



Evangelism

Legal Guidelines

Alison Hunt and Alex Penk

ethos

Advocates for conscience and belief

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About the authors

Alison Hunt is a Senior Associate at Ethos. She has previously worked in senior legal roles in the public sector advising on a broad range of issues including public law, regulatory enforcement and litigation matters. Alison has a first-class honours degree in law from the University of Waikato.

Alex Penk is CEO at Ethos. He has a broad range of experience in law, government relations, communications, strategy, and governance. He has undergraduate degrees in law and science from the University of Auckland, a Master of Law from Cambridge University, and in 2016 he was a Visiting Fellow at Oxford University's McDonald Centre for Theology, Ethics and Public Life.

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1. Introduction



From time to time we are asked questions by faith-based organisations and individual evangelists about their legal rights and responsibilities when speaking to and engaging with the public. The questions cover a range of issues like human rights law, criminal law enforcement, local bylaws, personal privacy and rules related to public, private and online spaces. We have developed these guidelines in response to what we have seen as a growing need for groups and individuals to have legal information relevant for sharing about faith and religious beliefs in general.

Our intention in producing these guidelines is to provide a tool to equip and inform evangelists when sharing publicly about matters of faith. Most evangelists we are aware of are operating from a Christian perspective though we recognise other faiths are also involved in public engagement to varying degrees. For example, we are aware of Muslim speakers engaging in Dawah¹, and the Society for Krishna Consciousness practising the Hare Krishna mantra publicly.²

For ease of reference, we adopt Christian evangelism to frame and inform the content for these guidelines. The terms used, for example, are consistent with the definitions usually found in Christianity but where possible we have provided general terms which are adaptable for wider application. The legal issues we address are likely to be relevant for anyone of any religious affiliation or denomination who wants to share publicly about their faith.

We use the broad term “evangelism work” when referring to the various activities which might be involved in evangelism. Evangelism work will include sermons, teaching, worship, music, chanting, prayer, healing, deliverance, leaflets, literature, one-to-one conversation based in scripture, quoting scripture for the purpose of sharing religious beliefs and applying scripture to everyday life and/or current issues.

Background

For the first time since collecting Census data, Statistics New Zealand reported that in 2023 more than half of New Zealanders have no religious affiliation of any kind.³ Previously in 2018, 48.2 percent of New Zealanders had no religious affiliation and of those who did report a religious affiliation the largest group identified as Christian.⁴ The apparent decline in religious affiliation and corresponding growth of secular beliefs is at odds with anecdotal evidence that many young people and previously unchurched people are keenly interested in exploring religion, spirituality and belief in God.⁵ For example, the Baptist Union has reported increasing church attendance and baptism numbers. While the numbers are still lower than pre-Covid levels recent data establishes that church attendance is on the rise.⁶

Historically evangelists have operated primarily in public open spaces or held events in large facilities on privately owned land. Today, evangelism not only occurs in these public spaces but increasingly online. These guidelines will provide an overview of the laws which may apply to evangelism in many of these places and contexts and highlight the various rights, freedoms and limitations to those rights which exist in New Zealand.

Our approach to these guidelines

These guidelines are not a “how to” evangelise nor a theological work. Instead, we reflect on the legal issues and questions we have identified through our work, from interviewing local Christian evangelists and our own research.

In these guidelines, the legal information is presented in nine sections. Each section can be read on its own or as part of the complete guideline. When relevant information is contained in another section of the guideline, a link to the other section is provided for ease of reference. Each section and some of the main topics conclude with a short recap to summarise the key issues related to it. Many sections also end with a reflection about the issues covered in the section and a scenario to illustrate how the issues apply in practice. We have also produced summary information sheets to help you use these guidelines which are available to download from www.ethosalliance.nz.

If you are involved in evangelism and you have questions that are not covered here, or you just need some help with legal issues, please feel free to email us at contact@ethosalliance.nz.



2. Evangelism in context



The ways in which people live, interact and understand society change over time and with that new challenges arise. Some of the legal issues relevant for today were not relevant decades ago. Technology, for example, has enabled anyone with a mobile phone to connect with another person across the world or create online content shareable with multiple people, some of whom may not originally have been anticipated as a recipient. Law reform also impacts the approach to issues over time. Other legal issues such as access to public places may look straightforward at first blush but local rules about them may vary and create confusion.

In these guidelines, we discuss the legal issues relevant to evangelism work in public places like roads, parks or town squares. We will also address the rules relevant to using buildings owned by private and public entities, as well as the challenges of the online environment.

We acknowledge that evangelism may also take place in institutional settings such as prisons, schools, universities, and workplaces. These environments are often governed by site-specific policies and sometimes by specialist legislation including rules that regulate members of professions. These guidelines do not specifically comment on institutional settings. If you have questions about evangelism in these settings, you are welcome to contact us.

Topics

Typically, evangelists share scripture and talk about topics related to their personal experiences when they are carrying out evangelism work. In the Christian tradition, evangelists preach from the Bible, often about Christ's life, death and resurrection, and give an invitation, which is open to everyone, to accept Jesus Christ as their personal saviour.

Evangelists also sometimes engage with contemporary social issues, including gender identity, sexuality, marriage, abortion, and euthanasia. Often these issues arise because people have questions and are interested in receiving support and spiritual guidance about them. These topics should be approached with compassion and with knowledge about the relevant law because there can be special rules which apply. Later in these guidelines we discuss the law related to abortion safe areas and prohibited conversion practices which involve specific restrictions about where and how people are allowed to communicate on these topics.

Conduct

The way evangelists conduct themselves and represent faith can impact both the success of the work and proper compliance with the law.

In general, we recommend the use of peaceful and positive approaches to public discussions about faith — engagement rather than confrontation. Peaceful dialogue is less likely to become an issue for law enforcement and more likely to comply with the law.

3. Human rights



The term ‘human rights’ refers to the rights and freedoms that every citizen ought to enjoy. Evangelists are entitled to human rights protections in their work too, but it is reasonably common for rights to be limited when there are good legal reasons for this. The relevant human rights protections are primarily contained in the New Zealand Bill of Rights Act 1990 (NZBORA) and the Human Rights Act 1993.⁷ It is useful for all evangelists to be aware of their human rights.

New Zealand Bill of Rights Act: public organisations

The NZBORA applies to the government, including all government departments.⁸ This includes a police officer deciding whether there has been a breach of the peace or a criminal offence. He or she is bound to consider rights and freedoms under the NZBORA before deciding how to respond to complaints about evangelism work.

An entity which is not a government department, but which is exercising some type of “public function, power or duty” is also bound by the NZBORA.⁹ If an entity carries out functions for the public and in the public interest, it is likely to be caught by NZBORA. A local council or an entity owned by the Crown are examples of entities likely to be carrying out some public functions such as when making decisions authorising the use of public spaces.

Protected rights and freedoms

NZBORA affirms the following rights and freedoms relevant for evangelists carrying out public evangelism work:

- **Freedom of thought, conscience, religion and belief (section 13):** Everyone has the right to freedom of thought, conscience, religion and belief, including the right to adopt and hold opinions without interference — the internal freedom to hold a belief without interference is considered absolute. The government does not have the right to interfere with a person’s internal thoughts. In practice, it is usually the way a person behaves (the manifestation of belief) that is the issue complained about rather than their internal beliefs.
- **Freedom of expression (section 14):** Everyone has the right to freedom of expression including the freedom to seek, receive, and impart information and opinions of any kind in any form — this covers various forms of communication including written materials, artistic expression, and symbolic acts. It includes the right to speak publicly about matters of faith and belief, including messages that others may disagree with or find challenging.
- **Manifestation of religion and belief (section 15):** Every person has the right to manifest that person’s religion or belief in worship, observance, practice or teaching, either individually or in community with others, and either in public or in private — this right protects not only private belief but also public expression like worship, teaching and preaching.

- **Freedom of peaceful assembly (section 16):** Everyone has the right to freedom of peaceful assembly — the right to gather in groups for evangelism work such as to hold a meeting in public is protected. The right, however, contains a restriction within it — the freedom to assemble must be peaceful to be protected behaviour.
- **Freedom from discrimination (section 19):** Everyone has the right to be free from discrimination based on possessing a characteristic that is a prohibited ground in section 21(1) of the Human Rights Act — this right affirms an evangelist cannot be treated in a way which is different to others, and which disadvantages them, on the grounds of religion. Religion is one of the prohibited grounds of discrimination contained in the Human Rights Act.¹⁰ As an example, being refused a permit to use a public park for a public speaking event where the reason for the refusal is because of the applicant's religion is not permitted under the NZBORA.
- The NZBORA also includes rights which concern fair process in law enforcement, including the right to be secure against unreasonable search and seizure and the right to consult and instruct a lawyer.¹¹

Rights can be limited

The NZBORA protects evangelists' rights to carry out evangelism work. However, having protected rights is just a starting point; rights are generally not absolute and may be subject to limits. There are two ways rights can be limited.

First, rights are subject to “such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society”.¹² These limits include other laws, like laws preventing public behaviour which unreasonably affects other people, such as offensive behaviour, nuisance or excessive noise. We discuss these examples and other legal obligations in the sections on [law and order in public places](#) and [powers of local authorities](#).

Public bodies using legal authority can also limit rights in reasonable ways when they make decisions. For example, a council-owned organisation can decide not to hire out a venue for an event if there are genuine health and safety risks that cannot be managed, even though this might directly limit freedom of expression and freedom of assembly.¹³

Second, Parliament can also pass laws that limit rights even where these limitations are unreasonable, as long as they have used clear language that shows this was their intention.¹⁴ If there is any doubt about whether Parliament meant to do this, courts will try to read a law in a way that is consistent with protected rights.¹⁵ This is a complex area of law, but in short, Parliament is the ultimate legal authority and where the law is clear, limits on rights will be upheld.

In some situations, evangelists will be able to formally challenge actions taken by authorities if their NZBORA rights have not been respected. For example, the Independent Police Conduct Authority will hear complaints where police have breached someone's rights and acted unlawfully when making an arrest. Other avenues like writing to the public body or government department involved to complain about its actions or asking the Ombudsman¹⁶ or Human Rights Commission to investigate, are also potential ways that people who have had their rights breached can have their concerns heard and resolved.

NZBORA recap

- The NZBORA applies to the Government and to public bodies carrying out public functions.
- Evangelists have rights to speak, assemble and share their message.
- However, the NZBORA allows limits on these rights where this is reasonable and “justified in a free and democratic society”.
- Public bodies like councils can also limit rights when they make decisions if there is a justifiable reason.
- Parliament can make laws that put limits on rights even if these limits are unreasonable, because Parliament is the ultimate legal authority.
- Apart from this, public bodies have to act consistently with protected rights when they make decisions.
- If someone believes their human rights have been breached because of a decision made by the government or a public organisation, they can make a complaint to authorities like the Independent Police Conduct Authority, the Human Rights Commission, the Ombudsman or directly to the organisation involved.

Human Rights Act: private organisations

The Human Rights Act is designed to protect people from unlawful discrimination mainly by private sector organisations.¹⁷

Unlawful discrimination in the Human Rights Act means that a person should not be refused goods, facilities and services or treated less favourably because of any of the “prohibited grounds” contained in section 21 of the Human Rights Act.¹⁸

Less favourable treatment means treatment which is different, unfair and creates a “material disadvantage” which would not be encountered by another group in comparable circumstances. A material disadvantage has been defined by the courts as a disadvantage which is real or more than trivial.¹⁹ There are some exceptions to the various forms of prohibited discrimination under the Human Rights Act which provide that discrimination is allowed in some cases which we discuss shortly.

Prohibited grounds of discrimination

There are several prohibited grounds of discrimination under the Human Rights Act relevant for evangelists:

- **Religious belief (section 21(1)(c)).** This includes being a member of a religion or holding a particular religious belief. It is also likely to include protection for the manifestation of a religious belief like adhering to the practices of a religion.²⁰
- **Ethical belief, which means the lack of religious belief, whether in respect of a particular religion or religions or all religions (section 21(1)(d)).** This includes being an atheist or not holding a particular religious belief.
- **Political opinion, which includes the lack of a particular political opinion or any political opinion (section 21(1)(j)).** Political opinion includes views about the purpose or duties of government, and may extend to broader views about “economic, social and cultural power”.²¹

Unlawful discrimination

The Human Rights Act includes provisions that prohibit discrimination when making decisions about access to places and facilities that the public is allowed to access.

- **It is unlawful to refuse someone access to or use of a place, which members of the public are entitled or allowed to enter because of a prohibited ground of discrimination (section 42).** This includes privately owned buildings, shops and taxis which are open to the public for use. This section would primarily apply to short-term use or access for a specific purpose.
- **It is unlawful to refuse to provide goods, services or a facility to someone, or to do so on less favourable terms, because of a prohibited ground of discrimination (section 44).** Generally, it is unlawful to refuse a person a booking for a facility on religious grounds or to only allow a person to book on less favourable terms, such as double the fee or to apply unreasonable conditions about who may be invited to the event. An example is a short-term hire of a privately owned building for a religious speaking event.
- **It is unlawful to deny the right to occupy land, or to occupy land on less favourable terms because of a prohibited ground of discrimination (section 53).** This would apply to the rental of land or property under a lease for longer-term or ongoing religious meetings, creating a landlord and tenant arrangement. If, however, restrictions or additional costs are imposed because of the likelihood of damage to land, that may provide a good reason for the different treatment and not amount to unlawful discrimination.
- **It is an offence to refuse access to and use of public places, facilities and vehicles where this would be unlawful discrimination under the Human Rights Act (section 134).**²² Every person committing an offence is liable on conviction to a fine not exceeding \$3,000.
- **Conduct, action or rules which appears not to breach one of the prohibitions above, but has the effect of treating a person or group differently on one of the prohibited grounds of discrimination, is indirect discrimination and unlawful (section 65).**²³ This would apply in situations where on the face of it the conduct or rule applies equally but has the effect of discriminating against one group.²⁴

Where a breach of the Human Rights Act occurs, a person may complain to the Human Rights Commission for assistance to resolve the concern. Resolution may include payment of compensation and an apology. Where criminal offences arise, a person may report the matter to the police for investigation which may result in prosecution in court.

Exceptions under the Human Rights Act applying to discrimination

Although the Human Rights Act prohibits discrimination, it also recognises that discrimination will sometimes be lawful and provides exceptions to allow this.

- **Specific exceptions** — these are defined in the Act itself. For example, the Human Rights Act allows access to places and rented accommodation to be limited because of disability where this is reasonable.²⁵
- **Other enactments authorising discrimination** — section 21B of the Human Rights Act recognises discrimination may be lawful where other enactments authorise or require it.²⁶ This is most likely to be the case when other legislation explicitly allows discrimination.²⁷

- **Indirect discrimination for good reason** — indirect discrimination will be deemed unlawful unless there is “good reason” for the discrimination. A good reason generally requires proof that there is a genuine need for the different treatment and that the treatment is suitable and reasonably necessary to address that need. In Canada a fitness test for firefighters which discriminated against most women and was set at a level not necessary for the job was unlawful.²⁸
- **Affirmative action** — something that would normally be discrimination is not unlawful if it is done (or not done) in good faith to help or support people who need assistance so they can have an equal place in the community.²⁹
- **Genuine justification** — the Human Rights Act recognises that there might be cases not covered by the exceptions where discrimination should still be allowed. It will be a defence to a claim of unlawful discrimination if there is a genuine justification for it in the circumstances of the case.³⁰ As the Human Rights Act’s purpose is to prevent discrimination a successful defence on this ground will be relatively rare.

Human Rights Act recap

- The Human Rights Act protects people from unlawful discrimination when dealing with private sector organisations, businesses and entities.
- Evangelists cannot be excluded from places simply because of their religious belief but in some cases there may be good reasons or legal justifications to exclude them, or another law may authorise it.
- If an evangelist believes they have been unlawfully discriminated against they can complain to the Human Rights Commission for help to resolve the issue.



4. Law and order in public places



There are several criminal statutes that regulate behaviour in public places. All evangelists operating in public places should be aware of the main laws applying to activities in public places to ensure they comply with the law. In most instances, the police become involved when they receive a complaint from a member of the public about behaviour alleged to be disruptive or harmful in some way.

Where an evangelist finds they are subjected to bad behaviour they are also entitled to the protection of the law and it will be helpful in these circumstances to be familiar with how the law may apply. (See also the further general information in these guidelines contained in the section related to [safety for evangelists](#).)

As mentioned in the earlier section of these guidelines about [human rights](#), steps taken to enforce the criminal law must balance the need for public order with the right to freedom of expression and other rights under the NZBORA. Police applying the law are required to consider the NZBORA when making decisions about enforcement and are required to make their assessments rationally and proportionately.

Summary Offences Act

Offensive behaviour

Offensive behaviour is a criminal offence where anyone behaves in an “offensive” way, a “disorderly” way, or uses “offensive language” with the intent to threaten, alarm, insult or offend people. A police officer has the power to arrest any person he or she has good cause to suspect has committed offensive behaviour.³¹ The penalty is a fine not exceeding \$1,000.³²

Occasionally allegations of offensive behaviour will be directed at people carrying out evangelism work because some people say they are offended by things said or done, but that is usually not enough to be an offence. The courts have said that offensive behaviour must be interpreted to allow free expression, including protests, that might upset some people. “Offensive” must be understood from the perspective of what a reasonable person tolerant of rights guaranteed under the NZBORA should be expected to accept in the circumstances.³³

Criminally offensive behaviour requires more than someone’s subjective view that they are offended by the actions of another person. It requires an objective assessment of all the circumstances balanced against considerations which protect rights including freedom of expression, assembly and religion.

Behaviour may be considered criminally offensive if it stops the public from freely entering or leaving an area, blocks access to public facilities or unreasonably interferes with the rights of others to use a public space.³⁴ For example, holding a public rally at or near a playground on a topic that is not suitable for children and significantly disrupts normal use of the playground for an extended period may amount to offensive behaviour.

Disorderly behaviour

The crime of disorderly behaviour is more serious than offensive behaviour.³⁵ Disorderly behaviour generally requires behaviour likely to start or lead to violence or property damage. The penalty for disorderly behaviour is a term of imprisonment not exceeding three months or a fine not exceeding \$2,000.³⁶

Examples of this type of behaviour include approaching another group of people to start a fight or a riot in a public place. Evangelists, in our experience, are unlikely to behave in these ways but it is possible that other people who dislike their message or generally hold anti-religious views may create a situation which results in disorderly behaviour.

In this situation, the evangelist should take steps to protect their own health and safety, potentially remove themselves from the situation and call 111 in an emergency. Leaving the situation may help to de-escalate it and avoid being caught up in any enforcement action which police may take because of disorder.

If the police consider the circumstances involve “disorderly assembly” they have power to warn people to disperse and, if they do not, to arrest any individuals they reasonably believe have committed an offence.³⁷ If convicted the penalty is a term of up to three months imprisonment or a fine not exceeding \$2,000.³⁸

Obstruction of a public way

It is an offence to obstruct a public way like a road, footpath, mall or arcade unless there is a reasonable excuse for it. Allegations of obstruction may arise if, for example, an evangelist sets up sound equipment or places a display of books which block a busy portion of a footpath.

Where a police officer issues a warning to stop obstructing a public way and a person continues to cause an obstruction the person is liable to a fine not exceeding \$1,000.³⁹ To avoid a fine it is important to follow the directions of a police officer promptly.⁴⁰

Resisting police

Where a person resists or obstructs a police officer exercising their duties that person commits an offence liable to imprisonment for a term not exceeding three months or a fine not exceeding \$2,000.⁴¹

Sometimes a person may think a police officer has decided to arrest or issue a direction which is unfair to them and they may want to challenge the decision. In these circumstances, it is best to immediately cooperate, avoid giving police genuine grounds for charges of resisting or obstruction and consider whether there are avenues to challenge the decision making later.

Crimes Act

Breach of the peace

The police have a general power to arrest a person to deal with a breach of the peace.⁴² There is no specific offence or penalty associated with a breach of the peace. Where the police decide to intervene, their response must be proportionate to the likely danger that the police are attempting to address, and police must use no more force than is necessary.

The circumstances where a breach of the peace may arise include when there is an assault, a likelihood of violence, or public disorder that is more serious than offensive behaviour under the Summary Offences Act.

Being annoying or insulting does not constitute a breach of the peace unless it is likely to provoke a violent reaction or disrupt public order significantly.⁴³ A breach of the peace may occur where a person loses their temper and interacts with others aggressively creating a clear risk that violence may well result if the police fail to intervene. The police must assess these situations also with the NZBORA in mind and balance rights and freedoms against the risk to peace, only acting when the circumstances reach a point that police must intervene to prevent a breach of the peace.

Harassment Act

An evangelist regularly speaking to the same people in the same public place may be accused of harassment. (See also the sections of these guidelines related to [online evangelism](#) for further information about when digital communication is harassment.)

The Harassment Act 1997 makes harassment illegal where there is a pattern of behaviour involving any of the “specified acts” occurring at least twice within a 12-month period.⁴⁴ Where the specified act is continuing, such as where it relates to material being shared online, that will also be counted as a pattern of behaviour amounting to harassment.

The specified acts toward a person are:

- watching, loitering, or preventing or hindering access to or from their home, business, job or places where the person frequently goes;
- following, stopping or accosting them;
- entering, or interfering with, property;
- making contact (whether by phone, correspondence, email or any other way);
- giving offensive material to them, placing it where they will find it or giving offensive material to them through electronic media (“offensive material” is not defined under the Harassment Act. In one case, the court found derogatory material of a personal nature alleging dishonesty, fraud, addiction and making disparaging remarks about a person’s professional ability was offensive);⁴⁵ or
- acting in any other way that causes them to fear for their safety and would cause a reasonable person in their circumstances to fear for their safety.

Viewed in isolation, the specified acts may appear trivial, but the Harassment Act recognises that harassment must be viewed in context, taking into account a pattern of behaviour.

There are two ways the law deals with harassment:

Criminal harassment (section 8) — harassment is criminal where an offender intends to cause another person to fear for their safety (or the safety of a family member), or where the offender knows the harassment is likely to cause that person to reasonably fear for their safety (or the safety of a family member). Safety will include a person’s mental wellbeing.⁴⁶ Criminal harassment is punishable by up to two years imprisonment.

Civil harassment (section 9) — where there is no evidence of an intention to harass, the pattern of behaviour might instead be treated as civil harassment. The court may grant a restraining order for civil harassment where the harassment involves parties who are not in a family relationship. A restraining order may be issued where:⁴⁷

- the court finds harassment (the pattern of behaviour of specified acts), and
- the harassment causes distress or threatens to cause distress, and
- it would cause distress or threaten to cause distress to a reasonable person in the applicant’s circumstances, and
- the degree of distress caused or threatened justifies the making of the order, and
- an order is necessary to protect the applicant from further harassment.

To avoid a civil claim of harassment, it is best for an evangelist to only conduct follow up conversations with a person where that person freely agrees. Ideally an evangelist should obtain permission to follow up with a person in writing. A person could sign up on a physical signup sheet agreeing to meet again or to receive booklets, for example. Taking steps to ensure the person is not fearful or distressed by confirming their agreement to have future contact will help to avoid an allegation or claim that a pattern of behaviour is harassment. (See also the section of these guidelines on [privacy](#) for a general example relevant to collecting information from people for the purpose of following up with them.)

Hate speech and racial disharmony

The Human Rights Act includes laws directed at hate speech. Hate speech is defined narrowly, however, only making speech illegal where the speech causes racial disharmony. (See also the earlier section of these guidelines related to [human rights](#) for further discussion about the Human Rights Act.)

It is a criminal offence to publish or distribute written material or to use words in public places which are threatening, abusive or insulting with the intention of and being “likely to excite” hostility, ill-will, contempt or ridicule against a group of persons because of their “colour, race, or ethnic or national origins”.⁴⁸

This is a high threshold. The Human Rights Commission has highlighted that the harm addressed is not the language itself but the presumed effect on the minds of third parties.⁴⁹ Freedom of speech is given significant weight in these circumstances. For example, cartoons which depicted Māori and Pasifika people in a negative way were not found to meet the test because the law is concerned with the effect the behaviour has on other groups and their attitudes and not the impact it has on the group targeted.⁵⁰

Threatening, abusive or insulting words must also be “likely” to excite contempt against a group of people based on their colour, race or ethnic or national origins, meaning a “real and substantial risk that the stated consequence will happen”.⁵¹

The Human Rights Act does not prohibit speaking about religion or religious beliefs. An approach to evangelism overseas gaining attention is ‘confrontation evangelism’ which can involve speakers critiquing another religion (sometimes referred to as polemics). In the UK there are examples of Muslim and Christian speakers engaging in debate in public places and online, not by simply defending their own religions but pointing out problems with another religion to make a point in arguably aggressive and even combative ways. There is a risk where ethnicity, culture and religion overlap that the language used creates an environment conducive to the type of ‘hostility’ described in the Human Rights Act which negatively impacts the way other people view that culture or ethnicity.

Discussion about religion focusing on the wording of scripture or the history of religious texts may carry less risk of hostility and police intervention than criticism about the practices of specific people groups and their beliefs. In practice the distinction between ethnicity and religion may be difficult for police to distinguish in the heat of the moment particularly if the message is misconstrued, offence is taken, and a breach of the peace appears likely.

The New Zealand Police flag incidents of perceived hate motivated crimes in their systems so that the relevant information is available when sentencing an offender.⁵²

Up until the end of 2024, the police also captured information about speech which was suspected of being hate-motivated even where no crime was committed. In the United Kingdom a similar approach was held by the court to be an interference with freedom of expression and described as having a “chilling effect” on the individual concerned and public debate in general.⁵³ In New Zealand the practice stopped following an internal review by police and has since been updated to clarify that perceived hate motivation is not an offence on its own, a crime must be committed for the police to keep records about it.⁵⁴

Where speech causing racial disharmony does not meet the threshold to be criminal under the Human Rights Act, there is potential for civil liability instead.

Under the Human Rights Act it is unlawful to publish, distribute, or use in a public place “threatening, abusive or insulting words likely to excite hostility or bring into contempt any group of persons on the ground of colour, race or ethnic or national origins of that group of persons.”⁵⁵ Civil liability does not require that the person intends for their language to have that effect. Again, there is a risk that language which is critical of another group’s beliefs may be interpreted as racially motivated and may result in a claim being made.

A person may complain to the Human Rights Commission about unlawful discrimination and lodge a civil claim for compensation for financial loss, emotional distress and loss of dignity.⁵⁶

Trespass Act

Some evangelists work door-to-door to share their faith, drop off leaflets, Bibles or give invitations to religious events or services. Access to the front door of private property or the mailbox is authorised by the common law principle of “implied permission”.⁵⁷ Implied permission to walk up to the front door and knock for a legitimate purpose is presumed in all cases, unless the permission is specifically withdrawn by the property owner, such as by a sign on the gate (do not enter) or where the person is directly told to leave the property.

Under the Trespass Act 1980 occupiers of private property may warn a person on their property to leave. The occupier may also tell people to stay off their property for any reason, including by issuing a formal trespass notice which is enforceable by the police. Failing to comply with a warning to leave, or a formal trespass notice to stay away, may result in a court prosecution and a fine, or in serious or repeated cases a sentence of imprisonment for a period of up to three months.⁵⁸

As of July 2025, amendments have been proposed to the Trespass Act to increase the fines, indicating a potential growing focus by the Government (and therefore possibly by the Police) on trespass concerns.

(See also the section of these guidelines related to [powers of local authorities](#) for information about the Trespass Act related to council owned or controlled land and property.)



Sentencing

If an evangelist is convicted of a crime related to their evangelism work or is the victim of a hate-motivated crime, before imposing a sentence the Court must consider the Sentencing Act 2002. The Sentencing Act requires the court to take into account any aggravating factors which apply to the offending.

Aggravating factors include (among other things):

- that the offender committed the offence partly or wholly because of hostility towards a group of people because of their race, colour, nationality, religion, gender identity, sexual orientation, age, or disability.⁵⁹

Aggravating factors involving hostility address a considerably wider range of motivations for offending than those which are captured by hate speech laws.

If there is evidence that any criminal offence was committed because of the offender's hostility towards a person because of their religion, the court treats the offending as more serious. If evangelists are concerned that they have been the victims of crime motivated by hostility toward their religion, evangelists should raise their concerns with police.

Reflection and scenario: law and order in public places

The criminal law imposes various restrictions on rights and freedoms, for example where there is serious public disruption such as to genuinely threaten public order or the safety of people. But this is a fairly high bar and generally an evangelist can publicly say unpopular and challenging things and the law will protect that speech.

Scenario

An evangelist preaching to a small group of bystanders about the gospel at Auckland Domain is heckled by a small group of young men who have arrived there to play a social game of football. The young men take issue with the evangelist's message that Christ is the only path to salvation and shout obscenities at the evangelist.

In this scenario, where the evangelist is peacefully sharing about matters of Christian faith the law protects the evangelist's right to speak freely. An objective assessment about the actions of the evangelist ought to conclude that there is no real disruption to the public enjoyment of the Auckland Domain. The evangelist has not responded to the heckling and obscenities and has not prevented anyone from going about their business or moving away from the preaching. Though the response to the preaching may indicate some people found the message offensive, the evangelist was not being offensive as the law defines it or breaching the peace in this scenario.

If approached by the police, the evangelist should be respectful and cooperative. It is always helpful to request the officer's identification information (name, QID and contact details) in case there is a need to follow up with the police for any reason later. If the evangelist's behaviour is not peaceful and cooperative the police may consider it necessary to make an arrest to avoid a breach of the peace or they may consider an offence has been committed. If the arrest is for an offence the police must advise the evangelist of their right to silence and to consult with a lawyer. We recommend that evangelists plan ahead and carry details of a local lawyer they can contact in case of arrest.

Law and order in public places recap

- All people are entitled to the use and enjoyment of public spaces.
- Take care to use public spaces in a way which will not create a serious interference with other people's rights to use the area.
- Allegations of offensive behaviour must be objectively assessed against what a reasonable person tolerant of rights should be expected to accept.
- Words and behaviour which produce disorderly behaviour — violence or property damage — are illegal.
- The police are subject to the NZBORA and must consider the need to protect freedom of speech and assembly when making decisions to arrest.
- Evangelists can only be accused of criminal harassment for a pattern of behaviour intended to cause fear.
- They can only be accused of civil harassment for a pattern of behaviour that causes distress or would reasonably cause distress to a person in the circumstances.
- There is a limited hate speech law covering speech "likely" to excite hostility, ill-will or ridicule to a group based on race, colour, national or ethnic origin under the Human Rights Act.
- Private landowners or occupiers may for any reason withdraw permission for people to enter or remain on their land and give a trespass warning or notice. Breach of such a warning or notice may result in prosecution and a criminal conviction.
- Where a criminal offence is perceived to be motivated by hate, the police will record the offence as a hate-motivated crime in their systems.
- At sentencing, the court may impose increased penalties where criminal offending is motivated by hostility toward a victim because of their race, colour, nationality, religion, gender identity, sexual orientation, age, disability or ethnic origin.



5. Powers of local authorities



Local authorities (councils) established under the Local Government Act 2002 have several different roles related to the management, control and regulation of public places. Evangelists working in public places should be aware of the role of local councils.

In some instances, councils are given a role directly from statute, such as to enforce pre-established statutory rules in the city, district or region like excessive noise limits under the Resource Management Act.⁶⁰ Sometimes the power given to councils is to establish the rules relating to activities, such as by creating rules in a District Plan or making a bylaw. Where power to make rules is given to councils the empowering statute will specify the limits of that authority.⁶¹ Under the Local Government Act a council must not make a bylaw which is inconsistent with the NZBORA.⁶²

Another way a council may control public places is through land ownership. A council may be the owner of freehold land and buildings and have powers as a landowner to make decisions about property. Sometimes land is vested in the council for specific purposes and decisions about management of the land must be in accordance with that purpose. Depending on the nature of the evangelism activity and the way land is held and owned, the way the local council is involved may vary.

Council decision-making generally aims to enable local solutions which are relevant for that area's concerns. Because councils may approach their landholdings differently, and each council makes rules for its district in response to local problems and issues, there is no one-size-fits-all approach. It is important for evangelists to become familiar with the local rules and approaches in the area they wish to work. Evangelists can find the specific rules for their locality through the local council either by contacting its call centre or online via the local council's website.

Bylaws

Under the Local Government Act 2002, a council can make a bylaw to protect the public from nuisance, to protect, promote and maintain public health and safety, and to minimise the potential for offensive behaviour in public places.⁶³

Bylaws may prohibit bad behaviour which disturbs another person in their use or enjoyment of a public place and a breach of a bylaw is an offence.⁶⁴ Bylaw offences usually involve less serious types of intimidation or harm to the public which would not reach the standard required for police to become involved. We recommend that evangelists check the public places bylaws in their local areas for any rules about prohibited behaviour. (See also further information later in this section on [enforcement](#).)

Approvals, permits and licences

Another way bylaws affect public places is where a bylaw sets rules about when a licence or permit is required and the process for applying for one. Decision-making power to approve licences and permits is often delegated to council staff. Activities which evangelists may engage in, and which may require approval, include events, filming, busking, street art, markets and stalls. Licences and permits are conditional approvals often requiring compliance with both the conditions of the licence or permit and any other relevant laws (including those related to [law and order in public places](#)).

The types of approvals evangelists may wish to explore in their local areas include:⁶⁵

- **Events** — approval from the council will usually require an assessment of a range of considerations such as the precise location for the event, the number of people expected to attend, the potential for damage to public property, whether there is infrastructure required (such as a stage or other structure) and any other impacts on the public and the environment. It is irrelevant whether the event is a religious event or not. For large events on public land, such as a concert, approval conditions may include payment of a bond and could have specific requirements such as private security or ticket entry. The documentation required for an application for a large event on a public park can be time consuming and require expert help such as preparing a site safety plan for managing potential health and safety risks. Incidents of damage or physical harm may be the responsibility of the permit holder. If the event requires a stage or other infrastructure a separate consent may be required (e.g. a building consent).
- **Busking or street performance** — street evangelism involving singing, dancing and playing an instrument may require a busking licence, but this will depend on the district or city involved. The cost of a busking licence may vary. In Auckland, for example, there is no fee for a 12-month busking licence for any location. Auckland Council defines street performance or busking as “the provision of entertainment in a council controlled public place (for example, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and performing other acts of theatrical or visual forms)”.⁶⁶ The rules related to where you may or may not busk, any time limits and other applicable restrictions are published by the council.
- **Markets and parades** — the steps required for evangelising at a market will depend on where the market is to be held and if there is an existing market operator. Existing markets on private or public land may allow a new stall holder to join on request. The rules associated with market operators who are incorporated societies or trusts will often be set out in their establishment documents. If an evangelist wishes to become involved in an existing parade, the operator of the parade will be the approver. For any new markets or parades on public land evangelists will need to contact their local council to establish the new activity and there may be a cost involved.

Council as landowner

Parks, public squares and road reserve

Councils control and manage various public spaces as either ‘landowner’ or ‘occupier’. Parks and reserves are often vested in the local council and may also be classified for specific purposes under the Reserves Act 1977, such as for recreation or local purposes. Councils are also usually the road-controlling authority under transport legislation which gives them authority over footpaths and public squares.⁶⁷

For evangelism work which does not require a permit, the starting point is that footpaths and public squares are available for everyone to use. Where behaviour unreasonably interferes with other people’s use and enjoyment of the space, the council may consider exercising rights as ‘occupier’ under the Trespass Act 1980 if it receives complaints.

When deciding whether to issue a trespass notice, the council will need to balance any concerns about the public’s rights to use the space against the freedoms protected by the NZBORA, such as the right to free speech. For example, consider a shop owner who complains to the council that an evangelist regularly handing out leaflets on the footpath nearby is interfering with customers coming and going from their shop. As a first step a council officer may informally request the evangelist to move along and then issue a warning under the Trespass Act if the problem persists. Under section 4 of the Trespass Act where a warning to leave has been given, a trespass notice requiring a person to stay off the property for a period of up to two years may then be issued.

A trespass notice must be reasonable in the circumstances, including setting a reasonable timeframe for its expiry, and only related to a location where it is necessary to apply it. A validly issued trespass notice may be enforced by the police. A breach of a trespass notice may result in the person being arrested if they return to the location and potentially charged with an offence against the Trespass Act. An offence of trespass carries a fine on conviction not exceeding \$1,000 or imprisonment for a term not exceeding three months.⁶⁸

Venue hire

In most towns and cities, the town hall is the traditional place for holding public meetings but there may also be smaller facilities like community halls or library spaces available for use too. Council-owned venues will generally be available following an application process which typically involves completing an application form with details about who the applicant is, what the venue will be used for, the numbers expected to come and any special equipment that might be needed. The council must assess the application objectively and approve it if the event can meet any criteria associated with venue hire. A council cannot decide, for example, to decline an application because the proposed activity does not align with popular values or even the council's own publicly stated values.

Venue hire is typically approved by the parties agreeing to terms and conditions set by the council and paying any fee or bond. The terms and conditions often include agreeing not to allow any illegal activities to take place inside or outside the venue and may allow for termination of the booking if it appears the event may contravene a statute, bylaw or rule.

Council decision-making on approvals and venue hire

Councils must comply with the NZBORA when making decisions about applications and approvals. A council decision to refuse to give approval may be challenged in court if it fails to consider the NZBORA. (See the earlier section in these guidelines on [human rights](#) for information about the NZBORA and the Human Rights Act.)

In the well-publicised case of an event planned for a public building in Takapuna, a venue agreement was cancelled after the council-controlled organisation Regional Facilities Auckland Limited (RFAL) received complaints about two so-called “alt-right” speakers intending to speak at the event.⁶⁹ A group opposed to the two speakers announced an intention to confront them and block access to the building, sparking concerns that there would be serious protests posing an unacceptable security risk in a busy commercial area of Takapuna.

When similar events involving the same speakers happened in Australia, planning to address safety and security issues occurred at an early stage. Special security arrangements were put in place including only publicly announcing the venue location late in the piece. Unfortunately, in Auckland the event promoter had not notified RFAL about the Australian experience and RFAL had no plans in place to respond to a large protest.⁷⁰ When making the decision to cancel, RFAL considered freedom of speech and the steps which might be necessary to protect health and safety at that stage, which was after tickets had begun selling and with less than a month before the planned event. RFAL thought that to manage the event the road would need to be closed, barricades and fencing erected for crowd control, hire of private security, and professional traffic management.

In addition, there would be a high degree of risk to safety of attendees in the event of an emergency evacuation. RFAL concluded that the fact the venue had already been advertised had a direct and limiting effect on how RFAL could manage its concerns (it could not for example decide to delay advertising the location) and its concerns ultimately outweighed the right to free speech in RFALs view.⁷¹

When the matter came before the Supreme Court, the court found that the decision to cancel the venue hire agreement was a reasonable limit that could be justified in a free and democratic society under NZBORA. RFAL was required to give freedom of expression a heavy weighting when it considered the factors relevant for a decision to cancel, but the court concluded the RFAL decision was a reasonable one in the circumstances.

This case illustrates the importance of early planning and open dialogue with decision makers to ensure that concerns are appropriately aired and responsibly addressed at an early stage.

Enforcement

Under the Local Government Act, councils are authorised to enforce the bylaws they make in their district as well as any other statutory rules where parliament has conferred power on councils. Where the council is the regulator, it has authority to investigate allegations of offending or breach and to make decisions about enforcement action.

Many offences regulated by councils (but not all) are offences of strict liability, which means that the council does not need to prove the person intended to offend. Evidence that the offence occurred will often be all that is required and there are relatively few defences available (the main defence available is a total absence of fault).⁷²

Bylaw enforcement is carried out by warranted enforcement officers appointed by the council. When an enforcement officer receives a complaint alleging a breach of a bylaw, the enforcement officer will investigate. Often the investigation process allows individuals an opportunity to discuss issues and agree with the enforcement officer how to address them so that no further action need be taken. For example, a complaint about obstructing public access can be addressed by moving away from one space to another space to allow accessways to be kept clear.

Where an enforcement officer has reasonable grounds to believe that a breach of a bylaw has occurred, the enforcement officer has the power to direct that the person provides their name and address.⁷³ This enables enforcement officers to take more formal steps to enforce the bylaw. Enforcement officers do not have the power to arrest but have a variety of enforcement tools including warnings, notices for removal of property, and prosecution. An enforcement officer may also seize any property materially involved in the commission of a breach of a bylaw without a warrant, unless it is on private land in which case a warrant is required.⁷⁴ Items that evangelists might use in their evangelism work such as musical instruments or signs and banners might be at risk of seizure if complaints arise which are not addressed. The penalty for breach of a bylaw following a prosecution is a conviction and a fine up to \$20,000, though the maximum penalty is reserved for serious breaches causing significant harm or damage to property.⁷⁵ Where a person does not cooperate with an enforcement officer the person might be charged with an offence of obstruction of an enforcement officer. An offence of obstruction of an enforcement officer or agent of the local authority in the course of their duties carries a penalty on conviction of a fine up to \$5,000.⁷⁶

Noise and sound equipment

Specific noise levels for each locality are contained in the local district plan or a national environmental standard. District plan noise rules set limits on noise levels by property zone, time of day when certain noise may be made, and the types of noise allowed. Evangelists using sound equipment or musical instruments should speak to their local council and be aware of the noise rules related to the area where they plan to work and check if a special approval or land use consent is required in the circumstances. In the example of a church building, the church as the occupier of land will have obligations to comply with the relevant noise rules, which may be a condition of resource consent, and can supply a visiting evangelist with information about compliance with local restrictions and their specific consent conditions.

Unreasonable or excessive noise may be enforced under the Resource Management Act 1991. Where the council receives a complaint about noise made from a speaker or sound system, usually a noise control officer will investigate. They have a range of powers including seizure.

- **Excessive noise direction** — if, in the opinion of the noise control officer, the noise is excessive, they may issue a direction to reduce the noise.⁷⁷ If the person issued with the direction does not immediately comply, an enforcement officer may seize and remove equipment or take steps to make the equipment inoperable or unusable.⁷⁸
- **Infringement notice** — an infringement notice may be issued for contravention of an excessive noise direction. For an individual the infringement payable is \$1,000, for a company \$2,000. An infringement notice may also be issued for a contravention of an abatement notice for unreasonable noise. The fine for an individual is \$1,500, and \$3,000 for a company.⁷⁹
- **Abatement notice** — the Resource Management Act imposes a duty on land occupiers to avoid making unreasonable noise.⁸⁰ For ongoing and serious noise matters a warranted enforcement officer may issue an abatement notice requiring a person to cease making the noise or to prohibit them from doing anything to commence a further contravention of the Resource Management Act.⁸¹
- **Prosecution** — if an occupier continues to fail to comply with an abatement notice for unreasonable noise, they may be prosecuted. Prosecutions occur in more serious cases and are unlikely to occur in relation to evangelism work. The penalty following prosecution is a fine not exceeding \$10,000 and, if the offence is a continuing one, a further fine of \$1,000 for every day the offence continues.⁸²



Reflection and scenario: powers of local authorities

Local councils are bound by the NZBORA when exercising public functions. When making decisions about the use of public spaces and facilities councils are obliged to consider rights to free speech, manifest religion and assembly and weigh those rights against the reasons why any limit to those rights may be necessary in the circumstances. Only where rights are outweighed by other factors is it acceptable for councils to limit the protected rights and freedoms applying in the case.

Evangelists working in public places may be challenged about their use of public places if activities infringe other people's use of space. Respectful engagement with the public and council staff, which involves a willingness to respond to concerns, will often enable solutions to be found which suit all parties.

Scenario

A church wants to hold a free public event on a reserve in central Auckland between 7 pm and 10 pm on a Saturday night in January. There will be a stage, musicians (including amplified equipment) and a guest speaker from Australia who wishes to preach the gospel. In Australia, the same speaker held similar events in public parks where 5,000 people attended, blocking roadways.

In this scenario early engagement with the council and Auckland Transport is crucial to manage the issues which might arise from this large event. The details council may need to consider include health and safety, how entry to the event and parking will be managed, the topics the speaker plans to address, if there were problems when similar events were held in Australia and whether there is a likelihood of damage to the park. Depending on the assessment of all the impacts there might be conditions associated with approval, payment of fees and bonds and monitoring by council staff.

Powers of local authorities recap

- There is no "one size fits all" approach; evangelists should be familiar with local council bylaws or rules in the areas they wish to work.
- Check local rules for when a permit or licence is required for activities like events, busking, markets and parades.
- If issued with a permit, be familiar with the rules of the permit and any terms and conditions relating to it.
- Sometimes the council will make decisions approving the use of a space by imposing bespoke conditions to satisfy health and safety issues.
- Where council is the landowner, it may revoke any implied right to use a public space including footpaths or public squares by using the Trespass Act.
- Generally, in making a decision the council must be mindful of exercising its decision-making power giving considerable weight to the rights and freedoms protected under the NZBORA. This includes decisions about venue hire.
- Be aware of noise rules for any area or venue used as councils can take enforcement action against unreasonable or excessive noise.

6. Social justice



Increasingly people are engaging with evangelists to discuss complex and challenging moral issues. In some cases, there are special rules and restrictions about how to treat sensitive topics or where communication about the topic may take place. This section discusses two topics where special rules apply: abortion safe areas and the prohibition on gender and sexuality conversion practices. We recommend that evangelists take specific advice if they are likely to engage on these topics before commencing work.

Abortion

Many religious individuals and groups oppose abortion and some have been active in advocating for pro-life policies over a number of years, including by engaging in protests outside abortion clinics and hospitals.

Law reform in 2020 came about largely in response to women and hospital staff reporting emotional distress impacting on their health, safety and well-being due to being confronted by protestors outside abortion facilities. The law reforms introduced amendments to the Contraception, Sterilisation and Abortion Act 1977 to provide a process for abortion clinics to apply for the establishment of “safe areas” around their facilities.⁸³ These areas are intended to ensure that people can access abortion facilities safely and without interference.⁸⁴

Safe areas within 150 metres of specified premises are created by regulations on the recommendation of the Minister of Health. Approved safe areas are published on the Ministry of Health website once they are created.



The following behaviour is prohibited in a safe area:⁸⁵

- obstructing a person coming and going from a building where abortion services are provided;
- making a visual recording of a person in a manner that is likely to cause emotional distress to a person accessing or providing abortions;
- advising a person to refrain from accessing or providing abortions;
- informing a person about matters related to abortion services; and
- engaging in protest about matters related to abortion services.

The above prohibitions do not apply outside the boundaries of a safe area. Depending on the nature of the behaviour, however, it is important to remember there are other laws which protect against disruptive behaviour or harassment which may apply outside of a safe area. (See the section of these guidelines related to [law and order in public places](#) for discussion about behaviour which is a crime in public places.)

Where police believe that a person is engaging in a prohibited behaviour in a safe area, they have the power to require a person to stop and the person may be arrested if the behaviour continues.⁸⁶ A person who engages in one of these prohibited behaviours is liable to a fine not exceeding \$1,000 if convicted of the offence.⁸⁷

There is a degree of uncertainty about how a police officer may interpret what qualifies as prohibited behaviour. For example, overseas there have been cases where individuals have been arrested when praying silently in similar safe areas.⁸⁸ It is possible that prayer will be seen as a silent “protest” but there is no case law yet to clarify how New Zealand courts will approach this issue. Even when evangelism work unrelated to abortion is carried out, there is risk in using safe areas for that work. There is a reasonable likelihood that religious practice will be interpreted as provocative due to the historical association of religious groups and protest action outside abortion facilities. Because it is not known how police will respond, evangelists should be aware there is at least potential for arrest by police if religious practice is interpreted as a protest action.

Reflection and scenario: abortion and evangelism

Safe areas may be created which extend up to 150 metres around abortion facilities. When a safe area is established, certain behaviour is prohibited in the safe area including various forms of speech and gatherings. It is not clear yet how some of these behaviours will be defined and evangelists should be aware there is at least a potential for arrest by police if religious practice in a safe area is interpreted as a protest against abortion or an attempt to communicate with people seeking or providing abortions.

Scenario

An evangelist decides to carry out a leaflet drop around Waikato Hospital to support pro-life campaigners who are coming to Hamilton to speak at a local church in the near future. The leaflet includes advice and information about alternatives to abortion and advocates for pregnant women considering abortion to “choose life”.

In this situation, and to reduce the risk of contravening the Contraception, Sterilisation and Abortion Act, evangelists should be aware of the precise boundaries of the safe area at Waikato Hospital by checking maps published by the Ministry of Health and should avoid distributing leaflets in that area or in close proximity to it.

Abortion recap

- Check locations carefully before communicating about abortion in public spaces.
- People engaging in prohibited behaviour within a safe area risk arrest and a fine if convicted. This will include evangelism work directly related to abortion and may even capture evangelism work that is not directly related to abortion if it is nevertheless interpreted as a prohibited behaviour.
- Take legal advice if planning evangelism work within or near to safe areas.

Prohibited gender and sexuality conversion practices⁸⁹

The Conversion Practices Prohibition Legislation Act 2022 (CPPLA) makes it illegal to carry out practices, including religious practices, which are meant to change or suppress a person's sexual orientation, gender identity or gender expression. Practices which intend to support, affirm or have a neutral effect are lawful. The presumption underpinning the CPPLA is that to change a person's sexual orientation, gender identity or gender expression is itself harmful.

A conversion practice means "any practice, sustained effort, or treatment" that is:⁹⁰

- "directed towards an individual because of the individual's sexual orientation, gender identity, or gender expression"; and
- "done with the intention of changing or suppressing the individual's sexual orientation, gender identity, or gender expression".

A conversion practice does not include:⁹¹

- "providing acceptance, support or understanding of an individual"; or
- "facilitating an individual's coping skills, development, or identity exploration, or facilitating social support for the individual"; or
- "the expression only of a belief or a religious principle made to an individual that is not intended to change or suppress the individual's sexual orientation, gender identity, or gender expression."

The CPPLA further lists some examples of conversion practices:⁹²

- "using shame or coercion intending to give an individual an aversion to same-sex attractions or to encourage gender-conforming behaviour";
- "encouraging an individual to believe that their sexual orientation, gender identity, or gender expression needs changing because it is a defect or a disorder";
- "carrying out a prayer-based practice, a deliverance practice or an exorcism intending to change or suppress an individual's orientation, gender identity, or gender expression."

We note that quoting scripture is not specifically mentioned in the CPPLA. Quoting scripture may be interpreted as an expression of belief or religious principle which is not a conversion practice, but judgment is always required about the way in which scripture is shared, particularly in one-to-one conversations, as the context matters to how intentions are interpreted and the law applied. Where passages of scripture are shared which appear to challenge a person's view of their sexuality, there is a risk it will be interpreted as an unlawful conversion practice.

Conversion practices are practices directed at individuals so preaching to a group (or speaking with a group) should not count as a conversion practice. However, a speaker or preacher should take care if they know that members of the group are questioning their sexuality, gender identity or gender expression. If they are addressing a group but intending to target an individual within that group, they may commit a conversion practice. To help offset an allegation of intending to change a person, discussions on this topic should always be conducted with respect for the people involved including checking that people feel comfortable about having the discussion.

The CPPLA was effectively designed to counter an assumption that “diverse” gender identity, gender expression or sexuality is “deviant or abnormal”.⁹³ It is most likely that the law will be found to apply where someone is discouraged from pursuing transgender identity or expression or non-heterosexual orientation. On its face, the definition of “conversion practice” is broad enough to work both ways, that is, to catch attempts to encourage someone to identify as transgender or as having a non-heterosexual orientation. Whether it would be interpreted this way in practice remains to be seen; there have been no court cases to clarify the law yet.

Criminal offences

There are two criminal offences under the CPPLA:

- **Offence to perform a conversion practice that causes serious harm (section 9).** It is an offence to perform a conversion practice that causes serious harm to anyone if the person performing the conversion practice knew it would cause serious harm or was reckless as to whether it would cause serious harm to the individual. The offence is punishable by a term of imprisonment not exceeding five years.⁹⁴
 - Recklessness in the general law requires that the person involved recognised there was a real possibility that their actions would cause harm, or knew the circumstances were likely to cause harm, but continued with the practice regardless of the risk which was an unreasonable risk to take.⁹⁵
 - The definition of serious harm under the CPPLA is any physical, psychological, or emotional harm that seriously affects the health, safety, or welfare of the individual.
 - For the evangelist involved in conversations on this topic, the risk of offending may be reduced if there is evidence that steps were taken to ensure having a discussion on the topic would not cause harm. Being respectful and only having conversations with adults who expressly agree may help reduce the risk that the evangelist knew it would cause harm or was reckless whether it would cause harm.
- **Offence to perform a conversion practice on a person under the age of 18 years or lacking decision-making capacity (section 8).** It is an offence to perform a conversion practice, even if it does not cause serious harm, if it is directed towards anyone who is under 18 years old or lacks capacity to understand the nature or consequences of matters related to their health or welfare. The offence is punishable by a term of imprisonment not exceeding three years.⁹⁶
 - Engaging in discussions about sexuality with youth and people who lack capacity requires great care and respect. To avoid a breach of the CPPLA, evangelists may wish to avoid engaging in a discussion about the personal circumstances of that young person entirely. Broad scriptural discussions or focusing on an evangelist’s own experiences and identity may reduce risk of an allegation of criminal offending but may not remove the risk entirely.

It is not a defence to an offence under section 8 or 9 of the CPPLA to say that the individual consented to the performance of a conversion practice.⁹⁷

There is an important safeguard in the criminal law. Conversion practices can only be prosecuted if the Attorney-General consents to this.⁹⁸ This is meant to ensure that “it is only the serious cases that will ever make their way to a court room”.⁹⁹ This safeguard does not apply to a civil claim, which is discussed next.

Civil liability

A person may make a complaint under the Human Rights Act 1993 that someone has performed a conversion practice.¹⁰⁰ A civil claim does not require evidence that harm of any kind is caused by a conversion practice before making the claim, though presumably the Human Rights Commission will take that into account when deciding how to respond.

If the complaint is escalated to the Human Rights Review Tribunal, the remedies potentially available include damages up to \$350,000 for financial loss suffered, loss of any benefit, humiliation, loss of dignity and injury to feelings.¹⁰¹ The Tribunal may also make orders that the defendant not continue or repeat the conduct complained of, take steps to put right any loss or damage, and attend training programmes. The Tribunal may also make a declaration that there has been a breach of rights.¹⁰² A declaration of a breach of rights is public information and may have reputational consequences, potentially impacting on a person’s ability to freely carry out future evangelism work.



Reflection and scenario: conversion practices

The CPPLA reflects a significant policy shift to restrict the ways people might speak about gender and sexuality in religious ministry. Carrying out any conversion practice will raise the potential for a civil complaint to be made against an evangelist. Where serious harm has occurred from a conversion practice, or a conversion practice is committed against a person under 18 or who lacks capacity to understand, it is a criminal offence carrying potential penalties of imprisonment.

Allegations of having carried out a prohibited conversion practice may have a serious impact on an evangelist in terms of their reputation and ongoing evangelism work. Where evangelists wish to engage with individuals on this topic, potentially in one-to-one pastoral care work or prayer, it is important they are aware of the law and the potential consequences, take appropriate legal advice and consider how to protect themselves and the individual involved.

Scenario

An evangelist street preaching on Queen Street in Auckland is approached by an 18-year-old young woman who is a sociology major studying at the University of Auckland. She wants to know what the Bible says about sexuality and gender because she has no knowledge of religion. During the conversation it transpires that she is questioning her gender saying she is confused about whether her internal gender identity matches her biological sex.

In this scenario the young woman is not under 18 and she clearly has legal capacity to engage in complex topics given her study interests. It is not illegal to express a religious belief or principles about these topics if they are not meant to change her. However, when the conversation shifts to her personal situation the provisions of the CPPLA are relevant. If the evangelist gives her advice or prays with her intending to change or suppress her gender identity or gender expression this will be a conversion practice. It will be a criminal offence if it causes her serious harm. Even if no serious harm is caused, it is possible she may make a civil claim for damages or ask the Human Rights Review Tribunal for orders to be made. However, it is not illegal to express a religious belief or principles without intending to change her.

Conversion practices recap

- Evangelism work carried out with the intention to change or suppress an individual's sexuality, gender identity or gender expression is caught by the CPPLA.
- Freedom of expression and freedom to manifest religion is impacted by the CPPLA and evangelists need to be familiar with the definitions under the CPPLA.
- While the law focuses on prohibiting actions to change an individual's gender identity, expression or sexuality, there is a potential risk that actions towards groups of people will also be interpreted as harmful and in breach of the CPPLA.
- Breach of the CPPLA which causes serious harm or is directed at a person under 18 years of age or who lacks capacity to understand, may result in prosecution and potentially imprisonment.

7. Online evangelism



Background

The online environment is seen by some as the most significant tool available today for evangelism. It has global reach allowing evangelists to connect with people worldwide who may never have been reached otherwise.

There are many reasons why people may prefer to explore faith in an online environment. Formats like videos, livestreams, graphics, and podcasts can be more engaging for some people. People may find it easier to respond by liking, commenting on or sharing content without the pressure of an in-person conversation. Pre-recorded or live-streaming online content is convenient and accessible including for those managing challenges such as disability, limited transport options or financial hardship. It enables connection with the wider community on topics of interest and current events.

For new evangelists the online environment may be an easy place to start having conversations without some of the barriers of an in-person context. Traditional methods of in-person evangelism work such as producing and distributing printed materials or travelling from place to place can be a constant financial burden. The online environment by comparison only requires a device capable of connecting to the internet. It is likely to be a cheaper and more efficient way of working for many evangelists.

We are aware that some evangelists already have an online presence on platforms such as YouTube or TikTok or perhaps they are part of an organisation and use their organisation's website to upload videos. Sometimes videos are made specifically for the online environment, and some may be a recording of a live event. Short clips often circulate showcasing faith outreach in community settings, highlighting current issues or local evangelism work.

Where there may be legal risk for evangelism work is around the way topics are presented and the type of information which is shared online. Some individuals or groups might be offended or feel victimised by a video which seems to challenge their beliefs, particularly if the video appears to be directed at a specific individual or small group. Responses to online content sometimes generate more controversial content and there is danger that some material will, perhaps inadvertently, contravene the law in some of the ways discussed in previous sections of these guidelines. There may be privacy issues too if detailed information about people who are engaging with evangelists is shared. (We discuss [privacy](#) in the next section of these guidelines.)

When it is alleged that the law has been broken, at a minimum there might be reputational damage, at the more serious end of the spectrum there may be criminal charges to answer which may have permanent consequences. A conviction, for example, might restrict future travel and other opportunities to speak or engage in evangelism work in future. Once content is online it is often said that it never really goes away, it is always there.

This section discusses some of the ways the New Zealand law applies to the online environment. Sometimes there will be overseas laws which apply or claim to apply here. Where an overseas jurisdiction claims to be the relevant law it is important to seek advice from a lawyer.

(See also the earlier sections of these guidelines for general information about [human rights](#), [law and order in public places](#) and [prohibited gender and sexuality conversion practices](#) which, while prepared for in-person evangelism, may have some relevance to the online environment depending on the circumstances.)

Regulators

A review of the way the online environment is regulated was carried out between 2021 and 2024 by the Department of Internal Affairs. The review proposed a new framework to regulate online services including social media platforms and to establish an independent regulator. These reforms have not yet eventuated but that is not to say that attention will not be given to new regulation. In fact it is highly likely that greater regulation will occur in future because there is limited regulation of the online environment.

Broadcasting Act

The Broadcasting Standards Authority (BSA) is a statutory body created by the Broadcasting Act 1989, which primarily regulates content from traditional radio and television broadcasters. Recently the government announced an intention to abolish the BSA and investigate options for replacing it with self-regulating options.¹⁰³ Until the BSA is abolished the current regime under the Broadcasting Act remains potentially relevant for a portion of online broadcasting.

“Broadcaster” under the Broadcasting Act means a person who broadcasts programmes by means of radio waves or other means of telecommunication for reception by the public.¹⁰⁴ A radio or television company are examples of broadcasters regulated by the BSA.

Typically, the BSA will hear complaints about programmes on free-to-air TV, pay TV, radio and online content that is also broadcast on TV or radio, that allege a breach of its Code of Broadcasting Standards.

Standards which broadcasters must meet include standards addressing offensive and disturbing conduct, promotion of illegal or antisocial behaviour, discrimination and denigration, balance, accuracy, privacy and fairness.

Where a complaint about a breach of the Code of Broadcasting Standards is referred to the BSA, and it decides the complaint is justified, the BSA may make orders including to direct a broadcaster to refrain from broadcasting for a period. Where a broadcaster is found to have failed to maintain an individual’s privacy, compensation up to \$5,000 may be ordered.¹⁰⁵

Prior to the government’s announcement to abolish the BSA, one of its decisions asserted it had jurisdiction over online radio.¹⁰⁶ Whether it will continue to hold this position given the government’s announcement remains to be seen. The Government also completed a media reform consultation in 2025 indicating the regulatory landscape is actively under review.¹⁰⁷

Harmful Digital Communications Act

The Ministry of Justice, Police and approved agencies have roles under the Harmful Digital Communications Act 2015. The Harmful Digital Communications Act affects everyone who communicates by digital means.

A digital communication means any form of electronic communication and will include texts, writing, photographs, pictures, recordings or other material which is communicated electronically.

The Harmful Digital Communications Act establishes ten communication principles which digital communications must comply with.¹⁰⁸ A digital communication should not:

- “disclose sensitive personal facts about an individual”;
- “be threatening, intimidating or menacing”;
- “be grossly offensive to a reasonable person in the position of the affected individual”;
- “be indecent or obscene”;
- “be used to harass an individual”;
- “make a false allegation”;
- “contain a matter that is published in breach of confidence”;
- “incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual”;
- “incite or encourage anyone to commit suicide”; or
- “denigrate an individual by reason of his or her colour, race, ethnic or national origins, religion, gender, sexual orientation or disability”.

A remedy for a breach of the principles will only be available in cases where a person suffers harm which is defined as “serious emotional distress”. Assessing seriousness involves the court considering factors such as the nature of the emotional distress, its intensity, duration, manifestation and the context including whether a reasonable person in the complainant’s position would have suffered emotional distress.¹⁰⁹

In the case of serious emotional distress, a person may make a complaint to an approved agency, such as Netsafe. Sometimes the approved agency will be able to resolve the complaint but if not, the publisher may face civil or criminal proceedings.¹¹⁰

Civil proceedings — where a breach of the communication principles occurs an affected person may bring civil proceedings in the District Court. If the court is satisfied there has been a serious breach or threatened serious breach and the breach has caused or is likely to cause harm, the court may make orders. Orders may involve requiring a publisher to take down or disable offending material, refrain from certain conduct, correct a publication, give a right of reply to an individual, or require an apology be published, or may be a formal court declaration that the Harmful Digital Communications Act principles have been breached.

If a host of an online service, who is not the author of the online content, wishes to avoid civil liability and orders being made against them in respect of content posted by someone else, the host must:¹¹¹

- Notify the author about the nature of the complaint.
- Advise the author they may reply to the complaint by submitting a counter notice within 48 hours. The online host must not disclose the personal details of the complainant unless the complainant has agreed to providing that information to the author.
- Remove the content within 48 hours if the author does not respond to the online host or does not provide a valid counter notice.
- Remove the content within 48 hours if the author agrees to the removal of the specific content.

Criminal offences — criminal offences under the Harmful Digital Communications Act are investigated and enforced by the police. They are:

- **Non-compliance with an order made under the Harmful Digital Communications Act (section 21).** This offence carries a penalty of a term of imprisonment not exceeding six months or a fine not exceeding \$5,000 for an individual offender. There is a defence to a charge if the person has a reasonable excuse why they failed to comply with the order.
- **Causing harm by posting a digital communication (section 22).** This offence carries a penalty of a term of imprisonment not exceeding two years or a fine not exceeding \$50,000. This offence requires evidence that:
 - the person posted a digital communication with the intention to cause harm,
 - the digital communication would cause harm to an ordinary reasonable person in the position of the victim, and
 - the digital communication in fact caused harm.

To determine whether a post would cause harm the court may take into account any factors it considers relevant including whether the digital communication involved extreme language, the age of the victim, whether the digital communication was anonymous, repeated, in wide circulation, was true or false and the context in which the digital communication appeared.¹¹²

(See further discussion about filming in the section of these guidelines about [privacy](#).)

Other organisations

Companies providing telecommunication and online services have various obligations to help resolve complaints about their services by engaging with an approved agency or police and complying with any court orders when these arise. They also have their own terms and conditions which set the standards of behaviour the organisation expects. A user should read the terms and conditions related to the services they use.

Telecommunication providers — for example, Spark's terms and conditions include a statement that they will monitor what is transmitted over their networks and they will share information when they consider it necessary to satisfy a regulatory or other lawful request.¹¹³ Spark further states they may edit, remove or block some information when they have a legal obligation to do so. They also place responsibility on the user to respect others and follow the law. A breach of the terms and conditions provides Spark grounds to suspend, restrict or end services. Grounds to suspend, restrict or end services also arise if objectionable material is shared or there is a risk someone will be harmed.¹¹⁴

Social media companies — many social media platforms include in their terms and conditions that they may proactively monitor posts to their services for certain content and cancel a user's access if in breach. TikTok, for example, at the time of writing uses a Community Guideline which explains that TikTok will ban an account or remove content in violation of the Community Guideline.¹¹⁵ There is a reasonably comprehensive list of issues and behaviours describing potential violations including the following:

- **Violent and criminal behaviour** — threats, encouragement or glorification of violence, promotion of crime or instructions on how to commit harmful acts.
- **Hate speech and hateful behaviour** — content that promotes hate or which attacks people based on the protected attributes of race, religion, gender or sexual orientation.
- **Violent and hateful organisations and individuals** — people or groups that promote violence or hate including violent extremists, criminal organisations or those responsible for mass violence. Supporting, recruiting and promoting these entities is also prohibited on TikTok.

- **Harassment and bullying** — which includes degrading remarks. Specific commentary about political figures is allowed but TikTok will remove content which crosses into severe harm.
- **Misinformation** that could cause significant harm to individuals or society.

Interestingly TikTok is not necessarily using the tests which a New Zealand court would use in relation to hate speech, harassment or harm. It appears to be at TikTok's sole discretion whether they will act proactively to ban or remove content they consider to be in violation of their guideline. Online platforms owned by large multinational companies may also assert that overseas laws apply to the online environment which may make challenging a company's decision to cancel a user's access more complex.

Reflection and scenario: online evangelism

The online environment offers a powerful platform for evangelism, but it also has the potential to harm and then compound that harm by the sharing and re-sharing of inaccurate, derogatory and offensive content about a person. Information shared online or videos uploaded to websites and social media have a degree of permanence to them and can easily be misinterpreted or cause offence to another person or group of people.

Regulators or media companies may restrict evangelists from using platforms when they are perceived to be promoting harmful messages. When a private organisation cancels an evangelist's subscription or account on an online platform it is difficult to overturn their decision. New Zealand-based private organisations with broad terms and conditions can set standards their organisation considers are necessary and they are not bound by the NZBORA in the same way as government organisations. However, private organisations are bound by the Human Rights Act and must not discriminate because of religion or ethical beliefs.

Scenario

An evangelist uses a body camera to capture all her interactions while out street preaching, including one-to-one conversations. The evangelist sometimes uploads content from the camera to share her evangelism work on TikTok. On one occasion the body camera records a discussion with a nineteen-year-old young woman who discloses a recent pregnancy and subsequent abortion which she has not spoken to her family about as she is worried how they might react.

To avoid risk to a potentially vulnerable young person, and a breach of the Harmful Digital Communications Act, the evangelist should not upload or share the recording with anyone. There may be serious emotional harm caused if the recording is uploaded or shared.

If the recording were uploaded or shared, whether an offence involving intent to cause harm could be proven would require more information about the circumstances including perhaps whether the evangelist was pressuring the young person in some way. Even if causing harm was not the intention, this scenario could result in civil proceedings under the Harmful Digital Communications Act if harm was caused because the digital recording was shared.

Online evangelism recap

- Evangelism work that takes place via broadcasters may be scrutinised by the Broadcasting Standards Authority. Their standards address offensive content, discrimination and denigration, accuracy, privacy, and fairness. The government recently announced its intention to abolish the BSA signalling regulatory reform of broadcasting will soon commence.
- The Harmful Digital Communications Act creates criminal offences and civil liability for harm involving serious emotional distress. Digital communications must not disclose sensitive personal facts, be threatening or incite violence, or denigrate others because of their colour, race, ethnic or national origins, religion, gender, sexual orientation or disability.
- Harmful and illegal content may be investigated by a regulator with sometimes serious consequences like prosecution and conviction.
- Companies running online platforms have their own terms and conditions enabling them to cancel user access. They may assert that laws from overseas jurisdictions will apply to their services.



8. Privacy



The purpose of the Privacy Act 2020 is to protect and promote an individual's right to have their personal information kept private.¹¹⁶ Personal information means information about an identifiable individual. Generally, an agency must not collect, hold or use information in any form which will identify a person except where this is permitted under the information privacy principles set out in the Privacy Act. Notes about a conversation, for example, which include the name and contact details of that person are personal information. All sorts of information might be personal information such as photos, emails, notes and recordings depending on the circumstances.

The Privacy Act will apply to information whether it is online, electronic or in hardcopy. However, there is a distinction between collecting information in a personal or domestic capacity (which is generally not captured by the Privacy Act) and information collected for purposes connected to an individual's business, club, charity, non-profit or voluntary work (which is subject to the Privacy Act).¹¹⁷

The Privacy Act covers public as well as private sector agencies. An "agency" under the Privacy Act will include local evangelism organisations as well as individual evangelists because "agency" is defined to include individuals ordinarily resident in New Zealand.¹¹⁸ Larger agencies are required to appoint at least one person as a privacy officer to ensure the agency complies with the Privacy Act.¹¹⁹ Individual evangelists who collect personal information will themselves have the responsibilities of a privacy officer related to their activities.

There are thirteen information privacy principles in the Privacy Act which set out how personal information is to be treated:¹²⁰

- **Principles 1–4** govern the collection of personal information. These principles establish that agencies should only collect information for lawful purposes, only what is needed and no more.
- **Principle 5** governs the way personal information is stored and says agencies should not keep information for longer than necessary.
- **Principle 6** gives people a right of access to the information held about them.
- **Principle 7** gives people a right to request that their information be corrected if the information needs updating or is wrong.
- **Principles 8–12** place restrictions on using or disclosing personal information. For example, an agency must ensure personal information is accurate before using it, may only use it for the purpose it was collected for (unless it meets certain conditions), and must not disclose it to others (unless it meets certain conditions, such as obtaining the person's consent or ensuring it is published without identifying the person concerned).
- **Principle 13** governs the use of unique identifiers.

Evangelists should consider what the lawful purpose is for collecting personal information and why collection is necessary for the work. They should also consider how the information will be managed and stored once collected to keep it safe, and who is entitled to access the information. It is also important to consider how long to keep information for. If it is no longer necessary to keep it, the information should be disposed of, deleted or returned to the person.

For example, if an evangelist wishes to follow up with the individuals they speak to and asks for permission to contact them in future, it will be necessary to collect personal contact information such as a phone number or email address but will not be necessary to collect a birth date or take a copy of their photo identification. Care will need to be taken to ensure that any contact lists are not used for other purposes, accessed by people who are not authorised to use them and are kept securely. The more information collected, or the more sensitive the information collected, the greater the risk of harm if there is ever a lapse in security (which is a good reason to only collect what is necessary for the purpose it is to be used for).

One way to consider the collection and protection of personal information is demonstrated in the table below.

Personal information	Purpose	Example privacy protections
Home addresses or private contact details on sign-up sheets.	To follow up with further information or invitations to future events.	Explain to people why the information is being collected and obtain recorded permission to collect it. Limit the information request to name and preferred contact. No need to ask for a birth date or copy of an identification document. Don't leave sign-up sheets unattended or allow others to see the personal details entered on them. Individual cards may be better than forms with multiple people's details.
Notes of discussions referring to identifiable people and the concerns discussed.	To enable on-going personal conversations if they are agreed to or requested. Internal reasons such as data collection about the type and frequency of issues being raised where that would help evangelists prepare topics for future work.	Tell people that notes will be made about the conversation. Consider if it is necessary to include a name against the note or not. If it isn't, the information is less likely to be about an 'identifiable' person. Ensure the notes are securely kept and that only authorised people have access.
Images of people and their conversations with the evangelist captured on film such as by video from a mobile phone or from body cameras.	Filming for health and safety reasons to act as a deterrent to aggressive or violent behaviour. Evidence-gathering in the event it is necessary to report an issue to the police or to respond to police on a complaint against the evangelist.	Tell people that body cameras are used and why. E.g. place a written notice beside where the evangelist is working. Use technology with editing capability to protect the identities of people who have not given permission for their images to be used.

Privacy breach

A person unhappy about the way personal information has been handled must first raise their complaint with the agency concerned. If the problem cannot be resolved directly, the person may make a complaint to the Privacy Commissioner who will investigate it and determine if there has been a breach of the Privacy Act. If a privacy breach has occurred, the Privacy Commissioner can help both parties come to a decision about how the issue can be resolved.

A privacy breach is any unauthorised or accidental access or disclosure of personal information or an action which prevents an agency from accessing the personal information it holds on either a temporary or permanent basis.¹²¹ It does not matter if the breach was caused by a person inside or outside the agency and it may be ongoing.¹²²

Where a serious breach has occurred, there is a mandatory requirement for the agency to notify the Privacy Commissioner as soon as it is known. A serious breach is a breach that it is reasonable to believe has caused or is likely to cause serious harm.

Assessing serious harm includes considering:¹²³

- Whether the information is sensitive (e.g. health or identification records).
- The nature of the harm that might result due to the breach (e.g. unwelcome physical contact or identity theft).
- Whether the breach is contained or ongoing (e.g. it may be ongoing for some time if computer systems have been disabled or interfered with by malicious software or a hacker).

An example of circumstances which may amount to serious harm is where a person who has the benefit of a protection order has their personal address details released publicly, such as when a memory stick containing contact information is lost by being left on public transport and cannot be recovered. In such a case the information is sensitive because the address of the person is confidential for safety reasons, the harm that might result is violence and the breach is uncontained because it is unknown how many people will have access to the information. In the event of serious breach, it is essential to seek appropriate advice about how to manage the serious breach as well as complying with the mandatory requirement to notify the Privacy Commissioner's office.

Reflection and scenario: privacy

The right to privacy is found in the Privacy Act 2020 and has implications for personal information evangelists hold as well as the way they share information. Evangelists will potentially hold an array of information about the people they talk to and pray with and they have obligations under the Privacy Act to protect people's personal information once they have it. Personal information under the Privacy Act includes a person's image captured on film.

Scenario

An evangelist has a YouTube channel and posts content usually twice a week. Midweek the evangelist posts a scripture and video of a short sermon about what the passage of scripture means. On Fridays the evangelist likes to go out late at night and brings a colleague with him to film his sermon and the interactions that occur as people pass by on their way home from clubs and bars. He has a growing number of followers because the Friday film clips have become quite popular with people interested in the unscripted responses he gets.

In this case, it is unlikely that the midweek content will cause complaint as the scripture-based message is not about other people. The Friday night content, where identifiable individuals are filmed, raises privacy concerns. When using other people's images, it is preferable to be cautious and transparent about what might happen with the footage. The evangelist in this scenario should place a privacy notice near him and his colleague when filming which tells people that they are filming videos which may be posted online. A privacy notice shows the evangelist has respect for and is concerned for other people's right to privacy. Where someone tells the evangelist not to use their image online the evangelist could edit the image so the person is not identifiable, or the evangelist may choose not to use the footage.

Privacy recap

- Privacy laws mean evangelists must maintain the confidentiality of all personal information disclosed, including sensitive information, and keep it securely.
- There must be a lawful reason for collecting personal information and evangelists should tell people they are collecting their personal information.
- Agencies must appoint at least one person to be a privacy officer to ensure the agency complies with the Privacy Act.
- Be clear if you intend to film people or post footage online and provide an opportunity for people to opt out of being filmed. Ideally use technology capable of editing out identifiable individuals who have not specifically consented to being filmed.



9. Safety for evangelists



Evangelists working in public places, sometimes late at night, engaging with a wide range of people, will need to consider their health and safety. The previous sections of these guidelines setting out the various statutes addressing criminal law enforcement have generally anticipated that the evangelist may have allegations or complaints made about their behaviour. It is equally possible that the evangelist may be the victim of crime in some way. There may be other health and safety considerations too depending on the location and nature of the work which raise risks an evangelist or evangelism organisation will need to identify and manage.

Health and Safety at Work Act

If an organisation conducting evangelism has one or more employees, the organisation will be a “person conducting a business or undertaking” (PCBU) under the Health and Safety at Work Act 2015. A PCBU may have a mixture of volunteers and employees. If your organisation does not have employees at all and is solely a group of volunteers you may be a “volunteer association”. A volunteer association does not have legal health and safety obligations because it is not a PCBU.¹²⁴ Individual volunteers, though, have duties to take reasonable care of their own health and safety, to avoid doing things which impact the safety of others and to comply with reasonable instructions when at a workplace.¹²⁵

Our view is that regardless of whether a legal obligation exists, it is right for evangelists to consider risks and to make health and safety for themselves and other people a priority. Ideally no one should be harmed by participating in evangelism work in New Zealand.

For the purposes of these guidelines, we assume evangelists will meet the definition of a PCBU. Key duties of PCBUs are:¹²⁶

- to eliminate risks so far as is reasonably practicable; or
- if risks cannot be eliminated, to minimise those risks so far as is reasonably practicable.

The first step is to identify the risks involved in evangelism work, like aggressive behaviour by the public or stress, and then make a plan for their elimination or minimisation.

Evangelists should always call 111 in emergencies and report serious intimidation or harassment to the police. Working in pairs or small groups, and choosing well-lit, busy areas, also helps improve safety. Working in accordance with a permit where permits are required will also help limit risk for the evangelist because a challenge about the right to conduct evangelism work can sometimes be easily addressed by confirming that the proper approval has been given.

Body cameras, which have been mentioned before in these guidelines in relation to [privacy](#), are used by many organisations for health and safety. It is generally believed that body cameras are a helpful health and safety tool because some people may desist from behaving abusively or violently if they are aware they are being recorded. This is not always the case, however, and body cameras are not a guarantee against harm. When incidents happen, cameras are most useful for documenting what has happened and reporting the details to the authorities.

Where cameras are not used, we recommend keeping notes of interactions especially any interactions with the public or the police which are concerning. Noting the date and time of the interaction together with a brief note about what happened could be valuable if later an evangelist is challenged about something they did or if the evangelist wishes to report something that happened to authorities.

For more information about health and safety and legal obligations, the guidance available at www.worksafe.govt.nz is a useful starting point.¹²⁷

Online safety

Evangelists working online may also benefit from reviewing health and safety risks in the online environment. Online abuse and harassment directed toward an evangelist may be a breach of the communication principles under the Harmful Digital Communications Act which was referred to in the section of these guidelines on [online evangelism](#). Evangelists should consider how they might handle harmful messages and have a plan about referring issues to the appropriate authorities.

The advice available from Netsafe on their website includes how to record digital evidence when a person is the target of online bullying. They recommend not to delete content, instead saving it and contacting Netsafe or the police about it. Importantly, any material received which might be objectionable material under the Films, Videos and Publications Classification Act (e.g. explicit content or acts of torture) is an exception and should not be saved or shared directly with Netsafe or anyone else because it is illegal to store, send or share objectionable content.

Protecting mental and emotional wellbeing is also an issue in the online environment. Minimising the risks associated with communicating online about issues people might disagree with or about controversial topics should be thought about in advance. Establishing a support network within the faith community and a list of trusted experts in various fields so evangelists know where to access appropriate help (like counselling or legal advice) are all useful steps for evangelists to pre-arrange.

Safety recap

- Make personal safety, and the safety of employees and volunteers, a priority.
- Identify risks and eliminate them so far as is reasonably practicable.
- If risks cannot be eliminated, minimise those risks so far as is reasonably practicable.
- Select public locations to reduce risk such as busy, well-lit open areas.
- Have a plan for when you need help and keep records about your interactions.
- Be informed about the law in the areas you work including the online environment.
- Report criminal behaviour to the police.
- Report online harm to Netsafe.
- In emergencies call 111.



- ¹ Inviting others to understand and accept Islam.
- ² Or giving spiritual lectures and training in public places.
- ³ The exact figure is 51.6 percent: Statistics New Zealand, “Totals by topic for individuals, (NZ total), 2013, 2018, and 2023 Censuses”, available at www.explore.data.stats.govt.nz.
- ⁴ Geoffrey Troughton and Joseph Bulbulia, “Christianity in New Zealand: Key statistics and trends”, in Mark Nichols (ed.), *Strengthening the Church in Aotearoa New Zealand*, New Vision New Zealand, Volume V (New Zealand Christian Network: 2024).
- ⁵ Chris Eyte, “‘God is on the move’: Baptist leader sees ‘quiet revival’ among New Zealand youth,” *Christian Daily International*, 3 February 2026, <https://www.christiandaily.com/news/god-is-on-the-move-baptist-leader-sees-quiet-revival-among-new-zealand-youth>.
- ⁶ Lynne Taylor, “Heartening signs of growth in attendance and numbers of baptisms,” Baptist Churches of New Zealand, 18 February 2026, <https://baptist.nz/heartening-signs-of-growth-in-attendance-and-numbers-of-baptisms/>.
- ⁷ Sometimes other legislation provides for human rights protections too. An example is the Corrections Act 2004 which recognises rights of prisoners but is outside the scope of these guidelines.
- ⁸ New Zealand Bill of Rights Act 1990, section 3(a).
- ⁹ New Zealand Bill of Rights Act 1990, section 3(b).
- ¹⁰ Human Rights Act 1993, section 21.
- ¹¹ New Zealand Bill of Rights Act 1990, sections 20 to 25.
- ¹² New Zealand Bill of Rights Act 1990, section 5.
- ¹³ *Moncrief-Spittle v Regional Facilities Auckland Limited* [2022] 1 NZLR 459.
- ¹⁴ New Zealand Bill of Rights Act 1990, section 4.
- ¹⁵ New Zealand Bill of Rights Act 1990, section 6.
- ¹⁶ The Ombudsmen Act 1975, section 13.
- ¹⁷ While the Human Rights Act does not generally apply to the government’s public decisions, it binds the government in some of the same areas as the private sector such as in employment matters where it is an employer.
- ¹⁸ Human Rights Act 1993, section 21. The prohibited grounds of discrimination are sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation.
- ¹⁹ *Ministry of Health v Atkinson* [2012] NZCA 184.
- ²⁰ LexisNexis, “Discrimination”, *The Laws of New Zealand* (online ed, September 2025) at [35].
- ²¹ *BHP New Zealand Steel Ltd v O’Dea* (1997) 4 HRNZ 457; (1997) ERNZ 667.
- ²² Human Rights Act 1993, Part 2.

- ²³ Human Rights Act 1993, section 65.
- ²⁴ Section 21A of the Human Rights Act 1993 provides section 65 also applies to government departments and entities carrying out public functions but only to the extent that the indirect discrimination relates to employment matters, racial disharmony, sexual harassment, racial harassment and victimisation of a whistleblower in employment matters.
- ²⁵ Human Rights Act 1993, sections 53 to 56.
- ²⁶ Human Rights Act 1993, section 21B.
- ²⁷ An example of lawful discrimination authorised by another enactment is the Electoral Act 1993 which allows for age-based voting.
- ²⁸ Philip Joseph, *Joseph on Constitutional and Administrative Law* (Wellington: Thomson Reuters, 2021), 346.
- ²⁹ Human Rights Act 1993, section 73.
- ³⁰ Human Rights Act 1993, section 97.
- ³¹ Summary Offences Act 1981, section 39(1).
- ³² Summary Offences Act 1981, section 4.
- ³³ *Morse v Police* [2012] 2 NZLR 1 at [103].
- ³⁴ *Morse v Police* [2012] 2 NZLR 1 at [71].
- ³⁵ *Morse v Police* [2012] 2 NZLR 1 at [32].
- ³⁶ Summary Offences Act 1981, section 3.
- ³⁷ LexisNexis, “Criminal Procedure,” *The Laws of New Zealand* (online ed, 28 September 2025) at [137].
- ³⁸ Summary Offences Act 1981, section 5A.
- ³⁹ Summary Offences Act 1981, section 22.
- ⁴⁰ Summary Offences Act 1981, section 39. Police have the power to arrest under this section.
- ⁴¹ Summary Offences Act 1981, section 23.
- ⁴² Crimes Act 1961, section 42.
- ⁴³ *Ker v New Zealand Police* [2016] NZCA 277.
- ⁴⁴ Harassment Act 1997, section 3.
- ⁴⁵ *Flanagan v Sperling* [2013] NZFLR 715.
- ⁴⁶ *R v D* [2000] 2 NZLR 641 at [12].
- ⁴⁷ Harassment Act 1997, section 16.
- ⁴⁸ Human Rights Act 1993, section 131.
- ⁴⁹ *Wall v Fairfax* [2017] NZHRRT 17 at [191.3].
- ⁵⁰ *Wall v Fairfax New Zealand Limited* [2018] NZHC 104.
- ⁵¹ *Wall v Fairfax New Zealand limited* [2018] NZHC 104 at [61].

52 Sentencing Act 2002, section 9(1)(h) makes hate motivation an aggravating feature of any offence
if it is partly or wholly committed because of hostility towards a group of persons who have an
enduring common characteristic such as race, colour, nationality, religion, gender identity, sexual
orientation, age or disability.

53 *R (Miller) v College of Policing* [2021] EWCA Civ 126 at [102].

54 New Zealand Police, “Hate-motivated crime”, <https://www.police.govt.nz/advice-services/advice-victims/hate-motivated-crime/te-raranga-weave>.

55 Human Rights Act 1993, section 61.

56 Human Rights Act 1993, section 92M.

57 *Tararo v R* [2010] NZSC 157.

58 Trespass Act 1980, section 11.

59 Sentencing Act 2002, section 9(1)(h).

60 For example, section 327 of the Resource Management Act provides for enforcement officers
warranted by a council to issue excessive noise directions.

61 For example, section 76 of the Resource Management Act sets out parameters for district rules.

62 Local Government Act 2002, section 155.

63 Local Government Act 2002, section 145. Some other statutes also authorise the making of local
bylaws such as the Health Act 1956 which empowers local authorities to make bylaws for public
health reasons.

64 Local Government Act 2002, section 239.

65 The listed examples are taken from Auckland Council and information is current to November
2025.

66 Auckland Council Public Trading, Events and Filming Bylaw 2022, clause 5.

67 Auckland Transport has control of the roading network in Auckland, including footpaths.

68 Trespass Act 1980, section 11.

69 *Moncrief-Spittle v Regional Facilities Auckland Limited* [2022] NZSC 138.

70 *Moncrief-Spittle v Regional Facilities Auckland Limited* [2022] NZSC 138 at [128].

71 *Moncrief-Spittle v Regional Facilities Auckland Limited* [2022] NZSC 128 at [128].

72 Julia Tolmie and others, *Criminal Law in Aotearoa New Zealand* (Wellington: LexisNexis, 2022),
188.

73 Local Government Act 2002, section 178.

74 Local Government Act 2002, sections 164-165.

75 Local Government Act 2002, section 242(4).

76 Local Government Act 2002, section 242(2).

77 Resource Management Act 1991, section 327.

78 Resource Management Act 1991, section 328.

79 Resource Management (Infringement Offences) Regulations 1999, Schedule 1A.

80 Resource Management Act 1991, section 16.

81 Resource Management Act 1991, section 322.

82 Resource Management Act 1991, section 339(2).

83 Pauline Fakalta and Leena St Martin, “Supporting nurses working in an abortion clinic”, *Kai Tiaki Nursing New Zealand*, vol 26 no 2, March 2020, 32.

84 *Abortion Law in Aotearoa New Zealand* [2024] NZLJ 238.

85 Contraception, Sterilisation and Abortion Act 1977, section 13A.

86 Contraception, Sterilisation and Abortion Act 1977, section 13B specifies a constable has the power to arrest without warrant in these circumstances.

87 Contraception, Sterilisation and Abortion Act 1977, section 13A(2).

88 ADF UK, “Christian woman arrested for silent prayer receives compensation from police,” 19 August 2024, <https://adfinternational.org/en-gb/news/silent-prayer-arrest-payout>.

89 Parts of this discussion draw on our explainer: Alex Penk, “Understanding ‘conversion practices’”, 28 November 2025, <https://www.ethosalliance.nz/articles/understanding-conversion-practices>.

90 Conversion Practices Prohibition Legislation Act 2022, section 5.

91 Conversion Practices Prohibition Legislation Act 2022, section 5(2).

92 Conversion Practices Prohibition Legislation Act 2022, section 5.

93 Crown Law, “BORA Vet: Conversion Practices Prohibition Legislation Bill,” 29 June 2021, [2]. The Select Committee that considered the law said, “We disagree that gender-affirming care or supporting a gender transition could be classified as conversion practices.” Justice Committee, “Report on the Conversion Practices Prohibition Legislation Bill”, <https://www.legislation.govt.nz/bill/government/2021/56/en/latest/#LMS487197>.

94 Conversion Practices Prohibition Legislation Act 2022, section 9.

95 *Cameron v R* [2018] 1 NZLR 161 at [74].

96 Conversion Practices Prohibition Legislation Act 2022, section 8.

97 Conversion Practices Prohibition Legislation Act 2022, section 10.

98 Conversion Practices Prohibition Legislation Act 2022, section 12.

99 Hon. Kris Faafoi, “Conversion Practices Prohibition Legislation Bill – First reading,” 5 August 2021, <https://hansard.parliament.nz/hansard-transcript/2021-08-05/bills-conversion-practices-prohibition-legislation?sId=56085586864f40588a34830defb7de5f>.

100 Human Rights Act 1993, section 63A.

101 Human Rights Act 1993, section 92M.

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Police v B [2017] NZHC 256.
- 110 Harmful Digital Communications Act 2015, section 11: an affected individual, a parent or guardian
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and the police may bring proceedings in the District Court for orders.
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- 117 Privacy Act 2020, section 27.
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- 120 Privacy Act 2020, section 22.
- 121 Privacy Act 2020, section 112(1).
- 122 Privacy Act 2020, section 112.
- 123 Privacy Act 2020, section 113.
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- 125 WorkSafe New Zealand, “Keeping volunteers healthy and safe,” September 2024,
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Advocates for conscience and belief

ethos

contact@ethosalliance.nz

ethosalliance.nz