

[AS REPORTED FROM THE JUSTICE AND LAW REFORM  
COMMITTEE]

*House of Representatives, 15 October 1987.*

**Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.**

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

*House of Representatives, 1 March 1988.*

**Words struck out are shown with double black rule at beginning and after last line.**

**[Clauses 43 to 55 of this Bill were formerly clauses 43 to 55 of the Police Complaints Authority and Miscellaneous Amendments Bill]**

*Hon. Peter Tapsell*

**POLICE AMENDMENT**

ANALYSIS

Title	
1. Short Title and commencement	51. Oath to be taken
43. Other commissioned officers	52. Particulars for identification of person in custody
44. Recruits	53. General search of person in custody
45. Temporary members of the Police	54. New sections (relating to charging for Police services) inserted in principal Act
46. Appeal against recommendations for appointments	63A. Power to charge for Police services
47. Inquiries as to breaches of duty	63B. Regulations prescribing services for which fees payable, and amount of such fees
48. Appeal following inquiry into breach of duty	
49. Appeal by Commissioner against finding of disciplinary proceedings	
50. Dismissal	

No. 101—3B

*Price*

*incl. GST \$1.90*

## A BILL INTITULED

**An Act to amend the Police Act 1958**

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Police Amendment Act 1988, and shall be read together with and deemed part of the Police Act 1958 (hereinafter referred to as the principal Act). 5

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

**43. Other commissioned officers**—Section 7 (1) of the principal Act is hereby amended by omitting the word "Minister", and substituting the word "Commissioner". 10

**44. Recruits**—The principal Act is hereby amended by inserting, after section 11, the following new section:

"11A. (1) The Commissioner may from time to time, in accordance with and subject to the provisions of regulations made under this Act, appoint such recruits as the Commissioner considers necessary. 15

"(2) For the purposes of this Act, recruits shall be members of the Police. 20

"(3) Notwithstanding subsection (2) of this section,—

"(a) Except as expressly provided in this Act, no recruit shall have or exercise in relation to members of the public any of the powers, functions, or duties of a member of the Police under this Act, or under any other enactment or at common law: 25

"(b) The provisions of this Act applying to members of the Police shall apply to recruits subject to such necessary or reasonable modifications as may be prescribed by regulations made under this Act. 30

"(4) Every recruit appointed under this section shall hold office at the will of the Commissioner."

**45. Temporary members of the Police**—(1) Section 12 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 35

"(1) The Commissioner may from time to time appoint as temporary members of the Police such commissioned officers (other than commissioned officers holding office during the pleasure of the Governor-General), non-commissioned officers, and constables as the Commissioner considers necessary." 40

(2) Section 12 (3) of the principal Act is hereby amended by omitting the words “of the Minister or as the case may require,”.

**46. Appeal against recommendations for appointments**—(1) Section 14 (1) of the principal Act is hereby amended by omitting the words “or a cadet”, and substituting the words “a cadet, or a recruit”.

(2) Section 14 (4) of the principal Act (as enacted by section 4 of the Police Amendment Act 1978) is hereby amended by omitting the words “the Minister or the Commissioner, as the case may require,”, and substituting the words “the Commissioner”.

**47. Inquiries as to breaches of duty**—(1) Section 33 (1) of the principal Act is hereby amended by omitting from both paragraph (a) and paragraph (b) the word “Minister”, and substituting in each case the word “Commissioner”.

(2) Section 33 (3) of the principal Act is hereby amended by inserting, after the word “constable”, the words “or a cadet or a recruit”.

(3) Section 33 (5) of the principal Act is hereby amended by omitting the words “the Minister or, as the case may require, the Commissioner,”, and substituting the words “the Commissioner”.

**48. Appeal following inquiry into breach of duty**—(1) Section 34 (1) of the principal Act is hereby amended by inserting, after the words “a cadet”, the words “or a recruit”.

(2) Section 34 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) The Appeal Board shall after full inquiry report thereon to the Commissioner, making such recommendations as it thinks fit, whether as to the allowing or dismissal of the appeal, the dismissal of the offender from the Police, the penalty to be imposed on the offender, the granting or refusal of pay during any period of suspension resulting from the charge, or otherwise, and the Commissioner may thereupon make such order in the matter as the Commissioner thinks fit, except that in no case shall a penalty be inflicted that is more severe than that recommended by the Board.”

**49. Appeal by Commissioner against finding of disciplinary proceedings**—Section 34A (4) of the principal

Act (as enacted by section 7 of the Police Amendment Act 1976) is hereby amended by omitting from paragraph (c) the words "The Minister or, as the case may require,".

**50. Dismissal**—Section 35 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 5

"(1) The Commissioner may at any time dismiss from the Police—

"(a) Any commissioned officer below the rank of Chief Superintendent; or 10

"(b) Any non-commissioned officer; or

"(c) Any constable,—

who in the opinion of the Commissioner is for any reason unfit to remain a member of the Police."

**51. Oath to be taken**—Section 37 (1) of the principal Act is hereby amended by omitting the words "member of the Police", and substituting the word "constable". 15

**52. Particulars for identification of person in custody**—Section 57 of the principal Act is hereby amended by adding the following subsection: 20

"(4) For the purposes of this section, a recruit appointed under section 11A of this Act shall have the powers, functions, and duties of a member of the Police."

**53. General search of person in custody**—Section 57A of the principal Act (as enacted by section 2 of the Police Amendment Act 1979) is hereby amended by adding the following subsection: 25

"(6) For the purposes of this section, a recruit appointed under section 11A of this Act shall have the powers, functions, and duties of a member of the Police." 30

*New*

**53A. Limitation of actions**—Section 60 of the principal Act is hereby repealed.

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**54. New sections (relating to charging for Police services) inserted in principal Act**—The principal Act is hereby amended by inserting, after section 63, the following sections:

5 “63A. **Power to charge for Police services**—(1) Without limiting any power of the Police to enter into contracts involving consideration for the provision of special Police services, the Police may charge such fees as may be prescribed  
10 for the provision of services specified in regulations made under section 63B of this Act.

“(2) Any fee payable in accordance with such regulations shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown.

15 “(3) All such fees shall be paid into the Public Account and form part of the Consolidated Account.

“63B. **Regulations prescribing services for which fees payable, and amount of such fees**—(1) The Governor-General may from time to time, by Order in Council, make  
20 regulations prescribing or providing for the fixing of fees payable in respect of all or any of the following matters:

“(a) The attendance of members of the Police at profit-making sporting or entertainment events:

25 “(b) Services provided at the request of any person or body relating to matters of identification, including—

“(i) Fingerprint comparison services:

“(ii) Preparation of fingerprint material:

“(iii) Preparation of certificates of identity:

30 “(iv) The taking of fingerprints for foreign visa applications:

“(v) Vetting of identities for official and approved organisations:

“(c) The supply of photographic prints:

35 “(d) Examinations for the purpose of establishing the authenticity or validity of questioned documents:

“(e) The supply to insurance companies of information relating to the loss or theft of, or damage to, property, or the circumstances of any other matter in which an insurance company has a proper  
40 interest:

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- “(f) Inquiries into and the issue of permits connected with boxing and wrestling contests:
- “(g) Supervision of the drawing of raffles and lotteries, where Police supervision is— 5
- “(i) Required by or under any enactment; or
- “(ii) Requested by the promoter of the raffle or lottery:
- “(h) The provision of special advisory services relating to crime prevention: 10
- “(i) The giving of lectures or holding of courses in any specialist subject, including lectures and courses on fingerprints, photography, and document examination:
- “(j) Provision of facilities and services for conferences, seminars, and courses held at the Royal New Zealand Police College: 15
- “(k) Police attendance in response to intruder alarms activated otherwise than by unlawful entry:
- “(l) Police assistance in response to raid alarms activated otherwise than in response to a criminal act. 20
- “(2) Any such regulations may—
- “(a) Prescribe specific fees for specific services:
- “(b) Prescribe a scale of fees or a rate based on the time involved in performing the service: 25
- “(c) Prescribe penal or overtime fees or rates for services performed outside normal working hours or at weekends or on statutory holidays:
- “(d) Prescribe additional charges for reimbursement of travelling time, accommodation, and other expenses: 30
- “(e) Prescribe different fees or rates depending on the circumstances in which, or the persons by whom, the services are performed:
- “(f) Prescribe for the refund or waiver, in whole or in part, of any fee. 35
- “(3) Any regulations made under **paragraph (a) of subsection (1)** of this section in respect of attendance at profit-making sporting or entertainment events may—
- “(a) Prescribe the types or classes of events in respect of which fees are payable, whether by reference to 40
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- their nature, venue, or the amount or nature of any charge for attendance:
- 5 “(b) Prescribe any period of notice required to be given before any such event, or type or class of event, is to be held, and the manner or form in which such notice is to be given:
- “(c) Require the payment, or security to be given for the payment, of any fee, in whole or in part, before the event is held:
- 10 “(d) Require the payment, in whole or in part, of any costs or expenditure reasonably incurred by the Police in preparation for a proposed event, whether or not the event takes place:
- 15 “(e) Prescribe offences in respect of the contravention of or non-compliance with any regulations made under this section, and the amount of any fine that may be imposed in respect of any such offence, which fine shall be an amount not exceeding \$1,000.
- 20 “(4) For the purposes of this section, the expression ‘profit-making sporting or entertainment event’ means any sporting or entertainment event that—
- “ (a) Is open to the public on payment of a charge, irrespective of—
- 25 “(i) The destination of the charge or the purpose for which it is to be applied; or
- “(ii) Whether any profit is actually made, or intended to be made; and
- “ (b) Is to occur at a venue which, at any one time, has an audience capacity in excess of 2000 people; and
- 30 “(c) In the case of a sporting event, is—
- “ (i) An international, national, or interprovincial event; or
- “ (ii) An event which could reasonably be expected to involve a standard of competition equal to that involved in any international, national, or interprovincial event; or
- 35 “(iii) A boxing or wrestling contest; or
- “ (iv) A race or race meeting that is subject to rules made under section 30 or section 31 of the Racing Act 1971;—
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but does not include—

“(d) Events in the nature of fairs, gala days, or open days:

“(e) Events, being events in the nature of agricultural, pastoral, industrial, manufacturing, scientific, or trade shows or exhibitions, that are primarily designed to draw a range of products, services, processes, or other matters to the attention of the public.”

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*New*

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**55. Regulations**—Section 64 (2) of the principal regulations is hereby amended by inserting, after paragraph (h), the following paragraph:

“(ha) Prescribing conciliation procedures in respect of complaints lodged about members of the Police, and the circumstances in which such procedures may or are to be followed.”

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