

28 January 2025

Shelly

fyi-request-29627-200a088f@requests.fyi.org.nz

Dear Shelly

Thank you for your Official Information Act 1982 (OIA) request of 19 December 2024 in which you asked:

It has come to my attention that Schedule 1, Part 4, s 8 of the Policing Act 2008 states a Police employee who is defined as a Constable in the interpretation requires a written warrant of authority to become a transport enforcement officer under the Land Transport Act 1998.

Under the Land Transport Act 1998, s 201 the ability of the ministry to delegate function and power to any other agency was repealed and has been since 1 December 2004.

Is it not true and correct for the past 20 years the NZ Police have been undertaking transport enforcement officers duties pursuant to the Land Transport Act when they are not warranted?

Police does not provide legal advice or legal interpretation services to the public. Your request is therefore refused under section 18(g) of the OIA as the information requested is not held.

However, you may be interested in the interpretation of an enforcement officer provided in the Land Transport Act 1998 (refer to section 2). The interpretation includes a constable; a police employee who is not a constable who is authorised for the purpose by the Commissioner; and a person who is appointed to that office by warrant under section 208 of the Land Transport Act 1998 or who holds that office by virtue of the Act.

In addition, the Policing Act 2008 defines a constable in section 4 as a police employee who holds the office of constable, and includes a constable who holds any level of position within the New Zealand Police.

If you need help interpreting these references, I recommend you seek independent legal advice. Free legal help may be available to you through Community Law or the Citizens Advice Bureau.

Police National Headquarters

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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 Peter McKennie
Acting Director: Road Policing
New Zealand Police