

**ARRANGEMENT
BETWEEN
THE GOVERNMENT OF NEW ZEALAND
AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
ON COOPERATION IN COMBATING CRIME**

The Government of New Zealand and the Government of the People's Republic of China herein after referred to as the Participants;

Recognising the important work conducted under the Treaty between New Zealand and the People's Republic of China on Mutual Legal Assistance in Criminal Matters.

In order to strengthen law enforcement cooperation between the two countries, and to combat crimes more effectively;

On the basis of mutual respect for sovereignty, and of equality and mutual benefit;

Have reached the following arrangement:

**Paragraph I
Areas of Cooperation**

In accordance with the provisions of this Arrangement, and in compliance with international obligations and with each country's laws and policies, the Participants intend to cooperate in crime prevention and investigation of the following criminal activities:

- (a) illicit cultivation of drug-related plants, manufacture of and trafficking in narcotics, psychotropic substances and diversion of precursor chemicals;
- (b) transnational organised crimes;
- (c) financial and other economic crimes;
- (d) money laundering and disguising and concealing of the income or the proceeds from crimes;
- (e) forgery, counterfeiting documents, money and securities, or trafficking in counterfeit money and securities;

- (f) international terrorist activities;
- (g) computer and cyber crimes;
- (h) smuggling;
- (i) illegal trafficking in weapons, ammunition, explosives, toxic, environmentally destructive and radioactive materials;
- (j) organized illegal immigration and emigration, and the smuggling of, and trafficking in, human beings;
- (k) illegal acquisition of and import or export of cultural and historical treasures; and
- (l) any other area of mutual interest that falls within the jurisdiction of both Participants.

Paragraph II

Forms of Cooperation

1. In accordance with each Participant's laws, international obligations, and the provisions of this Arrangement, the Participants may provide the following assistance:

(a) exchange of information on prevention, detection and suppression of crime;

(b) location and identification of criminals and criminal suspects sought by a Participant, and informing that Participant of their identities, relevant details and evidence;

(c) location and identification of and provision of information on missing persons and witnesses;

(d) arrangement for interviewing persons on a voluntary basis and examination of objects and sites involved in cases;

(e) exchange of records and documents, including stolen or fraudulent travel documentation; and

(f) exchange of relevant knowledge and expertise, legislative or regulatory documents, and scientific and technical information.

2. In order to facilitate the smooth implementation of the cooperation provided for in this Arrangement, the Participants will carry out relevant

cooperation in police technology, equipment and personnel training, as mutually decided by the Participants.

3. This Arrangement will not prevent the Participants from developing other mutually acceptable forms of cooperation.

Paragraph III Procedure

The procedures governing cooperation, referred to in Paragraph I, will be as follows:

1. Requests for police cooperation will be submitted:

(a) for New Zealand, by the Commissioner of the New Zealand Police or a person designated by the Commissioner, directly to the Assistant Minister of Public Security of the People's Republic of China or a person designated by the Assistant Minister;

(b) for the People's Republic of China, by the Assistant Minister of Public Security of the People's Republic of China or a person designated by the Assistant Minister, directly to the Commissioner of the New Zealand Police or a person designated by the Commissioner;

2. Requests will be submitted in writing in English or Chinese. In an emergency, requests may be made orally and will be confirmed in writing as soon as possible thereafter.

3. Requests for police cooperation will include the following information:

(a) the name of the law enforcement agency conducting the investigation or within whose jurisdiction the matter lies;

(b) the subject and nature of the investigation to which the request for cooperation pertains including the applicable penalty for any offences being investigated;

(c) a description of the type of information or other cooperation being sought;

(d) the purpose for which the information or other cooperation is being requested; and

(e) the date by which the information is desired.

4. Both Participants will maintain the confidentiality of all information received, and information received will be used only for law enforcement purposes and not used as evidence in a criminal prosecution except where disclosure of information is expressly authorised by the contributing Participant, or as otherwise required by law.

5. Each Participant will designate a person/s to maintain regular liaison. The designated liaison officer/s will communicate as necessary to resolve questions, problems or conflicts and will, in any case, communicate at least once a year to discuss matters under this Arrangement.

6. Each Participant will inform the other of the outcome of each request made under this Arrangement.

7. This procedure will not preclude cooperation involving government agencies other than police under this Arrangement and other procedures which operate currently or may subsequently be determined.

Paragraph IV Deferment or Refusal of Requests

1. The Participant receiving a request for cooperation may refuse to comply if:

(a) the request is not submitted in conformity with the provisions of this Arrangement;

(b) compliance with the request would be contrary to its domestic laws or international obligations, or prejudicial to state sovereignty, national security, public order or contrary to other major public interests; or

(c) the assistance sought would be more appropriately provided pursuant to the Treaty between New Zealand and the People's Republic of China on Mutual Legal Assistance in Criminal Matters.

2. The Participant receiving a request for cooperation may defer compliance if execution of the request would interfere with one of its own investigations or with judicial proceedings.

3. Before refusing or deferring cooperation, the Participant receiving the request will:

(a) inform, in a timely manner, the requesting Participant of the reason for refusal or deferment;

(b) where there is refusal under sub-paragraph 1 (b) of this Paragraph, the reason may take the form of a statement that compliance with the request would be contrary to domestic laws or international obligations or prejudicial to state sovereignty, national security, public order or contrary to other major public interests;

(c) consult with the requesting Participant to determine whether cooperation is possible on other mutually acceptable terms.

Paragraph V Costs

1. The requesting Participant will bear all costs associated with travel, food and accommodation of its representatives.

2. The Participant complying with a request for cooperation will bear all ordinary costs incurred within its own country.

3. Responsibility for bearing other extraordinary or excessive costs will be mutually determined by the Participants before the costs are incurred.

Paragraph VI Resolution of Differences

Differences concerning the implementation or interpretation of this Arrangement will be resolved by friendly consultation between the Participants.

Paragraph VII

Entry into Effect, Termination and Amendment of the Arrangement

1. This Arrangement will enter into effect upon signature and will remain in effect until terminated by either Participant pursuant to subparagraph 2 of this Paragraph.
2. This Arrangement may be terminated by either Participant upon 60 days -written notice to the other Participant.
3. Amendments to the Arrangement will be made only with the written consent of both Participants.

Signed at Beijing on the 7th day of September 2010, in duplicate in the English and Chinese languages, each version having equal validity.

For the Government
Of
New Zealand



For the Government
Of
The People's Republic of China

