



**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

17 September 2009

S09.28

**Submission to the Justice and Electoral Select Committee on the Search and
Surveillance Bill 45-1**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 50 nationally organised societies and national members. It has 26 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. 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.

The National Council of Women of New Zealand (NCWNZ) is not in a position to make a full submission on the Search and Surveillance Bill, but would like to submit this letter of substance expressing our views.

NCWNZ understands that the principal objective of the Bill is to provide coherent and effective powers of search and surveillance which "increase certainty of law enforcement and allow the use of available technologies to tackle crime in the 21st century, while at the same time recognising human rights values" (Explanatory note page 25).

While NCWNZ acknowledges the need to update and streamline current core police search powers contained in statutes up to 50 years old, it makes the following comments.

- i. The basic principle of protection of civil liberties must not be undermined.
- ii. Clause 12 Searchers - NCWNZ suggests that all personal searches should be carried out under the supervision of an officer of the same sex as the person being searched. It is also considered that cultural considerations should be taken into account, particularly with respect to personal searches. A consideration may be that the person being searched may request to be searched by someone of the same cultural background.
- iii. NCWNZ considers that the Bill needs to be explicit about the reporting process and questions procedure regarding monitoring and enforcement of the protections encapsulated in the Bill (Part 4, Subparts 2 and 4). It is not clear who will ensure that any person exercising a warrantless entry power, search power, or surveillance power reports that activity in the manner specified by the bill.

Elizabeth Bang
National President

Christina Reymer
Convener Justice and Law Reform Standing Committee

