

8 October 2024

Hon Paul Goldsmith
Minister of Justice
CC Minister of Police and Associate Minister of Justice

Dear Minister,

Introducing a specific offence or aggravating factor for assaulting a retail worker

We are writing to you to ask that you consider the addition of a specific offence under the Crimes Act for assaults on retail workers.

The Motor Trade Association, as the peak industry body for the automotive sector, represents more than 900 of New Zealand's 1250 service stations, many of which are independently owned and operated.

Many of these service stations have experienced the exponential growth in retail crime over the past five years. Violent aggravated robberies and ram raids are unfortunately an everyday risk or reality which terrify retail workers and puts their lives at risk. In the first six months of this year, New Zealand Police recorded 62 aggravated robberies at service stations – one every three days.

A specific offence of assault on a retail worker would support the Government's crime target of 20,000 fewer victims of violent crime by 2029 by sending the message that crime against hard-working New Zealanders performing an essential community role is unacceptable and that offenders will be punished.

There has been increasing amounts of violent crime against retail workers: As you pointed out in your announcement on 17 September, there has been an 86% increase in retail crime of all types in the last five years. A survey of MTA service stations revealed that, alarmingly, more than 20% of respondents have been victims of an aggravated robbery in the last 12 months. These incidents pose a significant risk to the safety of employees and create an environment of fear for staff and the community. I know you agree the volume is far too high, and more needs to be done to deter offenders.

Our proposal is written in the context that the Government has recently announced new aggravating factors for offences against vulnerable workers in some public-facing roles. We are supportive of new aggravating factors for offences against public transport workers, sole-charge retail workers and those whose home and business are interconnected. We argue the statistics and evidence, here and overseas, support the introduction of new offence of assaults on all retail workers.

Currently, charges for an assault against retail workers do not reflect the unique circumstances and risks they face. For instance, the new sentencing provisions will not include service station – and other - workers in “skeleton crews” who are vulnerable, particularly at night.

We suggest that the strongest and fairest way to show that the New Zealand Government does not tolerate violent crime against retailer workers is through a specific offence that applies to them all – rather than effectively meeting criteria.

The wording of any offence could be drafted to apply when an assault is committed against any worker on retail premises. This would extend its application and protection to all retail workers, including sole-charge workers and those whose homes and business are interconnected. However, should the Government decide against a new offence, we would also be supportive of an extension of the introduction of new aggravating factors by including offences against retail workers in this list.

Other jurisdictions such as the United Kingdom and Western Australia have already recognised the need for specific protections for retail workers and have implemented new criminal offences to reflect this. The United Kingdom has, this year, introduced a new offence for assaulting retail workers after determining that its initial introduction of an aggravating factor in 2022 was not enough. By following suit, the Government can demonstrate its commitment to safeguarding the rights and safety of all workers. The UK offence also has a presumption on conviction that the offender will be restricted from returning to the premises, and on third offences the offender will be monitored, reflecting a no-tolerance approach to this sort of offending. We would be supportive of similar mechanisms to reduce the revictimisation of retail workers that have already suffered an assault.

We are supportive of this Government’s commitment to a reduction in crime and focus on retail crime. The Government has sent a clear signal that victims deserve greater prominence in our justice system and has already announced a Ministerial Advisory Group committed to retail crime, new aggravating factors, and has invested \$18 million in supporting the victims of crime in New Zealand to help make this happen. A new offence or aggravating factor for offences against all retail workers is well-aligned with this priority, and our view is that it will be an effective way of keeping workers safe and assisting the Government in meeting that goal.

The introduction of a specific offence (or aggravating factor) is an important way the Government can ensure that retail workers are protected and feel safer in their workplace. With the ever-increasing level of crime against these workers, it is becoming urgent to take significant, effective steps to reduce crime in this space.

Yours sincerely,



Lee Marshall
Chief Executive
Motor Trade Association