

15 November 2023

Lee  
fyi-request-24505-7ea127ee@requests.fyi.org.nz

Dear Lee

I refer to your Official Information Act 1982 (OIA) request dated 23 October 2023 for information regarding infringement notices.

You requested:

1. *Police quote that they operate under the Land Transport Act. Can you please tell me if the New Zealand Police have a contract with The New Zealand Land Transport Agency?*

Police do not require a contract with the New Zealand Transport Agency to enforce laws stipulated in the Land Transport Act 1998.

You might be interested to know that there is publicly available information regarding New Zealand laws that are not contractual in nature. For example, Te Ara – The encyclopaedia of New Zealand has an article on Law you may find helpful:  
<https://teara.govt.nz/en/law>.

2. *Under the Policing Act 2008 schedule 1 and Part 4 of the Act: A Police employee warranted as a Police transport enforcement officer has the following powers ... And Land Transport Act 1998 Section 113 Enforcement officers may enforce transport legislation (1) An enforcement officer in uniform or in possession of a warrant or other evidence of his or her authority as an enforcement officer ... Must Police provide their warrant of authority as an enforcement officer when asked to do so?*

As the question notes, 'Enforcement officers may enforce transport legislation...in uniform or'. In cases in which a driver is pulled over for committing a traffic offence, the attending Police officer will be in uniform and provide their identifying number (QID) if requested.

3. *As an infringement notice is only an allegation, please explain how police can make a claim for payment:*
4. *If a crime has not been committed?*
5. *Do police only have authority in criminal matters? If so what?*
6. *Do police have any authority in civil/contract matters? If so what?*

Under section 139 of the Land Transport Act 1998, if an enforcement officer has reasonable cause to believe an infringement offence is being or has been committed by a person, an infringement notice in respect of that offence may be issued. The offence in question is alleged until liability admitted by the driver, usually in the form of payment, or

#### **New Zealand Police Infringement Bureau**

PO Box 9147, Wellington 6141, New Zealand.  
Telephone: 04 381 0000. Call Free 0800 105 777. [www.police.govt.nz](http://www.police.govt.nz)

a court hearing is requested. If you have received an infringement notice, please refer to the summary of rights.

The OIA requires Police to release information it holds, but it does not require Police to create information in order to grant a request or to engage in debate. For this reason, Police refuses this part of your request under section 18(g) of the OIA as it does not hold the information.

7. *Does the Criminal Procedures section 381 Payment of fees, fines, etc Section 208 of the Summary Proceedings Act 1957 applies to all fees, fines, reparation, costs, and other money payable on any proceedings commenced by the filing of a charging document make the claim for payment by police null and void 5. Does Article 12 of the 1688 Bill of Rights states "Grants of forfeitures - That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.*
8. *Would this then be deemed that police are acting as revenue collectors for pecuniary gains?*

The Criminal Procedures Act section 381 and Section 208 of the Summary Proceedings Act 195 do not make an infringement notice null and void. If you are having difficulty interpreting the legislation, you may wish to seek independent legal advice.

With regards to your concerns surrounding revenue gathering, you may be reassured to know that no money received from speeding infringements is retained by Police. Rather, under section 141 of the Land Transport Act 1998, all money received in respect to infringement fees are directed into a Government consolidated fund where it is then allocated based on the priorities of the Government of the day. This allocation is reflected in the Government's annual budget which sets out how much revenue is collected and how it intends to spend it. Further information on the last budget may be found on <https://budget.govt.nz/>.

Police is committed to reducing the number of deaths and serious injuries on our roads and has no tolerance for speeding at any time of the year. All drivers have the responsibility to ensure their speed is safe and within the applicable limit. Evidence shows a direct correlation between mean travel speeds and the risk of death or serious injury crashes. For every 1 km/h reduction in mean speeds there is a 5 percent reduction in road trauma which equates to 16 lives saved each year.

It should be noted that information requested under the OIA runs separately to the infringement process. Therefore, continued correspondence with Police in regard to these matters does not remove your obligation to either request a court hearing or pay the infringement fee by the final due date.

For more information on infringements, including how to dispute the offence, please refer to the below address: <https://www.police.govt.nz/advice-services/infringement-services/infringements>

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You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely



**Aislinn Sederel**  
Acting Manager: Police Infringement Bureau

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