



**National Council of
Women of New Zealand**

Te Kaunihera
Wahine O Aotearoa

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**Submission to the Law & Order Select Committee
on the Crimes (Drug Rape) Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 41 nationally organised societies. It has 33 branches throughout the country attended by representatives of those societies and some 150 other societies. 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.

Whenever possible, members are invited, through questions in the regular "Circular" to respond to current issues. This submission is based on material received from members in response to the following questions:

- How widespread is the issue of drug rape in your community?
- How is your community dealing with this issue at present?
- How will the proposed amendments assist women who are victims of drug rape?
- Please comment on the proposed penalty?
- What other measures do you think could assist in protecting women from drug rape or assisting women who are victims of drug rape/
- Any other comments?

More than 20 Branches responded to these questions, and from their comments we are confident in the proposed amendments.

Specific Comment:

Clause 4: Matters that do not constitute consent to sexual connection

Strong support is given to the proposed addition that will recognise there are occasions when a person can be sexually violated and even appear to consent, but be so affected by some substance, or combinations of substances, including alcohol, that they are unaware of what is happening.

While recognising there may be difficulty in proving that such a substance has been administered, we do not consider this a reason not to include it in law. Proof of rape is always a difficult matter. The amendment acknowledges the effects that drugs can have, and should help the police in preparing prosecutions. Members considered that this amendment will support women - and men - who realise that they have been drugged, to better handle their situation. One Branch considered that a person in a drugged state would not be able to offer any form of protest, not just physical resistance, and suggested this should be recognised, with those words added to the amendment so that it would read "The fact that a person is prevented from any form of protest or physically resisting by an intoxicating, anesthetic, controlled or illegal substance or hypnotic drug."



**Clause 5: New section 129B inserted - disabling with intent to commit sexual violation**

This clause is also welcomed, with the hope that it may act as a deterrent. While there is cynicism about how effective it will be, in that offenders may not realise this can be an offense, in time there will be awareness of it. There is also cynicism about what level of imprisonment will be given, but also the hope that in really serious cases the maximum penalty will be given, with specified non-parole period.

General Comment

The passing of these laws will not of itself prevent harm nor keep safe potential victims, but will aid the situation. Members of NCWNZ Branches were very encouraged to hear from local agencies in many cities of the work being done to educate women of the dangers of being given drugged drinks, and of the need for vigilance and caution, and for friends to be aware of what is happening to each other.

Beryl Anderson
National President

Janet Hesketh
Convener, Parliamentary Watch Committee