



**Metiria Turei**  
Green Party Co leader



**Green**  
Green Party of Aotearoa New Zealand

21 December 2015

Independent Police Complaints Authority  
PO Box 25221  
Wellington 6146

To whom it may concern,

I wish to lay a complaint with the Independent Police Commission Authority (IPCA) in light of the recent decision from the High Court in *Hager v Attorney General* [2015] NZHC 3268.

The High Court, in this decision, found that both the warrant and the search were fundamentally unlawful. The Court, in its judgement, found that:

*"... the failure of the police to disclose in the application for the Warrant the s 68 issue, and more generally the principles and issues relating to media warrants identified by the Court of Appeal in TVNZ, was a material failure to discharge the duty of candour. The central issues relating to the lawfulness of the Warrant were not drawn to Judge Malosi's attention. Those issues reflect fundamentally important public interests."*

The Green Party is highly concerned about the implications of this ruling, not only in the ongoing legal case, but also in terms of the media freedom and public interest issue. We believe such a ruling can shake the public's confidence in the Police, if unaddressed.

Therefore, in relation to the *Hager* case, I ask the IPCA to investigate if there was any misconduct or neglect of duty by any member of Police and to look into the Police practice, policy and procedure regarding:

1. The decision of the police not to disclose in its application for the warrants the "s 68 issue, and more generally the principles and issues relating to media warrants identified by the Court of Appeal in TVNZ"; and
2. The actions of deputy commissioner Malcolm Burgess and any other officers who were involved in the decision-making process regarding the application for the warrant.

We believe the *Hager* case potentially highlights conflicts in the way the Police balances the powers afforded under the Search and Surveillance Act 2012 and the protections granted under s 68 of the Evidence Act. Therefore, we ask the IPCA to make any recommendations with regards to Police practice, policy and procedure when applying or executing warrants that may relate to both Acts.

We also ask you look into any other matters that may be related to this case or the broader issues I have raised.

The *Hager* case has garnered significant media attention. The case has now moved on to one of

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broader rights and privileges of the media and the interaction between the powers of the Police and the media. An investigation and subsequent recommendations by the IPCA would go some way to restoring public confidence in the Police and their work with the media.

Given the serious nature of this issue, your prompt consideration of our request for an investigation would be appreciated.

Queries may be directed to my staff, either Andrew Campbell (04) 817-6705 or Nirupa George (04) 817-6767.

Yours faithfully,

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Green Party Co-leader

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