

# House of Representatives

## Supplementary Order Paper

Tuesday, 9 December 2014

### Countering Terrorist Fighters Legislation Bill

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*Proposed amendments*

Rt Hon Winston Peters, in Committee, to move the following amendments:

*New Subpart 3*

After *clause 14* (page 16, after line 12), insert:

Subpart 3—Amendments to Crimes Act 1961

**15 Seditious offences re-enacted**

- (1) This section amends the Crimes Act 1961.
- (2) After section 80, insert:

**“81 Seditious offences defined**

- “(1) A seditious intention is an intention—
  - “(a) to bring into hatred or contempt, or to excite disaffection against, Her Majesty, or the Government of New Zealand, or the administration of justice; or
  - “(b) to incite the public or any persons or any class of persons to attempt to procure otherwise than by lawful means the alteration of any matter affecting the Constitution, laws, or Government of New Zealand; or
  - “(c) to incite, procure, or encourage violence, lawlessness, or disorder; or
  - “(d) to incite, procure, or encourage the commission of any offence that is prejudicial to the public safety or to the maintenance of public order; or
  - “(e) to excite such hostility or ill will between different classes of persons as may endanger the public safety.
- “(2) Without limiting any other legal justification, excuse, or defence available to any person charged with any offence, it is hereby declared that no one is deemed to have a seditious intention only because the person intends in good faith—

- “(a) to show that Her Majesty has been misled or mistaken in her measures; or
  - “(b) to point out errors or defects in the Government or Constitution of New Zealand, or in the administration of justice; or to incite the public or any persons or any class of persons to attempt to procure by lawful means the alteration of any matter affecting the Constitution, laws, or Government of New Zealand; or
  - “(c) to point out, with a view to their removal, matters producing or having a tendency to produce feelings of hostility or ill will between different classes of persons.
- “(3) A seditious conspiracy is an agreement between 2 or more persons to carry into execution any seditious intention.
- “(4) For the purposes of sections 83 to 85 of this Act,—
- “**to publish** means to communicate to the public or to any person or persons, whether in writing, or orally, or by any representation, or by any means of reproduction whatsoever
- “**statement** includes words, writing, pictures, or any significant expression or representation whatsoever; and also includes any reproduction, by any means whatsoever, of any statement.
- “**82 Seditious conspiracy**  
Every one is liable to imprisonment for a term not exceeding 2 years who is a party to any seditious conspiracy.
- “**83 Seditious statements**  
Every one is liable to imprisonment for a term not exceeding 2 years who makes or publishes, or causes or permits to be made or published, any statement that expresses any seditious intention.
- “**84 Publication of seditious documents**
- “(1) Every one is liable to imprisonment for a term not exceeding 2 years who, with a seditious intention,—
- “(a) prints, publishes, or sells; or
  - “(b) distributes or delivers to the public or to any person or persons; or
  - “(c) causes or permits to be printed, published, or sold, or to be distributed or delivered as aforesaid; or
  - “(d) has in their possession for sale, or for distribution or delivery as aforesaid; or
  - “(e) brings or causes to be brought or sent into New Zealand,—

any document, statement, advertisement, or other matter that expresses any seditious intention.

- “(2) Any constable may seize any document, statement, or advertisement, or any other written or printed matter, in respect of which an offence under this section is committed or is reasonably suspected by the constable to have been committed.

“**85 Use of apparatus for making seditious documents or statements**

Every one is liable to imprisonment for a term not exceeding 2 years who, having in his possession or under his control any printing press, or any mechanical, photographic, or electrical apparatus, or any other apparatus whatsoever,—

“(a) uses it; or

“(b) causes or permits it to be used—

for printing, making, or publishing, or for facilitating the printing, making, or publishing of, any document, statement, advertisement, or other matter that expresses or will express any seditious intention.”

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### Explanatory note

This Supplementary Order Paper reinstates the provisions repealed by section 5 of the Crimes (Repeal of Seditious Offences) Amendment Act 2007. Reinstatement of the seditious offences provisions covers the incitement, procurement, or encouragement of the commission of any offence that is prejudicial to the public safety or to the maintenance of public order, obviating much of the need for the Countering Terrorist Fighters Legislation Bill and, potentially, new security laws to follow the Government’s promised review.

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