

6 July 2022

IR-01-22-16792

Paul Waimania
fyi-request-19632-242512bb@requests.fyi.org.nz

Dear Paul

Thank you for your Official Information Act 1982 (OIA) request dated 10 June 2022 in which you asked;

Can an individual place a trespass on the NZ Police, from their private premises due to harassment or would they have to do individual trespasses on each officer?

The owner of the private premise would have to trespass each officer individually. Under the Trespass Act 1980 an occupier of a premise may issue a trespass notice if they have good reason to believe the individual named in that notice is likely to enter onto their premise.

This means that a trespass notice purporting to trespass every constable of Police is likely to be unenforceable because an occupier would not be able to demonstrate a reasonable belief that every constable of Police is likely to enter their premise.

Police constables are subject to the same laws of trespass as any other citizen unless they have legal authority to enter property under warrant or under warrantless powers such as under sections [14](#), [15](#), and [20](#) of the Search and Surveillance Act 2012, and section [119](#) of the Land Transport Act 1998.

Constables can enter a property and knock on the door but if the occupier, expressly or by implication, asks them to leave, in the absence of lawful authority to remain, they must do so. If, however, before being asked to leave, a constable tells the occupier that they are under arrest, the constable can stay for the purpose of taking the occupier into custody.

Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.
Telephone: 04 474 9499. www.police.govt.nz

You have the right, under section 28(3) of the OIA to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request. Information about how to make a complaint is available at: www.ombudsman.parliament.nz.

Yours sincerely

Brent Register

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Acting Director Community Partnerships and Prevention
