

DRAFT FOR CONSULTATION

Crimes (Increased Penalties for Slavery Offences) Amendment Bill

Member's Bill

Explanatory note

General policy statement

Human trafficking is today's modern day form of slavery, involving gross violation of fundamental human rights. It is the fastest growing criminal activity in the world. The 2021 Traffic in Persons (TIP) Report by the US State Department shows New Zealand has dropped from tier one to tier two, as New Zealand no longer fully meets the TVPA's minimum standard to stay in tier one, recommending New Zealand to progress with strengthening our approach to human trafficking.

Section 98D of the Crimes Act 1961 contains a penalty of imprisonment for a term not exceeding 20 years, a fine not exceeding \$500,000, or both. Through section 98D, New Zealand has never prosecuted a sex trafficking crime. By increasing the penalty in section 98 of the Act, where the seven New Zealand cases of traffickers have been convicted, we have the ability to give a significantly harsher penalty that is consistent with 98D. Changing section 98AA also brings consistency in penalties for those under 18 years.

This achieves a cohesive penalty regime that is a step forward to achieving New Zealand's hard stance against human trafficking.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause, which provides for the Bill to come into force on the day after Royal assent.

Clause 3 identifies the Crimes Act 1961 (the **principal Act**) as the Act being amended by the Bill.

Clause 4 amends section 98 (Dealing in slaves) of the principal Act to increase the penalty for the offence in that section to match the penalty for the offence in section 98D (Trafficking in persons).

Clause 5 amends section 98AA (Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour) of the principal Act to increase the penalty for the offence in that section to match the penalty for the offence in section 98D (Trafficking in persons).

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Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act	1
4 Section 98 amended (Dealing in slaves)	2
5 Section 98AA amended (Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour)	2

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crimes (Increased Penalties for Slavery Offences) Amendment Act **2021**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Crimes Act 1961.

4 Section 98 amended (Dealing in slaves)

In section 98(1) replace “imprisonment for a term not exceeding 14 years” with “imprisonment for a term not exceeding 20 years, a fine not exceeding \$500,000, or both”.

5 Section 98AA amended (Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour)

In section 98AA(1) replace “imprisonment for a term not exceeding 14 years” with “imprisonment for a term not exceeding 20 years, a fine not exceeding \$500,000, or both”.