



Cabinet Policy Committee

POL Min (07) 22/5

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Minute of Decision

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Police Act Review: A Modern Police Workforce Structure

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) 329 is one of a suite of papers on the Police Act Review, and should be read in conjunction with the papers under POL (07) 356, POL (07) 328, POL (07) 330, POL (07) 331 and POL (07) 357;

Proposals

Case for change

- 3 **noted** that the Police's current workforce model no longer provides the required flexibility for the effective and efficient delivery of modern policing services;

General approach

- 4 **agreed** that the Police's future human resources framework should be guided by general employment legislation, unless there are compelling reasons for departing from the State sector norm;
- 5 **agreed** to establish a unified Police workforce model which no longer divides Police employees into different membership categories based on whether they hold the office of constable;

Supporting features

- 6 **agreed** to support a cohesive 'one New Zealand Police' workforce model through legislation by:
 - 6.1 enabling the Commissioner of Police to set standards of behaviour for Police employees through a unified Code of Conduct;

- 6.2 introducing a new solemn undertaking for all new Police employees to be paired with the Code of Conduct;

Improving the allocation of policing powers

- 7 **agreed** to provide ongoing statutory recognition for the office of constable;
- 8 **agreed** that the taking of the constabulary oath should remain the legal pathway to general policing powers and protections;
- 9 **agreed** to refine the operation of the constabulary system in several ways:
- 9.1 update the language of the constabulary oath, using as a starting point the approach recommended in the wider Oaths Modernisation Review [CAB Min (04) 42/3A];
- 9.2 reserve the ability to take the constabulary oath to those who have completed Police recruit training, or who are otherwise qualified to hold the office of constable based on previous policing experience;
- 9.3 confirm the expectation that a person might take on and be released from the office constable at different points in a Police career, primarily by de-linking the role of constable from deemed employment status, but also by clarifying that a Police employee ceases to be a constable if he or she agrees with the Commissioner to set aside the office of constable;
- 9.4 repeal section 192 of the Summary Proceedings Act 1957 to better recognise the Commissioner of Police's role as the appointer of constables in New Zealand, and dispense with the outdated notion of "special constables";
- 10 **agreed** to enhance the ability of the Commissioner of Police to assign a targeted set of policing powers and protections to identified categories of Police employees, including search and arrest powers in appropriate cases;
- 11 **agreed** to enable the creation of specific statutory policing roles to help give effect to the proposal in paragraph 10;
- 12 **noted** that early priorities for statutory policing roles may include protective services officers (covering scene guards, jailers and prisoner escorts) and investigative officers (covering roles such as burglary crime scene attenders and e-crime specialists);
- 13 **agreed** to match the assignment of targeted policing powers and protections to Police employees with assurances that the employees are suitably qualified, for example by completing relevant training and maintaining skill proficiency;

Encouraging the recruitment and training of a skilled workforce

- 14 **agreed** to clarify the status of any seconded Police staff, including whether they work under the direction and control of the Commissioner of Police;
- 15 **agreed** to line up the Police and State sector environments for developing senior managers by not carrying over in legislation an equivalent to section 76 of the Police Act 1958 (which provides for limited-term appointment of senior staff);

- 16 **noted** that a consequence of the proposal in paragraph 15 is that in future there will be increasing opportunities for senior Police staff to rotate through different leadership roles;

Future establishment of a Policing Registration Board

- 17 **agreed** to support the development of a Policing Registration Board, as a way of enabling the Commissioner of Police to activate a professional registration system at a future date, once necessary supporting processes are in place;
- 18 **noted** the intention for the future Policing Registration Board to build on Police's existing certification scheme, and explore synergies with relevant overseas initiatives to develop similar professional police registration bodies;

Legislative implications

- 19 **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);
- 20 **invited** the Minister of Police to issue drafting instructions to Parliamentary Counsel Office to give effect to the above proposals.

Janine Harvey
Secretary

Reference: CAB (07) 472; POL Min (07) 21/14

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