# SUMMARY OF CRIMES - Offences (red behaviours)

Some of crimes/ offences that can happen in the workplace and which may also be against workplace legislation (e.g. the Human Rights Act 1993 or Employment Relations Act 2000) include:

1. Crimes Act 1961 <https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html>
   1. Indecent Assault (any sexual touching that is not penetration without consent) [Section 135](https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM329219.html?search=sw_096be8ed81a1107c_indecent+assault_25_se&p=1)
   2. Sexual Violation [Section 128](https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM329051.html?search=sw_096be8ed81a1107c_indecent+assault_25_se&p=1) - Rape/Unlawful Sexual Connection which is any penetration (or partial penetration) without consent
      1. Consent is not there is someone is
         * 1. Too intoxicated
           2. Misunderstands the nature of the act
           3. Mistaken identity of who they are consenting to
           4. Forced, threatened or coerced
           5. Have a significant disability that prevents them from consenting/ not consenting
           6. Is asleep or unconscious
           7. AND, just because they do not protest, doesn’t mean there is consent.
   3. Attempted sexual violation (attempting to sexually violate) [Section 129](https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM329070.html?search=sw_096be8ed81a1107c_indecent+assault_25_se&p=1)
   4. Sexual conduct with consent induced by certain threats (making someone consent to sex by threatening them/ their job etc) - [Section 129A](https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM329075.html?search=sw_096be8ed81a1107c_indecent+assault_25_se&p=1)
   5. Disabling (spiking drinks, rendering someone unconscious or stupefied) [Section 197](https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM329386.html?search=sw_096be8ed81a1107c_indecent+assault_25_se&p=1)
   6. Assault - Common Assault [Section 196](https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM329385.html?search=sw_096be8ed81a1107c_indecent+assault_25_se&p=1) & Injury with intent [Section 189](https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM329374.html?search=sw_096be8ed81a1107c_indecent+assault_25_se&p=1)
   7. [Threats to kill or do physical harm - Section 306](https://www.legislation.govt.nz/act/public/1961/0043/19.0/DLM330785.html)
   8. [Sexual conduct with young person under 16](https://www.legislation.govt.nz/act/public/1961/0043/137.0/DLM329212.html) – Section 134
   9. [Meeting a young person under the age of 16 following grooming](https://www.legislation.govt.nz/act/public/1961/0043/137.0/DLM329200.html) - Section 131B
2. Harmful Digital Communications Act 2015

<https://www.legislation.govt.nz/act/public/2015/0063/latest/whole.html>

Using the online environment (internet, texts, mobile networks) to:

1. disclose sensitive personal facts about an individual
2. be threatening, intimidating, or menacing
3. be grossly offensive to a reasonable person in the position of the affected individual
4. be indecent or obscene
5. be used to harass an individual
6. make a false allegation
7. contain a matter that is published in breach of confidence
8. incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual
9. incite or encourage an individual to commit suicide
10. denigrate an individual by reason of colour, race, ethnic or national origins, religion, gender, sexual orientation or disability

E.g. encouraging someone to commit suicide, cyberbullying, revenge pornography, sharing sexual pictures without consent of all people involved, sending people unsolicited sexual images.

1. Films Videos & Publications Classifications Act 1993

<https://www.legislation.govt.nz/act/public/1993/0094/55.0/DLM312895.html>

[Objectionable material](https://www.legislation.govt.nz/act/public/1993/0094/latest/DLM313407.html) is illegal material (in any format e.g. books, online, pictures, sound recordings etc.) which includes:

* Bestiality
* Child porn (child sexual abuse images) – e.g. sexual pictures of people under the age of 18
* Torture and Extreme violence/ cruelty
* Sexual behaviour with a dead body.

1. Telecommunications Act 2001

E.g. Using indecent language or making an obscene suggestion on a phone with an intention to offend - [Section 112](https://www.legislation.govt.nz/act/public/2001/0103/latest/DLM127408.html?search=sw_096be8ed81a4c93e_use_25_se&p=1&sr=9)