

Policing Amendment Bill



New Zealand Council Of
Christian Social Services

April 2026

Tirohanga Whānui | Overview

The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on the Policing Amendment Bill. While we support a need for Police to have clarity regarding what they can and cannot do in their roles, we oppose the increase of police powers to the extent proposed in this Bill. The amendments raise privacy concerns and are likely to have significant and detrimental impacts for children and young people, Māori and victims of crime.

Taunakitanga | Recommendations

Our main points are:

Item One: The proposed legislation provides excessive freedom for police to record and document the public

The justification for introducing this legislative change is to restore law and order and provide ‘...clarity and consistency for front-line police, with the tools needed to effectively manage public safety risks and harms’ (Mitchell, 2026). While we support a need for the police to have clarity regarding what they can lawfully document, we strongly believe that increasing the scope of what they can record is not an appropriate way to provide such clarity.

“...a Police employee must not collect information for an intelligence purpose unless they consider that the information will or may support the Police in performing a function” (Policing Amendment Bill, 2026).

The proposed amended wording of the Act appears to remove any requirement for police to have justification to record the public as a case could be made that any such recording “may” have supported the police.

Recommendation One: Further clarity is need in the legislation to make it clear when recording the public is appropriate to ensure that while providing consistent guidance to police the legislation is also protecting victims of crime and those who may be vulnerable and need additional protections.

Item Two: The proposed amendments risk breaching children’s right to privacy

We also raise concerns regarding the impact of this proposed wording on children’s right to privacy under the Privacy Act 2020 (Privacy Act 2020, IPP 4(b)) and the United Nations Convention on the Rights of the Child (United Nations, 1989). Our concerns include how these rights may be infringed upon through the collection and storage of data, and the extent to which children will be supported to understand their rights in relation to any police recording and/or collected data. There has been past occurrence of police breaching children’s rights to this extent in New Zealand (Cardwell, March 2023). The 2022 joint inquiry by the Independent Police Conduct Authority (IPCA) and the Office of the Privacy Commissioner finding that police were photographing and storing images of children often unlawfully (Independent Police Conduct Authority & Office of the Privacy Commissioner, 2022) resulted in restrictions and internal policy changes to protect the rights of children. The proposed amendments risk further breaches of child rights.

Despite this, we note from the Regulatory Impact Statement (RIS) that no additional protections for children and young people will be included in the Policing Act as part of this amendment beyond those protections that currently exist in the Policing Act, the Oranga Tamariki Act and the Privacy Act (New Zealand Police, 2025). There has been no specific consultation with children and young people in relation to this amendment and we refer to Article 12 of the Convention on the Rights of the Child which upholds children's right to have a voice in the matters that affect their lives (United Nations, 1989, art.12). We note also that engagement with relevant agencies on the specific impacts of the preferred options on children has not been undertaken due to time pressures and refer to the Concluding Observations of the UN Committee on the Rights of the Child which recommend a Child Impact Assessment be undertaken for all policy and legislation affecting children (MSD, nd).

Recommendation Two: We strongly recommend consultation with children and young people, and a Child Impact Assessment be undertaken prior to this legislation progressing any further.

Item Three: The use of body-worn cameras poses significant privacy concerns and has the potential to have negative impacts on the reporting of sensitive crimes.

Option Four, highlighted in the RIS as being a preferred option, supports the use of continuous recording through body-worn cameras (BWCs) (New Zealand Police, 2025). Justification of this approach includes improved police accountability, however, it is important to note that while there is research that supports this, including reports of reduced use of force by officers wearing these cameras (Ariel et al, 2015), there have also been studies which report the opposite effect (Boehme & Schnell, 2022).

Additionally, we raise privacy concerns around the use of continuous recording particularly around recording of victims of crimes who are in additionally vulnerable situations and the possible impact that the use of these cameras may have on disclosure and accuracy of reporting. Recent Canadian research highlighted concerns of police officers around these issues (Poirier et al., 2024):

"I mean, a person who's, like, unclothed, naked, are you gonna start ... am I comfortable filming it, and all that? So it's more at this level that, sometimes, I had reservations. A person who is bedridden, who requires care, and all that, are we going to start filming [them] naked, and all that, or the paramedics who take their vital signs, and all that? [...]. We agree, of course, that these images will never be reproduced and that no one will allow these images to be viewed. But it was more at the level of the values... of my values, is it something that I want to do?" - Male officer with 6 years of police experience (Poirier et al., 2024).

Additionally, concerns were raised by police in this study regarding the impact of body cams for victims reporting sensitive crimes such as sexual assaults or domestic violence and whether these prevented victims from accurately reporting:

"Maybe, in the end, if we didn't have the cameras, we would have had her whole statement, and we would have had more details. Then, with the camera, well then, she may have closed herself off, and then she omitted to say certain details. And then, I think we are losers in this" - Male officer with 5 years of police experience (Poirier et al., 2024).

While we acknowledge the benefits of BWC's, it is clear that there are very significant risks regarding undesired consequences of their use. Strict, clear guidelines and safeguards would be needed to ensure that legislation aimed to benefit public safety and harm does not have the opposite effect.

Recommendation Three: Clear guidelines and safeguards need to be drafted and consulted on with police and the public prior to the implementation of BWC use.

Item Four: The legislation provides no clarity regarding data storage for recordings of the public, including where these will be stored, for how long and possible uses of these in future. While the amendment to the Act is likely to result in a substantial increase in the amount of data collected and stored, there is no information regarding how this data will be stored including the length of time and future use of this data. In particular we raise concerns regarding the impact that this may have on tamariki and rangatahi as depending on the duration of storage and timeframe for using these images, they have the potential to play a role in decisions made by law enforcement decades in the future.

Additionally, we raise concerns regarding the cultural impact of storage of such images and recordings and a need to ensure that these practices align with Māori data sovereignty principles (Te Mana Raraunga, 2018).

Recommendation Four: Clarity is needed regarding the storage and use of images and recordings.

Item Five: Despite this legislation being likely to have significant impacts for Māori, there has been very limited consultation with the crown failing to meet their obligation under Te Tiriti.

As with many aspects of the justice system in Aotearoa there is a risk of Māori being unfairly disadvantaged by the proposed amendment to the Act. The RIS highlighted a risk that these amendments may result in both overcollection and unintended profiling. While the RIS argues that these changes will "...assist Police to tailor efforts, in partnership with Māori.." we note that this same report highlights that due to "time pressures" consideration of proposals through a Te Tiriti lens were limited. We agree with this report that such lack of consultation suggests that the Crown has failed to recognise its obligations under Te Tiriti:

"The timeframes have not enabled consultation with any population groups, including Māori and it could therefore be argued that the Crown has failed to recognise its obligations to protect the rights and privileges of Māori, therefore potentially being inconsistent with the Crown's obligations under the Treaty, as well as negatively impacting Police's ability to uphold the commitment to Māori and the Treaty of Waitangi." (New Zealand Police, 2025)

While the report suggests that such consideration including in regard to Māori data sovereignty will be part of the implementation and development of subsequent policies, given the over-representation of Māori both in the criminal justice system and as victims of crime, this is not enough. Consultation with Māori is needed prior to this legislation proceeding any further.

Recommendation Five: consultation with Māori and updates to the legislation to reflect this is needed prior to this legislation progressing any further.

Ngā Tohutoro | References

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Ko wai tātou | Who we are

NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.

Through this membership, NZCCSS represents over 100 organisations providing a range of social support services across Aotearoa. Our mission is to call forth a just and compassionate society for Aotearoa, through our commitment to our faith and Te Tiriti o Waitangi.

Further details on NZCCSS can be found on our website - www.nzccss.org.nz.

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