

Departmental Disclosure Statement

Policing Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by New Zealand Police.

The New Zealand Police certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

5 March 2026

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Part One: General Policy Statement

The Policing Amendment Bill (the Bill) amends the Policing Act 2008 (the Act) in 2 ways.

Part 1

Part 1 of the Bill reaffirms the New Zealand Police's (the Police's) longstanding ability to record images and sounds in public places, and to collect personal information for lawful purposes, including intelligence. The ability to collect and use information is essential to the Police's delivery of a broad range of policing functions and services that support the vision for New Zealand to be the safest country, where people can go about their daily life without fear of harm or victimisation.

The recent *Tamiefuna v R* [2025] NZSC 40 (*Tamiefuna*) judgment and the findings of the Joint Inquiry by the Independent Police Conduct Authority and the Privacy Commissioner into Police conduct when photographing members of the public (the Joint Inquiry), have together narrowed the law.¹ This has created uncertainty about the Police's lawful authority to record images and sounds in public places and private places where the Police is lawfully allowed, and to use this information for a wide range of policing purposes, including for intelligence. The Police now faces significant restrictions in its ability to undertake routine information collection to support its broad policing functions, leaving the Police with fewer rights than the general public to record images. Further certainty is needed. The Bill will reaffirm that the Police has clear lawful authority to collect information for the purposes of performing broad policing functions and duties.

Part 1 amends the Act to make it clear that—

- the Police may collect² or record information that may be used now or in the future for any lawful purpose, including for intelligence purposes, to the extent that it supports a policing function:
- a Police employee must not collect information for an intelligence purpose unless they consider that the information will or may support the Police in performing a function, or carrying on an activity, of the Police:
- the Police may record (only when such collection is for the Police's lawful purposes, functions, and associated activities)—
 - any image or sound in a public place:
 - anything the Police can see or hear while lawfully in any private place or in or on a vehicle or other thing:
- continuous recording and other forms of capture of images and sounds by the Police is allowed when it is for lawful purposes, including purposes that may promote the safety or the integrity of Police officers, or other policing functions or associated activities, including (but not constrained solely to) investigations. However, continuous ongoing recording or ongoing capture may be undertaken solely for an intelligence purpose only if—
 - it is reasonable to take the recording solely for an intelligence purpose; and
 - the duration of the recording is no longer than is reasonable in the circumstances:
- the proposed changes would not limit or affect the Police's intelligence-gathering function at common law or the ability of the Police or any other agency to collect information under any other legislation or any power given by the common law.

¹ *Tamiefuna* limits the authority of the Police to gather intelligence (in the form of images) lawfully and goes further than the law was before the judgment, particularly when read in conjunction with the findings of the Joint Inquiry relating to photography or video recording for general intelligence purposes.

² Collection also includes the gathering, obtaining, or receiving of information.

Part 2

Part 2 of the Bill expands the temporary road closure powers currently in the Act to include a broader range of areas that may be subject to closure, and to provide the Police with the necessary powers to deter and enforce non-compliance with temporary area closures.

The temporary closure powers apply to all traffic (including pedestrians and bystanders). However, these are limited to the existing specified circumstances that are currently in the Act and to where certain antisocial road use activity is occurring or is reasonably expected to occur.

The proposals support the Police to undertake its lawful functions, including maintaining public safety, keeping the peace, law enforcement, crime prevention, and community support and reassurance. This benefits the public's perception of trust and confidence in the Police. These decisions will still be subject to external scrutiny, including from the courts and the Independent Police Conduct Authority.

Part 2 leverages existing work that the Government is progressing through other legislation to deter antisocial driving behaviour that negatively affects road user and community safety. Specifically, that Part expands the Police's existing temporary closure powers to include circumstances that are broader than vehicle-related offending, as well as expanding the geographical size of areas that may be subject to temporary closure. Those amendments will also provide the Police with the necessary powers to deter and enforce non-compliance with temporary area closures.

Part 2 amends the Act to—

- consolidate and expand the temporary closure power of the Police by expanding existing temporary road closure powers to include all public and private areas accessible to the public by vehicle (eg, parks, river catchments, beaches, reserves, golf courses, and car parks):
- enable the Police to direct vehicles and persons to leave a temporarily closed accessible area by establishing—
 - a new power to stop vehicles and direct any vehicle and any person in or on the vehicle to leave an area that has been temporarily closed under the Act:
 - a new offence that carries a penalty upon conviction of imprisonment for a term not exceeding 3 months or a fine imposed by a court not exceeding \$2,000 for a person who—
 - fails to stop as soon as practicable when required to do so by a constable, for the purpose of directing any person in or on a vehicle to leave a temporarily closed area; and
 - knows, or ought reasonably to know, that the person exercising the power is a constable:
- create a new infringement offence for a person who, without reasonable excuse, fails to comply with a direction to leave, or not to enter, a closed area with an infringement fee of \$1,000 or a fine imposed by a court not exceeding \$3,000:
- enhance identification and information-gathering by establishing—
 - a new power to obtain biographical details for the purpose of issuing an infringement notice to a person who, without reasonable excuse, fails to comply with a direction to leave, or not to enter, a closed area; and
 - a new offence that carries a penalty upon conviction of imprisonment for a term not exceeding 3 months or a fine imposed by a court not exceeding \$2,000 for a person who fails, without reasonable excuse, to provide biographical details for the purpose of issuing an infringement notice to a person who, without reasonable excuse, fails to comply with a direction to leave, or not to enter, a closed area:
- establishes a new power to detain and move a person, using such force as may be reasonably necessary, if the person, without reasonable excuse, fails to leave or enters a temporarily closed area, for the purpose of—
 - removing that person from a closed area or preventing them from entering that area:
 - issuing an infringement notice for failure to comply with a direction to leave or not enter a closed area.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
<u>Part 1</u> Part 1 of the Policing Amendment Bill responds to the findings of the following judgments and report: Title: <i>Tamiefuna v R</i> – [2025] NZSC 40 Authoring Body: Supreme Court of New Zealand, 2025 Accessible: Tamiefuna v R [2025] NZSC 40 — Courts of New Zealand; Title: <i>Tamiefuna v R</i> – [2023] NZCA 163 Authoring Body: Court of Appeal of New Zealand, [2023] Accessible: Tamiefuna v R [2023] NZCA 163 — Courts of New Zealand Title: Joint inquiry into Police photographing of members of the public Authoring Body: Independent Police Conduct Authority and Office of the Privacy Commissioner, 2022 Accessible: Joint inquiry into Police photographing of members of the public	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	N/A

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
A Regulatory Impact Statement (RIS): Amendments to the Policing Act 2008 which was developed by New Zealand Police (Police) and finalised on 11 September 2025, was provided to Cabinet on 17 and 22 September 2025. The RIS is accessible at: Regulatory Impact Statement: Amendments to the Policing Act 2008 Ministry for Regulation Proposed changes to the Policing Act 2008 to give Police tools to prevent, disrupt and address crime and other harms New Zealand Police <u>Part 1</u> Some information that refers to <i>Tamiefuna v R</i> [2025] has been withheld due to legal privilege. <u>Part 2</u> Some information that refers to processing the proposed new infringement offence, and undertaking any enforcement action at pages 5, 69 and 70 of the RIS, has been withheld.	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The Ministry for Regulation agreed to a joint Regulatory Impact Assessment quality assurance panel to review the RIS composed of a Ministry of Justice official as chair, and two Police officials. The Panel considered that the information and analysis summarised in the RIS partially meets the Quality Assurance criteria. While the RIS is clear, and limitations are articulated, it is constrained by limited consultation and supporting evidence. The timeframes of policy development prevented public consultation on the proposals in the Bill.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	YES
<u>Part 1</u> In the drafting of the Bill, it was determined that no exclusions from the Privacy Act Information Privacy Principles (IPPs) will be required (as previously considered and sought though recommendations 5, 6 and 9 of CAB-25-MIN-033). The Bill also no longer provides for a regulation-making power to provide for the recording of images. Thus, the regulatory impact of these particular aspects of reform varies from the RIS and are no longer relevant. The Bill now provides for some limited continuous recording of images and/or sounds for intelligence purposes alone, where both the purpose and the duration are reasonable in the circumstances. It was always the intention to allow for some limited form of continuous recording for intelligence purposes only. This is reflected in paragraph 27 of CAB-25-SUB-0333, which stated that “the taking of short, targeted video clips for intelligence purposes only would be allowed.” <u>Part 2</u> The drafting of this part has carried over most of the proposed changes to the Antisocial Road Use Legislation Amendment Bill, which was reported back to the House by the Justice Committee on 15 December 2025. Two exceptions to this are: • reference to a “frightening and intimidating” convoy offence in the definition of an <i>antisocial road use offence</i> in new section 35(4) – as this offence does not currently exist in the Land Transport Act 1998; and • widening the definition of an <i>electronic address</i>, which has the same definition used in the Unsolicited Electronic Messages Act 2007.	

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	YES
<u>Part 1</u> In relation to 2.5 (a) above, the potential costs and benefits for the policy are available at pages 37-40 of the RIS. Part 1 does not have any implications for 2.5 (b). <u>Part 2</u> The scale of potential costs and benefits for the policy are available at page 67 of the RIS. Part 2 has implications for 2.5(b) as it includes three offences that carry financial penalties. These may create a significant financial burden if they are imposed on some population groups (for example young people, and/or people on low incomes).	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
<u>Part 1</u> The principal objective of Part 1 is to clarify Police's ability to record images and sounds for lawful purposes connected to Police's functions and/or activities, including for intelligence purposes. This clarification is important to meet public expectations and maintain trust and confidence. While there are no direct fiscal costs with Part 1, there will be some privacy impacts for people (as Police continues to collect and retain personal information and recommences a wider range of recording images and/or sounds in public and/or in private places where Police is lawfully allowed to be). Police will also continue to consider ways in which current information management systems and settings can be enhanced, which may require some level of future investment. <u>Part 2</u> The principal objective of Part 2 of the Bill is to enable the effective removal of people (including bystanders) from a temporarily closed area (within specified circumstances). This is through an escalated pathway of enforcement/penalties for non-compliance. These proposals will support Police's ability to undertake its lawful functions, specifically maintaining public safety, keeping the peace, law enforcement, crime prevention, and community support and reassurance. This benefits the public's trust and confidence in Police and helps maintain community safety. The Bill ensures there are powers to enforce road closure directions, and to respond to non-compliance once a temporary area closure is put in place. The Commissioner of Police is responsible for providing appropriate internal guidance for the deployment of these powers. This includes ensuring that police officers have training and experience in the maintenance of public order through their ordinary duties. Police officers are also expected to be sensitive to the rights and freedoms they are limiting when using some powers, and to do so only where it is necessary in a manner that is consistent with reasonable limitation of the freedoms. The Bill contains a limited set of circumstances in which these powers may be exercised. These decisions will still be subject to external scrutiny, including from the courts, and the Independent Police Conduct Authority.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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Special protections for children and young people continue to apply, in line with the United Nations Convention on the Rights of the Child (UNCRC). No specific issues were identified in the policy process that may have implications for New Zealand's international obligations.
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Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

Time pressures have limited a consideration of proposals through a Treaty of Waitangi lens.

Limited consultation has constrained Police's ability to identify any specific effects of the Bill on Māori victims, offenders, and communities. However, it is widely recognised that that Māori are overrepresented in the criminal justice system, and are therefore likely to be impacted by the Bill. The potential impacts for both Part 1 and Part 2 are acknowledged in the RIS.
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Police consulted Te Puni Kōkiri during the policy approvals phase, who alongside noting the likely impacts for Māori, raised concerns that the lack of public consultation, including with iwi, hapū and Māori, has not enabled testing of the social licence Police may have to undertake the activities in the Bill, or for improving trust and confidence in Police – of which, Māori have lower levels of compared to other ethnicities.
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Police will continue to consider and give effect to its obligations to Māori and the Treaty of Waitangi, including ways in which any disproportionate impacts to Māori (including exposure to the criminal justice system) can be appropriately mitigated.
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Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
<u>Part 2</u> New section 46A creates an infringement offence for a person who, without reasonable excuse, fails to comply with a direction to leave, or not to enter, a closed accessible area. A person who commits this offence is liable to an infringement fee of \$1,000; or a fine imposed by a court not exceeding \$3,000. New section 54A creates an offence for a person if they fail, without reasonable excuse, to provide their name, address, date of birth, and electronic address (if any) when required to do so by a constable exercising a power to obtain biographic details, that are used for the purpose of serving an infringement offence (under new section 46A). New section 54 of the Policing Act creates an offence for a person who: • fails to stop for Police as soon as practicable when required to do so by an enforcement officer, for the purpose of stopping a motor vehicle and giving a direction to leave, or not to enter, a closed accessible area; and • knows or ought reasonably to know that the person exercising the power is an enforcement officer. A person who commits an offence under new section 54 or 54A is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine imposed by a court not exceeding \$2,000.	
3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
Police consulted with the Ministry of Justice during the policy development and drafting stages. This ensured that: • The offences and penalties are proportionate. • Police's information collection, including for intelligence purposes, is proportionate, consistent with the Privacy Act 2020 Information Privacy Principles (IPPs), and have appropriate safeguards and oversight. While the Ministry of Justice recommended bespoke safeguards beyond the continued application of IPPs, as the Bill is not intended to displace any IPPs, or confine the Privacy Commissioner's ability to assess compliance against IPPs, these were deemed unnecessary. The Ministry of Justice also recommended including bespoke regulations, but it was determined that the existing regulation-making power in section 102(1)(f) of the Policing Act provides sufficient authority to make any regulations that may be required. The Ministry of Justice also maintained a preference for including a definition of intelligence purposes in the Bill. This has not been included due to the lack of a well-defined definition, including an absence of definition in other existing statutes (such as the Intelligence Security Act). • Police has appropriate powers to enforce laws related to temporary closures, whilst maintaining safeguards that unjustifiable limits on relevant rights and freedoms in the New Zealand Bill of Rights Act 1990.	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<u>Part 1</u> New sections 45A to 45E of the Bill reaffirm Police's longstanding ability to record images and sounds in public places and private places where Police is lawfully allowed, and to collect personal information for lawful purposes, including intelligence, when connected with a function and/or activity of Police. The Bill also introduces a specific lawful purpose 'that may promote the safety and or integrity of police officers, or other policing functions or associated activities' as a basis for continuous recording. Police will continue to be governed by the requirements of the Privacy Act 2020 and all Information Privacy Principles, and internal guidance reflecting these Principles. <u>Part 2</u> New section 35BB of the Bill gives Police the power to require a person to provide biographical details, for the purpose of issuing an infringement notice (new section 46A). Collecting biographical information for this purpose is an established process. A person who commits an offence in new sections 54 and 54A will engage the existing requirements sections 32 (Identifying particulars of person in custody) and 33 (Identifying particulars for summons), if a constable considers this enforcement action is necessary. Section 24 of the Privacy Act 2020 is engaged in all of these circumstances.	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
Police undertook significant consultation with the Office of the Privacy Commissioner on Part 1 of the Bill during the policy development and drafting stages. This engagement helped shaped Police's policy recommendations for Cabinet and design of the Bill, including refining decisions around the application of the Information Privacy Principles and instructions provided to the Parliamentary Council Office on the drafting of the Bill. Police will continue to engage with the Office of the Privacy Commissioner through the implementation of the Bill to ensure Police's obligations for the collection, use and storage of information are met. The Office of the Privacy Commissioner was only consulted on Part 2 of the Bill during the agency consultation stage of the Cabinet paper development. Police will engage with the Office of the Privacy Commissioner on the implementation of Part 2 where required.	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
Police undertook agency consultation during the policy development stage and drafting stage of the Bill. Further detail on the extent and nature of consultation is included in Appendix One.	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
Police has undertaken internal consultation with legal and technical experts to test the operational workability of the proposals and to understand the requirements to effectively implement the Bill.	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
<u>Part 2</u> New section 35 gives a constable the power to temporarily close to traffic (including pedestrians and bystanders) an accessible area or part of an accessible area to traffic. This includes areas leading to or from the place or in the vicinity of the place. This may prevent members of the public from accessing public/private property, while any of the circumstances listed in this provision apply. However, the Bill does not grant Police an express power of entry to, or temporary closure of, private land.	

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
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Part 2

Section 2 of the Bill enables some provisions in Part 2 (relating to offences and penalties), to commence by Order in Council, or no later than the second anniversary of Royal assent.

The Bill necessitates making regulations under section 102 of the Policing Act, in order to provide the form for infringement notices issued where persons, without reasonable excuse, fail to comply with a direction to leave, or not to enter, the temporarily closed accessible area or the part of the accessible area.

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
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Part 2

New section 35C gives a constable, who has good cause to suspect a person, has without reasonable excuse, failed to comply with a direction to leave, or not to enter a closed accessible area the power to use reasonable force, if necessary to:

- move the person to any place outside the accessible area or the part of the accessible area that is temporarily closed:
- detain the person at any place outside the accessible area or the part of the accessible area that is temporarily closed for the purpose of preventing them from re-entering it.

A constable must not detain a person for longer than is reasonably necessary in the circumstances.

This bespoke power deters uncooperative behaviour (for example, a person who refuses to leave a temporarily closed area after an infringement notice has been issued to them, or enable Police to respond safely and quickly to large groups of non-compliant people).

Appendix One: Further Information Relating to Part Three

External consultation – question 3.6

Consultation on policy development and Cabinet Paper

The following agencies were consulted on the draft Cabinet paper: the Ministry of Justice, Department of Internal Affairs, Treasury, Ministry for Regulation, Ministry of Transport, Ministry of Business, Innovation and Employment, Oranga Tamariki – Ministry for Children, New Zealand Customs Service, Department of Corrections, New Zealand Security Intelligence Service, Government Communications and Security Bureau, Ministry for the Environment, Te Puni Kōkiri, Ministry for Primary Industries, Ministry of Social Development, Ministry of Foreign Affairs and Trade, Ministry of Defence, and Whaikaha – Ministry of Disabled People.

The Department of Prime Minister and Cabinet were informed. The Office of the Privacy Commissioner, Mana Mokopuna – Children's Commissioner, the Crown Law Office were also consulted.

Consultation on the draft Bill

Part 1

Police undertook informal consultation with the Ministry of Justice, Office of the Privacy Commissioner and Crown Law prior to and throughout the drafting stage of the Bill. This engagement centred primarily on the design of the Bill and the issue of the application of the Privacy Act 2020 Information Privacy Principles. Subsequent to these discussions, and wider agency consultation and comment, changes were made to the Bill.

Part 2

Police undertook informal consultation with the Ministry of Transport during the policy development and drafting stages, and the Crown Law Office to design the proposed power to detain and remove persons for failing to leave or entering a closed area (new section 35C of the Bill).

Engagement with the Ministry of Transport is necessary as they are the lead agency responsible for supporting the Antisocial Road Use Legislation Amendment (ASRU) Bill that is currently before the House. The ASRU Bill expands the scope of existing road closure powers to also include all public and private areas accessible to the public by vehicle under listed circumstances commonly associated with antisocial road use (e.g. street racing, drag racing, unlawful dirt bike gatherings, and siren battles).

The Policing Amendment Bill improve consistency and operational effectiveness by aligning the geographical scope with the ASRU Bill's definition, and combining all of the circumstances outlined in the Policing Act 2008 and the ASRU Bill. The additional enforcement powers will ensure that Police can effectively respond to non-compliance to any lawful direction to leave a temporarily closed road or area. The proposed amendments will provide specific powers to enforce road and area closures.

The Ministry of Transport recommended the proposed power to detain and remove persons for failing to leave or entering a closed area (new section 35C of the Bill) does not apply for scenarios where areas are closed due to antisocial road use. If progressed, all enforcement powers in the antisocial road use context are carefully justified and constrained to avoid limiting further New Zealand Bill of Rights Act 1990 freedoms.