

Rt. Hon. Mike Moore

NATIONAL CRIME AUTHORITY

ANALYSIS

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A BILL INTITULED

An Act to establish a National Crime Authority for the purposes of combating organised crime and gangs in New Zealand

5 BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the National Crime Authority Act 1997.

2. Interpretation—In this Act, unless the context otherwise requires,—

10 “Authority” means the National Crime Authority established under **section 4**.

3. Act to bind the Crown—This Act binds the Crown.

4. Establishment of National Crime Authority—

15 (1) There is established an Authority to be called the National Crime Authority.

20 (2) The Authority is a body corporate with perpetual succession and a common seal and is capable of acquiring, holding, and disposing of real and personal property, of entering into contracts, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

(3) The costs incurred by the Authority in carrying out any of the functions listed in paragraphs (a) to (e) of section 6 (1) must be met out of the existing appropriations for Vote Police.

5. Membership of Authority—(1) The Authority shall consist of 14 members. 5

(2) Each of the following ministers must appoint one member from his or her department, respectively, to the Authority:

- (a) The Minister of Police; and
- (b) The Prime Minister; and 10
- (c) The Minister of Revenue; and
- (d) The Minister of Employment; and
- (e) The Minister of Social Welfare; and
- (f) The Minister of Customs; and
- (g) The Minister in charge of the New Zealand Security Intelligence Service; and 15
- (h) The Minister of Foreign Affairs and Trade; and
- (i) The Minister of Justice; and
- (j) The Minister of Immigration; and
- (k) The Minister of Corrections. 20

(3) A further 2 independent members must be appointed by the Minister of Police and the Minister of Justice on the recommendation of the Cabinet.

(4) One further member with experience of being an elected officer must be appointed by the Minister of Local Government after consultation with the Minister of Police. 25

(5) The member appointed by the Minister of Police under subsection (2) must also be appointed by that Minister as the Chairperson of the Authority, and another must be appointed by that Minister as Deputy Chairperson of the Authority. 30

6. Functions of Authority—(1) The Authority has the following functions:

- (a) To identify current and emerging trends and patterns in organised criminal activity and contribute to the effective targeting by investigative agencies of persons, corporate entities, and activities: 35
- (b) To foster the development and exchange of information and intelligence, expertise, and investigative techniques for the benefit of New Zealand and to advise on the co-ordination with overseas law enforcement agencies in counteracting organised crime and gangs: 40

(c) To devise a strategy to deal with organised crime and gangs in New Zealand:

5 (d) To formulate and recommend, from time to time, amendments to the law as the Authority thinks are necessary for counteracting organised crime:

(e) To report, from time to time, to the Minister of Police on matters contained in paragraphs (a) to (d).

10 (2) Where the Authority furnishes to the Minister of Police a report prepared by it on any of the matters contained in paragraphs (a) to (d) of subsection (1), the Minister of Police must lay a copy of that report before Parliament as soon as practicable after the receipt of that report by the Minister.

15 **7. Further provisions applying to Board**—The provisions set out in the Schedule apply in respect of the Authority.

20 **8. Review of operation of Authority**—(1) As soon as practicable after the expiry of the period of 6 years beginning on the date of commencement of this Act, a representative of each of the Ministers listed in paragraphs (a) to (k) of section 5 (2) of this Act must consider—

(a) Whether the Authority should be retained or abolished; and

(b) Whether any amendments to this Act are necessary or desirable—

25 and must report their findings to the Minister of Police within 6 months of the expiry of the period of 6 years beginning on the date of commencement of this Act.

30 (2) As soon as practicable after receiving a report on the matters contained in paragraphs (a) and (b) of subsection (1), the Minister of Police must lay a copy of that report before the House of Representatives.

9. Expiration—If the report, laid before the House of Representatives pursuant to section 8(2), considers that the Authority should be abolished,—

35 (a) This Act expires with the close of the 365th day of the sixth year following the commencement of this Act, and is deemed to be repealed as at the close of that day; and

(b) The Authority is dissolved; and

40 (c) All real and personal property belonging to the Authority is vested in the Crown; and

- (d) All money payable to the Authority is payable to the Crown; and
- (e) All liabilities, contracts, and engagements, and all rights and authorities of any nature whatever of the Authority become liabilities, contracts, engagements, rights and authorities of the Crown.

SCHEDULE

Section 7

PROVISIONS APPLYING TO NATIONAL CRIME AUTHORITY

1. Term of office—(1) Every member of the Authority is appointed for such term as the Minister specifies in the instrument appointing the member, being a term not exceeding 5 years.

(2) A member of the Authority may from time to time be reappointed.

2. Continuation in office after term expires—Notwithstanding clause 1, every member of the Authority whose term of office has expired, unless sooner vacating office under clause 3, continues to hold office by virtue of the appointment for the term that has expired, until—

(a) That member is reappointed; or

(b) A successor to that member is appointed.

3. Extraordinary vacancies—(1) A member of the Authority may at any time be removed from office by the Minister for disability affecting the performance of his or her duties as a member, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(2) A member of the Authority may at any time resign office by giving written notice to that effect to the Minister.

(3) If a member of the Authority dies or resigns or is removed from office, the vacancy created is deemed to be an extraordinary vacancy.

(4) An extraordinary vacancy may be filled by the appointment of person by the Minister in accordance with section 5.

(5) A person appointed to fill an extraordinary vacancy is appointed for the residue of the term for which the vacating member was appointed.

(6) The powers of the Authority are not affected by a vacancy in its membership.

4. Meetings of Authority—(1) The Chairperson may convene such meetings of the Authority as he or she thinks necessary for the efficient performance of the functions of the Authority.

(2) Meetings of the Authority may be held at such times and places as the Chairperson determines.

(3) At any meetings of the Authority the quorum is 5 members.

5. Chairperson—(1) The Chairperson presides at every meeting of the Authority at which he or she is present.

(2) Where the Chairperson becomes incapable of acting by reason of illness, absence, or other sufficient cause, or during any vacancy in the office of Chairperson, or if the Chairperson considers it not proper or desirable to participate personally in relation to a determination, the Deputy Chairperson has and may exercise all the powers, functions, and duties of the Chairperson.

(3) Where the Deputy Chairperson is incapable of acting by reason of illness, absence, or other sufficient cause, or there is a vacancy in the office of Deputy Chairperson, or if the Deputy Chairperson considers it not proper or desirable to participate personally in relation to a determination, the members of the Authority must, by resolution, appoint 1 of their number to act as Chairperson for the period or purpose stated in the appointment.

(4) A member of the Authority appointed to act for the Chairperson, while acting as such, is deemed to be the Chairperson, and has and may

SCHEDULE—*continued*PROVISIONS APPLYING TO NATIONAL CRIME AUTHORITY—*continued*

exercise all the powers, functions, and duties of that office for the period or for the purpose stated in the appointment.

(5) No appointment of a member of the Authority to act as Chairperson and no act done by that member as such, and no act done by the Authority while any member is acting as such, may in any proceedings be questioned on the ground that the occasion for the appointment had not arisen or had ceased.

6. Voting at meetings—(1) All questions arising at a meeting of the Authority are decided by a majority of the votes cast by the members present.

(2) The Chairperson has a deliberative vote and, in the event of any equality of votes, also has a casting vote.

(3) A resolution in writing signed or assented to by letter or telegram or facsimile transmission or telex, by all members of the Authority, is as valid and effectual as if it had been passed at a meeting of the Authority duly called and constituted.

7. Procedure—The Authority may regulate its procedure in such manner as it thinks fit.

8. Employees of Authority—(1) Subject to subclause (2), the Authority may from time to time appoint such officers and employees, including acting or temporary or casual officers and employees, as it thinks necessary for the efficient carrying out of its functions, powers, and duties.

(2) Officers and employees appointed under subclause (1) are employed on such terms and conditions of employment and are paid such salaries and allowances as the Authority from time to time determines in agreement with the State Services Commission, or as the Minister from time to time determines in any case where the Authority and the State Services Commission fail to agree.

9. Employment of experts—(1) The Authority may appoint any person, who, in its opinion, possesses expert knowledge or is otherwise able to assist it in connection with the exercise of its functions, to make such inquiries or to conduct such research or to make such reports as may be necessary for the efficient carrying out of any functions of the Authority.

(2) The Authority may pay persons appointed by it, for services rendered by them, fees and commission or either at such rates as it thinks fit, and may separately reimburse them for expenses reasonably incurred in rendering services for the Authority.

10. Remuneration and travelling allowances—The members of the Authority are paid such fees, salaries, and allowances, and such travelling allowances and expenses, as the Authority may from time to time determine with the approval of the Minister.