

Submission to the Justice Select Committee on the:

Crimes Amendment Bill

Submitted by the New Zealand Council of Trade Unions Te Kauae Kaimahi

16 February 2026

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This submission is made on behalf of the 32 unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (NZCTU). With over 340,000 union members, the NZCTU is one of the largest democratic organisations in New Zealand.

The NZCTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga), the Māori arm of Te Kauae Kaimahi (NZCTU), which represents approximately 60,000 Māori workers.

Introduction

1. The CTU welcomes the opportunity to submit on the Crimes Amendment Bill. We have focused our submission on the impacts of the proposed amendments to worker health and safety.
2. The NZCTU opposes this Bill. The Committee should recommend that this Bill not proceed.
3. The proposed changes to citizen's arrest and defence of property provisions are of particular concern and represent a misguided approach to retail crime that will compromise worker safety and employment rights. They increase the risk of violence and aggression at work faced by retail workers, undermining their right to a safe and healthy workplace. The focus should be on removing hazards from the workplace, not creating them.

Proposed changes go against good health and safety

4. The changes outlined in this Bill are at odds with the Health and Safety at Work Act 2015. Under this legislation, all businesses have a statutory duty to eliminate or otherwise minimise risks to worker health and safety.
5. Expanding citizen's arrest powers and defence of property provisions with the intent that they be used more frequently to protect business property explicitly exacerbates workplace risk. Confronting shoplifters comes with a high risk of heightened violence and aggression. And potentially, shoplifters come prepared for the risk of confrontation.
6. Changes proposed in another Bill proceeding to Select Committee shortly, the Health and Safety at Work Amendment Bill, further exacerbate this risk. That Bill seeks to minimise health and safety requirements for small businesses, with the focus shifting to "critical risk".
7. This has a direct impact on the changes in the Crimes Amendment Bill, which will enable retail businesses to put pressure on workers to invoke citizen's arrest/ defence of property procedures, putting them directly in harm's way. The changes in the Health and Safety at Work Amendment Bill mean increase the risk that small businesses will not have proper health and safety procedures to deal with the hazards that such confrontations could cause, including to psychological wellbeing.

8. In the Health and Safety at Work Amendment Bill, small business is being defined as fewer than 20 employees. Statistics NZ business demography data as of February 2025 reports there are 12,378 retail trade businesses employing fewer than 20 employees, with a total employee headcount of 60,700. There is thus a large workforce that may be impacted by these changes.
9. We also note that workers in small enterprises can be more exposed to the inherent power imbalances in the workplace due to their proximity to management and the nature of their employment. Other employment factors in small businesses such as casual work or flexible hours also mean that workers can feel less empowered to speak up on matters of health and safety. We are concerned that this increases the risk that some employees will feel compelled to undertake a citizen's arrest, even if they are concerned for their safety.

Conclusion

10. The NZCTU reiterates its opposition to the changes to the citizen's arrest and defence of property provisions, which will incentivise the increased use of them in the workplace. Any savings to retail property are outweighed by increased costs to worker's livelihoods through more workplace incidents from violence and aggression.
11. This Bill promotes poor health and safety practice to the detriment of workers, and we recommend that it does not proceed.

For further information, please contact

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