

New Zealand Parliament Apologizes To Men Convicted Of Consensual Homosexual Crimes

Members of New Zealand's Parliament [have apologized](#) to approximately 200 men convicted of homosexual related acts that are no longer considered a crime. Legislation that will expunge their convictions is now being considered by Parliament.

Sixteen is the age of consent in New Zealand.

New Zealand's Homosexual Law Reform Act 1986 legalized consensual sexual relations between males aged 16 and over. The 1986 law repealed the provisions of the Crimes Act 1961 under which sodomy, indecent homosexual acts, and providing a place for homosexual acts were illegal for all males. Under the 1986 law homosexual acts between someone 16 and over and someone younger than 16 remained a crime – which it continues to be.

Consensual sex between women has never been illegal in New Zealand.

Between 1961 and 1986 an estimated 200 men were solely convicted of crimes involv-



New Zealand's Justice Minister Amy Adams (www.beehive.govt.nz)

New Zealand's Justice Minister Amy Adams announced on February 9, 2017 that legislation had been crafted that would enable some men convicted of a homosexual crime to have their conviction expunged. She also said they would not receive compensation because their convictions weren't wrongful: they had been correctly convicted under the then prevailing law. Minister Adams [apologized to those men](#):

“There is no doubt that homosexual New Zealanders who were convicted and branded as criminals for consensual activity suffered tremendous hurt and stigma ... We are sorry for what those men and their families have gone through.”

The Criminal Records “Expungement of Convictions for Historical Homosexual Offences” Bill [was filed](#) in New Zealand's Parliament on June 28, 2017. The bill pro-

vides for expunging the convictions of approximately 200 men who from 1961 to 1986 were solely convicted of homosexual activities involving consenting males 16 and over, that would not be considered a crime under current law. A person will have to submit an application to have their conviction reviewed by the Ministry of Justice. No hearing will be held. A relative or other interested person can request permission to represent a deceased person and submit an application on their behalf for a posthumous expungement. No compensation will be paid as a result of an expungement, and no fines paid will be reimbursed.

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The purpose of the expungement is to clear the stain of the conviction from the person's name, and eliminate adverse consequences that may result from having the criminal conviction on their record.

On July 6, 2017 the New Zealand Parliament [formally apologized](#) “to those homosexual New Zealanders who were convicted for consensual adult activity, and recognize[s] the tremendous hurt and suffering those men and their families have gone through, and the continued effects the convictions have had on them.”

The expungement bill has widespread support and is expected to be enacted into law by the fall of 2017.

[Click here to read New Zealand's](#) Criminal Records “Expungement of Convictions for Historical Homosexual Offences” Bill.

Spencer cont. From p. 14

...tive reports. A jury found for Plaintiff and against Defendants Krause and Sergeant Michael Davidson, Krause's supervisor. [Op. cit., 4]

“To prevail on a § 1983 claim of deliberate fabrication, a plaintiff must prove that (1) the defendant official deliberately fabricated evidence and (2) the deliberate fabrication caused the plaintiff's deprivation of liberty. [Op. cit., 14]

“Because Plaintiff introduced direct evidence of deliberate fabrication, he did not have to prove that Krause knew or should have known that he was innocent.” [Op. cit., 16]

“In sum, the Constitution prohibits the deliberate fabrication of evidence whether or not the officer knows that the person is innocent. ...The district court erred by granting judgment as a matter of law to Defendants because, in this case involving direct evidence of fabrication, Plaintiff was not required to show that Krause actually or constructively knew that he was innocent.” [Op. cit., 19]

REVERSED and REMANDED with instructions to reinstate the verdict. [Op. cit., 19]

On June 26, 2017 the ruling became final when the 9th Circuit denied a hearing to reconsider the ruling en banc.

Clark County's refusal to pay \$9 million to Spencer in February 2014 backfired, because with the addition of more than three years interest they will now be paying him in excess of \$10 million.

Clyde and Norma Spencer live in the Los Angeles area.

[Click here to read the court's ruling in](#) *Clyde Spencer v. Peters, et al*, No. 14 35689 (9th Cir., 5-18-17).

Sources:
[Clyde Spencer v. Peters, et al](#), no. 14-35689 (9th cir. 5-18-17) (Reversing Dist. Ct. ruling and reinstating \$9 mil. jury award.)
[Clyde Spencer v. Peters, et al](#), no. 14-35689 (9th cir. 6-26-17) (Denying en banc review, ruling final)
[Jury awards \\$9 million to former local cop](#), *The Columbian* (Vancouver, WA), February 3, 2014
[Clark County refuses to pay \\$9 million Spencer judgment](#), *The Columbian* (Vancouver, WA), February 12, 2014
[Judges reinstate \\$9 million award to Clyde Ray Spencer](#), *The Columbian* (Vancouver, WA), May 18, 2017

New Zealand is joining a growing list of countries and states that have enacted or are in the process of enacting legislation that provides for the expungement of historical convictions for homosexual acts that are no longer considered criminal:

- United Kingdom [in 2017](#).
- Germany [in 2017](#).
- And, five Australian states.
- South Australia [in 2013](#).
- New South Wales [in 2014](#).
- Victoria [in 2015](#).
- Australian Capital Territory [in 2015](#).
- Tasmania [in 2017](#).

Sources:
[Criminal Records](#) (Expungement of Convictions for Historical Homosexual Offences) Bill, New Zealand Legislation, filed June 28, 2017
[Homosexual Law Reform Act 1986](#), New Zealand Legislation (last viewed 7-17-2017)
[New Zealand Men Convicted of Gay Sex to Have Records Wiped](#), By Associated Press, NBC News, Feb. 9, 2017
[New Zealand Parliament apologizes](#) for homosexuality convictions, By Staff, Jurist.org, July 6, 2017