

To:
Committee Secretariat
Justice Committee
Parliament Buildings
Wellington

From:
Business North Harbour
Level 1, 322 Rosedale Road,
Rosedale,
Auckland 0632

You are seeking feedback on the Crimes Amendment Bill:

Introduction:

Business North Harbour (BNH), representing the North Harbour Business Improvement District, welcomes the opportunity to make this submission on the Crimes Amendment Bill.

BNH is a significant commercial and industrial Business Improvement District (BID), representing over 4,500 commercial property owners and businesses within the North Harbour area. Collectively they employ over 37,000 Auckland residents and ratepayers. The organisation is located within the Upper Harbour Local Board area, which remains one of the fastest growing areas in the country, in both absolute and percentage population terms, which brings both challenges and opportunities to the North Harbour business district.

BNH represents and works with a wide range of businesses comprising of a mix of sole traders, Small Medium Enterprises (SME), through to multi-national organisations, representing sectors such as ICT, business services, specialist manufacturing, light – medium warehousing, logistics, retail and hospitality. In addition, we have key educational institutions within or on our boundary, including Massey University Albany and AUT Millennium, along with a variety of primary and secondary schools including Rangitoto College, the largest secondary school in New Zealand.

BNH Feedback:

BNH supports the retail crime proposals in the Crimes Act Amendment Bill 2025, as we believe that we need stronger laws that will hold those responsible for committing crime in retail settings accountable, whilst better protecting victims when they need it most.

Retail crime has increased and is changing in New Zealand with offending often being committed by organised groups stealing to order. This recent change is becoming a significant problem which, when added to the more conventional offending, has a serious impact on our businesses, employees and communities, resulting in:

- higher costs for customers
- businesses in need of repair and lost livelihoods
- reduced investment and patronage in our once vibrant town centres

- ever-growing safety concerns for employees and the general public
- vulnerable employees being subjected to ongoing stress and repeated offences

BNH supports stronger penalties for theft that recognise the full harm of this offending and supports the three changes to the theft offence.

1. Higher penalties are needed to hold organised theft rings and other offenders accountable.

BNH supports higher penalties for theft under \$2,000, as organised offenders are aware that theft under \$500 currently carries the lowest penalty in the Crimes Act, being punishable by a maximum of up to 3 months imprisonment. This low penalty doesn't act as a deterrent to offenders who often act with impunity in the knowledge that they can target store after store and face minimal consequences, provided they steal no more than \$500 on each occasion.

Impacts of the low penalty are:

- retailers don't think it's worth their time to report theft
- police prioritise other offences with higher penalties
- courts have little or no deterrent to implement, even when offending is organised and repeated

BNH believes that our laws need to change to recognise that theft can be a serious and/or organised crime, with significant consequences for victims and our communities.

2. Recognising the human cost of aggressive theft and/or repeated theft.

BNH also supports changes to recognise the distress that retail workers face in confronting intimidating, aggressive and repeat offenders. There are many videos online that reflect the reality of intimidation, disrespect and distress caused by aggressive offenders and unfortunately, for many retail workers this is not just a video online, but a daily fear and an all too common reality. Currently, our laws only recognise the harm to property caused by theft, a situation that BNH believes needs to change. The human costs of being subjected not only to aggressive offending but also to repeat offending are real and consequences for the offenders in both of these situations need to be considered and introduced in recognition of the human cost.

3. More options for the Police in holding people accountable for lower-level theft.

Finally, BNH supports a new infringement offence for low-level theft. We believe that it is important that there are proportionate, practical, and immediate consequences for all levels of criminal offending, including that deemed as less-serious offending. It is better that we deal with low-level offending and introduce deterrents before it escalates into something more serious.

In closing, BNH would also offer our support for greater protection for victims who act reasonably to defend themselves and their property, as victims need to know that our laws are backing them in these circumstances. Currently, our laws fall short of this as they are out of date, confusing, and arbitrary about when they protect victims. We need

clear guidelines that protect victims and that don't change depending on the time of day or the penalty level of the crime being committed.

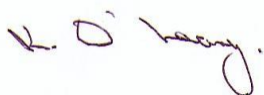
Countries such as Canada and Australia have taken steps to modernise their laws on citizens' arrest which BNH believes gives New Zealand the opportunity to review our legal guidelines, to enable appropriately educated and trained individuals to offer support to victims when offending is taking or has taken place.

Nobody wants to see a business owner or employee put themselves or others at risk of harm as intervention, particularly by people untrained in how to act in these circumstances, is almost never worth the risk. However, victims are human and when confronted with offending some will react in the heat of the moment to protect themselves, others, or property. It is understandable that a retailer could feel compelled to grab an offender's arm to recover stolen goods, or to detain an offender until Police respond, even if this is not the best response. In these circumstances, the law should be very clear and it should be on the side of the victim, provided that the victim acts reasonably, calls the Police and follows their instructions.

Conclusion:

BNH supports the changes to the Crimes Amendment Bill which will hopefully achieve the following outcomes:

1. strengthen the penalties for theft
2. recognise the stress and harm caused to retail workers by aggressive and repeat shoplifting
3. give Police more tools for responding to low-level offending
4. better protect victims who act reasonably in defending themselves and their property from criminals.

A handwritten signature in dark ink, appearing to read "K. O'Leary".

Kevin O'Leary
General Manager
10th February 2026