



National Council of Women of New Zealand

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28 November 2006

S06.51

Submission to the Justice and Law Reform Select Committee on the Succession (Homicide) Bill

The National Council of Women of New Zealand (NCWNZ) is an umbrella organization representing 42 Nationally Organized Societies and national members. NCWNZ has 32 branches throughout the country attended by representatives of those societies as well as some 150 other societies. The Councils function is to work for the well-being of women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to make this submission on behalf of our members.

This submission is written by the Justice and Law Reform Standing Committee based on input from branch members.

Introduction

The majority of our members agree with the basic principle of this bill and view it as a potential way to codify the law in order that a killer does not benefit from his or her wrong doing. The bill appears to offer a fast track alternative for more straightforward claims therefore presumably freeing up the courts.

However there were a number of points in the bill that were viewed as ambiguous.

Specific Comments

Part 1

Clause 4 Interpretation.

Part 1.

assisted suicide (a) and (b)

Members felt there was no clear distinction between (a) and (b) that would be robust enough to hold up in a court of law.

Homicide

Concerns were raised by members that a killing caused by a negligent act or omission (a) is specifically excluded from the bill. From discussion by members death from deliberate neglect or negligence should be included. If a person kills another through negligence, for example, in a motor vehicle accident, it is evident in the bill that they could still benefit from the death. An unclear interpretation exists here where killing a person recklessly is included but a killing caused by a negligent act is not. Reckless and negligent are synonymous with one another.

Infanticide

Members are concerned that **this** has been excluded from the bill yet the killing of an unborn child has not been excluded. Here members feel there is a distinct lack of consistency.





Killer

Some members objected to the word “killer” and others felt the word was strong but “real”.

Members felt the term murderer might better reflect the intent since this is more in line with the use of the term “homicide” used throughout the bill.

Therefore members believe that specific terminology should be consistent with other legislation.

Person and “a child who has not become a person”

Because of the brevity of this interpretation members feel that the bill has not dealt with abortion (non medical caused by assault) and also query where the crossover point is from this to a **person**. That is, at what stage in pregnancy a fetus is deemed to become a **person**. Members would like to see more clarity in the language used.

Non probate assets

Members had difficulty in understanding what is meant by this and seek greater clarity around the interpretation of non probate assets.

Conclusion

While members recognize and support the policy objectives of this bill NCWNZ considers that it lacks clarity and may lead to unforeseen and contentious complications or consequences. this bill may not achieve what it is setting out to do.

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National President

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Convener Justice and Law Reform Standing Committee