

Submission to the JUSTICE SELECT COMMITTEE on the:

Summary Offences (Demonstrations Near Residential Premises) Amendment Bill

Submitted by the New Zealand Council of Trade Unions Te Kauae Kaimahi

IN UNION, TOGETHER.
union.org.nz

This submission is made on behalf of the 31 unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU). With over 340,000 union members, the CTU is one of the largest democratic organisations in New Zealand.

The CTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga), the Māori arm of Te Kauae Kaimahi (CTU), which represents approximately 60,000 Māori workers.

Table of Contents

1. Executive summary	3
2. An attack of fundamental rights	3
3. Conclusion	5

1. Executive summary

- 1.1. This submission is made on behalf of the unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU). With over 300,000 members, the CTU is one of the largest democratic organisations in New Zealand.
- 1.2. The CTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga) the Māori arm of Te Kauae Kaimahi (CTU) which represents approximately 60,000 Māori workers.
- 1.3. The CTU thanks the committee for the opportunity to submit on this Bill. At the same time, we express grave concerns over what amounts to yet another erosion of civil liberties under this government.

2. An attack of fundamental rights

- 2.1. The CTU strongly opposes this deeply undemocratic Bill.
- 2.2. The explanatory note attached to this Bill makes a cynical attempt to frame the proposed amendment as being aligned with Article 17 of the International Covenant on Civil and Political Rights which affirms the right to be free from arbitrary or unlawful interference with one's privacy, family, and home.¹
- 2.3. Lawful protest is not arbitrary; it is an exercise of a fundamental and democratic right that is enshrined in our Bill of Rights Act 1990.²

¹ Summary Offences (Demonstrations Near Residential Premises) Amendment Bill 2025 (195-1), 'Explanatory note'

² The Right to engage in peaceful protest is protected by several provisions in the **New Zealand Bill of Rights Act 1990**, including, s 14 (the right to 'freedom of expression'), s 16 ('freedom of peaceful assembly') and s 17 ('freedom of association').

- 2.4. Protest participants or protestors are already subject to lawful restrictions that apply to valid protest action. For example, protestors are not protected from breaching trespass notices³, or from liability for criminal nuisance.⁴
- 2.5. A protest can only occur lawfully in a space that the public can lawfully access, or if it occurs on private property, the person or entity who lawfully controls that property must consent.
- 2.6. This is a Bill that plainly seeks to criminalise actions that are currently within the scope of peaceful democratic activity.
- 2.7. The Regulatory Impact Statement (RIS) attached to this Bill admits that there is very little evidence to justify this major restriction on the right to protest. Thus, this Bill is unexceptional in being yet another expression of this government's willingness to trample the fundamental rights of ordinary people while relying on flimsy justifications.
- 2.8. However, the RIS does complain that there is a growing trend of the homes of government Ministers being targeted by protest action.⁵ Again, this complaint is made in the context of a legal system that places clear limitations on the scope of lawful and peaceful protest and protects rights to private property.
- 2.9. This complaint about the growing trend in targeting Ministers is a specious reason to restrict and criminalise the lawful protest action.
- 2.10. The CTU respectfully submits that Ministers in a government that has enacted deeply unpopular policies, that have attacked and undermined the rights of workers and that has shown a high-handed disregard for its obligations under Te Tiriti o Waitangi, should expect a strong reaction from the public, and accept that this is part and parcel of open liberal democracy.
- 2.11. We also note that many diplomatic missions, embassies, and high commissions are in residential areas. This Bill will criminalise protests directed at these institutions. The

³ Trespass Act 1980, s 3 & s 4:

It is an offence to remain in a place after the occupier has warned the person to leave (s3), or if a person enters a place after being warned to stay off (s4). If convicted, a person may face a fine of up to \$1000- or 3-months imprisonment (s 11 (2)(a)).

⁴ Crimes Act 1961, s 145.

⁵ Regulatory Impact Statement: Addressing protests outside private residences, 'Summary: Problem definition and options':

In 2024, Police observed a marked increase in protests outside the homes of Members of Parliament (MPs), though reported numbers remain low and data is only available back to 2022.'

people of Aotearoa have a proud history in standing up for international human rights, this Bill will undermine that their ability to continue this tradition.

2.12. Curtailing fundamental rights as proposed should only be considered under extreme circumstances, a threshold nowhere near reached in this Bill.

2.13. For these reasons, we suggest that this outrageous Bill be scrapped.

3. Conclusion

3.1. The CTU calls for this Bill to be abandoned. The limitation it places on fundamental rights is not justifiable in a free and democratic society.⁶

3.2. It should not be the business of the government to protect Ministers from democratic dialogue and protest.

3.3. This amendment has nothing to do with the substantive right to privacy. It should be called out for what it is, a cynical attempt to avoid accountability by an increasingly insecure and unpopular government.

For further information about this submission, please contact:

Gayaal Iddamalgoda

Legal Officer

New Zealand Council of Trade Unions- Te Kauae Kaimahi

PO Box 6645

Wellington 6141

Phone: 021 717 749

Email: gayaali.nzctu.org.nz

⁶ New Zealand Bill of Rights Act 1990, s 5.