



# Crimes Legislation (Stalking and Harassment) Amendment Act 2025

Public Act      2025 No 72  
Date of assent      26 November 2025  
Commencement      see section 2

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**Crimes Legislation (Stalking and Harassment)  
Amendment Act 2025**

2025 No 72

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**The Parliament of New Zealand enacts as follows:**

- 1

**Title**

This Act is the Crimes Legislation (Stalking and Harassment) Amendment Act 2025.
- 2

**Commencement**

This Act comes into force on 26 May 2026.

Section 2: editorial change made by the PCO, on 24 December 2025, under sections 86(1) and 87(m) and (q) of the Legislation Act 2019 (2019 No 58).

Part 1

Amendments to Crimes Act 1961

- 3

**Principal Act**

This Part amends the Crimes Act 1961.
- 4

**New sections 216O to 216S and cross-heading inserted**

After section 216N, insert:

Stalking and harassment

216O Stalking and harassment defined

(1) For the purposes of section 216Q, a person (**person A**) **stalks and harasses** another person (**person B**) if person A—

(a) engages in a pattern of behaviour that is directed at person B by doing any specified act to person B on at least 2 separate occasions within a period of 2 years; and

(b) engages in that pattern of behaviour knowing that it is likely to cause fear or distress to person B.

(2) To avoid doubt, the specified acts may be the same type of specified act on each separate occasion, or different types of specified acts.

(3) A constable may, if they believe on reasonable grounds that person A has engaged in 1 or more specified acts towards person B and that those acts have caused, or are likely to cause, fear or distress to person B, notify person A in writing that—

(a) the specified act or specified acts done to person B are causing, or are likely to cause, fear or distress to person B; and

(b) engaging in any other specified act towards person B may amount to an offence under section 216Q of this Act.

(4) A constable must inform person B before providing a notice under subsection (3).

- (5) For the purposes of subsection (1)(b), if person A has received a notice in writing under subsection (3), person A is presumed to know that—
- (a) any specified acts they do to person B after receiving the notice may amount to a pattern of behaviour directed at person B; and
  - (b) that pattern of behaviour is likely to cause fear or distress to person B.

#### **216P Meaning of specified act**

- (1) For the purposes of section 216O, **specified act** by a person (**person A**), in relation to another person (**person B**),—
- (a) means any of the following acts:
    - (i) watching, following, loitering near, or obstructing person B:
    - (ii) recording or tracking person B:
    - (iii) contacting or communicating with person B:
    - (iv) damaging, devaluing, moving, entering, or interfering with taonga or property (including pets) that person B has an interest in, whether or not person A has an interest in the taonga or property:
    - (v) damaging or undermining person B's reputation, opportunities, or relationships:
    - (vi) publishing any statement or other material relating to or purporting to relate to person B, or purporting to originate from person B:
    - (vii) acting in any way that would cause fear or distress to a reasonable person; and
  - (b) includes an act of the kind listed in paragraph (a) done directly or indirectly to—
    - (i) any third-party individual who is in a family relationship with person B (within the meaning of section 12 of the Family Violence Act 2018), if the act is done wholly or partly because of person B's family relationship with the third party; or
    - (ii) person B through any third-party individual, institution, or organisation, with or without the knowledge of the third party.
- (2) A specified act may be done by or through any means whatsoever (for example, tracking devices, digital applications, spyware, drones, or the use of artificial intelligence).

#### **216Q Stalking and harassment**

- (1) A person (**person A**) who stalks and harasses another person (**person B**) commits an offence and is liable to imprisonment for a term not exceeding 5 years.
- (2) It is a defence to a charge under subsection (1) if person A proves that they engaged in their behaviour—
- (a) for a lawful purpose; or

- (b) with a reasonable excuse; or
- (c) in the public interest.

#### **216R Disposal and forfeiture of any intimate visual recordings**

- (1) This section applies if—
  - (a) a person (**person A**) has been convicted of an offence against section 216Q; and
  - (b) person A possesses an intimate visual recording (within the meaning of section 216G) of the person who person A stalked and harassed.
- (2) The court may, in addition to passing any other sentence or making any other order, order that the intimate visual recording be destroyed within 10 working days from the making of the order, and that the recording in the meantime be impounded.
- (3) Before making an order under subsection (2), the court must give the following persons an opportunity to be heard:
  - (a) person A; and
  - (b) any person who, in the opinion of the court, would be directly affected by the making of the order.

#### **216S Effect of appeal on order made under section 216R**

- (1) If a person is convicted of an offence against section 216Q, and any order is made under section 216R, the operation of the order is suspended,—
  - (a) in any case, until the expiration of the time prescribed in the Criminal Procedure Act 2011 or this Act for the filing of a notice of appeal or an application for leave to appeal; and
  - (b) if a notice of appeal is filed within the prescribed time, until the determination of the appeal; and
  - (c) if the application for leave to appeal is filed within the prescribed time, until the application is determined, and, if leave to appeal is granted, until the determination of the appeal.
- (2) If the operation of any order is suspended until the determination of the appeal, the court determining the appeal may, by order, cancel or vary the order.

## **Part 2**

### **Amendments to other enactments**

#### **Subpart 1—Amendment to Arms Act 1983**

##### **5 Principal Act**

This subpart amends the Arms Act 1983.

**6     Section 22H amended (Persons disqualified from holding firearms licence)**  
 In section 22H(a)(iii), after “202C,”, insert “216Q,”.

**7     Section 39A amended (When FPO may be made)**  
 In section 39A(1)(a)(iii), after “189A,”, insert “216Q,”.

### Subpart 2—Amendments to Evidence Act 2006

**8     Principal Act**  
 This subpart amends the Evidence Act 2006.

**9     Section 4 amended (Interpretation)**  
 In section 4(1), insert in its appropriate alphabetical order:  
**stalking and harassment** has the same meaning as in section 216O of the Crimes Act 1961

**10    Section 95 amended (Restrictions on cross-examination by parties in person)**  
 (1) In section 95(1), replace “or harassment” with “, stalking and harassment, or harassment”.  
 (2) In section 95(1)(b)(i), replace “or harassment” with “, or of an offence of stalking and harassment”.

### Subpart 3—Amendments to Family Violence Act 2018

**11    Principal Act**  
 This subpart amends the Family Violence Act 2018.

**12    Section 11 amended (Meaning of psychological abuse)**  
 (1) In section 11(1)(b), replace “intimidation or harassment” with “intimidation, harassment, or stalking” in each place.  
 (2) After section 11(1)(b)(i), insert:  
       (ia) doing, in relation to another person, any of the specified acts described in section 216P of the Crimes Act 1961:

### Subpart 4—Amendments to Harassment Act 1997

**13    Principal Act**  
 This subpart amends the Harassment Act 1997.

**14    Long Title amended**  
 In the Long Title, delete “**criminal and**”.

**15 Section 6 amended (Object)**

- (1) Repeal section 6(2)(a).
- (2) In section 6(2)(c), delete “criminal and”.

**16 Part 2 repealed**

Repeal Part 2.

**17 Section 26 amended (Power to require person to supply name and address)**

Repeal section 26(2).

**18 Section 29 amended (Standard of proof)**

In section 29, delete “(other than criminal proceedings)”.

**19 Section 30 amended (Admission of evidence)**

In section 30, delete “(other than criminal proceedings)”.

**20 Section 32 amended (Vexatious proceedings)**

Repeal section 32(4).

**21 Section 42 amended (Rules of court)**

In section 42(2)(g), delete “or between courts exercising civil jurisdiction and courts exercising criminal jurisdiction,”.

**Subpart 5—Amendments to Private Security Personnel and Private Investigators Act 2010**

**22 Principal Act**

This subpart amends the Private Security Personnel and Private Investigators Act 2010.

**23 Section 62 amended (Grounds of disqualification for individual applicant)**

- (1) In section 62(f)(ii), after “216J”, insert “or 216Q”.
- (2) In section 62(f)(iv), delete “8 or”.

**Subpart 6—Amendments to Sentencing Act 2002**

**24 Principal Act**

This subpart amends the Sentencing Act 2002.

**25 Section 9 amended (Aggravating and mitigating factors)**

After section 9(1)(ca), insert:

- (cb) that the offence was committed while the offender was subject to a restraining order under the Harassment Act 1997 for the protection of the victim of the offence:
- (cc) that the offence was connected to, or followed, persistent or repetitive behaviour by the offender towards the victim over a prolonged duration that caused, or was likely to cause, fear or distress to the victim:

**26 Section 106 amended (Discharge without conviction)**

After section 106(2A), insert:

- (2B) A court discharging an offender under this section may make a restraining order under Part 3 of the Harassment Act 1997 in accordance with section 123I.
- (2C) A court discharging an offender under this section may make 1 or more orders under section 19(1) of the Harmful Digital Communications Act 2015 in accordance with section 123J.

**27 New sections 123I and 123J and cross-headings inserted**

After section 123H, insert:

*Restraining orders under Harassment Act 1997*

**123I Restraining orders under Harassment Act 1997**

- (1) This section applies if—
  - (a) an offender is—
    - (i) convicted of an offence against section 216Q of the Crimes Act 1961; or
    - (ii) discharged without conviction under section 106 in respect of an offence against that section; and
  - (b) there is not currently in force a restraining order against the offender made under Part 3 of the Harassment Act 1997 for the protection of the victim of the offence.
- (2) The court may make a restraining order against the offender under the Harassment Act 1997 if satisfied that the grounds in section 16(1) of that Act have been met.
- (3) The court may make the restraining order in addition to imposing a sentence or making any other order.

*Orders under Harmful Digital Communications Act 2015*

**123J Orders under Harmful Digital Communications Act 2015**

- (1) This section applies if an offender is—
  - (a) convicted of an offence against section 216Q of the Crimes Act 1961; or



- (b)

discharged without conviction under section 106 in respect of an offence against that section.
- (2)

If the offence involves digital communication (within the meaning of section 4 of the Harmful Digital Communications Act 2015), the court may make 1 or more orders under section 19(1) of the Harmful Digital Communications Act 2015 against the offender for the protection of the victim of the offence after taking into account the matters listed in section 19(5) of that Act.
- (3)

The court may make the order in addition to imposing a sentence or making any other order.

Subpart 7—Amendment to Criminal Procedure (Transfer of Information) Regulations 2013

28    **Principal regulations**

This subpart amends the Criminal Procedure (Transfer of Information) Regulations 2013.

29    **Regulation 3 amended (Interpretation)**

In regulation 3(1), definition of **harassment offence**, replace paragraph (a) with:

- (a)

section 216Q of the Crimes Act 1961; or

Legislative history

9 December 2024	Introduction (Bill 107–1)
10 December 2024	First reading and referral to Justice Committee
10 June 2025	Reported from Justice Committee (Bill 107–2)
23 July 2025	Second reading
18 November 2025	Committee of the whole House, third reading
26 November 2025	Royal assent

This Act is administered by the Ministry of Justice.