



Submission

To the Justice Select
Committee

On Crimes Legislation
(Stalking and Harassment)
Bill

About PPTA Te Wehengarua

PPTA Te Wehengarua represents the majority of teachers engaged in secondary education in New Zealand, including secondary teachers, principals, and manual and technology teachers.

Under our constitution, all PPTA Te Wehengarua activity is guided by the following objectives:

- to advance the cause of education generally and of all phases of secondary and technical education in particular;
- to uphold and maintain the just claims of its members individually and collectively; and
- to affirm and advance Te Tiriti O Waitangi.

This submission is from the PPTA Te Wehengarua Executive and is on behalf of all of our members.

Crimes Legislation (Stalking and Harassment) Bill submission

The Post Primary Teachers' Association Te Wehengarua welcomes the introduction of stalking and harassment to the Crimes Legislation. Because it has not previously been a criminal offense there is a lack of specific statistics about the frequency and demographics of stalking in New Zealand, but a relevant comparator is Australia. Australia reports one in seven adults have been stalked in their lifetime – one in five women and one in 15 men.¹ As teachers are visible members of their communities, they are at additional exposure to stalking and harassment. It is also an issue that affects the students they teach. Teenage girls are more likely to be the victims of stalking and harassment. New Zealand teachers are responsible for delivering consent and relationship education, which is vital in reducing the instance of stalking and harassment both online and in person.

PPTA Te Wehengarua calls on the Justice Select Committee to consider the following issues with the proposed Bill.

1) Three instances of stalking in a one-year period

PPTA Te Wehengarua advocates for this to be changed to two instances over any period of time.

The current definition of Criminal Harassment sits at two instances. Overriding this with a definition of stalking that requires three instances makes this stand against all forms of harassment, including stalking, weaker instead of stronger. We agree that the definition of stalking must include repeated actions, but two instances is enough to demonstrate a pattern of behaviour. Anything more allows this pattern to escalate.

The arbitrary limitation of a one-year period also disadvantages those people who experience harassment over a number of years. An extremely distressing example from Wellington was recently documented in *The Spinoff*, in which the abuse escalated for nine years.²

¹ "Stalking rates in Australia are still shockingly high – one simple strategy might help", *The Conversation*, October 24, 2024 <https://theconversation.com/stalking-rates-in-australia-are-still-shockingly-high-one-simple-strategy-might-help-241891>

² "I need to make you suffer": My near decade of violent harassment by a man I barely know", *The Spinoff*, 24 November 2024, <https://thespinoff.co.nz/society/25-11-2024/i-need-to-make-you-suffer-my-near-decade-of-violent-harassment-by-a-man-i-barely-know%C2%A0>

2) Likely to cause fear or distress to the victim

PPTA Te Wehengarua urges the Select Committee to consider the wording of the Bill that states that a person stalks and harasses another person if they engage in that pattern of behaviour knowing that it is “likely to cause fear or distress to person B” (the victim). This places the onus on the victim to prove that they were distressed or fearful. Requiring proof of emotional harm may require victims to give evidence, which is a well-documented barrier to cases being taken against perpetrators of stalking or harassment.

Elsewhere in the Bill stalking and harassment is defined as “acting in any way that would cause fear or distress to a reasonable person.” This has the advantage of removing the burden of proof from the victim. However as stalking is a gendered offense, with women making up the majority of victims, it is important that the law does not allow for women’s experiences to be excused or dismissed as unreasonable. Therefore we urge the Select Committee to be consistent and specific in the language of the Bill to ensure that women are not marginalised in ways that they have historically been, and continue to be, discriminated against.