



Submission on the Crimes Legislation (Stalking and Harassment) Amendment Bill

The Justice Committee

Submitted by Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA)
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Introduction & Background

1. Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA) welcomes the opportunity to submit on the Crimes Legislation (Stalking and Harassment) Amendment Bill.
2. Te Pai Ora SSPA supports the proposal to create a stalking and harassment offence in the Crimes Act and the other key proposals of this Amendment Bill.
3. It is reassuring to see this legislation receiving cross-party support.
4. We have some reservations about aspects of the proposals which we have outlined below for your consideration.
5. We request to make an oral submission on the Bill.

About Te Pai Ora SSPA

6. Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA) is a membership-based national organisation, comprised of over 240 community-based social service organisations from around Aotearoa New Zealand, based in both rural and urban locations.¹ Our membership makes up a vast majority of the service delivery to children and rangatahi in community social services. Our membership also includes many community-based providers dealing with those exposed to family violence and environments where stalking and harassment occurs.
7. Te Pai Ora SSPA full members are funded by government to deliver social services in our communities every day. Te Pai Ora SSPA works to strengthen Aotearoa's social sector through advocacy and engagement, learning and development, relationships and sector leadership.

Te Pai Ora SSPA's position on this Bill

We support the key proposals

8. The information analysis in the regulatory impact statement and other material supporting this Bill clearly outlines the limitations with the current legislation and the benefits of this Amendment Bill.

¹ Find out more about Te Pai Ora SSPA at www.sspa.org.nz. Our strategic plan 2023-2026 can be found [here](#)



9. We support the creation of a new stalking and harassment offence. It is also positive to see this as an aggravating factor as stalking and harassment can significantly add to the harm and distress felt by victims.
10. The sentence of up to 5 years imprisonment seems about right for this offence.

Suggested improvements

11. There are a few areas of the Amendment Bill that could diminish its impact:

- a) 216Q(2)

This section outlining defence areas appears problematic and gives too much wiggle room for alleged perpetrators. It is unclear how stalking or harassment could be for a lawful purpose or in the public interest. In order to be found to have harassed or stalked another person, the person must engage in the act *knowing it is likely to cause fear or distress*. We believe this provides sufficient protection for a person unwittingly causing distress as they undertake a legitimate activity not designed to intimidate another. This over complicates the offence and will make prosecution of legitimate stalking and harassment more difficult.

We suggest removing this the three points under 216Q(2).

- b) The threshold and implementation

The drafted offence requires 3 incidents of stalking or harassment within a 12-month period. In order to meet this threshold the response from Police to victims must be timely and take these allegations seriously from the first contact. There also must be awareness of how acts that may appear innocent or well-intentioned can be very intimidating to victims. Third parties who may hear allegations of stalking and harassment must be aware of the nature of this criminal behaviour and know to encourage victims to report early. A lack of training or follow-up will significantly reduce the impact of this proposal.

We suggest that the enactment date reflect the need for sufficient training and implementation support.

Thank you for considering Te Pai Ora SSPA's submission.