

17 March 2025

s9(2)(a)

Tālofa lava s9(2)(a),

## **RESPONSE TO AN OFFICIAL INFORMATION ACT REQUEST (REF: DOIA038-2024/25)**

On 12 March 2025, you contacted the Ministry for Pacific Peoples (the Ministry) requesting under the Official Information Act 1982 (OIA), information relating to feedback provided to the Ministry of Justice about the Crimes Act. I have outlined your specific request and my response below.

*Copies of any feedback the department provided the Ministry of Justice regarding amendments to the Crime Act related to citizen's arrest powers and extending powers for security guards since November 2024 to date.*

On 11 December 2024, the Ministry provided feedback to the Ministry of Justice in relation to the proposed amendments to arrest and defence of property provisions in the Crimes Act. This is the only feedback provided by the Ministry. The Ministry's feedback highlights the impact of the changes to the Crime Act on the Pacific community.

I have appended to this letter a copy of the Ministry's feedback to the Ministry of Justice.

In line with standard OIA practice, the Ministry proactively publishes some of its responses to OIA requests. As such, this letter may be published on the Ministry for Pacific Peoples' website. Your personal details will be removed, and the Ministry will not publish any information that would identify you or your organisation.

Should you wish to discuss this response with us, please feel free to contact the Ministry at: [oia\\_requests@mpp.govt.nz](mailto:oia_requests@mpp.govt.nz).

If you are dissatisfied with this response, you have the right, under section 28(3) of the OIA, to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

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A handwritten signature in black ink, appearing to read 'C Grey', enclosed in a light grey rectangular box.

Dr Corina Grey  
**Deputy Secretary**  
**Policy and Insights**

## Appendix - Ministry for Pacific Peoples feedback to Ministry of Justice

**From:** Vienna Futi <vienna.futi@mpp.govt.nz>  
**Sent:** Wednesday, December 11, 2024 10:01 AM  
**To:** O'Hara, Joseph <Joseph.O'Hara@justice.govt.nz>  
**Cc:** MPPAdvice <mppadvice@mpp.govt.nz>  
**Subject:** IN-CONFIDENCE:RE: Follow-up: Agency feedback sought on proposed amendments to arrest and defence of property provisions by COP Friday 29 November

IN-CONFIDENCE

Talofa,

Thank you for the opportunity to comment on the draft Cabinet paper titled *Amendments to arrest and defence of property provisions in Crimes Act*.

MPP supports the government's focus on law and order as a matter of high public priority. In particular, the work to rebalance the needs of victims and communities over offenders. However, MPP has some concerns that these proposals may have adverse impacts on Pacific communities due to the potential for racial profiling and discrimination, particularly where members of the public are involved.

Please see our comments for consideration.

### **Impact on Pacific peoples accused of theft**

- Studies show that Pacific peoples, alongside Maori, are more likely to be subjected to police searches and arrests which can result in higher detention rates and a greater likelihood of being accused of crimes.
- There is risk of racial profiling and discrimination against Pacific peoples, which may lead to unfair treatment and incarcerated detention rates.
- We consider the risks of racial profiling and discrimination may be increased when untrained members of the public are empowered to use citizen's arrest, as well as physical or mechanical restraints.
- We are interested in how these risks can be mitigated.

### **Training**

The Ministry considers that these proposals will require retail business owners, security guards and the public to understand how to react to different theft situations.

The Ministry seeks to understand if comprehensive training programmes, community engagements and awareness campaigns could be implemented to better prepare individuals to handle different theft situations.

Thank you for continuing to include us in your consultation.

Vienna.