



Cabinet Policy Committee

POL Min (07) 22/3

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Minute of Decision

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Police Act Review: Overview and Principles

On 19 September 2007, the Cabinet Policy Committee (POL), having been authorised by Cabinet with Power to Act [CAB Min (07) 34/9-14]:

Background

- 1 **noted** that in August 2007, the Cabinet Social Development Committee noted that the Minister of Police intended to submit, in September 2007, a suite of Cabinet papers seeking decisions on new policing legislation [SDC Min (07) 13/3];
- 2 **noted** that the submission under POL (07) 356 provides an overview of a suite of papers on the Police Act Review, and should be read in conjunction with the papers under POL (07) 328, POL (07) 329, POL (07) 330, POL (07) 331 and POL (07) 357;

Police role

- 3 **noted** that the Police Act 1958 does not contain a role statement to describe the broad range of activities undertaken by the New Zealand Police;
- 4 **agreed** to provide legislative confirmation that the Police's functions include, but are not limited to:
 - 4.1 crime prevention;
 - 4.2 public order and safety;
 - 4.3 law enforcement;
 - 4.4 community support and reassurance;
 - 4.5 national security and participation in international policing activities;
 - 4.6 emergency management;
- 5 **noted** that the opportunity also exists to acknowledge in legislation the role others can and do play in helping deliver safe and secure communities;

6 **agreed** to recognise that policing is a shared responsibility, which takes place in a networked and cooperative policing environment, by referencing in legislation the fact that:

6.1 all citizens can help uphold the law, keep the peace, prevent crime and crashes, and bring offenders to justice;

6.2 local authorities can work with police to support the social well-being of communities, including through crime prevention and safety services, regulatory activities, environmental design, and planning processes;

6.3 other government agencies contribute to public safety, in particular through their lead or joint responsibility for enforcing specific legislation;

Principles of policing

7 **noted** that the Police Act 1958 does not contain any guiding principles of policing;

8 **agreed** that the following principles of policing in New Zealand should guide the drafting of the Policing Bill:

8.1 reflecting the tradition of policing with public support and cooperation;

8.2 providing services in a national framework but with a community focus;

8.3 showing respect for human rights and the diversity of the community;

8.4 upholding an ethic of impartiality and political neutrality, and ensuring policing is delivered free from improper influence or direction;

8.5 maintaining appropriate standards of ethics, integrity and conduct at all times;

9 **agreed** to give further consideration, when the draft Policing Bill is available, to whether the principles outlined in paragraph 8 should be included in legislation;

10 **agreed** that if the principles referred to in paragraph 8 are included in legislation, they should:

10.1 be taken into account, so far as is relevant and practicable, by people who exercise functions, duties and powers under the proposed new Policing Act or any regulations made under the new Act;

10.2 not affect the application or operation of any other Act;

10.3 not require any person to pay any money to any other person just because any of the specified principles are breached;

Legislative implications

11 **noted** that a Policing Bill holds a category 5 priority on the 2007 Legislation Programme (instructions to be provided to Parliamentary Counsel Office in 2007);

- 12 **invited** the Minister of Police to issue drafting instructions to Parliamentary Counsel Office to give effect to the above proposals;
- 13 **noted** that the Minister of Police:
- 13.1 has sought cross-party input on the Police Act Review proposals and has had discussions with representatives from other parties;
- 13.2 will continue to seek cross-party input as the Policing Bill is progressed.

Janine Harvey
Secretary

Reference: POL (07) 356

Present:

Rt Hon Helen Clark (Chair)
Hon Dr Michael Cullen
Hon Jim Anderton
Hon Steve Maharey
Hon Phil Goff
Hon Annette King
Hon Pete Hodgson
Hon Parekura Horomia
Hon Mark Burton
Hon Rick Barker
Hon Damien O'Connor
Hon David Cunliffe

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Law Commission
New Zealand Police
Ministry of Justice

Copies to:

Cabinet Policy Committee
Chief Executive, DPMC
Director PAG, DPMC
PAG Subject Advisor, DPMC
Secretary to the Treasury
Solicitor-General
State Services Commissioner
Commissioner of Police
Minister Responsible for the Law Commission
Secretary for Justice
Minister of Labour
Secretary of Labour
Chief Parliamentary Counsel
Legislation Coordinator