



Office of Hon Amy Adams

Member of Parliament for Selwyn

Minister of Justice

Minister for Courts

Minister of Broadcasting

Minister for Communications

19 DEC 2014

K Logan

fyi-request-2215-0188d0bd@requests.fyi.org.nz

Dear K Logan

Consideration of previous overseas convictions in sentencing

I refer to your correspondence of 27 November 2014 seeking information under the Official Information Act 1982 about the consideration of previous overseas convictions in sentencing.

Sentencing an offender

The sentence imposed on an offender is determined by the sentencing judge. The Sentencing Act 2002 lists aggravating and mitigating factors which Judges are required to consider when deciding on what sentence to impose. This ensures that the particular circumstances of an offence are considered when deciding on an appropriate level of sentence. Under section 9(1)(j) of the Sentencing Act, the Judge must take into account the number, seriousness, date, relevance, and nature of any previous convictions of the offender as an aggravating factor. The Sentencing Act does not restrict the previous convictions that must be taken into account to those that were received in New Zealand.

Admissible evidence

Under section 49 of the Evidence Act 2006, the court may admit evidence that a person has been convicted of an offence. This is taken as conclusive proof that the person committed the offence.

Section 4(1) of the Evidence Act defines a conviction as one entered by a New Zealand court or a court established by the law of Australia, United Kingdom, Canada, or any other foreign country which has been subject to an Order in Council under section 140(5) of the Evidence Act.

Investigation of matters related to an offence

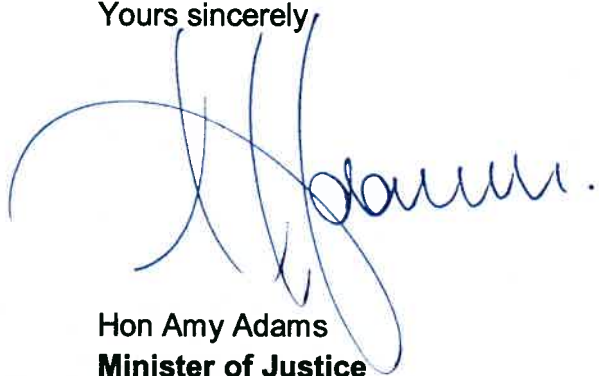
The responsibility for deciding what matters are investigated in relation to an alleged offence rests with the Police. There is no legal impediment to the Police obtaining information about offences committed in other jurisdictions. It is up to the Police to decide whether this is appropriate in a particular case.

You have the right under section 28(3) of the Official Information Act 1982 to complain to the Ombudsman about my response to your request. Any complaint must be in writing. Contact details for the Office of the Ombudsmen are:

Office of the Ombudsmen
PO Box 10152
Wellington

I hope this information is of assistance to you.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amy Adams', with a large, sweeping flourish on the left side.

Hon Amy Adams
Minister of Justice