

Crimes (Robbery) Amendment Bill

Member's Bill

Explanatory note

General policy statement

Police have previously raised concerns about the offence of robbery of a motor vehicle under section 234 of the Crimes Act 1961. Currently, when a vehicle is targeted, it is very hard to make out the offence of theft because of the need to prove intent to permanently deprive.

If a vehicle is taken by force the offender may commit other offences which are relatively minor. There needs to be a stronger remedy for when a car is taken by force but no harm or injuries occur.

The aim of this bill is to remove the situation where an offender can push you up against the wall and take your wallet with \$20 in it and be charged with robbery (which carries a maximum penalty of 10 years' imprisonment) but if they drag you out of your \$30,000 car and take off with it they cannot be. Both are robbery but because it's a car, it's hard to prove the intent to deprive permanently.

The bill adds the words "or unlawful taking" to section 234 to allow the above car-jacking-type scenarios to fall under the offence of robbery.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the bill amends the Crimes Act 1961 (the **principal Act**).

Clause 4 amends section 234 of the principal Act to broaden the definition of robbery. Under the existing law, robbery cannot occur without theft. Under section 219 of the principal Act, theft cannot occur unless the perpetrator intends to deprive the owner permanently of the property that the perpetrator has taken. Clause 4 inserts the phrase

“or unlawful taking” into the definition of robbery, to ensure that the offence of robbery can be made out where a perpetrator uses violence or threats of violence to take property despite not intending to deprive the owner permanently of the property.

Erica Stanford

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crimes (Robbery) Amendment Act **2021**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

3 Principal Act

This Act amends the Crimes Act 1961 (the **principal Act**).

4 Section 234 amended (Robbery)

- (1) In section 234(1), after “theft”, insert “or unlawful taking”. 10
- (2) In this section, **taking** has the same meaning as in section 219(3) and (4).