

Summary Offences (Demonstrations Near Residential Premises) Amendment Bill

Government Bill

Explanatory note

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.

Departmental disclosure statement

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2025&no=195>

Regulatory impact statement

The Ministry of Justice produced a regulatory impact statement on 14 May 2025 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on the day after Royal assent.

Clause 3 provides that the Bill amends the Summary Offences Act 1981 (the **principal Act**).

Clause 4 inserts *new section 5B*, which creates an offence of engaging in a targeted and disruptive demonstration near any residential premises, into the principal Act.

New section 5B(1) sets out the elements of the new offence.

New section 5B(2) provides that a person who commits an offence against *new section 5B* is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000.

One of the elements of the new offence requires the prosecution to prove that the defendant knew, or ought to have known, that the demonstration was causing an unreasonable disruption to the use or enjoyment of any residential premises by any person who regularly occupies those premises as a place of residence. *New section 5B(3)* contains a non-exhaustive list of circumstances that the court must have regard to in determining, for the purposes of a prosecution under *new section 5B*, whether a disruption to the use or enjoyment of any residential premises by any person who regularly occupies those premises as a place of residence is unreasonable.

New section 5B(4) contains definitions of terms used in *new section 5B*.

Hon Paul Goldsmith

Summary Offences (Demonstrations Near Residential Premises) Amendment Bill

Government Bill

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act	1
4 New section 5B inserted (Engaging in targeted and disruptive demonstration near residential premises)	1
5B Engaging in targeted and disruptive demonstration near residential premises	2

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Summary Offences (Demonstrations Near Residential Premises) Amendment Act **2025**.
- 2 Commencement** 5
This Act comes into force on the day after Royal assent.
- 3 Principal Act**
This Act amends the Summary Offences Act 1981.
- 4 New section 5B inserted (Engaging in targeted and disruptive demonstration near residential premises)** 10
After section 5A, insert:

5B	Engaging in targeted and disruptive demonstration near residential premises	
(1)	A person (P) commits an offence if P engages, or continues to engage, in a demonstration—	
	(a) near any residential premises; and	5
	(b) that—	
	(i) is directed at any regular occupant of those premises; and	
	(ii) P knows, or ought to know, is causing an unreasonable disruption in relation to those premises or any other residential premises.	
(2)	A person who commits an offence against this section is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000.	10
(3)	In determining, for the purposes of a prosecution under this section, whether a disruption in relation to any residential premises is unreasonable, the court must have regard to all relevant circumstances, including—	
	(a) the time of day at which the disruption started:	15
	(b) the time of day at which the disruption ended:	
	(c) the duration of the disruption:	
	(d) the actions of the demonstrators during the disruption:	
	(e) the level of noise generated by the demonstrators during the disruption:	
	(f) the distance between the demonstrators and those premises during the disruption.	20
(4)	In this section,—	
	demonstration means a public expression of support or opposition by a person or group of persons to further a cause or campaign	
	disruption , in relation to any residential premises,—	25
	(a) means a disruption to the use or enjoyment of those premises by any regular occupant of those premises; and	
	(b) includes a disruption to the ability of any regular occupant of those premises to enter or leave those premises	
	regular occupant , in relation to any residential premises, means any person who regularly occupies those premises as a place of residence	30
	residential premises means a building, or part of a building, that is a house, flat, town house, home unit, or similar dwelling erected, or currently used, mainly as a place of residence, and any land, improvements, or appurtenances belonging to the dwelling or usually enjoyed with it.	35