

31 March 2010

S10.04

**Submission to the Justice Select Committee on the Child and Family Protection Bill
2009 (72-1)**

Introduction

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 46 nationally organised societies. It has 26 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

This submission has been prepared by the Parliamentary Watch Committee of NCWNZ. It has been reviewed by the Standing Committee on Family Affairs and the NCWNZ Board. It is based on NCWNZ policy and discussion amongst members of these two committees and the Board.

General Comments

The NCWNZ applauds measures to strengthen the protection of children. This organisation has been particularly concerned with domestic violence and supports moves to limit the opportunities for this to occur.

Part 1: Amendments to Domestic Violence Act 1995

Clause 6. (1) Protection of persons other than applicant

NCWNZ acknowledge that adding the words, "until that child reaches the age of 17" to Section 16 (1) of the Domestic Violence Act 1995 adds clarity, but we note that "child" has already been defined as "a person who is under the age of 17 years" in section 2 of this Act.

However, we note in section 8 of the Care of Children Act 2004, "child" is defined as "a person under the age of 18 years", which NCWNZ considers a more suitable age for the definition of a child. In a 2003 Submission (S03.72) from NCWNZ on the *Care of the Children Bill*, we stated:

"...that 18 represents the age of maturity, or 16-18 for those who have entered into a de facto relationship with the parents' consent."

Further, section 2 of the Adoption Act 1955 defines a child as "a person who is under the age of 20 years", being amended by the Age of Majority Act 1970.

If one of the purposes of this Bill is to provide continuity between different pieces of legislation, then this age discrepancy should be addressed. This comment is pertinent to other references in this Bill using 17 years as the defining age of a child.

Clause 7. 28B (3) Interim orders in respect of child of applicant's family

NCWNZ notes the age limit of 16 years as opposed to the age limit of under 17 years as defined for a “child” in section 2 of the Domestic Violence Act 1995. The analysis for this section provides no background as to why the lower age is applicable.

Clause 7. 28C (b) Duration of interim order

Again, NCWNZ notes the age limit of 16 years as opposed to the age limit of under 17 years as defined for a “child” in section 2 of the Domestic Violence Act 1995. The analysis for this section provides no background as to why the lower age is applicable. It would seem that in the interest of continuity these ages should be the same.

Part 2: Amendments to Care of Children Act 2004

Clause 18. (a) Purpose of this Act

(a) NCWNZ applauds the government for recognizing that children can suffer from psychological abuse as well as physical and emotional abuse. In a 2006 Submission (S06.02) from NCWNZ on *Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill*, we stated:

“While NCWNZ agrees with the theory behind the proposed alteration, members pointed out that violence towards children is not only physical but can also be emotional and psychological. This proposed change to the Act appears to only address physical violence.”

Part 3: Amendments to Adoption Act 1955

Clause 30. Purpose of this Part

In 1978, the NCWNZ passed a resolution in support of the development of the UN Convention on the Rights of the Child and in 1990 we congratulated the government on signing this Convention. Today we acknowledge further steps being taken to enable New Zealand to carry out its obligations under the Optional Protocol. We are particularly concerned at the use of new technology to undermine the rights of children, and support the view that acts committed by New Zealand citizens, but outside New Zealand, should still fall within this Act.

In 1945, NCWNZ passed Resolution 11.16.2(b) condemning the trafficking of women and children. We continue to support this position and remain concerned that this abuse of children still continues. We strongly support legislation that makes this behaviour more easily controlled.

Conclusion

NCWNZ supports the intent of this Bill though questions the different ages used to define a child.

Thank you for the opportunity to comment on this proposed change in legislation.

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Parliamentary Watch Committee