

Independent Police Complaints Authority Amendment Bill

Government Bill

As reported from the Law and Order Committee

Commentary

Recommendation

The Law and Order Committee has examined the Independent Police Complaints Authority Amendment Bill and recommends that it be passed with the amendments shown.

Bill arose out of a review of the Police Complaints Authority

The bill proposes amendments to the Police Complaints Authority Act 1988, which prescribes the principal role of the Police Complaints Authority as being to consider whether there has been misconduct or neglect of duty on the part of any member of the police, and to consider whether the relevant practices, policies and procedures of the police have been complied with.

The suggested amendments arise primarily out of a review of the Police Complaints Authority conducted by the Honourable Sir Rodney Gallen in 2000. The purpose of the review was to examine the role of the current Police Complaints Authority in investigating and resolving complaints and incidents involving the police.

What does the bill do?

This bill seeks to amend the Police Complaints Authority Act by changing the name of the Police Complaints Authority to the Independent Police Complaints Authority (the Authority); and increasing the Authority's membership from one to three persons, including a chairperson, who will be a current or former Judge. As with the existing Police Complaints Authority, the members will be appointed by the Governor-General on the recommendation of the House of Representatives. The proposed name change and the increase in the Authority's membership, which are provisions in the bill, are in our view needed to enhance the Authority's independence.

The bill also:

- establishes the Authority as a separate legal entity, which recognises its change of status from a single-person office to a three-person body
- makes it clear that the Authority may defer taking action on a complaint if a criminal investigation, disciplinary investigation, or both is being conducted by the police in relation to a matter
- allows the Authority, when deciding whether to hold a hearing, to have regard to whether proceedings or a coroner's inquest is pending or in reasonable contemplation
- confers on the Authority appropriate powers under the Commissions of Inquiry Act 1908 for the purposes of holding a hearing
- sets out a procedure that enables the Authority to disclose information that has come to its knowledge through the exercise of its functions about a defendant who has been charged with, or has been convicted of, an offence punishable by imprisonment
- provides for a number of matters relating to the appointment of members and the administration of the Authority that are consistent with the Government's Crown entity reforms.

A number of these issues are covered more fully in this commentary, especially where amendments are recommended.

Current law requires the Police Complaints Authority to maintain secrecy with only limited ability to disclose

Under the current law, section 32 of the Act provides that the Police Complaints Authority, and every person holding office or appointment under the Police Complaints Authority, shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions. Secrecy is important to encourage witnesses to be frank by providing a climate in which evidence can be given without fear of self incrimination, retribution by alleged offenders or associates, or defamation proceedings. It is also important that a police officer is able to give a frank and candid report. In addition, requiring staff to maintain secrecy protects the privacy of complainants who may disclose personally sensitive information. These sections are referred to as the secrecy provisions.

However, section 32 also allows the Police Complaints Authority to disclose such matters as in its opinion ought to be disclosed for the purposes of carrying out an investigation, or in order to establish grounds for its conclusions and recommendations. In addition, section 34 of the Act allows the Authority to publish reports 'in the public interest' relating to the general exercise of its functions in any particular case.

Bill provides for an exception to the secrecy provisions

The bill is maintaining the secrecy provisions in the Act. However the bill provides for an exception to the secrecy provisions by amending the Act to allow disclosure in certain circumstances. The provisions that will do this are referred to as the 'disclosure provisions' and are found in clause 19 of the bill.

Amendments recommended to the disclosure provisions

We recommend that the disclosure provisions, in clause 19, be amended. The bill as introduced inserts seven new sections into the Act, 33A to 33G. We recommend that these sections be deleted, and replaced with two new sections, 33A and 33B. As identified by several submitters, the proposed new sections 33A to 33G are unduly complicated and potentially impracticable. We realise they may also have resulted in an increased risk of substantial delays in both Authority and court proceedings while applications to the court are being made and considered. We wish to ensure that all proceedings are dealt with as quickly as possible. As the primary objective

of clause 19 is to ensure that a defendant's right to a fair trial is not compromised, we recommend substantial amendments to clause 19 to achieve this objective in a simpler way. We consider these amendments, along with the continued ability of the Authority to disclose information under sections 32 and 34 of the Act, will provide a suitable balance between the objective of transparency and the ability of the Authority to perform its functions.

Functions of new section 33A

The recommended new section 33A maintains the Authority's discretion to disclose information that has come to its knowledge through the exercise of its functions about a defendant who is charged with, or has been convicted of, an offence punishable by imprisonment, if the Authority considers that information points to the defendant's innocence in relation to the offence for which he or she has been charged or convicted.

The Authority to have sole discretion to decide if it holds information and to release information to the defendant

The New Zealand Law Society and the National Council of Women have concerns that the bill gives the Authority sole discretion to determine whether it holds information that it considers may point to a defendant's innocence. We do not have the same concerns, and agree with Sir Rodney, as outlined in his review, that the Authority should have this discretionary power. To remove this discretion would clearly be inconsistent with the independence of the Authority. We also recommend an amendment that provides for the Authority to release any information it holds directly to the defendant, rather than the court, as proposed by the bill as introduced. Our view is that the court would not be in any better position to ascertain the relevance of the information. Without this amendment, concerns may be raised that the defence would have to effectively disclose its case prior to the criminal hearing, which is contrary to general criminal procedure (where it is only the prosecution that has an obligation to disclose all relevant information).

Threshold for releasing information must point to a defendant's innocence

We are mindful that the Authority must not become subject to 'fishing expeditions'. Therefore there must be a sufficiently high

threshold for the Authority when considering whether or not it holds relevant information for disclosure purposes. This threshold is whether or not the relevant information points to the innocence of a defendant who is facing a term of imprisonment, and was in the disclosure provisions in the bill as introduced. We recommend that it also be included in the new disclosure provisions. This is because we wish to restrict the disclosure of information to a situation where it would achieve the greatest benefit to the defendant, which in this case is not to deprive a defendant of his or her liberty.

Function of new section 33B

New section 33B provides that, where the Authority has disclosed information to a defendant, and, if requested to do so in writing by the defendant, the Authority must issue to the defendant a certificate in relation to the disclosed information. Such a certificate must describe the circumstances and the manner in which the disclosed information came to the Authority's knowledge, together with any other information the Authority considers relevant, and describe the disclosed information in a way that allows it to be identified. Lastly, the certificate must be signed by a member of the Authority. A certificate that meets these requirements is admissible and must be received in evidence and, in the absence of proof to the contrary, the certificate is proof of the matters stated in it. However, the normal rules of evidence apply to the disclosed information (other than the certificate) and therefore it may not be admissible in proceedings.

Certificate creates a limited exception to the rule against hearsay ¹

New section 33B describes two categories of information. Firstly, the information contained in the certificate which describes the circumstances and the manner in which the disclosed information came to the Authority's knowledge, and secondly, the disclosed information itself. A certificate issued by the Authority does not allow disclosed information to be admissible in proceedings if the rule against hearsay renders it to be inadmissible. However, new section 33B creates an exception to the hearsay rule, for the first category of information only. We are aware this cuts across existing

¹ Hearsay may be defined as an oral or written statement made out of court, which is tendered to the court as evidence of the truth of what was asserted in the statement.

evidential principles, but we believe this limited exception to the rule against hearsay is necessary, as we are endorsing clause 18 in the bill (as outlined immediately below), which retains the current prohibition against the Authority being called to give evidence in court or any proceedings of a judicial nature. We consider that new section 33B creates an appropriate balance between allowing information (including the circumstances and the manner in which the disclosed information came to the Authority's knowledge) to be disclosed by the Authority to allow a defendant to receive a fair trial, and respect for established court procedure and rules of evidence to ensure the best possible evidence is admitted into court.

The Authority shall not be called to give evidence in court

As stated above, we endorse the retention in clause 18 of the bill, of a provision specifying that the Authority shall not be called to give evidence in court or in any proceedings of a judicial nature, in respect of anything coming to its knowledge in the exercise of its functions under this Act. We consider that allowing a member of the Authority to be called as a witness in criminal proceedings would have the potential to undermine the independence of both the court and the Authority, and may also diminish public confidence in the integrity of the process. We note that the principle set out in clause 18 has been carried over from the Act (section 33(1)(b)), and that the amendments that are made to the provision do not change the principle, but instead reflect the decision to expand the membership of the Authority.

Removal of 14-day timeframe within which the defendant is required to request relevant information

We acknowledge the concerns of submitters, including the New Zealand Law Society, that the proposal in the bill for a 14-day timeframe within which the defendant is required to request relevant information from the Authority is not a long enough timeframe, and recommend that this provision not be included in the new disclosure provisions. Instead, it is our view that the disclosure provisions should be permissive, allowing the Authority to release information on its own initiative. This means the Authority will be able to release information both before and after court proceedings, which may

assist defendants in making applications for the prerogative of mercy.

Authority to be given the same powers as the Ombudsmen

Section 18(1)(b)(v) of the Act currently enables the Police Complaints Authority to take no action, or no further action, on a complaint if there is ‘an adequate remedy or right of appeal, other than the right to petition the House of Representatives, which it would be reasonable for the [complainant] to exercise’.

Our understanding is that, when the Police Complaints Authority Act was prepared in 1987, section 18(1)(b)(v) was based on section 17(1)(a) of the Ombudsmen Act 1975, with the intention that the power given to the Police Complaints Authority under its section was supposed to mirror that given to the Ombudsmen under its section of the Act.² However, it could be argued that the current wording of section 18(1)(b)(v) only enables the Police Complaints Authority to refuse to take action if an adequate remedy remains open to the complainant. To give effect to the original intention from 1987, we recommend the addition of clause 15A to clarify that the Authority will have a similar ability to the Ombudsmen to decline to investigate a complaint because the complainant had an adequate remedy, which for whatever reason, they chose not to exercise. Although some of us were initially concerned that the addition of this clause will impact unduly on the rights of complainants, we have been assured by the Police Complaints Authority that this amendment will have no practical change to what happens currently.

A change allowing comprehensive reports to be released is not considered practical

The Commonwealth Press Union suggests that the bill include provision for a more comprehensive decision to be publicly released by the Authority, which would canvas evidence on both sides in order to give a fuller picture of how a decision was reached. We do not consider this to be practical. The practice of the Police Complaints

² Section 17(1)(a) of the Ombudsmen Act 1975 states that ‘(1) An Ombudsman may – (a) Refuse to investigate a complaint that is within his jurisdiction or to investigate any such complaint further if it appears to him that under the law or existing administrative practice there is an adequate remedy or right of appeal, other than the right to petition the House of Representatives, to which it would have been reasonable for the complainant to resort. . .’.

Authority since its inception has been to report only to the complainant and the Commissioner of Police on the outcome of an investigation. As previously outlined on page three, the Authority has a legislative requirement to maintain secrecy. A change to more comprehensive reports being publicly released would be a major change in the philosophy of the Act and could deter a significant proportion of intending complainants.

No concerns about the timeliness of findings released in the ‘public interest’

The New Zealand Police Association has concerns that the public release of the Police Complaints Authority’s findings in the ‘public interest’ is not occurring quickly enough to satisfy interested parties. It submits that, for the Authority to maintain integrity, it is important that some provision needs to be made to compel the Authority to release its findings and recommendations in a more timely manner so that they can be scrutinised by the public. The Police Association claims that this was the practice of the Police Complaints Authority some years ago, and reinforced this point by referring to section 34 of the Act which, as we have previously noted, allows the Police Complaints Authority to publish reports in the ‘public interest’.

We have no concerns about the timeliness of, or the public release of, the Police Complaints Authority’s findings, given the overarching responsibility of the Police Complaints Authority to maintain secrecy. We are aware that it is relatively rare for the Police Complaints Authority to publicly release decisions under section 34, which may contribute to the false impression that the Authority is not reporting in an adequate or timely manner. We are also aware that over the past five years there has been an increase in complaints to the Police Complaints Authority, which may also have contributed to this impression. In addition, it needs to be remembered that, ever since its establishment, the Police Complaints Authority has adopted the practice of waiting for the completion of other proceedings before concluding its investigation. Our view is that, if the Authority were to change this practice, the findings would be unlikely to gain general acceptance, as the Authority may be seen to be acting prematurely, and therefore, improperly. Further, with the bill increasing the membership of the Authority from one to three members, combined with the increased funding being made available to the Authority, we consider these measures will assist in

enabling the Authority to dispel the concerns of the Police Association.

No change to the recommendatory role of the Authority

The Dunedin Community Law Centre submits that the recommendatory role of the Police Complaints Authority is a weakness, as the Police can ignore the recommendations with little fear of sanctions. They recommend that the bill give the Authority the ability to make binding recommendations and impose sanctions. We do not recommend any change to the recommendatory role of the Authority. As previously mentioned on page seven, the Police Complaints Authority presently conveys its recommendations to the Police Commissioner and the complainant. The Commissioner must then notify the Police Complaints Authority of any action proposed to be undertaken, including any reasons for any proposal to depart from the Police Complaints Authority's recommendations. If the Commissioner takes no appropriate action, the Police Complaints Authority may send a copy of its recommendations to the Attorney-General and the Minister of Police, and give a report to the Attorney-General for presentation to the House of Representatives. We understand that the Police Complaints Authority's recommendations tend to be adopted, and the power of the Police Complaints Authority to forward its recommendations to the Attorney-General has never been used.

We agree with Sir Rodney, as outlined in his review, that there may be a perception among some members of the public that the police frequently ignore recommendations from the Police Complaints Authority, and that there are no consequences for an offending officer. Sir Rodney acknowledged that this may have come about from the Police Complaints Authority having to operate under secrecy. We also agree with Sir Rodney's conclusions that complaints that an ineffective penalty is being imposed proceed from a misunderstanding of what the Police Complaints Authority is designed to achieve. The Police Complaints Authority's function, which will remain the function of the Authority, is to ascertain whether or not improper behaviour has occurred on the part of a police officer, and whether or not unacceptable practices are occurring. The consequences of the identification of such failures are for others to determine. It is important to remember that neither the

Police Complaints Authority nor the Authority has control over police practices. We consider that police operations would be severely affected if an outside body, such as the Authority, were in a position to directly control the practices and procedures that the police adopt.

No amendments made with regard to the membership or qualifications of the Authority

Ten submissions comment on clause 6 of the bill, which outlines the qualifications and experience required of members of the Authority.

Membership and experience of members of the Authority

Six submissions, including the Police Association's, suggested that members of the Authority should be representative of the community. Other submitters commented that one member of the Authority should be a Māori or Pacific Islander, and the National Council of Women recommended that at least one member should be a woman.

We consider that prescribing in legislation the requirements that must be met before a person can become a member of the Authority is neither appropriate nor necessary. A provision that specifically requires a member to be of a particular ethnic background or gender will raise issues with regard to compliance with the New Zealand Bill of Rights Act 1990, and the discrimination provisions of the Human Rights Act 1993. It could also be argued that a requirement to appoint a member with particular characteristics to the Authority would be detrimental to suitably qualified candidates who do not match the characteristics. We also note that with only three members in the Authority, the scope for broad representation of interests at any one time is likely to be limited.

Only the chairperson will be required to have a legal qualification

We note the New Zealand Law Society's concern that the bill does not require members of the Authority, other than the chairperson, to have legal qualifications. We do not agree that all members need to be legally qualified. Sir John Jefferies, the longest serving Authority, stated from his own experience that it was relatively easy for a single Judge to operate with two other members of staff who are not legally

trained. We also note that other comparable complaints jurisdictions, such as the Ombudsmen and the Privacy Commissioner, do not have a statutory requirement for legal qualifications. Accordingly, we have not recommended any change to the bill in this regard.

National Party additional comment

The National Party is of the view that consideration should be given to incorporating an independent prisons complaints capacity within the Independent Police Complaints Authority.

Appendix

Committee process

The Independent Police Complaints Authority Amendment Bill was introduced to the House on 4 December 2002 and referred to the Law and Order committee on 20 February 2003. The closing date for submissions was 9 April 2003. We received and considered 17 submissions from interested groups and individuals, of which we heard eight. Hearing of evidence took 3 hours and 8 minutes, and consideration took 3 hours and 21 minutes.

Committee membership

Martin Gallagher (Chairperson)

Marc Alexander (Deputy Chairperson)

Georgina Beyer

Brian Connell

Ann Hartley

Mahara Okeroa

Edwin Perry

Hon Tony Ryall

Hon Phil Goff

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Independent Police Complaints Authority Amendment Act **2002**.
 - (2) In this Act, the Act that was previously called the Police Complaints Authority Act 1988¹ is called “the principal Act”. 5
- ¹ 1988 No 2

Part 1
Preliminary provisions

2 Commencement

This Act comes into force on a date to be appointed by the Governor-General by Order in Council. 10

3 (*Long*) Title amended

The (*Long*) Title of the principal Act is amended by omitting the words “**an independent**”, and substituting the words “**the Independent**”.

4 Name of principal Act changed 15

- (1) After the commencement of this section, the principal Act is called the **Independent Police Complaints Authority Act 1988**.
- (2) Section 1(1) of the principal Act is consequentially amended by inserting, before the word “Police”, the word “Independent”. 20

Part 2 Amendments to principal Act

5 Interpretation

- (1) Section 2 of the principal Act is amended by repealing the definition of **Authority**, and substituting the following definitions: 5
- “**Authority** means the Independent Police Complaints Authority established under **section 4**
- “**chairperson** means the chairperson of the Authority appointed under **section 4C(1)**”. 10
- (2) Section 2 of the principal Act is amended by repealing the definition of **Deputy Authority**.
- (3) Section 2 of the principal Act is amended by adding the following definition:
- “**member** means a member of the Authority appointed under **section 4A(1)**; and includes the chairperson.” 15

6 New sections 4 to 7 and heading substituted

The principal Act is amended by repealing sections 4 to 7 and the heading before section 4, and substituting the following sections and heading: 20

“Independent Police Complaints Authority

“4 **Independent Police Complaints Authority established**

- “(1) There is an authority known as the Independent Police Complaints Authority.
- “(2) The Authority is a body corporate that has— 25
- “(a) the capacity, rights, powers, and privileges of a natural person; and
- “(b) any additional powers conferred on it by this Act or any other enactment.
- “(3) The Authority may exercise its powers only for the purpose of carrying out its functions. 30

“4A **Membership of Authority**

- “(1) The Authority consists of 3 members appointed by the Governor-General on the recommendation of the House of Representatives. 35

- “(2) The powers of the Authority are not affected by any vacancy in its membership.
- “(3) No person is deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 just because the person is appointed as a member of the Authority. 5
- “4B **Method of appointment**
- “(1) Before a person is appointed as a member of the Authority under **section 4A(1)**, the person must give written consent to being appointed. 10
- “(2) An appointment under **section 4A(1)** must—
- “(a) be in the form of a written notice; and
- “(b) state the date on which the appointment takes effect; and
- “(c) be published by the Governor-General in the *Gazette* as soon as practicable after it is made. 15
- “4C **Chairperson of Authority**
- “(1) The Governor-General, on the recommendation of the House of Representatives, must appoint 1 member as the chairperson of the Authority. 20
- “(2) A person appointed as the chairperson of the Authority must be—
- “(a) a Judge of the District Court, High Court, or Court of Appeal; or
- “(b) a retired Judge of the District Court, High Court, or Court of Appeal. 25
- “4D **Appointment of Judge as member of Authority**
- “(1) The appointment of a Judge as a member of the Authority does not affect his or her judicial office, rank, title, status, precedence, salary, annual or other allowances, or other rights or privileges that he or she has as a Judge (including matters relating to superannuation). 30
- “(2) The time a Judge serves as a member of the Authority must be taken as service as a Judge.

- “5 Term of office of member of Authority**
- “(1) A member of the Authority—**
- “(a) holds the office for the term (of not less than 2 years and not longer than 5 years) that the Governor-General, on the recommendation of the House of Representatives, specifies in the person’s appointment; and** 5
 - “(b) may be reappointed.**
- “(2) A member of the Authority, unless vacating the office as a result of death, resignation, removal, or failure to be confirmed in office under **section 7(3)**, continues to hold the office (even though the term for which he or she was appointed has expired) until 1 of the following occurs:** 10
- “(a) the member is reappointed; or**
 - “(b) a successor is appointed; or**
 - “(c) the Minister of Justice informs the member, in writing, that a successor has not been appointed, but that the member cannot continue to hold office.** 15
- “(3) A member of the Authority may resign the office at any time by written notice given to the Governor-General.**
- “(4) A notice of resignation under **subsection (3)** must state the date on which the resignation takes effect.** 20
- “6 Power to remove or suspend member of Authority**
- The Governor-General, on an address from the House of Representatives, may remove or suspend any member of the Authority for any of the following reasons: 25
- “(a) inability to perform the functions of the office:**
 - “(b) bankruptcy:**
 - “(c) neglect of duty:**
 - “(d) misconduct.**
- “6A No compensation if member removed from office** 30
- If a member of the Authority is removed from office, he or she is not entitled to any compensation, payment, or benefit on any basis in respect of that removal.
- “7 Filling of vacancy**
- “(1) If a vacancy arises in the membership of the Authority, the Governor-General, on the recommendation of the House of Representatives, must appoint a successor.** 35

- “(2) Despite **subsection (1)**, if the vacancy exists at the close of a session, or the vacancy arises while Parliament is not in session, and the House of Representatives has not recommended an appointment to fill the vacancy, the Governor-General in Council may appoint a successor at any time before the commencement of the next ensuing session of Parliament. 5
- “(3) An appointment made under **subsection (2)** lapses and the office again becomes vacant unless the appointment is confirmed by the House of Representatives before the end of the 24th sitting day following the date of the appointment.” 10
- 7 Section 8 repealed**
The principal Act is amended by repealing section 8.
- 8 New sections 9 to 10B substituted**
The principal Act is amended by repealing sections 9 and 10, and substituting the following sections: 15
- “9 Salaries and allowances**
- “(1) Every member of the Authority must be paid the remuneration and allowances that the (*Higher Salaries Commission*) Remuneration Authority determines.
- “(2) Every member of the Authority is entitled to receive from the funds of the Authority actual and reasonable costs for travelling and other expenses that relate to the performance of his or her duties and responsibilities as a member. 20
- “10 Staff**
- “(1) The Authority may, in accordance with this section, appoint any employees and officers that it considers necessary for the efficient carrying out of the functions, powers, and duties of the Authority under this Act. 25
- “(2) Employees and officers appointed under this section are employed on any terms and conditions of employment that the Authority determines. 30
- “(3) No person is deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 just because the person is appointed under this section. 35

- “(4) If the Authority appoints a chief executive, the Authority—
- “(a) must not determine or modify the chief executive’s remuneration or other terms and conditions of appointment without having consulted the State Services Commissioner; and 5
 - “(b) if the remuneration or other terms and conditions of appointment proposed to be determined or modified by the Authority are not in accordance with the guidance given by the State Services Commissioner during consultation under **paragraph (a)**, must not determine or modify it or them without having consulted the Minister of Justice. 10
- “10A **Personnel policy**
- “(1) The Authority must operate a personnel policy that complies with the principle of being a good employer. 15
- “(2) For the purposes of this section, a **good employer** is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring— 20
- “(a) good and safe working conditions; and
 - “(b) an equal employment opportunities programme; and
 - “(c) impartial selection of suitably qualified persons for appointment; and
 - “(d) recognition of— 25
 - “(i) the aims and aspirations of Māori; and
 - “(ii) the employment requirements of Māori; and
 - “(iii) the need for involvement of Māori as employees of the Authority; and
 - “(e) opportunities for the enhancement of the abilities of individual employees; and 30
 - “(f) recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and
 - “(g) recognition of the employment requirements of women; and 35
 - “(h) recognition of the employment requirements of persons with disabilities.
- “(3) For the purposes of this section, an **equal employment opportunities programme** means a programme that is aimed at the identification and elimination of all aspects of policies, 40

procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any person or group of persons.

- “10B Appointment of experts** 5
- “(1) The Authority may, as and when the need arises, appoint any person who, in the Authority’s opinion, possesses expert knowledge or is otherwise able to assist in connection with the exercise of the functions of the Authority to make inquiries, conduct research, make reports, or to provide any other services that may be necessary for the efficient performance by the Authority of the functions of the Authority. 10
- “(2) The Authority—
- “(a) must pay persons appointed under **subsection (1)**, for services provided by them, fees or commission or both at the rates the Authority thinks fit; and 15
- “(b) may separately reimburse the persons appointed for expenses reasonably incurred in providing services for the Authority.
- “(3) No person is deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 just because the person is appointed under this section. 20
- “(4) To avoid doubt, a person appointed as an expert under **subsection (1)** is not an employee for the purposes of this Act.”
- 9 Superannuation or retiring allowances** 25
- Section 11 of the principal Act is amended by omitting the words “the Authority, the Deputy Authority,” and substituting the words “members of the Authority”.
- 10 Bank accounts** 30
- Section 11B(2) of the principal Act is amended by omitting the words “by any officer”, and substituting the words “by any member, officer,”.

Struck out (unanimous)

11 Investment of money

Section 11D of the principal Act is amended by omitting the words “section 50 of the Public Finance Act 1977”, and substituting the words “section 25 of the Public Finance Act 1989”.

5

New (unanimous)

11 New section 11D substituted

The principal Act is amended by repealing section 11D, and substituting the following section:

“11D Investment of money

Any money that belongs to the Authority and that is not immediately required for expenditure by the Authority may only be invested in the same manner as the Treasury may invest public money pursuant to section 23(1) of the Public Finance Act 1989.”

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12 New sections 12A and 12B inserted

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The principal Act is amended by inserting, after section 12, the following sections:

“12A Duty to act independently

The Authority must act independently in the exercise of its functions.

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“12B Meeting procedure

The meeting procedure described in the **Schedule** applies to any meeting relating to the exercise of any functions of the Authority.”

13 Duty of Commissioner to notify Authority of certain incidents involving death or serious bodily harm

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Section 13 of the principal Act is amended by omitting the words “the member’s”, and substituting the words “his or her”.

14 Mode of complaint

Section 14(5)(b) of the principal Act is amended by omitting the expression “Mental Health Act 1969”, and substituting the expression “Mental Health (Compulsory Assessment and Treatment) Act 1992”.

5

15 Action upon receipt of complaint

(1) Section 17(1)(b) of the principal Act is amended by adding the words “undertaken on behalf of the Authority”.

(2) Section 17(1) of the principal Act is amended by inserting, after paragraph (c), the following paragraph:

10

“(ca) defer action until the receipt of a report from the Commissioner following a criminal investigation(,) or a disciplinary investigation, or both, initiated and undertaken by the police:”.

(3) Section 17(2A)(b) of the principal Act is amended by inserting, after the expression “(c),(,)”, the words “or **paragraph (ca)**”.

15

New (unanimous)

15A Authority may decide to take no action on complaint

Section 18(1)(b) of the principal Act is amended by repealing paragraph (v), and substituting the following paragraph:

20

“(v) there is, or was, in all the circumstances an adequate remedy or right of appeal, other than the right to petition the House of Representatives, that it would be reasonable, or would have been reasonable, for the person alleged to be aggrieved to exercise.”

25

16 Proceedings of Authority

(1) Section 23(3) of the principal Act is amended by inserting, after paragraph (b), the following paragraph:

“(ba) the Authority may, in deciding whether to hold a hearing, have regard to whether any of the following are pending or are reasonably in contemplation:

30

“(i) civil, criminal, or disciplinary proceedings:

“(ii) a coroner’s inquest:”.

- (2) Section 23 of the principal Act is amended by adding the following subsections:
- “(5) The Authority has, for the purposes of any hearing under subsection (3), the same powers as are conferred on Commissions of Inquiry by sections 4 and 4B to 9 of the Commissions of Inquiry Act 1908, with all necessary modifications. 5
- “(6) Sections 4 and 4B to 9 of the Commissions of Inquiry Act 1908 apply to all persons involved in any capacity in a hearing under subsection (3) as if the inquiry were being conducted by a Commission under that Act. 10

Struck out (unanimous)

“(7) Subsections (1) to (4) and **(6)** and sections 24 and 26 override **subsection (5).**”

New (unanimous)

“(7) If there is any inconsistency between a provision of this Act and a provision of the Commissions of Inquiry Act 1908 referred to in **subsection (5) or (6)**, the provision of this Act prevails.” 15

16A Protection and privileges of witnesses, etc

Section 25(5) of the principal Act is amended by omitting the word “where” in the second place where it occurs, and substituting the word “were”. 20

17 Authority and staff to maintain secrecy

- (1) Section 32(1) of the principal Act is amended by inserting, after the words “The Authority,”, the words “every member of the Authority,”.
- (2) Section 32 of the principal Act is amended by repealing subsection (3), and substituting the following subsection: 25
- “(3) Every member of the Authority, and every person holding office or appointment under the Authority, is deemed to be an official for the purposes of sections 105 and 105A of the Crimes Act 1961.” 30

18 Proceedings privileged

Section 33(1) of the principal Act is amended by repealing paragraphs (a) and (b), and substituting the following paragraphs:

“(a) no proceedings, whether civil or criminal, may lie against the Authority, any member of the Authority, or any person holding any office or appointment under the Authority, for anything done or said by them in the course of the exercise or intended exercise of their functions under this Act, unless it is shown that they acted in bad faith: 5 10

“(b) the Authority, members of the Authority, and any person holding office or appointment under the Authority must not be called to give evidence in any Court, or in any proceedings of a judicial nature, in respect of anything coming to their knowledge in the exercise of their functions under this Act.” 15

19 New sections 33A (to 33G) and 33B inserted

The principal Act is amended by inserting, after section 33, the following sections: 20

Struck out (unanimous)

“33A Request to Authority regarding information that may point to defendant’s innocence

“(1) This section applies to a defendant who is charged with an offence punishable by imprisonment and who has reasonable grounds to believe that the Authority holds information— 25

“(a) that has come to its knowledge through the exercise of its functions; and

“(b) that may point to the defendant’s innocence in relation to the offence for which he or she has been charged.

“(2) A defendant to whom this section applies may, within the applicable time period, ask the Authority if it holds information of the kind referred to in **subsection (1)(a) and (b)**. 30

“(3) A request made under **subsection (2)** must—

“(a) be in writing; and

“(b) set out the reasonable grounds on which the defendant believes the Authority holds the information requested. 35

Struck out (unanimous)

- “(4) In this section, **applicable time period** means—
- “(a) no later than 14 days after the defendant is served with a summons in relation to the offence for which he or she has been charged; or
 - “(b) if the defendant has been arrested, no later than 14 days after the laying of an information against the defendant. 5
- “33B **Authority to disclose information to court if it considers that it holds information requested by defendant**
- “(1) Despite section 32(1), if the Authority receives a request under **section 33A** and considers that it holds information of the kind requested by the defendant, it must disclose that information, and any other information that may affect the information’s probative value, to a court. 10
- “(2) In this section, **court** means a Judge of the court in which an information laid against the defendant was filed under the Summary Proceedings Act 1957 or to which the matter has been transferred. 15
- “33C **Authority may, on own initiative, disclose information to court in limited circumstances**
- “(1) Despite section 32(1), if a defendant is charged with, or convicted of, an offence punishable by imprisonment, the Authority may, on its own initiative if it considers it appropriate, disclose to a court information—
- “(a) that has come to the Authority’s knowledge through the exercise of its functions; and 25
 - “(b) that the Authority considers may point to the innocence of the defendant in relation to the offence for which he or she has been charged or convicted, and any other information that may affect the probative value of that information. 30
- “(2) In this section, **court** means—
- “(a) if the defendant has been charged with an offence, a Judge of the court in which the information laid against the defendant was filed under the Summary Proceedings Act 1957 or to which the matter has been transferred; or 35

Struck out (unanimous)

- “(b) if the defendant has been convicted of an offence but is not appealing the conviction, a Judge of the court in which the information laid against the defendant was filed under the Summary Proceedings Act 1957 or to which the matter has been transferred; or 5
- “(c) if the defendant has been convicted of an offence and is appealing the conviction, a Judge of the court in which the defendant has lodged his or her appeal.
- “33D **Court may make request to Authority for other information** 10
- “(1) A court that receives information disclosed by the Authority under **section 33B or section 33C** may ask the Authority to disclose to it other information that is referred to in the information originally disclosed by the Authority.
- “(2) A court may make a request for information under **subsection (1)** if it considers that the information may— 15
- “(a) assist it in deciding whether to make an order under **section 33F(3)**; or
- “(b) need to be the subject of an order under **section 33F(3)**.
- “(3) The Authority must comply with a request made under **subsection (1)** despite section 32(1). 20
- “33E **Authority may not disclose certain information but may advise court on certain matters**
- “(1) The Authority may not disclose any information under **section 33B, section 33C, or section 33D** if— 25
- “(a) to do so is likely to prejudice any of the interests described in section 26(1); and
- “(b) a certificate has been given under that subsection.
- “(2) The Authority may, if it considers it appropriate, advise a court to which it has disclosed information under **section 33B, section 33C, or section 33D** of matters that may assist the court in deciding— 30
- “(a) whether to make an order requiring the Authority to disclose all or part of the information disclosed to the court under **section 33B, section 33C, or section 33D** to the 35

Struck out (unanimous)

defendant or the prosecutor, or both, under **section 33F(3)**;
and

“(b) what (if any) conditions the court might apply to the
disclosure of the information under **section 33F(3)**.”

“33F **Court may not disclose information but may make
order for Authority to disclose** 5

“(1) A court that receives information under **section 33B, section 33C,
or section 33D**—

“(a) may not disclose that information to any person (includ- 10
ing, but not limited to, the defendant or prosecutor in
the proceedings before the court); but

“(b) may make an order, under **subsection (3)**, for the Autho-
rity to disclose all or part of the information.

“(2) **Subsection (3)** applies if, after inspecting information disclosed
to it by the Authority under **section 33B, section 33C, or section 33D** 15
and considering any matters raised by the Authority under
section 33E(2), the court considers that it is necessary to dis-
close all or part of the information disclosed to it in order to
protect the defendant’s right to a fair hearing or trial.

“(3) If this subsection applies, the court must make an order requir- 20
ing the Authority to disclose all or part of the information to
the defendant or the prosecutor, or both, as the interests of
justice require, subject to any conditions the court considers
appropriate.

“(4) The decision of a court under this section— 25

“(a) may not be appealed; but

“(b) may be raised by a defendant on appeal against his or
her conviction for the offence in relation to which—

“(i) the defendant requested that the Authority dis- 30
close information under **section 33A**, or

“(ii) the Authority disclosed information on its own
initiative under **section 33C**.

“(5) The Authority must comply with an order made under **sub-
section (3)** despite section 32(1).

Struck out (unanimous)**“33G Certificate for use in evidence**

- “(1) If information is disclosed by the Authority as a consequence of an order made under **section 33F(3)**, the Authority must, if requested to do so in writing by a person to whom the information was disclosed (being the defendant or the prosecutor, or both) issue, to the person who made the request, a certificate in relation to the information disclosed, for use in evidence at the defendant’s hearing or trial. 5
- “(2) A certificate issued under **subsection (1)** must— 10
- “(a) describe the information disclosed by the Authority as a consequence of the order made under **section 33F(3)**; and
- “(b) state that the information came to the Authority’s knowledge through the exercise of its functions.
- “(3) A certificate that meets the requirements in **subsection (2)**, and that is signed by a member of the Authority, is— 15
- “(a) admissible in evidence; and
- “(b) in the absence of proof to the contrary, sufficient evidence of the matters in the certificate.
- “(4) If a certificate is issued under this section, the information disclosed by the Authority as a consequence of the order made under **section 33F(3)** is admissible in evidence. 20
- “(5) This section—
- “(a) applies despite anything in section 25(4); but
- “(b) does not limit the effect of section 33(1)(b).”

New (unanimous)

- “33A Disclosure of information that may point to defendant’s innocence 25**
- “(1) The Authority may disclose information that has come to its knowledge through the performance of its functions about a defendant who is charged with, or has been convicted of, an offence punishable by imprisonment if the Authority considers that information may point to the defendant’s innocence in relation to the offence for which he or she has been charged or convicted. 30

New (unanimous)

- “(2) Any information disclosed by the Authority under **subsection (1)** must only be disclosed to the defendant.
- “(3) This section and **section 33B**—
- “(a) are subject to section 26(1); and
 - “(b) do not limit the effect of **section 33(1)(b)**; but 5
 - “(c) override any enactment or rule of law (including sections 25(4), 32(1), and 33(3)).
- “33B Certificate for use in evidence**
- “(1) If the Authority discloses information (the **disclosed information**) under **section 33A**, the Authority must, if requested to 10
do so in writing by the defendant, issue to the defendant a certificate in relation to the disclosed information.
- “(2) A certificate issued under **subsection (1)** must—
- “(a) describe the circumstances and the manner in which the 15
disclosed information came to the Authority’s knowledge, together with any other information that the Authority considers is relevant to this; and
 - “(b) describe the disclosed information in a way that allows it to be identified; and
 - “(c) be signed by a member of the Authority. 20
- “(3) A certificate that meets the requirements of **subsection (2)** is—
- “(a) admissible and must be received in evidence in any 25
court and by any person acting judicially to which or to whom it is presented by the defendant in relation to the offence for which he or she has been charged or convicted; and
 - “(b) in the absence of proof to the contrary, proof of the matters stated in it (other than any information referred to in **subsection (5)(a)**).
- “(4) In the absence of proof to the contrary, no proof of the signature or the official character of the member of the Authority 30
whose name appears on the certificate is required.
- “(5) Nothing in **subsection (3)** makes admissible in any proceeding any statement in a certificate issued under **subsection (1)** that—

New (unanimous)

“(a) is disclosed information, other than information required by **subsection (2)(a)**; and

“(b) is otherwise inadmissible in the proceeding.”

20 Annual report

Section 35 of the principal Act is amended by inserting, after subsection (1), the following subsection: 5

“(1A) The report must include (without limitation),—

“(a) in \$10,000 bands, the number of employees or officers of the Authority receiving remuneration of more than \$100,000; and 10

“(b) the total remuneration and benefits received by each member of the Authority; and

“(c) the total value of all compensation payments and other benefits paid in respect of a person who ceases to be a member, employee, or officer of the Authority and the number of persons to whom payments were made.” 15

21 New sections 36 and 36A substituted

The principal Act is amended by repealing section 36, and substituting the following sections:

“**36 Delegation of powers by Authority** 20

“(1) The Authority may, either generally or particularly, and subject to any restrictions and conditions it thinks fit, delegate any of its powers under this Act to—

“(a) any member of the Authority; or

“(b) any person holding office under the Authority. 25

“(2) A delegation under **subsection (1)(b)** may be made to a specified person, to the holder for the time being of a specified office, or to the holders of offices of a specified class.

“(3) A delegation under **subsection (1)** must—

“(a) be in writing; and 30

“(b) despite **(clause 3(2) of)** any quorum requirements set out in the Schedule, be signed by all members of the Authority.

- “(4) Despite **subsection (1)**, the Authority must not—
- “(a) delegate its power to delegate under this section to any person; or
 - “(b) delegate its power to make any report or recommendation under this Act to any person holding office under the Authority. 5
- “(5) A delegation under this section—
- “(a) does not affect or prevent the Authority from exercising any of its powers under this Act:
 - “(b) to 1 member of the Authority has effect despite **clause 3(2)** of the **Schedule** (relating to the quorum necessary for the transaction of business of the Authority); 10
 - “(c) may be revoked by resolution of the Authority and on written notice to the delegate.
- “36A **Actions of delegate** 15
- “(1) The Authority is responsible for the actions of a delegate appointed under **section 36**.
- “(2) A delegate may, unless the delegation provides otherwise, exercise the powers delegated to him or her in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the Authority. 20
- “(3) A member of the Authority who purports to be acting under a delegation given under **section 36** is presumed to be acting in accordance with the terms of the delegation unless the contrary is proved. 25
- “(4) A person holding office under the Authority who purports to be acting under a delegation given under **section 36** must, if required to do so, produce evidence of his or her authority to exercise the power.”
- 22 Offences** 30
- Section 37 of the principal Act is amended by omitting the word “other” in each place where it appears.
- 23 Amendments to other Acts**
- Section 39 of the principal Act is amended by repealing subsection (2). 35

24 New sections 40 to 47 and heading substituted

The principal Act is amended by repealing section 40, and substituting the following heading and sections:

“Transitional provisions

- “40 **Complaints made to Police Complaints Authority** 5
Any complaint made to the Police Complaints Authority before the commencement of *(this section)* the Independent Police Complaints Authority Amendment Act 2002 must be dealt with by the Authority under this Act (as amended by the Independent Police Complaints Authority Amendment Act 10 **2002**), whether or not any action was taken in relation to the complaint before the commencement of *(this section)* the Independent Police Complaints Authority Amendment Act 2002.
- “41 **Police Complaints Authority is chairperson** 15
“(1) The person who, immediately before the commencement of *(this section)* the Independent Police Complaints Authority Amendment Act 2002, held office as the Police Complaints Authority under section 4(2) (as it read immediately before the commencement of *(this section)* that Act) is taken to have 20 been appointed to the office of chairperson of the Authority under **section 4C** (as substituted by **section 6** of the Independent Police Complaints Authority Amendment Act **2002**).
- “(2) The person who is taken to have been appointed as the chairperson of the Authority under this section is appointed on 25 the same terms and conditions on which, and for the remainder of the term for which, the person was appointed under section 4(2) (as it read immediately before the commencement of *(this section)* the Independent Police Complaints Authority Amendment Act 2002). 30
- “42 **Deputy Police Complaints Authority is member of Authority**
“(1) The person who, immediately before the commencement of *(this section)* the Independent Police Complaints Authority Amendment Act 2002, held office as a Deputy Police Com- 35 plaints Authority under section 8 (as it read immediately before the commencement of *(this section)* that Act) is taken to have been appointed as a member of the Authority under

section 4A(1) (as substituted by **section 6** of the Independent Police Complaints Authority Amendment Act **2002**).

- “(2) The person who is taken to have been appointed as a member of the Authority under this section is appointed on the same terms and conditions on which, and for the remainder of the term for which, the person was appointed under section 8 (as it read immediately before the commencement of *(this section)* the Independent Police Complaints Authority Amendment Act 2002). 5
- “43 **Employees and officers transferred to Authority** 10
- “(1) Every employee or officer appointed by the Police Complaints Authority immediately before the commencement of *(this section)* the Independent Police Complaints Authority Amendment Act 2002 is, on and from that date, an employee or officer of the Authority on the same terms and conditions that applied to the employee or officer immediately before that date. 15
- “(2) For the purposes of every enactment, law, contract, and agreement relating to the employment of the employee or officer,—
- “(a) the contract of employment of that employee or officer is taken to be unbroken; and 20
- “(b) the employee’s or officer’s period of service with the Police Complaints Authority and every other period of service of that employee or officer that was recognised by the Police Complaints Authority as continuous service is taken to have been a period of service with the Authority. 25
- “(3) A person to whom **subsection (1)** applies is not entitled to any compensation just because the person has ceased to be an employee or officer of the Police Complaints Authority. 30
- “44 **References to Police Complaints Authority**
- On the commencement of the Independent Police Complaints Authority Amendment Act **2002**, unless the context otherwise requires, every reference to the Police Complaints Authority in any contract or other instrument, document, or notice must be read as a reference to the Independent Police Complaints Authority. 35

- “45 **Proceedings to which Police Complaints Authority party**
Any proceedings to which the Police Complaints Authority was a party or that the Police Complaints Authority was considering bringing before the commencement of *(this section)* the Independent Police Complaints Authority Amendment Act 2002 may be brought, continued, completed, and enforced by or against the Authority. 5
- “46 **Assets and liabilities vest in Authority**
On the commencement of the Independent Police Complaints Authority Amendment Act 2002, the assets and liabilities of the Police Complaints Authority vest in the Authority. 10
- “47 **Authority must arrange annual report and accounts**
The Authority must perform the duties that the Police Complaints Authority would have performed under section 35 of the Police Complaints Authority Act 1988 and section 41 of the Public Finance Act 1989 if the Independent Police Complaints Authority Amendment Act 2002 had not been enacted for the period beginning on 1 July ~~(2002)~~ 2003 and ending immediately before the commencement of the Independent Police Complaints Authority Amendment Act 2002.” 15
20
- 25 **Schedule added**
The principal Act is amended by adding the **Schedule** set out in **Schedule 1**.

Part 3

- Consequential amendments and repeals** 25
- 26 **Consequential amendments to other Acts and regulations**
- (1) The Acts specified in **Schedule 2** are amended in the manner indicated in that schedule.
- (2) The Penal Institutions Regulations 2000 are amended by inserting in paragraph (f) of the definition of **official agency** in regulation 3, before the word “Police”, the word “Independent”. 30

27 Repeals

The (*Higher Salaries Commission*) Remuneration Authority Amendment Act (No 2) 1992 is amended by repealing so much of the Schedule as relates to section 9(1)(a) of the principal Act.

5

s (24) 25

Schedule 1

New Schedule added to principal Act

s 12B

Schedule

Meeting procedure

- | | | |
|----------|--|----|
| 1 | Notice of meetings | 5 |
| | (1) The Authority must appoint the times and places of ordinary meetings of the Authority, and give notice of those meetings to each member not present when the appointment is made. | |
| | (2) The chairperson or the other 2 members (jointly) may call a special meeting of the Authority by giving at least 7 days' notice of the special meeting and the business to be transacted at the meeting to each member for the time being in New Zealand. | 10 |
| | (3) Only the business stated in the notice of the special meeting may be transacted at the special meeting. | 15 |
| | (4) Notice of a meeting— | |
| | (a) must be written and state the time and place of the meeting; and | |
| | (b) may be given by post, delivery, or electronic communication. | 20 |
| | (5) An irregularity in a notice of a meeting is waived if all members entitled to receive the notice agree to the waiver or attend the meeting without protesting about the irregularity. | |
| 2 | Methods of holding meetings | |
| | A meeting of the Authority may be held— | 25 |
| | (a) by a quorum of the members being assembled together at the time and place appointed for meeting; or | |
| | (b) by means of audio, audio and visual, or electronic communication by which a quorum of members can simultaneously communicate with each other throughout the meeting. | 30 |
| 3 | Quorum | |
| | (1) A quorum for a meeting of the Authority is 2 members. | |
| | (2) No business may be transacted at a meeting of the members if a quorum is not present. | 35 |

Schedule—continued

4 Presiding at meetings

- (1) At a meeting of the Authority, the following person presides:
- (a) the chairperson; or
 - (b) if there is no chairperson or the chairperson is not present, a member chosen by the other 2 members. 5
- (2) The person chosen under **subclause (1)(b)** may exercise all the powers, duties, and functions of the chairperson for the purposes of the meeting.

5 Voting at meetings

- (1) Each member has 1 vote. 10
- (2) In addition to his or her general vote, the chairperson at the meeting has a casting vote.
- (3) A resolution of the Authority is passed if—
- (a) it is agreed to by all members present without dissent; or 15
 - (b) a majority of the votes cast on it are in favour of it.
- (4) A member present at a meeting of the Authority is presumed to have agreed to, and to have voted in favour of, a resolution of the Authority unless he or she expressly dissents from, or votes against, the resolution at the meeting. 20

6 Unanimous written resolutions

- (1) A resolution signed or assented to in writing (whether sent by post, delivery, or electronic communication) by all members is as valid and effectual as if it had been passed at a meeting of the Authority duly called and constituted. 25
- (2) The resolution may consist of several documents containing the same resolution, each signed or assented to in writing by 1 or more members.

s (25) 26(1)

Schedule 2

Consequential amendments to other Acts

Coroners Act 1988 (1988 No 111)

Insert in section 29(3)(b)(i), before the word “Police” in both places where it appears, the word “Independent”.

5

Struck out (unanimous)

Higher Salaries Commission Act 1977 (1977 No 110)

Omit from the Fourth Schedule the item “The Police Complaints Authority and the Deputy Police Complaints Authority” and substitute the item “The members of the Independent Police Complaints Authority”

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Penal Institutions Act 1954 (1954 No 51)

Insert in section 21P(2)(c)(vi), before the word “Police” in both places where it appears, the word “Independent”.

Police Act 1958 (1958 No 109)

Insert in section 6(4)(b), before the word “Police”, the word “Independent”.

15

Protected Disclosures Act 2000 (2000 No 7)

Insert in paragraph (a)(vii) of the definition of the term **appropriate authority** in section 3, before the word “Police”, the word “Independent”.

20

Public Finance Act 1989 (1989 No 44)

Omit from the Fourth Schedule the item “Police Complaints Authority”.

Insert in the Fourth Schedule, after the item “Human Rights Commission”, the item “Independent Police Complaints Authority”.

25

Omit from the Fifth Schedule the item “Police Complaints Authority”.

Insert in the Fifth Schedule, after the item “Human Rights Commission”, the item “Independent Police Complaints Authority”.

30

Omit from the Seventh Schedule the item “Police Complaints Authority”.

Public Finance Act 1989 (1989 No 44)—continued

Insert in the Seventh Schedule, after the item “Human Rights Commission”, the item “Independent Police Complaints Authority”.

New (unanimous)

Remuneration Authority Act 1977 (1977 No 110)

Omit from the Fourth Schedule the item “The Police Complaints Authority and the Deputy Police Complaints Authority” and substitute the item “The members of the Independent Police Complaints Authority”. 5

Victims’ Rights Act 2002 (2002 No 39)

Insert in section 49(2)(c), before the words “Police Complaints” in both places where they appear, the word “Independent”. 10

Legislative history

4 December 2002
20 February 2003

Introduction (Bill 18–1)
First reading and referral to Law and Order
Committee
