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S09.23

Submission to Justice and Electoral Committee on the Limitation Bill 33-1

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

NCWNZ understands that the law of limitations provides a defence to legal claims that are brought after a certain period of time. It balances the interests of claimants, who want to enforce their rights in law, and the interests of defendants to have claims against them brought in a timely fashion.

While NCWNZ acknowledges the need to update and streamline the Limitation Act 1950 and the patchwork of case law about limitations periods, NCWNZ does wish to make the following comments:

1. Clause 9 – Defences: application, exceptions, and modifications

NCWNZ supports this provision which provides for the exclusion of claims for damages under the Human Rights Act 1993 or Privacy Act 1993; however, it may be helpful if this exclusion was actually specified in clause 9.

2. Clause 14 – Defamation claims: primary period 2 years not 6 years

NCWNZ questions why the period for a claim for defamation should be reduced from 6 years to 2 years. In some cases it may take a person much longer than 2 years to recognise a subtle but systematic treatment of defamation, or it may take them longer to summon the courage to take a case.

3. Clause 16 – Discretion to allow relief for a claim of sexual abuse of minor

NCWNZ supports the discretion to allow relief for a claim of sexual abuse for a minor (under 18 years). There can be no reasonable limitation set on this as the effects may not become apparent or be disclosed until much later in life. However, this may also be true for victims of abuse 18 years or over. NCWNZ would like to see provision to ensure the way is still open for them to also make claims at a later stage in life.

4. Clause 26 – Claims relating to Maori customary land

NCWNZ would reiterate comments from Maori sectors of our community expressing concerns relating to Maori customary land. Some would argue that there should not be any limitations on Maori customary land claims. It is acknowledged that the law surrounding customary land is complex and it is not always clear what is and what isn't customary land.

Elizabeth Bang
National President

Christina Reymer
Convener Justice and Law Reform Committee