.
24. That creates a difficult relationship between the right to contest a criminal charge and the incentives created by the proposed legislation.
 - (I) the exercise of the right to silence before conviction is not itself evidence of a failure to cooperate;
 - (II) a person must not be disadvantaged merely because they have maintained their innocence; and
 - (III) no adverse inference should be drawn merely from the fact that a person did not provide information during the investigation or trial.

What constitutes "satisfactory cooperation"?

27. It is submitted that the Bill leaves the critical question of what constitutes "satisfactory cooperation" to the Parole Board. The Board is required to have regard to information from Police concerning the nature, extent and usefulness of the defendant's cooperation, the defendant's capacity to cooperate, and the trial record.
28. The Committee considers that this creates significant difficulties. There is an obvious distinction between information which is:
 - (a) false;
 - (b) deliberately incomplete;
 - (c) genuinely unknown to the defendant;
 - (d) forgotten or incapable of reliable recollection;
 - (e) provided but subsequently shown to be inaccurate; or
 - (f) provided in full but which does not result in the recovery of the remains.
29. These circumstances cannot properly be treated as equivalent. In particular, the failure to locate remains does not, of itself, establish that a defendant has withheld information. A

person may have provided all information within their knowledge and yet be unable to provide information which results in the recovery of the remains.

30. It is submitted that there is a real concern that the proposed provision nevertheless places the burden upon the defendant to satisfy the Board that their cooperation has been “satisfactory”. This creates the potential for a prisoner to remain incarcerated because the Board is not satisfied that the information provided is sufficient, has not been able to establish that the information provided is sufficient, notwithstanding that the prisoner may genuinely have no further information to provide.
31. This difficulty is particularly acute where a person maintains their innocence. A conviction establishes criminal liability to the requisite standard; it does not necessarily establish that the defendant possesses further information concerning the location of the victim’s remains. A person who maintains their innocence may genuinely have no knowledge of the location and therefore be incapable of satisfying the statutory requirement.
32. A further concern is the potential for hindsight to influence the assessment of cooperation. Information provided by a defendant may be truthful and complete, but may nevertheless prove inaccurate, incomplete or unhelpful when assessed against information subsequently obtained by Police. The fact that the information does not lead to the recovery of remains does not necessarily mean that the defendant failed to cooperate.
33. The proposed provision therefore creates a fundamental difficulty in distinguishing between non-cooperation and cooperation which is unsuccessful. That distinction is critical where the consequence of an adverse finding is continued imprisonment.
34. It is considered that these difficulties are not merely matters of drafting or procedure. They arise from the fundamental nature of the proposed regime, which seeks to attach a significant punitive consequence to a person's inability or unwillingness to provide information which may, in some cases, be unknowable or unavailable to them.
35. It is therefore submitted that the uncertainty surrounding what constitutes “satisfactory cooperation” is a further reason why the proposed s 28A should not be enacted.

Double consideration of the same conduct

36. A further concern arises from the interaction between the two substantive amendments.
37. Under the Bill, the same conduct may potentially have consequences at two different stages.
38. First, a failure or refusal to disclose the location of the remains may be taken into account as an aggravating factor when the sentencing court determines the sentence.
39. Secondly, that same failure or refusal may subsequently be relevant to whether the prisoner is released on parole.

40. It is accepted that sentencing and parole are distinct processes. It does not suggest that every matter relevant at sentencing must necessarily be excluded from parole consideration.
41. However, the Bill creates a particular risk where the same conduct is relied upon twice for the purpose of prolonging the consequences of imprisonment.
42. The sentencing court may have already taken the defendant's failure or refusal into account in determining the sentence and, where applicable, the minimum period of imprisonment.
43. The proposed s 28A then permits the absence of cooperation concerning the same matter to prevent release notwithstanding that the prisoner has served the period imposed by the sentencing court.

International Experience

46. The Committee has considered the experience of jurisdictions which have enacted "no body, no parole" regimes.

Comparative approach - Australia

47. Queensland provides a useful comparative example. The Queensland regime has been subject to significant legislative development and contains detailed provisions governing the assessment of a defendant's cooperation, including consideration of the nature, extent and timeliness of cooperation, and the truthfulness, completeness, reliability, significance and usefulness of information provided.
48. The Queensland scheme also provides procedural mechanisms by which a prisoner may make submissions concerning a proposed "no cooperation declaration" and seek reconsideration in specified circumstances.
49. The extent of these provisions is significant. It demonstrates the difficulty inherent in determining whether a defendant has genuinely failed to cooperate, particularly where the remains have not been recovered.
50. The Queensland experience therefore does not support the proposition that a simple statutory requirement preventing parole in the absence of "satisfactory cooperation" is a straightforward or reliable means of achieving the recovery of remains. Rather, it illustrates the considerable difficulties involved in determining whether a defendant has information to provide and whether the information provided amounts to satisfactory cooperation.
51. Those difficulties are particularly significant in the New Zealand context, where the proposed s 28A would have the substantial consequence of preventing release where the Board is not satisfied that satisfactory cooperation has occurred.
52. The Criminal Law Committee considers that the comparative experience reinforces its concern that the proposed s 28A seeks to impose a significant consequence on the basis of a concept — "satisfactory cooperation" — which is inherently difficult to assess and which

may not distinguish adequately between deliberate withholding of information and an inability to provide information.

Armitage v Parole Board Queensland

59. The difficulties identified above are illustrated by the Queensland Court of Appeal decision in *Armitage v Parole Board Queensland* [2023] QCA 239.
60. The case concerned Queensland's "no body, no parole" regime. The issue included whether the statutory scheme could apply where the victim's remains no longer existed or were incapable of being located. The Queensland Court of Appeal held that the scheme did not apply in circumstances where the victim's remains no longer existed and were incapable of being located.
61. The significance of *Armitage* is that the absence of remains does not necessarily establish that a defendant has failed to cooperate. There may be circumstances in which the inability to locate remains is attributable to matters entirely independent of the defendant's conduct, including the possibility that the remains no longer exist or are incapable of being located.
62. The case therefore demonstrates the difficulty in treating the recovery of remains as a reliable measure of whether a defendant has cooperated. A defendant may provide information which is truthful and complete, but the remains may nevertheless not be recovered.
63. This is particularly relevant to the proposed s 28A. The provision would require the Board to be satisfied that a defendant has "satisfactorily cooperated" before parole can be directed. There is a concern that the practical effect may be to place a defendant in the position of having to demonstrate cooperation in circumstances where the absence of recovered remains may have nothing to do with whether the defendant has withheld information.
59. It is submitted that *Armitage* provides a practical illustration of the fundamental difficulty with the proposed regime: the failure to locate remains is not necessarily evidence of a failure by the defendant to cooperate. That difficulty is inherent in the proposed s 28A and is a further reason why the Committee disagree with its enactment.

Comparative approach - Canada

43. The Canadian Criminal Code provides that a refusal to provide information concerning the location of a victim's body or remains may be treated as an aggravating circumstance where the court is satisfied that the defendant has information respecting the location but refuses to provide it to persons in authority.
44. The Canadian approach is significant because it draws a clear distinction between a defendant who possesses information concerning the location of remains and deliberately refuses to provide it, and a defendant who is unable to provide such information because they do not know the location.

45. That distinction is consistent with ordinary principles of criminal justice. A significant penal consequence should not arise merely because information sought by the authorities has not been obtained. There should be a proper evidential basis for concluding that the defendant possesses information which they have deliberately withheld.
46. The proposed New Zealand legislation does not adopt the same threshold. The proposed s 28A instead requires the Board to determine whether the defendant has “satisfactorily cooperated”, creating the possibility that a defendant may be denied release despite having provided all information within their knowledge.
47. It is considered that the Canadian approach illustrates that it is possible to distinguish deliberate withholding of information from an inability to provide information. The absence of such a distinction in the proposed New Zealand legislation is a significant concern and supports the Committee’s opposition to the Bill.

Comparative approach – United Kingdom

48. The Criminal Law Committee has also considered the United Kingdom’s experience following the enactment of the Prisoners (Disclosure of Information about Victims) Act 2020.
49. The United Kingdom adopted a materially different approach from the mandatory prohibition proposed in New Zealand. The legislation requires the Parole Board to take into account, where relevant, a defendant’s non-disclosure of information concerning the location of a victim’s remains and any reasons for that non-disclosure. The consideration remains directed to the broader question of whether continued detention is necessary for the protection of the public.
50. The Committee considers this distinction significant. The United Kingdom approach does not make non-disclosure an automatic bar to release. Instead, it leaves the matter as one factor to be assessed within the existing parole framework.
51. The contrast with the proposed New Zealand s 28A is stark. The New Zealand provision would require parole to be refused unless the Board is satisfied that satisfactory cooperation has occurred. The consequence is therefore attached to the absence of satisfactory cooperation itself, rather than to a finding that the defendant’s non-disclosure demonstrates a continuing need for detention.
52. The United Kingdom experience therefore provides a further example of the policy choice available to Parliament and demonstrates that recognition of the distress caused by undisclosed remains does not necessarily require the imposition of an absolute statutory barrier to release.

CONCLUSION

53. The Criminal Law Committee respectfully submits that the Bill should not proceed.
54. The Committee’s opposition is not based on any failure to recognise the profound suffering experienced by families whose loved ones’ remains have not been recovered. That suffering

is real and deserving of recognition. The issue is whether that suffering justifies introducing a new form of criminal punishment and a statutory barrier to release which may operate irrespective of whether a defendant has information capable of assisting in locating the remains.

55. In the Committee's submission, it does not.
56. The Bill risks treating an inability to provide information in the same manner as a deliberate refusal to provide information. It risks undermining fundamental criminal-law protections, including the right to silence and the privilege against self-incrimination. It may also result in the same post-offending conduct having cumulative consequences at sentencing and parole.
57. The comparative experience does not demonstrate that these difficulties can be readily overcome. Rather, jurisdictions which have adopted similar regimes illustrate the complexity of determining whether a defendant has genuinely failed to cooperate and the potential for circumstances beyond a defendant's control to affect the operation of the legislation.

ACKNOWLEDGMENTS

The Committee acknowledges the contributions to the submissions by David Young and Jasmine Jackson.

Ngā mihi

A handwritten signature in black ink, appearing to read 'Julie-Anne Kincade', with a stylized, cursive script.

Julie-Anne Kincade KC

Convenor, The Law Association Criminal Law Committee