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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