

# Departmental Disclosure Statement

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Crimes Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Justice.

The Ministry of Justice certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

7 November 2025.

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## Part One: General Policy Statement

The Crimes Amendment Bill (the **Bill**) aims to strengthen consequences for certain crimes and meet commitments in the National/New Zealand First coalition agreement.

The Bill enables better investigations and prosecutions of some serious offences. It makes improvements to protect Police undertaking covert operations regarding child exploitation. It makes the human trafficking and people smuggling provisions in the Crimes Act 1961 (the **Act**) more workable. The Bill also reforms the trafficking provisions to better align with article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the **Palermo Protocol**), supplementing the United Nations Convention against Transnational Organized Crime.

The Bill also gives effect to the National/New Zealand First coalition agreement by introducing specific offences for coward punches and for assaults on first responders and corrections officers, and by ensuring consequences for low-level crime like shoplifting. It also makes amendments relating to citizen's arrests, defence of property, and theft in response to recommendations from the Ministerial Advisory Group for Victims of Retail Crime.

The Bill –

- amends the law regarding citizen's arrests and defence of property:
- increases the maximum penalties for the offences of dealing in slaves and dealing in people under 18, to align with the penalties for people smuggling and people trafficking:
- amends the offence of human trafficking to better align with Article 3 of the Palermo Protocol and provide additional protections for children:
- amends the people smuggling offence to enable prosecutions in cases involving genuine but unlawfully obtained immigration documents:
- provides a protection for Police engaged in covert operations while investigating the exploitation of children by requiring the consent of the Attorney-General for prosecutions regarding actions taken in the course of those operations:
- creates new "coward punch" offences for strikes delivered to the head or neck of a victim who had limited or no opportunity to defend themselves:
- creates new offences for assaults on first responders and corrections officers:
- creates a new theft offence, for theft that is carried out in an offensive, threatening, insulting, or disorderly manner:
- amends the monetary thresholds and penalties for theft.

Retailers, security guards, and the public have expressed uncertainty about what the law allows them to do when making an arrest or defending property. The Bill expands the protection for citizen's arrests, so they can be carried out at any time of day and in relation to any offence under the Act. It also amends 3 defence of property provisions to permit striking or causing bodily harm to another person when defending property, as long as the force used is reasonable in the circumstances. The Bill clarifies that restraints can be used for a citizen's arrest where reasonable. These strengthened arrest and defence provisions are balanced against a new safeguard, which requires people to contact Police and follow Police instructions after a citizen's arrest.

International groups and non-profit organisations have raised concerns about New Zealand's people trafficking offence. The Bill's reconstruction of this offence ensures that it is fit for purpose, that the required elements are easier to identify, and that it aligns with international best practice. The Bill clarifies that a person cannot consent to

being trafficked and removes the requirement for a child to have been deceived or coerced. The Bill also increases the penalties for dealing in slaves (section 98 of the Act) and dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour (section 98AA of the Act) to a maximum penalty of 20 years' imprisonment or to a fine not exceeding \$500,000 (or both).

The Bill closes a loophole in the law so that a person can be prosecuted for people smuggling if they smuggle an unauthorised migrant using legitimate documents to enter New Zealand that were unlawfully obtained (for example, by deception, fraud, forgery, or other unlawful means). This will ensure that the law is fit for purpose and captures a wider range of people smuggling methods.

Police routinely undertake covert child exploitation investigations. Section 98AA of the Act criminalises transporting, buying, selling, or confining a minor for the purposes of sexual exploitation, or agreeing to do any of those things. Police investigations may be affected by this section. For example, an undercover officer investigating this offence may need to make certain statements, with no intent to carry them out, in order to gain the trust of suspected offenders. To prevent the possibility of vexatious private prosecutions, the Bill requires the Attorney-General's consent to be obtained to bring or continue a prosecution against an undercover officer.

A sudden strike to the head or neck of a victim who has limited or no opportunity to defend themselves, known as a coward punch, can result in severe injuries or death (directly or indirectly, for example, from a fall to the ground). The Bill introduces the following 3 new offences to recognise the potential for severe harm from such attacks:

- An offence of causing grievous bodily harm by strike to the head or neck, with intent to injure or reckless disregard, which has a maximum penalty of 8 years' imprisonment:
- An offence of causing grievous bodily harm by strike to the head or neck with intent to cause grievous bodily harm, with a maximum penalty of 15 years' imprisonment:
- An offence of manslaughter by strike to the head or neck, with a maximum penalty of life imprisonment.

These 3 offences are added to the Three Strikes regime to ensure that offenders serve mandatory sentences in line with that regime.

First responders and corrections officers run towards danger to help those who need urgent assistance at emergencies, either in the community or within prisons. The Bill makes the following 3 key changes to ensure that maximum penalties recognise the important role that first responders and corrections officers fulfil, and the heightened risks that assaulting them can pose:

- It expands the aggravated assault offence in section 192(2) of the Act to apply to all first responders and corrections officers and simplifies the offence:
- It creates a new offence of assaulting a first responder or corrections officer with intent to injure, increasing the applicable maximum penalty for this conduct from 3 years' to 5 years' imprisonment:
- It creates a new offence for injuring a first responder or corrections officer with intent to injure, increasing the maximum applicable penalty for this conduct from 5 years' to 7 years' imprisonment. This new offence is also added to the Three Strikes regime to ensure that offenders serve mandatory sentences in line with that regime.

A new theft offence provides another tool for prosecutors in charging offenders for retail crime, particularly when the threshold for robbery is not met but the theft is carried out in a disorderly manner. The new offence ensures that offenders are liable for appropriate penalties when they carry out theft in a manner that is offensive, threatening, insulting, or disorderly. It applies when the value of the property stolen does not exceed \$2,000. The maximum penalty is 2 years' imprisonment.

The Bill reduces the number of monetary thresholds for theft from 2 to 1, simplifying the application of penalties for theft offences depending on whether or not the value of the property is above \$2,000. Where the value of property stolen is at or below the threshold, the maximum penalty is 1 year's imprisonment. For theft of property valued at over \$2,000, the maximum penalty will be 7 years' imprisonment.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
See Appendix One for details.	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>YES</b>
<p>Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. New York, 15 November 2000. (accessible at <a href="#">Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime   OHCHR</a>)</p> <p>The Bill aligns the people trafficking offence at section 98D of the Crimes Act 1961, and its associated definitions, more closely with the Protocol's requirements for trafficking, coercion, exploitation, and consent, including clarifying that deception and coercion is not required for trafficking if the victim is under 18.</p>	

<b>2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?</b>	<b>NO</b>
There was no Parliamentary examination of the proposed action in relation to the treaty.	

### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
<p><i>Regulatory Impact Statement: Arrest and defence of property amendments</i>, Ministry of Justice, 11 December 2024. This impact analysis is available on:</p> <ul style="list-style-type: none"><li>the Ministry of Justice's website: <a href="https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/">https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/</a></li></ul> <p><i>Regulatory Impact Statement: Crimes Act Amendment Bill</i>, Ministry of Justice, 28 May 2025. This impact analysis is available on:</p> <ul style="list-style-type: none"><li>the Ministry of Justice's website: <a href="https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/">https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/</a></li><li>the Ministry for Regulation's website: <a href="https://www.regulation.govt.nz/our-work/regulatory-impact-statements/">https://www.regulation.govt.nz/our-work/regulatory-impact-statements/</a></li></ul>	

<b>2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
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However, the Ministry of Justice's Regulatory Impact Assessment Quality Assurance Panel (QA Panel) reviewed the 'Regulatory Impact Statement: Crimes Act Amendment Bill' document instead. The QA Panel considered that the RIS partially meets the Quality Assurance criteria.

*QA Panel Comment:*

"The scope of the analysis was largely limited to problems and solutions identified in Government coalition agreements, Members Bills and proposals by the Ministerial Advisory Group on Retail Crime. Time constraints also limited the Ministry's ability to develop and assess a wider range of options, including preventing almost any consultation beyond government agencies. As the RIS notes, this would have assisted in identifying any unintended consequences and implementation considerations.

Nevertheless, within the scope and timing in which officials were directed to develop the policy proposals, the QA Panel considered the analysis contained in the RIS was robust, and sufficient to enable Cabinet to make informed decisions on the proposals.

The Ministry for Regulation determined that the proposal to amend the smuggling provisions in the Crimes Act 1961 to enable prosecution in cases where people are smuggled using genuine but fraudulently obtained documents was exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the economic, social, or environmental impacts are limited and easy to assess."

**2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?**

**YES**

The Bill creates new theft offence covering theft of property under \$2,000 which is carried out in a manner that is offensive, threatening, insulting, or disorderly. The maximum penalty would be two years imprisonment. This policy has the most similarities to the aggravated shoplifting offence covering aggressive or intimidating behaviour, which is described in Option Two in Part Four (Retail Crime) of the RIS. However, the offence has different wording and does not include the strict liability offence and infringement regime described in Option Two.

The Bill adjusts the theft offence penalty thresholds to a single threshold of \$2,000. Theft of all property under \$2,000 would have a maximum penalty of one year imprisonment, and theft of all property above \$2,000 would have a maximum penalty of seven years imprisonment. This policy has the most similarities to Option Four in Part Four (Retail Crime) of the RIS. In the latter, theft below \$1,000 has one year imprisonment, and theft above \$1,000 has seven years imprisonment.

**Extent of impact analysis available**

**2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?**

**YES**

See question 2.5 below regarding costs and benefits.

<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>
<p>The average increase in the prison population is estimated to be a total of 245 people, with a range of 170 to 320 people, within five years of the legislation coming into force. The average annual cost to Corrections for this is estimated to be a total of \$42.3 million, with a range of \$29 to \$55.6 million. Almost all these costs would fully eventuate within five years of the legislation coming into force, although some of the costs would eventuate sooner. For example, some costs would eventuate in the first year as people charged with the new offences are more likely to be remanded in custody, and some costs would eventuate within three years, such as the number of offenders on home detention, intensive supervision, and community detention sentences. These estimated costs include the impact of the first responder assault offences, the one-punch attack offences, and adjusting the theft penalties. Further information on how to interpret the estimated costs can be found in Appendix One.</p> <p>The costs of the human trafficking and people smuggling amendments cannot be isolated as these offences are infrequently charged, but they would not add significantly to the above estimate.</p> <p>Analysis of the other expected benefits and costs for the policy is available in the RIS.</p>	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>YES</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>YES</b>
<p>As with any new or revised offences, costs and benefits will be impacted by the level of compliance, resourcing, and enforcement. It is difficult to estimate what the frequency of offending will be for some of the new or revised offences. While assaults on first responders, one punch attacks, and human trafficking are already criminalised, there are also new offences, such as the theft in a threatening manner offence. More information on compliance and enforcement is available in the RIS.</p>	

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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The proposals relating to assaults and theft seek to fulfil the Government's duty to protect the life, safety and security of New Zealanders under the International Convention on Civil and Political Rights (ICCPR). To the extent that any of the proposals limit other rights in the ICCPR this is considered justified in light of the importance of public safety.
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### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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Māori are disproportionately overrepresented in criminal justice statistics and are more likely to be proceeded against by Police and convicted. Previous modelling by the Ministry of Justice indicates that many offenders affected by the Three Strikes policy will be Māori, which could increase disproportionately with the addition of new offences to this regime.
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Te Puni Kōkiri (TPK) was consulted on the Cabinet paper and RIS, and TPK noted that a lack of wider consultation with Māori on issues that are likely to impact them undermines the principles of participation and equity. No Māori representative groups have been consulted or engaged on the policy options in this Bill due to time constraints. Targeted consultation has been undertaken but not with relevant Māori interest groups which may affect the obligation for the Crown to consult on issues that affect Māori.
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The development of alternative policy options or mitigations on the impacts of the new offence options on Māori has not been investigated due to time constraints. Aspects of the policy design that may help mitigate impacts on Māori have also not been explored fully. This could impact on the Crown's obligation to take active steps to protect Māori interests, which has been highlighted previously by the Waitangi Tribunal in the Tū Mai te Rangi report (Wai 2540).
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### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
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Advice provided to the Attorney-General, or a section 7 report of the Attorney-General, is expected to be available on the Ministry of Justice's website upon introduction of a Bill at:
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| <ul style="list-style-type: none"><li>• <a href="#">Advice on consistency of Bills with the Bill of Rights Act</a></li><li>• <a href="#">Section 7 reports</a></li></ul> |
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### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
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<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>YES</b>
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<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>
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See Appendix Two for details.
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<b>3.4.1. Was the Ministry of Justice consulted about these provisions?</b>	<b>NO</b>
The Ministry of Justice led the policy development of the Bill.	

### Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>

### External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
See Appendix Two for details.	

### Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>NO</b>

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

<b>4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?</b>	<b>NO</b>

### Charges in the nature of a tax

<b>4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>	<b>NO</b>

### Retrospective effect

<b>4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?</b>	<b>NO</b>

### Strict liability or reversal of the usual burden of proof for offences

<b>4.4. Does this Bill:</b>	
<b>(a) create or amend a strict or absolute liability offence?</b>	<b>NO</b>
<b>(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?</b>	<b>NO</b>

### Civil or criminal immunity

<b>4.5. Does this Bill create or amend a civil or criminal immunity for any person?</b>	<b>NO</b>
However, clause 18 requires the leave of the Attorney General to bring public and private prosecutions under section 98AA against an undercover Police officer who is investigating a potential breach of section 98AA. This approach aligns with that taken to covert investigations for other offences, such as firearm and drug offences.	

### Significant decision-making powers

<b>4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?</b>	<b>NO</b>

### Powers to make delegated legislation

<b>4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</b>	<b>NO</b>

<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>NO</b>

### Any other unusual provisions or features

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>YES</b>
See Appendix Three for details.	

## Appendix One: Further Information Relating to Part Two

### Publicly available inquiry, review or evaluation reports – question 2.1

#### Arrest and defence of property

- Amendments to arrest and defence of property provisions in the Crimes Act – Cabinet paper, Office of the Minister of Justice, 25 February 2025. [https://www.justice.govt.nz/assets/Documents/Publications/Crimes-Act-2025\\_Redacted.pdf](https://www.justice.govt.nz/assets/Documents/Publications/Crimes-Act-2025_Redacted.pdf)
- Amendments to arrest and defence of property provisions in the Crimes Act – Cabinet minute, Cabinet Office, 25 February 2025. [https://www.justice.govt.nz/assets/Documents/Publications/Crimes-Act-2025\\_Redacted.pdf](https://www.justice.govt.nz/assets/Documents/Publications/Crimes-Act-2025_Redacted.pdf)
- Amendments to arrest and defence of property provisions in the Crimes Act – Cabinet minute, Cabinet Office, 19 February 2025. [https://www.justice.govt.nz/assets/Documents/Publications/Crimes-Act-2025\\_Redacted.pdf](https://www.justice.govt.nz/assets/Documents/Publications/Crimes-Act-2025_Redacted.pdf)
- Crimes Act 1961 Amendment Policy Proposal and Submissions Review, Ministerial Advisory Group for Victims of Retail Crime, 30 October 2024. [MAG-Final-report-on-workstream-1.pdf](https://www.justice.govt.nz/assets/Documents/Publications/Crimes-Act-2025_Redacted.pdf)
- Regulatory Impact Statement: Arrest and defence of property amendments, Ministry of Justice, 11 December 2024. [Regulatory-Impact-Statement\\_Arrest-and-defence-of-property-amendments.pdf](https://www.justice.govt.nz/assets/Documents/Publications/Crimes-Act-2025_Redacted.pdf)

#### First responders and corrections officers

- Strengthening Consequences for Crime in the Crimes Act 1961 – Cabinet paper, Office of the Minister of Justice, 23 June 2025. [Strengthening-Consequences-for-Crime-in-the-Crimes-Act-1961\\_FINAL.pdf](https://www.justice.govt.nz/assets/Documents/Publications/Crimes-Act-2025_Redacted.pdf)
- Protection for First Responders and Prison Officers Bill, Darroch Ball. <https://www.legislation.govt.nz/bill/member/2018/0064/latest/whole.html#LMS43773>
- Protection for First Responders and Prison Officers Bill (No 2), Hon Mark Mitchell. <https://www.parliament.nz/media/9654/protection-for-first-responders-and-prison-officers-bill-no-2.pdf>
- Protection for First Responders and Prison Officers Bill – Initial Briefing, Ministry of Justice, 4 March 2020. [https://www.parliament.nz/resource/en-NZ/53SCJU\\_ADV\\_78241\\_JU419/4abaa36e816b7e096e055fe268716b16249b3d79](https://www.parliament.nz/resource/en-NZ/53SCJU_ADV_78241_JU419/4abaa36e816b7e096e055fe268716b16249b3d79)
- Departmental Report: Protection for First Responders and Prison Officers Bill, Ministry of Justice. [https://www.parliament.nz/resource/en-NZ/53SCJU\\_ADV\\_78241\\_JU420/024f0cdd61f269f19e2fb7ab056cffcff5581507](https://www.parliament.nz/resource/en-NZ/53SCJU_ADV_78241_JU420/024f0cdd61f269f19e2fb7ab056cffcff5581507)
- Response to the Committee’s request for further information on mandatory minimum sentences in comparable jurisdictions, Ministry of Justice, 26 May 2020. [https://www.parliament.nz/resource/en-NZ/53SCJU\\_ADV\\_78241\\_JU421/3a402c88d55c1771b3c4f2c1f9165cfe55cf0cf](https://www.parliament.nz/resource/en-NZ/53SCJU_ADV_78241_JU421/3a402c88d55c1771b3c4f2c1f9165cfe55cf0cf)
- Protection for First Responders and Prison Officers Bill – advice on SOPs, Ministry of Justice, 30 November 2020. [https://www.parliament.nz/resource/en-NZ/53SCJU\\_ADV\\_78241\\_JU463/d9e06eb5e344a93d5810d66ddc06393204743284](https://www.parliament.nz/resource/en-NZ/53SCJU_ADV_78241_JU463/d9e06eb5e344a93d5810d66ddc06393204743284)
- Protection for First Responders and Prison Officers Bill, Justice Committee, April 2021.

<https://selectcommittees.parliament.nz/view/SelectCommitteeReport/cce5ba74-2c5e-450a-bd5c-00b42ed6ca5a>

#### Human trafficking and people smuggling

- Strengthening Consequences for Crime in the Crimes Act 1961 – Cabinet paper, Office of the Minister of Justice, 23 June 2025. [Strengthening-Consequences-for-Crime-in-the-Crimes-Act-1961\\_FINAL.pdf](#)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, United Nations, 15 November 2000. <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>
- Crimes (Increased Penalties for Slavery Offences) Amendment Bill: Submission from World Vision New Zealand, World Vision New Zealand, 13 February 2025. [https://www.parliament.nz/resource/en-NZ/54SCJUST\\_EVI\\_82e8e858-09d9-4aea-6c04-08dc494421e8\\_JUST63352/a671c9447cd2debb91246fa8bf284a138d21d9dd](https://www.parliament.nz/resource/en-NZ/54SCJUST_EVI_82e8e858-09d9-4aea-6c04-08dc494421e8_JUST63352/a671c9447cd2debb91246fa8bf284a138d21d9dd)  
[https://www.parliament.nz/en/pb/sc/submissions-and-advice/document/54SCJUST\\_EVI\\_82e8e858-09d9-4aea-6c04-08dc494421e8\\_JUST63352/world-vision-new-zealand](https://www.parliament.nz/en/pb/sc/submissions-and-advice/document/54SCJUST_EVI_82e8e858-09d9-4aea-6c04-08dc494421e8_JUST63352/world-vision-new-zealand)
- Building Consensus: A Comprehensive Framework for Combating Trafficking in Persons and Modern Slavery in New Zealand, Part 10: Amendments to the Crimes Act 1961, Rebekah Armstrong, Rebecca Kingi, and Jacob Parry, December 2024. [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)
- 2024 Trafficking in Persons Report: New Zealand, US Department of State. <https://www.state.gov/reports/2024-trafficking-in-persons-report/new-zealand/>

#### One-punch attacks

- Strengthening Consequences for Crime in the Crimes Act 1961 – Cabinet paper, Office of the Minister of Justice, 23 June 2025. [Strengthening-Consequences-for-Crime-in-the-Crimes-Act-1961\\_FINAL.pdf](#)
- Crimes (Coward Punch Causing Death) Amendment Bill, Matt King. <https://www.legislation.govt.nz/bill/member/2018/0097/latest/whole.html>
- Crimes (Coward Punch Causing Injury or Death) Amendment Bill, Maureen Pugh. <https://www.parliament.nz/media/9025/crimes-coward-punch-causing-injury-or-death-amendment-bill.pdf>
- Crimes (Coward Punch Causing Injury or Death) Amendment Bill, Paulo Garcia. <https://www.legislation.govt.nz/bill/member/2025/0119/latest/whole.html>
- Crimes Act 1900, section 25A Assault causing death, NSW legislation. <https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#sec.25A>
- Criminal Code Act 1899, section 314A Unlawful striking causing death, Queensland legislation. <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009#sch.1-sec.314A>
- Coward punchers: Shamed and deterred by ‘one punch’ laws?, Lisa Coates and Allegra Glover, Salus Journal, 2022. <https://view.salusjournal.com/index.php/salusjournal/article/view/136>
- Dehenna Davison’s amendment, Criminal Justice Bill, UK Parliament. <https://bills.parliament.uk/bills/3511/stages/18090/amendments/10011750>
- Minding the Gap in Unlawful and Dangerous Act Manslaughter: A Moral Defence of One-punch Killers, Barry Mitchell, Journal of Criminal Law,

December 2008.

<https://heinonline.org/HOL/Page?handle=hein.journals/jcriml72&id=581&collection=journals&index=>

#### Theft and shoplifting

- Strengthening Consequences for Crime in the Crimes Act 1961 – Cabinet paper, Office of the Minister of Justice, 23 June 2025. [Strengthening-Consequences-for-Crime-in-the-Crimes-Act-1961\\_FINAL.pdf](#)
- Final report on shoplifting, Ministerial Advisory Group for Victims of Retail Crime. <https://www.justice.govt.nz/assets/Documents/Publications/Ministerial-Advisory-Group-for-Victims-of-Retail-Crime-Final-Report-on-Shoplifting.pdf>
- Summary of theft and shoplifting proposals agreed by Cabinet, Ministry of Justice. <https://www.justice.govt.nz/assets/Documents/Publications/Summary-of-theft-and-shoplifting-proposals-in-the-Crimes-Amendment-Bill-Cabinet-paper.pdf>

### Analysis on the size of the potential costs and benefits – question 2.5

The cost estimate is in relation to the Crimes Amendment Bill in isolation. The estimates do not consider any overlap with other policy proposals in progress, or the impact of the Sentencing (Reform) Amendment Act 2025, such as the limits on sentencing discounts.

Modelling on the costs and increase to the prison population was estimated with the threshold for shoplifting and other theft of up to \$1000 having a maximum penalty of 1 year imprisonment, and over \$1000 having a maximum penalty of 7 years imprisonment. The threshold for shoplifting and other theft was later changed to a maximum penalty of 1 year imprisonment for theft up to \$2000, and a maximum penalty of 7 years imprisonment for theft over \$2000. A new aggravated theft offence was also included, where the value of the property does not exceed \$2000, and the theft is carried out in a manner that is offensive, threatening, insulting, or disorderly. This new offence would carry a maximum penalty of 2 years imprisonment.

Due to the complexity involved, these changes to the threshold and the new theft offence have not been included in the modelling. However, it is likely that the net effect of these changes will be similar to the current modelling. This is for two reasons.

Firstly, increasing the threshold from \$1000 to \$2000 would result in a reduction in the prison population and Corrections costs compared to the current estimate. However, those shoplifting or conducting theft with a value of goods between \$1000 and \$2000 are most likely already being treated as closer to a 1-year maximum penalty than a 7-year penalty.

Secondly, the new aggravated theft offence would result in an increase in the prison population and Corrections costs compared to the current estimate, with tougher penalties being imposed for those committing the new offence.

## Appendix Two: Further Information Relating to Part Three

### Offences, penalties and court jurisdictions – question 3.4(a)

Clause 13 increases the maximum penalty for dealing in slaves (section 98 of the Act) from 14 years' imprisonment to 20 years' imprisonment, or a penalty of \$500,000 (or both).

Clause 14 increases the maximum penalty for dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour (section 98AA of the Act), from 14 years' imprisonment to 20 years' imprisonment, or a penalty of \$500,000 (or both).

Clause 15 amends the definitions of exploitation, forced or exploitative labour or services, and unauthorised migrants in section 98B of the Act.

Clause 16 reconstructs the offence of trafficking in persons (section 98D of the Act) to better align it with Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the Palermo Protocol). The Amendments

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- amend the provision to clarify what acts amount to trafficking and the ways those acts can be done:
- align the means by which an act of trafficking is achieved with Palermo Protocol:
- amend the offence to require the act of trafficking to be performed for the purpose of exploiting the trafficked person (or facilitating their exploitation), and for the act of trafficking to be achieved by one of the means listed in section 98D(1)(b):
- create a separate offence of trafficking a child, which has a lower threshold before an offence is committed. This offence requires a person to perform, arrange, organise, or procure an act of trafficking for the purpose of the exploitation of that child. Unlike trafficking an adult, to unlawfully traffic a child there is no requirement the child be threatened or coerced in any way in order to achieve to traffic them:
- amend the section to make clear that it is irrelevant if the trafficked person was not actually exploited:
- provide that it is a defence to a charge that a person trafficked a child if they prove they believed on reasonable grounds that the child was over 18 years of age:
- amend the section to make clear that the consent of the trafficked person or child is not a defence to a charge under the section.

Clause 18 amends section 98AA of the Act. The amendments require the leave of the Attorney-General before proceedings under section 98AA may be brought against a constable in respect of any act they committed while acting as an undercover officer.

Clause 19 creates a new offence of manslaughter by strike to head or neck. Culpable homicide not amounting to murder or infanticide is manslaughter if it consists in the killing of a person by a strike to their head or neck in circumstances where they had limited or no opportunity to defend themselves. It has a maximum penalty of life imprisonment in line with the current manslaughter offence. This new offence is not intended to alter the interpretation of the more general manslaughter offence in section 171.

Clause 20 inserts new section 188A into the Act. This section creates two new offences relating to strikes to the head or neck—striking with intent to cause grievous bodily harm, and striking with intent to injure or with reckless disregard. Both offences apply when a person strikes another person in the head or neck in circumstances where they have no or little opportunity to defend themselves and in a manner that wounds,

maims, disfigures, or causes grievous bodily harm to that person. The offences have a maximum penalty of 15 years' imprisonment if the person intended to cause grievous bodily harm, or 8 year's imprisonment if they had intent to injure or reckless disregard for the safety of others.

Clause 22 inserts a third offence into section 189 of the Act. The new offence is committed if a person injures a first responder or corrections officer acting in the course of their duty, and this is done either with the intent to injure or with reckless disregard for the safety of any first responder or corrections officer. A person who commits this new offence is liable upon conviction for up to 7 years' imprisonment. This is 2 years more than the maximum penalty for a person who commits an offence by injuring any person with intent to injure or reckless disregard for the safety of others.

Clause 23 replaces section 192(2) of the Act and inserts new subsections (3) and (4). These amendments provide that a person who assaults a first responder or constable acting in the course of their duty, or any person acting in aid of any constable acting in the course of their duty, commits aggravated assault and is liable upon conviction to imprisonment for up to 3 years. The purpose of the assault is no longer required to be the obstruction of the constable in the course of their duty as is the case under the current law. The amendments also extend the offence of aggravated assault to an assault on a corrections officer. The offence of assaulting any person in the lawful execution of any process with the intent to obstruct that person in the execution of their duty has not been changed.

Clause 24 amends section 193 to provide that a person commits an offence if they, with the intent to injure any first responder or corrections officer, assault any first responder or corrections officer acting in the course of their duty. This offence carries a maximum penalty of 5 years imprisonment, a 2 year increase on the maximum penalty for assault with intent to injure any person.

Clause 25 inserts a new offence as section 219A of the Act of theft in an offensive, threatening, insulting, or disorderly manner. The offence is only available for theft of property with a value up to \$2,000 and carries a maximum penalty upon conviction of 2 years imprisonment.

Clause 26 amends section 223 of the Act. The amendments simplify the penalty structure for theft offences. The amendments create 2 categories of penalties (in addition to the penalties in sections 219A and 220A). For theft of property which has a value exceeding \$2,000, a person who is convicted of theft is liable to up to 7 years imprisonment. If the value of the property does not exceed \$2,000, the penalty is up to 1 year imprisonment.

Clauses 27 and 28 amend sections 241 and 247 of the Act to align the penalties for obtaining by deception or causing loss by deception and receiving of property that is stolen or obtained by any other imprisonable offence with the new penalty structure in section 223.

Clause 30 repeals section 10 of the Summary Offences Act 1981.

Clause 31 and the Schedule set out a number of consequential amendments to other legislation. In particular, the Schedule adds the manslaughter by strike to the head or neck offence to the list of category 4 offences in Schedule 1 of the Criminal Procedure Act 2011, and also amends Schedule 1AB of the Sentencing Act 2002 to add the following new offences to the list of qualifying offences for the purpose of the three strikes regime:

- manslaughter by strike to the head or neck (section 171A):
- wounding with intent to cause grievous bodily harm by strike to the head or neck (section 188A(1)):
- wounding with intent to injure by strike to the head or neck (section 188A(3)):

- injuring with intent to injure any first responder or corrections officer (section 189(3)).

### External consultation – question 3.6

The Privacy Commissioner was consulted throughout the policy process, including on the policy briefings, the Cabinet paper, and the draft Bill.

Targeted consultation was undertaken with Hato Hone St John, Wellington Free Ambulance, and Fire and Emergency New Zealand regarding how to define a first responder, including in relation to volunteer first responders. The feedback reinforced that section 9(4A) of the Sentencing Act 2002 and section 92(4) of the Health and Safety at Work Act 2015 would be useful to consider in defining a first responder, and that similar wording would also cover volunteer first responders.

Te Kāhui Tika Tangata Human Rights Commission was consulted on the Bill, and expressed concern that the citizen's arrest and defence of property amendments may breach the New Zealand Bill of Rights Act 1990 and be inconsistent with the Government's obligations under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment, and the Convention on the Rights of the Child. On this basis, the Commission recommended that the citizen's arrest powers are not expanded to all offences under the Crimes Act, that "physical or mechanical restraints" are removed as examples of reasonable force, and that the existing prohibition is maintained on using force that involves striking or causing bodily harm when defending property. If the recommendations were not accepted, the Commission recommended that additional human rights safeguards be included in the Bill.

The Human Rights Commission supported the amendments that strengthen penalties and definitions relating to slavery, trafficking and exploitation.

Mana Mokopuna Children's Commissioner was consulted on the Bill, and opposed the amendments relating to citizen's arrest, and the new offence for theft in an offensive, threatening, insulting, or disorderly manner. While Mana Mokopuna supported efforts to increase public safety and reduce offending in communities, it reiterated the evidence that shows effectively preventing and addressing youth offending requires addressing the drivers of that offending, such as poverty and trauma. Evidence does not support taking an approach that prioritises punishment. Mana Mokopuna also expressed concerns that the proposals presented undue and disproportionate risk to the rights, interests and well-being of children and young people, both as offenders and as retail workers, which the Government is obligated to protect as a State Party to the UN Convention on the Rights of the Child. Mana Mokopuna recommend if this policy goes ahead, amendments are added to specify that citizen arrest powers can neither be used by children (people under the age of 18), nor against children, and, if they are used, they will not constitute a justified citizen's arrest. Mana Mokopuna also recommended penalties for anyone found to have used a citizen arrest power on a child, or who is found to have used excessive force on people of any age.

## Appendix Three: Further Information Relating to Part Four

### Any other unusual provisions or features - question 4.9

Clauses 8 and 9 amend sections 39 and 40 of the Act to clarify that reasonable force during a citizen's arrest may include the use of physical or mechanical restraints. It is unusual to specify in an Act what may constitute reasonable force, as the courts assess what is reasonable, taking into account all the circumstances of individual cases. The purpose of the provisions is to give greater certainty to retailers and the public when conducting citizen's arrests.

Clause 19 creates a new offence of manslaughter by strike to the head or neck. It clarifies that a strike to the head or neck, in circumstances where the other person had no or limited opportunity to defend themselves, which causes a death that is not murder constitutes manslaughter. The maximum penalty would be imprisonment for life, being the penalty for manslaughter. It is unusual to have an offence which references manslaughter in this manner, but which is fully encompassed within the existing manslaughter offence. The purpose of the provision is to recognise the harm caused by these attacks.

Clause 25 creates a new offence of theft over property under \$2,000 in an offensive, threatening, insulting, or disorderly manner. The maximum penalty would be 2 years imprisonment. This provision combines the offence of theft with similar wording from section 3 of the Summary Offences Act 1981. It is unusual to combine theft with wording from a public order offence. The purpose of the provision is to recognise the higher degree of harm caused when theft is accompanied by behaviour that disrupts or intimidates the public.