Crimes (Drug Rape) Amendment Bill

67-1

Report of the Law and Order Committee

Recommendation

The Law and Order Committee has examined the Crimes (Drug Rape) Amendment Bill and recommends that it not be passed.

Background to the bill

The Crimes (Drug Rape) Amendment Bill is a Member's bill in the name of Dianne Yates. The bill proposes to:

- reform the law of consent (outlined in section 128A of the Crimes Act 1961) in light of an increase in the numbers of drug-assisted rapes, both in New Zealand and overseas
- create a new offence to address this problem.

The two proposals seek to address a number of specific fact situations that accompany the increasing occurrence of drug-assisted rape where, because of the nature of the drug that has been administered to the victim by the perpetrator, the victim may be conscious but unaware they are being sexually attacked, or may be prevented from resisting unwanted sexual activity despite being aware they are being sexually attacked. Persuasive submissions were received supporting these proposals.

Matters better addressed by the Crimes Amendment Bill (No 2)

Given the similarity of the subject matter in this bill and the Crimes Amendment Bill (No 2) (a Government Bill that initiates the first overall review of sexual offences located in Part VII of the Crimes Act), we resolved to consider the two bills together.

During our joint consideration of both bills, it became clear that the issues raised by this Member's bill are better addressed in provisions of the Crimes Amendment Bill (No 2). Accordingly, the request by Dianne Yates that we not proceed with her bill, but instead take into account her proposals when considering the relevant provisions of the Crimes Amendment Bill (No 2), was agreed to.

Our views on the proposal to create a new offence to address the problem of drug-assisted rape are in the commentary on the Crimes Amendment Bill (No 2), under the heading "Offence proposed by Crimes (Drug Rape) Amendment Bill unnecessary". Our views on the proposal to reform the law of consent to take account of situations of drug-assisted rape are also in that commentary, under the heading "Crimes (Drug Rape) Amendment Bill proposal on consent now catered for".

Martin Gallagher
Chairperson