



1 July 2020

Grant Carroll
fyi-request-12550-4e3b5f6d@requests.fyi.org.nz

Dear Mr Carroll

Re: Official Information Act request IR-01-20-12163 seeking information as follows:

Further to your email of 5 May 2020 relating to OIA IR-1-20-9193 you advise you felt Police had only answered two of your three questions regarding Northland roadblocks, so we have created a new OIA request above to answer the question you felt remained outstanding:

Was the setting up of these road blocks lawful and if it was what legislation or New Zealand law permits this? If they were unlawful what police action is being taken against those involved in setting them up?"

Firstly, please accept our sincere apologies for the delay in responding to your request.

Police has worked with some small and isolated communities who have felt particularly vulnerable and worried about COVID-19. Where communities have determined to undertake checkpoints to prevent the spread of COVID-19, Police has worked with those communities and other agencies, to ensure checkpoints are safe and not preventing lawful use of the road. That has meant Police working in partnership with the local authority, the local Civil Defence Emergency Manager, local iwi, and community groups. Police work in these communities every day with these people, so have been committed to working with them again now, especially where they are more vulnerable.

There were two pieces of New Zealand legislation that were applicable pertaining to this situation:

Powers available to Constables under Section 71A (1) of the Health Act 1956 included:

1. Enter into or on any land, building, aircraft, ship or vehicle; and
2. Inspect any land, building, aircraft, ship or vehicle and anything on or in it; and
3. Stop any vehicle, including a ship or taxiing aircraft; and
4. Prevent any stationary aircraft, ship, or vehicle from moving; and
5. Prevent an aircraft or ship from departing.

Powers available to Constables under the Civil Defence Emergency Management Act 2002 included:

1. The power to close roads and public places (S 88); and
2. The power to give directions to stop any activity that may cause or substantially contribute to an emergency (S 91)

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the way that I have responded to your request.

Yours sincerely,



Superintendent Steve Grealley
Commander: Major Operations Centre

Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand

Telephone: 04 474 9499. Fax: 04 498 7400. www.police.govt.nz