

13 May 2024

Lolly
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Tēnā koe Lolly

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 22 April 2024. You requested:

I'd like to know if officers are allowed to confiscate personal property, specifically referring to items that are not illegal to hold in ones possession or use in a public place (as far as I'm aware) ie a megaphone, and what the bounds are for such confiscations?

According to communitylaw.org.nz there are restrictions around when and where you can make noise and that the local council is responsible for deciding whether the noise is above a reasonable level. If a council noise control officer thinks you're making too much noise at a protest, they could issue you an Excessive Noise Direction (END), ordering you to reduce the noise to a reasonable level. If you don't immediately obey, the police can take away things that you're using to make noise – for example, drums or a megaphone. I am asking whether the police can take away personal property if the person has not received an END order.

Police's functions are set out in section 9 of the Policing Act 2008, which is publicly accessible here:

<https://www.legislation.govt.nz/act/public/2008/0072/latest/DLM1102187.html>

The Policing Act 2008 provides police officers with a range of powers to enable them to carry out these functions. Various other legislative instruments also provide Police with the powers to enable them to carry out these functions.

When a particular power may lawfully be used will depend on the circumstances in which it is applied. If you are the subject of criminal charges, you can seek further relevant disclosure pursuant to the Criminal Disclosure Act 2008.

Police does not provide legal advice or legal interpretation services to members of the public, so cannot offer an opinion on the issues you raise.

If you need assistance interpreting legislation you should seek independent legal advice.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

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Nāku noa, nā



Megan Winch
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