



## 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 Select Committee on the Terrorism Suppression Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 38 Nationally Organised Societies. It has 31 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's functions are to serve 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 which has been prepared by the Public Issues Standing Committee following wide consultation with NCW members.

#### **General Statement**

In November 2001 NCWNZ presented a submission [S01.73] on the Terrorism Bill in which it stated "NCWNZ is pleased to be able to support any proposal that might lead to the suppression by non-violent means, of terrorism and terrorist activities within this country in particular, and in the international community in general, seeking as we do, in conjunction with the International Council of Women to encourage peaceful cooperation and co-existence amongst all peoples. At the same time NCWNZ believes that the civil rights of citizens should be upheld and that the freedoms we enjoy should not be limited by an overweening attention to ensuring our security, for a feeling of restriction can itself bring about justifiable civil disobedience."

NCWNZ almost from its beginning in 1896 has passed resolutions supporting the peaceful resolution of conflict, and while the present concentration on suppressing terrorism is an immediate answer to a very pressing problem, NCWNZ strongly urges that this government supports in any way it can initiatives that mean there is no longer any necessity for such legislation to be called for at all. We look forward to a world free from irreconcilable conflicts."

#### **Summary of Responses**

As usual with an organisation such as ours there is a wide variety of responses to this Amendment Bill. The particular issues which were commented on are :

##### **Part 1**

**Clause 5: The Convention for the Suppression of Acts of Nuclear Terrorism and the Nuclear Material Convention:** We support the intention that New Zealand policies should be in line with and be able to ratify these conventions.

**Clause 5: Dealing with Designated Terrorist Entities:** With regard to the proposal that the United Nations designations should automatically apply under New Zealand law, over half of respondents agreed that New Zealand should be guided by the UN designations as we are responsible members of the UN. However if an "entity" feels they have been unfairly designated then there must be an avenue for appeal for New Zealanders through the New Zealand Courts.

There was concern about the UN list in terms of accuracy and difficulties of making alterations. New Zealand should retain the ability to make changes, if it was felt to be appropriate, by the relevant people. The New Zealand Government should retain as much autonomy as possible and have the right to decide whether UN listed terrorist entities pose a risk to New Zealand security while also taking advice and seeking all the information they can obtain from various sources.



**Clause 6 : Committing a Terrorist Act**

Three-quarters of those who responded agreed with the defining of a terrorist act – because it will make the definition clear and not bound up in misinterpretation of current law around murder and kidnapping. A new definition is needed as terrorism today is very different from what it was in the past, and peoples' ability with ever developing weapons and terrorist possibilities continue to change so quickly.

**Clause 10A : No dealing with property of designated terrorist entity.**

There was support for the decision to “freeze” the assets of “designated” terrorist entities.

**Clause 12 : Participating in terrorist groups**

The inclusion of “recklessness” was considered a progressive move by some of our respondents since the act of recklessness is one that does not demonstrate a consideration for other people or the community at large and this could escalate to more serious acts.

**Clause 13E: Offences involving radioactive material and radioactive devices.**

There was support for these new offences concerning radioactive material and radioactive devices as these may pose a significant local and global threat.

**Clause 21: Designations under section 22 to expire after 3 years unless renewed by the Prime Minister:**

There were varying responses to this clause but the majority opposed the Prime Minister being the sole Reviewing Agency unless there is some consultation involved. For example, this change is supported if it means that the designation of the Prime Minister as the Reviewing Agency is an umbrella role and this Clause enables the Prime Minister's Department to seek input from all other relevant departments, who are probably better informed than the previous process, which required a 3 yearly review by the High Court. However, if there is no specific legal requirement for the Prime Minister to seek advice from other government departments or judicial agencies such as MFAT, Defence and Police then it would not be supported on the grounds of insufficient internal checks and balances.

Another opinion is that the Prime Minister must be part of the decision-making but not the sole arbiter. It is suggested that members of the judiciary should be included.

Other submitters strongly disagree with the Prime Minister being the reviewing agent as it would contravene all principles of the democratic process by giving too much power to one individual and that task should remain with the Court.

**Concluding Statement**

NCWNZ is aware that this Bill has been written to ensure that New Zealand legislation fits with our obligations to United Nations Conventions, and although they support some of the changes made in this Bill, are also concerned that in the name of security from terrorist acts, care needs to be taken that 'civil liberties' are not infringed. The more restrictions that are imposed the greater the chance that innocent people are caught up and possibly punished.

The most controversial Clause in our opinion is Clause 21 which proposes that the Prime Minister should be the Reviewing Agency.

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National President

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Convenor, Public Issues Standing Committee