



Cabinet Legislation Committee

Minute of Decision

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Policing (Police Vetting) Amendment Bill: Approval for Introduction

Portfolio **Police**

On 26 September 2024, the Cabinet Legislation Committee:

- 1 **noted** that the Policing (Police Vetting) Amendment Bill (the Bill) holds a category 5 priority on the 2024 Legislation Programme (to be referred to select committee in 2024);
- 2 **noted** that the Police vetting service contributes to public safety (particularly the protection of children and vulnerable members of society) and national security;
- 3 **noted** that the Bill amends the Policing Act 2008 to provide a statutory framework for the Police vetting service;
- 4 **noted** that the Bill enables Police to deliver service improvements in the future that could enhance public safety and increase efficiency;

Policy of the Bill

- 5 **noted** that as agreed by the previous government [SWC-20-MIN-0086], the Bill:
 - 5.1 sets out that the purpose of Police vetting is to assist an approved agency to assess the suitability of a vetting subject:
 - 5.1.1 for roles that involve the care and protection of children, young persons, or vulnerable persons; the education of children or young people; or national security or law enforcement;
 - 5.1.2 to obtain or sponsor a New Zealand visa, or citizenship;
 - 5.2 requires that an agency can only make a vetting request if they are approved to do so by Police, or required by legislation to obtain a Police vet;
 - 5.3 requires that Police vets can only be made with the consent of the vetting subject or, if they are under 16, the consent of a parent or guardian;
 - 5.4 provides that no Police vet can be made in respect of a vetting subject who is under 14;
 - 5.5 requires that Police respond to a vetting request as soon as practicable;

- 5.6 provides that a Police vet must include the criminal record (unless the Criminal Records (Clean Slate) Act 2004 provides otherwise);
- 5.7 makes transparent the types of Police-held information that may be considered for release by Police in responding to a request for a Police vet;
- 5.8 provides that a Police vet may include any information Police holds, if Police is satisfied the information is relevant to the purpose for which the Police vet is made, and Police has taken reasonable steps to ensure the information is accurate and not misleading, subject to additional disclosure tests for information that:
 - 5.8.1 is subject to a suppression order by a court or tribunal, or other statutory prohibition on publication;
 - 5.8.2 relates to the vetting subject when under the age of 18;
 - 5.8.3 may relate to the mental health or substance abuse of the vetting subject;
 - 5.8.4 relates to family violence (within the meaning of s 9 of the Family Violence Act 2018) where the vetting subject has been a victim or witness;
- 5.9 requires that Police provide agencies with updates on Police vets where the vetting subject is a children's worker, who is charged or convicted of an offence specified in Schedule 2 of the Children's Act 2014;
- 5.10 enables Police to make arrangements to provide updates on other Police vets, where requested, considered necessary by Police, and where the vetting subject's consent is obtained;
- 5.11 enables Police to identify classes of individuals who can make a vetting request on themselves, for a Police vet that will be provided to approved agencies, subject to funding for systems development;
- 5.12 provides an indemnity for Police from any liability arising from actions taken in good faith in providing Police vets;
- 5.13 makes amendments to regulation-making powers for cost recovery, to enable cost recovery of services provided by the Bill;
- 5.14 makes consequential amendments to references to Police vetting in other legislation and regulations;

Policy decisions

- 6 **noted** that the Cabinet Social Wellbeing Committee previously agreed for the Bill to include some further matters [SWC-20-MIN-0086];
- 7 **noted** that further work through the drafting process has identified that these matters are better provided in a different manner;
- 8 **agreed** to the following changes to previous Cabinet policy approvals:
 - 8.1 that the Bill does not set out the administrative review processes that already exist for Police vetting;
 - 8.2 that the Bill does not provide for professional organisations to voluntarily disclose to Police where their members are deregistered due to misconduct;

- 8.3 that the Bill does not enable, subject to funding, a vetting subject to have the option to view their Police vet before consenting to it being released;
- 8.4 that the Bill does not provide for Police to release a Police vet to an approved agency that would be kept confidential and unavailable to the vetting subject;
- 8.5 that the Bill include an exception to the requirement to provide a Police vet where providing it is likely to prejudice the maintenance of the law;

Parliamentary stages

- 9 **noted** that the Policing (Police Vetting) Amendment Bill holds a category 5 priority on the 2024 Legislation Programme (a priority to be referred to Select Committee in 2024);
- 10 **approved** the Policing (Police Vetting) Amendment Bill [PCO 20347/20.0] for introduction, subject to the final approval of the Government caucuses and sufficient support in the House of Representatives;
- 11 **agreed** that the Bill be introduced in October 2024;
- 12 **agreed** that the Government propose that the Bill be:
- 12.1 referred to the Justice Committee for consideration;
- 12.2 enacted by May 2025.

Tom Kelly
Committee Secretary

Present:

Hon Simeon Brown (Chair)
Hon Shane Jones
Hon Brooke van Velden
Hon Paul Goldsmith
Hon Mark Mitchell
Hon Tama Potaka
Hon Nicole McKee
Hon Casey Costello
Hon Simon Watts
Hon Chris Penk
Hon Nicola Grigg
Hon Andrew Bayly
Hon Scott Simpson, MP
Jamie Arbuckle, MP
Todd Stephenson, MP

Officials present from:

Officials Committee for LEG
Prime Minister's Office
New Zealand Police