



National Council of Women of New Zealand

Te Kaunihera
Wahine O Aotearoa

National Office
Level 4 Central House
26 Brandon Street
PO Box 25-498
Wellington 6146
(04) 473 7623
www.ncwnz.org.nz

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S09.08

Submission to the Justice and Electoral Committee on the Sentencing (Offender Levy) Amendment Bill

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 50 nationally organised societies and national members. NCWNZ has 26 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's function is to serve women, families and the community through research, study, discussion and action.

This submission has been prepared by the Public Issues Standing Committee after consultation with members by circulating information and questions to the members in the branches. The response is based on NCWNZ policy and replies from nine Branches, three National Members and one Nationally Organised Society.

General Comments

In 1991 NCWNZ passed a resolution [12.12.6] asking the government to increase the percentage of money received in court fines, which is paid into the Victim's Task Force Fund. NCWNZ therefore supports the intent of the Bill.

We understand that the purpose of this Bill is to address some of the financial and emotional costs that fall on victims of crime and to ensure that offenders contribute to redressing the harm they have caused to the victim. NCWNZ shares this concern for the victims, and accepts that the Bill is a way of acknowledging that the victims have been harmed. It also acknowledges the issue that offenders need to be made accountable. Included in the responses from members were suggestions that restorative justice could be used more widely to help victims and the offender to deal with the crime, and that the Bill could possibly work for white collar crime such as fraud or theft.

There was a mixed response from members about whether this Bill in its present form is a practical way of achieving what is intended. Nearly all those who responded support the purpose of the Bill in theory, but they question whether the administrative and implementation costs will outweigh the small amount of the levy. In addition, members believe that just as there are already many uncollected court fines, this Bill will add to the number.

Specific Comments

Part 1 Amendments to Sentencing Act 2002.

Clause 7 Section 105B Offender to pay levy. It is not clear how the money is to be collected if the offender does not have any funds to pay the levy.





Section 105F Distribution of money in account and 105J Approval of agency. It is not clear how victims will access the approved agency to receive funds.

Implementation will need to be carefully monitored for collecting the levy and for distribution to victims.

Concluding comments

NCWNZ generally supports this Bill in principle but there is concern about the practicalities of collecting and distributing the levy and whether the administrative costs justify this. Perhaps it is possible to deduct the amount from the offender's benefit.

Victim Support is suggested by some members as an appropriate agency to be the receiver and distributor of the fund to victims.

Thank you for the opportunity to comment on this Bill.

Elizabeth Bang
National President

Joan Macdonald
Convener Public Issues Standing Committee



**Oral submission on the Sentencing (Offender Levy) Amendment Bill (S09.08)
made to the Justice and Electoral Select Committee on 7 May 2009
by Judy Whitcombe and Jean Fuller**

Select Committee:

Chester Borrows (National) Chair, Chris Hipkins (Labour), Kanwaljit Singh Bakshi (National), Simon Bridges (National), Clayton Cosgrove (Labour), Lynne Pillay (Labour), Paul Quinn (National), Richard Worth (National). Kennedy Graham (Green) did not appear.

Good morning. My name is **Judy Whitcombe and my colleague is Jean Fuller**. We are both members of the Parliamentary Watch Committee of the National Council of Women of New Zealand. This submission has been prepared by the Public Issues Standing Committee from a background of policy decisions and consultation with members, with further contributions from the NCWNZ Board and the Parliamentary Watch Committee.

Our organisation has had a long standing concern for the rights of victims and the need for them to be acknowledged in the Justice process. In 1991 NCWNZ passed a resolution [12.12.6] asking the government to increase the percentage of money received in court fines, which is paid into the Victim's Task Force Fund. NCWNZ agrees with the principle of the proposed levy, and the intent of the Bill to provide further support for victims, together with the importance of making the offender accountable.

In considering the Bill, members expressed views on the practicality of collection of the levy from offenders who have no money, especially in view of the current difficulties encountered in obtaining court-ordered reparation and the uncollected court fines. It was suggested that offenders' benefits could be accessed.

Members have also raised the low level of the levy in relation to the set-up costs and thought that a flat rate was disproportionate to the impact of the crime. One member asked "what possible help could money be to a person who has been attacked, raped, frightened or terrorised?" However, the benefits of the proposed amendments state that the purpose of the fine is to address the costs incurred by victims which are not covered by ACC or other State help.

The Bill states in Clause 7 section 105F, that the Secretary (for Justice) may pay to an approved agency money which is held in the Crown account – victims' services bank account – to an approved agency. Our members considered that Victim Support Services should be that agency.

The National Council of Women has always been a strong advocate of increased rights for victims and sees this Bill as a positive step to achieve better support. However, the potential difficulties in the collection of the levy have caused many to doubt its effectiveness. The costs of administration were also raised and it was considered important that the level of fines be monitored in view of the concerns that offenders would be unable to pay the levy and the amount generated would be insufficient to meet the applications for funding. Although it is noted that the amount of the levy may be amended by way of regulation.

Conclusion: While NCWNZ supports the intent of the Bill, its implementation poses potential difficulties in the collection of the levy and in the ongoing costs of managing the Fund.



Questions for the sub on Offenders' Levy

1. Clayton Cosgrove (L) asked if our membership had any views on how a Judge might be prevented from aggregating the \$50 levy with other fines or reparations. His issue was that in this way the special nature of the levy could be lost. Judy explained that this question had not been considered by the membership and therefore we were unable to answer.
2. Clayton Cosgrove (L) asked whether our members had considered the possibility of charging a separate levy on each conviction where a person was convicted of several crimes. Again Judy had to say that this idea had not been before our membership and therefore we could not answer although there was some support for graduated levies which would be calculated in relation to the severity of the crime.

Judy Whitcombe and Jean Fuller.