

28 October 2021

Malcolm France
jozah26@hotmail.co.nz

Dear Malcolm

Request for information

Thank you for your Official Information Act 1982 (OIA) requests dated 8 and 12 October 2021, in which you asked for information regarding Police and common law. Please find my responses to each of your questions below:

1. *Who are Police accountable to apart from the IPCA.*
2. *Who are Police responsible to in terms of who they work/get directed/contracted by if different from 5 above.*
3. *Is the Police a private organisation?*
4. *What type of entity is the New Zealand Police. For example is it a company, association, society?*
5. *Where is the NZ Police organisation registered. Especially including but not limited to in which register, country and jurisdiction.*
6. *Provide documents of its registration.*

The Policing Act 2008, which is publicly accessible here:

<https://www.legislation.govt.nz/act/public/2008/0072/latest/whole.html>, sets out the functions and powers of New Zealand Police and provides for its governance and administration.

New Zealand Police (Police) is an instrument of the Crown as per section 7 of the Policing Act 2008. The Public Service Act 2020 describes 'State services' as "all instruments of the Crown in respect of the Executive Government of New Zealand, whether public service agencies, bodies corporate, agencies, or other instruments". Police is included in the definition of 'department' for the purposes of the Public Finance Act 1989. Police is subject to the Official Information Act 1982 as an 'organisation' in Part 2 of Schedule 1 to the Ombudsmen Act 1975.

Police is responsible to the Minister in terms of section 16(1) of the Policing Act 2008 but otherwise must act independently in terms of operational decision-making. Police is also accountable to the Courts and subject to the laws of New Zealand, including the Public Service Act 2020 and Public Finance Act. As you have stated, Police is also responsible to the Independent Police Conduct Authority for its actions and behaviour, to the Ombudsman for its handling of official Information complaints, and the Privacy Commissioner in respect of its handling of personal information.

Police is internally regulated by the Police Code of Conduct, as well as policies contained in a body of documents called Police Instructions.

Police National Headquarters

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7. *What is the true reason you chose not to answer any OIAs and forward them to Ministerial Services of the NZ Government.*

Ministerial Services is not separate from Police, it refers to a team within Police which coordinates responses to Police OIA requests.

8. *Is the "Her Majesty, Queen of New Zealand" in the Police oath the same one as Elizabeth the Second, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.*

Yes.

9. *Please confirm NZ Police recognizes and operates in common law jurisdiction under Elizabeth the Second...*
10. *Further please confirm common law is a separate jurisdiction from New Zealand Acts and a man standing in common law jurisdiction while he may be arrested for breach of the peace cannot be charged for it or any other crime under any NZ Acts, as per s9 of the Policing Act 2008.*

Police does not provide legal advice, or legal interpretation services to the public, therefore your request is refused under section 18(g) of the OIA, as the information requested is not held by Police.

I refer you to the Policing Act 2008 which is available to view via the following link:

<https://www.legislation.govt.nz/act/public/2008/0072/latest/whole.html>.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at:

www.ombudsman.parliament.nz.

Yours sincerely



Mathew Gordon
Manager Ministerial Services