

Supplementary Departmental Disclosure Statement

Crimes Amendment Bill

A supplementary departmental disclosure statement for a Bill the government is proposing to amend seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill in amended form.

It highlights material changes to previous disclosures relating to:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

The original disclosure statement for the Crimes Amendment Bill, dated 7 November 2025, can be found at this link <https://disclosure.legislation.govt.nz/bill/government/2025>.

This supplementary disclosure statement was prepared by the Ministry of Justice.

The Ministry of Justice certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

7 November 2025.

Contents

Contents	2
The Main Areas of Change to the Original Disclosures	3
Part One: General Policy Statement	4
Part Two: Background Material and Policy Information	5
Part Three: Testing of Legislative Content.....	7
Part Four: Significant Legislative Features	10

The Main Areas of Change to the Original Disclosures

This is a supplementary disclosure statement for the Crimes Amendment Bill.

A supplementary disclosure statement supplements the original disclosure statement for the Bill by reporting the additions and changes that would need to be made to the original disclosure statement to accurately reflect the Bill with the proposed government amendments incorporated.

Where the Bill now also incorporates changes made by a select committee of the House, the supplementary disclosure statement will note these if relevant but will not explain them further.

The main areas of change to the original disclosure statement include:

- The addition of a retail theft infringement to the Summary Offences Act, by way of an Amendment Paper to the Crimes Amendment Bill. Responding to retail crime, such as shoplifting, is a key focus of both the Bill and the Amendment Paper.

Part One: General Policy Statement

In addition to the amendments made to the Crimes Act 1961 and other consequential amendments in the Bill as introduced, the Amendment Paper will add a retail theft infringement to the Summary Offences Act 1981.

A retail theft infringement provides another avenue for Police to deal with shoplifting, as a swifter consequence than charging for theft through the courts.

The retail theft infringement would apply if a person, without reasonable excuse, removes property from a retail premises without payment. The infringement would have two penalty levels based on the value of the property removed. For property removed that is valued up to \$500, an infringement fee will be \$500, and a fine will not exceed \$750. For property removed that is valued at over \$500, an infringement fee will be \$1000, and a fine will not exceed \$1,500.

Police will retain their discretion as to whether they take no action, give a warning, issue an infringement, or prosecute a charge through the courts.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
<p>Strengthening Consequences for Crime in the Crimes Act 1961 – Cabinet paper, Office of the Minister of Justice, 23 June 2025. Strengthening-Consequences-for-Crime-in-the-Crimes-Act-1961_FINAL.pdf</p> <p>Final report on shoplifting, Ministerial Advisory Group for Victims of Retail Crime. https://www.justice.govt.nz/assets/Documents/Publications/Ministerial-Advisory-Group-for-Victims-of-Retail-Crime-Final-Report-on-Shoplifting.pdf</p> <p>Summary of theft and shoplifting proposals agreed by Cabinet, Ministry of Justice. https://www.justice.govt.nz/assets/Documents/Publications/Summary-of-theft-and-shoplifting-proposals-in-the-Crimes-Amendment-Bill-Cabinet-paper.pdf</p>	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p><i>Regulatory Impact Statement: Crimes Act Amendment Bill</i>, Ministry of Justice, 28 May 2025. This impact analysis is available on:</p> <ul style="list-style-type: none">the Ministry of Justice's website: https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/the Ministry for Regulation's website: https://www.regulation.govt.nz/our-work/regulatory-impact-statements/	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
<p>However, the Ministry of Justice's Regulatory Impact Assessment Quality Assurance Panel (QA Panel) reviewed the 'Regulatory Impact Statement: Crimes Act Amendment Bill' document instead. The QA Panel considered that the RIS partially meets the Quality Assurance criteria.</p> <p><i>QA Panel Comment:</i></p> <p>The scope of the analysis was largely limited to problems and solutions identified in Government coalition agreements, Members Bills and proposals by the Ministerial Advisory Group on Retail Crime. Time constraints also limited the Ministry's ability to develop and assess a wider range of options, including preventing almost any consultation beyond government agencies. As the RIS notes, this would have assisted in identifying any unintended consequences and implementation considerations.</p> <p>Nevertheless, within the scope and timing in which officials were directed to develop the policy proposals, the QA Panel considered the analysis contained in the RIS was robust, and sufficient to enable Cabinet to make informed decisions on the proposals.</p>	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	YES
See question 2.5 below regarding costs and benefits.	

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
<p>The proposed retail theft infringement offence would be delivered through the Police Infringement Processing System (PIPS). PIPS is a stand-alone IT system designed to process traffic infringement offences. PIPS is an end-of-life-technology. The system cannot be amended to support any changes to existing infringements, nor does it have the capacity to be amended to support the enforcement of any new infringement types. Police are upgrading the IT system, however the cost estimate is commercially sensitive.</p> <p>Analysis of the other expected benefits and costs for the policy is available in the RIS.</p>	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be affected by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
<p>As with any new infringements, costs and benefits will be impacted by the level of compliance, resourcing, and enforcement. More information on compliance and enforcement is available in the RIS.</p>	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
--

Officials have not identified any provision that would be inconsistent with our international obligations.
--

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

Te Puni Kōkiri (TPK) was consulted on the Cabinet paper and RIS, and TPK noted that a lack of wider consultation with Māori on issues that are likely to impact them undermines the principles of participation and equity. TPK stated on the Amendment Paper that there is a risk that Māori will be disproportionately impacted by unconscious bias as the infringement notice will be issued if a constable believes on reasonable grounds that a person is committing or has committed an infringement offence.

No Māori representative groups have been consulted or engaged on the policy options in this Bill due to time constraints. Targeted consultation has been undertaken but not with relevant Māori interest groups which may affect the obligation for the Crown to consult on issues that affect Māori.

The development of alternative policy options or mitigations on the impacts of the new offence options on Māori has not been investigated due to time constraints. Aspects of the policy design that may help mitigate impacts on Māori have also not been explored fully. This could impact on the Crown's obligation to take active steps to protect Māori interests, which has been highlighted previously by the Waitangi Tribunal in the Tū Mai te Rangi report (Wai 2540).
--

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
---	------------

Advice provided to the Attorney-General, or a section 7 report of the Attorney-General, is expected to be available on the Ministry of Justice's website upon introduction of a Bill at:
--

- | |
|--|
| <ul style="list-style-type: none">• Advice on consistency of Bills with the Bill of Rights Act• Section 7 reports |
|--|

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
<p>Clause 30A creates a new infringement offence for taking property from a retail premises. A person commits an infringement offence if, without reasonable excuse, they remove property from a retail premises without payment. The penalties for the infringement offence are:</p> <ul style="list-style-type: none"> • A \$500 fee or a \$750 maximum fine if the value of the property removed is up to \$500; • A \$1000 fee or a \$1500 maximum fine if the value of the property removed is more than \$500. 	
3.4.1. Was the Ministry of Justice consulted about these provisions?	NO
The Ministry of Justice led the policy development of the Bill.	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<p>The retail theft infringement will require an individual who does any act that a constable reasonably believes constitutes an offence to provide their name and address on demand.</p> <p>Clause 30D updates the arrest provisions of the Summary Offences Act 1981 to provide that a constable may arrest and take into custody without a warrant a person who the constable reasonably believes has committed the infringement, and who fails to give their name and address, or who provides particulars the constable reasonably believes to be false.</p> <p>Police may also require information from the individual to enable the serving of an infringement notice. For example, an email address would enable it to be served electronically.</p> <p>Additionally, Police may collect and retain evidence of the infringement. This is likely to include CCTV footage of the incident, information about the individual and incident, and evidence to inform the assessment of the value of the property removed.</p>	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
<p>The Privacy Commissioner was consulted throughout the policy process, including on the policy briefings, the Cabinet paper, and the Amendment Paper.</p> <p>In relation to the Cabinet paper, the Privacy Commissioner was concerned with privacy risks relating to the implementation of the strict liability infringement offence, specifically where inaccurate personal information may be used to issue infringement offences. It was not clear to the Commissioner what information individuals who are issued notices based on inaccurate information will be able to provide to challenge the notice or prove the defence.</p> <p>The Ministry has included the infringement in the Summary Offences Act, and we have modernised the framework to allow for revocation of notices, which would include circumstances where a notice was issued incorrectly. Police will need to ensure that there are accurate identification details for the person being issued with the infringement notice before one can be issued.</p> <p>During consultation on the Amendment Paper, the Privacy Commissioner reiterated concerns about the practical difficulties of challenging an infringement notice where it has been issued to the incorrect person or issued to a person wrongly accused.</p> <p>The Ministry expects that where an infringement is incorrectly issued, individuals will be able to raise the matter with a Police adjudicator to have the notice revoked or request a court hearing, as they can for other infringements.</p>	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>The Human Rights Commission was consulted on the Amendment Paper, but did not provide comment on the retail theft infringement.</p> <p>Mana Mokopuna Children’s Commissioner was consulted on the Amendment Paper and recommended against the establishment of the retail theft infringement. Mana Mokopuna stated that, in line with the UN Convention on the Rights of the Child, approaches that reduce the criminalisation of children and young people by diverting them away from criminal justice system, including the courts, should be used wherever possible. Mana Mokopuna stated the evidence base is clear that poverty and economic deprivation are primary drivers of youth offending, and children and young people are therefore unlikely to have the ability to pay and may be taken to court to enforce payment. Mana Mokopuna recommended that offending of this kind be managed in accordance with the youth justice principles contained in section 208 of the Oranga Tamariki Act 1989.</p> <p>See also the above answer to 3.5.1.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill’s provisions are workable and complete?	NO

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	YES
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO
<p>Clause 30A creates a retail theft infringement offence for, without reasonable excuse, removing property from a retail premises without payment.</p> <p>This new infringement offence will be strict liability in nature, as with infringement offences generally. No criminal conviction will result. Such provisions are already in use, for example with speeding tickets. Infringement fees are imposed by the issuing of an infringement notice.</p> <p>Constables will be able to issue an infringement notice, with the associated \$500 or \$1000 fee (depending on the value of the property removed), if they have reasonable cause to believe that the individual left the retail premises without paying for the property. Alternatively, the infringement offence can be charged in court. In either instance the constable or prosecutor is only required to prove that the person removed the property without paying (actus reus). They will not have to prove that the person did so intentionally (mens rea).</p> <p>The infringement includes a “without reasonable excuse” clause which means the defendant can escape liability if they have good reason for their conduct. Police will also retain discretion on whether to take no action, issue a warning, issue an infringement notice, or seek criminal charges depending on the circumstances of each individual case.</p>	

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
<p>The purpose of infringement offences is to deter and punish conduct that is of relatively low seriousness and prevents the courts from being overburdened with a high volume of generally straightforward and low-level offences. Infringement offences do not result in criminal convictions. The courts will generally become involved only if the infringement fee is not paid or if the recipient of the infringement notice challenges it.</p> <p>Penalising retail theft with an infringement is unusual as the circumstances of the offending are not as clear cut as other infringement offences, like speeding tickets. Theft presents more evidential difficulties than other infringements and usually has a mental element (<i>mens rea</i>). Police will retain discretion in whether to issue an infringement notice or pursue charges under the existing theft offence in the Crimes Act when investigating retail theft. The retail theft infringement is in addition to, and does not replace, the existing theft offences in the Crimes Act 1961.</p>	