

# Crimes (Increased Penalties for Slavery Offences) Amendment Bill

## Submission from World Vision New Zealand

13 February 2025

### Introduction

1. World Vision New Zealand (World Vision) is part of the World Vision International Partnership. We are a global Christian relief, development and advocacy organisation dedicated to working with children, families, and communities to overcome poverty and injustice. We have programmes operating in nearly 100 countries around the world.
2. World Vision, with other organisations and individuals, has been instrumental in advocating for the introduction of a new domestic law to address modern slavery and people trafficking in New Zealand and in the global operations and supply chains of New Zealand entities.
3. As Chair of the Human Trafficking Research Coalition, World Vision has also led work to amend the definition of child trafficking in New Zealand.
4. World Vision New Zealand welcomes the introduction of the Crimes (Increased Penalties for Slavery Offences) Amendment Bill (Increased Penalties Bill) as a positive step towards addressing an aspect of modern slavery but emphasises that increasing penalties alone is insufficient to address the weaknesses in New Zealand's modern slavery and trafficking laws. If one inadequacy is going to be singled out, such as penalties, other inadequacies must also be amended.
5. A comprehensive solution already exists in [The Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill](#) (Modern Slavery Bill)<sup>1</sup> and accompanying [Building Consensus Report](#)<sup>2</sup> which provides a well-developed framework to address these legal deficiencies.
6. The Modern Slavery Bill and accompanying report was drafted by the Modern Slavery and Trafficking Expert Practitioners group (MSTEP Group), including World Vision's Head of Advocacy Rebekah Armstrong, criminal and regulatory barrister Jacob Parry and ANZ's ESG Lead Rebecca Kingi. This submission strongly references these documents.

### Executive summary

7. We strongly recommend that key amendments to sections 98B, 98D, and 98F of the Crimes Act 1961, as outlined in the Modern Slavery Bill<sup>3</sup> are incorporated into the Increased Penalties Bill to ensure substantive improvements to New Zealand's anti-trafficking legal framework. These are found in Appendix A of this submission. These amendments would align New

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<sup>1</sup> Armstrong R., Kingi R., Parry J., The Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill. December 2024. Available at: [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

<sup>2</sup> Armstrong R., Kingi R., Parry J. 'Building Consensus: A Comprehensive Framework for Combating Trafficking in Persons and Modern Slavery In New Zealand - Annotated Insights and Analysis of the Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill. December 2024. Available at: [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

<sup>3</sup> Armstrong R., Kingi R., Parry J., The Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill. December 2024. Available at: [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

Zealand's laws with international standards, strengthen legal definitions and enforcement mechanisms, and enhance protections for trafficking victims.

8. This submission also provides World Vision with an opportunity to emphasise that, while amending and strengthening New Zealand's trafficking in persons legal framework is an important step forward, more is needed to fully address the broader issue of modern slavery.
9. We continue to advocate for the introduction of mandatory modern slavery reporting requirements for New Zealand entities, as well as the establishment of an Anti-Slavery Commissioner. These measures, outlined in the Modern Slavery Bill<sup>4</sup>, should be prioritised and introduced in a separate private member's bill to Parliament if the whole bill cannot be introduced independently. This would ensure New Zealand's law aligns with international standards, upholds human rights and ensures New Zealand's competitiveness in the global market.

## New Zealand's current legislative framework

10. As outlined in the Building Consensus Report<sup>5</sup>, New Zealand's current legislative and policy landscape demonstrates efforts to align with international obligations, particularly the Palermo Protocol which mandates the prevention, suppression and punishment of trafficking in persons.<sup>6</sup> These measures include criminalising trafficking under 98B and 98D of the Crimes Act 1961, a victim certification process<sup>7</sup>; regulations in relation to access to health and social services<sup>8</sup>; and specific visas for trafficking victims.<sup>9</sup>
11. Despite existing efforts, New Zealand has been criticised internationally for its low rate of trafficking prosecutions which are due in part to lack of clarity in the legislation.<sup>10</sup>
12. Since the introduction of section 98D into the Crimes Act 1961 in 2002, only four prosecutions for trafficking offences have been brought. All four have relied on a single, narrow definition of trafficking (arranging entry of a person into New Zealand by deception). Significant parts of the trafficking provision, like the use of means other than deception, and forced labour, have never been charged.<sup>11</sup>
13. Additionally, victim- survivors face significant barriers to justice and recovery, including limited access to legal aid for trafficking visa applications, absence of a formal referral and support

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<sup>4</sup> Ibid.

<sup>5</sup> Armstrong R, Kingi R, Parry J. 'Building Consensus: A Comprehensive Framework for Combating Trafficking in Persons and Modern Slavery In New Zealand - Annotated Insights and Analysis of the Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill. December 2024. Available at: [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

<sup>6</sup> UN General Assembly. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. 2000. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

<sup>7</sup> Police instructions. People trafficking and smuggling. Available at: <https://policepolicy.nz/policies/people-trafficking-and-migrant-smuggling/unucqw/people-trafficking-and-migrant-smuggling-redacted-150922.pdf>

<sup>8</sup> Police-certified victims of people trafficking are eligible to receive publicly funded healthcare under Section B12 of the Ministry of Health's Eligibility Direction and may be eligible for welfare support, administered by the Ministry of Social Development, under Clause 15E of the Special Needs Grants Programme.

<sup>9</sup> As set out by Immigration New Zealand, here: <https://www.immigration.govt.nz/about-us/policy-and-law/integrity-of-the-immigration-system/%20people-trafficking/help-for-victims-of-people-trafficking>

<sup>10</sup> Armstrong R, Kingi R, Parry J. 'Building Consensus: A Comprehensive Framework for Combating Trafficking in Persons and Modern Slavery In New Zealand - Annotated Insights and Analysis of the Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill. December 2024. Available at: [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

<sup>11</sup> Ibid.

mechanism, insufficient emergency accommodation for victims, leaving many without safe and reliable options.<sup>12</sup>

## International critique of New Zealand's response to modern slavery and trafficking in persons

14. For several consecutive years, the United States State Department has ranked New Zealand at Tier 2 in its annual Trafficking in Persons (TIP) Report<sup>13</sup> for “not meeting the minimum standards required to combat trafficking in persons”<sup>14</sup>.
15. Additionally, in the 2024 Universal Periodic Review, UN members states have provided 13 recommendations for New Zealand to strengthen its laws to address trafficking in persons and 6 recommendations calling for modern slavery legislation<sup>15</sup>. The New Zealand Government has accepted these recommendations<sup>16</sup>.
16. New Zealand has also been criticised by the Committee on the Elimination of All Forms of Discrimination Against Women in its recent review for its lack of progress with modern slavery regulation<sup>17</sup>.

## Further amendments to Crimes Act 1961 recommended

### ***Recommendation One: Strengthen legal definitions and enforcement mechanisms***

17. The current bill seeks to align penalties for slavery offences with those for trafficking in persons under the Crimes Act 1961, aiming for a cohesive penalties regime for modern slavery and trafficking offences. However, this approach only addresses a small fraction of the broader inadequacies in New Zealand's modern slavery and trafficking laws.
18. World Vision believes that further amendments to the Crimes Act are essential to effectively prosecute these crimes and ensure adequate protection for survivor-victims. Specifically, we recommend updating sections 98B, 98D and 98F of the Crimes Act 1961 to clarify definitions, strengthen enforcement capabilities, and align with international standards.
19. The Modern Slavery Bill proposes to reform these provisions<sup>18</sup>. Key proposed amendments outlined in Appendix A include:
  1. Introducing a clear “acts of trafficking” definition to align with the Palermo Protocol;
  2. Amending the definition of exploitation to exclude the inclusion of coercion and deception;
  3. Removing the requirement for the ‘means’ element in child trafficking cases, aligning with the Palermo Protocol and recognising the unique vulnerability of children;

<sup>12</sup> Ibid.

<sup>13</sup> United States Department of State. Office to monitor and combat trafficking in persons. Trafficking in Persons Report: New Zealand. 2021, 2022, 2023, 2024

<sup>14</sup> United States Department of State. Office to monitor and combat trafficking in persons. Trafficking in Persons Report: New Zealand. 2022 Available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/new-zealand/>

<sup>15</sup> Commentary from the Human Rights Commission on the UNPR recommendations available here: <https://tikatangata.org.nz/news/government-to-respond-to-259-human-rights-recommendations>

<sup>16</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review- New Zealand (27 August 2024)

<sup>17</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the ninth periodic report of New Zealand (29 October 2024)

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2F%2FNZL%2FCO%2F9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2F%2FNZL%2FCO%2F9&Lang=en)

<sup>18</sup> Part 10 of *The Combatting Trafficking in Persons and Modern-Day Forms of Slavery Bill*. December 2024. Armstrong R., Kingi R., Parry J. Available at: [MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://www.mtstep.govt.nz/assets/Uploads/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

4. Updating restrictive definitions, such as the definitions of 'means' and 'exploitation' to improve clarity and applicability;
5. Defining further terms to provide clarity and more usable provisions for law enforcement and prosecutors;
6. Removing the requirement for the Attorney Generals consent to prosecute all trafficking offences.

### ***Recommendation Two: Enhance protection for victims***

20. The proposed bill does not address gaps in New Zealand's existing identification and support framework for victims of trafficking. Currently, victims are at risk of falling through the cracks and being unable to access their support entitlements. For instance, emergency accommodation is not available beyond any individual arrangements made by state investigators.<sup>19</sup>
21. The New Zealand Government has international obligations, specifically under the Palermo Protocol, and has recently accepted recommendations that address strengthening trafficking in persons legislation in New Zealand<sup>20</sup>. Now is the time to take action and fulfil these commitments.
22. The Modern Slavery Bill seeks to address gaps in and barriers to accessing New Zealand's current certification system and support provisions for victims of trafficking by formalising the principles of non-conditionality and non-punishment, and introducing a framework for victim referral, identification and support.<sup>21</sup> Key propositions within the bill include:
  1. Providing clarity for officials and stakeholders, ensuring there are appropriate pathways to access victim identification and support processes that do not compromise enforcement activity;
  2. Introducing practical elements, such as the provision of legal aid for trafficking visa applications, eliminating barriers for victims who need legal representation to apply for the existing immigration pathways.

## **Why further amendments should be made**

### ***Strengthening International Commitments***

23. Implementing comprehensive modern slavery legislation would enable the New Zealand government to fulfil its obligations under international law and align with recently accepted UN recommendations<sup>22</sup> to strengthen trafficking in persons legislation.
24. It would help address New Zealand's "Tier 2" ranking in the US State Department Trafficking in Persons Report for 4 years for not meeting minimum standards.<sup>23</sup>

### ***Enhancing Prosecution Capabilities and Protection of victims of modern slavery***

<sup>19</sup> Armstrong R, Kingi R, Parry J. 'Building Consensus: A Comprehensive Framework for Combating Trafficking in Persons and Modern Slavery In New Zealand - Annotated Insights and Analysis of the Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill. December 2024. Available at: [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

<sup>20</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review- New Zealand (27 August 2024)

<sup>21</sup> Part 6, 7, 8, and 9 of *The Combatting Trafficking in Persons and Modern-Day Forms of Slavery Bill*. December 2024. Armstrong R., Kingi R., Parry J. Available at: [MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

<sup>22</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review- New Zealand (27 August 2024)

<sup>23</sup> United States Department of State. Office to monitor and combat trafficking in persons. Trafficking in Persons Report: New Zealand. 2021, 2022, 2023, 2024

25. Comprehensive modern slavery legislation would provide a structured framework for identifying and addressing modern slavery, ensuring that victims are recognised and supported through comprehensive measures.<sup>24</sup>
26. This legislation would enhance victim protection by laying the groundwork for improved access to support services, which is currently limited under existing legal frameworks. It would promote the development of a national referral mechanism to ensure that victims receive coordinated assistance, aligning with best practices observed in other jurisdictions.<sup>25</sup>
27. It would also address gaps in the current system, such as restrictive definitions and operational inconsistencies that hinder the effective prosecution of traffickers, particularly in child trafficking cases.<sup>26</sup>
28. It would demonstrate New Zealand's commitment to upholding human rights. Addressing modern slavery is not only a legislative priority but a fundamental step in prioritising human dignity and justice for those affected.<sup>27</sup>

## Broader reform beyond the Crimes Act is still needed

29. As stated above, this submission provides World Vision with an opportunity to emphasise that, while strengthening and amending the Crimes Act trafficking in person important, broader reform beyond the Crimes Act is also needed when addressing and strengthening New Zealand's response to modern slavery. We advocate for the introduction of mandatory modern slavery reporting requirements for New Zealand entities, alongside the establishment of an Anti-Slavery Commissioner. These measures are essential to ensure a more comprehensive legislative approach to strengthening New Zealand's response to modern slavery.

### Mandatory Reporting Requirements

30. Forced labour, exploitative practices, and trafficking occur within our borders and in our supply chains on a daily basis. Yet, New Zealand has no laws to proactively identify, mitigate or prevent these in our operations and supply chains. World Vision emphasises the need for robust measures to identify, prevent and mitigate risks of trafficking in persons and broader forms of modern slavery in New Zealand and in the global operations and supply chains of New Zealand entities.
31. World Vision recommends mandating public and private entities carrying out business in New Zealand to report on their efforts to identify, address, mitigate and remedy risks and instances of modern slavery within their operations and supply chains, as outlined in the Modern Slavery Bill.<sup>28</sup>

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<sup>24</sup> Armstrong R, Kingi R, Parry J. 'Building Consensus: A Comprehensive Framework for Combating Trafficking in Persons and Modern Slavery In New Zealand - Annotated Insights and Analysis of the Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill. December 2024. Available at: [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Part 1 and 2 of *The Combatting Trafficking in Persons and Modern-Day Forms of Slavery Bill*. December 2024. Armstrong R, Kingi R, Parry J. Available at: [MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

32. The introduction of this reporting requirements would ensure compliance with free trade agreements with the United Kingdom and the European Union that have specific clauses relating to modern slavery in supply chains. Non-compliance could result in trade sanctions, tariffs, and harm to diplomatic relationships.<sup>29</sup>
  1. The NZ-UK Free Trade Agreement underscores the need for measures addressing modern slavery in supply chains.<sup>30</sup>
  2. The NZ-EU Free Trade Agreement prioritises labour rights in the supply chain and supports corporate social responsibility.<sup>31</sup>
33. It would also enhance New Zealand's international standing and align with responsible business standards practised by key global partners like Australia, Canada, the UK, and several European nations. By promoting ethical business practices and supply chain transparency, it would support sustainable economic growth.<sup>32</sup>
34. Most importantly, introducing mandatory reporting requirements would ensure that New Zealand's supply networks are free from modern slavery and that no one profits from exploitation or abuse.

### ***Appointment of an Independent Anti-Slavery Commissioner***

35. World Vision also recommends appointing an Independent Anti-Slavery Commissioner to monitor compliance, offer guidance, and advocate for the prevention, protection, and prosecution of modern slavery and trafficking offences. This could be introduced with a modern slavery reporting requirement or within the first review period as outlined in the Modern Slavery Bill.<sup>33</sup>

## **Conclusion**

36. World Vision New Zealand welcomes the introduction of the Crimes (Increased Penalties for Slavery Offences) Amendment Bill as a positive step towards addressing an aspect of modern slavery but emphasises that increasing penalties alone is insufficient to address the weaknesses in New Zealand's modern slavery and trafficking laws. If one inadequacy is going to be singled out, such as penalties, other inadequacies must also be amended.
37. We strongly recommend that key amendments to sections 98B, 98D, and 98F of the Crimes Act 1961, as outlined in the Modern Slavery Bill, be incorporated into the Increased Penalties Bill to ensure substantive improvements to New Zealand's anti-trafficking legal framework.

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<sup>29</sup> Armstrong R, Kingi R, Parry J. 'Building Consensus: A Comprehensive Framework for Combating Trafficking in Persons and Modern Slavery In New Zealand - Annotated Insights and Analysis of the Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill. December 2024. Available at: [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

<sup>30</sup> Chapter 23, Article 23.3 and 23.9

<sup>31</sup> Article 19.12

<sup>32</sup> Armstrong R, Kingi R, Parry J. 'Building Consensus: A Comprehensive Framework for Combating Trafficking in Persons and Modern Slavery In New Zealand - Annotated Insights and Analysis of the Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill. December 2024. Available at: [https://modernslaveryrecommendations.nz/MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

<sup>33</sup> Part 3 of *The Combatting Trafficking in Persons and Modern-Day Forms of Slavery Bill*. December 2024. Armstrong R, Kingi R, Parry J. Available at: [MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](https://modernslaveryrecommendations.nz/MSTEP_Modern_Slavery_Bill_Report_Final-101224.pdf)

38. Furthermore, while World Vision recognises that amending the Crimes Act 1961 is an important first step, it is only part of the solution. To truly address modern slavery, additional legislative changes are essential. In particular, we advocate for the introduction of mandatory modern slavery reporting for New Zealand entities and the creation of an Anti-Slavery Commissioner, as proposed in the Modern Slavery Bill<sup>34</sup>. We urge that these measures be prioritised and introduced to Parliament as a separate private member's bill.

## Appendix A

### Combatting Trafficking in Persons and Modern Day Forms of Slavery Bill (Modern Slavery Bill)

#### Amendments to the Crimes Act 1961

##### Section 98B (Terms used in sections 98C to 98F) of the Crimes Act 1961 amended

(1) Replace section 98B of the Crimes Act 1961 with:

##### **98B Terms used in sections 98C to 98F**

In sections 98C to 98F, unless the context otherwise requires, -

**act of trafficking** means any one or more of the following and may be either discrete conduct or a course of conduct—

- (a) arranging or facilitating the entry of a person into, or the exit of a person out of, New Zealand or any other State:
- (b) receiving, recruiting, employing, transporting, transferring, concealing, harbouring or housing a person in New Zealand or any other State

**arranges for an unauthorised migrant to be brought to a State** includes—

- (a) organises or procures the bringing to a State:
- (b) recruits for bringing to a State:
- (c) carries to a State

**arranges for an unauthorised migrant to enter a State** includes—

- (a) organises or procures the entry into a State:
- (b) recruits for entry into a State:
- (c) carries into a State

**document** includes a thing that is or is intended to be—

- (a) attached to a document; or

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<sup>34</sup> *The Combatting Trafficking in Persons and Modern-Day Forms of Slavery Bill*. December 2024. Armstrong R, Kingi R, Parry J. Available at: [MSTEP\\_Modern\\_Slavery\\_Bill\\_Report\\_Final-101224.pdf](#)



- (b) stamped or otherwise signified on a document

**exploitation** includes —

- (a) the exploitation of the prostitution of a person:
- (b) sexual exploitation:
- (c) slavery, practices similar to slavery, servitude, forced or exploitative labour, or other forced services:
- (d) the removal of organs

**forced or exploitative labour** means:

- (a) work or service which:
  - (i) is exacted from any person under the threat of harm (including to another person); or
  - (ii) is provided in circumstances that could reasonably be expected to cause the person to believe that he or she or some other person would be likely to suffer harm if the person failed to provide or offer to provide the work or service; or
  - (iii) involves serious violation of legislation relating to minimum wage, working hours, rest periods, mandatory leave, holidays or rules on health and safety in the workplace; or
- (b) if the person is under 18 years of age or is mentally or physically ill or disabled:
  - (i) work or service which a person would be likely to refuse to perform if the person was aged 18 years or over or did not have the illness or disability; or
  - (ii) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of the person

**forced services** includes forced criminality, forced marriage, and the use, procuring or offering of the person for illicit activities

**harm or harming** means harm of any kind to the person and, in particular, includes—

- (a) causing physical, psychological, or financial harm to the person:
- (b) sexually mistreating the person:
- (c) causing harm to the person's reputation, status, or prospects

**means of trafficking** means any one or more of the following and may be either discrete conduct or a course of conduct—

- (a) an act of coercion against a person, including:



- (i) abducting the person:
- (ii) using force in respect of the person:
- (iii) harming the person:
- (iv) threatening (expressly or by implication) to do any of the above to the person or some other person
- (b) an act of deception against a person, including a fraudulent action:
- (c) the abuse of a position of power, vulnerability or trust:
- (d) the giving or receiving of payments or benefits to achieve the consent of a person having control over another person

**servitude** means the condition of a person who provides work or service where a reasonable person in that position would not consider himself or herself free—

- (a) to cease providing the work or service; or
- (b) to leave the place where he or she provides the work or service

and the person is significantly deprived of personal freedom in aspects of his or her life other than the provision of work or service

**sexual exploitation** includes any actual or attempted abuse of a position of power, vulnerability or trust for sexual purposes

**slavery** means the status or condition of a person who is used as the property of another person and thereby controlled as if owned by that other person

**unauthorised migrant**, in relation to a State, means a person who is neither a citizen of the State nor in possession of all the documents required by or under the law of the State for the person's lawful entry into the State.

## **Section 98D (Trafficking in Persons) of the Crimes Act 1961 amended**

- (1) Replace section 98D with:

### **98D Trafficking in persons**

- (1) Every person is liable to the penalty stated in subsection (3) who does an act of trafficking in respect of a person for the purpose of the exploitation of the person, knowing that the act of trafficking or the exploitation involves or will involve a means of trafficking in respect of the person.
- (2) Notwithstanding subsection (1), every person is liable to the penalty stated in subsection (3) who does an act of trafficking in respect of a person under the age of 18 years for the purpose of the exploitation of the person.
- (3) The penalty is imprisonment for a term not exceeding 20 years, a fine not exceeding \$500,000, or both.
- (4) An act of trafficking and a means of trafficking may take place at the same or different

times and may take place at any time before or during any exploitation of the person.

- (5) It is not a defence to a charge under this section that —
- (a) the person against whom the offence is alleged to have been committed consented to, or acquiesced in, conduct constituting any element of the offence:
  - (b) parts of the process by which the person was exploited were accomplished without an act of trafficking or a means of trafficking:
  - (c) the person was not in fact exploited.

**Section 98F (Attorney-General's consent to prosecutions required) of the Crimes Act 1961 amended**

- (1) Replace section 98F with:

**98F Attorney-General's consent to prosecutions required**

- (1) Proceedings for an offence against [section 98C](#) cannot be brought in a New Zealand court without the Attorney-General's consent.
- (2) A person alleged to have committed an offence against [section 98C](#) or [section 98D](#) may be arrested, or a warrant for the person's arrest may be issued and executed, and the person be remanded in custody or on bail, even though the Attorney-General's consent to the bringing of proceedings against the person, if required, has not been obtained.