

Justice Select Committee

Policing Amendment Bill

April 2026

# Excellence and equity in the provision of mental healthcare

### ABOUT THE ROYAL AUSTRALIAN AND NEW ZEALAND COLLEGE OF PSYCHIATRISTS

The RANZCP is the peak body representing psychiatrists in Australia and New Zealand. We are a binational college that trains doctors to become medical specialists in psychiatry. We support and enhance clinical practice, advocate for people affected by mental illness and addiction, and advise governments on matters related to mental health and addiction care.

We represent over 8,730 members, including more than 6,000 qualified psychiatrists and 2,500 trainees. Our training, policy, and advocacy work is led by expert committees of psychiatrists and subject-matter experts with academic, clinical, and service-delivery experience in mental health and addiction.

The RANZCP welcomes the opportunity to respond to the Policing Amendment Bill. As psychiatrists, we occupy a distinctive position within medicine. As a specialty that sits at the intersection of health, law, social policy, housing, and criminal justice, RANZCP's advocacy responsibilities extend beyond clinical practice to the structural and legislative conditions that shape mental health and wellbeing. Our submission mandate is therefore deliberately broad, spanning social determinants, workforce, legislation, and sector partnerships.

RANZCP acknowledges that police officers frequently provide important pastoral support to vulnerable people in public spaces, and that many interactions between police and tāngata whai ora are well-intentioned and helpful. Our concerns relate not to the conduct of individual officers but to the breadth of the powers this bill confers, the absence of safeguards governing their use, and the structural conditions that make certain populations — particularly Māori, people experiencing mental distress, and those with addiction — disproportionately subject to those powers.

### EXECUTIVE SUMMARY

RANZCP | Tū Te Akaaka Roa and the Faculty of Forensic Psychiatry have significant concerns about the Policing Amendment Bill on four grounds:

- The bill expands police powers in ways that may disproportionately affect people experiencing mental distress, addiction, and disability, populations who are already over-represented in policing contact.
- The bill creates an additional layer of surveillance infrastructure, with no explicit data retention limits, independent oversight, or protections for tamariki. There is the risk that the bill could contribute to the sorts of biased algorithmic systems that already disproportionately focus on Māori, and where data collected may, directly or inadvertently, negatively influence a person's life outcomes.
- The accelerated development of the bill may have breached the Crown's partnership obligations to Te Tiriti o Waitangi and partner with Māori.

### People Experiencing Mental Distress, Addiction, and Disability Are Acutely Vulnerable to These Powers

The bill introduces powers to detain and forcibly move people from temporarily closed areas, to photograph and record individuals without consent, and to compel individuals to provide biographical details under pain of infringement. It creates new criminal offences for non-compliance.

RANZCP is concerned about the impact of these provisions on people experiencing acute mental distress, psychosis, addiction, or cognitive or sensory disability. These individuals may be present in public spaces precisely because of their health status, including because of homelessness driven by inadequate mental health and addiction housing, and may be unable to comply with police directions in the moment.

Creating infringement offences against people who cannot comply because of their mental state or disability will criminalise vulnerability and may escalate harm. RANZCP is concerned that without adequate safeguards, people in acute distress will face escalating coercive contact at moments of greatest vulnerability, with potentially serious consequences for their health and safety.

The bill also authorises photography and continuous recording of people in public spaces solely in anticipation of a possible future policing purpose, rather than being properly justified by the commission of an offence. For people experiencing paranoia, psychosis, or trauma-related hypervigilance, unsolicited photography and surveillance by police carries significant clinical harm.

### **Disproportionate Impact on Māori and tāngata whai ora**

The bill does not operate in a neutral context. Prior to the IPCA and Privacy Commissioner inquiries, more than half of the tens of thousands of images unlawfully collected by police were of Māori, a population that makes up approximately 17% of Aotearoa's total population. Māori are six times more likely than Pākehā to be stopped by police without cause, and are four times more likely to be subject to warrantless searches, as stated in the Understanding Policing Delivery Independent Panel (2024).

Given the findings of the Understanding Policing Delivery Independent Panel, it seems counterintuitive that this bill appears to retrospectively legalise and expand unbridled collection powers. The bill authorises the collection of images of tā moko and moko kauae, without any specific protections or tikanga-based safeguards, including protections for taonga tuku iho under Te Tiriti o Waitangi.

Māori are disproportionately represented among tāngata whai ora in community mental health and addiction services, and among people experiencing homelessness. RANZCP urges the Committee to address the greater needs of this population, rather than risk adding to the harms they already face.

### **Failure to Consult Māori and Honour Te Tiriti o Waitangi**

The bill's own disclosure statement and regulatory impact statement acknowledge that Māori were not meaningfully consulted prior to introduction, citing time pressure following the *Tamiefuna v R* [2025] NZSC 40 Supreme Court ruling. RANZCP considers this entirely inadequate given the bill's foreseeable and disproportionate impact on Māori communities. Urgency is not a legitimate basis for bypassing the Crown's Treaty obligations.

To introduce legislation that amplifies existing racial disparities in policing, authorises the collection of taonga such as tā moko and moko kauae without tikanga-based safeguards, and fails to protect tamariki Māori — without Te Tiriti analysis, without partnership with iwi and Māori health organisations, and without any guarantee of equal rights — is inconsistent with the Crown's obligations under Articles 2 and 3 of Te Tiriti o Waitangi.

RANZCP notes that Te Puni Kōkiri raised these concerns directly during the bill's development. That those concerns were noted and set aside in the interests of speed is itself a matter the Committee should address. Genuine partnership under Te Tiriti is not optional when legislation has this degree of foreseeable impact on Māori.

### **Unchecked Surveillance Infrastructure and Algorithmic Risk**

The bill places no limits on how long police may store images, recordings, or biographical information gathered under these powers, nor on who may access that data or what it may be used for. Police already use AI and algorithmic processing, including facial recognition, in their databases. This technology has been shown to produce biased outcomes against minority groups. In turn, a database disproportionately populated with images of Māori, fed iteratively into biased algorithms, will result in more Māori being flagged, stopped, and drawn into the justice system, compounding existing inequity through automation.

The bill also includes zero protections for tamariki and rangatahi. New Zealand Police have previously been advised against illegally stopping and photographing Māori children in the street, with this practice likely to have breached UN protections for children.

RANZCP is concerned about the unknown long-term consequences of unfettered data collection on individuals' life experiences and future outcomes. Without protections for children and young people, and without clarity around data sovereignty, retention limits, or lawful use, information gathered under this bill may be used, directly or inadvertently, to harm or negatively influence a person's wellbeing, opportunities, and future long after the moment of collection. A young person photographed during a mental health crisis, or a mokopuna captured simply for being present in a public space, could find that data shaping their future interactions with the justice system, employment, housing, or health services. Legislation that authorises broad collection without corresponding data sovereignty protections is not neutral.

### **Cumulative Impact Alongside Move On Orders**

This bill must be read alongside the government's proposed Move On Orders. Together, these instruments create an interlocking framework that risks being misused to restrict the right to occupy public space, with criminal and civil consequences for non-compliance, and empowers police to physically remove those who cannot or do not comply.

Moving people experiencing mental illness, addiction, or disability out of public spaces without addressing the underlying determinants of their presence does not make communities, as a whole, safer.

### **Recommendations**

Tū Te Akaaka Roa and the Faculty for Forensic Psychiatry recommend that the Justice Select Committee:

- Include explicit clinical safeguards for people experiencing mental distress, psychosis, intoxication, or disability, recognising that non-compliance may be a symptom rather than a choice.
- Require mandatory data retention limits, independent oversight, and enforceable accountability mechanisms for all recording and photography powers, including explicit data sovereignty protections that prevent collected information from being used in ways that could adversely affect a person's future interactions with the justice system, employment, housing, or health services.
- Insert specific protections for tamariki and rangatahi, consistent with Aotearoa's obligations under the UN Convention on the Rights of the Child.
- Commission a full Te Tiriti impact assessment, undertaken in genuine partnership with Māori, before the bill proceeds, including specific consideration of the collection of images of tā moko and moko kauae.
- Require police to delete the many thousands of images unlawfully collected prior to this bill, as a condition of being granted expanded collection authority.
- Commission a whole-of-government health impact assessment on the combined effects of this bill and the proposed Move On Orders on tāngata whai ora, disabled people, and unhoused populations.
- Consider the role of more restrictive alcohol licensing to ensure safe public spaces, rather than risk criminalising vulnerable individuals
- Place obligations on local health and disability service funders to provide suitable placements for people who have unmet health and disability needs, who are identified by the police through this bill.

Ngā mihi nui ki a koutou,



Dr John Gregson

Chair of the Faculty of Child and Adolescent Psychiatry, Royal Australia and New Zealand College of Psychiatrists



A/ Prof Hiran Thabrew

Chair of Tū Te Akaaka Roa, Royal Australia and New Zealand College of Psychiatrists

DRAFT