

24 August 2022

Wayne Browning  
fyi-request-20016-0a1a04cd@requests.fyi.org.nz

Tēnā koe Wayne

***Request for information***

Thank you for your Official Information Act 1982 (OIA) request of 25 July 2022 in which you asked for information regarding Brian Tamaki.

My response to each of your questions can be found below.

- 1. The nature of any and all criminal charges filed against Brian Raymond Tamaki (a public figure born 2 February 1958) between 1st January 2000 and 25th July 2022, all arrest records as well as search warrants applied for and executed against the aforementioned*

This part of your request is refused in full under s6(c) of the OIA, as the making available of the information is likely to prejudice the maintenance of the law including the prevention, investigation and detection of offences and the right to a fair trial.

- 2. The outcome of all charges pertaining to the aforementioned*

I am informed that you also made the same OIA request of the Ministry of Justice, therefore you can expect a response to this part of your request from them.

- 3. Copies of all email correspondence, inter office memos, communications with Police prosecutors, SIS, and other government agencies, text messages, hand written notes and charging documents relating to Brian Raymond Tamaki (a public figure born 2 February 1958), and pertaining to the aforementioned*

A search was completed by our ICT team of the Police enterprise vault to locate any correspondence between Police and Brian Tamaki. The search captures emails that are sent and/or forwarded to multiple email addresses that mention Brian Tamaki. The search returned 8761 email communications, therefore this part of your request is refused under s18(f) of the OIA, as the information requested cannot be made available without substantial collation or research.

**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](http://www.police.govt.nz)

If you refined your request, Police could reconsider however due to the circumstances it is likely that relevant material would be withheld due to s9(2)(h) of the OIA, to maintain legal professional privilege and s6(c) of the OIA, as the making available of the information is likely to prejudice the maintenance of the law including the prevention, investigation and detection of offences and the right to a fair trial.

*4. Any and all correspondence with Police prosecutors, SIS, and other government agencies, text messages, hand written notes and charging documents pertaining to The Freedoms and Rights Coalition*

*5. Any and all correspondence with Police prosecutors, SIS, and other government agencies, text messages, hand written notes and charging documents pertaining to Covid-19 related marches, protests, and public disruptions caused by the same*

I have interpreted questions 4 and 5 to both pertain to The Freedoms and Rights Coalition, therefore these parts of your request are refused under s18(e) of the OIA, as the documents alleged to contain the information requested do not exist.

*6. Any valid reason as to why Brian Raymond Tamaki has not yet been charged as a terrorist under Section 6a of the Terrorism Suppression Act 2002*

Police has a range of tools available to respond to criminal behaviour, including prosecution for a criminal offence. When considering whether to prosecute, Police must consider the Solicitor-General's prosecution guidelines, which set out the expectations when determining whether criminal proceedings should be commenced and what charges should be filed. The guidelines are available at <https://www.crownlaw.govt.nz>.

In addition, for any offence being considered under the Terrorism Suppression Act 2002, the Solicitor-General's consent to prosecution is required.

Consideration of the thresholds required by law is undertaken on a case-by-case basis.

*7. Why New Zealand Police knowingly allow Brian Raymond Tamaki to continually engage in illegal activity, unlawful actions and terrorist activity without preventing him from doing so, filing charges, arresting him or otherwise prevent him from engaging in such activities*

This is not a request for official information as it invites Police to form an opinion, which Police is not required to do under the OIA. I am therefore refusing this part of your request under section 18(g) of the OIA, as the information requested is not held. I also refer you to the response to question 6.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely



**Maria Rawiri**  
Director: Office of the Commissioner  
New Zealand Police