

Amendments to the Approved Agency Agreement, April 2017.

The Approved Agency Agreement (AAA) which agencies enter into to access to the New Zealand Police Vetting Service and the Australian National Police Checking Service has been amended.

The changes to the AAA have been made as a result of the Policing (Cost Recovery) Amendment Act 2016 (the Act) which amends the Policing Act 2008 to enable regulations to be made that allow Police to recover costs for certain policing services that fall within the definition of a “demand service”. The Act lists the provision of vetting services by Police as an example of a demand service.

In addition NZ Police invited the Independent Police Conduct Authority (IPCA) and the Office of the Privacy Commissioner (OPC) to review the New Zealand Police Vetting Service to suggest improvements in processes and decision making. The joint IPCA/OPC report made a number of recommendations which NZ Police are in the process of implementing including making some changes the AAA.

The following table provides a guide to the changes made to the AAA. However, agencies should read the agreement in full before resigning the amended AAA.

Throughout the AAA all references to “CrimTrac” for the provision of Australian National Police History Checks have been changed to either the Australian Criminal Intelligence Commission or ACIC as CrimTrac has been amalgamated into this service.

References to clause numbers have also been updated to reflect the new clause numbering.

Summary of Amendments to the Approved Agency Agreement:

Original Clause Number	New Clause Number	Brief explanation of the amendment:
1	1	Allows more flexibility and discretion in applying the criteria to determine if an agency may access the NZ Police Vetting Service. Also adds reference to screening services.
3	3	Added clarification that information disclosed will be “relevant” information.
-	5	New clause – states that the Vetting Service is provided subject to the payment of any applicable fee
10	10	Added clarification of an “agency” to include an “employment agency”.
-	11	New clause – makes provision for screening services and sets requirements in regards to disclosure of vetting results.
19	21	States that name suppressed information or information with other prohibitions on publication may be released if the information is unequivocally and substantially relevant to the Approved Agency.
-	22	New clause – provides an explanation that there may be some limitations on the information released in a vetting result due to court orders, statutory provisions, and prejudice to the maintenance of the law or safety.
24	28	This clause is largely unchanged but has been broken out into sub-clauses a. and b. to make it easier to read.
-	36	New clause – states that the Approved Agency will consider any request for information about an applicant made by the Vetting Service. If information is

		held and the Approved Agency agrees to release the information, the Approved Agency should inform the applicant that this information is being shared with NZ Police.
-	41	New clause - explains that the withdrawal of a vetting request at any stage does not affect liability to pay any prescribed fee.
-	44	New clause - provides information about the amendment to the Policing Act 2008 to enable regulations to be made to recover cost through fees and charges for the provision of vetting services by police. Includes reference to waivers and exemptions.
-	49	New clause requiring registered charities that have been granted a waiver to notify the NZ Police Vetting Service if they cease to be a charitable entity
55	65	The variation clause has been changed to enable NZ Police to make changes to the agreement from time to time, and to notify Approved Agencies of the change, without the need for Approved Agencies to resign the agreement.
-	75	New clause – defines ‘Notice’ under the Approved Agency Agreement.

Schedule Changes:

Schedule 1 – Authorised Representatives:

- The only change to this schedule is the provision of a new contact telephone number for the NZ Police Vetting Service.

Schedule 2 – Schedule of Fees:

- The terms “standard check” and “priority check” are changed to “standard vet” and “priority vet”.
- The fee for a NZ Police “standard vet” has changed from NZ\$0 to NZ\$8.50 plus GST – effective from 1 July 2017, subject to regulations coming into force.
- The exchange rate for an Australian National Police Check has been updated from the rate published by the Inland Revenue Department in mid-April 2015 to the rate published in mid-January 2017.

Schedule 3 – Glossary:

- New terms and definitions have been added for further clarity.