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**Submission to the Justice & Electoral Select Committee on the  
Parole (Extended Supervision) and Sentencing Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies. It has 33 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

**GENERAL COMMENT**

**Part One** of this legislation recognises that

“The purpose of an extended supervision order is to protect members of the community from those who ... pose a real and on-going risk of committing sexual offences against children or young persons.” (section 107G)

At the inaugural meeting of The National Council of Women in 1896 the members agreed that

“No system can be satisfactory which does not distinguish and classify the different kinds of criminal and aim at individual reform.”

Secondly that

“All sentences for serious offences should be decided as to duration by the reform of the criminal.”

NCWNZ still supports those concepts today and this legislation, in Part One supports both these concepts.

**Part Two** of this legislation makes amendments to the Sentencing Act 2002 and the Parole Act 2002. These amendments are needed to address technical drafting matters and the need for clarification in order to ensure original policy intention is implemented.

NCWNZ would advocate the need for careful and particular attention to be paid to the drafting of legislation to avoid the need for further clarifying legislation, particularly in regard to the technical amendments. We also strongly support the need for all legislation to be explicit and clear.

**SPECIFIC COMMENTS**

**Part 1 Clause 10 New Part 1A**

Section 107 (D) sets up a clear, concise, and tight application process for an extended supervision order, as defined in section 107 (G). The process requires reports from a health assessor which are very specific to the individual concerned. It is pleasing to see that while the process is tight, the particularities of the individual are given high priority in the decision as to the making of an order.





Section 107 K – M provides for consideration to be given to the individual's reform progress by allowing for cancellation, variation, and suspension of extended supervision orders. This supports the concept that the reform of the criminal should be the determinant of the sentence.

Sections 107 (T) & (U) provide for the making of extended supervision orders of a retrospective nature. While recognising the dangers of retrospective legislation, this needs to be balanced with the protection of the community's safety. This legislation provides for this in these two sections.

**Part Two** of the legislation tidies up technical loop-holes and lack of clarity in existing legislation regarding the sentencing of offenders. These amendments are all common-sense and necessary. However, it is important to re-iterate that such amending legislation would not be necessary if sufficient care was paid to the drafting of legislation.

Specific examples of the common-sense nature and importance of these amendments can be found in Clause 21 which provides that the basis for considering the grant of Home Detention should be on the satisfaction of the "appropriateness" of such a sentence rather than focussing on the "inappropriateness" of such a sentence. While the distinction is subtle it provides for an important change in focus which supports the wider community's view that Home Detention should be a sentence that is a privilege not a right. This view is further supported in Clause 22 with the change from "special" to "exceptional" circumstances for the deferral of a sentence.

## CONCLUSION

The National Council of Women of New Zealand has in the past stated its disquiet at the advocacy for heavier punishments for violent offenders as it believes that heavier sentences do nothing to contribute to the future of our society. Part One of this Bill offers a positive alternative to the "lock them up and throw away the key" mentality which often characterises discussion of this subject. It recognises that even the most high-risk child sex offender should be given the chance to return to society, but for the safety of the community and the rehabilitation and reform of the offender that that return be closely supervised and monitored in a real life situation. We support this innovative attempt as not a further punishment but as a reform and rehabilitation tool to assist the offender and protect the community's safety.

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