

31 October 2022

Barry Murphy
fyi-request-20700-c689f8c1@requests.fyi.org.nz

Dear Barry

I refer to your Official Information Act 1982 (OIA) request dated 29 September 2022 for information relating to speeding infringements issued to Police.

You requested:

I'd like to understand for the last 12 month period individually by month, how many police vehicles have gone over the speed limit by 4km/h or more. I assume these vehicles are GPS tracked, so the data should be readily available. If at all possible, I'd also like to know if they were engaged in a pursuit or have an active critical job when doing so.

I am trying to gauge how many police vehicles are travelling above the posted speed limit and not being on an urgent case requiring speeding to save lives as I have witnessed speeding above 4km/h on many occasions in the past and would like to understand why common people dont have any tolerance.

While Police vehicles have telematics units installed, the functions currently used are limited and do not include speed monitoring. Therefore, this part of your request is refused pursuant to section 18(g) of the OIA as the information is not held.

You may be interested to know that the telematics functionality is currently under review and additional features, such as speed monitoring, may be activated in the future.

In addition, Police regularly publishes information about road policing offence data, including instances where a Police vehicle was captured exceeding the speed limit by a safe speed camera. I refer you to the 'Police speeding' tab on the road Policing data spreadsheet: <https://www.police.govt.nz/about-us/publication/road-policing-driver-offence-data-january-2009-june-2022>

The data set referred to above shows the total number of infringements issued to Police as well as the number of those that were waived. To answer whether the vehicle in each case was attending an urgent job would require Police to individually and manually review the correspondence associated with each infringement. This would place a significant administrative burden on Police and would unreasonably interfere with the operations of

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Police and is therefore refused under section 18(f) of the OIA as the information cannot be provided without substantial collation or research. However, the instances where an infringement was waived are indicative that the police officer in question provided a justifiable reason for exceeding the speed limit.

Please note that the Land Transport Act 1998 (the LTA) and the Land Transport (Road User) Rule 2004 (the Rule) provide defences which police officers may rely upon in circumstances where they would otherwise be breaching the LTA or the Rule. However, any decision to exceed the posted speed limit must be able to be justified in response to the event they are responding to, and wherever possible lights and sirens are continually used unless a tactical response is undertaken. I refer to you clause 1.8(3)(b) and clauses 5.1(3)(a), (b), and (c) of the Rule, and section 95(6)(b) of the LTA.

A copy of the Rule is available to view here:

<https://www.legislation.govt.nz/regulation/public/2004/0427/latest/DLM302188.html>

A copy of the LTA is available to view here:

<https://www.legislation.govt.nz/act/public/1998/0110/latest/DLM433613.html>

If you are not satisfied with the way I have responded to your request, you have the right under section 28(3) of the OIA to ask the Ombudsman to review my decisions.

Information on how to do this is available online at www.ombudsman.parliament.nz

Yours sincerely



Inspector Mike Brooklands

Acting Director: National Road Policing Centre
Police National Headquarters