Regulatory Impact Statement: Crimes Act Amendment Bill

Decision sought	Analysis produced for the purpose of informing final Cabinet decisions on proposals for inclusion in a Crimes Act Amendment Bill.
Agency responsible	Ministry of Justice
Proposing Ministers	Minister of Justice
Date finalised	28 May 2025

The Crimes Act Amendment Bill will make changes to the Crimes Act 1961 to strengthen responses to serious crime, and meet the commitments of the National/New Zealand First coalition agreement. The Bill will enhance sentences for assaults on first responders and prison officers, and assaults via one-punch attacks. Additionally, it will update and strengthen the human trafficking and people smuggling offences, and provide protections for undercover police officers investigating child exploitation. Finally, in collaboration with the Ministerial Advisory Group on Retail Crime, the Bill proposes changes to make the justice response to retail crime more efficient and effective.

Summary: Problem definition and options

What is the policy problem?

The Government is committed to cracking down on crime and keeping communities safe so people can go about their lives in peace.[1] In support of that objective, the Government has set a target to reduce the number of victims of assault, robbery or sexual assault by twenty-thousand by 2030, with the aim of putting public safety back in the heart of the criminal justice system.[2]

There has been an increase in reported violent offending and retail crime in recent years, with public perceptions of safety declining. The National/New Zealand First coalition agreement aims to restore law and order and ensure New Zealanders are safer in their communities by introducing new assault offences, and ensuring that offenders for low level theft, such as shoplifters, are held to account.

Gaps in New Zealand's trafficking, smuggling and exploitation laws, have been identified as areas of the criminal law that are out of step with international best practices.

What is the policy objective?

The overarching objective is to strengthen responses to serious crime, and to meet the commitments of the National/New Zealand First coalition agreement.

What policy options have been considered, including any alternatives to regulation?

No non-regulatory options were considered, as the opportunity for change has arisen as part of a Crimes Amendment Bill. The scope of options considered was limited. Government coalition agreements, Members Bills and proposals by the Ministerial Advisory Group for Victims of Retail Crime (the MAG) presented pre-defined problems and solutions, limiting the scope available for alternative options or testing of the problem definition. Options for each of the relevant problem areas are outlined below:

- One-punch attacks (coward punch)
    - New offence with higher penalties than those currently available for a one-punch attack causing grievous bodily harm
    - New offence for a one punch attack that results in death
    - Add new offences to the Three Strikes Regime under the Sentencing Act 2002
- Assault on first responders
    - Amend the current offence for assaulting a police officer
    - Create a new assault with intent to injure offence in relation to first responders and prison officers
    - Create a new injury with intent to injure offence in relation to first responders and prison officers
    - Require a mandatory minimum sentence of six months imprisonment for injuring first responders or prison officers
    - Require mandatory cumulative sentences for injuring first responders or prison officers
    - Add a new injury with intent to injure offence in relation to first responders and prison officers to the Three Strikes Regime under the Sentencing Act 2002
- Trafficking
    - Remove coercion or deception in relation to minors
    - Amend the definitions of exploitation and coercion
    - Make it explicit that consent is irrelevant to trafficking

[1] The Treasury (2024) *Budget at a Glance: Law and order*. https://budget.govt.nz/budget/2024/at-a-glance/law-order.htm#:~:text=The%20Government%20is%20committed%20to,reprioritisation%2C%20other%20savings%20and%20revenue.

[2] Department of Prime Minister and Cabinet. 2024. *Target 4: Reduced violent crime*. https://www.dpmc.govt.nz/sites/default/files/2024-04/factsheet-target-4-reduced-violent-crime-8april24.pdf

- Police immunity/protection under section 98AA
    - Require the Attorney-General's leave to bring prosecutions under this offence against undercover police officers
- Retail theft
    - New shoplifting offence and infringement regime
    - Infringement regime for low-level retail theft
    - Update the penalty thresholds for the existing theft offence

What consultation has been undertaken?

Targeted consultation with relevant government agencies (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) was undertaken between 17 March – 4 April 2025. Across all areas, most agencies agreed with the Ministry's preferred option for achieving the government's objectives, except where otherwise indicated in this RIA.

The MAG provided some options for addressing retail theft, which are reflected in option 2 in Part 4 of this RIA. No wider consultation was undertaken due to time constraints.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

The Ministry's preferred option in the RIS for one-punch attacks and retail crime is to retain the status quo. However, acknowledging the commitments of the National/New Zealand First Coalition agreement we have adjusted our preferred options to those that best meet the spirit of this agreement while remaining the most consistent with the current criminal law framework.

The Ministry's preferred options to address assaults on first responders are partially reflected in the Cabinet paper. However, in addition to the Ministry's preferred options the Cabinet paper includes an additional offence which will be added to the Three Strikes Regime.

The Ministry's preferred options to address human trafficking and protections for Police Officers are reflected in the Cabinet Paper.

Summary: Minister's preferred option in the Cabinet paper

The Minister's Preferred Options are:

- One-punch attacks (coward punch)
    - A new offence with higher penalties than those currently available for a one-punch attack causing grievous bodily harm
    - A new offence for a one punch attack that results in death
    - To add both offences to the Three Strikes Regime in the Sentencing Act 2002
- Assault on first responders
    - Amend the current offence for assaulting a police officer
    - Create a new assault with intent to injure offence in relation to first responders and prison officers
    - Create a new injury with intent offence in relation to first responders and prison officers to be added to the Three Strikes Regime in the Sentencing Act 2002
- Trafficking
    - Remove the coercion or deception offence element in relation to minors
    - Amend the definitions of exploitation and coercion
    - Make it explicit that consent is irrelevant to trafficking
    - Update the construction of the trafficking offence
- Police immunity/protection under section 98AA

- Require the Attorney-General's leave to bring prosecutions under this offence against undercover police officers

- Retail theft
  - Introduce a new infringement regime for low-level retail theft
  - Update the penalty thresholds for the existing theft offence

Costs (Core information)

Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

There are one off implementation and training costs for all affected agencies.

Ministry of Justice and the Courts

Increased maximum penalties for offences may have an impact on court resourcing and timeliness as more offenders would become eligible to elect a jury trial. This also has cost implications for legal aid.

Corrections

There may potentially be significant additional costs and impacts on Corrections resourcing if more people are given custodial sentences as a result of the proposals. This may cause an increase in the prison population in the medium to long-term as stronger penalties may result in lengthier custodial sentences. Available modelling is yet to indicate the size of the impact.

Police

There are significant implementation costs, particularly in regard to the development of technological solutions, for Police to be able to enforce the proposed changes.

Offenders

There are both one off and ongoing costs to offenders as they are more likely to be held to account through custodial sentences, or fees.

Benefits (Core information)

Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

Government Commitments

The proposed new assault offences, and retail theft infringement regime, meet the commitments of the National/ New Zealand First coalition agreement.

Victims

Individuals who commit serious, or retail crime will be better able to be held to account using appropriate offences and infringements. This may result in victims having a better sense that justice has been achieved. Retail theft may decrease if offenders feel they are more likely to be held to account.

Police/Law Enforcement

An additional range of infringements may enable Police to more effectively and efficiently respond to retail crime. Improvements to the construction of offences may increase their utility and effectiveness at addressing serious offending.

Balance of benefits and costs (Core information)

Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?

The initial cost of implementing a retail infringement scheme will be significant for Police. However, over time the benefit of holding low level shoplifters to account, and the benefit to retailers in doing so, may begin to outweigh the initial implementation costs.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

The Ministry of Justice, NZ Police, Immigration New Zealand, Crown Law Office and the Department of Corrections will be responsible for operationalising the Minister's preferred options. Implementation will be funded out of baseline.

Limitations and Constraints on Analysis

Time constraints

In February 2025, the Minister of Justice (the Minister) directed the Ministry of Justice (the Ministry) to progress work on a Crimes Amendment Bill to be introduced in mid-2025. These time constraints limited the Ministry's ability to develop and assess a wider range of options.

Scope of options considered

The scope was limited to regulatory options only. Government coalition agreements, Members Bills and proposals by the MAG presented pre-defined problems and solutions, limiting the scope available for alternative options or testing of the problem definition.

Consultation on proposals

Time constraints also limited the Ministry's ability to consult on the matters in this RIA. The Ministry consulted relevant government agencies; however, consultation was limited to the policy options described in the RIA.

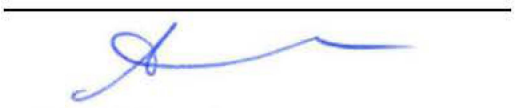
The Ministry did not consult outside of government. In particular, officials were unable to engage with the judiciary, defence lawyers, or population groups including Māori on the options. Consultation with those groups would have assisted in identifying and addressing any unintended consequences, and understanding any other implementation limitations. Those groups and the public will have the opportunity to submit on the proposals during the Select Committee process.

Evidence limitations

There is a lack of available evidence about the number and nature of one-punch attacks as there is no easy way to distinguish between different methods of assault, manslaughter and murder in reporting. We have relied on anecdotal media reporting which shows there is a perception that one-punch offenders do not receive sufficient sentences. There is also a lack of evidence on the number and nature of assaults on ambulance officers and firefighters.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager signature:



Alida Mercuri
General Manager, Criminal Justice

28 May 2025

Quality Assurance Statement	*[Note this isn't included in the four-page limit]*
Reviewing Agency: Ministry of Justice	**QA rating:** partially meets

Panel Comment:

The Ministry of Justice's Regulatory Impact Assessment Quality Assurance Panel (QA Panel) has reviewed the *Regulatory Impact Statement: Crimes Act Amendment Bill* prepared by the Ministry of Justice. The QA Panel considers that RIS partially meets the Quality Assurance criteria.

The scope of the analysis has been 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 have also limited the Ministry's ability to develop and assess a wider range of options, including preventing 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 Panel considers the analysis contained in the RIS is robust, and sufficient to enable Cabinet to make informed decisions on the proposals.

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Section 1: Diagnosing the policy problems

What is the context behind the policy problem and how is the status quo expected to develop?

1. 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.
2. The Crimes Act 1961 (the Act) is New Zealand's leading criminal law statute. The Act contains almost 200 offences.[3] From time to time, amendments are made to the Crimes Act to ensure the law is up to date and reflects societal values, expectations of the day, and best practices. A common vehicle for such changes is a Crimes Amendment Bill, which makes a suite of changes to achieve those objectives based on the issues currently facing society. Previous examples include:
    a. the Crimes Amendment Act 2019, which repealed three out-of-date laws and introduced two new offences to address livestock rustling and unlawful entry on to agricultural land; and
    b. the Crimes Amendment Act 2015, which rewrote and added new offences relating to trafficking and bribery, in line with New Zealand's international obligations.

There has been a rise in reported violent offending and retail crime

3. Police data shows an upward trend in victimisations of acts intended to cause injury and theft and related offences over the past 10 years.[4]
4. Assaults on some first responders have increased. The number of prisoner assaults on Corrections staff members have more than doubled between 2018/2019 and 2023/2024 (from 397 to 691).[5] However, the total number of self-reported assaults on Police has remained steady between 2020 and 2024 (from 1,057 to 1,080).[6]
5. One-punch attacks have received significant and high-profile media attention, which has likely impacted public perceptions in relation to the appropriateness of sentences for the offending behaviour.[7]
6. The number of reported victimisations for theft from retail premises increased by 205% (from 29,278 to 89,287 per year) between September 2019 and September 2024. Ministry data on charges and convictions also indicates an increase in theft and related offences over the past 10 years.[8] However, relatively few retail theft offences are prosecuted. Court proceedings were taken in response to only 16% of all reported victimisations in the 2023-24 financial year, down from 28% in 2018-19.[9] Police proceedings for theft from retail premises decreased by 33% (from 7,239 to 4,851 per year) between January 2019 and January 2023. However, since then proceedings have increased by 43%, to 6,956 per year as of September 2024.[10]

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[3] Crimes include those against public order, affecting the administration of law and justice, against morality and decency, sexual crimes, against public welfare, against the person, against reputation, and against personal privacy
[4] See Policedata.nz: *Victimisations (police stations)* December 2014 – December 2024. https://www.police.govt.nz/about-us/statistics-and-publications/data-and-statistics/victimisations-police-stations
[5] Data was provided by the Department of Corrections in March 2025. The data refers to the total number of staff victims.
[6] Data from 2020 – 2024 was provided by Police in April 2025.
[7] For example, see: Stuff, *UFC star Israel Adesanya calls on Kiwis to support 'cowards punch' bill,* February 2 2025: stuff.co.nz/nz-news/360567644/watch-ufc-star-israel-adesanya-calls-kiwis-support-cowards-punch-bill
[8] Ministry of Justice. 2025. *Data table: All finalised charges and convicted charges*. https://www.justice.govt.nz/assets/Documents/Publications/3grdYn_All-finalised-charges-and-convicted-charges_dec2024_v1.0.xlsx
[9] Data sourced from Police's Recorded Crime Victims Statistics, as at 10 March 2025.
[10] Part of the increase in reported victimisations for theft from retail premises can be attributed to Auror, a theft reporting platform. As of April 2023, around 70% of all theft from retail premises was reported through the Auror platform.

7. Public perceptions of safety have also decreased in recent years. Compared to 2018, the New Zealand Crime and Victims Survey reported that in 2024 a smaller proportion of adults (24% in 2024 compared to 30% in 2018) and non-victims (27% in 2024 compared to 33% in 2018) rated themselves as completely safe. A significantly larger proportion of adults (13% in 2024 compared to 9% in 2018) and non-victims (10% in 2024 compared to 6% in 2018) rated themselves as unsafe.[11][12] This aligns with Ipsos research which suggests that around 1 in 3 New Zealanders (31%) believe that the amount of crime or violence in their neighbourhood has increased in the last 12 months.[13]

The Government has committed to restoring law and order

8. The National Party and New Zealand First Coalition agreement committed to restoring law and order,[14] including by:
    a. ensuring real consequences for lower-level crimes such as shoplifting;
    b. introducing the Protection for First Responders and Prison Officers legislation which will create a specific offence for assaults on first responders which includes minimum mandatory prison sentences; and
    c. introducing the Coward Punch legislation which will create a specific offence for anyone who injures or kills someone with a coward punch.
9. The Government has also established a Ministerial Advisory Group for Victims of Retail Crime (the MAG) as part of its plan to restore law and order. The MAG is tasked with engaging directly with victims, workers, business owners, retail experts and advocacy groups to provide the Government proposals to address urgent challenges in retail crime.

What is the policy problem or opportunity?

10. Increased violent offending and retail crime, as well as gaps in New Zealand's trafficking, smuggling and exploitation laws, have been identified as areas of the law that are out of step with societal values and norms, or best practices. Problem definitions for each of these issues are outlined in detail in Parts 1 – 4 of this RIA.

What objectives are sought in relation to the policy problem?

11. The Government's overarching objective is to strengthen responses to serious and retail crime, and to meet the commitments of the National/New Zealand First coalition agreement. Strengthening responses to serious and retail crime aims to increase actual and perceived safety for the public and retailers.
12. Those responses also contribute to the secondary objective of ensuring the Crimes Act remains fit-for-purpose and workable, in that it ensures those behaviours are adequately responded to and meet current societal needs. Ensuring settings for the investigation and prosecution of human trafficking, smuggling and exploitation offences remain appropriate also contributes to the objective that the Crimes Act be fit-for-purpose and workable.

What consultation has been undertaken?

13. Targeted consultation with relevant government agencies (including Crown Law Office, Department of Corrections, Ministry of Disabled People, Ministry for Business, Innovation

[11] Ministry of Justice. 2025. *New Zealand Crime and Victims Survey. Key results – Cycle 7*. February 2025.
[12] The NZCVS assesses respondents' perceptions of safety using an 11-point Likert scale, where 0 means unsafe and 10 means completely safe. For reporting purposes, the NZCVS groups scores of 0 to 6 as feeling unsafe, and a score of 10 represents feeling completely safe.
[13] Ipsos Crime and Law Enforcement. 2024. *Ipsos Polling: Attitudes on Crime and Law Enforcement*. https://www.ipsos.com/sites/default/files/ct/news/documents/2024-07/Ipsos%20Crime%20and%20Law%20Enforcement%20Monitor%20-%20June%202024.pdf
[14] New Zealand National Party & New Zealand First (2023) *Coalition Agreement – 54th Parliament*.

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 agency feedback on the options are provided in the relevant parts of this RIA. No consultation outside of government was able to be undertaken in the time available.

14. In relation to retail crime, Option 2 in Part 4 of this RIA was developed by the MAG following its engagement with victims, workers, business owners, retail experts and advocacy groups. Relevant interest groups were also consulted by the MAG, primarily from the security and retail industries, and crime prevention and central city groups.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

15. The following criteria were used to assess options:

Criteria	Description
Certainty of the law	• To what extent is the law clearer for the public and potential offenders? • How certain is the behaviour captured by the offence? • How certain are the consequences of the offending?
Effectiveness	• Does the option respond to the policy problem? • How well does the option protect public safety?
Consistency	• Is the option consistent with the criminal justice principles? Namely, presumption of innocence, the independence of the judiciary, an effective and efficient justice system, and proportionate and accountable law enforcement. • How consistent is the option with our domestic law and the current criminal code? • Are there any inconsistencies with the New Zealand Bill of Rights Act 1990?
Feasibility	• Is the option cost effective? • Are there any challenges to implementation?

16. All criteria were weighted equally and there are no trade-offs between the criteria.

What scope will options be considered within?

17. As outlined previously, the timeframe and scope within which policy options could be developed has restricted the range of feasible options which can be considered. No non-regulatory options were considered.
18. Options that were ruled out at an early stage are outlined in each relevant Part description below.

Part 1: Responding to assaults

What is the context behind the policy problem and how is the status quo expected to develop?

19. Assaults involve the use of intentional force on a person without their consent. The harm experienced by assaults can range from minor to severe (such as grievous bodily harm).
20. The law addresses assault through several offences in the Summary Offences Act 1981 and the Crimes Act 1961. The severity of the assault offence charged is based on the intent of the offender and the harm caused to the victim. Offences have maximum penalties ranging from six months imprisonment up to fourteen years imprisonment. Offences include:
    a. Common assault, which includes the intentional application of force but does not have to result in bodily harm, has a maximum penalty of six months imprisonment under section 9 of the Summary Offences Act 1981-, and one-year imprisonment if charged under section 196 of the Crimes Act.
    b. Assault with intent to injure has a maximum penalty of three years imprisonment under section 193 of the Crimes Act, and requires the offender to intend to injure anyone.
    c. Aggravated assault covers those who assault a Police constable with intent to obstruct the person in the execution of their duty, or those who commit assault during the commissioning of another offence. The maximum penalty is three years imprisonment under section 192 of the Crimes Act.
    d. Injuring with intent to injure has a maximum penalty of five years imprisonment under section 189(2) of the Crimes Act. The offence requires actual injury to the victim, and for the offender to intend to cause harm or be reckless as to causing harm. Under section 189(1), a person may also be charged with injuring with intent to injure with a maximum penalty of 10 years imprisonment if they intended to cause grievous bodily harm and did injure the victim.
    e. The highest level of harm is grievous bodily harm, which includes wounding, maiming, and disfiguring. Wounding with intent causing grievous bodily harm has a maximum penalty of 14 years imprisonment under section 188(1) of the Crimes Act. A person may also be charged with wounding with intent under section 188(2) if they, with intent to injure or reckless disregard for safety, wound, maim, disfigure, or cause grievous bodily harm to any person. That offence has a maximum penalty of seven years imprisonment.

What is the policy problem or opportunity?

One-punch attacks (coward punch)

21. The National/New Zealand First Coalition agreement commits to introducing coward punch (one-punch attack) legislation, which will create a specific offence for anyone who injures or kills someone with a coward punch.[15] A coward punch is an often unexpected and

[15] Coalition Agreement, New Zealand National Party & New Zealand First, 54th Parliament

unprovoked strike to a person's head or neck. Coward punches are also known as sucker punches, king hits or a one-punch attacks.

22. Deaths from one-punch attacks have received widespread media coverage in New Zealand and media have reported a perception that perpetrators of one-punch attacks have received lenient or insufficient sentences in relation to the harm caused.[16]
23. As outlined in the context section, charging assault offences depends on the severity of the injury to the victim and the intent of the offender. The law does not account for the specific circumstances surrounding the assault, meaning one-punch attacks are addressed using the general assault framework. Where a victim dies, the offender can be charged with manslaughter or murder which both hold maximum sentences of life imprisonment. However, the specific circumstances of the offence may addressed at sentencing through the application of aggravating or mitigating factors.
24. We have been unable to identify issues with the status quo. However, we understand there are perceived gaps in New Zealand's law meaning one-punch attacks are not seen to be adequately recognised or labelled, and that the offences (and associated penalties) currently available do not always reflect a proportionate response to the harm caused. We have been unable to identify where these perceptions originate or their underlying drivers. While the behaviour underlying one-punch attacks (i.e., the physical assault itself) is clearly and comprehensively covered by the existing criminal law, it appears there are concerns the law is inadequate in terms of degree and certainty of punishment.
25. Analysis of one-punch attacks has largely relied on anecdotal media reporting due to the inability to easily identify one-punch attacks in current charging options. This means there is limited information about the characteristics of both the likely offenders and victims of one-punch attacks. However, as noted in the 2011 Court of Appeal decision, *Kepu v R*, many one-punch manslaughter cases "arise in circumstances where violence has erupted suddenly and spontaneously, often in a public place. It is typically fuelled by the consumption of alcohol and/or drugs, and will generally take the form of random street violence or a fight in a bar. The offending is mostly opportunistic, and there will seldom be premeditation or prior planning. The offender and the victim will often have had little or nothing to do with each other before the incident that has led to the charge". [17]

Assaults on First Responders

26. Reporting of assaults on some first responders have increased in recent years. For example, the number of prisoner assaults on Department of Corrections staff members has more than doubled from 397 in 2018/2019 to 691 in 2023/2024.[18] Most of the increase in prisoner assaults on Corrections staff members were in the 'no injury' category.[19] The total number of self-reported assaults on Police has remained steady from 1,057 in 2020 to 1,080 in 2024.[20] These assaults cover a range of conduct, including spitting.
27. While the total number of some assaults has gone up, this has not led to significant increases in serious assaults. For example, the number of prisoner assaults on Corrections staff members in the 'serious' category has remained relatively steady from 30 in 2018/2019

[16] For example: newstalkzb.co.nz/news/crime/wellington-coward-punch-killing-siale-siale-sentenced-to-prison-for-manslaughter-of-luke-smith/; nzherald.co.nz/nz/cowards-punch-leaves-man-on-pavement-with-fractured-skull-brain-aneurysm/4F4XP2TEAJ7FTKMKQUHRLAM76I/; stuff.co.nz/national/crime/83428967/invercargill-teen-jailed-for-one-punch-kill;
[17] *Kepu v R* [2011] NZCA 104, at 17.
[18] Data was provided by the Department of Corrections in March 2025. The data refers to the total number of staff victims. The data also relates to all Corrections staff members, and not just custodial staff.
[19] The number of prisoner assaults on Corrections staff members in the 'no injury' category went from 207 in 2018/2019 to 499 in 2023/2024. The data refers to the total number of staff victims in the 'no injury' category. Corrections uses four categories for assaults: serious, sexual, non-serious, and no injury.
[20] Data from 2020 – 2024 was provided by Police in April 2025.

to 38 in 2023/2024.[21] The total number of self-reported assaults on Police resulting in hospitalisation has also remained relatively steady from 24 in 2020 to 15 in 2024.[22]

28. There has also been extensive media coverage of assaults on constables, as well as other first responders such as prison officers and ambulance officers.[23]
29. There are a few existing offences which specifically cover assaults against constables and prison officers.[24] There are no offences specific to ambulance officers and firefighters, meaning assaults on those first responders are covered by a wide range of other offences.
30. Assaults on first responders have the potential to disrupt access to emergency services. The lack of specific offences may be seen as not adequately denouncing assaults on first responders and providing inadequate protections for first responders.
31. Police and Crown Law Office have also identified that the current offence for assaulting a police officer in section 192(2) of the Crimes Act 1961 has elements that in some cases may be difficult to prove. In particular, it may be difficult to prove that the offender intended to obstruct the officer in the execution of their duty. This has resulted in a small gap in the ability to prosecute this offence, although other assault offences with lesser penalties are still available.

What consultation has been undertaken?

32. Oranga Tamariki, Customs, Whaikaha – the Ministry of Disabled People, NZ Police, Crown Law Office and the Department of Corrections were consulted on these options.

One-punch attacks (coward punch)

33. Oranga Tamariki raised concerns about how any new offences will apply to children and young people. It advises the existing legislation already addresses the responses to children and young people who commit serious offences. It also considers new offences may not achieve the desired outcome of increasing sentences or punishment.
34. Whaikaha considers there is no need to add new offences as one-punch attack behaviour is already criminalised, and notes sentencing work underway may better address the identified issues. Whaikaha is concerned about the impact of a new offence on people who have an intellectual (learning) or neuro disability as potential offenders.
35. Police also considers there is no need for new one-punch attack offences (including a one-punch resulting in death offence) as the behaviour is already criminalised and creating new offences would be unlikely to address sentencing outcomes. Police is concerned the additional element of the offences being considered (that the victim has limited or no ability to defend themselves) will be too difficult to prove and will result in the offences not being used. Further it does not believe the justification for increasing the maximum penalties of the new offences is sufficient. Police recommends exploring an aggravating factor at sentencing as a more appropriate way to address the issue.
36. S9(2)(h)

[21] The data refers to the total number of staff victims in the 'serious' category.
[22] Data from 2020 – 2024 was provided by Police in April 2025.
[23] Police Minister condemns 'disgusting' attack on Huntly police officer - NZ Herald; Police officers in three districts are facing far more assaults than the rest of the country - NZ Herald; 'Appalling': Police officers assaulted at Dunedin checkpoint; Two police officers assaulted by public in recent months | RNZ News; Prisoner's assaults in Timaru put three Corrections officers off work | The Press; Ambulance workers concerned for their safety as police reduce attendance at mental health callouts | RNZ News; Online News; No parole for those who violently attack first responders – ambo bosses; Firefighter abused and attacked at Caversham crash | Otago Daily Times Online News
[24] Summary Offences Act 1981, s23 (resisting Police, prison, or traffic officer), and s10 (assault on Police, prison or traffic officer). Crimes Act 1961, s192(2) (aggravated assault), and s198A(1) (using any firearm against law enforcement officer).

S9(2)(h)

Assault on First Responders

37. Police agrees with the option that would amend section 192(2) of the Crimes Act to remove the 'intent to obstruct' mental element and expand the offence to all first responders. It supports the option of a new assault with intent to injure offence in relation to first responders. Due to potential inconsistency with other assault offence provisions and complexities with applying, Police does not support the approach of mandatory minimum sentences or mandatory cumulative sentences in relation to a first responder offence.
38. S9(2)(f)(iv)

    Corrections recommends that options be tested with key stakeholders, such as the relevant unions, before proceeding with the proposals.
39. Crown Law Office noted that a graduated approach to penalties (assault offence at 3 years' imprisonment and the assault with intent to injure offence at 5 years' imprisonment) would reflect other graduated penalty responses in the Crimes Act, where penalties escalate as the seriousness of offending increases. It noted there is good reason to not require a specific level of injury in these offences, as protective equipment can often limit the level of injury inflicted. S9(2)(h)

    . Crown Law noted that serious offending in this area is sufficiently dealt with already by the current wounding with intent offences.
40. Whaikaha noted concern that the proposals could have unintended consequences on disabled people. More disabled people may be charged with assault because of the removal of the 'intent to obstruct' mental element in section 192(2) of the Crimes Act.
41. Customs considers that the assault on first responder offences should be extended to cover Customs Officers. Currently the penalty for threatening or assaulting a Customs officer is a maximum of 12 months imprisonment or a fine not exceeding $15,000 (s 376 Customs and Excise Act 2018). They question why an assault on a Police Officer should be considered more serious, and subject to harsher penalties, than an assault on a Customs officer. They suggest amending section 376 to bring the penalty in line with the first responder offence proposals.

Section 2: Assessing options to address the policy problem

One-punch attacks (coward punch) - What options are being considered?

42. Options were developed to address the requirements of the National/New Zealand coalition agreement to introduce a specific offence for one-punch attacks. The options identified are not mutually exclusive.
43. Due to time constraints and the limited scope of the coalition agreement, namely requiring the introduction of a new offence, options outside of offences were discounted. This included looking at changes to sentencing such as aggravating factors.
44. The Member's Bill in the name of Paulo Garcia, the Crimes (Coward Punch Causing Injury or Death) Amendment Bill, was considered and discounted early on due to concerns with the offence construction. A second Member's Bill in the name of Darroch Ball, the Prosecution of Coward Punch Bill, was also considered and discounted due to workability concerns and the likelihood of inconsistent or disproportionate sentencing.

Option One – Status Quo

45. Option One is the status quo. Currently, one-punch attacks are addressed by a range of offences depending on the severity of the injury to the victim and the intent of the offender.
    a. Where a person dies from an assault, the defendant is generally charged with murder where the death was intended, or manslaughter where the death was not intended. Both carry a maximum penalty of life imprisonment.
    b. Where a person is injured from an assault, the maximum penalty could be up to 14 years imprisonment for wounding with intent.

Option Two – New offence with higher penalties for one-punch attack causing grievous bodily harm

46. Option Two would create a new offence with a higher penalty than those currently available for one-punch attacks causing grievous bodily harm.
47. The new offence would align with the Member's Bill, the Crimes (Coward Punch Causing Injury or Death) Amendment Bill, and apply when:
    a. an individual strikes another person's head or neck;
    b. in circumstances where the other person has limited or no opportunity to defend themselves;
    c. the strike causes grievous bodily harm to any person, regardless of whether the injury was directly or indirectly a result of the punch.
48. The new offence would have two penalty levels based on the intent of the offender:
    a. intent to cause grievous bodily injury, with a maximum penalty of 15 years imprisonment; and
    b. intent to cause injury, or acting with reckless disregard for the safety of others, with a maximum penalty of 8 years imprisonment.

Option Three – New offence for a one punch attack that results in death

49. Option Three would create a new standalone offence under the umbrella of culpable homicide for one-punch attacks resulting in death.
50. The new offence would align with the Member's Bill, the Crimes (Coward Punch Causing Injury or Death) Amendment Bill, and apply when:
    a. an individual strikes another person's head or neck;
    b. in circumstances where the other person has limited or no opportunity to defend themselves;
    c. the strike results in death, regardless of whether death was directly or indirectly a result of the punch.
51. The offence would have the same intent threshold as manslaughter, in that it does not amount to murder, and a maximum penalty of life imprisonment.[25] Like manslaughter, the sentence would not have a presumption of life imprisonment.

Option Four – Add any new one-punch attack offences to the Three Strikes Regime

52. This option would add any new one-punch attack offence (options 2 and/or 3) to the Three Strikes Regime in the Sentencing Act 2002.
53. Under the regime, a person who is convicted of qualifying offences and receives a qualifying sentence are liable to escalating consequences.[26] At stage-2, the offender is required to serve their sentence in full (i.e., without parole eligibility). At stage-3, the offender is subject to the maximum penalty for the relevant qualifying offence, which must be served in full. In the case of the "one-punch attack assault" offence (Option Two), this would mean either eight or fifteen years imprisonment with no parole.

[25] Section 171 Manslaughter.
[26] The threshold at stage-1 is a sentence of more than 12 months' imprisonment; and more than 24-months' imprisonment at stages 2 and 3.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – New Assault Offence	Option Three – New Culpable Homicide Offence	Option Four – Add any new offence to the Three Strikes Regime
Certainty	**0** *There is flexibility in charging options for one-punch attacks within existing and established assault framework depending on the harm intended and caused. This can include assault with intent to injure, murder, or manslaughter.*	**0** *Would create crossover within the Crimes Act for the same criminal behaviour which would create uncertainty about which offence would be charged. However, it may provide increased certainty that one-punch attack assaults are more adequately addressed by the law. It would also provide clarity in reporting, as one-punch attacks would be able to be identified.* *Offenders could receive inconsistent sentences if charged with different offences for the same behaviour.*	**0** *Would create crossover within the Crimes Act for the same criminal behaviour which would create uncertainty about which offence would be charged. However, it may provide increased certainty that one-punch attacks resulting in death are more adequately addressed by the law. It would also provide clarity in reporting, as one-punch attacks resulting in death would be able to be identified.* *Offenders could receive inconsistent sentences if charged with different offences for the same behaviour.*	**+** *It is clear what the consequences of the offending will be based on which stage of the Three Strikes regime the offending is in.*
Effectiveness	**0** *Criminal offences are already available to address the undesired behaviour.* *There is a public perception that sentences are often inadequate for the harm caused.*	**0** *Increases the maximum penalty available for one-punch attack assaults resulting in grievous bodily harm.* *It would signal to victims, their friends and family, and the public that the government does not*	**0** *It does not change the maximum penalty available.* *It would signal to victims, their friends and family, and the public that the government does not condone one-punch attack behaviour.*	**0** *It would signal to victims, their friends and family, and the public that the government does not condone one-punch attack behaviour.* *The added public safety benefits are likely to be marginal.*

		condone one-punch attack behaviour. *Unlikely to affect offending rates.*	*Unlikely to affect offending rates.*	
Consistency	**0** *The offender's intent and the harm caused to the victim are both considered in the current assault framework.* *The maximum penalties available are graduated based on the harm caused and the intent of the offender which is consistent with the domestic law.* *Existing offences operate in a criminal framework that has existed for decades.*	**0** *The offender's intent and the harm caused to the victim are both considered.* *The maximum penalties are greater than the standard approach to criminal sentences in the Crimes Act, and could be considered disproportionate.* *Makes changes to a criminal framework that is widely and easily understood.*	**- -** *The offender's intent and the harm caused to the victim are both considered.* *Specifies a method for culpable homicide, which is inconsistent with the broad umbrella offences currently utilised for culpable homicide, and could over complicate the criminal code.*	**-** *Including the proposed offences (options 2 and 3) in the Three Strikes regime would constrain some judicial discretion in sentencing. This would be in relation to convictions for a stage 2 offence with no parole, and a stage 3 offence in relation to the maximum penalty (if a not guilty plea was entered), or at least 80% of the maximum penalty (if a guilty plea was entered).* *However, the Three Strikes regime is currently part of domestic law. The proposed offences would be consistent with the criteria for offences under the Three Strikes Regime.*
Feasibility	**0**	**-** *The additional elements of the offence, that the victim had limited or no ability to defend themselves, and that the strike was to the head or neck, may be difficult to prove and*	**-** *The additional elements of the offence, that the victim had limited or no ability to defend themselves, and that the strike was to the head or neck, may be difficult to prove and*	**0** *Incorporating a new offence within the Government's Three Strikes regime would add to a preexisting schedule of offences.*

		may be a hurdle to police and prosecutors. *Additional elements of the offences may require Police to collect additional evidence. This is most likely to take the form of collecting witness statements or CCTV to demonstrate that the victim was unable to defend themselves and that the strike was to the head or neck.*	*may be a hurdle to police and prosecutors.* *Additional elements of the offences may require Police to collect additional evidence. This is most likely to take the form of collecting witness statements or CCTV to demonstrate that the victim was unable to defend themselves and that the strike was to the head or neck.*	*The judiciary, legal profession and court staff will already be familiar with the requirements of the Three Strikes regime.*
Overall assessment	**0** *Status Quo is preferable as the undesired behaviour is already comprehensively covered by the criminal law.* *The maximum penalties available are sufficient and consistent with existing law.*	- *The new standalone offence with a higher penalty would clearly signal that Parliament does not condone this behaviour.* *However, there is little material benefit to a new offence given the existing criminal framework and the increased penalty may not result in longer sentences.*	-- *The new standalone offence would clearly signal that Parliament does not condone this behaviour.* *However, creating a standalone culpable homicide offence for one-punch attacks would complicate the criminal law.* *It may also be perceived that Parliament believes this behaviour is worse than other forms of manslaughter that are arguably similarly or more morally blameworthy.*	**0** *Including the proposed offences in the Three Strikes regime would add to a preexisting regime but is unlikely to have additional public safety benefits.*

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

54. The Ministry of Justice's analysis shows that Option One, the status quo, is the preferred option. However, Option Two (creating a new one-punch attack assault offence) best aligns with the National/New Zealand First coalition agreement while being the most consistent with the current criminal law framework. Option Two may create more certainty from the public's perspective as to the unacceptability of one-punch attack offending. Despite this, we note Option Two will result in the duplication of offences and may have a low likelihood of prosecutorial success. It is also unclear whether Option Two will address the underlying policy problem.

What is the Minister's preferred option?

55. The Minister's preferred option is to introduce a new one-punch attack assault offence (Option Two) and a new a one-punch attack resulting in death offence (Option Three). The Minister also wishes to add both new offences to the Three Strikes Regime (Option Four).

First Responders - What options are being considered?

56. Options were developed to address the requirements of the National/New Zealand First coalition agreement to introduce legislation which will create a specific offence for anyone who assaults a first responder. Options Two, Three and Four are not mutually exclusive, meaning they could be combined. Options Five, Six, and Seven are mutually exclusive with Options Two and Three (due to the lower thresholds in those offences), meaning those options could only be combined with Option Four.

Option One – Status Quo

57. Option One is the status quo. Currently, assaults on first responders and prison officers are addressed by a range of assault offences depending on the severity of the injury to the victim and the intent of the offender.

Option Two – Amend the current offence for assaulting a police officer

58. This option would amend the existing assault against police offence (section 192(2)) to simplify it, remove the "intent to obstruct" element, and expand its application to include all first responders and prison officers, who are also in need of additional protection.[27] This would create an offence with the following elements:
    a. the offender committed assault;
    b. the victim is a first responder or prison officer; and
    c. the first responder or prison officer is acting in the execution of their duties.
59. The option would retain the current maximum penalty of three years imprisonment. As common assault in section 196 of the Crimes Act has a maximum penalty of one year imprisonment, this option would effectively add an extra two years' imprisonment onto that of common assault where the victim is a first responder or a prison officer.

[27] This would also involve the repeal of section 10 of the Summary Offences Act 1981, which only has a six month penalty, to avoid duplication.

Option Three – Create a new assault with intent to injure offence in relation to first responders and prison officers

60. This option would create a new assault with intent to injure offence, based on a section 193 of the Crimes Act 1961, and would cover first responders and prison officers.
61. The elements for the new offence would be:
    a. the offender committed assault;
    b. the offender intended to injure a first responder or prison officer;
    c. the victim is a first responder or prison officer; and
    d. the first responder or prison officer is acting in the execution of their duties.
62. The penalty for the new offence would be a maximum term of imprisonment of five years. This reflects an extra two years' imprisonment for the first responder aspect, when compared to the existing assault with intent to injure offence in section 193 (maximum penalty of 3 years' imprisonment).

Option Four – Create a new injury with intent to injure offence in relation to first responders and prison officers

63. The Member's Bill, Protection for First Responders and Prison Officers Bill, proposed a new offence for recklessly or intentionally injuring a first responder or prison officer who was acting in the course of their duty.
64. This option would have a maximum penalty of either seven years or ten years imprisonment, which is an increase compared to injuring with intent (maximum penalty of five years imprisonment) which is what this behaviour would currently be charged as.[28]
65. The offence would have the following elements:
    a. the offender intended to injure a first responder or prison officer, or acted with reckless disregard for the safety of others;
    b. the victim receives an injury (actual bodily harm) from the offender;
    c. the victim is a first responder or prison officer; and
    d. the first responder or prison officer is acting in the execution of their duties.

Option Five – Require a mandatory minimum sentence of six months imprisonment for injuring first responders or prison officers

66. The Protection for First Responders and Prison Officers Bill proposed a six-month mandatory minimum imprisonment sentence for injuring first responders.
67. This option would set a blanket rule that everyone found guilty of injuring a first responder or prison officer would have to be sentenced by a judge to at least six months imprisonment, unless the court considers it would be manifestly unjust.

Option Six – Require mandatory cumulative sentences for injuring first responders or prison officers

68. This option replicates part of the Protection for First Responders and Prison Officers Bill (no 2) which proposed mandatory cumulative sentences where an offender was already in prison serving a determinate sentence of imprisonment,[29] and where the offender injured a first responder or prison officer, unless a court considered it would be manifestly unjust.
69. Currently, when multiple offences have been committed, judges can impose multiple sentences cumulatively (one after the other) or concurrently (at the same time):

[28] Crimes Act 1961, s 189(2).
[29] Cumulative sentences can only be applied to determinate sentences, e.g. a sentence of imprisonment for a fixed term. Indeterminate sentences include imprisonment for life and sentences of preventive detention. Sentencing Act 2002, sections 4, 83(1), and 83(4).

a. Cumulative sentences are generally imposed because the offences were of a different kind or not connected.[30]
b. Concurrent sentences are generally imposed when the offences for which an offender is being sentenced are similar in kind, or part of a connected series of offences (e.g. a spree of burglaries).[31]

70. Under this option, the sentence for injuring the first responder or prison officer would be added onto any determinate sentence of imprisonment the offender was already serving, unless the judge considers that it would be manifestly unjust.

Option Seven – Add a new injury with intent to injure offence (Option Four) to the Three Strikes Regime

71. This option would add the new injury with intent to injure offence (Option Four) to the Three Strikes Regime in the Sentencing Act 2002.
72. Under the regime, a person who is convicted of qualifying offences and receives a qualifying sentence are liable to escalating consequences.[32] At stage-2, the offender is required to serve their sentence in full (i.e., without parole eligibility). At stage-3, the offender is subject to the maximum penalty for the relevant qualifying offence, which must be served in full. In the case of the "injury with intent" offence (Option Four), this would mean seven years' imprisonment with no parole.

[30] Sentencing Act 2002, s 84(1).
[31] Sentencing Act 2002, s 84(2).
[32] The threshold at stage-1 is a sentence of more than 12 months' imprisonment; and more than 24-months' imprisonment at stages 2 and 3.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Updated Assault Offence (3 years)	Option Three – New Offence Assault with intent to injure (5 years)	Option Four – New Offence Injury of first responder	Option Five – Mandatory Minimum Sentences	Option Six – Mandatory Cumulative Sentences	Option Seven – Add new offence to Three Strikes Regime
Certainty	***0*** *There is flexibility of charging options, through both the standard assault offences, as well as assault offences which specifically cover Police and prison officers. Eg. s 192(2) of the Crimes Act 1961 and s 10 of the Summary Offences Act 1981. There are also aggravating factors which must apply when constables, prison officers, or emergency health and fire services providers are the*	+ *There is certainty around the offence's elements, as it would expand the application of the preexisting s 192(2) in the Crimes Act to all first responders and prison officers. It is clear what the consequences of the offending will be, namely a maximum of 3 years imprisonment.*	+ *There is certainty around the offence's elements, as it would use the elements of the preexisting s 192(2) and 193 of the Crimes Act to create a new offence that applies to all first responders and prison officers.* *It is clear what the consequences of the offending will be, namely a maximum of 5 years imprisonment.*	+ *There is certainty around the offence's elements, as it is substantially similar to the preexisting s 189(2) in the Crimes Act.* *It is clear what the consequences of the offending will be.* *Injuring with intent has more onerous elements to prove, compared with assault offences which do not require actual injury. The new offence may be charged less often compared with*	- *In theory this may provide greater certainty for the consequences of offending, as offenders would face 6 months imprisonment. However, it may provide less certainty if judicial discretion is used to get around the minimum sentence. One review found that mandatory sentencing laws do not achieve certainty because officials are likely to circumvent them if they believe the results are unduly harsh.* [33]	- *Cumulative sentences do not provide certainty that longer sentences will be served by offenders. Often, it is a different calculation method that results in the same final sentence outcome.*	+ *It is clear what the consequences of the offending will be based on which stage of the Three Strikes regime the offending is in.*

[33] Parent, Dunworth, McDonald, and Rhodes (1996). Key Legislative Issues in Criminal Justice: Mandatory Sentencing. NIJ Research in Action. Key Legislative Issues in Criminal Justice: Mandatory Sentencing | Office of Justice Programs

	victims of a crime, including assaults.			*assault offences which do not require actual injury.*			
Effectiveness	***0*** *Criminal offences and increased penalties (via aggravating factors) are already available to address the undesired behaviour.* *Police and Crown Law have identified issues with using the assault provision in s 192(2), as the intent to obstruct element can be difficult to prove.*	+ *Retains the maximum penalty available for assaulting a police officer, but expands coverage to all first responders.* *This option would remove the intent to obstruct element, which is difficult to prove, making the offence more useful for prosecutors.* *It would signal that the government does not condone assaults on first responders.* *The offence may have unintended consequences of*	+ *This option would provide increased charging options at the lower end of the spectrum, which may be used more often.* *It would signal that the government does not condone assaults on first responders.* *May create inequities in sentencing between assaulting a first responder and other forms of assault.*	- *It would signal that the government does not condone assaults on first responders.* *The offence may have unintended consequences of disproportionately impacting vulnerable people, including those with mental illnesses and Māori.* *May create inequities in sentencing between assaulting a first responder and other forms of assault.*	- - *There is a lack of evidence that mandatory minimum sentences achieve their stated aims, and instead they can produce unjust results without a clear corresponding reduction in crime. Risk of sentences being less proportionate to the seriousness of the crime.* *Evidence does not suggest that imposing mandatory minimum sentences has any significant deterrent effect.*	- - *Cumulative sentences do not always result in a more punitive sentence. Instead, it often acts as a different method of calculating the same final sentence outcome.* *A mandatory requirement could result in quite short individual sentences being imposed by judges, to ensure the final and overall sentence of imprisonment is not disproportionate. If shorter sentences were imposed, the public may perceive that the harm has*	***0*** *It would signal that the government does not condone assaults on first responders.* *The added public safety benefits, if any, are likely to be marginal.*[36]

[36] Ministry of Justice *Three Strikes Legislation Repeal Bill: Impact of the three strikes regime on rates of serious crime* (2022). There is no consistent pattern to changing crime rates before and after the three strikes regime was introduced in 2010. However, those convicted of a first warning-level offence from 2011-2014, were 1.4 percentage points less likely to commit a second warning-level offence within 5 years than those convicted of the same offences from 2001-2004.

		disproportionately impacting vulnerable people, including those with mental illnesses[34] *and Māori.*[35]				*not being properly recognised.*	
Consistency	***0***	+ *A three-year maximum penalty retains the current penalty for assaulting a police officer, and expands it to first responders. It demonstrates the offence is considered more serious than common assault, while being more consistent with the penalties in the Crimes Act than a new injury with*	+ *A five-year maximum penalty would be an increase of two years when the assault is against a first responder or prison officer. It demonstrates that the offence is considered more serious than assault with intent to injure, while being more consistent with the penalties in the Crimes Act than a new injury with*	- *The proposal could lead to disproportionate punishments.* *A 10-year penalty would be substantially inconsistent with the wounding offences in the Crimes Act. The penalty would be the same as one of the offences containing intent to cause grievous bodily harm.*[37] *This would not recognise a serious difference*	- - *Mandatory minimum sentences constrain judicial discretion in sentencing.* *This is inconsistent with a key criminal law principle as it limits the courts' ability to impose a sentence appropriate to the particular case.* *Mandatory minimum sentences will likely lead to unjust outcomes for minor offending and will have significant New Zealand Bill of Rights*	- - *A mandatory requirement would limit judicial discretion, which may result in adverse sentencing outcomes.* *This option would cut across the Sentencing (Reform) Amendment Act 2025, which addresses the issue of sentencing for offending in custody.*	- *Including the proposed "injury with intent" regime in the Three Strikes regime would constrain some judicial discretion in sentencing. This would be in relation to convictions for a stage 2 offence, regarding parole, and a stage 3 offence, in relation to 80 to 100% of the maximum penalty (depending on*

[34] Wellington Free Ambulance highlighted that over the five years prior to 2020, they experienced a 300 percent increase in mental health related calls. Of the reported cases of assaults against ambulance staff during that time, 16 percent of cases noted mental health as a trigger of aggression. They also expressed concern that those with mental health issues, including substance and alcohol abuse, can react adversely but without intent. Submission on Protection for First Responders and Prison Officers Bill (2020), 6dd3cc9a365bdb8f698217fd74cd22ea6f816d69

[35] Māori are 30 percent more likely than other ethnic groups to have their mental illness undiagnosed, and the outcomes for Māori who do access mental health services are poorer across a variety of measures and diagnoses. The prevalence of mental distress is 50 percent higher among Māori than non-Māori. He Are Oranga – Report of the Government Inquiry into Mental Health and Addiction (2018), He-Ara-Oranga.pdf, pages 70-71. In addition, 90 percent of the prison population have a lifetime diagnosis of a mental health or substance use disorder, and Māori and Pasifika are overrepresented amongst the people in prison who have mental illnesses. Erik Monasterio, 'It is unethical to incarcerate people with disabling mental disorders. Is it also unlawful?' New Zealand Medical Journal (2024) Vol. 137, No. 1588, at pages 10-11. nzmjv137i1588_19jan2024.pdf

[37] Crimes Act, section 189(1).

		intent to injure offence.	*intent to injure offence.*	*in the mental elements.* *A 7-year penalty would also create inconsistencies with the existing wounding offences, to a lesser extent. The penalty would be the same as one of the offences on causing grievous bodily harm.*[38]	*Act (NZBORA) implications. Section 9 of NZBORA could be engaged, regarding the right not to be subjected to disproportionately severe treatment or punishment.*	*A mandatory cumulative sentencing requirement would override the guidance given in the Sentencing Act.*	*whether there was a guilty plea).* *However, the Three Strikes regime is currently part of domestic law. The proposed "injury with intent" offence would be consistent with the criteria for offences under the Three Strikes Regime.*
Feasibility	***0***	***0***	***0***	***0***	- *People would have stronger incentives to plead not guilty, which results in more cases going to trial. This may negatively affect court timeliness and costs.*	- *The proposal may negatively impact the reforms enacted under the Sentencing (Reform) Amendment Act, which inserts a guidance provision into the Sentencing Act to strongly encourage cumulative sentencing for offences on bail, in custody, or parole.*	**0** *Incorporating a new offence within the Government's Three Strikes regime would add to a preexisting schedule of offences.* *The judiciary, legal profession and court staff will already be familiar with the requirements of the Three Strikes regime.*

[38] Crimes Act 1961, s 188(2). Seven years imprisonment.

Overall assessment	**0** *Assaults on first responders and prison officers are already captured by a variety of criminal offences. Some minor improvements could be made.*	+ *An updated section 192(2) would be more workable in practice and would cover all first responders and not just Police.*	+ *A new assault with intent to injure offence would provide another charging option at the lower end of the spectrum for assaults on first responders or prison officers. This assault offence may be used more often than an offence requiring actual injury.*	- *A new injury of first responder offence with a penalty of 7 or 10 years would have similar penalties to the grievous bodily harm offences in the Crimes Act, but with much lower harm or intention requirements. This would negatively affect the offences at the most serious end of the spectrum in this area.* *This injury offence would have elements that are more difficult to prove than assault offences. It may be used less often.*	- - *Mandatory minimum sentences that apply to all instances of a particular offence are rare in New Zealand's criminal law.* *It would lead to unjust outcomes for minor offending and may be inconsistent with the right not to be subjected to disproportionately severe treatment or punishment (section 9) under the New Zealand Bill of Rights Act.*	- - *Mandatory cumulative sentences for assaults on first responders and prison officers if the offender was already in prison would negatively impact the reforms under the Sentencing (Reform) Amendment Act.* *The Act addresses sentencing for offending in custody through a strong guidance provision.* *It would also be ineffective as mandatory cumulative sentences would not always lead to more punitive sentences.*	**0** *Including the proposed injury with intent offence in the Three Strikes regime would add to a preexisting regime but is unlikely to have significant public safety benefits.*

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

73. The Ministry of Justice's preferred options to address the commitments of the National/New Zealand First coalition agreement are Option Two (amending the assault against Police provision in section 192(2) of the Crimes Act), and Option Three (creating a new offence of assault with intent to injure a first responder or prison officer) for the following reasons:
74. The options would be more effective as removing the requirement to prove intention to obstruct would make section 192(2) more workable and useful for prosecutors. This responds directly to Police and Crown Law Office's feedback. Currently, the intention to obstruct element can make section 192(2) difficult to prove, meaning assault offences with lesser penalties might be used instead.[39]
    a. The options may also be more effective in addressing the policy problem as they have less onerous elements to prove, compared to offences requiring actual injury to occur. This may mean the offences are used more often when charging offenders. These options would provide an increased suite of charging options at the lower end of the spectrum, where it could make the most difference.
    b. The options would be more consistent with the penalties for other offences in the Crimes Act, while signalling stronger denouncement of assaults on first responders and prison officers. The penalty for section 192(2) would not change from its current three years imprisonment. However, lowering the threshold would essentially be adding on an extra two years' imprisonment onto the offence of common assault in section 196, where the victim is a first responder or prison officer. A maximum of five years imprisonment for assaulting a first responder or prison officer with intent to injure them would also be a significant increase of two years compared to the standard offence in section 193. A penalty higher than five years, such as a new injury offence with a seven- or ten-year penalty, would more severely disrupt the proportionality of the new offence in comparison to more serious offences, such as causing grievous bodily harm.

What is the Minister's preferred option?

75. The Minister's preferred options are to implement an updated assault offence with a three-year maximum penalty (Option Two), and a new assault with intent to injure offence (Option Three). As well as introducing a new injury of first responder offence (Option Four) that will be added to the Three Strikes Regime (Option Seven).

[39] Crimes Act 1961, section 196; Summary Offences Act 1981, section 10.

Part 2: Human trafficking

What is the context behind the policy problem and how is the status quo expected to develop?

76. The Palermo Protocol (a protocol to the United Nations Convention Against Transnational Organised Crime) is an international agreement which seeks to prevent and combat trafficking, particularly of women and children.[40] New Zealand ratified the Protocol in 2002.
77. The Palermo Protocol is the basis of New Zealand's people trafficking and smuggling offences. The trafficking in persons offence is outlined in 98D of the Crimes Act:

> *Every person is liable to the penalty stated in subsection (2) who arranges, organises, or procures—*
>
> *(a) the entry of a person into, or the exit of a person out of, New Zealand or any other State—*
>
> *(i) for the purpose of exploiting or facilitating the exploitation of the person; or*
>
> *(ii) knowing that the entry or exit of the person involves 1 or more acts of coercion against the person, 1 or more acts of deception of the person, or both; or*
>
> *(b) the reception, recruitment, transport, transfer, concealment, or harbouring of a person in New Zealand or any other State—*
>
> *(i) for the purpose of exploiting or facilitating the exploitation of the person; or*
>
> *(ii) knowing that the reception, recruitment, transport, transfer, concealment, or harbouring of the person involves 1 or more acts of coercion against the person, 1 or more acts of deception of the person, or both.*

78. For the purpose of the trafficking in persons offence, 'exploit' is defined to mean "to cause, or to have caused, that person, by an act of deception or coercion, to be involved in prostitution or other sexual services, slavery, practices similar to slavery, servitude, forced labour, or other forced services, or the removal of organs."[41]
79. Other trafficking-related provisions include dealing in slaves (section 98), dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour (section 98AA), and smuggling migrants (section 98C). Section 98AA covers many of the behaviours that are also present in the trafficking of minors (such as sexual exploitation, detention, importation, etc.), but does not require elements of deception or coercion and has a lower penalty of up to 14 years' imprisonment.
80. New Zealand last updated its trafficking in persons offence in 2015 to ensure the offence captured domestic people trafficking, as well as trans-national trafficking.[42]

[40] Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime | OHCHR
[41] Section 98D Crimes Act 1961.
[42] Section 5, Crimes Amendment Act 2015.

81. The Ministry for Business, Innovation and Employment advises there have been four trafficking prosecutions, resulting in two trafficking convictions. There were 27 new investigations in 2024 with indicators of trafficking.

What is the policy problem or opportunity?

82. Since 2015 there have been four trafficking in persons prosecutions, with at least 51 victims identified.[43] However, given the hidden nature of the crime and the reluctance of victims to come forward, this figure is likely to be low. Walk Free's Global Slavery Index estimates that there are currently around 8,000 people in New Zealand in conditions of modern slavery.[44]
83. Section 98D of the Crimes Act criminalises trafficking in persons. As currently drafted, the offence does not account for the particular vulnerability of children under the age of 18 years, as it requires there be an element of coercion or deception.
84. The requirement to prove coercion or deception for the trafficking of children makes the law inconsistent with the Palermo Protocol which New Zealand ratified in 2002.[45] It has also been raised as an issue by the United States' State Department's Office to Monitor and Combat Trafficking in Persons in its Trafficking in Persons Report's for New Zealand.[46]
85. The requirement to prove coercion or deception has resulted in the trafficking of children being charged as other, lesser offences such as section 98AA of the Crimes Act. Section 98AA captures many of the same behaviours associated with the trafficking of minors, however, coercion and deception are not required for that offence, and it has a lower penalty than the trafficking in persons offence. Offences charged as section 98AA are also not correctly labelled as trafficking, which may obscure the breadth of trafficking in New Zealand and also risk not recognising the seriousness of this offending.
86. The trafficking in persons offence is also currently silent consent for trafficking. However, it is generally accepted and stated in the Palermo Protocol that consent to an aspect of trafficking is irrelevant when there has been deception or coercion, or if the trafficking victim is a child.[47] Without an explicit consent provision we risk traffickers being able to use partial consent as a defence, even when their victims have been coerced. For instance, it may be relied upon where an individual consented to being trafficked into New Zealand, but may not have consented to coercive sexual exploitation upon arrival.
87. Many non-profit groups working with victims of human trafficking continue to call out New Zealand's laws as being insufficient.[48] Failure to remove the coercion or deception element may risk damaging New Zealand's international reputation for human rights compliance.
88. Amending the Crimes Act to strengthen provisions for the criminalisation of trafficking in children is listed as a key action in the Governments Plan of Action Against Forced Labour, People Trafficking and Slavery 2020-2025.[49] As the nature of forced labour, people trafficking and slavery continues to evolve, legislative settings are likely to need updating or expanding to ensure the offences remain modern and fit for purpose, and to ensure offenders can be held to account for their activities.

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[43] People trafficking | Immigration New Zealand
[44] New Zealand | The Global Slavery Index
[45] New Zealand Treaties Online - Details
[46] See, for example, *2024 Trafficking in Persons Report: New Zealand*. Retrieved from: https://www.state.gov/reports/2024-trafficking-in-persons-report/new-zealand/
[47] Article 3 - Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime | OHCHR
[48] Human trafficking in New Zealand: Calling for our Government to step up — Caritas Aotearoa New Zealand
New Zealand's Anti-Human Trafficking Measures Fall Short, Says Report - TFNZ - Tearfund NZ
[49] Combatting modern forms of slavery: Plan of action against forced labour, people trafficking and slavery p.21

What consultation has been undertaken?

89. Whaikaha support the amendments to the trafficking offence as the changes to the definitions will provide some additional protection from the types of abuse disabled people experience. It also supports removing the element of coercion or deception as a requirement in relation to children, but recommend consideration be given to how the provision would apply to disabled people who have limited decision-making capacity.
90. The Ministry of Business, Innovation and Employment considers the proposed changes to the trafficking offence will bring it in line with the Palermo Protocol, and improve prosecutions of child trafficking.
91. Oranga Tamariki supports the amendment as it could serve as a deterrent for child trafficking and a safeguard for minors.
92. Police is supportive of the proposed changes to the trafficking offence.
93. Crown Law notes that the proposed changes to the trafficking S9(2)(h) It suggests defining slavery, servitude, forced labour and sexual exploitation.

Section 2: Assessing options to address the policy problem

What options are being considered?

Option One – Status Quo

94. Option One is the status quo. Section 98D criminalises trafficking in persons, with a penalty of up to 20 years' imprisonment and/or a fine not exceeding $500,000. The offence requires the victim was either deceived or coerced, or that they were trafficked for the purpose of being exploited.
95. Section 98AA *Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour* is charged in some trafficking cases (particularly those involving children), as the offence does not require elements of deception or coercion. That offence has a maximum penalty of up to 14 years' imprisonment.

Option Two – Remove coercion or deception in relation to minors

96. Amend the trafficking in persons offence in section 98D to remove the requirement to prove that deception or coercion was used where the victim is aged under 18 years.

Option Three – Amend the definitions, add a consent provision and address issues with the construction of the trafficking offence

97. Amend the trafficking in persons offence in section 98D and its associated definitions in section 98B to:
    a. expand the definition of exploitation to include lower-level acts which still constitute exploitation;
    b. expand the definition of coercion to explicitly cover a wider range of coercive acts;
    c. clarify that consent of the victim is irrelevant to the trafficking offence if the offender has used coercion or deception, or if the victim is under the age of 18; and
    d. fix any other minor issues with the construction of the offence.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Remove coercion or deception in relation to minors	Option Three – Amend the definitions, add a consent provision and address issues with the construction of the trafficking in persons offence
Certainty	***0*** *Currently, individuals who partake in child trafficking may be charged with lesser offences as the prosecution are unable to demonstrate that the requisite coercion or deception was present. Alternatively, prosecution may be hampered by restrictive definitions or the presence of consent to trafficking.* *This results in uncertainty of the penalties that may apply for this behaviour, and does not provide for certainty of the breadth of the human trafficking problem in New Zealand.*	+ *Removing the requirement to prove coercion or deception in trafficking cases in respect of minors would increase certainty of the maximum penalties available for trafficking minors (20 years imprisonment).* *Removing the coercion or deception element will mean that the correct offence is more likely to be pursued, prosecutions will be more likely able to be made, and therefore the consequences of offending will be more certain.*	+ *Addressing issues with the trafficking offence construction and definitions would aim to increase the certainty, and decrease the complexity, of the offence.* *The relevant offending will be better captured by the offence, prosecutions will be more likely able to be made, and therefore the consequences of offending will be more certain.*
Effectiveness	***0*** *The current trafficking in persons offence is being underutilised as its construction makes it difficult to prosecute.* *The penalty for the section 98AA offence is less than the trafficking in persons offence (s 98D), meaning offenders who have perpetuated in (but not been charged with) trafficking may be receiving more lenient sentences than they otherwise would.*	++ *No changes are made to the maximum penalty for the offence, but removing the coercion and deception element of the offence in relation to minors will mean it can more easily, and accurately, be charged and prosecuted.* *Increased prosecutions would improve public safety and demonstrate that New Zealand is not an easy environment to conduct this type of*	++ *Addressing construction issues with the offence and expanding the definitions of exploit and coercion is likely to make the offence more able to be successfully charged and prosecuted.* *Increased prosecutions may improve public safety and demonstrate that New Zealand is not an easy environment to conduct this type of behaviour. Increased likelihood of successful prosecutions may also have a deterrent effect.*

		behaviour. Increased likelihood of successful prosecutions may also have a deterrent effect.	
Consistency	***0*** *The current trafficking in persons offence is inconsistent with international obligations and best practice.*	++ *Removing the requirement for coercion or deception in relation to minors would make the trafficking offence, and its associated penalty, consistent with our international obligations regarding child victims by recognising their unique vulnerability.*	++ *Amending the construction of the offence and expanding the definitions will make it more consistent with international best practice, and will help make the offence consistent with the principles of an effective and efficient justice system.*
Feasibility	**0**	***0*** *Removing the requirement for coercion or deception in relation to minors would make the trafficking offence easier to apply to people who traffic children. This may result in increased prosecutions and subsequently an increased prison population. However, we assess any increase to the prison population is unlikely to be significant.*	***0*** *Improving the construction of the trafficking offence may result in increased prosecutions and subsequently an increased prison population. However, we assess any increase to the prison population is unlikely to be significant.*
Overall assessment	**0**	++ *Removing the requirement for coercion or deception in relation to trafficking children would bring our laws in line with our international obligations. It would make the law and penalties for children trafficking more certain and would make it easier to prosecute offenders under the correct offence.*	++ *Amending our trafficking in persons offence will ensure the correct behaviours are being criminalised as trafficking. It will also ensure the definitions of exploit and coercion are consistent with international best practice.*

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

98. The Ministry and Minister's preferred options are both Options Two (Remove coercion or deception in relation to minors) and Three (Amend the definitions, add a consent provision and address issues with the construction of the trafficking offence). When implemented together New Zealand's trafficking in persons laws will be brought into line with international best practice, and enable offenders to be prosecuted under the correct offence with the appropriate penalty of 20 years' imprisonment. Currently, child trafficking offenders are being charged with lesser offences, with lower penalties, as the prosecution are unable to prove that the required level of coercion or deception was present.
99. Expanding the definitions of exploit and coercion, adding a consent provision, and removing the requirement to prove coercion or deception in the case of children, will make the law clearer and the penalties more certain. It will provide the public with reassurance that New Zealand takes trafficking seriously and will enable us to meet our international obligations under the Palermo Protocol. Updating the offence may also aid New Zealand in regaining tier one status under the United States' State Department's Office to Monitor and Combat Trafficking in Person's report, which would improve our international reputation.
100. Although implementing either Option Two or Three independently would improve the law, we assess that the highest net benefit would be gained by implementing both options together - removing the coercion or deception element in relation to children, adding a consent provision, amending the definitions and offence structure to ensure that it is fit for purpose and aligned with international best practice.

Part 3: Supporting Police investigations into child exploitation

What is the context behind the policy problem and how is the status quo expected to develop?

101. Section 98AA of the Crimes Act Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour, creates an offence for anyone, among other things: sells, buys, transfers, barters, rents, hires, detains, confines, imprisons, receives, removes or transports a person under the age of 18 years for the purpose of:
    a. the sexual exploitation of the person; or
    b. the removal of body parts from the person; or
    c. the engagement of the person in forced labour.
    d. The penalty for the offence is a maximum term of imprisonment of 14 years.
102. An individual may be liable under the offence if they agree or offer to do any of the offending behaviours, even if they have no intention of carrying it out. During the course of investigating such offences, Police may engage with offenders and offer or agree to engage in behaviour which constitutes an offence under s 98AA. For example, Police may enter into agreements with potential offenders to deal in the sexual exploitation of a young person in order to gather evidence against the other party, but have no intention to carry out the agreed acts and any agreement is purely for investigative or evidence-gathering purposes.
103. The exploitation of children and young people is not uncommon and has severe consequences for victims and society at large so the need for up-to-date and legally sound investigative tools is high.50
104. To effectively investigate and prosecute individuals for dealing in people under 18, undercover Police officers are at risk of being liable under section 98AA when conducting covert operations to collect evidence. There are currently no specific protections or immunities for Police when exercising their duties under this provision.

What is the policy problem or opportunity?

105. Police routinely undertake covert investigations into child exploitation, including in relation to transporting, buying, selling, or confining a minor for the purpose of sexual exploitation (offences under s 98AA of the Crimes Act).
106. It is an offence to agree to carry out any of these actions, even if there is no intention to carry them out or they are never actually carried out. For example, it is an offence to agree to transport a young person for the purpose of sexual exploitation, even if no real young person exists or they are never transported for that purpose.
107. Police sometimes need to enter into such agreements, often online, during covert investigations into child exploitation. Making an agreement to offend against a child allows Police to gather evidence against a potential offender and to differentiate them from those without intent to offend. This can also assist in identifying past, current, or future victims.
108. Entering into these agreements poses a legal risk to Police. If the undercover officer agrees to any of the aspects of the offence, they technically commit the offence even if they have no intention of carrying out the behaviour.
109. While Police are highly unlikely to face a public prosecution for offences committed as a legitimate part of a covert investigation, it remains concerned that a private prosecution could be brought by defendants who may have been legitimately investigated using the

[50] Arrest in undercover operation against child sex tour operator | New Zealand Police
Child sex offender sent explicit messages to undercover police officer | Star News
Auckland man arrested in child exploitation investigation | New Zealand Police

tactics outlined above. Although a private prosecution has not previously occurred Police remains concerned that the gap in protections leaves them vulnerable to undue scrutiny or claims by defendants. Police's view is that this conduct is a legitimate evidence gathering method and officers should be protected from prosecution.

110. There are other offences which contain built-in protections for undercover police officers allowing them to engage in behaviour that would ordinarily constitute an offence, if it is for a legitimate law enforcement purpose. For example, when buying drugs to collect evidence against a drug dealer (s 34A(2) of the Misuse of Drugs Act 1975) or various firearms offences, such as illegally supplying or manufacturing a firearm, to allow the undercover officer to blend in with a criminal group (s 3(6) of the Arms Act 1983).
111. Based on the protections offered to Police officers investigating other crimes, it appears the lack of protections for those investigating child exploitation is an oversight.

What consultation has been undertaken?

112. Whaikaha advise that creating immunities for investigators makes it even more important to ensure Police are sufficiently disability aware and responsive, particularly in relation to intellectual and neuro disability and how those can impact capacity and ability to consent.
113. Crown Law S9(2)(h) . It advised that in a number of other Acts there is a requirement for Attorney-General leave to bring a prosecution against an undercover officer.

Section 2: Assessing options to address the policy problem

What options are being considered?

Option One – Status Quo

114. Option One is the status quo. There is currently no immunity or protection for Police undertaking covert operations to obtain evidence of dealing in a person under the age of 18.

Option Two – Require Attorney General leave to bring a prosecution

115. Include a requirement in section 98AA for the Attorney General's leave to bring a prosecution under this offence against any constable in respect of any act committed by them at the time or during a period when they were acting as an undercover officer.

Option Three – Good faith and reasonable manner immunity

116. Include an explicit immunity for undercover police officers who commit an offence against section 98AA during the course of an investigation into offending under section 98AA. The immunity would require the police officer to be acting in good faith and a reasonable manner in the course of their duties.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Additional protection from prosecution	Option Three - Good faith and reasonable manner immunity
Certainty	***0*** *It is currently uncertain whether a Police officer could or would also be charged with an offence under section 98AA when engaging in uncover activities.*	+ *Having a requirement for the Attorney-General's leave to prosecute an undercover police officer under s 98AA may increase clarity for the public of what investigative techniques are permissible for undercover police officers.*	+ *Having an immunity for Police engaging in the behaviour in s 98AA during investigations may increase clarity for the public of what investigative techniques are permissible for undercover police officers.*
Effectiveness	***0*** *The current lack of a Police protection puts undue risk on undercover officers who investigate individuals who are dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour.*	+ *The current lack of protection is not preventing Police from undertaking the investigations of offending under s 98AA. However, having a requirement to get leave of the Attorney-General to bring charges against an undercover officer would remove the risk of frivolous private prosecutions or unreasonable liability which can currently hinder the ability to investigate, prosecute, and thus deter this type of offending.* *The additional requirement for the Attorney-General's permission would mean that prosecutions could still be bought against undercover Police officers who did not act reasonably or went beyond acceptable under cover behaviour. This change would not grant under-cover Police officers immunity from all prosecutions.*	- *The current lack of protection is not preventing Police from undertaking the investigations of offending under s 98AA. However, having an immunity against charges for undercover officers would remove the risk of frivolous private prosecutions or unreasonable liability which can currently hinder the ability to investigate, prosecute, and thus deter this type of offending.* *An immunity for Police officers may make it difficult to bring prosecutions against officers who do not act reasonably or go beyond acceptable undercover behaviour.*
Consistency	***0***	+	- -

		The proposed protection would be consistent with those for undercover officers outlined in the Misuse of Drugs Act 1975 and the Arms Act 1983.[51] *Having the same protections for undercover officers investigating offences against 98AA would allow for the consistent protection of undercover officers across different types of investigations.*	*An immunity from prosecution would go beyond other protections extended to undercover officers investigating other areas of the law, such as the protections for undercover officers outlined in the Misuse of Drugs Act 1975 and the Arms Act 1983.*[52] *An immunity would create further inconsistencies in how undercover police officers are protected from prosecution.* *There is a risk that granting an immunity in regards to section 98AA may mean that the Courts would find that the Police do not have immunity regarding the commission of offences in other areas.*
Feasibility	***0***	**+** *The requirement for Attorney-General leave would reduce the risk of private prosecutions being brought against Police who engage in offending behaviour while collecting evidence while investigating s 98AA offences. The risk of incurring costs associated with processing or defending a private prosecution will therefore be reduced.*	**+** *An immunity from prosecution would remove the risk of private prosecutions being brought against Police who engage in offending behaviour while collecting evidence while investigating s 98AA offences. The risk of incurring costs associated with processing or defending a private prosecution will therefore be saved.*
Overall assessment	***0*** *Retaining the status quo would leave Police officers, who are investigating serious crimes involving children, open to legal liability when covertly collecting evidence as a legitimate part of their job.*	**+** *Adding a layer of protection for Police within section 98AA would make it easier for officers to undertake covert operations against individuals who are dealing in children for sexual exploitation.*	**-** *An immunity from prosecution for undercover police officers would be inconsistent with the current approach to protecting investigating officers. It may make it more difficult or even impossible to bring a prosecution against a police officer who has not behaved reasonably while undertaking their duties.*

[51] Arms Act 1983, s 3(6) and Misuse of Drugs Act 1975, s 34A
[52] Arms Act 1983, s 3(6) and Misuse of Drugs Act 1975, s 34A

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

117. The Ministry and the Minister's preferred option is Option Two (Creating a protection for Police within section 98AA by requiring the Attorney-General's leave to bring a prosecution against undercover officers). This Option will support Police to investigate and prosecute individuals who are selling, buying, bartering or in any other way dealing in a person under 18 for the purpose of exploitation. Unfortunately, this type of offending is not uncommon and due to its severity the need to use covert investigative tools is high.[53] We consider Option Two best addresses the problem, while ensuring that any police officer who acts unreasonably or beyond the bounds of acceptable conduct can still be prosecuted under section 98AA.

[53] Arrest in undercover operation against child sex tour operator | New Zealand Police
Child sex offender sent explicit messages to undercover police officer | Star News
Auckland man arrested in child exploitation investigation | New Zealand Police

Part 4: Retail crime

What is the context behind the policy problem and how is the status quo expected to develop?

118. Retail theft, or shoplifting, is covered by the general theft offence set out in section 219 of the Crimes Act. Theft is defined as the act of dishonestly taking property, with intent to deprive any owner permanently of that property or of any interest in that property. There is no specific offence relating to theft in a retail context (although some other types of theft, such as theft of livestock, are covered by separate provisions).
119. Punishment for theft is covered in section 223 and applies to all types of theft, unless explicitly noted otherwise. Maximum penalties are determined based on the value of the property stolen, as follows:
    a. if the value of the property stolen exceeds $1,000, to imprisonment for a term not exceeding 7 years; or
    b. if the value of the property stolen exceeds $500 but does not exceed $1,000, to imprisonment for a term not exceeding 1 year; or
    c. if the value of the property stolen does not exceed $500, to imprisonment for a term not exceeding 3 months.
120. The property value thresholds effectively create three tiers of offending, meaning the more valuable the property, the higher the potential penalty. The thresholds are updated infrequently and were last amended in 2003.
121. In July 2024, the Minister of Justice established the Ministerial Advisory Group on retail crime (MAG) to provide independent advice and recommendations to tackle urgent issues related to retail crime. In April 2025, the MAG provided the Minister with a report on shoplifting. It included three proposals for legislative change, which are set out as Option Two below.

What is the policy problem or opportunity?

122. Retail theft is a high-volume, widespread offence. There were 90,336 reported victimisations for theft from a retail premises in the year to June 2024.[54] 82% of retailers reported experiencing theft in 2023, with an estimated cost of $1.1 billion worth of property stolen.[55] Most retail theft is of relatively low value goods, with 76% of reports being for theft of property under $500.
123. A relatively small proportion of low-level theft results in charges under section 223 of the Crimes Act. In 2023-24, 16% of all reported victimisations for theft under $500 resulted in court action, while 59% were not pursued based on Police discretion. However, once theft charges are laid, 80% of charges are convicted and sentenced.
124. People are often charged with other, more serious offences alongside theft, which affect sentence outcomes. For the 56% of cases where low-level retail theft (under $500) was the most serious offence, 7% of offenders received a prison sentence, 46% received another Corrections based sentence and 32% a monetary sentence.
125. There are a range of reasons why low-level theft does not lead to prosecution more often, including:
    a. Police will generally prioritise incidents where there is a risk to public safety, and most retail theft does not meet that threshold;
    b. sufficiency of evidence to enable Police to lay charges;

[54] Victimisation and Police prosecution data sourced from Police's Recorded Crime Victims Statistics, as at 10 March 2025.
[55] Retail New Zealand, 2023, Retail Crime Report 2023: https://retail.kiwi/product/retail-crime-report-2023/

c. application of the Solicitor-General's Prosecution Guidelines[56] regarding the need for sufficient public interest in a prosecution (for lower-level theft where the seriousness of the offence and harm caused is relatively low, it is unlikely to meet the public interest test); and
d. application of a range of alternative resolutions instead of formal proceedings, particularly for youth offenders.

126. The MAG considers the lack of visible enforcement through the courts creates a perception there is a lack of consequence for offending and that many thefts are going unpunished. This undermines deterrence and contributes to a sense of impunity among offenders.
127. While the MAG's report states that the lack of enforcement is primarily driven by Police resourcing and the relatively low prioritisation of shoplifting incidents, it also considers there are difficulties involved in charging and prosecuting offenders through the courts, which could be improved by introducing new offences, specific to retail theft.[57] However, we note that Police considers the existing offence to be fit for purpose for charging and prosecuting theft. It does not consider that new offences would make a material difference to Police's prosecution decisions, or its prioritisation of on the ground responses.

What consultation has been undertaken?

128. Agencies were consulted on options two and three in this Part. Option four was developed after consultation had been completed.
129. Police provided feedback on the underlying problem definition put forward by the MAG. Police does not consider the legislative framework for prosecuting theft is insufficient, or that adding more charging options would provide significant benefit. It considers enabling and resourcing existing practices and taking a preventative approach that addresses the drivers of crime may be more effective at reducing retail theft. It also highlighted some of the operational implications, such as Police Officers' access to information regarding previous infringements when responding to incidents, and how the infringement notices will be delivered, that could limit the effectiveness of an infringement regime.
130. Oranga Tamariki raised concerns about how any new offences would apply to children and young people. It noted the new offences would likely be inconsistent with New Zealand's international obligations, the Oranga Tamariki Act 1989 and the New Zealand Bill of Rights Act 1990 if they were applied to children and young people. Specific concerns were raised about applying a strict liability offence to children and young people, who tend to engage in impulsive behaviour without understanding the severity of their actions, and imposing financial penalties to young people who generally have limited capacity to pay.
131. Crown Law noted that much retail theft is driven by poverty and addiction, S9(2)(h)

132. The Privacy Commission highlighted potential negative consequences where inaccurate use of personal information, including identification of alleged offenders, could lead to the wrongful issuing of infringement notices.
133. Whaikaha noted the removal of the need to prove intent for retail theft creates a risk that the behaviour of deaf people or people with an intellectual or neuro disability could be misinterpreted. This could add to existing issues of stigma or bias against these groups.

[56] Solicitor-Generals-Prosecution-Guidelines-2025.pdf
[57] Ministerial Advisory Group for the Victims of Retail Crime – Shoplifting, 9 April 2025.

Section 2: Assessing options to address the policy problem

What options are being considered?

Option One – Status Quo

134. Option One is the status quo. Retail theft would continue to be covered by the existing theft provisions in the Crimes Act and penalties would be determined by the value of property stolen, in line with existing thresholds.

Option Two – New shoplifting offence and infringement regime

135. Option Two reflects proposals made by the MAG. This option proposes two new offences – a new offence specifically for shoplifting and a corresponding infringement regime. These new offences would sit alongside the existing theft offence, providing three potential pathways for Police to use in response to retail theft.
136. The new shoplifting offence would:
    a. apply where property has been stolen from a retail premises;
    b. be a strict liability offence, only requiring proof that an offender left the premises without paying, and not requiring any proof of intent to steal;
    c. rather than using monetary thresholds, penalties would relate to the number of previous shoplifting convictions:
        i. for a first offence, a maximum sentence of imprisonment of up to 1 year;
        ii. for a second offence, a maximum sentence of imprisonment of up to 2 years;
        iii. for a third and subsequent offence, a maximum sentence of imprisonment of up to 7 years; and
    d. include a provision for aggressive or intimidating behaviour, or carrying out the theft in a brazen manner (e.g. overtly walking out of the retail premises with stolen goods) to be recognised in sentencing OR recognise these factors in a separate aggravated version of the shoplifting offence.
137. The accompanying infringement regime would:
    a. mirror the definition of the shoplifting offence and also be strict liability;
    b. provide for a $500 infringement fee; and
    c. be accompanied by a new victim compensation fund, which would redistribute infringement fee proceeds back to retailers to compensate for their loss
138. The existing theft offence would remain as a third charging option for retail theft, and for all non-retail theft. The existing penalty structure would however be adjusted, from the existing property value limits to the following:
    a. where the value of property stolen is over $5,000, imprisonment of up to 7 years;
    b. where the value of property stolen is between $1,000 and $5,000, imprisonment of up to 1 year; and
    c. where the value of property stolen is up to $1,000, imprisonment of up to 3 months.

Option Three – Infringement regime for low-level retail theft

139. Option Three would introduce a new infringement offence for low-level retail theft, punishable with an infringement fee, but not create a standalone shoplifting offence with penalties of imprisonment.

140. A new retail theft infringement offence would sit alongside the theft offence and penalties. Police could elect to issue an infringement notice or lay theft charges, as appropriate (alongside existing Police discretion, alternative actions and warnings).
141. As per option two, it would:
    a. apply to theft from a retail premises only;
    b. be a strict liability offence, only requiring proof that an offender left the premises without paying, and not requiring any proof of intent to steal.
142. It would differ from option two by:
    a. having two infringement fee levels, linked to the scale of the theft:
        i. where the value of property stolen is up to $500, a fee of $500
        ii. where the value of property stolen is greater than $500, a fee of $1,000.
    b. not introducing a victim compensation fund.

Option Four – Simplify the existing theft offence penalty thresholds

143. Under Option Four, the penalty structure for the existing theft offence would be simplified. The lowest threshold of $500 would be removed, and theft of all property under $1,000 would become subject to a maximum sentence of up to one year imprisonment. The new penalty structure would be as follows:
    a. where the value of property stolen exceeds $1,000, imprisonment of up to 7 years;
    b. where the value of property stolen does not exceed $1,000, imprisonment of up to 1 year;
144. Additionally, if the theft was from a retail premises and was carried out "with disregard for good order" (to capture the MAG's intent to respond to "brazen" offending), then the offending would be subject to a maximum penalty of up to 7 years imprisonment, regardless of property value.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – New shoplifting offence and infringement regime	Option Three – Infringement regime for low-level retail theft	Option Four – Adjust theft offence thresholds
Certainty	**0** *Existing theft offence and penalties are clear. Offenders can easily understand the value of the property they are intending to steal and the resulting maximum punishment.* *A single charging option means penalties are more likely to be consistent.* *The arbitrary nature of the monetary thresholds can result in variable and potentially disproportionate penalties (e.g. if property is valued just over or under a threshold amount, different penalties apply, despite the same behaviour).*	-- *Creating three different charging pathways, with different sets of penalties for broadly similar criminal behaviour, would create uncertainty about how an offender might be charged.* *High potential for inconsistent penalties being applied as different enforcement approaches taken.* *Arbitrary nature of monetary thresholds under the status quo would be avoided for shoplifting charges.* *Ease of issuing infringements could result in more people being held to account and more certain consequences for offending.*	- *Creating two different charging pathways, with different penalties for broadly similar criminal behaviour, may also create uncertainty about how an offender might be charged, but to a lesser degree than option two.* *Arbitrary nature of monetary thresholds for theft under the status quo would remain.* *Ease of issuing infringements likely to result in more people being held to account and more certain consequences for offending.*	- *Offenders can easily understand the value of the property they are intending to steal and the resulting maximum punishment.* *A single charging option means penalties are more likely to be consistent.* *Reducing the number of thresholds from two to one would reduce the impact of the arbitrary nature of the monetary thresholds, relative to the status quo.* *There may be some uncertainty in the application of the "with disregard for good order" element of the offence.*
Effectiveness	**0** *Low rates of prosecution for low-level offending contribute to a public perception that offenders are often not being held to account.*	+ *Infringement offence is likely to increase the number of people being held to account, which may improve public perception about the adequacy of enforcement.*	+ *Infringement offence is likely to increase the number of people being held to account, which may improve public perception about the adequacy of enforcement.*	**0** *Unlikely to increase prosecutions for low-level offending which may continue to contribute to a public perception that offenders are often not being held to account.*

		Infringements likely to increase certainty and immediacy of punishment, which may have a deterrent effect. *Strict liability shoplifting offence may lead to more charges, but unclear whether it would substitute for existing theft charges.* *Young people may be more likely to be prosecuted or receive infringements, rather than being dealt with through alternative approaches under the status quo. Māori make up more than half of proceedings for theft currently, and are likely to be disproportionately affected by increased prosecutions and infringements.*	*Infringements likely to increase certainty and immediacy of punishment, which may have a deterrent effect.* *Young people may be more likely to receive infringements, rather than being dealt with through alternative approaches under the status quo. Māori make up more than half of proceedings for theft currently, and are likely to be disproportionately affected by an infringement offence.*	*Higher maximum penalty for low-value theft may have a deterrent effect.*
Consistency	**0** *Existing offence is consistent with justice principles. Penalties are consistent and graduated according to the harm caused (although limited to financial harm only).* *Limited scale of enforcement and prosecution can undermine the efficiency and effectiveness of the justice system.*	**--** *Creation of a strict liability shoplifting offence with significant terms of imprisonment is highly inconsistent with criminal justice principles. Likely to be inconsistent with NZBORA (e.g. disproportionately severe punishment)* *Strict liability for infringements is broadly consistent with justice principles but creates inconsistency*	**-** *Strict liability for infringements is broadly consistent with justice principles but creates inconsistency with otherwise similar theft in a non-retail environment.*	**0** *The theft offence is consistent with justice principles. Penalties are consistent and graduated according to the harm caused (although limited to financial harm only).* *There may be some uncertainty in the application of the "with disregard for good order" element of the offence, and it may cause inconsistencies in that it only applies in a retail setting.*

		with otherwise similar theft in a non-retail environment. *Removal of value thresholds in favour of increasing penalties for subsequent convictions in the proposed shoplifting offence creates a risk of disproportionate penalties being applied for relatively low-level offending.*		*Limited scale of enforcement and prosecution can undermine the efficiency and effectiveness of the justice system.*
Feasibility	**0** *Finite Police resources and prioritising more serious offending means that many instances of theft do not result in criminal charges.* *Taking court proceedings is unlikely to be cost-effective or in the public interest in many cases.*	**--** *Would require changes to Police operational practices and may have resourcing implications.* *Administrative costs for fees collection, and possible additional pressure on courts responding to non-payment of fines.* *Feasibility of issuing infringements where an offender has already left the retail premises, and viability of evidence to prove strict liability is unclear.* *High potential to increase pressure across the justice sector, through more charges being laid and more severe penalties being imposed, including imprisonment.*	**-** *Would require changes to Police operational practices and may have resourcing implications.* *Administrative costs for fees collection, and possible additional pressure on courts responding to non-payment of fines.* *Feasibility of issuing infringements where an offender has already left the retail premises, and viability of evidence to prove strict liability is unclear.* *Police would be unable to use search and surveillance powers to enable them to locate and return stolen items.*	**0** *Finite Police resources and prioritising more serious offending means that many instances of theft would continue to not result in criminal charges.* *Taking court proceedings is unlikely to be cost-effective or in the public interest in many cases.*

Overall assessment	**0** *The status quo provides for an enforcement response to retail theft, but the nature of high-volume, low-level offending makes prosecution impractical and not justified in many cases.* *For lower-level offending, alternative responses are available to Police where appropriate, particularly for youth.*	**--** *Multiple potential charging pathways likely to create uncertainty and inconsistency.* *Strict liability shoplifting offence with significant, increasing penalties is inconsistent with justice principles and may result in disproportionately severe punishment.* *An infringement regime could contribute to public perceptions of offenders being held to account and may have a deterrent value as a more swift and certain consequence.* *Significant cost implications across the justice sector, and feasibility of issuing infringements is unclear.*	**-** *Multiple potential charging pathways likely to create uncertainty and inconsistency, although less than under option two.* *Introduction of an infringement regime could contribute to public perceptions of offenders being held to account and may have a deterrent value as a more swift and certain consequence.* *Feasibility of issuing infringements is unclear.*	**0** *Updating the thresholds for the theft offence is unlikely to change the number of prosecutions as the nature of high-volume, low-level offending makes prosecution impractical and not justified in many cases.* *Introducing an additional element where the offender committed retail theft "with disregard for good order" may cause confusion in its application and inconsistencies in sentencing for theft in a retail setting against other forms of theft.*

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

145. Option One (retaining the status quo) is the Ministry's preferred option. We agree with Police's view that the legislative settings for investigating, charging and prosecuting theft are fit for purpose, and do not require amendment. None of the options considered would lead to Police reprioritising more of its on the ground resources towards low-level theft. Creating additional offences alone would be unlikely to lead to significantly more offenders being held to account.
146. Option Two is not recommended because:
    a. it would create significant uncertainty about how broadly equivalent criminal behaviour will be treated and risks being applied inconsistently to different offenders;
    b. removing reference to property value thresholds for retail theft removes a clear link between the level of harm and severity of the consequence and makes it unclear when an infringement response can and should apply;
    c. a strict liability shoplifting offence with penalties of imprisonment is inconsistent with justice principles and risks disproportionate outcomes for offending; and
    d. it is likely to create significant costs across the justice sector that would not be outweighed by the benefits.
147. Option Three would likely result in more offenders being held to account for retail theft, although the scale of impact is unclear. It would be likely to improve public perception that retail theft offenders are being held to account and the introduction of a more swift and certain punishment in the form of a fine may create more deterrent than the status quo. However, the feasibility of implementing an infringement regime is uncertain, and it would create a moderate level of uncertainty and inconsistency about how equivalent criminal behaviour would be treated.
148. Option Four would not directly address the policy objective of holding more offenders to account. The strengthened maximum penalty for lower value theft may have some deterrent effect. Similarly, the inclusion of a provision to respond to offending "with disregard for good order" may deter this behaviour, although may also increase inconsistency and uncertainty.

What is the Minister's preferred option?

149. The Minister's preferred options are to implement a new infringement regime for shoplifting (option three) and to update the existing theft offence thresholds with a new offence for shoplifting with disregard for good order (option four).

What are the marginal costs and benefits of the Ministry's preferred option in the Cabinet paper?

150. The marginal costs and benefits below reflect the Ministry's preferred option for addressing the National/New Zealand First coalition commitments. It does not reflect where the Ministry's preferred options were the status quo.

Affected groups *(identify)*	**Comment** *nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.*	**Impact** *$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.*	**Evidence Certainty** *High, medium, or low, and explain reasoning in comment column.*
Additional costs of the preferred option compared to taking no action			
Offenders	One-off and ongoing costs – more offenders likely to be held to account through custodial sentences	Medium	Low
Law enforcement (NZ Police and Crown Law Office)	One-off costs – implementation and training costs Ongoing costs – costs relating to greater number of investigations and prosecution	Low/Medium	Medium
Department of Corrections	Ongoing costs – increased number of people sentenced to longer custodial sentences	Low	Medium
Ministry of Justice (including courts)	One-off costs – implementation and training costs Ongoing costs – impacts on court resource	Medium	Medium
Total monetised costs	N/A	N/A	N/A
Non-monetised costs		*(High, medium or low)*	
Additional benefits of the preferred option compared to taking no action			
Victims of crime	Ongoing benefit – harm victims experience is	Medium	Low/Medium

	able to be prosecuted and is fairly labelled		
Investigating and prosecuting agencies (NZ Police and Crown Law Office)	Ongoing benefits – able to use the law more effectively	Low/Medium	Low/Medium
Total monetised benefits	N/A	N/A	N/A
Non-monetised benefits		*(High, medium or low)*	

What are the marginal costs and benefits of the Minister's preferred option in the Cabinet paper?

Affected groups *(identify)*	**Comment** *nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.*	**Impact** *$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.*	**Evidence Certainty** *High, medium, or low, and explain reasoning in comment column.*
Additional costs of the preferred option compared to taking no action			
Victims of crime (including retailers)	N/A	Low	Medium
Offenders	One-off and ongoing costs – more offenders likely to be held to account through custodial sentences	Medium	Low
Law enforcement (NZ Police and Crown Law Office)	Ongoing costs – costs relating to greater number of investigations and prosecution One-off costs – implementation and training costs - upgrading technology to enable enforcement	Police estimate that the cost of implementing a technological solution to enable a new retail theft infringement regime would be high. Crown Law estimates there will be increased (and high) costs for Crown Solicitors in for prosecuting charges of "disregard for good order" as the 7-year maximum penalty means these will be jury trial cases.	High Crown Prosecutor costs: Medium certainty
Department of Corrections	Ongoing costs – increased number of	Medium	Medium

	people sentenced to longer custodial sentences		
Ministry of Justice (including courts)	One-off costs – implementation and training costs Ongoing costs – impacts on court resource, higher likelihood of jury trials	Medium	Medium
Total monetised costs	N/A	N/A	N/A
Non-monetised costs		*(High, medium or low)*	
Additional benefits of the preferred option compared to taking no action			
Victims of crime	Ongoing benefit – harm victims experience is able to be prosecuted and is fairly labelled	Medium	Low/Medium
Investigating and prosecuting agencies (NZ Police and Crown Law Office)	Ongoing benefits – able to use the law more effectively	Low/Medium	Low/Medium
Total monetised benefits	N/A	N/A	N/A
Non-monetised benefits		*(High, medium or low)*	

Section 3: Delivering an option

How will the proposal be implemented?

151. The proposed changes require legislative amendment to the Crimes Act 1961 and consequential amendments to the Summary Offences Act 1981. Further consequential amendments may be identified during the drafting process.
152. The Minister of Justice intends to introduce legislation to the House in September 2025. Subject to parliamentary processes, a Bill could be passed in 2026. The Ministry will work with relevant agencies to ensure the Bill's commencement allows for sufficient implementation time.
153. The Ministry worked with relevant agencies with some implementation responsibility during the policy development stage. Agencies required to undertake implementation activities are (including relevant activities):
    a. Ministry of Justice:
        i. administering the Crimes Act 1961, including the new offences;
        ii. providing communications to the judiciary and legal profession;
        iii. providing communications and training to court staff;
        iv. providing communications to its relevant contracted service providers and non-governmental organisations on the new offences;

v. creating and updating relevant court processes; and
vi. updating IT systems (such as offence codes).

b. New Zealand Police
    i. changes to operational policies, guidelines and documentation (e.g., for investigating and charging);
    ii. providing communications and training to staff; and
    iii. updating IT systems (such as offence codes).

c. The Department of Corrections will be responsible for managing any persons sentenced to imprisonment. Implementation activities will include ensuring sufficient prison capacity for those sentenced to imprisonment following conviction and the lead in for new capacity takes years of preparation (eight years for new builds)
    i. Amend optional guidelines and documentation, particularly around internal disciplinary framework and the assault on first responders and prison officers offences.
    ii. Providing communications and training to staff.

d. Immigration New Zealand is responsible for the investigation of cross border trafficking and people smuggling offences.
    i. Changes to operational guidelines and documentation
    ii. Providing communications and training to staff

e. Crown Law Office
    i. changes to guidelines and documentation;
    ii. providing communications and training to staff.

Implementation funding

154. With the exception of a new infringement regime for shoplifting, the proposed changes are expected to be implemented within agency baseline funding.
155. The Ministry of Justice can implement the parts of these proposals it is responsible for within baseline funding. No additional funding is sought at this time, though officials will need to undertake further analysis to fully understand the implications of an increase in prosecution numbers.
156. NZ Police has advised that, at this stage, it is too early to determine the specific implementation activities it will need to progress and, therefore, any potential implementation funding requirements. This will be subject to confirming the final scope of the Crimes Amendment Bill proposals. Police have advised that the cost of implementing a new infringement regime would be significant and unable to be absorbed within baseline funding.
157. The Department of Corrections considers that the policy proposals will have some impact on the prison population in the medium to long term. The proposal to strengthen penalties on first responder offences will impact Corrections' operations but will depend on certain factors, such as whether implementing the recommended options will interfere with the current internal discipline process including the process of referring all assaults to Police. S9(2)(f)(iv)

How will the proposal be monitored, evaluated, and reviewed?

158. As the agency with regulatory responsibility for the Crimes Act 1961, the Ministry will be responsible for monitoring, evaluating and reviewing the proposals.
159. The Ministry collects data on charges, convictions and sentencing outcomes for all offences. The Ministry will use this data to monitor the use of the new offences. Police will

also use existing systems to collect information about callouts, charges and prosecutions to monitor the use of the new offences. Reported case law will be able to be used to monitor the effectiveness of the new offences when these areas are next reviewed.

160. Future Crimes Amendment Bills will provide opportunity to review and update proposals, as needed.