
Legislative statement

Crimes Amendment Bill

First Reading

December 2025

Presented to the House of Representatives
under Standing Orders 272

Hon Paul Goldsmith
Minister of Justice
Minister in charge of the bill

Overview of bill

What does the bill do?

1. The Crimes Amendment Bill amends multiple parts of the Crimes Act 1961 to:
 - a. extend citizen's arrest provisions and provide greater clarity about making an arrest and defending property;
 - b. strengthen the people smuggling and people trafficking offences, and add a protection against vexatious prosecutions for undercover Police officers involved in covert child exploitation investigations or operations;
 - c. add three new 'coward punch' offences for strikes delivered to the head or neck, where the victim had limited or no opportunity to defend themselves;
 - d. add three new offences for assaults on first responders (i.e. Police officers, ambulance services, and firefighters) and corrections officers; and
 - e. add a new theft offence and simplify the penalties for theft.
2. A connected amendment paper adds a new shoplifting infringement offence into the Summary Offences Act 1981.

Why is the bill needed?

3. This package of amendments prioritises greater justice for victims and stronger consequences for offenders. It responds to trends in violent offending and retail crime over the past several years and improves New Zealand's people trafficking, smuggling, and exploitation laws to address gaps and international inconsistencies.
4. The new coward punch and first responder/corrections officer offences, as well as the amendments to target theft, fulfil National/New Zealand First coalition agreement commitments.
5. The amendments to the citizen's arrest, defence of property, and theft provisions respond to recommendations made by the Ministerial Advisory Group for Victims of Retail Crime.

Main policy proposals

Citizen's arrest and defence of property amendments

6. The Bill amends the arrest and defence of property provisions in sections 35–40; 52, 53, and 56 of the Act. The amendments aim to reduce confusion by giving retailers and members of the public confidence that they are legally protected if they intervene and use reasonable force to prevent property-related and other offending. They:
 - a. Expand the protections for making a citizen's arrest, so they are justified at any time of the day or night, for any offence against the Act so long as the person contacts the Police and follows all directions.
 - b. Clarify that reasonable force can be used when making a citizen's arrest and defending property.

People smuggling, people trafficking, and child exploitation

7. The Bill amends the exploitation-related offences in sections 98, 98AA, 98B, 98C, and 98D of the Act. The amendments:
 - a. Increase the maximum penalties in the section 98 and 98AA slavery-related offences, to align with the maximum penalties in the people smuggling and people trafficking offences. These amendments effectively incorporate a member's bill in the name of Greg Fleming MP for Maungakiekie, the *Crimes (Increased Penalties for Slavery Offences) Amendment Bill*, into this Bill.
 - b. Add a requirement into the section 98AA child exploitation offence, to obtain the Attorney-General's permission before bringing proceedings against a Police officer involved in covert child exploitation investigations or operations, to prevent vexatious prosecutions.
 - c. Expand the definition of "unauthorised migrant" (found in section 98B and the section 98C migrant smuggling offence) to close a loophole, enabling prosecution of people smugglers who smuggle migrants using authentic, but unlawfully obtained travel documents (for example, by deception, fraud, or forgery).
 - d. Update the section 98D trafficking in persons offence to make it easier to prosecute, especially for trafficking cases involving children. These amendments also act on recommendations made by UN bodies and the US Department of State to bring our trafficking offence in line with international standards. In particular, with Article 3 of the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (also known as the Palermo Protocol).

Three new ‘coward punch’ (strike to head or neck) offences

8. The Bill adds three new ‘coward punch’ offences to the Act, as new sections 171A and 188A.
9. The new offences capture strikes to a person’s head or neck in circumstances where they had limited or no opportunity to defend themselves.
10. The maximum penalty for the new section 171A manslaughter offence is imprisonment for life, in alignment with the section 177 manslaughter offence.
11. The maximum penalties for the wounding offences in new section 188A are 8 and 15- years’ imprisonment, depending on the intent of the offender (representing a one-year increase on the current maximum penalties).
12. The new offences will be added to the Three Strikes regime.

Three new offences for assaults on first responders and corrections officers

13. The Bill amends the Act’s section 189, 192, and 193 assault offences, to increase the maximum penalties for assaulting first responders and corrections officers. Assaults on first responders and corrections officers put multiple lives at risk and can undermine the provision of emergency assistance.
14. The amendments:
 - a. Define a ‘first responder’ as a constable, an authorised officer, and those who have a legal duty to provide services at the scene of an emergency (for example, ambulance staff and firefighters).
 - b. Increase the maximum penalties by two years for section 189 (Injuring with intent) and 193 (Assault with intent to injure) offences on first responders and corrections officers. The injuring with intent offence will be added to the Three Strikes regime.
 - c. Expand the section 192 (Aggravated assault) offence, which currently only applies to constables, to capture all first responders and corrections officers.
15. The new offences require a person to be aware that they are assaulting a first responder (for example, inferred because the first responder is in uniform).

Adding a new theft offence and simplifying theft penalties

16. The Bill adds a new theft offence as new section 219A (Theft in offensive, threatening, insulting, or disorderly manner). This offence targets theft of property valued at \$2,000 or less which is carried out in a manner that is offensive, threatening, insulting, or disorderly. A maximum penalty of two years’ imprisonment would apply.

17. The penalties for theft in section 223 have been simplified, so instead of two monetary thresholds there is now one. This change creates a stronger penalty for theft of low value property valued at \$500 or less and reduces the complexity of applying the correct penalty.

Adding a shoplifting infringement offence into the Summary Offences Act 1981

18. A new shoplifting infringement offence is being added to the Summary Offences Act 1981 via an amendment paper. The offence provides Police with an additional tool to respond swiftly and directly to shoplifting and aims to reduce the administrative burden on retailers. Police would still be able to bring criminal charges if the offending is more serious and an infringement would not be an appropriate response.
19. The offence would apply to retail premises, be a strict liability offence (proved simply by evidence that the person left the store with the goods, such as CCTV footage, with a “reasonable excuse” defence, to ensure that people who genuinely make a mistake are not culpable), and have an infringement fee of \$500, or \$1,000 if the value of the stolen property is over \$500 in value.

Development of bill

20. In February 2025 the Ministry was directed to explore a number of changes to the Crimes Act 1961 in response to the commitments of the National/New Zealand First coalition agreement.
21. Targeted consultation with relevant government agencies (including Crown Law Office, Department of Corrections, Ministry of Disabled People, Ministry for Business, Innovation and Employment (Immigration) NZ Police, Office of the Privacy Commissioner, Ministry for Pacific Peoples and Oranga Tamariki) on policy briefings was undertaken between 17 March – 4 April 2025. Summaries of this feedback are available in the RIA.¹
22. There was no public consultation on the proposed amendments.
23. The Ministerial Advisory Group for Victims of Retail Crime engaged with victims, workers, business owners, retail experts and advocacy groups in relation to the amendments to the citizen’s arrest and theft provisions. Relevant interest groups were also consulted, primarily from the security and retail industries, and crime prevention and central city groups.
24. The Bill reflects policy decisions made by Cabinet in February and June 2025.

¹ See *Regulatory Impact Statement: Crimes Act Amendment Bill*, 28 May 2025, noting a separate RIS was prepared for the arrest and defence of property proposals (*Regulatory Impact Statement: Arrest and defence of property amendments*, 11 December 2024).

Procedural matters (if applicable)

25. To enable the select committee to consider the proposed shoplifting infringement offence alongside the Crimes Act 1961 amendments, it is being progressed via an amendment paper (to be introduced immediately following the First Reading) which would place this offence in the Summary Offences Act 1981.

Further information

26. The Ministry of Justice produced a Regulatory Impact Statement (RIS) on 28 May 2025 (and on 11 December 2024 for the arrest and defence of property proposals). See the following links:

- a. the Ministry of Justice website: [Regulatory Impact Assessments | New Zealand Ministry of Justice](#); [Ministerial Advisory Group for Victims of Retail Crime | New Zealand Ministry of Justice](#)
- b. the Ministry for Regulation website: [Regulatory Impact Statements \(RISs\) | Ministry for Regulation](#)

27. The Bill and amendment paper can be found on the New Zealand Legislation website:

- a. [Crimes Amendment Bill 223-1 \(2025\), Government Bill – New Zealand Legislation](#); and
- b. [Amendment Paper No 436 \(released 03 December 2025\) – New Zealand Legislation](#)

28. Advice relating to consistency with the New Zealand Bill of Rights Act can be found here: [20251203-Advice-on-the-Crimes-Amendment-Bill-28-October-2025.pdf](#)

29. The departmental disclosure statement (DDS) and the supplementary DDS can be found on the NZ Legislation Disclosures website: [NZ Legislation Disclosures](#)

30. Further information can be found on the Ministry of Justice website:

- a. [Cabinet and related material | New Zealand Ministry of Justice](#) (see 'Strengthening Consequences for Crime in the Crimes Act 1961');
- b. [Ministerial Advisory Group for Victims of Retail Crime | New Zealand Ministry of Justice](#) (see 'Citizen's arrest' and 'Shoplifting')