

16 February 2026

Submission to Committee Secretariat of the Justice Committee on the **Crimes Amendment Bill**.

As a Catholic Justice & Peace Commission guided by Catholic Social Teaching (CST) on human dignity, the common good, solidarity, subsidiarity, and a preferential option for the vulnerable, we strongly support the Bill's responses to trafficking/slavery, "coward-punch" assaults, and assaults on first responders. We also give comment on safeguards for covert child-exploitation investigations.

Following our previous submission on Crimes (Increased Penalties for Slavery Offences) Amendment Bill in February of last year, we welcome this opportunity to provide further comment and recommendations, especially in refining the retail-crime and citizen's-arrest provisions of this Bill to ensure proportionality, restorative pathways, and peace-building consistent with CST and the NZ Catholic Bishops' long-standing advocacy for restorative justice.

Our overall position on this Bill:

- Adopt the trafficking/slavery and people smuggling reforms to fully resource victim-centred support and reintegration.
- Pass targeted offences for 'coward punches', and amendments to assaults on first responders, and corrections officers.
- Refine the retail crime to include diversion, treatment referrals, restitution, and restorative justice options to avoid settings that entrench poverty and youth offending.
- Tighten citizen's arrest/defence of property changes with de-escalation duties, training standards, and reporting oversight to reduce harm and profiling risks.
- Require disaggregated data transparency and independent review (12–24 months) to check for discrimination or unintended effects.

ON TRAFFICKING, SLAVERY & PEOPLE SMUGGLING

We strongly support this Bill's reforms that align with the Palermo Protocol¹: that raise penalties for dealing in slaves and children, enable prosecutions where genuine

¹ United Nations: General Assembly resolution 55/25. (2000, November 15) *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

documents are unlawfully obtained, and the removal of coercion and deception requirements for child trafficking. These steps better protect the inviolable dignity of the person, especially children, and rise to meet international standards. These requirements reflect the reality of exploitation, and the absolute dignity of the person, especially children who cannot consent to their own exploitation. We recommend the removal of coercion and deception requirements for ‘all people’, especially women and girls who are more likely to fall prey to coercion and deception in the slavery through known gender inequality.²

We recommend pairing penalties with long-term survivor services: safe housing, legal and immigration support, trauma-informed care, and culturally appropriate reintegration. This recommendation is congruent to the approach set out in our February 2025 submission on slavery penalties and victim-centred support and care.

We conditionally support the requirement for Attorney-General consent before prosecuting police conduct in bona fide covert operations targeting child-exploitation, ***provided there is transparent oversight***. Requiring Attorney-General consent before prosecuting police conduct arising from bona fide covert child-exploitation investigations helps ensure necessary operations proceed with accountability. There is a fine line between covert pretence, and inadvertently or advertently contributing to harm to maintain that pretence. Protecting children and enabling effective investigations are consistent with CST’s preferential option for the vulnerable.

BALANCING RETAIL CRIME & PUNISHMENT

We recognise the real harm to retailers and workers and the need for timely consequences. Yet proportionality and human development also argue for an infringement regime that presumes diversion, that requires treatment referrals to addiction and mental health, and seeks restitution-first options, alongside means-tested fines that will deter harm without deepening poverty, stigmatisation or youth criminalisation. Justice alternatives that seek restitution and restoration are achievable. Practical recommendations would be to build in mandatory restorative options (victim-offender conferencing where appropriate), community service linked to skills/mentoring and means-tested fines to prevent debt traps and reduce re-offending.

We think in a particular way of the proportionality and human dignity of our Rangatahi, Māori and Pasifika, the poor, and those with addictions or mental health issues who are

² Walk Free. (2025, March 6) *Gender inequality increases the risk of modern slavery for women and girls*. <https://www.walkfree.org/news/2025/gender-inequality-increases-the-risk-of-modern-slavery-for-women-and-girls/>

Else, A. *Gender Inequalities*. Te Ara: The Encyclopaedia of New Zealand. <https://teara.govt.nz/en/gender-inequalities/print>

especially susceptible to being entrenched by disadvantages. A narrowly drawn infringement regime with clear diversion pathways for addiction/mental-health service referrals, and restitution-first options would better advance the common good than punitive escalation alone.³

UNPROVOKED HEAD/NECK STRIKES TERMED AS “COWARD PUNCHES”

We are in strong agreement to the addition of the new section of Clause 19 171A to Part 1, Subpart 4 regarding the unjustifiable violent assault popularly termed as the ‘coward’s punch’.⁴ The added clause is not only a deterrent from these violent offences, but a just consequence and penalty for this inexcusable act of grievous bodily harm and violence on a defenceless person.

PROTECTION OF OUR FIRST RESPONDERS AND CORRECTIONS OFFICERS

We are, again, highly supportive of clearer and stronger consequences for assaults on first responders, and corrections officers. As one clear example provides: we would expect our ambulance responders in their sole caregiving capacity to be safe in their profession. Hato Hone reported a 10% rise to 300 violent and aggressive incidents and assaults on their staff over the past year.⁵ We recognise these amendments and subsequent consequences and penalties to Part 1, Subpart 5 of the Act regarding ‘intent to injure’ and ‘reckless disregard of safety’ to be adequate and just. We do, however, question how intent will be determined if a person is mentally or medically unstable or intoxicated at the time of offending. Further clarification of definition and interpretation is required. However, these measures are necessary to defend life and the common good, and defer further violence, by safeguarding those who protect our community.

CITIZEN’S ARREST AND DEFENCE OF PROPERTY

Clarity is helpful for retailers and the public, however expanding citizen’s-arrest powers risks escalation, profiling, and harm, especially for vulnerable communities. We recommend tight statutory limits, de-escalation duties, compulsory guidance and training for retailers and security, alongside robust reporting and oversight to protect dignity and prevent violence. This best reflects CST’s call to pursue peace and order through justice and peacekeeping, not force.⁶

³ The Salvation Army. (n.d.) *Crime and Punishment*. <https://www.salvationarmy.org.nz/research-policy/social-policy-parliamentary-unit/state-nation-2024/crime-and-punishment/>

⁴ 1News. (2025, June 30). *Govt introducing specific criminal offence for 'coward punches'*. <https://www.1news.co.nz/2025/06/30/govt-introducing-specific-criminal-offence-for-coward-punches/>

⁵ Boswell. R. (2026, January 5). *'It's a dilemma': Alarming rise in attacks on St John staff*. 1News. <https://www.1news.co.nz/2026/01/05/its-a-dilemma-alarming-rise-in-attacks-on-st-john-staff/>

⁶ Pope John XXIII. (1963, April 11). *PACEM IN TERRIS: Encyclical on Establishing Universal Peace in Truth, Justice, Charity, and Liberty*. Holy See. https://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html n.4, 34, 78, 138.

OUR PARTICULAR RECOMMENDATION:

To accompany the intended expansion to citizen's-arrest powers and the new retail-crime measures contained in this Bill, we recommend that the Bill or its supporting regulatory instruments include clear *statutory requirements* for ongoing transparency and independent oversight.

Specifically, regular publication of disaggregated data would include:

- age
- ethnicity
- type of offence
- enforcement action
- and outcome

This data should relate to the use of citizen's-arrest powers, retail-crime enforcement, and the new shoplifting infringement regime introduced as part of this Bill. This is especially important given the Bill's intention to expand citizens' power to intervene in "any Crimes Act offence at any time of the day," and the formalisation of 'reasonable-force' provisions.

An independent evaluation within 12–24 months after enactment would assess:

- proportionality in the use of new arrest powers
- any evidence of differential impacts across demographic groups
- effectiveness in reducing retail crime and improving community safety

Independent scrutiny is warranted given the Government's stated intent to give retailers and the public "greater clarity and legal protection" when intervening, and the expectation that these changes will deter retail offending.

This legislation has the potential to become a justice-aligned ethical framework that grounds the monitoring regime in principles consistent with the CST values of truth, transparency, justice, and the protection of human dignity in the exercise of public authority.⁷

Conclusion:

Nonviolence is sometimes taken to mean surrender, or lack of involvement and passivity, but this is not the case through the amendments and additives of this Bill. We continue to advocate for nonviolent peacebuilding strategies and persist in our efforts to build peace through active and creative nonviolence. A just criminal law protects

⁷ Ibid. Chapter II: n.46

victims, prevents further harm, holds offenders accountable, and opens real paths to restoration. That balance is the balance we seek.

A balance central to CST and the Church’s consistent teaching on human dignity, the common good, and social peace that is best served by strong protections against serious exploitation and violence, paired with proportionate, restorative responses to lower-level offending and careful limits on citizen enforcement powers.

The Bill’s stronger responses to serious exploitation and violence should proceed, while retail-crime and citizen-enforcement settings should be calibrated to uphold human dignity, proportionality, and social peace – the enduring aims of CST.

We are reminded that anyone can exploit, assault, and abuse – but “everyone can be an artisan of peace.” Non-violence and the abolition of exploitation and slavery is a commendable goal and always worth pursuing.⁸

⁸ Pope Francis. (2017, January 1). *Nonviolence: a Style of Politics for Peace: Message for World Day of Peace*. Holy See. https://www.vatican.va/content/francesco/en/messages/peace/documents/papa-francesco_20161208_messaggio-l-giornata-mondiale-pace-2017.html