



Cabinet Social Wellbeing Committee

Minute of Decision

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Policing (Vetting Service) Amendment Bill: Policy Decisions

Portfolio Police

On 1 July 2020, the Cabinet Social Wellbeing Committee:

Background

- 1 **noted** that there is currently no statutory framework to govern Police vetting;
- 2 **agreed** to establish a statutory framework for the Police Vetting Service by way of an amendment to the Policing Act 2008;

Stage one proposals

Purpose and Functions

- 3 **agreed** to a purpose statement for the Police Vetting Service, based on public safety (particularly the protection of vulnerable members of society), national security, or meeting statutory or regulatory requirements;
- 4 **agreed** that the amendment set out the functions of the Police Vetting Service, including determining who has access to the Service, processing vetting requests, reviewing Police vets, and maintaining the validity of a Police vet;

Access to the Police Vetting Service

- 5 **agreed** to the condition that vetting requests only be accepted if the role or requirement for which the Police vet is being sought relates to the purpose of the Police Vetting Service;
- 6 **agreed** that agencies must meet specified criteria to access the Police Vetting Service;
- 7 **agreed** that the Commissioner of Police has the discretion to grant an agency that does not meet the required criteria with 'approved agency' status;
- 8 **agreed** to provide for screening agencies to be vetting requesters;

Consent to a Police vet

- 9 **agreed** to the requirement to obtain the consent of the vetting subject before a Police vet can be undertaken and can be released to the vetting requester;

- 10 **agreed** that the minimum age at which an individual can be subject to a Police vet is 14 years of age;
- 11 **agreed** to the requirement to obtain the consent of a parent or guardian before a Police vet can be undertaken, and before a Police vet can be released, on an individual under 16 years of age;

Limitations on release of information in a Police vet

- 12 **agreed** that Police must meet specified criteria when determining what information can be released in a Police vet, which will vary depending on the nature of the information;
- 13 **noted** that the draft legislation will not limit or affect a vetting subject's rights under the Criminal Records (Clean Slate) Act 2004 scheme;
- 14 **agreed** to provide for Police to release relevant information to the vetting requester that both Police and the vetting requester are required to keep confidential and unavailable to the vetting subject, but only in exceptional circumstances and where withholding the information would be likely to put vulnerable people, criminal investigations, privacy, or national security at significant risk;

Review processes

- 15 **agreed** to provide for an administrative review of Police vetting processes within Police;
- 16 **noted** that the Office of the Privacy Commissioner would maintain its jurisdiction to investigate complaints about the Police Vetting Service relating to privacy;

Maintaining the validity of Police vet

- 17 **agreed** to provide for Police to maintain the validity of Police vets;

Protection against certain actions

- 18 **agreed** to provide a protection against court proceedings being taken against Police with regard to the information contained and subsequently released in a Police vet, where that information is made available in good faith;

De-registration by professional organisations due to misconduct

- 19 **agreed** to provide for professional organisations to voluntarily disclose to the Police Vetting Service that a member of their organisation, who they have previously vetted, has been de-registered due to misconduct;

Stage two proposals

Option to view Police vet prior to release

- 20 **agreed in principle**, in time and subject to funding, to a vetting subject having the option to view their Police vet prior to consenting to its release;

Ability to share a Police vet

- 21 **agreed in principle**, in time and subject to funding, to provide for a Police vet to be shared with more than one agency or individual, with the consent of the vetting subject, in cases where the vetting subject is intending to undertake the same or a very similar role for different agencies or individuals;

Individuals' access to Police Vetting Service

- 22 **agreed in principle**, in time and subject to funding, to enable direct access by individuals to the Police Vetting Service to obtain a Police vet on themselves;

Maintaining validity on a wider basis

- 23 **agreed in principle**, in time and subject to funding, to provide for Police to maintain the validity of Police vets on a more widespread basis than at present;

Legislative implications

- 24 **agreed** that the Policing (Vetting Service) Amendment Bill contains regulation-making powers to enable its implementation;
- 25 **noted** that section 6 of the Policing Act 2008 ensures that the proposed Policing (Vetting Service) Amendment Bill will bind the Crown;
- 26 **invited** the New Zealand Police to issue drafting instructions to the Parliamentary Counsel Office to prepare new legislation that gives effect to the above policy directions;
- 27 **noted** that the Policing (Vetting Service) Amendment Bill holds a category 4 priority in the 2020 Legislation Programme (to be referred to a select committee in 2020);
- 28 **authorised** the Minister of Police to take decisions on detail and make changes consistent with the policy intent, on any issues that arise during the drafting process for legislation for the Police Vetting Service;
- 29 **invited** the Minister of Police to report back to the Cabinet Legislation Committee with a draft Policing (Vetting Service) Amendment Bill;
- 30 **noted** that the implementation of the new processes and services to support individual access to the Police Vetting Service is subject to additional funding being obtained by Police to develop systems to support the proposals;
- 31 **noted** that the Bill will not create a commitment to implementing the stage two processes and services without additional funding;

Publicity

- 32 **noted** that announcements around the proposals in the paper under SWC-20-MIN-0086 will be made closer to the introduction of the proposed Policing (Vetting Service) Amendment Bill and the Minister of Police will lead for the government.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Kelvin Davis
Hon Grant Robertson (part of item)
Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Jenny Salesa
Hon Damien O'Connor
Hon Tracey Martin
Hon Peeni Henare
Hon Willie Jackson
Hon Aupito William Sio
Jan Logie, MP

Officials present from:

Office of the Prime Minister
Officials Committee for SWC
Office of the SWC Chair