

Departmental Disclosure Statement

Crimes (Match-Fixing) Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by Sport New Zealand.

Sport New Zealand certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

Date finalised: 14/4/14

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Part One: General Policy Statement

International threat assessments warn of the increasing risk of crime syndicates and individuals targeting Australasia for sports match-fixing. There have already been high profile match-fixing cases in Australia.

Match-fixing would significantly damage the integrity, value and growth of New Zealand sport, which contributed \$5 billion to our economy in 2008/09.

The Bill will help to address match-fixing risks presented by New Zealand's hosting of the Cricket World Cup and the FIFA Under 20 (football) World Cup. These events will occur over February-March and May-June 2015 respectively.

The Bill is not designed to capture every form of match-fixing activity. It is intended to address the most serious match fixing activity where influencing a betting outcome is intended by improperly manipulating a sporting match.

Other types of match-fixing activity are better addressed by code of conduct or disciplinary procedures by relevant governing sports bodies or by other areas of the general law.

Match-fixing is a fast developing area of law globally. Sport New Zealand will continue to monitor international best practice to cover the non-core activity not dealt with in the Bill.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO

2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	NO

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>A Regulatory Impact Statement entitled <i>Match-Fixing Criminal Offences</i> was completed by Sport New Zealand on 12 February 2014.</p> <p>A copy of the Regulatory Impact Statement is available at http://www.sportnz.org.nz/matchfixing and http://www.treasury.govt.nz/publications/informationreleases/ris</p>	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
<p>No independent opinion was given as the Regulatory Impact Statement did not meet the threshold for RIA Team assessment.</p>	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
See the Regulatory Impact Statement available at http://www.sportnz.org.nz/matchfixing and http://www.treasury.govt.nz/publications/informationreleases/ris	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

Not applicable.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

Not applicable.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

YES

A copy of this advice will eventually be available at:

<http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/human-rights/bill-of-rights>

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

YES

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?

NO

The Bill inserts new section 240A into the Crimes Act 1961 (Crimes Act) to make it clear that certain match-fixing activity is a form of deception under section 240 (obtaining by deception or causing loss by deception). This removes the current uncertainty about whether match-fixing falls within the scope of section 240 of the Crimes Act.

3.4.1. Was the Ministry of Justice consulted about these provisions?

YES

The Ministry of Justice has been closely involved in developing the Bill.

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?

NO

3.5.1. Was the Privacy Commissioner consulted about these provisions?	NO

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p><i>Consultation on the policy</i></p> <p>Relevant government agencies were consulted on the Cabinet paper seeking authority to draft the Bill.</p> <p>The Ministry of Justice was closely involved in the development of the policy. The following agencies were also consulted:</p> <ul style="list-style-type: none"> • Department of Internal Affairs • Ministry for Culture and Heritage • Ministry of Foreign Affairs and Trade • New Zealand Police • Department of Corrections • Serious Fraud Office • Crown Law • Treasury <p>Agencies were generally supportive of the policy while noting that any amendments to section 240 of the Crimes Act 1961 would need to be carefully crafted so as not to affect its application to non-match-fixing activity.</p> <p><i>Consultation on the Bill</i></p> <p>The Ministry of Justice was closely involved in the drafting of the Bill. The following agencies were also consulted on the Bill:</p> <ul style="list-style-type: none"> • New Zealand Police • Crown Law • Department of Internal Affairs • Department of Corrections <p>The Ministry for Culture and Heritage and the Serious Fraud Office were provided with a copy of the Bill.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO

Appendix One: Further Information Relating to Part Two

Appendix Two: Further Information Relating to Part Three

Appendix Three: Further Information Relating to Part Four