



TO: JUSTICE COMMITTEE

ON: SEXUAL VIOLENCE LEGISLATION BILL

31 JANUARY 2020

INTRODUCTION

- 1 This submission is from Zonta International District 16 Incorporated (*Zonta D16*).
- 2 We do not wish to make an oral submission before the Select Committee.

ABOUT ZONTA D16

- 3 Zonta D16 has been active in New Zealand for over 50 years.
- 4 Zonta D16 is an organisation of professionals empowering women through service and advocacy. We envision a world in which women's rights are recognised as human rights and every woman is able to achieve her full potential. In such a world, no woman lives in fear of violence.

MAIN POINTS

- 5 Zonta D16 supports the Sexual Violence Legislation Bill (*the Bill*).
- 6 This Bill seeks to improve sexual violence victim's experience in court, while preserving the fairness of the trial and the integrity of the criminal justice system. We support that overall intention.
- 7 In particular, Zonta D16 supports the following provisions proposed in the Bill:

7.1 **Proposed new sections 44, 44AA and 44A of the Evidence Act 2006**

We believe that these new provisions appropriately set out the limited circumstances in which evidence can be given (and questions can be put to a witness) that relate directly or indirectly to the sexual experience, sexual disposition or sexual reputation of the complainant in a sexual case.

7.2 **Proposed amendments to section 85 of the Evidence Act 2006**

We believe that it is appropriate to ensure that the Judge has a duty (instead of the current discretion) to disallow a question if the Judge considers the question is improper, unfair, misleading, needlessly repetitive, or expressed in language that is too complicated for the witness to understand.

7.3 **Proposed new sections 106C to 106J of the Evidence Act 2006**

We concur with these provisions allowing for sexual case complainants or propensity witnesses to give evidence in one or more specified alternative ways.

7.4 **Proposed new section 126A of the Evidence Act 2006**

We agree with this requirement for a Judge to give judicial directions (in a sexual case tried by jury) necessary or desirable to address relevant myths and misconceptions relating to sexual cases.

7.5 Proposed new section 22A of the Victims' Rights Act 2002

We agree with the changes that enable the victim impact statement to be presented to the court in alternative ways.

7.6 Proposed new sections 28A to 28D of the Victims' Rights Act 2002

We support these provisions which afford specific rights to a victim who is a sexual case complainant, including requiring the prosecutor to take into account any preferences the victim has on the ways of giving evidence.

7.7 Proposed amendments to Criminal Procedure Act 2011

In our view these proposed amendments related to the power to clear the court, and appeals against pre-trial decisions, are sensible.

Homicide victims

- 8 While we support the existing provisions of the Bill, we consider that the Select Committee should examine the Bill carefully to see how it could be amended to ensure that evidence regarding the sexual experience, sexual disposition and sexual reputation of a homicide victim is appropriately dealt with in the court process. This aspect appears to be absent from this Bill. Following several recent homicide trials (including the Grace Millane trial), we believe that this matter needs to be addressed urgently.

CONCLUSION

- 9 Zonta D16 supports the Bill in its entirety.
- 10 However, Zonta D16 believes that the Select Committee should examine the Bill carefully to see how it could be amended to ensure that evidence regarding the sexual experience, sexual disposition and sexual reputation of a homicide victim is appropriately dealt with in the court process.