

# **Crimes (Theft by Employer) Amendment Bill**

Member's Bill

As reported from the committee of the whole House



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**Key to symbols used in reprinted bill**

**As reported from the committee of the whole House**

text inserted

~~text deleted~~



*Camilla Belich*

## **Crimes (Theft by Employer) Amendment Bill**

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

##### **1 Title**

This Act is the Crimes (Theft by Employer) Amendment Act **2022**.

##### **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.

##### **3A Section 2 amended (Interpretation)**

In section 2(1), definition of **crime involving dishonesty**, paragraph (b), before "267", insert "**220AA**". 10

##### **4 New section 220AA inserted (Theft by employer)**

Before section 220A, insert:

**220AA Theft by employer**

- (1) This section applies to a person (A) who—
- (a) employs another person (B); and
  - (b) is required to pay any money owed to B in relation to the employment under—
    - (i) an employment agreement (whether or not the agreement is in writing); or
    - (ii) an Act (for example, the Holidays Act 2003, the Minimum Wage Act 1983, or the Wages Protection Act 1983).
- (2) ~~If A intentionally fails to pay the money to B, A commits theft and is liable,—~~
- ~~(a) if A is an individual, to imprisonment for a term not exceeding 1 year, a fine not exceeding \$5,000, or both;~~
  - ~~(b) in any other case, to a fine not exceeding \$30,000.~~
- (2) A commits theft if A intentionally fails, without reasonable excuse, to pay the money to B.
- (3) In this section,—
- employ**, in relation to a homeworker, includes engage, and **employment** has a corresponding meaning
- employment agreement** has the same meaning as in section 5 of the Employment Relations Act 2000
- homeworker** has the same meaning as in section 5 of the Employment Relations Act 2000.

**5 Section 223 amended (Punishment of theft)**

~~In section 223, before “220A”, insert “220AA or”.~~

**Legislative history**

6 April 2023	Introduction (Bill 245–1)
30 August 2023	First reading and referral to Education and Workforce Committee
23 August 2024	Reported from Education and Workforce Committee (Bill 245–2)
16 October 2024	Second reading
19 February 2025	Committee of the whole House (Bill 245–3)