

1998/23 - MOU with the Ministry of Agriculture

Title	MOU with the Ministry of Agriculture
Between	New Zealand Police
And	Ministry of Agriculture
Group	Emergency Management
Owner	National Manager: Operations Support
Number	1998/23
Commencement	26/05/1998
Date	
Expiry Date	01/07/2008

Memorandum of Agreement Between The Ministry of Agriculture and The New Zealand Police

1. PURPOSE

The purpose of this Agreement is to establish a protocol between the N Z Police and the Ministry of Agriculture for the sharing of information and the making available of appropriate resources to help combat the illegal importation of risk goods, unwanted organisms and uncleared goods which may have a direct impact upon the agricultural security and environment of New Zealand.

Definitions for risk goods, unwanted organisms and uncleared goods are as set out under section 2 of the Biosecurity Act 1993.

2 PREAMBLE

The Police and Ministry of Agriculture, recognising that there is a danger to New Zealand's agriculture and horticulture security through the illegal importation or possession of risk goods, organisms and uncleared goods and affirming that full cooperation is advantageous to both organisations, have agreed to cooperate with each other in order to attempt to stop all risk goods, unwanted organisms or uncleared goods being carried or dispersed beyond the border controls currently in place.

3 OBJECTIVES

The objectives of this agreement will be to help each party where necessary in the coordination of enforcement activities by:

- Identifying, through the free flow of information and intelligence, suspected and known persons involved in the illegal introduction and possession of risk goods, unwanted organisms and uncleared goods.
- Where a Ministry of Agriculture official obtains information of a criminal nature outside the illegal introduction and possession of risk goods, unwanted organisms and uncleared goods, ie, (Misuse of Drugs Act, fraud, dishonesty

- offences), that information will be immediately forwarded to the most appropriate Police personnel at the time.
- Making available when, and if appropriate, Police Station premises and video interview units for the interview by Ministry of Agriculture staff of suspects and offenders involved in the illegal introduction and possession of risk goods, unwanted organisms and uncleared goods.
 - Should demand exceed availability of video interview units the O/C Station or his delegated representative shall have the authority to prioritise the allocation of the units.
 - Making available Police personnel authorised pursuant to the Biosecurity Act 1993 to support members of Ministry of Agriculture in carrying out their responsibilities at the border and post border in order to control any risk goods, unwanted organisms and uncleared goods, under part VI and in particular by
 - o assisting Ministry of Agriculture Inspectors in the searching of persons and taking possession of uncleared risk goods or unauthorised goods pursuant to section 108 of the Biosecurity Act 1993; and
 - o by assisting Ministry of Agriculture Inspectors in the execution of search warrants pursuant to section 111 of the Biosecurity Act 1993; and
 - o by assisting a Chief Technical Officer in the undertaking of duties within controlled areas pursuant to section 122 of the Biosecurity Act 1993.
 - o Assisting in the processing of persons arrested by Ministry of Agriculture personnel pursuant to section 36A of the Trade in Endangered Species Act 1989.

4 PARTICIPANTS

New Zealand Police Department members of all ranks and the Ministry of Agriculture Quarantine Service Officers, Investigators within the National Flora and Fauna Investigation Unit, and all Ministry of Agriculture personnel being authorised as Inspectors pursuant to the Biosecurity Act 1993.

5 TRAINING

Training in the use of Police video equipment will be carried out by Ministry of Agriculture training officers under the direct guidance and encouragement of the N Z Police Official Trainers.

A competency test will be undertaken by Ministry of Agriculture Quarantine staff to reassure N Z Police personnel of their ability to use any Police equipment. Documentation may be issued confirming the competency of staff in the use of the equipment concerned by respective Regional Police Training Officers.

All training costs incurred (ie, travel to and from venues, resources required, tutorial fees) relating to this training will be negotiated and upon agreement will be borne by the Ministry of Agriculture Quarantine Service.

All documentation required for each interview plus video tapes will be supplied by Ministry of Agriculture. Ministry of Agriculture will be responsible for the security of each tape and documentation post interview.

6 COSTS

All over and above costs outside of the statutory responsibilities of a Police Officer set out within the Biosecurity Act 1993 incurred by the N Z Police in assisting Ministry of Agriculture with any investigation, search or apprehension shall be met by Ministry of Agriculture, (eg, crime scene examination, fingerprint examination, photographing scene, preparation of photographs for Court).

7 LEGAL PROCEEDINGS

All legal proceedings and their associated costs in respect of the illegal introduction or possession of risk goods, unwanted organisms and uncleared goods shall be the responsibility of Ministry of Agriculture. N Z Police Officers jointly involved with any investigation or apprehension will assist as appropriate and as required.

8 LIAISON OFFICERS

In order to enhance cooperation and effectiveness each party to this agreement will task and dedicate specific personnel to become points of liaison to ensure both organisation's interests are being met at all times.

Details of each organisation's regional liaison personnel are as set out on the attached Appendix 1.

Each organisation should appoint at least one representative from their organisation to manage and ensure the spirit and principles of this agreement are being followed.

Any problems arising from this agreement which cannot be resolved by the managers to this agreement should be formally submitted by each or either manager to the Chief Executives or their delegated representatives for determination.

Details of each organisations agreement managers have been set out in Appendix 2.

9 PUBLIC COMMENT

Neither party will comment on any matters which relate directly or indirectly to the policies, practices or procedures of the other party.

Any other information received relating to matters outside each department's own particular duties shall be subject to the provisions and principles of the Privacy Act 1993.

The Ministry recognises that pursuant to R v TYSON [1989] 3 NZLR 507 all documentary material in the possession of the Police is potentially discoverable pursuant to the Official Information Act 1982 and the Privacy Act 1993.

10 REVIEW OF AGREEMENT

This Memorandum of Understanding shall be reviewed annually or at such other time as may be agreed by the respective Chief Executives.

For and on behalf of the Commissioner of Police

For and on behalf of the Chief Executive of the Ministry of Agriculture

APPENDIX 1

MAF LIAISON OFFICERS	
South Island	Wellington
Operations Manager Ministry of Agriculture Quarantine Service Christchurch Ph. (03) 379 4100 Fax (03) 365 6479	Quarantine Services Manager Ministry of Agriculture Quarantine Service Wellington Ph. (04) 474 4100 Fax (04) 473 2975
Auckland	
Chief Investigations Officer National Flora and Fauna Investigation Unit MAF Quality Management Auckland Ph. 09 357 6472 Fax 09 357 6480	
POLICE LIAISON OFFICERS	
The Inspector Operations Auckland Services District Ph. (09) 379 4240	The Inspector Operations Support Region 4 HQ (Wellington) Ph. (04) 472 3000
The Superintendent Planning and Operations Region 2 HQ (Rotorua)	The Inspector Operations Support Region 5 HQ (Christchurch) Ph. (03) 365 1324

Ph. (07) 346 9707	
The Inspector Operations Support Region 3 HQ (Palmerston North) Ph. (06) 351 3791	

APPENDIX 2

The Coordinator : Emergency Planning Police National Headquarters PO Box 3017 WELLINGTON or Delegated Personnel	Chief Investigations Officer National Flora and Fauna Investigation Unit AUCKLAND Ph. (09) 357 6472 Fax (09) 357 6480 or Nominated/Delegated Personnel.
--	--