

Crimes (Offence of Blasphemous Libel) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill amends the Crimes Act 1961 to repeal section 123, removing the offence of blasphemous libel from the New Zealand statute book.

The fact that blasphemous libel remains an offence under New Zealand law is anachronistic and contrary to basic tenets of free speech in New Zealand. Its retention is not supported by the churches that it was historically designed to protect. There has only been one, unsuccessful, prosecution for blasphemous libel in New Zealand, against the publisher of the newspaper *The Maoriland Worker* in 1922 for publishing two poems by the noted First World War poet Siegfried Sassoon.

More recent attempts to persuade the Crown to prosecute for blasphemous libel have been unsuccessful, and it is unlikely that the law would be used again.

An attempt was made in May 2017 to repeal the provision through a Supplementary Order Paper to the Statutes Repeal Bill in the name of Chris Hipkins, but this was opposed by National Party and Māori Party members and was defeated.

Clause by clause analysis

Clause 1 is the Title clause

Clause 2 is the commencement clause, and provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 states that the Act being amended is the Crimes Act 1961 (the **principal Act**).

Clause 4 replaces the heading to Part 7 to reflect the repeal of section 123.

Clause 5 repeals the cross-heading relating to section 123.

Clause 6 repeals section 123, removing blasphemous libel as an offence.

Angie Warren-Clark

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Crimes (Offence of Blasphemous Libel) Amendment Act **2018**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 3 Principal Act**
This Act amends the Crimes Act 1961 (the **principal Act**).
- 4 Part 7 heading replaced**
Replace the Part 7 heading with: 10

Part 7**Crimes against morality and public welfare****5 Cross-heading above section 123 repealed**

Repeal the cross-heading above section 123.

6 Section 123 repealed (Blasphemous libel)

5

Repeal section 123.