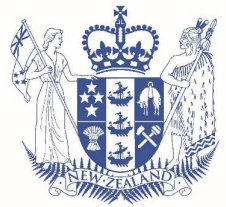


Hon Mark Mitchell

Minister of Corrections
Minister for Emergency Management and Recovery
Minister for Ethnic Communities
Minister of Police
Minister for Sport and Recreation



OIA 25572

New Zealand Council for Civil Liberties
fyi-request-30215-46973c78@requests.fyi.org.nz

Dear New Zealand Council for Civil Liberties

Thank you for your Official Information Act 1982 (OIA) request of 25 February 2025 in which you sought:

1. *All communications to and from the IPCA relating to this report, excluding anything relating to any specific complaint.*
2. *All analysis, assessment, consideration, formal and informal advice, recommendations, and responses developed by or communicated to you about the issues raised in the IPCA report and the recommendations made by IPCA.*
3. *All information recording your decisions on how to proceed regarding the recommendations made by the IPCA in its report.*
4. *All requests and communications by you to the Police to (a) work with the IPCA on the research and production of the IPCA report and (b) to do work on issues arising from the report.*
5. *All communications from you about the report, or how to proceed following the publication of the report, to (a) the Prime Minister, (b) the Minister of Justice, (c) the Minister of Internal Affairs, (d) the Associate Minister of Police, (e) either Associate Minister of Justice, (f) the Attorney General, (g) Crown Law and (h) the NZ Security Intelligence Service.*

You will find information identified in scope of your request enclosed.

Please note that it has been necessary to withhold some information from these documents under the following sections of the OIA:

- 9(2)(a): to protect the privacy of natural persons
- 9(2)(f)(iv): to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
- 9(2)(g)(i): to maintain the effective conduct of public affairs through the free and frank expression of opinions.

Please refer to the table below for a list of OIA grounds used within each document.

Title of document	OIA grounds used within document
#1 MIN OIA 25572 Correspondence	9(2)(a) 9(2)(g)(i)
#2 BR/25/07 <i>Independent Police Conduct Authority Review of the Policing of Protests in New Zealand</i>	9(2)(a) 9(2)(f)(iv) 9(2)(g)(i)

Title of document	OIA grounds used within document
#3 Excerpts from the Weekly Report to the Minister of Police	Nil

I consider the interests requiring protection by withholding the information are not outweighed by any public interest in release of the information.

Please note that in relation to the wording "*The IPCA has interviewed a range of interested parties...*" under paragraph 7 of the attached report BR/25/07 *Independent Police Conduct Authority Review of the Policing of Protests in New Zealand*, Police advises that the communications between the IPCA and the Ministry of Justice, and the IPCA and the Department of Internal Affairs were under consultation, rather than by conducting interviews.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with my response to your request.

Yours sincerely



Hon Mark Mitchell
Minister of Police

From: s.9(2)(a)
To: MAIR, Sarah; REISER, Simone
Cc: @parliament.govt.nz; @parliament.govt.nz
Subject: IPCA review - policing of public protests
Date: Monday, 27 January 2025 11:28:37 am
Attachments: 13 December.pdf

Hi both

The IPCA review I mentioned this morning is from the 13 Dec weekly report – page 10, excerpt below. I don't believe we've received a copy of the Review as yet.

Cheers

s.9(2)(a) OIA

Independent Police Conduct Authority - Thematic Review on the policing of public protests in New Zealand

36. As advised in an earlier Weekly Report entry, the Independent Police Conduct Authority (IPCA) have this year been undertaking a coordinated review (the Review) of the policing of protests. The Review was initiated following a significant number of complaints to the IPCA of the policing of the "Let Women Speak" event in March 2023 and the recent protests concerning the war in Gaza. The Review has been developed in close consultation with Police. Other interested parties have also been consulted, including the Ministry of Justice, the Department of Internal Affairs and local councils. The IPCA is currently finalising the Review and have advised that they will likely publish it on the week of 27 January 2025. We understand the IPCA will provide you and the Minister of Justice embargoed copies of the Review in the days before its public release. We will provide you with advice about Police's initial response to the recommendations to support your consideration of the report at that time.

From: [StrategicComms](#)
To: s.9(2)(a) @parliament.govt.nz
Cc: s.9(2)(a) @parliament.govt.nz; [REDACTED] @parliament.govt.nz
Subject: RE: [EXTERNAL] IPCA
Date: Monday, 17 February 2025 11:05:25 am
Attachments: [image002.png](#)
[Final media response IPCA policing of public protests.docx](#)

Hi team,

Sorry for the delay.

Attached is our response IPCA report coming out tomorrow into thematic review of public protests in NZ.

Let me know if you have any questions.

Sarah Mair

Senior Communications Advisor

Media & Communications, PNHQ

M s.9(2)(a) OIA

E 



From: s.9(2)(a) OIA

Sent: Friday, February 14, 2025 3:35 PM

To: StrategicComms

Subject: RE: [EXTERNAL] IPCA

You too



s.9(2)(a) OIA

Office of Hon Mark Mitchell
Minister of Corrections | Minister for Emergency Management and Recovery
Minister for Ethnic Communities | Minister of Police | Minister for Sport and Recreation
MP for Whangaparaoa
Email: s.9(2)(a) @parliament.govt.nz Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

From: StrategicComms < >

Sent: Friday, 14 February 2025 3:33 PM

To: s.9(2)(a) OIA @parliament.govt.nz >

Subject: RE: [EXTERNAL] IPCA

Have a great weekend if we don't speak again!

From: s.9(2)(a) OIA @parliament.govt.nz >

Sent: Friday, February 14, 2025 3:32 PM

To: StrategicComms < >

Cc: s.9(2)(a) @parliament.govt.nz; MAIR, Sarah < >

Subject: RE: [EXTERNAL] IPCA

Awesome. thank you!



s.9(2)(a) OIA

Office of Hon Mark Mitchell
Minister of Corrections | Minister for Emergency Management and Recovery
Minister for Ethnic Communities | Minister of Police | Minister for Sport and Recreation
MP for Whangaparaoa
Email: s.9(2)(a) @parliament.govt.nz Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

From: StrategicComms < >

Sent: Friday, 14 February 2025 3:29 PM

To: s.9(2)(a) OIA [redacted]@parliament.govt.nz>
Cc: [redacted]@parliament.govt.nz>; MAIR, Sarah <x@xx [redacted]>
Subject: RE: [EXTERNAL] IPCA

Kia ora anō

I spoke to Steph again and she advised we'll get the media statement to you on Monday, ahead of it going out Tuesday.

Cheers

Penn

From: s.9(2)(a) OIA [redacted]@parliament.govt.nz>
Sent: Thursday, February 13, 2025 4:31 PM
To: StrategicComms <x@xx [redacted]>
Cc: [redacted]@parliament.govt.nz
Subject: [EXTERNAL] IPCA

CAUTION: This email originated from outside the New Zealand Police Network. DO NOT click links or open attachments unless you recognise the sender and are assured that the content is safe.

Kia ora

Are you able to please send along the police statement re: IPCA report on the policing of protests in NZ?

Thanks so much

s.9(2)(a) OIA [redacted]



s.9(2)(a) OIA [redacted]
Private Secretary - Police | Office of Hon Mark Mitchell
Minister of Corrections | Minister for Emergency Management and Recovery
Minister for Ethnic Communities | Minister of Police | Minister for Sport and Recreation
MP for Whangaparaoa
Email: s.9(2)(a) [redacted]@parliament.govt.nz Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

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Please attribute to Deputy Commissioner Tania Kura:

Police acknowledges the release of a comprehensive report by the Independent Police Conduct Authority which looks at the policing of public protests in New Zealand and makes several significant recommendations.

Police have worked closely with the IPCA on this review which has arisen from complaints to the independent body following high profile protests over recent years.

We have seen a significant change in the protest environment, aided by social media, in which they are becoming more publicised, highly organised and in some instances with complex tactics being used. We are now often faced with these events involving protesters, counter protesters, and activists who are present for a variety of different causes.

These changes are a global trend and is putting more pressure on police jurisdictions around the world. In the last two years, New Zealand Police has attended and monitored at least 140 protests across the country.

Police is always focussed on ensuring the community has the right to protest but balancing this against upholding the law and ensuring the safety of those attending as well as members of the public in the vicinity.

The 2022 parliamentary protest, as well as recent rallies regarding the conflict between Israel and Palestine highlight some of the complex issues Police is dealing with.

Today's report recommends several changes and Police accepts and agrees with these in principle.

The most significant is the recommendation for a new stand-alone legislation which would put New Zealand in line with comparative jurisdictions such as Australia, the United Kingdom, and Canada. Any legislative reform would be led by the Minister of Justice.

There are also recommendations regarding police policies, processes, and training in the public order policing area. Police is considering how best to respond to these noting that our organisation has already undertaken a raft of changes following the parliamentary protests. Our progress and work in this area has been acknowledged by the IPCA in the report.

We know our officers who work in Public Order Policing teams as well as all officers who attend to support and police these events do an incredible job at keeping people safe in what can be a challenging and highly emotional environment. We know we must continually improve and adapt to the changing environment in protests and so we look forward to seeing where this review leads us.

There were three separate investigations into protests in Auckland which are outlined in this review, and we have responded to each of these as below.

Investigation one:

The Independent Police Conduct Authority investigated a high number of complaints regarding the police response to the Let Women Speak rally which was held at Albert Park in March 2023.

This event became volatile very quickly due to behaviour by counter protesters who surrounded the rotunda when the main speaker arrived.

Police acknowledge the findings by the IPCA in relation to the protest which found our initial risk assessment could have been better. We also accept that our response on the day when protestors surrounded the rotunda was inadequate.

We do note that our staff were also dealing with a separate unrelated protest on the same day, not far from this location, alongside other operational demands which put significant pressure on officers at these time sensitive events.

The criticism of the policing of this event was not due to the fault of any individual officer but rather learnings around undertaking a better risk assessment for any future protests ensuring we have adequate resourcing for these unpredictable events. We have debriefed this matter and taken these learnings onboard.

We also note that Police carried out an investigation following the event and two counter-protesters were charged with assault.

Investigation two:

The second investigation referenced in the IPCA report relates to the arrest of a counter-protestor during a rally in support of Palestine in November 2023 at Aotea Square in Auckland.

A man was standing around 150 metres from where protestors were setting up a speaking area holding an Israeli flag. Police told the man to leave and stay away from the event to prevent a potential breach of the peace. They told the man he would be arrested if he returned.

The man left but returned without his flag, his face covered, and stood in Aotea Square while speeches took place.

He was arrested and charged with intentionally obstructing a police officer acting in the execution of his duty.

Police accept this arrest was unlawful and while the intent of the officers was to ensure the man's safety, we accept they had no lawful basis to tell him to leave or to arrest him when he returned.

We have spoken with the officers involved in this incident and have used this as a learning opportunity for them.

The charge of obstruction was withdrawn.

Investigation three:

During the same rally in Auckland's CBD in November 2023, Police came across a different counter-protestor who was holding a sign which they believed had the potential to incite violence.

Police, concerned for the woman's safety, asked her to move and put down her sign and when she failed to comply, they had to move her a short distance away and took her sign off her. When she continued to try and re-enter the protest they arrested her for a breach of the peace.

The IPCA has found the use of force to move the woman away was unjustified and the arrest was unlawful.

While police acknowledge the IPCA's view on this, we believe our officers were acting in the woman's best interests to keep her safe due to their previous experience at pro-Palestine events which had turned violent very quickly.

We do accept that she should have been given her sign back when she was released by police.

The primary role of Police at these events is to ensure everyone's safety while they protest. If there is a concern that someone may be harmed, Police will act within the boundaries of the law to protect all individuals present.

We recognise the delicate balance between a person's right to peacefully protest and maintaining public order. Our officers are entrusted to make these decisions based on their knowledge and information available to them.

ENDS

Issued by the Police Media Centre

From: [StrategicComms](#)
To: s.9(2)(a) @parliament.govt.nz
Cc: s.9(2)(a) @parliament.govt.nz; s.9(2)(a) @parliament.govt.nz
Subject: RE: [EXTERNAL] IPCA
Date: Monday, 17 February 2025 12:16:06 pm
Attachments: [image001.png](#)
[Key messaging for IPCA thematic review into policing of public protests in New Zealand.docx](#)

Hi s.9(2)(a)

Full talking points and back pockets are attached.

Does this work? Happy to cut them down to the key points and put it into Minster speak if needed.

Cheers,

Sarah Mair

Senior Communications Advisor

Media & Communications, PNHQ

M s.9(2)(a) OIA

E 



From: s.9(2)(a) OIA

Sent: Monday, February 17, 2025 11:24 AM

To: StrategicComms

Cc: s.9(2)(a) OIA @parliament.govt.nz; s.9(2)(a) @parliament.govt.nz

Subject: RE: [EXTERNAL] IPCA

Thanks Sarah. Can we please have a few back pocket TPs today for the Minister. Topical given the weekend's protest so he will likely be asked.

Cheers

s.9(2)(a) OIA

From: StrategicComms < >

Sent: Monday, 17 February 2025 11:05 AM

To: s.9(2)(a) OIA @parliament.govt.nz

Cc: s.9(2)(a) @parliament.govt.nz; s.9(2)(a) @parliament.govt.nz;

s.9(2)(a) @parliament.govt.nz

Subject: RE: [EXTERNAL] IPCA

Hi team,

Sorry for the delay.

Attached is our response IPCA report coming out tomorrow into thematic review of public protests in NZ.

Let me know if you have any questions.

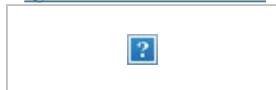
Sarah Mair

Senior Communications Advisor

Media & Communications, PNHQ

M s.9(2)(a) OIA

E 



From: s.9(2)(a) OIA @parliament.govt.nz

Sent: Friday, February 14, 2025 3:35 PM

To: StrategicComms < >

Subject: RE: [EXTERNAL] IPCA

You too

s.9(2)(a) OIA

e | Office of Hon Mark Mitchell



Minister of Corrections | Minister for Emergency Management and Recovery
Minister for Ethnic Communities | Minister of Police | Minister for Sport and Recreation
MP for Whangaparaoa
Email: [s.9\(2\)\(a\)@parliament.govt.nz](mailto:s.9(2)(a)@parliament.govt.nz) Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

From: StrategicComms <StrategicComms@police.govt.nz>

Sent: Friday, 14 February 2025 3:33 PM

To: [s.9\(2\)\(a\) OIA](mailto:s.9(2)(a)@parliament.govt.nz) <[s.9\(2\)\(a\)@parliament.govt.nz](mailto:s.9(2)(a)@parliament.govt.nz)>

Subject: RE: [EXTERNAL] IPCA

Have a great weekend if we don't speak again!

From: [s.9\(2\)\(a\) OIA](mailto:s.9(2)(a)@parliament.govt.nz) <[s.9\(2\)\(a\)@parliament.govt.nz](mailto:s.9(2)(a)@parliament.govt.nz)>

Sent: Friday, February 14, 2025 3:32 PM

To: StrategicComms <StrategicComms@police.govt.nz>

Cc: [s.9\(2\)\(a\)@parliament.govt.nz](mailto:s.9(2)(a)@parliament.govt.nz); MAIR, Sarah <Sarah.Mair@police.govt.nz>

Subject: RE: [EXTERNAL] IPCA

Awesome. thank you!



[s.9\(2\)\(a\) OIA](mailto:s.9(2)(a)@parliament.govt.nz)

[s.9\(2\)\(a\) OIA](mailto:s.9(2)(a)@parliament.govt.nz) | Office of Hon Mark Mitchell
Minister of Corrections | Minister for Emergency Management and Recovery
Minister for Ethnic Communities | Minister of Police | Minister for Sport and Recreation
MP for Whangaparaoa
Email: [s.9\(2\)\(a\)@parliament.govt.nz](mailto:s.9(2)(a)@parliament.govt.nz) Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

From: StrategicComms <StrategicComms@police.govt.nz>

Sent: Friday, 14 February 2025 3:29 PM

To: [s.9\(2\)\(a\) OIA](mailto:s.9(2)(a)@parliament.govt.nz) <[s.9\(2\)\(a\)@parliament.govt.nz](mailto:s.9(2)(a)@parliament.govt.nz)>

Cc: [s.9\(2\)\(a\)@parliament.govt.nz](mailto:s.9(2)(a)@parliament.govt.nz); MAIR, Sarah <Sarah.Mair@police.govt.nz>

Subject: RE: [EXTERNAL] IPCA

Kia ora anō

I spoke to Steph again and she advised we'll get the media statement to you on Monday, ahead of it going out Tuesday.

Cheers

Penn

From: [s.9\(2\)\(a\) OIA](mailto:s.9(2)(a)@parliament.govt.nz) <[s.9\(2\)\(a\)@parliament.govt.nz](mailto:s.9(2)(a)@parliament.govt.nz)>

Sent: Thursday, February 13, 2025 4:31 PM

To: StrategicComms <StrategicComms@police.govt.nz>

Cc: [s.9\(2\)\(a\)@parliament.govt.nz](mailto:s.9(2)(a)@parliament.govt.nz)

Subject: [EXTERNAL] IPCA

CAUTION: This email originated from outside the New Zealand Police Network. DO NOT click links or open attachments unless you recognise the sender and are assured that the content is safe.

Kia ora

Are you able to please send along the police statement re: IPCA report on the policing of protests in NZ?

Thanks so much

[s.9\(2\)\(a\) OIA](mailto:s.9(2)(a)@parliament.govt.nz)



s.9(2)(a) OIA

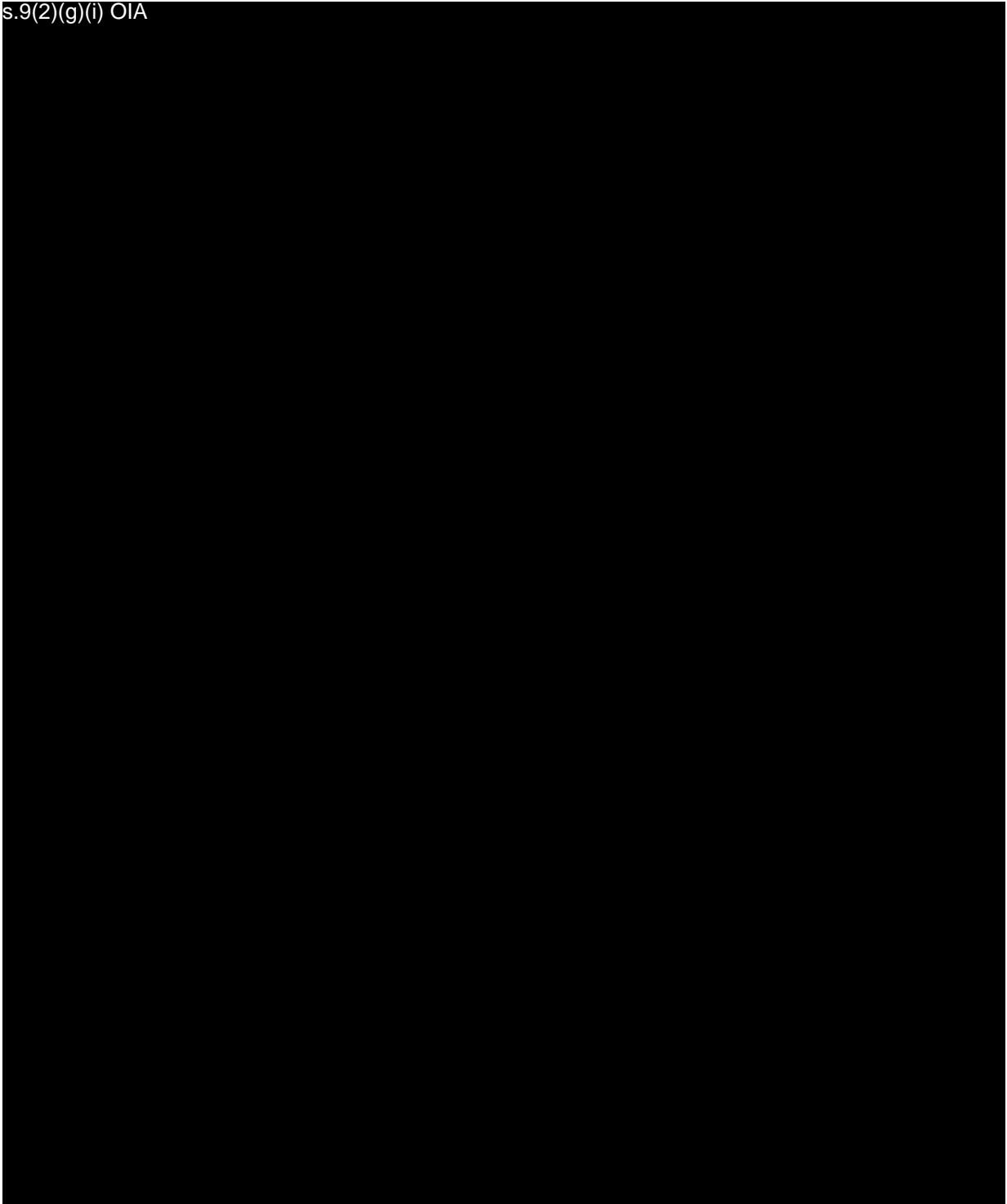
Private Secretary - Police | Office of Hon Mark Mitchell
Minister of Corrections | Minister for Emergency Management and Recovery
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MP for Whangaparaoa
Email: s.9(2)(a)@parliament.govt.nz Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

WARNING

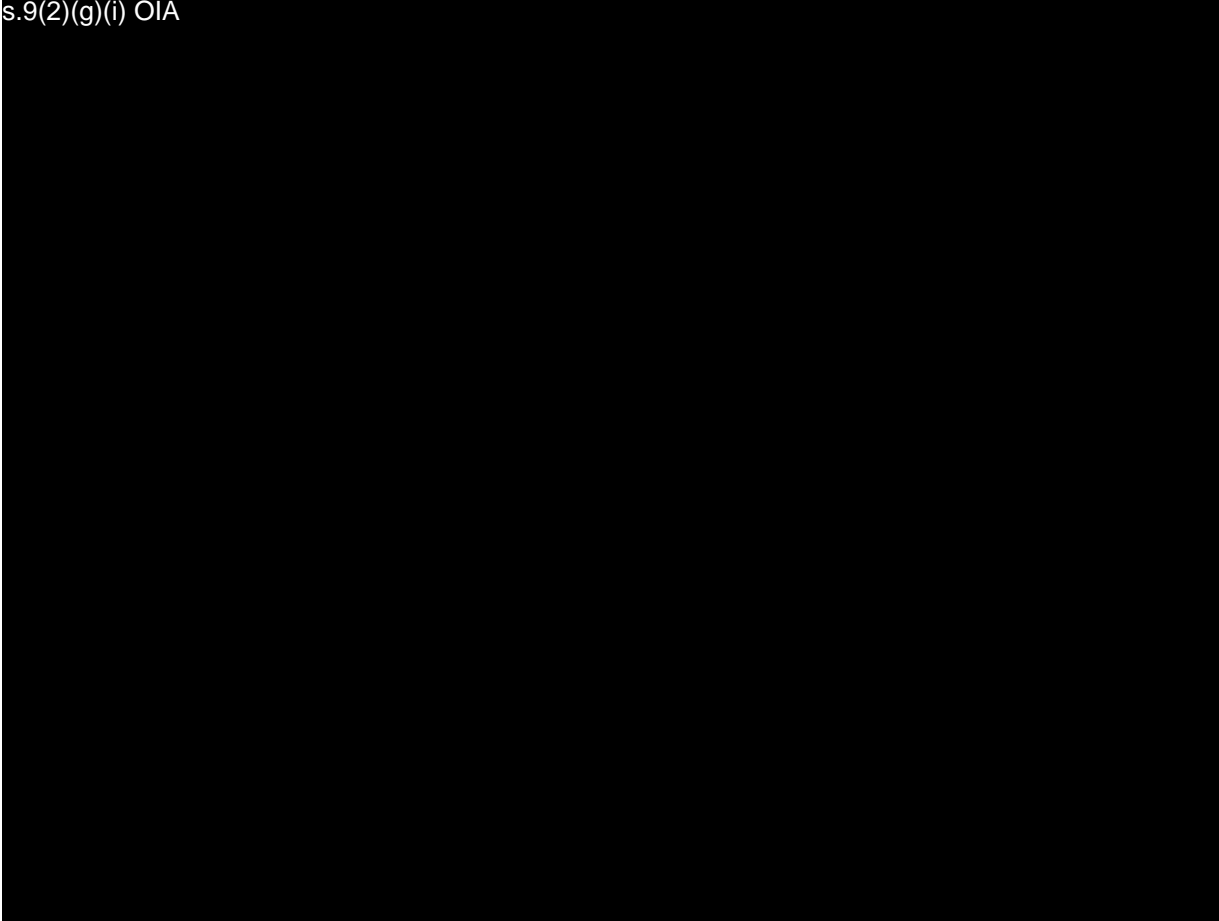
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Key messaging and Q+As for IPCA thematic review into policing of public protests in New Zealand

s.9(2)(g)(i) OIA

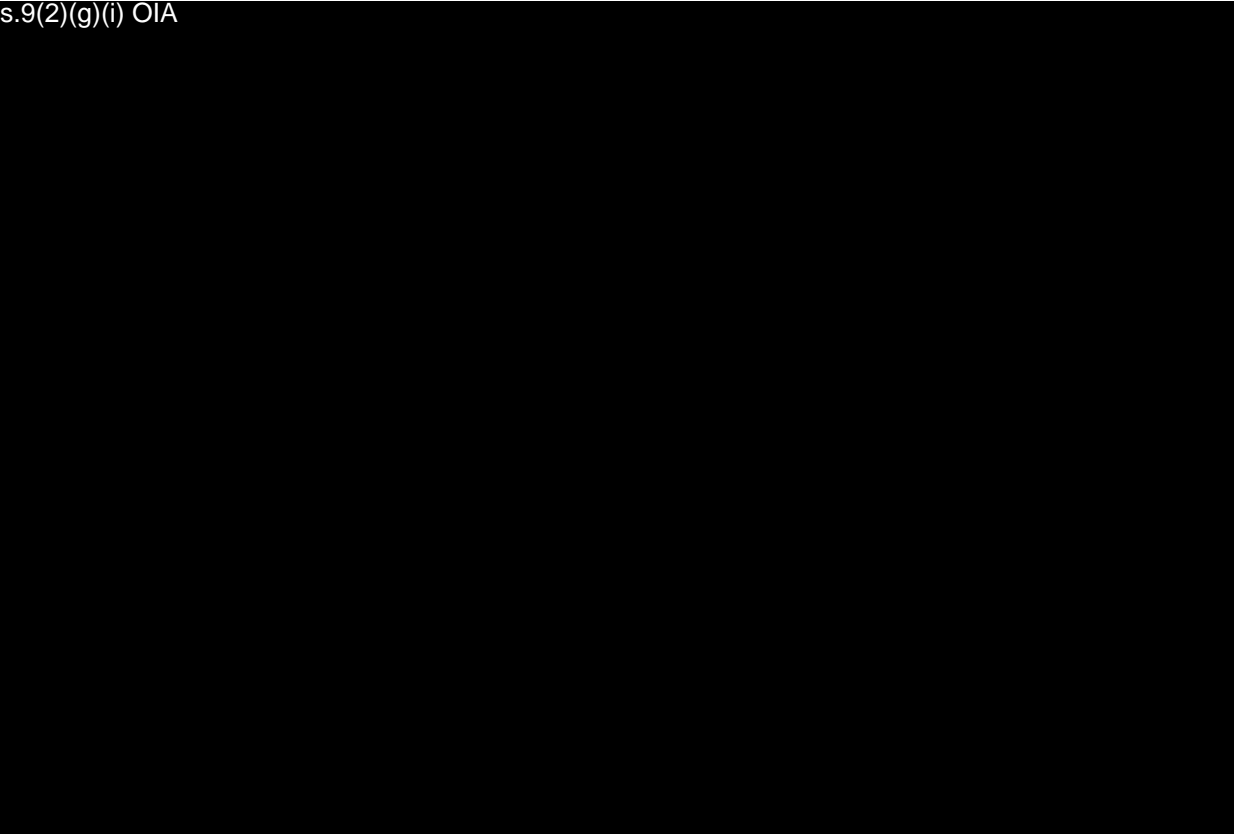


s.9(2)(g)(i) OIA




Q+As

s.9(2)(g)(i) OIA



s.9(2)(g)(i) OIA



From: s.9(2)(a)
To: [Redacted]
Cc: [Redacted]@parliament.govt.nz
Subject: Further info on IPCA meeting request
Date: Monday, 3 March 2025 10:39:51 am

Hi s.9(2)(a)
OIA

Here is a wee blurb on the IPCA meeting request, hopefully that helps with the meeting organising
It would be with Minister of Justice and Minister of Local Government

Cheers

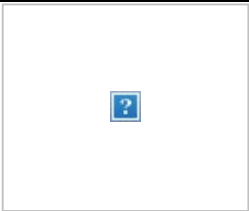
s.9(2)(a) OIA

On 18 February, the Independent Police Conduct Authority (IPCA) will publicly release a review on the policing of public protests in New Zealand (the Review). The Review was undertaken following complaints to the IPCA about the policing of the “Let Women Speak” event in March 2023, and recent protests surrounding the war in Gaza. The Review makes a series of findings and recommendations, including a recommendation for the introduction of a standalone Act. Police acknowledges the IPCA’s findings and agree with the recommendations in-principle.

9(2)(g)(i)

[Redacted]

[Redacted]



s.9(2)(a) OIA

ce | Office of Hon Mark Mitchell
Minister of Corrections | Minister for Emergency Management and Recovery
Minister for Ethnic Communities | Minister of Police | Minister for Sport and Recreation
MP for Whangaparaoa
Email: s.9(2)(a)@parliament.govt.nz Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

[Redacted]



BRIEFING FOR THE MINISTER OF POLICE

Priority	<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> Time-Sensitive <input type="checkbox"/> Routine We recommend reading this briefing alongside the embargoed copy of the IPCA Review. The IPCA Review will be publicly released on 18 February 2025.		
Title	Independent Police Conduct Authority Review of the Policing of Protests in New Zealand		
Date	12 February 2025	Reference	BR/25/07

Purpose

1. You will receive an embargoed copy of a review by the Independent Police Conduct Authority (IPCA) on the policing of public protests in New Zealand (the Review) on 13 February. It will be publicly released on 18 February 2025.
2. Ahead of the public release, this briefing provides you with a summary of the Review's findings and recommendations. This briefing recommends you meet with the Minister of Justice and the Minister of Local Government, to discuss the Review's legislative recommendations, and the priority of further work on the legislative framework guiding protest activity and responses.

Key messages

- On 18 February, the Independent Police Conduct Authority (IPCA) will publicly release a review on the policing of public protests in New Zealand (the Review). You will receive an embargoed copy prior to this release.
- The Review was undertaken following complaints to the IPCA about the policing of the "Let Women Speak" event in March 2023, and recent protests surrounding the war in Gaza.
- The Review makes a series of findings and recommendations, including a recommendation for the introduction of a standalone Act.
- Police acknowledges the IPCA's findings and agree with the recommendations in-principle. Progressing legislative change is a priority for Police, but careful policy work is required to ensure a legislative framework is fit-for-purpose.
- Standalone legislation would put New Zealand in line with comparative jurisdictions and would support the Government's law and order priorities.

- The Ministry of Justice would lead the development of the proposed legislation. We recommend you meet with the Minister of Justice and the Minister of Local Government to discuss the legislative recommendations, and the priority of this work.
- Police will work through the other recommendations relating to Police policies and training to consider how best to respond to them.

Recommendations

Police recommends that the Minister of Police:

- a) **Note** that the IPCA has undertaken a review, alongside Police, key external stakeholders and interested parties, into the policing of public protests in New Zealand
- b) **Note** the Review makes a series of findings and recommendations, including a recommendation for a new standalone Peaceful Assemblies Act
- c) **Note** that Police acknowledge the findings and accept the recommendations in-principle
- d) **Note** that support from the Minister of Justice and the Minister of Local Government will be required to progress and prioritise any legislative work
- e) **Agree** to meet with the Minister of Justice and the Minister of Local Government, to discuss the Review’s legislative recommendations, and the priority of any legislative change
- f) **Note** that Police will consider how best to respond to the recommendations relating to Police policies and training.

Yes/No

Minister’s comments and signature

..... / / 2025

Hon Mark Mitchell
Minister of Police

Independent Police Conduct Authority Review of the Policing of Protests in New Zealand

Background

3. The IPCA received a significant number of complaints about the policing of protests following the “Let Women Speak” rally in March 2023, and recent protests concerning the conflict in Israel and Gaza. Many of the complaints allege that Police has failed to uphold rights and freedoms in the New Zealand Bill of Rights Act 1990 (NZBORA)¹, maintain public order, and prevent breaches of the peace.
4. These complaints have highlighted to the IPCA that protests are increasingly causing tension in communities and are placing significant pressures on Police. On this basis, last year the IPCA initiated a review of the policing of protests, with a specific focus on whether:
 - a. the existing legislative framework is fit-for-purpose
 - b. protest activity should be better regulated
 - c. the tools available to Police should be reformed.
5. This Review therefore builds on, but is broader in scope than, the IPCA’s 2023 Parliamentary Protest Review, which reported on the IPCA’s investigation into the 2022 occupation at Parliament.
6. Alongside the Review, the IPCA is also completing their usual investigations to respond to the individual complaints. The Review includes the findings of individual complaints, which will be published as an appendix to the Review. These findings will also be published on the IPCA’s website.

The Review has drawn insights from across a range of stakeholders

7. The IPCA has interviewed a range of interested parties, including the Ministry of Justice (Justice), the Department of Internal Affairs (DIA), local councils, and human rights experts from New Zealand and overseas. They have also drawn insights from other policing jurisdictions and have spoken to police officers from Australia, Ireland, and the United Kingdom, as other western democracies are seeing an increase in protest activities causing disruption, violence, and obstruction of key infrastructure.

Police has been working closely with the IPCA throughout the Review

8. Police worked closely with the IPCA on the Review last year, including supporting the stakeholder interviews, and through consultation with various workgroups in Districts, including frontline staff, and in Police National Headquarters. Police

¹ The NZBORA rights that support the right to protest are sections 14, 15 and 17, which state that everyone has the right to freedom of expression, to freedom of peaceful assembly and to freedom of association.

also engaged in collaborative discussions with the IPCA on the Review's findings and recommendations.

The Review makes four overarching findings, and a series of recommendations to respond to the findings

9. The Review makes four overarching findings. These findings and the related recommendations are outlined below.
10. Police acknowledges the findings and, in-principle, agrees with the recommendations, including the legislative recommendations. However, it is critical that any new legislative framework is fit-for-purpose, so further work will be required to fully understand the potential impacts of the legislative recommendations for Police if they are progressed.
11. There are also a number of recommendations relating to Police policies and training to which Police will need to consider how best to respond.

Finding 1: The Government should introduce new, standalone legislation, as New Zealand lacks overarching legislative guidance on the policing of protests

12. The key finding of the Review is that New Zealand's regulatory framework for the management and policing of protests is not fit-for-purpose.
13. The Review finds that while NZBORA contains the right to protest, New Zealand lacks overarching legislative guidance on what those rights should look like in practice, and what constitutes a reasonable limitation on those rights when balanced against others, such as public safety.
14. Unlike other comparable jurisdictions such as Australia, the United Kingdom and Canada, which have specific protest or public order legislation, New Zealand is reliant on case law, academic discourse, and international human rights frameworks.
15. The Review finds the operational impact of a lack of legislative guidance is that police officers are often left to make their own decisions as to what they consider to be a reasonable limitation on rights. While not unusual for Police to exercise their judgement, the Review finds that police officers often do not get the balance right.
16. For this reason, the Review recommends a new standalone Peaceful Assembly Act (the Act). Greater detail on the Review's recommendations for the content of the new Act is provided below. At a high level, the Review suggests it contain:
 - a. over-arching statements of principle on the type of impacts arising from an assembly that might justify limitations on fundamental rights
 - b. specific powers for the management and control of assemblies (including protests).
17. Standalone legislation would support the Government's restoring law and order priority by providing overarching legislative guidance to protestors, Police and

local councils, and by providing Police with law enforcement powers tailored for public assemblies.

18. Police is supportive of the introduction of a new standalone Act. Introducing a legislative framework is a priority for Police as it would provide clarity to both Police and protestors, and provide Police with tools to better manage protest situations. However, ensuring that the Act is fit-for-purpose will be critical for our staff.

Finding 2: New Zealand has insufficient legislative guidance for the notification of, and planning for protests

19. The Review finds that Police's ability to plan and deploy to protests is limited due to ineffective existing council bylaws governing the notification and approval of events in public spaces. It recommends that the new Act includes a notification regime, including requirements for advance notification by protest organisers, and the ability for Police to set conditions in advance of, and during the course of, designated types of assemblies.
20. The Review also finds that traffic management plans are frequently not provided to councils by protest organisers. There are a number of likely reasons for this, including the cost and expertise required to develop the plans. It finds that in instances where traffic management plans are not provided, the burden and cost of providing a plan tends to fall on Police.
21. To address this, the Review recommends that a new Act should specify who has responsibility for traffic management planning - Police or councils (or in the case of a State Highway, the New Zealand Transport Agency). Implementation challenges have been raised, including by DIA, who have advised that if councils accept responsibility for the cost of plans, there will be challenges budgeting for this activity. Where the cost falls is also a key issue for Police, and careful consideration, must be taken when progressing this recommendation.

Finding 3: Enforcement powers available to Police are insufficient

22. The Review finds that existing public order offences are not fit-for-purpose and create significant challenges for Police. For example, the offence of criminal nuisance is restrictive in a protest context, as it requires Police to prove, beyond reasonable doubt, that a person had actual knowledge or awareness of the dangers associated with their unlawful activity. This requirement is a particular problem in the protest context, where protestors take measures (such as wearing earmuffs) so that they cannot hear what police officers are telling them.
23. The Review also notes that other jurisdictions have a specific offence of impeding access to critical infrastructure, and that such activity is not adequately covered by the existing public order offences in New Zealand.
24. To address the weaknesses in the legislative tools, the Review recommends:

- a. the criminal nuisance offence should be amended to include negligent unlawful acts, that is, a failure to take reasonable care to avert evident danger
- b. the creation of new offences:
 - i. refusing to comply with reasonable instructions in defined circumstances, with an accompanying arrestable offence of failing to comply
 - ii. knowingly or recklessly impeding access to critical infrastructure
 - iii. picketing private residences.
- c. by creating the new above offences, breach of peace, disorderly and offensive behaviour, and obstruction offences should be explicitly excluded from use in protest or assembly situations.

25. The amendment of existing, or the introduction of new, public order offences would require significant work, including analysis of how such offences and the respective thresholds would operate in practice. Police would have a key role in helping to shape the development of these enforcement power recommendations.

Finding 4: Non-legislative improvements to Police policies, processes and training are needed

- 26. The Review states that legislative change alone is insufficient to address the issues identified. Police also needs to have the right policies and procedures in place, and officers must have the right training and skills to give effect to them.
- 27. The Review identifies some gaps and makes some recommendations to address these gaps, such as expanding National Public Order Capability training to all frontline staff in command roles who may be called on to respond to protests, and developing national guidelines as to the level of risk to which Police should to deploy.
- 28. Police is already undertaking work to improve training for frontline staff responding to protest activity. The Review acknowledges and applauds the significant work Police has completed to date to respond to the recommendations made by the IPCA in their 2022 Parliamentary Protest Review.
- 29. Any further changes to Police policies will have resource implications for Police, and further work is needed to determine how Police may progress these recommendations.

Ministerial support is needed to progress and prioritise the legislative recommendations

30. Justice would lead the development of a new Act. **s. 9(2)(g)(i)**

s. 9(2)(g)(i)

31. s. 9(2)(f)(iv)

32. As the inclusion of this work on Justice's work programme will require the prioritisation, and direction of the Minister of Justice, we recommend you meet with the Minister of Justice to discuss the Review's legislative recommendations, and the priority of further work on the legislative framework guiding protest activity and responses.
33. Given the Review proposes an ongoing role for councils in respect of local roads and other public places, we also recommend that you engage the Minister of Local Government in these discussions.

Next steps

34. The IPCA has advised they will publicly release the Review on Tuesday 18 February. Embargoed copies will be provided to the Minister of Justice and the Minister of Local Government.
35. If you wish to meet with the Minister of Justice and the Minister for Local Government, Police officials are available to support these discussions.



Tanya Roth
Director, Policy

First contact	Jenny Cross, Manager, Policy	s.9(2)(a) OIA
Second contact	Tanya Roth, Director, Policy	s.9(2)(a) OIA

Excerpts from the Weekly Report to the Minister of PoliceWeek ending 31 March 2024**Part Two – Policy & Strategic Updates**

IPCA Thematic Review of the Legislative Framework of Protests

Following several recent protests, the Independent Police Conduct Authority (IPCA) has received a number of complaints about the way in which these protests were policed. IPCA has advised that complainants have identified potential areas of law which appear either vague or not fit for purpose.

As a result, IPCA is undertaking a thematic review of the policing of protest events (the Review), with support from Police. The purpose of the Review is to examine the broader legal and operational framework for policing protest events. IPCA and Police will jointly:

- examine the extent to which the current framework and legislation is fit for purpose; and
- identify and collect information about a number of issues such as:
 - what the current operating and legislative framework is
 - what Police's current public order policing operating philosophy is
 - whether the legal framework, including offences and arrest powers, are fit for purpose.

The Review will also obtain the view of other interested parties, such as The Free Speech Union.

On 26 March the IPCA met with officials from the Ministry of Justice and the Department of Internal Affairs to advise them of the Review, given their role in administering much of the relevant legislation that the Review will consider. Police was present at this meeting.

Police has been consulted on, and agreed, to the Review's Terms of Reference and work has now commenced. At the end of the Review, the IPCA will produce its own independent report. The IPCA has indicated that the Review will be completed and reported on by end of June 2024. We will provide you with further advice once the report is published.

Week ending 13 December 2024***Independent Police Conduct Authority - Thematic Review on the policing of public protests in New Zealand***

36. As advised in an earlier Weekly Report entry, the Independent Police Conduct Authority (IPCA) have this year been undertaking a coordinated review (the Review) of the policing of protests. The Review was initiated following a significant number of complaints to the IPCA of the policing of the "Let Women Speak" event in March 2023 and the recent protests concerning the war in Gaza. The Review has been developed in close consultation with Police. Other interested parties have

also been consulted, including the Ministry of Justice, the Department of Internal Affairs and local councils. The IPCA is currently finalising the Review and have advised that they will likely publish it on the week of 27 January 2025. We understand the IPCA will provide you and the Minister of Justice embargoed copies of the Review in the days before its public release. We will provide you with advice about Police's initial response to the recommendations to support your consideration of the report at that time.

Week ending 31 January 2025

Table 1: Upcoming Briefings

(Key - New briefings are indicated in blue)

Due Date	Number	Title
w/c 3 Feb	BR/25/07	Independent Police Conduct Authority (IPCA) Review of the Policing of Protests in New Zealand This paper informs you of the findings and recommendations made by the IPCA in their thematic review of the policing of public protests in New Zealand. It recommends you meet with the Minister of Justice to discuss the Review's legislative recommendations, and the priority of further work on the legislative framework guiding protest activity and responses. We understand your office will receive an embargoed copy of the Review on 13 February, ahead of its public release on 18 February.

Week ending 7 February 2025

Table 1: Upcoming Briefings

(Key - New briefings are indicated in blue)

Due Date	Number	Title
w/c 10 Feb	BR/25/07	Independent Police Conduct Authority (IPCA) Review of the Policing of Protests in New Zealand This paper informs you of the findings and recommendations made by the IPCA in their thematic review of the policing of public protests in New Zealand. It recommends you meet with the Minister of Justice to discuss the Review's legislative recommendations, and the priority of further work on the legislative framework guiding protest activity and responses. We understand your office will receive an embargoed copy of the Review on 13 February, ahead of its public release on 18 February.