



Te Ope Whakāora

SOCIAL POLICY AND PARLIAMENTARY UNIT

Working for the eradication of poverty in NZ

Objectionable Publications and Indecency Legislation Bill Justice and Electoral Committee

The Salvation Army (New Zealand, Fiji and Tonga Territory) Submission

1. BACKGROUND

- 1.1 The Salvation Army is an international Christian and social services organisation that has worked in New Zealand for over one hundred and thirty years. The Army provides a wide-range of practical social, community and faith-based services, particularly for those who are suffering, facing injustice or those who have been forgotten and marginalised by mainstream society.
- 1.2 We have over 90 community ministry centres and churches (corps) across the nation, serving local families and communities. We are passionately committed to our communities as we aim to fulfil our mission of caring for people, transforming lives and reforming society by God's power.¹
- 1.3 Children are absolutely precious to The Salvation Army from both a Biblical and social justice perspective. Biblically, in Psalm 127:3-5, we are reminded that children are indeed a *heritage* from God. In Hebrew, the word *heritage* is *nachalah* which is something that is a gift from God. This is definitely the way The Salvation Army views children.

From a social justice perspective, The Salvation Army has throughout its history challenged and worked to develop solutions to critical social issues such as child poverty, violence towards children, and child labour exploitation. Consequently, we are passionately committed to the holistic well-being of all of our children.

- 1.4 This submission has been prepared by the Social Policy and Parliamentary Unit (SPPU) of The Salvation Army. This Unit works towards the eradication of poverty by advocating for policies and practices that strengthen the social framework of New Zealand.
- 1.5 This submission has been approved by Commissioner Robert Donaldson, the Territorial Commander of The Salvation Army's New Zealand, Fiji and Tonga Territory.

2. THE SALVATION ARMY PERSPECTIVE

- 2.1 We strongly support the passing of this Bill into law.

¹ <http://www.salvationarmy.org.nz/our-community/mission/>

- 2.2 Overall, we fully support the intent and purposes of this Bill. Clearly, this Bill is another mechanism the Government is using to greater protect the welfare of our children. We commend the Government's focus on these issues, particularly with this Bill and the Harmful Digital Communications Bill, and the recent joining of the Global Alliance Against Online Child Sexual Abuse.²
- 2.3 Any debate involving objectionable materials or behaviour that sexually harms children invokes great passion and emotion. That is a positive thing.

However, we submit there are still key elements of this Bill that require some further debate and/or investigation by the Committee and the House. These factors are briefly discussed below:

- 2.3.1 We submit that New Zealand needs some sort of national or overarching strategy around cyber or digital criminal offending. Our support for this Bill is unwavering. But having a coordinated, strategic and apolitical approach to these types of crimes would likely be beneficial for increased public discourse, education, and awareness of these types of crimes.
- 2.3.2 The research around longer or harsher prison sentences is comprehensive but also somewhat inconclusive. Although many of the new or adjusted sentences in this Bill are quite impressive, we submit that it might be questionable whether these sentences will actually work as a deterrent to these offenders.

The Salvation Army has long been an advocate for and deliverer of rehabilitation and reintegration initiatives within our justice system and communities. In these highly specialised types of offending involving the sexual abuse and harm of children, we defer to the expertise of groups such as WellStop. But at a time where our prison numbers continue to grow, we submit that the suitability and effectiveness of these longer sentences in this Bill must be monitored closely to determine whether they are in fact deterring offenders.

3. RESPONSES TO SPECIFIC AMENDMENTS TO LEGISLATION

3.1 Clause 4

We have stated above our thoughts around the longer sentences in this Bill as enshrined in clause 4 and other clauses.

We contend here that there seems to be a potential anomaly that the sentences for possessing or distributing any objectionable materials in this clause (maximum of up to 14 years) are harsher than the actual *act* of attempting to have a sexual connection with a child under 12 (up to 10 years - section 132(3) Crimes Act 1961) or attempting to have a sexual connection with a child under 12 (up to 10 years - section 132(2)).

² <http://www.nzfvc.org.nz/?q=node/843>

The actual physical crimes should foreseeably be punished more harshly than the possession or distribution of objectionable materials. Again, greater coordination between these related areas and statutes is needed here to ensure potential anomalies do not take root.

3.2 Clause 7

The idea of a presumption of imprisonment for repeat offenders can be controversial. Our submission here is that repeat offenders in these areas are in dire need of effective and relevant rehabilitation programmes. Therefore, we continue to advocate for greater support from Government of these types of programmes.

3.3 Clause 8 / New Section 144

We believe this clause will increase expediency in these cases. However, we further submit that greater coordination is needed between these agencies is crucial in ensuring the true intent and purposes of this Bill are honoured. Again, we advocate for a national strategy or plan around cyber or digital crimes that government agencies, the public and key NGO stakeholders can have input into.

3.4 Clause 13

We support this new section. However, the practical application of this section will be critical. Moreover, the legal test of what constitutes indecency in this section must be accurately defined by the courts.

We support the new section 124A(2) around the *fictitious young person*.

4. CONCLUSION

The Salvation Army **supports** the passing of this Bill into law. Any law that aims to protect the welfare of our children, especially regarding heinous sexual harm, should be supported. But we have also tried to expand the public debate and discourse around this Bill (and the issues it covers) by submitting our thoughts around the harshness of sentences, a national digital crime strategy and other specific areas. Overall, the preservation of the preciousness, wellbeing and safety of our children is paramount in our submission.

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