

MINISTERIAL ADVISORY GROUP

For the Victims of Retail Crime

Contact us at
policy@retailmag.govt.nz



SHOPLIFTING

The Government is making it easier to prosecute shoplifters

Shoplifting has more than doubled since 2019, costing NZ \$1.4 billion dollars annually. That is \$280 for every person.

Three changes are being made to restore consequences for shoplifting:

- simplifying the theft offence with tougher penalties
- recognising the harms caused by aggressive shoplifting
- introducing a new infringement offense for low-level shoplifting

FROM

TO

Change 1 - simplify the theft offense with tougher penalties

Value of goods stolen	Maximum penalty
Under \$500	3 months
\$500 - \$1,000	1 year
Over \$1,000	7 years

1

Value of goods stolen	Maximum penalty
Under \$2,000	1 year
Over \$2,000	7 years

Change 2 - recognise the harms caused by aggressive shoplifting

No recognition of harms caused by threats, disorder, or intimidation

2

Up to 2 years imprisonment for shoplifting of any value if accompanied by threats, disorder, or intimidation

Change 3 - introduce a new infringement offense for shoplifting

Police can only give a warning to low-level shoplifters where prosecution is not proportionate (e.g. first time offence)

3

Police can issue infringements alongside the warning for:

- \$500, if the value of goods stolen is less than \$500; and
- \$1,000, if the value of goods stolen exceeds \$500

CITIZEN'S ARREST

Our laws should protect victims who act reasonably in defending themselves and their property

The Government is progressing four changes to bring our laws closer to those of Australia and Canada:

- greater protections for citizen's arrest
- empower victims to use restraints to detain offenders until Police arrive
- require victims to contact Police and follow instructions
- clarify that victims can use reasonable force to defend their property

FROM

TO

Greater protections for victims

Citizen's arrest is only available where an offence:

- is punishable by 3 years imprisonment or more, or
- is happening at night

Citizen's arrest is available whenever:

- a Crimes Act offence is committed
- irrespective of the time of day

Use of Restraints

Law is unclear on whether mechanical or physical restraints can be used

Law clarified that mechanical or physical restraints may be reasonable force

Calling the Police

No requirement to call Police

Anyone carrying out citizen's arrest to:

- call Police as soon as possible, and
- follow Police instructions

Use of Force

Victims cannot strike offenders or cause bodily injury in the defence of their property

Victims can use reasonable force in the defence of their property

TRESPASS REFORM

Your store is your private property - you have no obligations to serve people who have offended against you

The Government is strengthening trespass to put you in control of who is in your store by:

- making verbal trespass enforceable, even when you do not know the name or address of the person being banned
- empowering retailers to trespass offenders from multiple locations at the retailer's sole discretion
- extending the length of trespass up to 3 years
- doubling the fines for breach of trespass

FROM

TO

Verbal Trespass

Trespass notices are difficult for Police to enforce if a written notice cannot be served because the offender's name/address is unknown

Subject to ongoing discussion with the Government

Trespass from multiple locations

Retailers cannot trespass offenders from multiple locations without "reasonable cause"

Retailers can trespass offenders from multiple locations at their sole discretion

Longer trespass periods

Trespass limited to a 2 year period

Trespass extended to a 3 year period in retail settings

Double fines for breach of trespass

Offence	Maximum penalty
breach of trespass	\$1,000 fine or up to 3 months in prison
fail to provide name/address	\$500 fine

Offence	Maximum penalty
breach of trespass	\$2,000 fine or up to 3 months in prison
fail to provide name/address	\$1,000 fine

We want to **hear** from you.
What are your experiences
of crime and what needs
to change?

We are your voice in Government when
it comes to law-and-order issues.



Who we are



The Ministerial Advisory Group for Victims of Retail Crime ("the MAG") was established by the Minister of Justice, Hon Paul Goldsmith, and the Associate Minister of Justice, Hon Nicole McKee.

The MAG consists of Chair, Sunny Kaushal and four other members with extensive experience across the retail sector, supported by a team of policy, legal, research and data experts.

Feedback

We know that the challenges faced by retailers are different town by town.

We want to hear what you are concerned about and what you think needs to be changed, email us on

policy@retailmag.govt.nz



What we do



Our job is to provide the Government with independent advice on how to fix retail crime and support victims - particularly through enacting legislative change.

We work with retailers at the grassroots and are your voice to Government when it comes to law-and-order issues.

Follow us on Facebook

@Ministerial Advisory Group - Retail Crime

<https://www.facebook.com/MAG.GOVT/>

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