

Crimes (Child Exploitation) Amended Bill December 2021



New Zealand Council Of
Christian Social Services

Contact Name:	Nikki Hurst eo@nzccss.org.nz
Organisation Name:	New Zealand Council of Christian Social Services (NZCCSS)
Organisation description:	<p>The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on Crimes (Child Exploitation) Amendment Bill.</p> <p>NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.</p> <p>Through this membership, NZCCSS represents over 250 organisations providing a range of social support services across Aotearoa. We believe in working to achieve a just and compassionate society for all, through our commitment to our faith and Te Tiriti o Waitangi. Further details on NZCCSS can be found on our website www.nzccss.org.nz.</p>

Tirohanga Whānui | Overview

We support the overarching whakaaro behind this amendment, but challenge its implementation. Digital harm and the exploitation of children in online spaces is a real issue, and we acknowledge the work of the member in bringing this very real issue forward.

Our main concerns are:

1. As written, section 126B of the amendment puts the onus on the victim to show that they have actually been harmed, or that an ordinary person would have been harmed.
2. The amendment lacks clarity as to the definition of 'harm' in this context.
3. The amendment lacks clarity as to what behaviours constitute offences under the amendments.
4. It is unclear the role of existing legislation in this space, e.g. the Harmful Digital Communications Act and how this amendment interacts / enhances what is already found in law.

Taunakitanga | Recommendations

Recommendation 1: Reframe the burden of proof so as not to cause revictimisation

Recommendation 2: Clearly define 'Harm' for this context.

Recommendation 3: Clarify as fully as possible the behaviours which constitute offences under the amendments

Recommendation 4: Clarify as fully as possible how this legislation interacts with existing legislation.