

## **Mutual Assistance in Criminal Matters Amendment Bill**

(Divided from the Organised Crime and Anti-corruption Legislation Bill)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Organised Crime and Anti-corruption Legislation Bill as reported from the Law and Order Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- Crimes Amendment Bill comprising clauses 1 and 2, and Part 1
- Anti-Money Laundering and Countering Financing of Terrorism Amendment Bill comprising subpart 1 of Part 2
- Companies Amendment Bill comprising subpart 2 of Part 2
- Criminal Investigations (Bodily Samples) Amendment Bill comprising subpart 3 of Part 2
- Criminal Proceeds (Recovery) Amendment Bill comprising subpart 4 of Part 2
- Customs and Excise Amendment Bill (No 3) comprising subpart 5 of Part 2
- Extradition Amendment Bill comprising subpart 5A of Part 2
- Financial Service Providers (Registration and Dispute Resolution) Amendment Bill comprising subpart 5B of Part 2
- Financial Transactions Reporting Amendment Bill comprising subpart 6 of Part 2
- Income Tax Amendment Bill comprising subpart 7 of Part 2
- Limited Partnerships Amendment Bill comprising subpart 7A of Part 2
- Misuse of Drugs Amendment Bill comprising subpart 8 of Part 2
- this Bill comprising subpart 9 of Part 2
- Policing Amendment Bill comprising subpart 10 of Part 2
- Secret Commissions Amendment Bill comprising subpart 11 of Part 2.



*Hon Amy Adams*

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Government Bill

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### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Mutual Assistance in Criminal Matters Amendment Act **2015**.

#### **2 Commencement**

- (1) **Section 58** of this Act comes into force on the earlier of the following: 5
- (a) a date appointed by the Governor-General by Order in Council:
  - (b) the day that is 90 days after the date on which the Act receives the Royal assent.
- (2) **Section 59** of this Act comes into force on the day after the date on which the Act receives the Royal assent. 10
- . . . . .

**57 Principal Act**

This **Act** amends the Mutual Assistance in Criminal Matters Act 1992 (the **principal Act**).

**58 Section 31 replaced (Assistance in obtaining evidence in New Zealand)**

Replace section 31 with:

5

**31 Assistance in obtaining evidence in New Zealand**

- (1) A foreign country may request the Attorney-General to assist in arranging—
- (a) the taking of evidence in New Zealand; or
  - (b) the production of documents or other articles in New Zealand; or
  - (c) the undertaking of a forensic comparison under the Criminal Investigations (Bodily Samples) Act 1995 and the production of a document specifying the result of that comparison. 10
- (2) The Attorney-General may, in writing, authorise the requested assistance if,—
- (a) in the case of receipt of a request made under **subsection (1)(a) or (b)** by a foreign country, the Attorney-General is satisfied that— 15
    - (i) the request relates to criminal proceedings in the foreign country; and
    - (ii) there are reasonable grounds for believing that the evidence can be taken or the documents or other articles can be produced in New Zealand: 20
  - (b) in the case of receipt of a request made under **subsection (1)(c)** by a foreign country, the Attorney-General is satisfied that—
    - (i) the request relates to a criminal matter in the foreign country; and
    - (ii) the request is in respect of an offence that corresponds to an offence in New Zealand that is punishable by a term of imprisonment of more than 1 year. 25
- (3) If, under **subsection (2)**, the Attorney-General authorises—
- (a) the taking of evidence, a Judge may, subject to sections 32 and 33 and to any regulations made under this Act, take the evidence on oath of each witness appearing before the Judge and must, in this case,— 30
    - (i) cause the evidence to be put in writing and certify, in the prescribed form, that the evidence was taken by the Judge; and
    - (ii) cause the writing to be sent to the Attorney-General:
  - (b) the production of documents or other articles, a Judge may, subject to sections 32 and 33 and to any regulations made under this Act, require the production of the documents or other articles, and, unless the Judge otherwise orders, must cause the documents, or copies of the documents 35

certified by the Judge to be true copies, or the other articles, to be sent to the Attorney-General.

## 59 Schedule 1 amended

In Schedule 1, after item 31, insert:

|    |   |  |
|----|---|--|
| 32 | The United Nations Convention against Corruption (2003) | An offence against any of the following sections of the Crimes Act 1961:             |
|    | <i>section</i>  | <i>subject matter</i>  |
|    | 100   | judicial corruption  |
|    | 101   | bribery of judicial officer, etc   |
|    | 102   | corruption and bribery of Minister of the Crown                                      |
|    | 103   | corruption and bribery of member of Parliament                                       |
|    | 104   | corruption and bribery of law enforcement officer                                    |
|    | 105   | corruption and bribery of official   |
|    | 105A  | corrupt use of official information  |
|    | 105B  | use or disclosure of personal information disclosed in breach of section 105A        |
|    | 105C  | bribery of foreign public official   |
|    | 105D  | bribery outside New Zealand of foreign public official                               |
|    | <b>105E</b>   | corruption of foreign public officials   |
|    | <b>105F</b>   | trading in influence   |
|    | 116   | conspiring to defeat justice   |
|    | 117   | corrupting juries and witnesses  |
|    | 219   | theft or stealing  |
|    | 220   | theft by person in special relationship  |
|    | 228   | dishonestly taking or using document   |
|    | 240   | obtaining by deception or causing loss by deception                                  |
|    | 243   | money laundering   |
|    | 246   | receiving  |
|    | 249   | accessing computer system for dishonest purpose                                      |
|    |   | An offence against any of the following sections of the Secret Commissions Act 1910: |
|    | <i>section</i>  | <i>subject matter</i>  |
|    | 3   | gifts to agent without consent of principal an offence                               |
|    | 4   | acceptance of such gifts by agent an offence   |
|    | 8   | receiving secret reward for procuring contracts an offence                           |

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**Legislative history**

21 October 2015

Divided from Organised Crime and Anti-corruption Legislation  
Bill (Bill 219–2) as Bill 219–3M

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Wellington, New Zealand:

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