

Ministerial Advisory Group on Transnational, Serious and Organised Crime

Terms of Reference

Context

Hon Casey Costello ('the Minister'), in her Ministerial portfolios of Associate Minister of Police and Minister of Customs intends to convene a Ministerial Advisory Group ('the Advisory Group') to provide the Minister with high quality, independent expert advice on tackling transnational, serious and organised crime (TSOC). The Minister is seeking a step-change in the way government law enforcement and regulatory agencies work individually, and together to detect, deter, and dismantle serious and organised criminal groups. The Minister also intends refreshing and integrating the current Transnational Organised Crime Strategy and the Resilience to Organised Crime in Communities strategic framework.

This is in response to the increasing harm caused by organised criminal groups that impacts New Zealand whānau, communities and the economy. The Advisory Group's advice is expected to contribute to operational practice in New Zealand and to the review and refresh of the TNOOC Strategy and integration of the ROCC strategic framework into the Strategy.

Functions and Objectives

The functions of the Advisory Group are to provide independent advice to support the strategic refresh and activity to tackle TSOC that identifies:

- the gaps, blockages, and obstacles (including organisational cultural issues) hindering effective and efficient cross-agency collaboration between government agencies to identify, investigate and prosecute TSOC activity in New Zealand
- options to disrupt TSOC activity through regulatory enforcement (including prosecution) both as individual, agency-specific activity and in collective, targeted operations
- engaging government regulatory agencies to actively work with law enforcement agencies to detect, disrupt and dismantle TSOC groups and activity
- overseas jurisdictions that use a combined regulatory and law enforcement approach to the disruption and prosecution of TSOC activity and how these approaches could be applied in the New Zealand context
- the optimal Cross-government governance arrangements to ensure government interagency collaboration in the investigation and prosecution of TSOC.

The Advisory Group will commence its work no later than the end of February 2025 and provide monthly updates to the Minister from March 2025. The Advisory Group will conclude its work by 30 September 2025.

The Advisory Group will report regularly, at least monthly, to the Minister of Customs on its findings and recommendations.

Status

The Advisory Group reports to the Associate Minister of Police / Minister of Customs.

The Official Information Act 1982 applies to all working of the Advisory Group.

Membership

The Advisory Group will have a maximum of five members, including a Chair, appointed by the Minister for a term that will end when the Advisory Group winds up on 30 September 2025.

The members of the Advisory Group must, between them, have experience and knowledge of the nature and impact of Transnational, Serious and Organised Crime in the New Zealand context; a robust understanding of both the TNOG Strategy; experience and knowledge of law enforcement and regulatory enforcement approaches in the New Zealand context and organised crime offending typologies.

The appointment of all members will be subject to the Cabinet Fees Framework, at level 1 of Group 4 (“All Other Committees and Other Bodies”).

The Chair or a member may resign, in writing, to the Minister.

The Minister may advise, in writing, the Chair or another member that their term is to expire prior to 30 September 2025.

The Minister may, from time to time, alter or reconstitute the Advisory Group or discharge any member of the Advisory Group or appoint new members to the Group for the purpose of decreasing or increasing membership or filling any vacancies.

Chair

The Minister will appoint a member of the Advisory Group to be its Chair. The Chair will preside at every meeting of the Advisory Group at which they are present. The Chair may, in consultation with the Minister, appoint a member as Deputy Chair. The Deputy Chair may exercise the powers of the Chair in situations where the Chair is not present or is unable to act (e.g. if the Chair has a conflict of interest).

The Minister anticipates the Chair of the Advisory Group will lead the agenda setting and co-ordination of group activity, including the setting of the work programme and directing of research, advisory and writing resources. The Chair will have responsibility for the delivery of the monthly and final reports by the Group.

The Minister is assuming approximately 68 days of work will be required to fulfil this role

Members

It is anticipated that Group members (including the Chair) will be involved in engagement with agencies and other groups, and contribute expertise, knowledge and analysis to the development of the work programme and final report recommendations.

It is assuming members will require 53 working days each to fulfil their role.

Conflicts of Interest

The Advisory Group needs to retain public confidence. Members must perform their functions in good faith, honestly and impartially, and avoid situations that might compromise their integrity or otherwise lead to actual or perceived conflicts of interest. They must also be, and be seen to be, independent of the Minister.

Members attend meetings and undertake Advisory Group activities as independent persons responsible to the Advisory Group as a whole. Members are not appointed as representatives of a professional organisation or groups. The Advisory Group should not assume that a particular group's interests have been taken into account because a member is associated with a particular group.

Members are required to disclose any actual or perceived conflicts of interest to the full Advisory Group. The Advisory Group will then determine whether or not the interest represents a conflict and, if so, what action will be taken.

The Chair will ask members to declare any actual or perceived conflicts of interest on topics to be considered at the beginning of each meeting.

Working arrangements

Financial support will be provided through Customs. Budgetary and financial management will be as agreed between Customs and the Advisory Group.

Office services will be provided by Customs however the Advisory Group is expected to be responsible for the development and preparation of all reports and advice. Funding will be provided to enable the advisory group to engage administrative and advisory support to assist with report writing and the provision of advice and research capability.

Requests for additional support from Customs New Zealand and/or New Zealand Police for policy advice or access to information, and requests to Customs New Zealand for support with administration must be channelled through the Minister (in the same way as requests for information from other Ministers are handled by Customs New Zealand).

Employment of Support Staff

Customs will be the managing agency for the Advisory Group role and will enter any relevant contracts for research or support staff since an advisory group cannot be an employer or enter into contracts.

Consultation

In delivering its objectives the Advisory Group will, where appropriate, be required to consult with:

- New Zealand Police and Customs New Zealand
- Relevant Government Regulatory Agencies
- The TNOG Secretariat, Steering and Governance Groups
- Overseas jurisdictions as appropriate.