

29 July 2025

Retail NZ submission: Personal Safety Aids

Overview

1. Retail NZ is a membership organisation that represents the views and interests of New Zealand's retail sector. We are the peak body representing retailers across Aotearoa, with our membership accounting for nearly 70% of all domestic retail turnover. New Zealand's retail sector comprises approximately 30,000 businesses and employs around 227,000 Kiwis.
2. Retail NZ consulted our membership in the preparation of this submission.

Should New Zealand follow parts of Australia in moving to let people possess pepper spray for self-defence purposes in certain circumstances?

- 3 Our members are strongly opposed to any legalisation of pepper spray for business or private use in New Zealand. Members have expressed no appetite to equip their staff with pepper spray for the purposes of self-defence, or as a retail crime reduction measure for reasons outlined in this submission.
- 4 Our retailers expressed concern about pepper spray being used against staff or customers and the risk of staff being overpowered by offenders, who could then turn the pepper spray on staff.
- 5 If pepper spray were to be deployed in a retail environment, our members have significant concerns about the high risk of collateral contamination to bystanders, including children and elderly customers, and the accidental spraying of staff or customers.
- 6 This concern is supported by research on the use of pepper spray by police officers in Sweden which found that in 24.4% of the incidents the pepper spray unintentionally contaminated bystanders through direct hits or secondary splatter.¹
- 7 There is a higher risk to people with compromised health conditions, for example, the 1 in 5 Kiwis who are affected by respiratory illness according to Asthma & Respiratory Foundation research.
- 8 The subsequent demand for ambulances, paramedics, and other health professionals would put additional strain on our health system. Stores would be required to provide additional first aid training and resource to ensure staff and members of the public receive attention by trained first responders in the instance

¹ Bertilsson, Johan & Petersson, Ulf & Fredriksson, Peter & Magnusson, Måns & Fransson, Per-Anders. (2017). Use of pepper spray in policing: retrospective study of situational characteristics and implications for violent situations. *Police Practice and Research*. 18. 1-16. 10.1080/15614263.2017.1288119.

of a pepper spray incident. This would incur significant cost to the business which would be passed on to the customer.

- 9 The available evidence is drawn from pepper spray use by trained police officers. It is reasonable to assume that the use of pepper spray by staff in the retail sector, who even in the best-case scenario would have substantially less experience of dealing with confrontation in pressure scenarios, would result in a greater number of errors in deployment of pepper spray.
- 10 There is concern that challenges of ensuring users have adequate training and how it plays out under the pressure of real-time, real-life situations have not been thoroughly explored. Error or misuse in the use of pepper spray can lead to an escalation and risk the safety of staff and customers. Our members believe that policies that de-escalate potentially violent situations are more appropriate.
- 11 The operative range of many sprays can be limited, often less than 2 metres, and it may take 3 to 5 seconds to take effect, creating a critical window during which an attacker could still pose a threat to staff and customers.
- 12 Members are concerned that insurance costs would rise with the introduction of a regulated weapon into the community.
- 13 Members raised concern that corporate landlords, concerned about liability or the risk to reputation in the instance of deployment of pepper spray that, for instance, causes harm to a person, would not support members of staff carrying pepper spray in the context of their work or members of the public carrying and potentially using pepper spray.
- 14 Members noted that pepper spray aerosol can spread across a wide area, which would be problematic if it gets into air conditioning systems or across malls, or comes into contact with food products, which would then need to be destroyed. Following deployment of pepper spray a costly deep clean of the area would be required. A number of incidents in the news illustrate the risks of spread and contamination of a wide area as a result of aerosol.
- 15 More broadly, the introduction of pepper spray may lead to increasing acceptance of weapons in New Zealand society. Members are concerned it might lead to increased violence against retail workers, thereby worsening an already difficult retail environment.
- 16 There is concern that introducing pepper spray, even with strict controls, would lead to offenders acquiring pepper spray on the black market which could be used in crime. Retailers and staff already feel they are at risk of violent confrontation. Police data from 2024 shows reported physical violence/assault at retail locations increased by 2.6% to 4122, or around 343 incidents per month. For example, some retailers mentioned that they had experiences of offenders using hairspray and lighters against retail staff. Retail NZ members want de-escalation and preventative measures, not tools that will increase violence in our stores.
- 17 Evidence shows the rate of recidivous offending is high. Our members want to see more effort directed at reducing the entry into the offending and prison pathway though early intervention strategies and breaking the cycle of offending through investment in holistic multi agency programmes and effective policing strategy.

- 18 The Personal Safety Aides: Options for Reform paper notes that “Western Australia, does not allow security personnel to carry pepper spray in the context of their work...There are fears that allowing security personnel to carry it could lead to its unnecessary deployment”. In the retail environment, the deployment of pepper spray by security or non-security personnel may have significant consequences for members of the public.
- 19 It was felt that more work is required by the MAG to better understand how pepper spray is being used in Western Australia, in what circumstances, what the outcomes are and its overall effectiveness at reducing retail crime. The Personal Safety Aides: Options for Reform paper draws upon Western Australia as an example, but it lacks evidence about whether or not it has made a difference and how effective and comparable the situation would be to prevent retail crime in New Zealand.

If possession of pepper spray was going to be legal for self-defence purposes, what controls would be needed to protect public safety?

- 20 Retail NZ members are against any legalisation of pepper spray in New Zealand.
- 21 In our opinion, retail workers should never be asked or expected by their employer to possess pepper spray for defensive purposes.
- 22 Members highlight the difficulty of using such devices effectively under pressure, even for trained police. The MAG paper suggests mandatory training for those who wish to possess pepper spray to increase effectiveness, mitigate misuse, and ensure understanding of safe handling and aftercare. Retailers would need to ensure that anyone permitted to possess it at work is trained in its handling and use.
- 23 Retailers would be responsible for the health and safety aspects of pepper spray's presence, requiring suitable first aid equipment and ensuring all workers with access to pepper spray have appropriate first aid training. This includes being prepared for a major first aid response in which multiple people are exposed, with the understanding that paramedic training might be needed for severe cases.
- 24 Members are concerned that an overstretched Police service would be unable to offer a timely response in the event of a violent situation arising as a result of pepper spray deployment. Reassurance that the Police response would be adequate and that penalties for offenders are appropriate and well defined are important considerations for ensuring pepper spray would act as a sufficient deterrent.
- 25 Any legalisation would require robust reporting mechanisms to gather data relating to, for example, ownership, training, incident reporting, compliance and so on. We note that the Police are required to gather and report on data for various bodies to review and provide oversight as to the proper use of pepper spray.

Should non-irritant coloured dye sprays and handheld luminous dye sprays should be legally accessible in New Zealand for self-defence purposes?

- 26 Our members unanimously agreed that there is inadequate information on non-irritant coloured dye sprays and handheld luminous dye sprays to consider these an option.
- 27 Members indicated that they have no interest in using these tools. Compelling research would be required for our members to reconsider their position.

What else could be done to enhance people's safety from violent retail crime?

- 28 Retailers and workers should be trained in how to respond to violent crime, including a simple list of dos & don'ts. This training should specifically cover de-escalation techniques to manage aggressive individuals and prevent situations from escalating to physical violence.
- 29 Educational work around basic preventative steps for retailers. This includes but would not be limited to practical measures like ensuring cash handling procedures are secure, not leaving keys in till, having personal alarms, ensuring frequently stolen items are locked up or placed in less accessible areas.
- 30 Retailers already utilise various tools like CCTV systems, fog cannons, personal safety alarms, body cameras, silent alarms/panic buttons, and controlled entry systems/cages.
- 31 Address Anti-social Behaviour: Clearly the causes of anti-social behaviour are deep rooted and complex. Investing in early intervention programmes, and holistic multi-agency responses to address anti-social behaviour, homelessness, mental health issues and substance addiction is welcomed. In addition, our members are concerned about the impact of move-on policies, suggesting that this approach simply shifts the problem to another place.
- 32 Retailers are not confident that trespass notices are adequately enforced and feel this limits their impact. The burden of serving and enforcing trespass notices falls to retail staff who can feel vulnerable and unsupported if police do not respond promptly to trespass violations.
- 33 Engage with other groups like NZSA (New Zealand Security Association) and landlords to ensure a cohesive approach to retail safety. Collaboration with landlords is particularly important to address concerns about liability and to establish clear policies regarding security measures and the use of weapons on their property.

Conclusion

Thank you for the opportunity to make a submission.

In summary, Retail NZ, on behalf of our members, strongly opposes the legalisation of pepper spray in New Zealand for any purposes. Our members, representing 70% of domestic retail turnover, have unanimously expressed concerns about the significant risks pepper spray would pose to staff, customers, and the broader community.

The evidence presented in the MAG paper lacks sufficient detail about the effectiveness of pepper spray in reducing retail crime, particularly drawing from the Western Australian experience. Without robust data demonstrating clear benefits, the potential for unintended consequences, including collateral contamination, escalation of violence, and the risk of pepper spray being turned against staff, far outweighs any perceived advantages.

Retail NZ supports the following actions to be pursued by government:

- Adequately resourcing Police to deal with retail crime.
- Unclogging the court systems so that there are adequate deterrence tools.
- More effective mechanisms to respond to and support young people involved in, or at risk of becoming involved in, retail crime.
- Creating specific offences for crimes against retail workers.
- Instant fines for petty offences.
- Strengthen current trespass laws with more effective provisions (e.g. Criminal Behaviour orders used in the UK)
- Enabling retailers to introduce new technologies to proactively combat retail crime.
- Supporting a public awareness campaign on the impacts of retail crime.
- Ongoing review and evaluation of effectiveness of retail crime policies and interventions in partnership with Retail NZ.

Retail NZ is happy to discuss any aspect of this submission further.

No part of this submission should be withheld under the OIA.

Sincerely,



Carolyn Young
Chief Executive
Retail NZ
carolyn.young@retail.kiwi