Version
as at 13 November 2025

Crown Organisations (Criminal Liability) Act 2002

Public Act	2002 No 37
Date of assent	17 October 2002
Commencement	see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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1 Title

This Act is the Crown Organisations (Criminal Liability) Act 2002.

2 Commencement

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

3 Purpose

The purpose of this Act is to—

(a) implement recommendations of the report of the Royal Commission of Inquiry into the collapse of a viewing platform at Cave Creek near Punakaiki on the West Coast (the **Noble report**):

(b) enable the prosecution of Crown organisations for offences under the Building Act 2004, the Health and Safety at Work Act 2015, and the Resource Management Act 1991:

(c) enable injunctions to be granted requiring Crown organisations to comply with the Building Act 2004:

(d) make related amendments to other enactments.

Section 3(b): substituted, on 1 October 2009, by section 163(2) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 3(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 3(b): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 3(c): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Part 1
Criminal liability of Crown organisations

4 Interpretation

In this Act, unless the context otherwise requires,—

Crown entity—

(a) has the same meaning as in section 7(1) of the Crown Entities Act 2004; and

(b) includes an organisation named or described in Schedule 4, or a company named in Schedule 4A, of the Public Finance Act 1989

Crown organisation means a Crown entity, government department, interdepartmental venture, departmental agency, or government-related organisation

departmental agency has the meaning given in section 5 of the Public Service Act 2020

government department means a department as defined in section 5 of the Public Service Act 2020

government-related organisation means—

(a) the Audit Office:

(b) the New Zealand Defence Force:

(c) the New Zealand Police:

(d) the New Zealand Railways Corporation:

(e) the Office of the Clerk of the House of Representatives:

(f) the Office of the Ombudsmen:

(g) the Office of the Parliamentary Commissioner for the Environment:

(h) the Parliamentary Counsel Office:

(i) the Parliamentary Service

(j) *[Repealed]*

interdepartmental venture has the meaning given in section 5 of the Public Service Act 2020

Office of Parliament has the same meaning as in section 2(1) of the Public Finance Act 1989.

Section 4 **Crown entity**: substituted, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 4 **Crown entity** paragraph (b): amended, on 18 July 2013, by section 57 of the Public Finance Amendment Act 2013 (2013 No 50).

Section 4 **Crown organisation**: amended, on 7 August 2020, by section 110(2) of the Public Service Act 2020 (2020 No 40).

Section 4 **departmental agency**: inserted, on 7 August 2020, by section 110(3) of the Public Service Act 2020 (2020 No 40).

Section 4 **government department**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 4 **government-related organisation** paragraph (j): repealed, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 4 **interdepartmental venture**: inserted, on 7 August 2020, by section 110(3) of the Public Service Act 2020 (2020 No 40).

5 Act binds Crown

This Act binds the Crown.

6 Prosecutions against Crown organisations

(1) A Crown organisation may be prosecuted (by the bringing of proceedings in the manner provided for in the Criminal Procedure Act 2011) for any of the following offences:

(a) an offence against the Building Act 2004:

(b) an offence under the Health and Safety at Work Act 2015:

(c) an offence against the Resource Management Act 1991:

(d) an offence against the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012:

(e) an offence against Part 3 of the Children's Act 2014:

(f) an offence against the Water Services Act 2021.

(2) This section does not affect any liability of a Crown organisation that arises independently of this section to prosecution for an offence.

Section 6(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 6(1)(a): substituted, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 6(1)(b): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 6(1)(c): added, on 1 October 2009, by section 163(3) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 6(1)(c): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 6(1)(d): inserted, on 28 June 2013, by section 172(2) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72).

Section 6(1)(e): inserted, on 1 July 2015, by section 42(2) of the Vulnerable Children Act 2014 (2014 No 40).

Section 6(1)(e): amended, on 21 December 2018, by section 10(1) of the Children's Amendment Act 2018 (2018 No 58).

Section 6(1)(f): inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

7 Legal status of certain Crown organisations

A Crown organisation that is not a body corporate has a separate legal personality for the purposes of—

(a) compliance with the obligations imposed by the Building Act 2004, the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, the Health and Safety at Work Act 2015, the Resource Management Act 1991, the Water Services Act 2021, or Part 3 of the Children's Act 2014; and

(b) the bringing, hearing, and determination of proceedings against it for an offence referred to in section 6; and

(c) the imposition of sentence if that organisation is convicted; and

(d) the enforcement of any sentence imposed on that organisation.

Section 7(a): substituted, on 1 October 2009, by section 163(4) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 7(a): amended, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 7(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 7(a): amended, on 21 December 2018, by section 10(1) of the Children's Amendment Act 2018 (2018 No 58).

Section 7(a): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 7(a): amended, on 1 July 2015, by section 42(3) of the Vulnerable Children Act 2014 (2014 No 40).

Section 7(a): amended, on 28 June 2013, by section 172(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72).

8 Conduct of proceedings

(1) Proceedings brought against a Crown organisation for an offence referred to in section 6 must, as far as practicable, be brought, heard, and determined in the same manner as proceedings against a body corporate for an offence of the same kind.

(2) Proceedings brought against a Crown organisation for an offence referred to in section 6 must be instituted against the organisation in its own name, and must not cite the Crown as a defendant.

(3) A Crown organisation is liable on conviction for an offence referred to in section 6 to the same penalties that could be imposed on any body corporate convicted of the same offence.

(4) Despite subsection (3), a court may not sentence a Crown organisation to pay a fine in respect of an offence referred to in section 6(1)(a), (c), or (d).

(5) This section is subject to sections 176 and 246 of the Criminal Procedure Act 2011 and section 4(9) of the Resource Management Act 1991.

Section 8(4): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 8(5): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 8(5): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

9 Rights and privileges of Crown organisations

(1) A Crown organisation that is charged with an offence referred to in section 6 has, in relation to the charge and the hearing and determination of the charge, the same rights and privileges as a body corporate charged with an offence of the same kind.

(2) This section is subject to section 10.

10 Restrictions on privilege against self-incrimination

(1) Despite section 9 and any other enactment or rule of law, no person may invoke the privilege against self-incrimination on behalf of a Crown organisation as a ground for refusing—

(a) to give any evidence or produce any thing at the hearing of proceedings against a Crown organisation for an offence referred to in section 6; or

(b) to supply information or make a statement in response to any request or requirement to supply information or make a statement made under—

(i) section 168 of the Health and Safety at Work Act 2015; or

(ii) section 19 of the Ombudsmen Act 1975; or

(iii) section 86 or 87 of the Privacy Act 2020; or

(iv) section 26 of the Public Finance Act 1977; or

(v) section 133 of the Crown Entities Act 2004; or

(vi) clauses 3 and 4 of Schedule 3 of the Public Service Act 2020; or

(vii) section 22 of the Resource Management Act 1991; or

(c) a request for official information made in accordance with section 12 of the Official Information Act 1982; or

(d) to supply information requested by—

(i) the Minister of the Crown or other person for the time being responsible for the Crown organisation; or

(ii) a committee of Parliament.

(2) Subsection (1) does not affect any right of an individual to invoke the privilege against self-incrimination in relation to any act or omission of that individual.

Section 10(1)(b)(i): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 10(1)(b)(iii): replaced, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 10(1)(b)(v): substituted, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 10(1)(b)(vi): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 10(1)(b)(vii): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

11 Crown immunity not to apply in respect of offences under this Act

No person is immune from prosecution for an offence referred to in section 6 by reason that the person is an employee or agent of the Crown, or a contractor engaged to provide services to the Crown, or is acting in any other capacity for, or on behalf of, the Crown.

12 Appropriation

(1) Any reparation, compensation, fine, or costs imposed by a court on a department, an Office of Parliament, the Office of the Clerk of the House of Representatives, or the Parliamentary Service as a consequence of the prosecution of that organisation for an offence referred to in section 6 may be paid by that organisation out of its funds without further appropriation than this section.

(2) In subsection (1), **department** has the same meaning as in section 2(1) of the Public Finance Act 1989.

Section 12(1): amended, on 13 November 2025, by section 51 of the Parliament (Repeals and Amendments) Act 2025 (2025 No 63).

Section 12(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Part 2
Amendments to other Acts

Amendments to Building Act 1991

13 Interpretation

Amendment(s) incorporated in the Act(s).

14 Act to bind the Crown

Amendment(s) incorporated in the Act(s).

15 Injunctions may be granted by District Court for certain continuing breaches

Amendment(s) incorporated in the Act(s).

16 Liability of principal for acts of agents

Amendment(s) incorporated in the Act(s).

17 New section 82A inserted

Amendment(s) incorporated in the Act(s).

18 Service of documents

Amendment(s) incorporated in the Act(s).

Amendments to Costs in Criminal Cases Act 1967

19 Interpretation

Amendment(s) incorporated in the Act(s).

20 Costs of the prosecutor

Amendment(s) incorporated in the Act(s).

21 Payment of defendant's costs

Amendment(s) incorporated in the Act(s).

22 Enforcement of order as to costs made on an appeal

Amendment(s) incorporated in the Act(s).

Amendments to Health and Safety in Employment Act 1992

23 Interpretation

Amendment(s) incorporated in the Act(s).

24 Application of Act to the Crown

Amendment(s) incorporated in the Act(s).

25 Only inspectors to institute prosecutions

[Repealed]

Section 25: repealed, on 5 May 2003, by section 28(2) of the Health and Safety in Employment Amendment Act 2002 (2002 No 86).

26 Other provisions relating to offences

Amendment(s) incorporated in the Act(s).

27 Offences by bodies corporate

Amendment(s) incorporated in the Act(s).

Amendments to Sentencing Act 2002

28 Interpretation

Amendment(s) incorporated in the Act(s).

Amendments to Summary Proceedings Act 1957

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30 Mode of service of documents on defendant

Amendment(s) incorporated in the Act(s).

31 Stay of proceedings

Amendment(s) incorporated in the Act(s).

32 Informant's right of appeal against sentence

Amendment(s) incorporated in the Act(s).

Notes

1 General

This is a consolidation of the Crown Organisations (Criminal Liability) Act 2002 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Parliament (Repeals and Amendments) Act 2025 (2025 No 63): section 51

Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5): section 43

Water Services Acts Repeal Act 2024 (2024 No 2): section 12(1)

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Public Service Act 2020 (2020 No 40): sections 110, 135

Privacy Act 2020 (2020 No 31): section 217

Children's Amendment Act 2018 (2018 No 58): section 10(1)

Health and Safety at Work Act 2015 (2015 No 70): section 232

Vulnerable Children Act 2014 (2014 No 40): section 42

Public Finance Amendment Act 2013 (2013 No 50): section 57

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72): section 172

Criminal Procedure Act 2011 (2011 No 81): section 413

Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31): section 163

Public Finance Amendment Act 2004 (2004 No 113): section 37(1)

Building Act 2004 (2004 No 72): section 414

Health and Safety in Employment Amendment Act 2002 (2002 No 86): section 28(2)

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