

# ***Police Act*** ***Review***

*Building for a modern  
New Zealand Police*

## ***Public views on policing***

*An overview of submissions to  
Policing Directions in New Zealand  
for the 21st Century*



*August 2007*

# Contents

INTRODUCTION	2
OVERVIEW	5
ANALYSIS OF SUBMISSIONS	10
Question 1: Key principles to guide policing	10
Question 2: Effective policing for New Zealanders	12
Question 3: People in policing	21
Question 4: Platforms for success	26
Question 5: Anticipating the future	34
Additional issues raised	38
ANNEX: LIST OF SUBMITTERS	41

## Introduction

In March 2006, Cabinet agreed to a comprehensive review of the legislative arrangements for policing, leading to a rewrite of the 1958 Police Act and its accompanying set of Regulations.

Responsibility for leading the review was given to New Zealand Police, as the organisation most directly affected by the existing legislation, and with unique insights into its strengths and weaknesses. The mandate for the review was broad-ranging, and signalled a desire for a national conversation with New Zealanders about of policing. A green light was given to go back to first principles, to challenge things taken-for-granted, and to encourage public debate.

### About this report

This report sets out a range of comments made in response to the five key questions asked in the discussion paper, *Policing Directions in New Zealand for the 21st Century*, and highlights common themes which emerged from the submissions.

For ease of reference, it has been structured in the same order as the *Policing Directions* discussion document, with additional issues raised by submitters listed in the final section.

The report has been specifically consulted with members from Police's Office of Māori, Pacific and Ethnic Services who attended meetings within those communities. The report has been supplemented by observations from those members.

### Starting a conversation on policing

To allow New Zealanders to articulate what kind of police service they want, and to enable them to have a say in shaping legislation, three phases of public consultation were proposed. The first of these consultation phases began in June 2006, with the release of eight *Issues Papers*. These were designed to 'test the waters' and stimulate discussion on significant policing topics. The themes selected were:

- Principles
- Governance and accountability
- Employment arrangements
- Community engagement
- Powers and protections
- Relationships
- Administration
- Conduct and integrity.

The *Issues Papers* were progressively released over a six month period, with copies available in printed form as well as online via a dedicated website ([www.policeact.govt.nz](http://www.policeact.govt.nz)). The papers were widely publicised and distributed to a range of individuals, agencies and interest groups.

In parallel, a platform for debating some of the topics was created by convening four discussion fora, in conjunction with Victoria University of Wellington's School of Law, School of Government and Institute of Criminology, and Auckland University of Technology's School of Social Sciences. These special roundtable events brought together key thinkers from around New Zealand and overseas to discuss principles of policing, governance and accountability, and community engagement.

An analysis of the *Issues Papers* was published in February 2007. Approximately 230 unique responses to the papers were received. Responses came from large sector agencies (e.g., the Department of Corrections), Crown entities (e.g., the Office of the Privacy Commissioner), stakeholder organisations (e.g., the Police Association), various groups (e.g., community law centres) and individual members of the public.

Research on New Zealanders' expectations of policing was also commissioned, offering an insight into public views on the sort of police service people want and expect. The research commenced in August 2006 and concluded in December that year. The final report provided a wealth of information highlighting current perceptions of New Zealand Police, and aspirations for police of the future. The summary of the research, *What the New Zealand public want and expect from their police in the 21st century*, was published in March 2007, and as with all the Police Act Review documents is available from the website [[www.policeact.govt.nz](http://www.policeact.govt.nz)].

### Consulting on possible policing directions

The review's second main phase of public consultation commenced with the Minister of Police's release of *Policing Directions in New Zealand for the 21st Century* on 31 May 2007. Public views on the discussion paper were invited over a two-month consultation period, with all submissions due by 31 July 2007.

**Policing for the future**

The government is proposing changes to the law that enables police to do their job

During June and July 2007, you can provide your views in response to the government's discussion document - *Policing Directions in New Zealand for the 21st Century*.

For more information about the review of the nearly 50-year-old Police Act, visit [www.policeact.govt.nz](http://www.policeact.govt.nz), your local library, or a police station.

Have your say on the future of your police

**Police Act** *Review*

[www.policeact.govt.nz](http://www.policeact.govt.nz) Building for a modern New Zealand Police

*Policing Directions* drew on a similar range of topics from the first phase of consultation, but shifted the discussion to firmer proposals. *Policing Directions* put forward close-to-final preferences to generate responses and reactions to future policing options.

Awareness of the consultation exercise was raised through multiple channels, including paid-for and free media coverage. For example, advertisements ran multiple times on 180 different radio stations around the country, with print advertisements in 16 daily and a range of community newspapers. A quarter-page advertisement was also placed in a prominent Sunday paper in the middle of the consultation period [see image above].

Innovative use was made of non-traditional media. For instance, a 30 second item on the Police Act Review was screened via HealthTV in the waiting rooms of 85 GPs across the country, reaching an estimated 100,000 people.

Awareness of the consultation process was aided by mainstream media pick-up. For example, opinion editorial commentary by the Police Act Review team was printed in nearly 90 daily papers, with more than

50 stories featuring the consultation exercise in national and local newspapers. In addition, several items on the Police Act Review ran on major television news programmes, boosted by numerous radio interviews and talkback coverage, including items on Te Waatea Māori news bulletin and Chinese community radio.

Particular efforts were made to raise awareness about the consultation exercise with 'hard to reach' and 'hard to hear' populations. To allow maximum uptake of the opportunity to have a say on the discussion paper, a summary booklet version was translated into Māori, and a short pamphlet detailing key proposals was translated into 10 other languages (including Samoan, Tongan, Chinese and Korean). To connect with older New Zealanders, the opportunity was taken to brief the Ministerial Advisory Council for Senior Citizens about the review. And the perspectives of new migrant groups were sought through direct mail-out of the discussion paper to identified representative organisations.

In an effort to reach youth, and catalyse thinking about policing by tomorrow's leaders, a national essay competition for secondary school students was held. More than 130 entries were received from throughout New Zealand, with the top essays being uploaded to the Police Act Review website. Further awareness was promoted through co-sponsorship of the 2007 New Zealand Schools Debating Championship, and 2007 Joynt Scroll competition run by the New Zealand Universities Debating Council. Work was also done with the Ministry of Youth Development to stimulate awareness of the review via its networks, and "Aotearoa youth voices" website [[www.myd.govt.nz/ayv](http://www.myd.govt.nz/ayv)].

## Direct engagement

Taking advantage of the fact Police is a nationally distributed organisation, with a human presence in towns and cities up and down the country, steps were also taken to directly consult the *Policing Directions* document with New Zealanders in their local communities. More than 80 public meetings were held in June and July 2007 to outline the proposals in the paper. The consultation process was generally well received; at some meetings there was standing room only, while at others turn-out was poor. Overall, more than 1,200 people attended these events. Key points from discussions at the meetings were noted down and fed back to the Police Act Review team. Members of the public were encouraged to make written submissions on the proposals by post, fax, email, or by using an

online response form available on the Police Act Review website.

As well as holding public meetings, Police managers in each District included discussion of the Police Act Review on the agendas of more than 40 regular partnership meetings they participate in. Partner agencies were encouraged to follow up on the resulting roundtable discussions by making a submission on the *Policing Directions* document itself. Additionally, briefings were given to key partner agencies and fora in Wellington (e.g., Local Government New Zealand's Chief Executives meeting). Separate meetings were convened in each Police District to ensure Police staff had an opportunity to comment on the proposals in the *Policing Directions* discussion paper. Members of Police were further encouraged to make a submission, either in a personal capacity or through their union groups.

## **Who responded?**

Overall, 234 unique submissions were received on the discussion document, including seven consolidated responses from police service organisations and internal Police groups, 11 from Government departments and Crown entities, 54 from local government sector groups, 37 from non-government organisations, community groups and private companies, 101 from members of the public, and 24 submissions from respondents whose status is unknown. Respondents were given the option to identify material in their response as confidential, although only one of the 234 submitters elected to remain anonymous.

The 24 submissions whose status is unknown made their submission either through the online form on the Police Act Review website or the Ministry of Youth Development "Aotearoa Youth Voices" website, and chose not to provide any personal details.

The names, details and content provided by submitters have been accepted in good faith. A detailed list of submitters is provided in the Annex at the end of this report.

## **The nature of responses**

Not all submitters answered every question in the discussion paper, although comprehensive responses were provided by a number of groups (notably, territorial local authorities). A number of submissions expressed general support for the ideas in the document, rather

than indicating support for specific proposals. For example, many submitters simply answered 'yes' when asked "Do you endorse the suggested legislative proposals to support effective policing?"

In addition to this more general support, there were several organisational and individual responses which focused specifically on one issue (such as the possibility of Police recovering costs for special policing services).

In many cases very little opposition to proposals was articulated, making critical analysis of a position difficult.

## **Methodology**

A qualitative approach has been used to analyse the submissions. Wherever possible, direct quotes from submissions have been linked to the specific questions in the discussion paper. The use of direct quotes is to ensure a range of submitters' voices are heard. Some editing of quotes has taken place; however, efforts have been made to maintain the original intent of respondents. All quotes have been anonymised to allow a more dispassionate reading. However, they are referenced with a unique number and can be cross-referenced to the list of submitters in the Annex. This style was chosen to illustrate the broad spectrum of views on each of the proposals in the discussion document.

Using a qualitative approach has meant a numerical count to express levels of support is neither useful nor possible. As an alternative, indications of the approximate amount of support for each proposal have been given. For example, the report uses the term 'majority' to indicate a far larger number of submissions were in support of a proposal than opposed it.

## **Next steps**

This report will help to inform the preparation of a suite of policy papers to be presented to Cabinet by the Minister of Police during September 2007. Following Cabinet decisions, drafting instructions for a Policing Bill will be issued.

## Overview

As a high level summary of the submissions, the following tables provide an overview of the responses to proposals.

### Principles

Issue	Current situation	Discussion paper	Submissions
<b>Role statement and legal status</b> Should a new Act say something about the role and functions of New Zealand Police?	The 1958 Police Act contains no purpose or role statement for Police. It is also silent on Police's legal status as an instrument of the Crown.	Proposed introduction of a carefully-drafted function statement in a new Policing Act, and confirmation of Police's legal status.	General support for a function statement in new Act, with a broad, rather than a narrow, statement of Police's role. Confirmation of Police's legal status in Act also endorsed.
<b>Policing a shared responsibility</b> Should a new Act reflect the reality that Police is not the sole contributor to safe and secure communities?	Current Act silent on the contribution of others to policing.	Suggested there be a clear statement that Police sits at the hub of a networked and co-operative policing environment, with key roles played by other enforcement agencies, local government, and ordinary citizens.	Little specific comment generated. Several submissions endorsed the role the public can, and should, play in helping Police prevent and detect crime. Also enthusiasm for the contribution of local government to be recognised.
<b>Idea of principles</b> Should a new Act establish principles to help guide how policing is done in New Zealand?	No principles of policing contained in 1958 Act. (But the constabulary oath offers some hints).	Identifies several principles of policing which might be given statutory recognition.	A majority of submitters supported the inclusion of such principles in a new Act. Strong endorsement of the policing principles included in the paper.

### Effective policing for New Zealanders

Issue	Current situation	Discussion paper	Submissions
<b>Command and control issues</b> Should a new Act deal more directly with how the chain of command works within Police?	Arrangements for command and control currently set out in regulations. Also not as definitive as they could be.	Proposes to elevate command and control features to statute, and deal more clearly with issues such as obedience to superior orders and working in multi-agency settings.	Few comments made on this issue. Of the submissions which did address this point, most favoured a new Act bringing greater certainty to this area.
<b>Allocation of policing powers</b> How might a new Act best allow for appropriate powers (and protections) to be assigned to different categories of Police staff?	Current Act enables some powers to be assigned by warrant, but not search and arrest. Mainly relies on powers flowing to staff from being sworn as constables.	Suggests broad categories of Police employees who might receive targeted powers (including search and arrest) be set out in statute, and linked to skills and training.	General support for improving the system for allocating targeted powers to Police staff. Some submitters emphasised the need to retain the office of constable.
<b>Information sharing</b> Should policing legislation enable, or speed up, the legitimate sharing of information?	Current Police Act does not separately provide for sharing information; mainly dealt with under the Privacy Act 1993.	Carefully-framed amendments to the Privacy Act noted as an option being looked at in other legislative reviews.	Strong support for effective information sharing between law enforcement agencies.

Issue	Current situation	Discussion paper	Submissions
<b>Identity checks</b> Should new policing legislation enable faster identification of people being detained by police?	Provisions in the 1958 Act allow for people's identifying particulars to be taken, subject to some limitations (e.g., detainee must be "on a charge").	Suggested updating the existing provision, to remove reference to a person being "on a charge", potentially allow for particulars to be taken outside of police stations, and allow a wider range of biometric information to be used for checks.	Mixed views. More submissions supported the proposals than opposed them. But anxieties were voiced by some about identity checks being done at the roadside (although many concerns went well beyond what was proposed in the paper).
<b>Searching visitors to police stations</b> Should there be a specific power to search entrants to police-controlled buildings?	Current Police Act focusses solely on searches of people to be locked up in custody, rather than people visiting detainees, etc.	Noted assurances from legal advisors that adequate search powers can be exercised by consent.	Although public views were not specifically sought on this issue, a number of submitters nonetheless observed that a clarified search power would be useful.
<b>'Move on' power</b> Would a statutory dispersal power be a sensible addition to police's tool kit?	At present, there is no legislative basis for police to request a person to move away from danger, or from a scene.	Responses invited on whether New Zealand police should have access to a 'move on' power, similar to other jurisdictions.	No clear consensus among submitters, but majority support for such a power. Strong opinions were voiced both for and against the proposal.
<b>Handcuffing</b> Should handcuffing by police be legally presumed to be a reasonable use of force, unless there is evidence to the contrary?	Currently no specific statutory authority for the use of handcuffs by police. Handcuffing must be justified on a case-by-case basis.	Idea floated that police use of handcuffs might be legally presumed a reasonable use of force; but this legal presumption could always be rebutted on a case's specific facts.	Support shown for providing greater legal certainty for police's use of handcuffs. But some anxiety that such a step may result in police using handcuffs more often.
<b>Police assisting the incapacitated</b> Should the power to assist the drink- and drug-affected people be moved to the Policing Act?	The power to help incapacitated people is currently set out in the treatment-focussed Alcoholism and Drug Addiction Act, not Police Act.	Proposed to transfer the ADA Act power to a new Policing Act. Suggestion also made to resolve difficulties with 12 hour maximum 'sobering up' time.	Majority support for proposals. Some who voiced concern did so on the basis of not wanting to overburden police with a role others could (and should) perform.
<b>International policing activity</b> Should the new Act mandate Police's co-operation with enforcement agencies overseas?	The 1958 Act is silent on the role New Zealand Police plays internationally and does not give express support to information sharing.	Idea floated that new Act might expressly enable appropriate co-operation between New Zealand Police and enforcement agencies overseas.	Very few comments made in submissions on this possibility, but none opposed the idea.
<b>Covert policing</b> Might the new Act give clearer recognition and support to covert policing activities?	No provisions in the 1958 Act address covert police work (although there is some mention in other legislation, e.g. Evidence Act 2006).	Suggestion made to formalise the use of assumed identities by authorised Police staff.	Did not attract a lot of comment. Of those who submitted on this, most welcomed the prospect of greater legislative support in this area.
<b>Legal protections for tactical staff</b> Should the work of Police's tactical groups be given greater protection?	Generic hazardous substances laws create doubt about aspects of the work of Police's tactical groups (e.g. use of distraction devices).	Proposal to replicate exemptions which apply to New Zealand Defence Forces re: the storage/deployment of explosive material.	No opposition to this scenario raised in the submissions, although very few responses on this issue were made.

Issue	Current situation	Discussion paper	Submissions
<b>Identifying police</b> Might the new Act provide greater assurances about the status of people who present as Police employees?	No basis in 1958 Act for a formal ID card or warrant system.	Proposal to implement a warrant card system for all staff entitled to exercise policing powers. Also, warrant card to be linked to employment status.	Strong support for proposals.
<b>Protecting against impersonation</b> How might the new Act best protect against misuse of the Police name, uniform, and other branded items?	Current Act contains offences relating to personation of police (albeit with relatively low penalties). Little ability to protect against misuse of the name Police.	Recommendation that penalties for relevant offences be increased, reinforcing the gravity of such offences. Also proposal for a consent system to manage use of the name "Police".	Proposals supported by most submissions addressing this issue.

## People in policing

Issue	Current situation	Discussion paper	Submissions
<b>Good employer</b> Should a new Act clearly state the Commissioner will act as a "good employer"?	Under the 1958 Act, the Commissioner is only obliged to follow the good employer principle "as closely as possible".	Proposes to remove the qualification to the full good employer principle.	Majority support for the Commissioner of Police to be held to the same standard as all other state sector employers.
<b>Employee vetting</b> Should a new Act allow for enhanced pre-employment vetting of aspiring Police staff?	Present Act does not contain provisions on vetting. Criminal Records (Clean Slate) Act 2004 applies to non-sworn employees, but not constables.	Strengthened checks proposed in relation to scope of Clean Slate Act, routine collection of biometric data from all Police staff, and use of new financial/integrity statements.	Support for enhanced vetting processes, but questions whether they would need to be legislated for. Some concerns about wider collection of biometric information from staff.
<b>'One Police' idea</b> Should a new Act, as far as possible, unify all Police staff under a single workforce model?	Current Act divides employees into two categories - sworn and non-sworn staff. Approach impacts in various ways (e.g. different systems for managing conduct).	Proposes to create a single employment framework for all staff, supported by a solemn undertaking all staff would take, and introduction of one <i>Code of Conduct</i> .	Support for a more unified approach in a new Act, so long as office of constable not 'muddled'. Also general level of comfort with Police being covered by the Employment Relations Act in most cases.
<b>Role of constable</b> How might a new Act strengthen the office of constable?	Constables dealt with often indirectly in 1958 Act. Ability to appoint "casual" and "temporary" constables (used for roles like jailers and prisoner escorts).	Proposes to reserve the office of constable to fully qualified staff, with targeted powers able to be assigned to staff for defined roles (instead of swearing them in as constables).	Solid support received for greater assurance about who holds the office of constable, and for limited powers roles to be enabled by new policing legislation.
<b>Registration</b> Should a new Act build on Police's existing certification system, and pave the way for a full professional registration model?	Virtually no detail in 1958 Act about need for prior training etc. before staff may undertake certain functions (with the sole exception of Police dog handlers).	Views sought on the possibility of making future provision for a Policing Registration Board, to support a system of registered practitioners who are certified in key skills.	General endorsement of taking steps to lift recognition of policing as a profession, underpinned by more robust training.

Issue	Current situation	Discussion paper	Submissions
<b>Lateral entry</b> Should a new Act contain provisions enabling for inward and outward staff movements?	Secondments to and from Police not a feature of 1958 Act.	Suggests there might be value in a new Act expressly allowing for secondments to and from Police.	Little specific comment generated, but general support in submissions which addressed this issue. Some questioned the need for legislation.
<b>Leadership</b> Should a new Act explicitly encourage the development of leaders/managers?	Development of senior staff not a feature of 1958 Act.	Suggests there might be value in confirming the Commissioner's responsibility to develop senior staff.	General support for the proposed provision, but again little specific comment generated. Need for legislation was again questioned.

## Platforms for success

Issue	Current situation	Discussion paper	Submissions
<b>Details relating to Commissioner and Deputies</b> How should a new Act deal with the appointment, tenure etc. of the top office holders? Should there be a fuller description of the Commissioner's role in a new Act?	Under the 1958 Act, the Commissioner and any Deputies are appointed by the Governor-General, serve 'at pleasure', and may delegate functions. Default rule for when Acting Commissioner is required. Only limited role statement for Commissioner.	Proposes to be much clearer in legislation about details relating to the Commissioner and Deputies. Basic approach to lift up the current conventions into statute, or bring across provisions from the 1992 Regulations up to the primary Act.	Few submissions dealt with these issues in detail. Most seemed to be comfortable with specific proposals in discussion paper. Some support evident for prior policing experience to be a statutory pre-requisite for appointment as Commissioner or Deputy.
<b>Commissioner/Minister relationship</b> Should a new Act define parameters of the relationship between Minister and Commissioner?	Virtually no guidance on the relationship between the Minister and Commissioner in the 1958 Act.	Proposes a new Act reflect conventional understandings of the relationship, including the Commissioner's independence on operational matters.	Strong endorsement of clear statement in Act about freedom from political direction on operational matters.
<b>Accountability for performance</b> How might a new Act provide greater support for Police to be accountable for performance?	Standard supports not available to Police under State Sector Act 1988 (e.g. advice on machinery of government issues). Subject to various ad hoc reporting rules.	Proposes to allow Police to benefit from greater State Services Commission support. Questions whether a comprehensive Police Annual Report might be better than one-off reporting obligations.	Many supportive submissions, but little commentary. Seemed to be general support for reinforcing a strong culture of accountability for performance, especially to local communities.
<b>Inquiry power</b> Should a new Act contain an inquiry-calling power?	Section 56 of current Act provides a power for the Minister to convene an inquiry.	Notes this power has never been used, and questions whether it remains necessary.	Support to roll-over the existing power, as long as the Commissioner is also able to set up an independent inquiry.
<b>Regulations</b> Can more technical issues be put into regulations, rather than a new Act?	Broad empowerment in the 1958 Act to pass regulations, but only one current set of regulations issued.	Suggests updating current regulation-making power in Act, and transferring more detail to regulations.	Broad agreement on proposed approach.

Issue	Current situation	Discussion paper	Submissions
<b>Industrial options</b> Should a new Act continue to prohibit the right to strike for sworn police, balanced by special wage bargaining arrangements?	Prohibition against strikes and lockouts set out in 1958 Act. Legislated approach to wage bargaining, using compulsory conciliation and final offer arbitration.	Proposes a new Act extend the limitations on industrial action to all Police employees, retention of final offer arbitration system, but additional balance in arbitration criteria.	Most welcomed assurances about the continuity of policing, but did not go into detail. Some opposed any limit on the right to strike, or widening the ban to all Police staff.
<b>Decisive action to remove staff</b> Might a new Act allow employment action to be taken against Police staff, despite any parallel legal proceedings?	Present Act allows for dismissals due to "incompatible behaviour", linked to disciplinary process. But no equivalent to powers in overseas legislation re: loss of confidence removals.	Proposes the new Act allow a Commissioner to dismiss staff if, due to their competence, integrity, performance or conduct, they are not suitable to remain in Police. This would be separate to the <i>Code of Conduct</i> processes.	Some strong opposition to aspects of the proposal, based on perceived natural justice concerns, but also some support for the Commissioner to be able to take decisive action to maintain confidence in Police.

## Anticipating the future

Issue	Current situation	Discussion paper	Submissions
<b>Reducing bureaucracy</b> Could a Bill leading to a new Policing Act be a vehicle to allow infringement notices to be used to deal with more low-level offences?	The ticket option is typically listed in the legislation creating offences (e.g. Sale of Liquor Act 1989). Not all lower-level offences can be dealt with by 'on the spot' tickets at present.	Notes parallel reviews are examining the infringement system. Asks whether there might still be value in adding to police's tool kit ahead of these reviews (e.g. for liquor ban bylaw breaches).	Submissions gave cautious support to greater use of infringement notices. Some worried it could skew police towards less-serious offending, or result in unfair police practices.
<b>Integrity testing</b> Should a new Act explicitly mandate integrity testing of Police employees?	Current legislation does not permit integrity testing of Police staff (but does not prohibit it either).	Invites views on whether legislation to enable police integrity testing is necessary and/or desirable.	Divided opinions on this issue amongst submissions. Many see it as a 'solution in search of a problem'.
<b>New policing oversight agency</b> Would there be benefit in providing a statutory basis for a new policing oversight agency?	No equivalent body enabled by legislation at present in New Zealand (although there are overseas). Existing Police Complaints Authority (PCA) focuses solely on Police.	Floats idea a new Policing Oversight and Improvement Agency, to work alongside the PCA. Would have a broader coverage across all groups involved in policing.	Mixed support. Viewed as a way of providing heightened assurances about the delivery of policing services, but some confused the proposed new entity with work of the PCA.
<b>Cost recovery</b> Should a new Act allow for costs to be recovered for 'over and above' policing at large public events?	Current Act does not enable cost recovery for special policing services (unlike the situation in most other jurisdictions).	Invites views on whether new policing legislation should enable the future development of a cost recovery system, if and when appropriate.	Mixed views. Strong opposition from some quarters (e.g. national sporting organisations), but cautious support given to the idea by a majority of submitters.

# Question 1: Key principles to guide policing

*Should a new Policing Act establish principles to help guide how policing is done in New Zealand? If so, what guiding principles would you like to see included?*

Legislation could establish principles to help guide how policing is done in New Zealand. Guiding principles for policing might include:

- acting impartially, so policing occurs free from improper influence or direction
- upholding appropriate standards of conduct, personal integrity and professionalism
- providing a national service, yet linking strongly with local people and communities
- emphasising that policing is a shared responsibility, with all members of the public being able to play a positive role in upholding the law, keeping the peace, preventing crime and crashes, and bringing offenders to justice.

## Overview

Of the submissions which specifically discussed this question, a majority supported the proposal to include some principles in new policing legislation.

Support was given for the four principles identified in the discussion document (bullet points above), and for Sir Robert Peels’ 1829 principles of policing outlined in the document. A number of respondents also nominated other principles they felt were important, including: honesty, confidentiality, accountability, fairness, complying with the rule of law, and that policing should be carried out with a focus on crime prevention and victims.

There was particular interest from some groups to include principles about Police’s relationships with other organisations or agencies. For example, one government agency noted a desire for a principle to cover Police’s collaboration with other agencies which also have enforcement roles. A significant number of submissions, particularly those from territorial local authorities, felt consideration should be given to including a principle regarding Police’s community connections and the need for community consultation on policing activities.

Some submitters were cautious about simply including principles, and not using them as a genuine reference point or accountability measure for the future.

There were also opposing views about whether principles should be included in the legislation, with some arguing a charter or purpose statement for police would be a more useful guide than principles. A small number of submitters could not see the value of including principles of any type in the new Act, some feeling that principles could quickly become outdated, and others thought them simply unnecessary.

A sample of comments from a range of submitters is set out in the following table:

Examples for the proposal	Examples against the proposal
<i>The inclusion of a set of guiding principles in the new policing legislation is absolutely critical. As an agent of the State that has powers to limit the civil liberties of citizens, it is essential for Police to operate under a robust set of guiding principles, and for these principles to be reflected and included in the every day policies and practices of the organisation</i> National representative organisation (90)	<i>What would enacting principles for NZ Police achieve? I do not believe the NZ Police Act should be about setting principles on how to help guide policing in NZ. The Act is about black and white... Principles for policing should be addressed across the organisation in codes of conduct, policy relating to Employment Relations, Health and Safety; Privacy; and methods of Policing that reflect the current day</i> Member of the public (164)
<i>We do support the inclusion of a set of principles in a new Police Act. There are many well-established principles in common usage, and extracting core principles from these should be possible</i> Community law centre (84)	<i>No, I believe that establishing principles to help guide how policing is done... is totally unnecessary. This has been done okay without ‘guiding principles’ so far and relying on common sense, so I am curious as to why anyone would think this is necessary now</i> Member of the public (206)

*The suggestion that legislation could establish principles to help guide how policing is done in New Zealand is supported by this Council... The guiding suggested principles for policing included in the consultation document are, in the opinion of this Council, a sound starting point for such a set of principles*  
 Territorial local authority (87)

*One would expect principles to be contained in Standard Operating Procedures rather than a piece of legislation. The reason being that over time societal attitudes change and it would be easier to tailor those changes/principles to keep up with public expectations*  
 Member of the public (160).

*Yes, overwhelming support for principles. [We] support principles based on Peel, Treaty of Waitangi, diversity - principles based on values*  
 Ethnic advisory group (234).

The discussion on principles attracted a wide range of responses. Some submitters picked up the invitation in the discussion document to put forward additional types of principles they saw as important. An indicative sample of these ideas is included below:

## **Further examples**

*I would like the most important principles in any new Policing Act to be that the Police are there to serve the Public, are basically employees of said Public, and strive to uphold the law in accordance with our Bill of Rights*  
 Member of the public (186)

*It is submitted that it would be a significant step forward to include in the principles a statement incorporating the willingness of Police to engage with public in dialogue relating to policing priorities and practices*  
 Community law centre (119)

*Council agrees with the principles as outlined in the review document but would also like to propose that the following principles be included - at the top of the list: That the prevention of any crime is always preferable to its solving*  
 Territorial local authority (132)

*Council supports the suggested statutory principles that encourage open and transparent links with communities, as well as guiding principles for the Police's relationships... based on cooperation, coordination and community engagement*  
 Territorial local authority (149)

*I would like to see included also the following principles: to act consistently with the Human Rights Act 1993, to act consistently with the New Zealand Bill of Rights Act 1990, to act consistently with the Official Information Act 1982, efficiency and effectiveness of standards of policing practice and freedom from political interference in operational decisions*  
 Member of the public (205)

*Principles should include an explanation of what the role of police is, both in enforcement and as positive role models to the rest of society, its role in prevention and protection and how the public can expect to be treated by police*  
 Territorial local authority (142).

## Question 2: Effective policing for New Zealanders

*Do you endorse the suggested legislative proposals to support effective policing? If not, how do you see legislation enhancing Police's effectiveness?*

There are several ways legislation could support the effectiveness of New Zealand Police. Options the government believes could be explored include:

- reinforcing clear command and control of Police
- improving the allocation of powers to members of Police
- sharing information to improve the chances of preventing re-offending
- supporting frontline policing by:
  - enabling speedy and positive identification of people being detained by police
  - ensuring appropriate searches can be conducted in police-controlled buildings
  - inviting views on a new power to move people away from danger or crime scenes
  - creating a statutory presumption that police use of minimal restraint (including, if appropriate, the option of handcuffing), when required, is a reasonable use of force
  - offering more certainty for police taking incapacitated people into safe custody.
- enabling modern policing tactics to fight serious and organised crime
- assisting with the recognition and status of members of Police
- upping penalties for impersonating police and unauthorised use of Police's name.

### Overview

There was a greater mix of responses for and against the proposals in the effective policing section of the discussion document. For example, there was firm support given to clearer command and control of Police, and a clear lack of support for significantly widening the gathering of biometric data from people in pre-arrest situations.

A number of proposals received cautious support, such as the presumption handcuffing is a reasonable use of force, while some proposals did not receive many comments at all, such as enhanced legal protections for tactical staff. Some submitters made general commentary for and against the whole set of proposals without specifying particular likes or dislikes. For example:

*"[...] has reservations regarding aspects of the proposed legislative changes that are related to supporting frontline policing. While establishing more clarity for these operational policing issues is favourable and recommended, this clarity should not come at the expense of human rights protection and promotion. In some instances, providing more powers to the Police in revised legislation would contradict the Bill of Rights" National representative organisation (122).*

## Command and control issues

There were limited submissions made on this point. The majority were supportive of the need for clarity around this area, with some respondents noting the importance of the public being aware of the command and control structure of police. Others felt the current situation was adequate and the status quo should be retained.

### Examples for the proposal

*[...] are firmly of the belief that command and control arrangements need to be clarified in the new Policing Act. The discussion document identifies that this lack of clarity in existing legislation is unhelpful, and [...] wholeheartedly agree with this assertion*  
Internal Police group (97)

*The command and control structure and principles should be included in the Act to provide clarity both for the Police and for the community. Some of the operational detail could remain in accompanying regulations to enable appropriate operational flexibility and interpretation. Clarity around the ability of non-sworn staff being able to direct non-sworn staff is essential if the skills of non-sworn staff are to continue to be utilised by Police*  
Territorial local authority (87)

*It is absolutely imperative that effective policing must have a very clear command structure. There must be very clear and specific details in legislation which set out the legal 'boundaries' of police*  
Member of the public (223).

### Examples against the proposal

*[...] considers the provisions in the current Regulations and Act satisfactorily address command and control. These should be carried over to a new Act. The Gazette and Police General Instructions are sufficient vehicles for the Commissioner to issue lawful instructions*  
Police service organisation (133)

*This Council questions the need to specifically address this issue in the new Act... It is submitted that a general statement that all members of Police must obey the lawful command of their superiors may not accurately capture the vast and complex situations where police officers may be directed to act by sworn and non-sworn police staff who may not be their superiors in rank*  
Territorial local authority (125).

## Improving the allocation of police powers

A majority of submissions supported the Commissioner being able to allocate certain police powers to a wider range of Police employees. Much of this support appeared to draw on the idea that such moves could free up constabulary staff for other duties. Some saw potential for such a development, but felt it should be carefully managed to avoid 'dumbing down' Police, or adversely impacting on the public's perception of Police. Often those who supported taking a more bespoke approach to the allocation of policing powers also wanted assurances individuals given such powers would be competent and skilled in their policing tasks, with appropriate checks and balances built into the system. For example:

*"While appreciating the potential areas of confusion between the roles of sworn and non-sworn staff, there needs to be adequate training and accountability put in place for non-sworn staff should they be used in roles currently fulfilled by sworn officers. In addition any warranted powers delegated to non-sworn staff need to be underpinned by appropriate accountabilities"*  
Territorial local authority (69).

Those who were not supportive of this idea felt it was preferable to remain with a full constabulary approach to powers. Comments for and against are listed below:

### Examples for the proposal

*The Commissioner providing non sworn specialists with certain, needed, police powers is a sensible move, with the appropriate training and guidelines in place. This would also mean that the Commissioner is directly responsible for ensuring that the guidelines and training is in place. If they are not then, like any employer, the Commissioner would be accountable if things go wrong*  
Member of the public (181)

### Examples against the proposal

*We recognise the current legislation appears to impede the Commissioner's ability to ensure the Police have the right people in the right positions, whether they are sworn or non-sworn staff. Proposing to have in statute a requirement for appropriate staff in appropriate roles appears unnecessary*  
Territorial local authority (139)

### Examples for the proposal

*[...] support greater flexibility around the allocation of Police powers; therefore taking advantage of specialist skills and experience for more specific Police roles (including current non-sworn roles)*

Internal Police group (97)

*The proposal that the office of constable continue to serve as the access path for general powers and protections is supported. Likewise, legislation to facilitate authorisation of staff to exercise more specialist policing roles under warrant is supported*

Territorial local authority (119).

### Examples against the proposal

*The Act should not codify police powers... The current distinction between sworn officers and non-sworn staff is not only healthy, but meaningful. The ability of sworn police to respond to the full range of situations where members of the public would expect police assistance forms the backbone of Police's relationship with society*

Police service organisation (133)

*It is accepted there is a need for specialists within Police. However, I think this issue is relatively simple - if a person undertakes Police training and passes then they can be called a constable. If they do not, then they are obviously civilians working for Police*

Member of the public (160).

## Information sharing

There was significant support for improved information sharing to combat crime. Areas where this was seen as particularly beneficial were in relation to family violence and child offending. There were two main types of organisations submitters felt could be involved in such a process; government organisations, such as Child, Youth and Family, and non-government organisations which work with state agencies, for example Women's Refuge or Victim Support. Some local government groups also felt Police could more actively share information about problem crime areas in their areas which could assist with crime prevention and better community safety. There were few contrary views expressed.

### Examples for the proposal

*In regard data and knowledge sharing the Council would benefit from greater information sharing arrangements. There is mutual benefit in formalising what information can be shared between Councils and Police. A good example of information that both agencies hold is in relation to brothels. Currently there is no formalised arrangement other than at local level around such information sharing. If the statutory requirements promote partnerships working (across all areas of work) with [...] that could help deal with any issues, with joint problem solving, project management, data exchange, reasonable information requests etc.*

Territorial local authority (82)

*Council supports enhanced information sharing between Police and other agencies subject to such measures being clearly defined in statute and a reasonable limit on people's privacy interest... This Council submits that enhanced information sharing powers in the new Act specify details relating to the category of persons on which information can be shared, the type of information that can be shared, the purpose of the information and the use of storage of that information*

Territorial local authority (125)

*Police's effectiveness would be enhanced by far reaching powers to identify a person through other Government agencies - WINZ, IRD, Land Transport, Customs, Immigration, Department of Labour... For a criminal to know that inter-agency sharing and identification is going on, would further worry them into being caught*

Member of the public (164).

### Examples against the proposal

*I do not agree with Police sharing information to members of the community as has happened in more recent times to the extent that when a person has paid their debt to society through the justice system then that individual should be able to get on with their life and not be hassled and judged for evermore!*

Member of the public (36)

*I read in your "policing directions" criticism of the Privacy Act. I don't believe that this is guilty at all of impeding efficiency and do not support AT ALL any enhanced "information sharing" that is proposed.*

Member of the public (206).

## Faster identification of individuals

There was a range of views around the idea of how to better enable identification of people in lawful custody. Those opposing suggestions in the discussion paper noted the potential human and civil rights implications, but it could be seen in some opposing comments the concern expressed applied to scenarios which went well beyond the proposals. For example, some responses appeared to believe the proposal was intended to randomly stop people and demand their particulars in any circumstances. Additionally, some opposing submissions did not support current powers to take particulars of identity in arrest situations, making the discussion for them a moot one.

Those who supported the proposals were in the majority, but often sought to qualify their support with sensible checks and balances.

Overall, the proposal received cautious to strong support, with some suggesting a middle ground approach. One commentator captured a recurring theme in submissions:

*"While it may be all right to request someone to verify their identity, they should not be compelled to do so unless they are charged. If you compel people to do this then you will upset a lot of people who have done nothing more than leave their wallet at home on the day they were stopped by a police officer"*  
Member of the public (181).

### Examples for the proposal

*I believe we should take full advantage of the advances that have been made in these [biometric] areas so that operations requiring identification of persons can be carried out in ways that are efficient and effective*  
Member of the public (185)

*Proposals to enable faster identification of people detained by using electronic finger printing... appear to be important for police frequently operating on their own*  
National representative organisation (68)

*Police should be permitted to request a person to supply and collect biometric data such as finger or thumbprints or a photograph in order to identify that person if they have supplied Police with other information or evidence... The biometric data of a known and identified person should be added to the Police central database if they are charged with an offence. The biometric data of an unknown and unidentified person should be added to the Police central database if that data was found at the scene of a crime in the course of a scene examination and not excluded as belonging to a victim, witness or other person known not to be a suspect of offender*  
Member of the public (200)

*Used appropriately and for its intended purpose, it can be an efficient tool... [If not, however, there would be] concern as to how this will be used, i.e. Maori, Pacific and ethnic communities likely to be subjected to more surveillance, more random checks*  
Ethnic advisory group (234).

### Examples against the proposal

*[...] considers the current section 57 is broad enough to capture a wide range of biometric data, though it may be useful to take the opportunity to re-word the power in a more technologically neutral way*  
Police service organisation (133)

*In particular, I object to Police being given the power to take your biometric details without you either being suspected of a crime or even charged with one. Especially when it could be tied with the random roadside stopping of innocent drivers Can there really be a guarantee this information about you would not be stored? And for how long?*  
Member of the public (186)

*We do not think it is necessary to require a person to furnish identifying particulars beyond name, address and date of birth. If a police officer has a cause to suspect a person is providing false particulars, they are able to arrest them and require accompaniment to the station for further checks. This standard is appropriate to protect an individual's privacy from being invaded even more*  
Community law centre (84).

## Searches in police-controlled buildings

There were a relatively few submissions on this issue, with a small majority supporting the proposal. There was no real consensus as to what level of searching was appropriate, with some submitters referring to searching at a personal level and others to a metal detector at the door of the building. Some felt there should be some exceptions to who could be searched. It was also not clear if any form of searching should be mandatory or discretionary. Another group of submitters thought while the power to search was important, they were not sure if the new Policing Act was the place for such a power. For example:

*"The power to conduct searches on persons in custody is important, but [...] believes detailed legislative provisions such as these should be located in a statute other than the Police Act, such as the Crimes Act"*  
Police service organisation (133).

Those who opposed the idea thought such as power was unnecessary, as access could easily be denied to those who refused to submit to a search.

Examples for the proposal	Examples against the proposal
<p><i>Any member of Police, qualified in conducting personal searches, should be permitted to search any person in, or any visitor to, any secure area of any Police controlled building before that person is permitted to visit or be left unaccompanied with any prisoner or placed in any cell or secure room, in order to ensure that person does not possess anything that may cause harm to any person. However, this should not apply to inspecting documents in the possession of any legal advocate</i> Member of the public (200)</p>	<p><i>Council believes the current search powers are sufficient and there is no need to strengthen these at this time (which agrees with the comment made in the consultation document)</i> Territorial local authority (87)</p>
<p><i>There are currently no guidelines that set out and define 'search and seizure'. An issue arises if this is defined in statute is that the clause will override the Bill of Rights. Enshrining grounds for searches in either guidelines or Police policy manuals would place operational weight behind the powers. This would also ensure searches would have to comply with the provisions of the Bill of Rights and take place within a human rights framework</i> International representative organisation (122).</p>	<p><i>We agree with the legal advice stated in the report that it is unnecessary to expand police powers in this area. Any searches of individuals in police-controlled areas can and should be by consent, with the existing power to request a person to leave an area if they do not consent to a reasonable search</i> Community law centre (84)</p>
	<p><i>It is submitted that no provision be included in the Act to provide for searches in Police-controlled buildings. This power should still only be exercised by consent with the consequence of denied access to those unwilling to comply</i> Community law centre (119).</p>

## 'Move on' or dispersal power

There were mixed views on this proposal. Some of those in support cautioned it would be important to have clear criteria for when such a power could be used. Respondents who opposed the proposal felt it could be misused to break up lawful protests, or over used in other inappropriate settings. A media representative organisation (34) felt it's members could be targeted at crime scenes as such a power is "likely to be used principally by police dealing with the news media".

Examples for the proposal	Examples against the proposal
<p><i>[...] supports the addition of the 'move on' powers for situations where interference from the public could hinder an investigation or where there is an immediate danger to any public in the vicinity</i> Territorial local authority (53)</p>	<p><i>I have concerns that the "new power to move people away from danger or crime scenes" could be abused by using it to break up and disperse legitimate protests; I think it would be a good idea to put guidelines in to prevent such abuse if such a power were given to police</i> Member of the public (207)</p>

### Examples for the proposal

*Council supports powers which improve safety outcomes at the roadside and facilitate crash investigation and emergency management. We note that this is a role already allocated to NZ Police under Co-ordinated [Incident] Management protocols, but the statutory authority to undertake this role is not as yet in place*  
Government agency (64)

*[...] agree that the Police should have the power to move people on from such situations where the public may be in danger, such as a car accident or a crime scene. Having said this...there always needs to be a legal protection for the rights of individuals to gather together with others to protest, enshrined in legislation*  
National representative organisation (226).

### Examples against the proposal

*If Police are allowed to move people on, this could be used to suppress a protest, which is a fundamental basis of democracy. No protests, means no democracy*  
Member of the public (161).

## Reasonable force/handcuffing

There was majority support to create a legal presumption in favour of handcuffing as a reasonable use of force. However, there were also strong voices in opposition. Where support was shown, it was often qualified support looking for the inclusion of appropriate checks and balances. As with the proposal around searches in police-controlled buildings, some submitters on the handcuffing proposal also wondered if this might be better placed in other legislation.

### Examples for the proposal

*Council naturally supports proposals to support effective policing, but would wish to be satisfied that the use of "minimal restraint" is carefully defined*  
Territorial local authority (142)

*It is recognised that the use of handcuffs by Police officers is not stipulated in legislation. We would accept that clarity is needed for the use of handcuffs as part of the application of reasonable force, particularly in the case of a single Police officer having to ensure their own personal safety when driving an alleged offender to a Police station*  
Territorial local authority (69)

*If you adopt a doctrine of reasonable force then all uses of force should be on a case by case basis. However, if you adopt a minimum and proportionate doctrine... then all those arrested should be handcuffed. If all arrestees are handcuffed then police officers will be safer from assault*  
Member of the public (181).

### Examples against the proposal

*I do not support a statutory presumption that use of handcuffs is a reasonable use of force. There is too much potential for misuse of these powers*  
Member of the public (203)

*We do not believe handcuffs should be used unless absolutely necessary, for instance safety. Handcuffs could be viewed as a mechanism that could cause severe embarrassment and humiliation to ordinary members of the public. If Police do use them in cases that do not warrant their use, then a public apology should be forthcoming. Apart from those two points we support the thrust of this bullet point*  
Member of the public (146)

*A reversal of the current presumption would undermine the emphasis that should be placed on Police to be vigilant regarding the burden of proof and good operational policing, particularly where they are dealing with potentially vulnerable members of the community in a conflict situation*  
International representative organisation (122).

Police assisting the incapacitated

Submissions indicated strong support for a Policing Act to take into safe custody drink- and drug-affected people. Those who voiced support sometimes lamented the reality of the need for such a change.

In a related vein, a number who did not support the proposal expressed the view it was not only the role of Police to carry out this work, and other agencies should also be involved in such activities. By way of an example:

*“While [...] acknowledge that at present the Police are empowered under section 37A of the Alcoholism and Drug Addiction Act to take any person found publicly drunk or debilitated... the final option is being used to excess. This is not a criticism of the Police but of the Health Service that currently does not provide adequate detox care in communities. [...] consider... [this] is an inappropriate use of Police time and resources”*  
Community representative group (17).

Examples for the proposal	Examples against the proposal
<i>It makes sense to incorporate the ability for the Police to take incapacitated people into safe custody into this Act. It has to be stated however, that it is a sad indictment on our health system that the Police are pressed into carrying out functions that are essentially based on health problems</i> Community law centre (119)	<i>I do not personally hold that police should be responsible for some of these people unless they are actually under arrest for serious crime. This is a mental health/societal problem and not just a police problem</i> Member of the public (223)
<i>The Police Act should indeed contain a statutory power to detain people who are intoxicated for as long as a medical practitioner sees fit. The presence and advice of a medical practitioner is imperative because the prisoner may be more suited to a hospital than a cell</i> Member of the public (181)	<i>If moved solely to the Police Act it will overburden Police and absolve others from carrying out their duties under the ADA Act. It may limit our options from seeking assistance from health officials, i.e. hospitals, mental health</i> Ethnic advisory group (234).
<i>In enforcing both council bylaw and community safety it is important the Police have the ability to take incapacitated people into safe custody. We support in principle, the introduction of such a provision... with an extension of the 12hr holding period, on the advice of a registered medical practitioner. However, there needs to be public debate on, and a clear definition of “incapacitated” and “safe custody”. It is our understanding there is constant pressure on police cells. Having this power, while useful, could prove counterproductive. We recommend Police advocate for the use of Government funded safe alternative types of holding cells that do not add to existing pressures such as community treatment centres</i> Territorial local authority (139).	

## Identification/impersonation of Police

A number of submissions expressed surprise New Zealand Police do not currently carry warrant cards. The clear majority supported the proposal to implement a more certain system of identification for Police employees. For some, the importance of a highly visible uniform was also important.

There were fewer submissions relating to protection or misuse of the Police name, uniform or other items, although the response was generally in favour of strengthening protections in this area.

Examples for the proposal	Examples against the proposal
<p><i>There is merit in issuing sworn staff with a warrant card, with expiry date, as proof of their entitlement to use powers. We do not support the wearing of name badges as we consider this exposes officer to unnecessary safety risks. [...] also supports strengthening legislation pertaining to impersonating a Police Officer and unauthorised use of Police uniforms strikingly similar to those of Police, which poses difficulties for the public in identifying Police Officers</i> Police service organisation (133)</p> <hr/> <p><i>I'm surprised that the NZP do not carry warrant cards. I support the adoption of the warrant cards. I'm also in favour of stronger penalties for those who impersonate the police. In regards to who should own the word 'police', I believe it is up to the public as to which organisation they consent to be policed by. I also believe that if the NZP own the word 'police' and all associated labels, that this ownership could be misused in a way that restricts any form of critical academic or media analysis. In other words it could be construed as a threat against the individual's right to express their opinions. Therefore, no single organisation should have the sole right to the use of this word. However, if there are concerns about the word 'police' being used by private companies as a means to co-opt the legitimacy of the NZP, then this must be safeguarded against. Perhaps, something like 'private security organisations cannot use the words police or policing to name or promote their enterprise'</i> Member of the public (181).</p>	<p><i>A "warrant card" is not needed as the plastic ID card police have now is sufficient... "protecting against the use of the word 'police' and its derivatives", I must point out that the word "police" is also a verb and this government does not own the word "police"</i> Member of the public (206)</p> <hr/> <p><i>[...] recommend that a general exception be provided for the screen production industry to hold and use Police items for their professional purposes. [...] also recommend this exception require screen producers ensure that they take adequate security steps to ensure that the items are not used to aid in criminal activity</i> Industry representative group (130).</p>

## International policing activity, legal protections for tactical staff and covert policing

Submitters were generally supportive of enabling modern policing tactics to fight serious and organised crime; however, there was little specific comment about the three topics. The following quote provides some overview of the tone of the comments:

*"For Police to be effective, adopting modern policing tactics is necessary of course"*  
Member of the public (36).

One submitter questioned the need for legislation in this area:

*"Perhaps there is already sufficient legislation to deal with serious and organised crime, we just need to invest some resources at a local level"*  
Member of the public (80).

Regarding international policing activity in particular, one submitter noted,

*"Drugs are a growing problem in New Zealand and Auckland. Combating drugs and other illegal activities outside of NZ borders is imperative if we are to prevent the flood of such goods into our communities. It is important that the NZ Police have the ability to share information gained in NZ with international enforcement agencies... Because of limited police resources, it is important that there is a balance between international collaboration and national and local priorities. Something to this effect must be included in new legislation to ensure that resources are not continually taken from the community to serve international interests"*

Territorial local authority (139).

In terms of discussing covert policing and giving greater statutory recognition to this, submissions generally supported such moves.

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#### **Examples for the proposal**

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*Council agrees that the Police undercover programme should be given a firmer legal footing to enable adequate legal provisions for the acquirement and use of false [assumed] identification documents*  
Territorial local authority (125)

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*[...] support formalising the practice of issuing false drivers licences to named undercover officers under statutory warrant where required*  
Government agency (64)

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*[...] supports providing statutory support for undercover operations/personnel, covert investigations, special tactics and procedures to assist with the presentation of evidence. However, we see these provisions as generally more appropriately located in legislation such as the Evidence Act*  
Police service organisation (133).

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## Question 3: People in policing

*Do you support the legislative proposals aimed at modernising Police's employment environment?*

New policing legislation could support the Police Commissioner's ability to employ a workforce with the range of skills, powers and protections needed to meet current and future demands.

In particular, a new Policing Act could:

- confirm the Commissioner's commitment to act as a good employer
- strengthen approaches to pre-employment vetting
- provide a unified basis for setting employment terms and conditions
- reinforce Police's oneness with a single *Code of Conduct* and a new solemn undertaking
- offer more options for empowering appropriate people to perform specific policing tasks
- clearly facilitate temporary secondments to and from Police
- acknowledge the importance of developing Police's leaders and managers
- expand the use of certification within Police to move towards a registration system, as a step to developing a professional model for New Zealand Police.

### Overview

There was strong support for the modernising themes in Police's human resource arrangements. Of the submissions received on particular suggestions, many supported moves towards a mainstream employment environment.

While this overall support could be detected, often there was little detailed comment around which particular aspects they were in favour of, or the reasons for their support. In comparison to other sections of the discussion document, some aspects of the human resources discussion saw a lower number of submissions received. This may be due to members of the public seeing these as internal matters for Police, or more relevant to departmental commentators. For example, the following comments are somewhat representative of feedback to this section:

*"What's not to like about this framework [see para 4.18]. It appears to have the potential to regulate police behaviour, while providing for the primacy of the office of constable at the same time as acknowledging the need to be flexible where secondment and the provision of specialist expertise is needed"*  
 Member of the public (181), and

*"Regardless of the role and position, NZ Police are affected by the same issues and constraints as I, Jo Public am, and should not be treated any different. They are motivated by money, seek recognition for a job well done, worry about their individual/colleagues well-being and their family and extended family. I support the modernising of the NZ Police employment environment to fit with employment relations legislation"*  
 Member of the public (164).

## ‘Good employer’ principle

There was strong support for the concept of the Commissioner being held to the same standard as all other state sector employers. Much of the commentary was framed in terms of encouraging diversity and maintaining fair and open recruitment processes. There were no comments specifically opposing the proposal.

### Examples for the proposal

*The public has the right to expect that the Commissioner, like any other Chief Executive in the Public Service of New Zealand is required to satisfy the Parliament, to which he is accountable that; the New Zealand Police is a “good employer” and has a ‘cohesive and coherent employment relations framework’ and that the highest employment standards are practiced*  
 Member of public (40)

*[...] believe it is necessary for the Police to represent the cultural demographics of the community. To enable this, recruitment practices should be made more transparent and incorporate Equal Employment Opportunities (EEO) principles. It would be appropriate for the Police to have goals, career pathway programmes and recruitment promotions to build and encourage cultural diversity within the Police*  
 National representative organisation (226)

*[...] view is that employment arrangements for Police, subject to identifying and preserving the special aspects of the office of constable, should follow the provisions of the Employment Relations Act 2000*  
 Police service organisation (143)

*[...] strongly support the commitment of the New Zealand Police to act as a good employer and to include guidelines for this in the new Policing Act... Legislation supporting the Police Commissioner in his or her commitment to act as a good employer is absolutely essential, given the continuing disparity in the representation of women, Maori and other ethnic groups in Police*  
 National representative organisation (90).

## Employee vetting

There was strong support for the idea police staffing should be subject to more stringent pre-employment vetting. Many submitters felt those wishing to work for Police needed to be held to a higher standard of behaviour. Some felt it might be valuable to legislate minimum standards for recruits. Submitters in opposition to this idea, of which there were few, felt the procedures needed reviewing rather than completely replacing.

### Examples for the proposal

*That more care be taken in the ‘vetting’ of Police candidates, to ensure that only those of the highest calibre are employed*  
 Territorial local authority (46)

*Improving pre-employment checks is essential to minimise the risk of inappropriate persons entering the Police force*  
 Territorial local authority (69)

*[...] supports the move for pre-employment vetting. The publicity given to unacceptable activities of certain Police Officers can be extremely damaging to the respect and confidence the public has in the Police... Pre-employment vetting may assist declining such individuals sooner rather than later*  
 National representative organisation (68).

### Examples against the proposal

*Police applicants already undergo stringent vetting procedures, to the point where in the past otherwise excellent applicants have been rejected... We are all capable of making errors in judgment at some time, especially while young, and the time since the indiscretion and current applications should be able to be taken into account*  
 National representative organisation (128).

## ***‘One Police’, including a single Code of Conduct and a solemn undertaking***

A large number of submissions were received in support of a single *Code of Conduct* for Police. A smaller number of submitters saw significance in a single employment policy for all staff. Some felt this was a natural consequence if Police were to move towards a modern employment structure, while others feared it might compromise the independence of the office of constable. Some commentators made reference to more general benefits of an inclusive approach taking an overall view:

*“We agree with the statement ‘to command public trust and confidence and support effective engagement with people from all walks of life, Police needs a diverse workforce which is representative of all communities it serves...’ We support a unified system for setting employment terms and conditions, along with a single code of conduct for all members of Police”*  
Community law centre (119).

There were fewer responses to the proposal for a shared solemn undertaking, and for some it seemed to be a natural consequence of the move towards a new employment framework. Others saw the proposal as unnecessary, but this was the minority view. Some submitters saw long-term symbolic value in the proposal:

*“Council supports the requirement for all Police staff to swear a solemn undertaking on joining NZ Police and believe this could assist in promoting shared ideals and a spirit of public service among all Police. Consideration might also be given to having Police Staff repeat this process every five years to both mark milestones of service and to reinforce those shared ideals”*  
Territorial local authority (87).

### **Examples for the proposals**

*[...] support the concept of “one New Zealand Police” as this recognises that all members have a direct contribution to the overall mission of the organisation. The Communications Centres perform a critical role in frontline policing, and the concept of “one Police” would assist with the continued integration and recognition of the predominantly non-sworn staffed Communications Centres in Police*  
Internal Police group (97)

*Moves to establish a modern employment environment for the New Zealand Police are welcomed. The rather artificial distinction between sworn and non-sworn staff needs to be reviewed*  
Territorial local authority (103)

*An oath should be taken by all police staff, including contractors and the staff currently referred to as non-sworn... I would have a single code of conduct based on the existing public service code of conduct*  
Member of the public (93).

### **Examples against the proposals**

*While [...] supports moves to enable the transition between sworn and non-sworn roles, and improve overall cohesiveness, we caution against trying to erase the distinction... the current distinction between sworn officers and non-sworn staff is natural and meaningful... [...] see no value in a “solemn undertaking” or broad oath of service and considers such an oath would detract from the sanctity of the “sworn oath”*  
Police service organisation (133)

*Council is concerned that [the adoption of a ‘one Police’ proposal] may blur the line between the two distinct categories of police employees and could diminish the unique esteem the sworn police officer enjoys in the eyes of the public... Council support the introduction of a solemn undertaking by all staff that outlines their duties towards public service and public protection. It is recognised that this declaration would be distinct to the oath attached to the office of the constable... It is likely that such an undertaking would mainly serve a symbolic purpose and have implications for monitoring the performance of staff*  
Territorial local authority (125).

## More staffing options

Some submitters linked the wider ideas about empowering appropriate Police employees under warrant to perform specific policing tasks to the earlier discussions around warranting individuals and the bespoke allocation of powers. As with these previous discussions, the majority of submissions received supported the Commissioner having more staffing options available. Those who did not support this idea felt there were no problems with the current situation, or that it was preferable to keep a full constabulary approach to the allocation of powers.

Examples for the proposal	Examples against the proposal
<i>We support in general the innovations suggested in relation to ensuring there is a clear match between the nature of the policing task, the power and protection required, and the skill level and experience of the Police staff member</i> Community law centre (119)	<i>[...] does not support creation of more staffing options than currently exist. It is paramount to [...] that Police should be organised around sworn generalist constables... In respect of additional "specialist" powers, we consider current legislative provision already provide sufficient flexibility to employ specialists. We would be concerned if the expansion of additional specialist powers were to undermine the unique craft of policing and the office of constable</i> Police service organisation (133)
<i>Council in general supports measures that enable the Police Commissioner to employ and deploy staff with the skills, powers and protection they need</i> Territorial local authority (82)	<i>We note the proposal to "cautiously extend the current ability the Commissioner has to authorise by warrant any particular powers, functions and duties to any member of the [non-sworn] Police, except the power to attest or search any person". [...] do not support such an extension because this would potentially increase the operational role and powers of non-sworn Police in significant areas without wider public debate about the role of sworn Police in society today</i> National representative organisation (126)
<i>[...] is supportive of the suggestion that the legislation contains provisions supporting the Police Commissioner's ability to employ a work force with the range of skills, powers and protections needed to meet current and future demands</i> Police service organisation (143).	<i>I do not think there should be 'grades' of police officers. If a person is recruited, goes through the training and passes, then they are constables whether they end up walking the beat or answering the phone. I would expect any police constable to have passed all the selection processes, to be worthy of my trust and high regard</i> Member of the public (160).

## Secondments

Overall, submissions made on this issue were in favour of secondments, although it was questioned whether there was a need for specific legislation around this.

Examples for the proposal
<i>Council supports secondments as a way to extend and improve partnerships and recognises that there may be benefits of secondments between Territorial Local Authorities and Police to address issues of safety and crime</i> Territorial local authority (82)
<i>Encouraging secondments to and from the Police sounds like a new and exciting idea, and I am all for it. The Police work with a wide range of professions and people, and vice versa</i> Member of the public (78)
<i>Secondments to Police should be able to be treated as if they were a Member of Police after undergoing an induction training appropriate for their Police role</i> Member of the public (200)
<i>I have a concern that temporary secondments may allow a lesser degree of applicant entry to the force</i> Member of the public (184).

## Development of leaders and managers

As with the discussion around secondments to and from Police, the small number of submissions on this proposal were generally positive, with some questioning the need for legislation.

### Examples for the proposal

*This Council questions the need for explicit recognition of such a specific measure in statute. It is submitted that an integral part of the Commissioner's responsibility to efficiently and effectively manage the Police is developing talent and leadership within the organisation and providing a pathway for progression for all staff*  
 Territorial local authority (125)

*I think that statutory recognition of a leadership programme is essential. It ties in with the need to certify police officers in their basic skills as well as in any form of specialisation. In fact, certification and registration could be a part of or at least provide a basis for the leadership programme*  
 Member of the public (181)

*[...] supports a legislative requirement to build leadership and management capability. We see this as promoting the craft of policing and encouraging those who are prepared to devote themselves to a policing career*  
 Police service organisation (133).

## Certification/registration

There were also few specific explanatory comments on the proposal for expanded use of certification, and the possibility of moving towards a registration system for Police. Those who submitted on this topic were supportive, and some felt it was part of a move towards a modern employment framework and the professionalisation of policing.

### Examples for the proposal

*[...] in principle supports a professional workforce... with certification and registration systems for skill based activities*  
 Government agency (64)

*Council believes the proposed registration system would provide a framework that better encourages the development of skills within the NZ Police. It could result in more mobility in and out of the NZ Police as skills are recognised over continuity of service*  
 Territorial local authority (87)

*[...] supports a move towards a professional policing model if this is directed towards a principle that recognises the generalist office of constable. There should be a restriction on the Commissioner's ability to implement provisions which are inconsistent with this principle. We support provisions which enhance the standing of police as a trusted national and professional police institution making an essential contribution to the wellbeing of individuals, group and businesses in New Zealand. [...] supports the creation of a Registration Board in order to better recognise the professionalism and core competencies of police staff, and better enable workforce mobility*  
 Police service organisation (133)

*Any lengthy and complicated certification and registration process for sworn officers will have an impact on 'business as usual' and it is recommended that this registration initiative is implemented in an ordered and measured approach to minimise impact on the business*  
 Internal Police group (97).

## Question 4: Platforms for success

*Do you endorse the suggested legislative building blocks for the governance and administration of Police?*

Legislation can also lay a platform for the oversight, management and daily running of Police. Specific measures the government believes should be considered for a new Policing Act include:

- confirming the legal status and functions of New Zealand Police
- defining the process for settling the appointment, terms of engagement and tenure of the most senior Police personnel, as well as delegation and acting arrangements
- clarifying the respective roles of the Commissioner of Police and Minister of Police, and the constitutional relationship between the Commissioner and the Minister
- offering more certainty about the Commissioner's position as the commander of New Zealand's constabulary
- strengthening the Commissioner's accountability for the performance of Police
- widening the ability for arms-length inquiries to be held into any issues of concern
- enabling regulations to be issued under the new Act to address matters of detail
- balancing progress to a mainstream employment relations environment with assurances policing will not be impacted by industrial action, and clearly empowering the Commissioner to act decisively to shore up public confidence in Police.

### Overview

A majority of submitters supported the proposals around the legislative building blocks for the governance and administration of Police. As with the previous chapter, there were a smaller number of submissions on these proposals, and while submitters were broadly in support of the ideas, there was very little specific comment. For example, the following comment encapsulates the feeling of a number of submitters about this chapter of the document:

*"Yes. On the whole I think the proposals are about right"*  
Member of the public (211).

There were a small number of submitters who opposed the proposals put forward in the document. Most of these did not elaborate further on their opposition:

*"No. I do not endorse the legislative proposals for the governance and administration of police"*  
Member of the public (206).

### Confirming the legal status and functions of New Zealand Police

There was general agreement among those who submitted on this proposal that clarifying the legal status and functions of Police was a positive step. Two respondents, however, felt although establishing the legal status of New Zealand Police was important, the wording of this should not draw Police into being seen as part of the public service. Remaining separate from the public service was seen as vital to maintaining constabulary independence.

## Examples for the proposal

*I support the inclusion of provisions in the proposed policing bill confirming the legal status and functions of New Zealand Police as an instrument of the Crown*  
Member of the public (140)

*Council supports the formal recognition of the Police as an "instrument of the Crown" in the new legislation, if a formal legal personality will clarify the roles, functions, responsibilities and powers that apply to Police. Such recognition may however have to be specifically reconciled with the operational independence of the Police*  
Territorial local authority (125)

*The legal status of New Zealand Police as a department of the state outside the public service, for reasons of constabulary independence, but part of the wider state sector, should be established in legislation*  
Member of the public (200)

*[...] believes the legal status of Police should be clarified to recognise that Police is not a part of the public service. Unlike public servants, police are not bound to serve the Government or Minister of the day. The duty of Police is to respect and uphold the law... By setting out the functions of Police, this new Act should clearly confirm the constitutional importance of the Police... Focussing on the high level role and function of Police in society will also serve to provide inspiration and support for the Police, and understanding and confidence for the general public*  
Police service organisation (133).

## Defining the process for settling the appointment, terms of engagement and tenure of the most senior Police personnel, as well as delegation and acting arrangements

While a limited number of submissions dealt with this subject, they offered support for the proposals outlined in the discussion document. Regarding the appointment of the Commissioner, some respondents expressed a desire to limit the appointment of Commissioner to someone with previous policing experience, a point which was also raised in some of the later discussion around the role and function of the Commissioner:

*"In the interests of maintaining the credibility of the position within the police force, the Commissioner should be a sworn police officer"*  
Territorial local authority (116).

Concerning tenure of senior Police, views were mixed. Some submitters indicated support for an 'at pleasure' appointment basis rather than a fixed term, while others felt a fixed term was more appropriate.

On the subject of delegation and acting arrangements, there was little discussion around the specific nature of these arrangements, but submitters were generally supportive of seeing some clarity in this area.

### Examples for the proposal

*We must have an independent police force, one that does not involve parliament or the politicians. The appointment... of the Police Commissioner, should follow normal application procedures and NOT be a political appointment. A tenure of 5 years is too long a time. The process must be open and transparent. A formal recruitment round must occur*  
Not for profit organisation (71)

*[...] support the proposal to include in the Policing Act the ability for the Commissioner to delegate certain functions, powers and duties. This statutory enhancement provides backing to those required to exercise these delegations, as well as highlighting the statutory importance of how these delegations are exercised*  
Internal Police group (97)

### Examples against the proposal

*We are concerned about the proposed changes to the appointment of the Commissioner of Police and the Deputy Commissioners. We do not endorse the suggested requirement for the appointment of these positions to require the decision of the Prime Minister and Minister of Police. We wish to see the appointment of the Commissioner and Deputy Commissioners remain outside political influence*  
Territorial local authority (67).

### Examples for the proposal

*Council support legislative clarification of the circumstances under which the Commissioner is able to delegate his or her authority to subordinate officers and the procedures to be followed... The legislation should also state clearly the powers that can be delegated by the Commissioner on a temporary basis. This would be further assisted by consolidating the powers of the Commissioner in a single statutory or non-statutory document*  
 Territorial local authority (125)

*We favour the Commissioner and Deputies being appointed on an 'at pleasure' basis which we consider is appropriate given the high level of trust and confidence the public and elected representatives have in Police... We support a set appointment period provided there are suitable mechanisms by which removal from office, including by declining to re-appoint, may be subject to appropriate scrutiny... The Commissioner should have greater discretion in the delegation of powers.*  
 Police service organisation (133).

### Examples against the proposal

## ***Roles and functions of the Commissioner and offering more certainty about the Commissioner's position as the commander of New Zealand's constabulary***

Despite strong support from submitters, little substantive comment on this proposal was received. There was general agreement concerning the need for clarity of the Commissioner's role. Some respondents noted any statements around the role and function of the Commissioner in the legislation should not be too restrictive, with another believing an aspirational style of responsibilities could be useful.

Discussion relating to the Commissioner's position as the commander of New Zealand's constabulary was also limited but more mixed. Some submitters questioned the appropriateness of using the phrase 'chief constable', particularly if a Commissioner was not required to have previous policing experience.

### Examples for the proposal

*Public understanding and confidence in the role of the Commissioner as controller of Police could be enhanced through high-level statements in the Act outlining the role and general functions of the Commissioner. [...] would also support a statement of the Commissioner's status as chief constable, and notes that this again underlines the appropriateness of a requirement that the holder of the position actually be a sworn officer. [...] supports proposals to confirm the Commissioner as commander of the constabulary and confirming the duties of Police staff to act under the Commissioner's direction and control and to follow the lawful orders of superiors. Current provisions contained in the present Act and Regulations are sufficient in this regard and could be carried over*  
 Police service organisation (133)

*Yes, particularly interested in the role of the Commissioner in not just inspiring confidence in the police, but also inspiring confidence in public safety*  
 Member of the public (176)

*Council submits that the roles and functions of the Commissioner should be clarified in legislation... We suggest the addition of two further responsibilities to this list. Firstly it is suggested that the Commissioner is also responsible for the effective deployment of Police resources based on geographical and situational need... an explicit recognition of this responsibility will ensure public confidence that Police resources will be deployed according to need. Secondly... that the Commissioner is ultimately responsible for maintaining local and national public confidence in the New Zealand Police... Council questions whether recognition [of the Commissioner as the Chief Constable] is merely symbolic rather than serving a functional purpose. It is suggested that if such a section is adopted it should be clarified that the Chief Constable does not need to hold the office of constable. This would ensure that the legislation does not pre-empt the fact that the Commissioner and Deputy Commissioners of Police do not necessarily have to have previously been sworn police officers*  
 Territorial local authority (125)

### Examples for the proposal

*[...] endorses the inclusion of a high-level Commissioner role and function statement in the legislation, contingent on this not being too prescriptive (and therefore restrictive). While the Commissioner may be chief constable by virtue of being the head of the New Zealand Constabulary, this is not a term that is common in the New Zealand policing environment (or vernacular), and therefore the identification of this "role" in the new legislation may not be necessary. [...] believe that it is more important to strengthen (and enact) the powers, functions and duties performed by the Commissioner as the 'head' of Police, and therefore reinforce the responsibility the Commissioner has through the chain of command Internal Police group (97).*

## **Clarifying the respective roles of the Commissioner of Police and Minister of Police, and the constitutional relationship between the Commissioner and the Minister**

There was no clear consensus on what the nature of this relationship should be. Some submitters felt the Commissioner should report directly to either the Minister of Police or the Prime Minister, while others thought such lines of accountability compromised the concept of constabulary independence. Two respondents discussed the particular issue of Ministerial direction and emphasised this was the area in need of the most clarity in legislation. There were no specific contrary opinions expressed.

### Examples for the proposal

*I believe having the Commissioner report directly to the Minister and PM means that there is far less chance of corruption or 'free will' to do as one pleases. The current relations between the Commissioner and Ministers works, and there is no way the Commissioner can be on top of every out of line action that comes through*  
 Member of the public (188)

*Council would like to see guidance on the roles of the Commissioner of Police and Minister of Police, so long as attempting to capture the relationship between them does not create a 'legislative strait jacket'*  
 Territorial local authority (104)

*The role and responsibilities of the Commissioner and the Minister should be clearly defined by statute so as to allow clear and unambiguous exercise of powers conferred. This in turn would provide a constitutional framework for the police to work in when the powers of its executive officers are invoked. As a corollary to this, the procedures for appointment and ongoing assessment of the Commissioner need to be rigorous and transparent so as to foster public confidence*  
 Community law centre (76)

*The less clarity the new Act provides on the limitations of ministerial direction, the more controversy is likely. We believe therefore that the Commissioner needs access to a mechanism, such as judicial review, whereby he/she can have a funding decision or other "effective" direction reviewed for its constitutional implications if he/she believes the operational independence of Police is being compromised. Where Ministers seek to influence Police through specific policy direction, there should be a statutory requirement to table these directions in the House.*  
 Police service organisation (133).

## **Strengthening the Commissioner's accountability for the performance of Police**

A number of submissions talked generally about the need for Police as an organisation to be more accountable, particularly to the community. This may be due to the proportionately large number of submissions from territorial local authorities. However, there were few comments in relation to the proposal the new legislation could strengthen the Commissioner's specific accountability for the performance of Police. Respondents who commented were generally in favour of the proposals.

### Examples for the proposal

*We would support any measures to further enhance accountability both at a national and local level. While it is accepted that reporting requirements need to be balanced there is now a much greater need for transparency, accountability and proactivity in the way Police report many of the duties and responsibilities available to them*  
 Territorial local authority (127)

*The Police Commissioner is ultimately answerable to the Minister, as the responsible elected representative in Parliament. This answerability is a key component of Police accountability and will not, and must not, change. However, the operational autonomy of Police must be protected, to reduce the potential for illegitimate political interference into policing. The Police Commissioner should be held accountable for Police performance to the State Services Commission. This would reduce the scope for political bias in terms of operational issues*  
 National representative organisation (122)

*The Commissioner should be accountable for the performance of Police only to the extent the Government of the day funds Police for that purpose*  
 Member of the public (200)

*What worries me is the Commissioners accountability; this sounds like government setting him up. I don't believe that he should take responsibility for every stupid or unlawful action of individual officers*  
 Member of the public (165).

## **Widening the ability for arms-length inquiries to be held into any issues of concern**

There were few specific comments around the proposal to widen the Commissioner's ability to convene a formal inquiry. Those who did mention this specifically were generally in favour, with a number of comments about the importance of this ability in the eyes of the public. Some felt the proposal to extend the Commissioner's power could help alleviate public anxiety around the independence of the Police Complaints Authority.

### Examples for the proposal

*The independence of an inquiry into Police conduct must be seen to be independent in the eyes of the public. The public at large does not view the present Police Complaints Authority as independent... Issues of concern about Police conduct should be conducted by an agency completely divorced from the police, from the original investigation to the final reports*  
 Member of the public (146)

*Council supports the power of the Commissioner to initiate formal inquiries into the conduct of Police in the public interest. It is suggested that where alleged misconduct implicates the Commissioner, such an inquiry should be initiated by the Minister. In the interests of transparency the terms of reference and results of all inquiries should be available to the public. To avoid the appearance of bias and impropriety it is submitted that all police inquiries are conducted by experts from outside the New Zealand Police. This could be achieved by appointing members of police from international jurisdictions, members of the judiciary or other statutory officers*  
 Territorial local authority (125)

*Council supports legislation enabling the Commissioner of Police to initiate arms-length inquiries to enhance the overall management and accountability of the NZ Police. Council would, however, suggest a transparent approach to appointing an appropriate person to lead any inquiry and to establishing any terms of reference for any inquiry through the use of an appointed 'Police inquiry management panel', consisting of the Commissioner and three other permanent appointees. This would help to ensure inquiries are seen by the public and by the legislature as being appropriate for the purpose and impartial*  
 Territorial local authority (87)

*It would indeed be wise for the Commissioner to have the ability to instigate formal inquiries into the behaviour of police officers and/or controversial incidents. I also think the Police should be legally compelled to cooperate with independent inquiries regardless of who instigates them. Once an enquiry is underway, it should be illegal for the police to withhold evidence or act to impede the enquiry in any way. Legitimacy would be served if this was in the Police Act. Indeed, you would look magnanimous at a time when public confidence in the police is low*  
 Member of the public (181).

## **Enabling regulations to be issued under the new Act to address matters of detail**

The submitters who made comments in this area were generally supportive of the proposals with no clear contrary views received.

### **Examples for the proposal**

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*Council supports the use of regulation to give clarity and an operational perspective to legislation. These should have a structured review cycle to ensure the regulations remain relevant and effective, though review of regulations should not be limited to the review cycle*  
 Territorial local authority (87)

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*Police regulations should address detailed law and administrative instructions concerning policing. The Commissioner should also be able to issue Instructions, Codes of Practice or Conduct and Standard Operating Procedures that all Members of Police follow and compliance with these should be sufficient to protect members of Police from individual responsibility for exercising or using any powers of Police*  
 Member of the public (200)

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*Secondary legislation (regulations) is a useful mechanism for formalising administrative functions into law that do not require elevating into primary legislation (statute). The ability to amend regulations relatively easily (compared with making amendments to an Act) is beneficial, and [...] support the inclusion of a regulation-making power in the new Policing Act as a future proofing opportunity*  
 Internal Police group (97).

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## **Balancing progress to a mainstream employment relations environment with assurances policing will not be impacted by industrial action, and clearly empowering the Commissioner to act decisively to shore up public confidence in Police**

As with the chapter relating to the legislative proposals aimed at modernising Police's employment environment, the submissions received on this topic were generally in support of moves towards introducing a mainstream employment framework. However, on the specific matter of industrial action, a number of different views were expressed.

Some respondents felt Police should be given the right to strike, although this was not proposed in the discussion document,

*"Give Police the right to strike and ability to use this as a bargaining tool"*

Member of the public (216).

Others suggested that in spite of a mainstream employment framework, non-sworn staff should retain the right to strike,

*"Non-sworn staff [should] retain the right to industrial action. We definitely don't want to have to face 'final offer arbitration', [I] feel it wouldn't be to our benefit"*

Member of the public (35).

In response to the specific proposals in the discussion document, there were mixed views. Some respondents agreed with the proposal to extend the 'no right to strike' policy to all staff, while others felt there was no need to limit the employment conditions for any members of Police.

## Examples for the proposal

*There is a need for mainstream employment law to apply to the Police. However, the ability to strike should not be available. If Police personnel were allowed to strike this activity would undermine public confidence and lead to anarchy and chaos*  
 Member of the public (146)

*Council supports Police moving to a more mainstream employment relations environment. Council also supports a continuation of an employment relations model where withdrawal of labour or limiting policing activity for industrial ends are not available options. It is acknowledged that balancing a more mainstream employment relations environment with some of the particular requirements of maintaining an effective policing function may not be straightforward*  
 Territorial local authority (87)

*Police's ability to effectively respond to emergency calls for assistance would be severely compromised if non-sworn Communication Centre workers were able to take industrial action. [...] believe that strike action by any staff could potentially cripple Police's ability to provide essential public safety services and would severely impact on Police's capacity to respond to emergencies*  
 Territorial local authority (53)

*[...] fully support initiatives to provide assurances around the continuity of policing, particularly in respect to the industrial relations environment... Communications Centres play an essential role in frontline policing, and with the high proportion of non-sworn members there needs to be stability around service delivery. [...] support the current "no right to strike" provisions being extended to include non-sworn staff. It is now considered that the current provisions of the Employment Relations Act 2000 would not provide for sufficient level of protection to minimise the effects of industrial action to non-sworn members*  
 Internal Police group (97).

## Examples against the proposal

*I do not support limiting industrial action by police staff. The police in New Zealand are not known for taking irresponsible industrial action. Nor should the ability of police staff to unionise be made more difficult*  
 Member of the public (203)

*We want them [Police] to be under the Employment Act then they should have the right to industrial action and also the EEO rulings*  
 Not for profit organisation (71)

*The current discussion document proposes to 'extend the current limit on police officers taking industrial action to all Police staff'. More clarification is needed in regards to the differences between the roles of sworn and non-sworn staff members before establishing legislative limits on the right to industrial action, allowing for a more reliable assessment of whether or not these limits are justified. There must be compelling reasons for any limitation on the right to industrial action for 'back-line' staff (i.e. staff whose suspension of duty does not affect public security and safety). The principle of participation of all affected groups in decision making is one of the six key elements of a human rights approach, and should be applied in discussions around limiting fundamental human rights, such as the right to industrial action*  
 National representative body (90)

*[...] does not support extending public sector employment provisions to sworn members of Police. The nature of the policing craft and tradition, the ability to deploy coercive powers and the ability to deprive someone of their liberty serves to distinguish Police from the rest of the public sector and warrants a unique approach to employment arrangements. [...] also believe that police should generally enjoy the same employment rights and protections under the Employment Relations Act as all other workers in New Zealand, except where the unique nature of policing requires divergence... We do not support proposals to extend the limitations of industrial action to non-sworn staff. As we have previously stated, the distinction between sworn and non-sworn staff is real. It is to sworn staff with their unique array of powers and skills that the public look in times of emergency. The rationale and argument on which the codified tradition of continuity of policing is built apply to the role in society of sworn staff in particular. There is no equally strong argument in respect of non-sworn staff generally, though a strong argument might be made in respect of some positions that they ought to be treated as "essential services" in terms of the Employment Relations Act*  
 Police service organisation (133).

## Express removal power

The Commissioner's ability to act decisively to give public confidence in Police by removing a Police employee received support from some submitters. Submissions opposing the proposition felt such a power was not necessary, as behaviour of this nature could be managed through a Code of Conduct or other second tier legislative processes.

### Examples for the proposal

*The need to ensure that discipline issues involving Police members are dealt with robustly and swiftly is endorsed by [...]. The proposal to confirm the Commissioner's express power to suspend or dismiss a member in accordance with the factors outlined... is firmly supported... this will ensure that decisive action can be taken in the best interests of the New Zealand Police*

Internal Police group (97)

*Council supports the proposal to have the Police Act confirm the Commissioner's power to suspend or dismiss a member of Police where the Commissioner forms the view the member is no longer suitable to continue service*

Territorial local authority (87)

*We endorse the proposal to confirm the Commissioner's express power to suspend or dismiss a member of the Police*

Territorial local authority (25).

### Examples against the proposal

*We believe any employment action against a member should be delayed until criminal charges have been resolved... [...] accepts the need for scrutiny of police officers by virtue of powers vested in them and the nature of their role. Nevertheless a careful balance must be struck between public expectations that police will demonstrate the highest levels of personal and professional integrity and police members' rights to enjoy, to the greatest extent possible, similar privacy and employment prosecutions as the general public... [...] believes legislative provisions directed towards addressing incompatible behaviour should be incorporated into a Code of Conduct rather than primary legislation*

Police service organisation (133).

## Question 5: Anticipating the future

*In your view, how might a new Policing Act most sensibly anticipate the future?*

New legislation might also include elements which are only triggered or fully implemented at a future point in time. Opportunities identified for discussion are:

- using technology-neutral language to allow future advances in identification processes
- cautiously expanding options to use infringement notices for lower-level offences
- enabling introduction of integrity testing, as a further support for ethical behaviour
- providing for the creation of a national policing oversight and improvement agency
- mandating the recovery of costs for special policing services in certain circumstances.

### Overview

The future focused chapter of the discussion document attracted a healthy level of interest from submitters.

### **Using technology-neutral language to allow future advances in identification processes**

A majority of submitters accepted the need for the new Act to take a technology-neutral stance when being drafted (to prevent frequent amendments as technology changes). Contrary views held that frequent amendments to legislation were entirely appropriate, making sure each change to the powers of the State were debated.

Examples for the proposal	Examples against the proposal
<i>The Police Act review needs to be flexible enough that changes in community expectations, technology and government requirements can be accommodated</i> Territorial local authority (51)	<i>This Council opposes the proposal to use a technology-neutral approach to legislation and having a technology-specific approach in regulations. The implementation of new technology, particularly significant changes in biometrics, is, in many cases, so fundamental to personal privacy and of such high public interest that any changes should require amended legislation to ensure robust public debate and disclosure is possible. Any requirement for legislative change should not, however, be required for less significant changes in the use of technology - a balance needs to be established</i> Territorial local authority (87)
<i>The board support the use of technology neutral language to allow for future advances in the identification processes and suggest that it is ensured that other legislation not inhibit the process</i> Territorial local authority (73)	<i>I was initially in favour of this, but... I am in favour now of a separate section of the new Act which prescribes which technologies can be used based on polling with paper ballot of the public during local body elections. The default should be the rejection of new technology if say, there were less than 50% participation in the poll. This means each District would have technological limitations placed on it according to the wishes of the public</i> Member of the public (93).
<i>Being flexible enough to deal quickly with changing technology and crime - things no one may have yet have anticipated</i> Member of the public (159)	
<i>We support the use of generalised wording of the legislation to ensure technological, environmental, and cultural changes can be anticipated without the need to plug emerging gaps</i> Territorial local authority (139).	

## Expanding options to use infringement notices for lower-level offences

The proposal to look at expanding ways to use infringement notices for lower-level offending received cautious support. Those in support felt such a proposition needed careful consideration. They felt it could skew police attentions towards less-serious offending due to the ease of use of infringement-notices, or lumping Police with additional lower-level responsibilities which might better be carried out by other enforcement bodies.

### Examples for the proposal

*We support further consideration of the Police's ability to use infringement notices for lower level offences. Of particular interest to local government is the idea of issuing LINs for a wider range of offences. We would also support the option of making liquor ban bylaw breaches infringement offences under section 147 of the Local Government Act 2002. We agree that these changes would have more of an immediate deterrent effect, reduce police resources and burden on the courts*

National representative organisation (231)

*We support the case for building a platform to use infringement notices for lower-level offences in appropriate cases such as fines. Careful checks and balances are needed to ensure it is not used in situations where Police resources are low or restricted*

Territorial local authority (139)

*There is no doubt that for offences not punishable by imprisonment, it is an effective means of law enforcement, however for other offences such as cannabis and other minor drug matters, there is a strong feeling within New Zealand society that there is a process for decriminalisation and is strongly opposed*

Not for profit organisation (128).

### Examples against the proposal

*The further use of infringements for minor matters needs to be put into a context that currently sees approximately \$700 million outstanding in the Ministry of Justice fines recovery system; we see little point in burdening this mechanism further without greater opportunity at recovering these outstanding amounts*

Territorial local authority (127)

*I totally oppose the principle of expanding lower-level offences to be covered by infringement notices. I feel this will lead easily to "mission creep", with tickets handed out in places where a warning once would have sufficed*

Member of the public (186).

## Enabling the introduction of integrity testing, as a further support for ethical behaviour

Opinion was more divided on the issue of enabling integrity testing. While there was clear support for the idea as put forward in the discussion document, those opposed saw it as a 'solution in search of a problem'. Others, while in support of the need for integrity testing, questioned if it required legislation.

### Examples for the proposal

*The Council supports efforts to test the integrity of police staff and support legislative empowerment to implement such a mechanism in the future. Such a programme may identify staff predisposition to corruption or unethical behaviour and is likely to increase public confidence in the Police*

Territorial local authority (125)

*Most definitely!!! At present police staff can associate with and live with criminals, members' non police partners can work in liquor outlets, permitting under-age and/or drunken customers with no fear of consequences*

Member of the public (197)

### Examples against the proposal

*[...] does not believe the issue of integrity testing has any place in the review of the Police Act. The nature of a structured testing programme has no place in quasi-constitutional legislation. We see integrity testing as an employment matter which should be negotiated with police service organisations*

Police service organisation (133)

*In general we are not supportive of the proposals around integrity testing as outlined at 6.13. We believe that there are sufficient checks and balances already in existence and the current 'culture' within New Zealand society does not tolerate any form of corruption and in fact makes it easy to report concerns without fear of reprisal*

Territorial local authority (127)

### Examples for the proposal

*Yes - integrity testing, but again does this need to be in legislation beyond "the commissioner is permitted to test the integrity of his staff". Tactics would be determined through service organisation discussions*  
 Member of the public (80).

### Examples against the proposal

*How do you test for integrity? Either a person has it or not*  
 Member of the public (160).

## **Providing for the creation of a national policing oversight and improvement agency**

The proposal for a policing improvement agency also drew wide support, but analysis of the detail in submitter's comments reveals some thought the idea was aimed at supporting the work of the Police Complaints Authority. Several submitters provided specific ideas around the independence of the PCA, seeking a clearer distinction between Police and the Authority.

### Examples for the proposal

*In the [...] view, it would be preferable to create a single independent oversight body incorporating the functions and powers of the Police Complaints Authority. This is more likely to avoid duplication and public confusion and focus expertise*  
 National representative organisation (126)

*We support the proposals for a police oversight and improvement agency. The agency should be independent and pro-active. One of the problems with the current approach is that it is complaints driven. This limits the work that the Police Complaints Authority (PCA) is willing or able to do*  
 Member of the public (120)

*The Office supports establishment of a single independent oversight body to monitor (and provide advice to the Government) the performance of the Police and other organisations with policing functions*  
 National representative organisation (105)

*The proposal to establish a policing improvement agency aimed at the delivery of high quality policing services will be of interest to a wider group of agencies than Police. It may be interesting to see if this has any potential links to the same stream or work on organised crime. [...] would be interested in seeing this concept further explored*  
 Government agency (232).

### Examples against the proposal

*The creation of an Improvement Agency will create a further layer of bureaucracy and cost and is unnecessary*  
 Territorial local authority (116)

*[...] does not support [these] proposals... We consider such a body would add to reporting and compliance overheads, add a further layer of inter-agency liaison and yet would not necessarily be better placed to understand and advise on "better policing" than those within Police who already have or could be given mandates in this area*  
 Police service organisation (133)

*Creating an agency to oversee and improve Police may not be a good idea, as I firmly believe that the best professional development is at the proverbial coalface - that is: on the job, rather than in the realms of academia and proverbial ivory towers, which tend to set high ideals that can never be lived up to*  
 Member of the public (78).

## ***Mandating the recovery of costs for special policing services in certain circumstances***

Finally, exploration of cost recovery for certain policing services drew mixed views. Cautious support was given to the idea by a majority of submitters, but there was strong opposition from some quarters (e.g. national sporting organisations). Some submitters thought this could end in a situation of ‘policing for sale’, with those wealthy enough being able to afford services, while others unable to access them due to cost. Some also considered the detail of how such a proposal would work and thought hiring off duty Police staff, and paying them overtime would be a good way to achieve this.

### **Examples for the proposal**

*Police should be able to recover costs for services provided where the services are provided under a contract for services with the entity requesting the services being provided to a specified resourcing, standard or quality*  
 Member of the public (200)

*We agree with the proposal to charge such events. However, in our opinion, events that benefit and improve social outcomes for communities should not be subject to fee for service charges...Funding for community events is difficult to find, and charging fees for the staging of community events is likely to result in their disappearance. We ask that clear guidelines and definitions on which events will be charged are publicly consulted*  
 Territorial local authority (139)

*[...] believes that Police resources should be directed at policing, and that Police presence for private or financial gatherings should not be born by the public purse. There are however some aspects of Police, charging for these services that need to be addressed, principally who receives the income from this cost recovery?*  
 Not for profit organisation (128).

### **Examples against the proposal**

*[...] is opposed to the proposal for New Zealand Police to be able to recover costs in “special” circumstances, including events such as sporting events. [...] considers that this proposal effectively moves towards a “user pays” model for policing in New Zealand and is a fundamental and undesirable shift in policy*  
 National sporting organisation (121)

*It must always be a decision for Police as to whether their presence is necessary at an event such as music festivals etc - if they decide to be present then it is submitted no cost recovery should take place. At the moment financial factors do not weigh into the decision-making process for Police and nor should they in our decision*  
 Territorial local authority (119)

*In my view this is a ridiculous idea, we already pay massive taxes to cover these things. Organisers of rugby matches etc, are just as entitled to value from their taxes as anybody else. It is immoral for a government department to charge twice for their “services”*  
 Member of the public (206).

## Additional issues raised

A number of submitters made comments on issues which were not specifically addressed in the discussion paper, or were foundational features of New Zealand Police (such as its largely unarmed nature) and therefore not within the scope of the review.

Many submitters also took the opportunity to comment on operational aspects of policing, or more general issues relating to New Zealand Police or policing.

These additional ideas are listed below with representative quotes.

### **Young people**

A number of submitters discussed the policing of young people. These submissions ranged from concerns around the policing of youth offenders and youth gangs, through to comments about balancing youth rights with effective policing strategies.

Some submitters felt Police could do more to support young people either through existing Youth Education Services and Youth Aid structures or through alternative means.

There was also discussion about the need for Police to prioritise the policing of young people, and/or recognise a different type of policing may be necessary for them:

*"The Council suggests that the Act acknowledge that young people are different from adults and in some situations therefore need to be treated in a different manner"*

Territorial local authority (82).

### **More visible policing/Community constables**

A number of submitters felt Police should be more visible in the community to help provide reassurance about public safety:

*"We wish to see a highly visible Police force on our island. We believe that it is essential that Police should be seen in public places during the day and in the evenings. A strong Police presence is a deterrent to crime and reassures the community that assistance is near at hand... We would like to see 'bobbies on the beat'"*

Territorial local authority (63).

For another group of submitters the idea of more visible policing was linked to the wider use of community constables:

*"The need for the constable to be a presence in the community is as strong as ever. The value of this on the ground work is often hard to quantify and seems to be low priority. Yet 'walking the beat' is a very effective way of connecting with the community in an informal, non-crisis way and a chance to build relationships, hear from a range of people about what is going on in their community. The work of community constables needs to be given top priority and support systems put in place to ensure that they are able to maintain a consistent presence in their community while having the ability to respond to critical situations"*

Community organisation (96), and

*"Bring back the community police officer. Police were more personal and knew the trouble makers history a lot better. Community police was a logical and smart idea"*

Member of the public (57).

## **More police/legislated minimum police numbers**

Some submitters expressed a need for there to be more police:

*"Empowering the Police is essential to our community moving forward but it will only work if there is also attention to numbers included in frontline policing"*

Territorial local authority (51).

A few submitters argued minimum numbers of Police should be included in legislation:

*"The new Police Act legislation must recognise that policing is an absolute core public service of the government... For the Police to be effective minimum staff levels must be set in legislation to remove all political influence from the decision process. Any legislation which determines numbers/composition should include a process for public consultation which can be reviewed periodically"*

Community group (81).

## **A truly independent Police Complaints Authority**

A group of submitters took the opportunity to discuss the Police Complaints Authority. These respondents felt any oversight body of this nature should be truly independent from the organisation it is responsible for:

*"The current system for dealing with complaints of inappropriate behaviour suffers from the perception by the public that it is not truly independent. The investigation and judgement about situations of complaint into Police behaviour needs to be not only seen to be independent of the New Zealand Police, but that any reasonable person has confidence in the fairness and justice of the process and its outcomes"*

Territorial local authority (137).

## **Introducing 'Specials'**

The idea of introducing 'special constables' to supplement New Zealand Police was raised by some submitters and also by attendees at a number of the public meetings. One submitter asked:

*"Why haven't we got a dedicated police reserve? Surely a reserve body of sworn officers would enhance regular sworn officers at those peak times when police numbers are stretched, e.g. weekend public disorder times, and they could support local patrols and/or crime initiatives, etc."*

Member of the public (13).

One submitter was strongly against the idea of 'specials', noting how so-called Massey's Cossacks were used in 1913 to deal with striking waterfront workers.

## **Working with other policing organisations**

A number of submitters raised the idea of providing some guidance about how Police could work with other policing groups in the community. This included more formalised groups such as Maori Wardens, private security firms, and groups of volunteers who operate local patrols.

One submitter suggested employees from security companies could be hired to work as special constables, while another felt private organisations could be used to "complement" police operations:

*"There are several areas where private supplementation of police resources already occurs. This needs to be addressed in areas of costing, contracting and outcomes and the reconciliations of sworn constables with clear powers and limits with personnel having no such clear parameters of practice"*

Community law centre (76).

One respondent, however, felt differently about the role of private organisations in policing:

*"A policy that clearly distinguishes... the roles of private security firms and vigilante groups needs to be developed and a guiding principle placed in legislation. The police (both sworn and non-sworn) must be the upholders of law and order and this responsibility not abrogated to other groups"*  
Territorial local authority (139).

## **Rural support issues**

A number of submitters drew attention to issues which they felt were specific to rural populations. This included having more rural Police staff available later in the evenings and on weekends, criteria other than total population to determine the number of Police available in an area, more clarity around the right of other people to come onto rural properties, and a resulting focus on rural and farming crimes:

*"[...] has concerns that rural policing is considerably different to urban policing due to the strenuous 'on call' work that needs to be recognised with more back-up and relief services"*  
Territorial local authority (50).

## **Police also holding elected political positions**

A number of submitters raised the possibility of including a section in new legislation addressing the issue of members of Police also holding elected positions:

*"While individual police officers are entitled to the usual activities in their private life that other citizens enjoy, for example standing for school boards, they must also realise they hold positions of great privilege and power. [...] feels that it would be a conflict of interest to allow individual police to have even more power with involvement in formulating laws, such as sitting on local council. Of major concern to [...] are the increasing instances of police actively lobbying and promoting controversial issues, using their position, uniform and police resources to do so. If at all, they should do this as private citizens, out of uniform, and use their own money where necessary"*  
National representative organisation (118).

## **Associated organisations**

Three separate submissions were received regarding the New Zealand Blue Light organisation. These submissions felt new policing legislation should allow for Police funding to be streamed towards particular organisations working in partnership with New Zealand Police.

On a related note, the New Zealand Police Museum made a submission proposing new legislation include guidance on how New Zealand Police should deal with its heritage collections. It argued a new structure should be set in place for the governance of the Museum.

## Annex: List of submitters

Number	Submitter name	Number	Submitter name
1	Colin Wright	55	Riccarton/Wigram Community Board
2	Russell Falcome-Price	56	Tararua District Council
3	Terry James	57	Unknown
4	Norm McDonald	58	Selwyn District Council
5	Wayne Pitcaithly	59	Hamish Krippner
6	Colin White	60	Lorraine Rowe
7	Todd Chalmers	61	Unknown
8	R.P. Davies	62	Taradale and District Community Development Association
9	Anne McMillan	63	Waiheke Community Board
10	Deb Beardsley	64	Land Transport New Zealand
11	Meng Foon	65	Ron Youngman
12	Kevin Knox	66	Hauraki District Council
13	Rodger Kent	67	Invercargill City Council
14	Christine Davey	68	Rural Women New Zealand
15	F. T. Walker	69	Hurunui District Council
16	Fiona Jarden	70	South Wairarapa District Council
17	Porirua Healthy Safer City Trust	71	Southland Regional Support
18	T. G. Storey	72	Shirley/Papanui Community Board
19	Bruce Comfort	73	Fendalton Waimairi Community Board
20	John Wallace	74	New Zealand Police Museum
21	Corporate Instruments Group (New Zealand Police)	75	Victim Support New Zealand
22	Mary Walker	76	Coalition of Community Law Centres
23	John Weston	77	Department of Conservation, Internal compliance and law enforcement conservancy staff
24	Palmerston North International Airport	78	Christopher Neighbours
25	Pakuranga Community Board	79	New Zealand Federation of Graduate Women (Auckland branch)
26	Raewyn Pearson	80	Michael Hill
27	Samuel Rice	81	Papatoetoe Community Networks
28	R. E. Beckett	82	Christchurch City Council
29	Wayne Lendrum	83	National Council of Women and Catholic Women's League representatives
30	Spreydon/Heathcote Community Board	84	Community Law Canterbury
31	Federated Farmers of New Zealand	85	Clutha District Council
32	Maketu Community Board	86	Transit New Zealand
33	Steve Cornwall	87	Ashburton District Council
34	Media Freedom Committee of the Commonwealth Press Union (New Zealand section)	88	Porirua City Council
35	Catherine O'Donnell	89	Palmerston North City Neighbourhood Support groups
36	Ward Fischer	90	Human Rights Commission
37	Manurewa Crimewatch Patrol	91	Mangere Police
38	John Graham	92	Action for Children and Youth in Aotearoa
39	Martin and Christine Neshausen	93	Andrew Falcon
40	John Lee	94	Zonta Club of Auckland
41	Lake Tekapo Community Board	95	Tamaki Community Board
42	Unknown	96	Otara Network Action Committee
43	Caryl Blomkvist	97	Communications Centres National Management Group (New Zealand Police)
44	Kapiti Coast District Council	98	Lucille Hayes
45	Unknown	99	Feilding Promotion
46	Pleasant Point Community Board	100	Waimate District Council
47	Unknown	101	Franklin District Council
48	Unknown	102	Central Otago District Council and Queenstown Lakes District Council
49	Unknown		Community Road Safety
50	Malvern Community Board	103	Mackenzie District Council
51	Waikato District Council		
52	Graeme Howard		
53	Far North District Council		
54	Dunedin City Council City Safety Programme Leaders Forum		

Number	Submitter name	Number	Submitter name
104	Hutt City Council	161	Unknown
105	Office for Disability Issues	162	P. Nicholas
106	Wellington Regional Stadium Trust	163	Ngaire Button
107	Burwood/Pegasus Community Board	164	Tim Wilson
108	Avondale Community Board	165	Brenda Griffith
109	Hobson Community Board	166	Josh
110	Ministry of Transport	167	Manukau Central Business Association
111	NZ Rugby Union	168	Unknown
112	Mt Roskill Community Board	169	Red Badge Security
113	Rugby NZ 2011 Ltd	170	Juliette Darnley
114	Joan Taylor	171	Mike Wood
115	YouthLaw	172	Bob Cotton
116	South Taranaki District Council	173	Aotearoa Legalise Cannabis Party
117	Office of the Children's Commissioner	174	Michael Killick
118	Tawa Community Board	175	Target Education
119	Whitireia Community Law Centre	176	Adam Greenwell
120	National Organisation for the Reform of Marijuana Laws, NZ	177	A Rose
121	New Zealand Cricket	178	Unknown
122	Commonwealth Human Rights Initiative	179	Jean Fairweather
123	Rodger Kent	180	Patrick Fox
124	Whangarei District Council	181	John Buttle
125	Manukau City Council	182	Ethan
126	Mental Health Commission	183	Steve Webber
127	Tauranga City Council	184	Susie Lees
128	Community Patrols New Zealand	185	Frank Ching
129	Hibiscus Coast Blue Light	186	M.J. Field
130	Screen Production and Development Association of New Zealand (SPADA)	187	Unknown
131	Wellington Rugby Football Union	188	Jason S
132	Southland District Council	189	Jim Valk
133	New Zealand Police Association	190	Rachael Palmer
134	Mercury Bay Community Board	191	Kerry Farmer
135	Charles Rhodes	192	Unknown
136	Golden Bay Community Board	193	John Ellis
137	Devonport Community Board	194	Unknown
138	Robin Cheshire	195	Robyn Davis
139	Auckland City Council	196	Jonathon Hooker
140	Anne Dingwall	197	Edward Moore
141	Upper Hutt City Council	198	Anthony Fielding
142	Central Otago District Council	199	Unknown
143	Police Managers' Guild	200	Cameron Dewe
144	Ruapehu District Council	201	Unknown
145	Trafinz	202	Christopher Munn
146	R.A. and P.A. Mason	203	Wendy Davis
147	Fairlie Community Board	204	Bruce Thomson
148	Rose Keller	205	Papalii Lagolago
149	Hamilton City Council	206	Carol Carson
150	Unknown	207	David Sandbrook
151	Unknown	208	Kim Silk
152	Derek Treeby	209	Unknown
153	Robyn Jackson	210	Cynthia Cass
154	P. Briggs	211	Miles Lacey
155	Joseph Bird	212	Isobel Egerton
156	Marina Ponga	213	David Turner
157	Unknown	214	Tomek
158	Brooke Stanley	215	Unknown
159	Unknown	216	Pete Hunia
160	Unknown	217	Christine Kidwell
		218	Marcel Calitz

Number	Submitter name
219	Unknown
220	Unknown
221	Joanne Love
222	Manawatu Community Law Centre
223	Neville Ware
224	Unknown
225	National Council of Women of New Zealand
226	Ministerial Advisory Council for Senior Citizens
227	Social Issues Group, Kapiti Uniting Church
228	Elected to remain anonymous
229	North Shore City Council
230	Office of the Privacy Commissioner
231	Local Government New Zealand
232	New Zealand Customs Service
233	Michael O'Neill
234	Māori, Pacific and Ethnic Services (New Zealand Police)

## Notes

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