

**Reprint**  
**as at 27 March 2008**

**Police Complaints Authority  
(Commission of Inquiry into Police  
Conduct) Amendment Act 2004**

Public Act 2004 No 37  
Date of assent 19 May 2004

Police Complaints Authority (Commission of Inquiry into Police Conduct)  
Amendment Act 2004: expired, on 27 March 2008, by section 5.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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

**1 Title**

- (1) This Act is the Police Complaints Authority (Commission of Inquiry into Police Conduct) Amendment Act 2004.
- (2) In this Act, the Police Complaints Authority Act 1988 is called “the principal Act”.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1**  
**Preliminary provisions**

**3 Purpose**

The purpose of this Act is to amend certain provisions of the Independent Police Conduct Authority Act 1988 to ensure that they do not prevent the Commission of Inquiry into Police Conduct from gaining access to information needed in order to carry out its functions.

Section 3: amended, on 29 November 2007, by section 26 of the Independent Police Conduct Authority Amendment Act 2007 (2007 No 38).

**4 Interpretation**

For the purposes of this Act, but not the principal Act,—

**Commission—**

- (a) means the Commission of Inquiry into Police Conduct, the terms of reference for which are set out in the Supplement to the *Gazette* dated 20 February 2004; and

- (b) includes any person authorised by the members of the Commission to exercise any power under section 4C of the Commissions of Inquiry Act 1908

**instruction communication** means any request by, or instruction or direction from, the Authority to the police to investigate a complaint, and any subsequent amendment or addition that is made to that request, instruction, or direction, made in accordance with section 17(1)(ab), (b), (c), or (ca), 18(2), or 19 of the principal Act, but does not include any other part of the communication that was made

**member of the police** includes a former member of the police (other than a person who is currently an officer or employee of the Authority)

**restricted matter** means—

- (a) any document, information, or communication produced by or, as the case requires, made by a member of the Authority, or an officer or employee of the Authority, other than an instruction communication; and
- (b) any communication by a person made to the Authority, or forwarded or notified to the Authority,—
  - (i) in which that person made a complaint or raised a concern about the conduct of the police, or any member of the police; and
  - (ii) in respect of which that person has not given consent to the Authority for it to be disclosed to the Commission.

Section 4 **instruction communication**: amended, on 29 November 2007, by section 26 of the Independent Police Conduct Authority Amendment Act 2007 (2007 No 38).

Section 4 **restricted matter** paragraph (a): amended, on 29 November 2007, by section 26 of the Independent Police Conduct Authority Amendment Act 2007 (2007 No 38).

## **5 Expiry**

This Act expires at the close of the day that is 1 year after the date on which the Commission finally reports to the Governor-General.

## Part 2

### Disclosure to Commission of Inquiry into Police Conduct

#### 6 Authority and staff to maintain secrecy

Section 32 of the principal Act must be read as if, after subsection (2), the following subsections were inserted:

“(2A) Subsection (1) does not prevent—

“(a) the Authority, a member of the Authority, or any person holding any office or appointment under the Authority, from disclosing any matter (other than a restricted matter) in order to comply with any requirement, order, or direction of the Commission under section 4C of the Commissions of Inquiry Act 1908:

“(b) any member of the police who was involved in investigating a complaint or other matter that was received by or notified to or otherwise came to the attention of the Authority from disclosing any matter (other than a restricted matter)—

“(i) in order to comply with any requirement, order, or direction of the Commission under section 4C of the Commissions of Inquiry Act 1908 or a summons issued by the Commission under section 4D of that Act:

“(ii) in evidence before the Commission.

“(2B) Before the Authority discloses to the Commission any matter which the Authority could not disclose but for subsection (2A), the Authority must obtain from the Commission-

“(a) an acknowledgement that the Commission is aware of the confidentiality that persons who have informed the Authority of the matter were entitled to expect under this Act before it was amended by the insertion of subsection (2A):

“(b) an undertaking that, in exercising its power and discretions, the Commission will take all steps necessary or desirable to protect that confidentiality, so far as this may be achieved without materially prejudicing the Commission’s ability to ascertain and report the truth, which steps may include—

“(i) restricting or prohibiting publication: or

“(ii) excluding persons from hearings.

“(2C) Steps or restrictions referred to in subsection (2B)(b) may be waived with the informed consent of any person to whom this Act extends the benefit of confidentiality in respect of any matter but for subsection (2A).”

Section 6 new subsection (2A)(a): amended, on 29 November 2007, by section 26 of the Independent Police Conduct Authority Amendment Act 2007 (2007 No 38).

## **7 Proceedings privileged**

(1) Section 33 of the principal Act must be read as if, after subsection (2), the following subsection were inserted:

“(2A) Nothing in subsection (1)(b) applies to any member of the police who is called to give evidence in proceedings before the Commission.”

(2) Section 33 of the principal Act must be read as if, after subsection (3), the following subsection were inserted:

“(3A) Nothing in subsection (3) prevents—

“(a) any matter (other than a restricted matter) from being disclosed to the Commission; or

“(b) evidence about any matter (other than a restricted matter) being given in proceedings before the Commission.”

## **8 Certain privileges and protections unaffected by this Act**

Nothing in this Act affects—

(a) the privileges granted under section 25(1) of the principal Act; or

(b) the protections granted under section 25(3) and (4) of the principal Act; or

(c) the protections granted under section 33(1)(a) of the principal Act; or

(d) subject to section 7(1), the protections granted under section 33(1)(b) of the principal Act.

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## **Notes**

### **1 General**

This is an eprint of the Police Complaints Authority (Commission of Inquiry into Police Conduct) Amendment Act 2004. It incorporates all the amendments to the Police Complaints Authority (Commission of Inquiry into Police Conduct) Amendment Act 2004 as at 27 March 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 18 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

### **2 About this eprint**

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

### **3 List of amendments incorporated in this eprint (most recent first)**

Independent Police Conduct Authority Amendment Act 2007 (2007 No 38): section 26

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