



# Mutual Assistance in Criminal Matters Amendment Act 2015

Public Act    2015 No 107  
Date of assent    6 November 2015  
Commencement    see section 2

## Contents

	Page
1      Title	1
2      Commencement	1
3      Principal Act	2
4      Section 31 replaced (Assistance in obtaining evidence in New Zealand)	2
31      Assistance in obtaining evidence in New Zealand	2
5      Schedule 1 amended	3

### The Parliament of New Zealand enacts as follows:

#### **1      Title**

This Act is the Mutual Assistance in Criminal Matters Amendment Act 2015.

#### **2      Commencement**

- (1) Section 4 of this Act comes into force on the earlier of the following:
  - (a) a date appointed by the Governor-General by Order in Council;
  - (b) the day that is 90 days after the date on which the Act receives the Royal assent.
- (2) Section 5 of this Act comes into force on the day after the date on which the Act receives the Royal assent.

**3 Principal Act**

This Act amends the Mutual Assistance in Criminal Matters Act 1992 (the **principal Act**).

**4 Section 31 replaced (Assistance in obtaining evidence in New Zealand)**

Replace section 31 with:

**31 Assistance in obtaining evidence in New Zealand**

- (1) A foreign country may request the Attorney-General to assist in arranging—
  - (a) the taking of evidence in New Zealand; or
  - (b) the production of documents or other articles in New Zealand; or
  - (c) the undertaking of a forensic comparison under the Criminal Investigations (Bodily Samples) Act 1995 and the production of a document specifying the result of that comparison.
- (2) The Attorney-General may, in writing, authorise the requested assistance if,—
  - (a) in the case of receipt of a request made under subsection (1)(a) or (b) by a foreign country, the Attorney-General is satisfied that—
    - (i) the request relates to criminal proceedings in the foreign country; and
    - (ii) there are reasonable grounds for believing that the evidence can be taken or the documents or other articles can be produced in New Zealand;
  - (b) in the case of receipt of a request made under subsection (1)(c) by a foreign country, the Attorney-General is satisfied that—
    - (i) the request relates to a criminal matter in the foreign country; and
    - (ii) the request is in respect of an offence that corresponds to an offence in New Zealand that is punishable by a term of imprisonment of more than 1 year.
- (3) If, under subsection (2), the Attorney-General authorises—
  - (a) the taking of evidence, a Judge may, subject to sections 32 and 33 and to any regulations made under this Act, take the evidence on oath of each witness appearing before the Judge and must, in this case,—
    - (i) cause the evidence to be put in writing and certify, in the prescribed form, that the evidence was taken by the Judge; and
    - (ii) cause the writing to be sent to the Attorney-General;
  - (b) the production of documents or other articles, a Judge may, subject to sections 32 and 33 and to any regulations made under this Act, require the production of the documents or other articles, and, unless the Judge otherwise orders, must cause the documents, or copies of the documents

certified by the Judge to be true copies, or the other articles, to be sent to the Attorney-General.

**5 Schedule 1 amended**

In Schedule 1, after item 31, insert:

32	The United Nations Convention against Corruption (2003)	An offence against any of the following sections of the Crimes Act 1961:
	<i>section</i>	<i>subject matter</i>
	100	judicial corruption
	101	bribery of judicial officer, etc
	102	corruption and bribery of Minister of the Crown
	103	corruption and bribery of member of Parliament
	104	corruption and bribery of law enforcement officer
	105	corruption and bribery of official
	105A	corrupt use of official information
	105B	use or disclosure of personal information disclosed in breach of section 105A
	105C	bribery of foreign public official
	105D	bribery outside New Zealand of foreign public official
	105E	corruption of foreign public officials
	105F	trading in influence
	116	conspiring to defeat justice
	117	corrupting juries and witnesses
	219	theft or stealing
	220	theft by person in special relationship
	228	dishonestly taking or using document
	240	obtaining by deception or causing loss by deception
	243	money laundering
	246	receiving
	249	accessing computer system for dishonest purpose
		An offence against any of the following sections of the Secret Commissions Act 1910:
	<i>section</i>	<i>subject matter</i>
	3	gifts to agent without consent of principal an offence
	4	acceptance of such gifts by agent an offence
	8	receiving secret reward for procuring contracts an offence

**Legislative history**

21 October 2015	Divided from Organised Crime and Anti-corruption Legislation Bill (Bill 219–2) as Bill 219–3M
4 November 2015	Third reading
6 November 2015	Royal assent

This Act is administered by the Ministry of Justice.