

12 September 2018

Hon David Parker, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Crimes (Coward Punch Causing Death) Amendment Bill**

1. We have considered whether the Crimes (Coward Punch Causing Death) Amendment Bill ('the Bill'), a member's Bill in the name of Matt King MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. The Bill inserts a new offence of assault causing death into the Crimes Act 1961. Where a person is convicted of this offence, they will be liable to a term of imprisonment not exceeding 20 years. The assaulter must be shown to have had intent with hitting the other person using any part of their body (or an object).
3. The offence is proven if that assault is not authorised or excused by law, and the assault causes the death of the other person. The Bill clarifies that the cause of death could be caused by injuries sustained directly from the assault, or from hitting the ground or an object (as a consequence of the assault). It is not necessary to prove that the death was reasonably foreseeable.
4. The Explanatory Note of the Bill states that the offence is in response to a number of deaths where an individual had been assaulted, either by a "king-hit" or a "coward's punch", and later died as a result of their injuries.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

Jeff Orr  
**Chief Legal Counsel**  
**Office of Legal Counsel**