



**National Council of
Women of New Zealand**

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Wahine O Aotearoa

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Submission to the Justice and Electoral Select Committee on the Objectionable Publications and Indecency Legislation Bill 124-1

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 30 organisations affiliated at national level and a further 40 organisations affiliated at branch level. It has 22 branches throughout the country attended by representatives of these organisations, as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Justice & Law Reform Standing Committee and the Parliamentary Watch Committee after consultation with the membership of NCWNZ.

Introduction

NCWNZ has a long history of opposition to objectionable publications and the exploitation and abuse of women and children.

NCWNZ also has specific policies dating from 1923 in regard to the protection of children especially in relation to sexual and/or criminal offences against the child.

NCWNZ is generally supportive of the proposals contained in the Bill but with some qualifications as mentioned in the responses to the Clauses below.

Clause 6

Section 131A amended (Offences relating to possession of objectionable publications and involving knowledge)

In section 131A(2)(a) replace "5 years" with "10 years".

There is considerable support for the longer prison term provided that there are adequate financial and human resources available for effective treatment programmes for offenders, however a few members commented that longer prison sentences are not necessarily better.

Some respondents mentioned anecdotal evidence suggesting that at present because of inadequate staffing, resources and finance there are waiting lists of a year or more for treatment.

It is to be hoped that adequate funding and resources will be available to ensure that an offender is able to participate in a treatment programme before the end of his/her prison sentence.

Clause 13

New section 124A inserted (Indecent communication with young person under 16)

124A Indecent communication with young person under 16

Many respondents stated that young people will need to be well acquainted with the ramifications of this new section. It was suggested that education is a key component which could be effected by way of the health or sex education curriculum in schools and also allow for the participation by parents.

There is concern that there is no definition of “indecent material” when the consequences following on from a conviction for offending will have a great impact on the life of a young person.

It is difficult for a lay person to define parameters when taking into account the offensive nature of much of the sexual material on television which passes as “decent material”. The law needs to be clear about indecent material which will incur harsher sentences.

Several respondents were concerned that a naive, rather than a criminally motivated, young person could acquire a criminal record and there is strong support for information being made available which emphasises the potential detrimental effects on a young person’s career and travel aspirations later in life.

A group of NCWNZ members believed that younger people should be reprimanded and provided with further education about the use of material which could be considered indecent. They supported the use of a warning process which would include education for those on the edge of offending.

Conclusion

NCWNZ endorses sentences which reflect the seriousness of child pornography offending and send a strong message that exploitation and abuse of children will not be tolerated. However there also need to be appropriate education programmes for the community and particularly young people together with adequately resourced treatment programmes for convicted offenders.

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