

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister for Oceans and Fisheries

Minister of Revenue

Associate Minister of Finance



17 DEC 2020

Dear Grace

Thank you for your email of 18 November seeking information under the Official Information Act 1982 (OIA) relating to issuing officers authorised under s 108 of the Search and Surveillance Act 2012 (SSA).

You asked four questions and sought some additional information as follows:

1. How can issuing officers be identified as being legitimately appointed?
2. Is there a register that we can refer to?
3. Is there a requirement for them to identify themselves on warrants?
4. How are identification numbers assigned?

You have also sought documentation that “provides for the use of numbers on warrants and an explanation as to their use”. Additionally, you have sought the identity and designation of four issuing officers.

Section 103(4)(a) of the SSA requires every search warrant to contain the name or other individual designation of the issuing officer and the date of issue. Identification numbers are assigned randomly as individual designations when the issuing officer details are first entered into the register following their authorisation to undertake the role.

A register of all presently authorised issuing officers is maintained on behalf of the Attorney-General by the Ministry of Justice in his capacity as Chief Law Officer rather than as a Minister of the Crown. The authenticity of a particular search warrant can be confirmed by reference to the register and/or to the authorisation of appointment made by the Attorney-General.

As the identity and designation of the four issuing officers is information received or generated in support of the Attorney-General’s functions and duties as Chief Law Officer and is not information held in my capacity as a Minister, this information is excluded from the operation of the OIA.¹

In accordance with s 19 of the OIA, you have the right to seek a review of this decision by way of complaint to an Ombudsman under s 28(3) of the OIA.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Parker'.

Hon David Parker
Attorney-General

¹ Refer s 2(1) definition of **official information** in the Official Information Act 1982. The Attorney-General, as the Chief Law Officer of the Crown is not such a Minister of the Crown and therefore is not subject to the OIA. See also Ombudsman, “Request to Crown Law Office for legal advice given to Minister” (1 May 2000), ref W44062.