



**National Council of  
Women of New Zealand**

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Wahine O Aotearoa

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**Submission to the Foreign Affairs, Defence and Trade Committee  
on the  
Terrorism Suppression Amendment Bill (No 2)**

**Introduction**

The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella organisation representing 41 Nationally Organised Societies. It has 33 branches throughout the country to which women from some 150 Societies are affiliated. This submission has been prepared by the Public Issues Standing Committee.

NCWNZ is pleased to have the opportunity to comment briefly on the proposed Bill as NCWNZ has always had a strong interest in legislation that leads to a reduction in violence of any kind, and is particularly concerned for the injury, death and suffering caused for the victims' families and communities, and for the hardening of already entrenched animosities amongst people. Indeed, Freedom from Violence is one of our two targeted foci for 2005-6.

Almost from its beginning in 1896 NCWNZ has passed Resolutions supporting the peaceful resolution of conflict and promotion of understanding amongst peoples; it has always worked towards a world free from conflict. Given NCWNZ's work with the International Council of Women (which encourages peaceful co-operation and co-existence amongst all peoples), NCWNZ supports any proposal that might lead to the suppression by non violent means of Terrorism, nationally and internationally.

NCWNZ is committed to upholding the civil rights of citizens, and as noted in our previous Submissions, there are some areas in the Bill that cause concern in respect to the rights and freedoms of citizens.

It is unfortunate that submitters have not had the opportunity to attend the New Zealand Law Society Seminars on Terrorism which are going to be held on the 22<sup>nd</sup> and 23<sup>rd</sup> March. Submitters might have been able to make further informed comment after hearing the highly qualified presenters. Given that this Bill has not had any need for speed in the past, it is hoped that the timing requiring submissions now is simply coincidental.

**Summary**

NCWNZ is cautious about supporting this proposed Bill, in particular Clause 4 which proposes adding 8(2A). There is, in its view, a very real possibility that citizens may support a cause, believing that the cause advocates *democratic Government or the protection of Human Rights* where that cause/organisation also has a branch, sect or area of it which is involved in terrorist activities. (The fight for self rule in Ireland is submitted as a good example).

**Comment on Specific Clauses**

**Part 1 - Amendments to Principal Act**

**Clause 3. Interpretation:**

In light of the concerns surrounding the proposed Clause 8(2A) NCWNZ does not support the addition to the definition of Financing of Terrorism as proposed.



**Clause 4. Financing of Terrorism:**

For the reasons previously stated, it is NCWNZ's view that this Clause is too extensive. There is not adequate protection offered by Section 8(2) of the Principal Act, particularly having regard to Section 8(3) ....(It is not necessary for the Prosecutor to prove that the funds collected or provided were actually used, in full or in part, to carry out a terrorist act) and the high penalty imposed in Section 8(4).

It is of concern that it is the Government rather than the Court process which determines whether or not an organisation has a terrorist link. The current climate of "The War on Terror" suggests that there are too many groups who could be involved in *advocating democratic Government or the protection of Human Rights* which could be deemed by other (stronger) countries, or within their own country, to be terrorist. The fight for independence in East Timor is a recent example of where many New Zealanders gave generously, but some of the organisations fighting for independence and freedom did have a violent approach, or were affiliated to a violent sector.

**Clause 5: Procedure on applications (and on appeals from decisions) under Section 35 or Section 55:**

Given that pursuant to Section 8(3) of the Principal Act *it is not necessary for the Prosecutor to prove that the funds collected or provided were actually used....*and the penalty imposed by Section 4 is so high, it is submitted that the Chief Justice should continue to be the person to hear and determine the proceedings or to make the nominations as to whom should hear them.

It is a serious matter with significant international implications and it is only appropriate that our highest judicial authority consider this.

**Part 2 - Extension of existing designations and consequential amendments****Clause 6. Extension of certain designations under principal Act:**

NCWNZ supports the tenor of this Bill based on the information provided in the Explanatory Note – a review by a Select Committee which is to report by 1<sup>st</sup> December 2005. It is important in light of the proposed changes set out in this Bill that the review by the Select Committee does not go past its date of December 2005.

*Consequential Amendments*

**Clause 7. Amendment to Immigration Act 1987:** NCWNZ does not support this due to its concerns regarding the proposed 8(2A) and reminds the Committee of the concerns surrounding the cause celebre Ahmed Zaoui.

**Clause 8. Amendment to Proceeds of Crime Act 1991:** There are similar concerns about the proposed Section 8 (2A).

NCWNZ is grateful to have been given the opportunity to comment on this Bill and looks forward to seeing the final version.

Christine Low  
National President

Mary Gavin  
Convener, Public Issues Standing Committee