

Departmental Disclosure Statement

Summary Offences (Demonstrations Near Residential Premises) Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- 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.

This 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.

9 July 2025

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Part One: General Policy Statement

This Bill amends the Summary Offences Act 1981 to create a new offence for engaging in a targeted and disruptive demonstration near residential premises.

The law does not currently provide a clear statement on the relevance of privacy, and particularly on the importance of use and enjoyment of residential homes, in the context of protests and other demonstrations. Article 17 of the International Covenant on Civil and Political Rights affirms the right to be free from arbitrary or unlawful interference with one's privacy, family, and home.

Protests and other demonstrations that are targeted at individuals in their residential premises impinge on privacy, disturb use and enjoyment of the home, and can create an environment of fear and intimidation for individuals, their families, and their neighbours. They also have the potential to deter elected officials from taking stands on contentious issues.

The Bill's objective is to ensure that the law appropriately balances a person's right to privacy, including the use and enjoyment of their own home, with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990, particularly those that protect the public's ability to protest.

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
<i>Thematic Review: The Policing of Public Protests in New Zealand</i> , Independent Police Complaints Authority, 18 February 2025 (accessible at https://www.ipca.govt.nz/Site/publications-and-media/thematic-reviews/2025-feb-18-public-protest-policing-review.aspx)	

Relevant international treaties

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

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
Regulatory Impact Statement: Addressing protests outside private residences, prepared by the Ministry of Justice. To be published once the Bill is introduced at: https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/ and https://www.regulation.govt.nz/our-work/regulatory-impact-statements/ .	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
As agreed in consultation with the Ministry for Regulation, the regulatory impact statement was assessed internally by the Ministry's Regulatory Quality Assurance Panel and determined to partially meet the quality assurance criteria.	

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
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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?	NO
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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
Analysis of the costs and benefits of the proposals given effect by the Bill is set out in the regulatory impact statement linked under question 2.3.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

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?
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Consistency with New Zealand's international human rights obligations was a part of the Ministry of Justice's analysis of the policy options informing the development of the Bill. Obligations under the International Covenant on Civil and Political Rights are relevant to this Bill.

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?

The Ministry of Justice analysed the Bill and did not identify any inconsistency with the rights and interests of Māori protected by the Treaty of Waitangi.
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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
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Advice provided to the Attorney-General by Crown Law, or a Bill of Rights Act 1990 section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon a Bill's introduction at: https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/
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Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
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(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
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(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
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The Bill creates a new offence for engaging in a targeted and disruptive demonstration near residential premises (section 4).

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
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The provisions were developed in the Ministry of Justice so no separate consultation was necessary.

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?	NO
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3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
<p>The Privacy Commissioner was consulted as part of the Bill's departmental consultation process. The Commissioner provided the following comment on the paper seeking Cabinet policy decisions:</p> <p><i>The Privacy Commissioner has a mandate to examine any proposal that affects privacy, including broader notions of privacy, such as quiet enjoyment of the home. The Privacy Commissioner recognises that this proposal aims to better protect people's right to privacy. However, it is important decision makers carefully consider and balance the right to privacy against other core human rights. He notes that public consideration will be important to ensure that the rights and freedoms engaged in this proposal, including privacy, are appropriately balanced.</i></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?	NO
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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?	YES
<p>The Ministry of Justice has worked closely with relevant agencies to ensure that the proposals given effect to by the Bill are workable and can be operationalised.</p>	

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
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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
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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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
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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
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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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?	NO
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