

# Vote Justice

## 2020 Briefing for the Incoming Minister

2 November 2020



MINISTRY OF  
JUSTICE  
*Tāhū o te Ture*

# Contents

<b>Introduction .....</b>	<b>1</b>
<b>Your role and responsibilities .....</b>	<b>3</b>
Responsible Minister for the Ministry of Justice .....	3
Court system .....	3
Constitutional law .....	4
Criminal law .....	4
Civil law .....	4
Access to justice .....	4
Justice services .....	4
Occupational and industry regulation .....	5
Oversight and monitoring of Justice crown entities .....	5
Appointments and other powers .....	5
Relationship with the judiciary .....	6
Relationship with the Attorney-General .....	6
COVID-19 response .....	6
2020 General Election referendums .....	7
<b>Strategic overview .....</b>	<b>8</b>
Policy stewardship .....	8
Honouring responsibilities to Māori .....	9
Maintaining the integrity of our courts and tribunals .....	10
Caseflow management: digitisation of the court record .....	10
Revitalising our courts infrastructure .....	11
Therapeutic and specialist approaches .....	11
Improving access to justice .....	11
Family justice reforms .....	12
The role of tribunals .....	12

Providing sector leadership.....	12
Leading the transformation of the criminal justice system .....	13
The system is facing significant challenges .....	13
Opportunities are available to transform the system .....	13
Addressing Family and Sexual Violence .....	14
Joint Venture for Family Violence and Sexual Violence .....	14
Family Violence and Sexual Violence work programme .....	15
<b>Putting things into action .....</b>	<b>16</b>
Policy and legislation work programme .....	16
Budget 2021 .....	16
Significant appointments .....	16
Your upcoming decisions and meetings .....	17
Justice Bills before the House at the dissolution of Parliament .....	19
Notable bills and regulations related to the Justice portfolio .....	20
Other Parliamentary requirements.....	21
<b>Introducing te Tāhū o te Ture   Ministry of Justice .....</b>	<b>22</b>
About the Ministry .....	22
Delivering on the Ministry's strategy.....	23
The Ministry's work is broad and wide-ranging.....	23
We host and collaborate with other agencies.....	26
Responding to COVID-19 .....	27
Appropriations.....	28
How we can support you.....	29
Key contacts .....	30
Appendix A: Crown entities .....	31
Appendix B: Statutory appointments .....	33
Justices of the Peace .....	33
Appointment process.....	33
Appendix C: Legislation in the Justice portfolio .....	35

Courts and tribunals .....	35
Criminal justice and victims .....	36
Criminal law.....	37
Family .....	37
Civil law .....	38
Constitutional .....	39
Occupational regulation.....	40

# Introduction

I would like to congratulate you on your appointment as Minister of Justice and welcome you to the Justice portfolio.

The Justice portfolio presents a significant opportunity to make a positive difference to the lives of New Zealanders. As the Minister of Justice, you are charged with upholding the constitutional underpinnings of some of the most enduring political, legal and economic institutions in the world.

Your relationship with the independent judiciary puts you in a unique position at the junction of the three branches of government. Maintaining the integrity of, and trust and confidence in these institutions, is crucial to social cohesion and the economic success of Aotearoa New Zealand.

Everyone has a stake in our justice system. Individuals, families and businesses rely on the justice system to resolve a huge variety of issues, and often in times of crisis. An effective justice system will play a critical role in Aotearoa New Zealand's recovery from the COVID-19 pandemic.

You have a large regulatory portfolio, with a diverse range of policy responsibilities. There are opportunities to improve regulatory and policy settings across many of these areas. There is significant opportunity to make Aotearoa New Zealand a better place for everyone, particularly through:

- policy stewardship
- honouring our responsibilities to Māori
- maintaining the integrity of the courts and tribunals
- improving access to justice
- providing sector leadership
- leading the transformation of the criminal justice system, and
- addressing family violence and sexual violence.

This briefing provides an overview of:

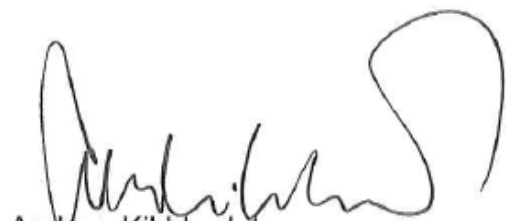
- the Justice portfolio, and your role and responsibilities
- key opportunities for making a positive difference in the lives of New Zealanders across the justice and democratic systems for which you are responsible, and
- our functions and duties.

## PROACTIVELY RELEASED

We will provide more information on these opportunities, and other work that is underway or available for you to progress, through more specific follow-up briefings.

You will soon also receive a Justice Sector Briefing for Incoming Ministers introducing you to the justice sector.

I look forward to working with you, for a fairer and safer Aotearoa New Zealand.

A handwritten signature in black ink, appearing to read 'Andrew Kibblewhite', with a large, stylized flourish at the end.

Andrew Kibblewhite

**Pou Whakarae mō te Ture**

**Secretary for Justice**

# Your role and responsibilities

The Justice portfolio broadly spans our entire system of government. It does so in a unique way, being fundamental in supporting the constitutional and democratic institutions of Aotearoa New Zealand.

As the Minister of Justice, you are responsible for the laws that shape the justice system and our constitutional arrangements. You support and promote the fundamental values, principles and institutions that regulate relationships between citizens and the state – and between the different branches of government (the executive, Parliament and the judiciary).

We set out the key components of your portfolio, and your principal responsibilities below.

## Responsible Minister for the Ministry of Justice

You are responsible for the Ministry of Justice. Information about the Ministry and how it supports you is set out in the final part of this briefing.

## Court system

As the Minister of Justice, you have overall responsibility for the justice system and joint responsibility for the policy and law that provides how the courts and tribunals operate. You work closely with the Minister for Courts, who is responsible for providing, through the Ministry of Justice, the administrative and other services necessary to operate Aotearoa New Zealand's courts and tribunals.

The court system rests upon the principle of the rule of law. The rule of law exists as a safeguard against arbitrary governance. In its most basic form, the rule of law means that no one is above the law, the law is applied equally to all, and the law is accessible and understandable. This gives rise to the principle that state authority is exercised only in accordance with written, publicly disclosed laws adopted and enforced in accordance with established procedures.

The court system enables citizens and businesses to participate in our economy and society with confidence that laws and contracts will be enforced, and provides certainty in how both business and private relationships can operate. It is critical in maintaining a cohesive society and encouraging investment.

The efficiency and integrity of court and tribunal processes has a significant impact on people's wellbeing and ability to move on with their lives. Many people coming to courts and tribunals are vulnerable and may be seeking protection. Concerns can relate to a person's safety (for example, because of family violence) or liberty. There may be grounds for challenging the actions of the state (for example, an order for compulsory mental health treatment). Increasingly, courts also have a role in linking people to services they need, such as drug and alcohol treatment, stopping violence programmes and restorative justice.

## Constitutional law

Core constitutional law and policy sits in Justice. Te Tiriti o Waitangi is a founding document of our constitution, and you have a key role in upholding the Crown's obligations under Te Tiriti. You also have responsibility for legislation concerning human rights (domestic and international), the electoral system, official information and privacy. These laws touch upon every aspect of New Zealanders' lives, and permeate all of government law and policy making.

Aotearoa New Zealand is a signatory to core international human rights treaties, and you lead the reporting to the United Nations on Aotearoa New Zealand's obligations.

## Criminal law

Criminal law reflects what society and the state expect from citizens and creates accountability. This area of your portfolio not only covers criminal offences, but also includes criminal procedure, sentencing, parole, bail and international criminal law. The policy settings in the criminal law have implications for the wellbeing of all New Zealanders. They also impact on the operations of other government agencies that are required to enforce or otherwise administer criminal law, such as the Police.

## Civil law

This covers a broad range of topics that centre on people's rights and responsibilities during their interactions. Areas of civil law include family, property, contracts, torts, trusts, wills and administrative law. Family law is of significant importance in your portfolio. It covers legal protection and assistance where family relationships break down. Other areas of civil law enable remedies to be available for damages, surety of commercial and personal property transactions, access to dispute resolution, and the proper distribution and management of estates.

## Access to justice

Access to justice is fundamental to the rule of law. It is about ensuring people who seek to enforce their rights can use the justice system to obtain an outcome by means of a fair and open process. This can involve educating people about their rights or providing support and information, such as through community law centres. Legal representation is made possible through legal aid and the Public Defence Service, which is Aotearoa New Zealand's largest employer of criminal defence lawyers. The effective functioning of the court system is a significant aspect of access to justice, and how easily people can enforce their rights.

## Justice services

You oversee programmes to assist victims of crime. You are also responsible through the Ministry for specialist community-based and non-government service providers supporting people moving through the justice system. These services include non-violence programmes and safety programmes for victims of family and sexual violence. They also cover restorative



justice contracts, where services provide a community-based response to crime, and usually involve a (voluntary) facilitated face-to-face meeting between the victim and offender.

## Occupational and industry regulation

You are responsible for the regulatory regimes for several professions and industries. The legal framework for the sale and supply of alcohol sits within Justice. Other regulatory regimes in your portfolio cover lawyers and conveyances, real estate agents, private security personnel, private investigators, pawnbrokers and sex workers. The regimes largely reflect your responsibilities for contractual, property and criminal law, where there is seen to be a need to protect the public interest from competing interests and/or criminal activity.

## Oversight and monitoring of Justice crown entities

You are responsible for the oversight and monitoring of Vote Justice crown entities, some of which are of constitutional significance due to their independent oversight of government. These are the Law Commission, Electoral Commission, Independent Police Conduct Authority, Human Rights Commission, Privacy Commissioner, Real Estate Agents Authority, Public Trust and the newly-established Criminal Cases Review Commission.

The Ministry of Justice monitors these crown entities on your behalf (except for Public Trust, which is monitored by Treasury). The Ministry should have an explicit agreement with you setting out what monitoring will be undertaken and how this will be carried out. This requirement is detailed in the Public Service Commission's guidance *Statutory Crown Entities – A Guide for Ministers*. We will advise you about developing a new agreement to fulfil this requirement.

An overview of your crown entities is provided in Appendix A.

## Appointments and other powers

Every year you make appointments to over 100 statutory positions, and appoint several hundred justices of the peace. Your role in appointments includes quasi-judicial positions and statutory positions that may be filled by judges (for example, on the Criminal Cases Review Commission Board). Further information on appointments is provided in Appendix B.

The Chief Victims Advisor is an independent ministerial advisor who is appointed by and accountable to you. Dr Kim McGregor, the inaugural Chief Victims Advisor, was appointed to this role in November 2015. Her appointment has been extended until 9 November 2021.

You are required to consider and decide upon claims for compensation for wrongful conviction and imprisonment and applications for extradition. You are also required to give advice to the Governor-General on applications for the exercise of the Royal prerogative of mercy.

You also make decisions on exemptions from specific legal requirements, including in the areas of real estate agents, anti-money laundering and countering financing of terrorism.

## Relationship with the judiciary

A fundamental constitutional principle in Aotearoa New Zealand is the doctrine of the 'separation of powers' and the independence of each of the three branches of government: the legislature (Parliament), the executive (Ministers of the Crown and government departments), and the judiciary. Each of these branches has a distinct role and acts as a check on the others. While Parliament is responsible for making laws and the executive for administering them, the judiciary is responsible for interpreting the law and for independently and impartially conducting trials and resolving disputes in accordance with the law.

It is a constitutional convention in Aotearoa New Zealand that the executive cannot direct the judiciary and that the legislature can only direct the judiciary through legislation. An independent judiciary gives people confidence that when they appear before the courts, their cases will be decided in accordance with the law and without any influence from the executive, Parliament or anyone else.

There is much to be gained from partnering with the judiciary to achieve common goals, such as improving the efficiency of the court system, as is appropriate while maintaining the constitutional convention of judicial independence. This was particularly evident during the period of COVID-19 restrictions, which required the government, the judiciary and the legal profession to collaborate on maintaining people's access to justice. We discuss some initiatives we are pursuing jointly with the judiciary further below.

## Relationship with the Attorney-General

You work closely with the Attorney-General, who is the senior law officer of the Crown with principal responsibility for the Government's administration of the law. The Attorney-General has the primary relationship with the Heads of Bench. The Attorney-General makes judicial appointments to the main courts (on advice from the Secretary for Justice for the District, Family and Youth Court appointments, and the Solicitor-General for appointments to the Higher Courts).

The Attorney-General is also responsible for ensuring the Government is exercising its authority in accordance with the law, and reporting on the consistency of Bills with the New Zealand Bill of Rights Act 1990 (NZBORA). These roles complement your own in respect of constitutional and human rights issues.

## COVID-19 response

Under the COVID-19 Public Health Response Act 2020, the Minister of Health must consult you before a COVID-19 Order is made. This is to ensure that any justice-related issues are considered, such as constitutional implications, human rights matters, or principles of natural justice. We will support you in this role by providing advice on any justice portfolio issues raised in the Orders.

In the event of a resurgence of COVID-19 here, the Ministry has systems in place to work together with the judiciary and the legal profession to continue to provide access to justice to the extent possible at each alert level. We discuss the Ministry's response further below.

## **2020 General Election referendums**

The preliminary results of the referendums were released by the Electoral Commission on 30 October. Final results will be announced on 6 November.

The preliminary result was a majority vote against the Cannabis Legalisation and Control Bill.

The preliminary result was in favour of the End of Life Choice Act 2019. If the final result confirms a majority yes vote, the Act will come into force on 6 November 2021. The Act is the responsibility of the Minister of Health and will be administered by the Ministry of Health.

# Strategic overview

The Justice portfolio provides an opportunity to make a significant difference to New Zealanders' lives. The justice and democratic systems affect all the people of Aotearoa New Zealand.

The public health response to COVID-19 has called for the use of some extraordinary powers. It has highlighted the critical role the Minister of Justice has as lead Minister for constitutional and human rights matters, with the ability to influence across government.

As lead Justice Sector Minister, you also have the opportunity to lead the sector towards a criminal justice system that delivers better outcomes for everyone who interacts with it – those who have been harmed by crime and those who offend, as well as their whānau and community.

Below are the key areas we would like to highlight as presenting both significant challenges and opportunities to make a difference over the next three years. There is work underway, the chance to go further, and choices about what to prioritise. You will receive follow up briefings that go into more detail on these issues in the coming weeks.

## Policy stewardship

Your role involves ensuring Aotearoa New Zealand's justice and democratic systems are legitimate, transparent, and accountable. We have amongst the highest levels of integrity, and most enduring political, legal, and economic institutions in the world. Transparency International's 2019 Corruption Perceptions Index ranked Aotearoa New Zealand as having one of the two least corrupt public sectors and judiciaries in the world. Not everyone has a high level of trust in our institutions, however, nor can their continued integrity be taken for granted.

As the Minister of Justice, you have policy responsibility for more than 150 pieces of legislation across our justice and democratic systems. The regulatory systems and legislation for which you are responsible are included in Appendix C. These responsibilities create a stewardship role for you as Minister. You provide overall care in the administration of justice legislation, to ensure the system protects New Zealanders' civil, economic and political interests, and their sense of fairness and security.

Ministers are expected to consult you on all proposals that affect our constitutional arrangements. We support you in this role by providing policy leadership and advice to agencies across the public service on constitutional matters, including on upholding Te Tiriti o Waitangi, the rule of law, and the NZBORA. We also provide advice on policy proposals to create new offences or change penalty levels, particularly with a view to maintaining consistency. We could also do more to support the ongoing conversation about our constitutional arrangements, particularly the place of Te Tiriti in our constitution, by building public engagement on constitutional issues and strengthening leadership on constitutional issues across the public service. We are seeking to invest in our policy capability, including for these purposes.

Te Tiriti o Waitangi establishes a constitutional relationship between Māori and the Crown and has increasing influence on how we approach constitutional policy. Your constitutional stewardship role includes being mindful of how public power is exercised in light of the Crown's Treaty obligations, and thinking about the rights of Māori as the indigenous people of Aotearoa New Zealand, including the right to self-determination. An example is the increasing proliferation of references to Te Tiriti in legislation. We may provide you with advice on specific proposals as they emerge and how they contribute to the development of our constitutional law.

There is opportunity to significantly strengthen our constitutional systems to make them stronger, more resilient and fairer so that everyone can engage in them. Following the Justice Committee's report into the 2017 general election, Cabinet agreed in principle to a comprehensive review of electoral law. We will seek your direction on the review's scope, timing and process. You could also consider a review of the Official Information Act 1982 and the Human Rights Act 1993 to improve transparency, trust and legitimacy.

From a stewardship perspective, other regulatory systems in your portfolio also require attention. We will brief you on the progress to date on specific programmes (such as family justice reforms and access to justice, discussed further below), and on other areas where a review of regulatory system performance could be timely (such as adoption law). Choices need to be made about where we invest resources because it is beyond our capacity to monitor, review and advise on all justice legislative systems at the same time. We will brief you on our policy resources and discuss your priorities in this context.

## **Honouring responsibilities to Māori**

The Crown has an obligation under Te Tiriti o Waitangi to build enduring partnerships with Māori in the justice system. The Ministry supports you in honouring your obligations under Te Tiriti, while working to meet our own obligations to Māori. Building partnerships with Māori can help the Crown realise benefits that it is unlikely to achieve otherwise given the unique perspectives of iwi and hapū, their intimate insight, and their access to individuals and whānau.

We have an active work programme to partner with Māori on a range of interventions both as a Ministry and with the broader justice sector. We are progressing partnership opportunities through the Innovative Courts Programme, including in the development of a new courthouse for Tauranga-Moana, and a new alcohol and other drug treatment court in the Waikato.

Following from Ināia Tonu Nei – the Hui Māori on the criminal justice system in April 2019, there is also potential to partner with Māori on criminal justice transformation so that the criminal justice system can better reflect Te Tiriti o Waitangi and Māori aspirations. This is especially important given the disproportionate harm experienced by Māori through the criminal justice system. The Treaty settlement process has also created opportunities for enduring relationships with Māori. We look forward to briefing you further on these opportunities.

## Maintaining the integrity of our courts and tribunals

Our courts and tribunals enforce criminal law, resolve civil disputes, uphold individuals' rights and hold government to account. A well-functioning court and tribunal system is of fundamental constitutional and societal importance. There is a significant opportunity to transform how we deliver justice services and ensure better outcomes for people who participate in the justice system.

The court system is currently experiencing significant operational pressure, including increased work on hand and delays in the progression of cases. Cases are growing in complexity and demand for court services is projected to increase. When cases are weighted for complexity, overall new business for the District Court is seven per cent higher than four years ago. Reliance on a paper-based caseload management system means court participants cannot track progress of a case online.

To successfully fulfil its role, our court and tribunal system needs more effective and consistent case management, and better functioning buildings. The judiciary, the Ministry, Māori, service providers, sector partners, local communities and the legal profession all need to collaborate to achieve this.

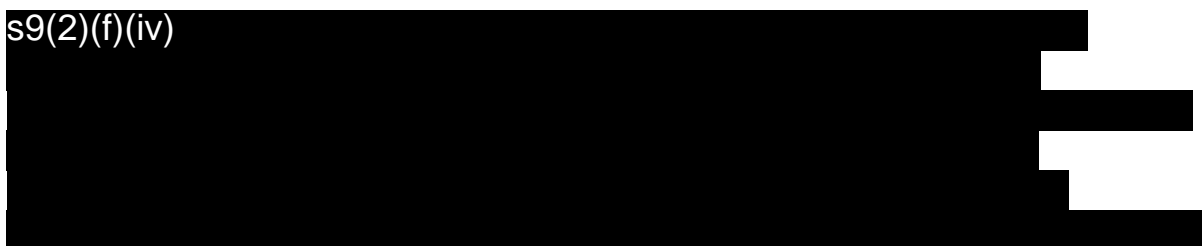
This transformation can be achieved by revitalising our court infrastructure, digitisation, the codesign and collaborative delivery of justice services, and other new ways of working. Tangible progress is being made towards a vision of reimaged, modern and functional courts and tribunals that can meet future challenges. We describe the work underway in three key areas.

### Caseflow management: digitisation of the court record

The caseload initiative is a critical part of lifting overall system performance. Caseload management is core to delivering court services and connecting with other essential government services, such as the Police and Corrections. Currently, management of court cases is heavily reliant on paper. It is no longer fit for purpose. This is compounded when alternatives are rapidly needed to ensure continued operation through crises, such as COVID-19.

Modernising caseload management will significantly improve the experience of all court users and the public's confidence in a transparent, fair, safe and timely court system. The limitations of current technology result in court users, including victims and their whānau, experiencing unnecessary delays, stress and physical and mental harm.

s9(2)(f)(iv)



Other investments, including in foundational digital platforms and cybersecurity, are further supporting moves to more digital ways of working across the Ministry.

## Revitalising our courts infrastructure

The physical design of court buildings influences the social and justice outcomes for the people using the building and the wider community. We have a 10-year infrastructure investment plan to restore and modernise buildings across the Ministry's property portfolio. This provides an opportunity to move away from traditional courthouse design and support new approaches to delivering justice services.

## Therapeutic and specialist approaches

The judiciary and the Ministry have partnered to innovate in the use of specialist courts, where the aim is to deal with specific social problems by creating a less intimidating environment and improving users' experience. For example, the Alcohol and Other Drug Courts piloted in the Auckland and Waitākere District Courts aim to address offending by providing specialist treatment support. Work is underway to establish a further pilot in the Waikato region from mid-2021. The Rangatahi Courts (that aim to reduce youth reoffending and enable Māori communities to be more involved in the youth justice process) are also expanding with a new court, Te Kooti Rangatahi Ki Heretaunga, recently opened. This brings the total number of Rangatahi Courts to 16.


The specialist courts have seen successes by using a people-centred approach, in which participants feel acknowledged and heard by the court. They also pose challenges due to the cost involved and uneven access to specialist approaches in different locations. The judiciary and the Ministry are now working in partnership to identify some of the key lessons learnt from the therapeutic and specialist courts, and consider whether similar approaches could be incorporated across the wider criminal jurisdiction.

## Improving access to justice

We want to make sure that everyone, regardless of their financial means, can access justice and receive the support they need. An accessible justice system has:

- clear and accessible law so that people know and understand their rights
- easy access to mechanisms that enable people to enforce their rights and resolve disputes, including, but not limited to, the courts
- a legal market that provides quality legal services at a price that people can afford
- fair and impartial procedures that are easy to navigate, protect our most vulnerable, and provide timely resolution of disputes.

Access to justice in civil matters can be improved. We are working in partnership with the judiciary and other stakeholders to do this. s9(2)(f)(iv)





## Family justice reforms

We will brief you about the long-term work programme that has begun to strengthen the family justice system. Aspects of the programme include the reinstatement of legal representation in the early stages of Care of Children Act 2004 proceedings with legal aid for eligible parties, and the establishment of the role of Family Justice Liaison Officer to help parents and whānau navigate the family justice system, provide information on process and engage with family justice providers. As a part of the programme, a Bill focused on strengthening the Family Court was introduced in August 2020.

Together, these changes promote a family justice system that continues to place child wellbeing at its heart. They will help to ensure that court users and their whānau are well-supported with early legal advice and information, and children's participation is enhanced. These changes will reduce the level of delay in resolving issues in the Family Court, which has been exacerbated by the COVID-19 pandemic.

## The role of tribunals

Tribunals usually focus on one subject area, unlike the courts, and are typically designed to be faster, more informal and cheaper. Tribunals resolve a range of matters, including private disputes, reviews of decisions of government agencies, and complaints about regulated professionals such as real estate agents. Tribunals are an essential part of the justice system. For many New Zealanders, attending a tribunal may provide their main experience and perception of justice in Aotearoa New Zealand. Their disputes need to be considered in a timely and efficient manner as they can have a significant effect on people's lives.

The two largest tribunals are the Tenancy Tribunal and the Disputes Tribunal, which resolve about 25,000 matters each year between them. Other significant tribunals include the Immigration Protection Tribunal, the Human Rights Review Tribunal and the recently established Canterbury Earthquakes Insurance Tribunal.

The Ministry has work underway to take a more consistent approach to the fees paid to, and terms and conditions of, the judicial and statutory officers in tribunals, recognising the important work these tribunals do.

## Providing sector leadership

You are the lead Minister for the justice sector. You are best placed to lead collective ministerial and agency action around strategic opportunities such as criminal justice transformation, building Māori-Crown relationships and improving system performance. No single minister or agency can progress these opportunities alone.

The Justice Sector Briefing for Incoming Ministers provides you and other justice sector ministers with more information about these opportunities. We recommend that you meet with other justice sector ministers regularly. The other justice sector ministers are the Ministers of Police and Corrections, the Ministers for Courts and Children, the Minister responsible for the Serious Fraud Office, and the Attorney-General. You and other justice sector ministers will regularly receive updates from the Justice Sector Leadership Board (see page 26 below) on justice sector performance.



# Leading the transformation of the criminal justice system

## The system is facing significant challenges

The criminal justice system is facing significant challenges. Aotearoa New Zealand has a high imprisonment rate by international standards and the system negatively and disproportionately impacts Māori. Our reoffending rates are also high, most people in our prisons are themselves victims of crime, and steady increases in the number of unsentenced prisoners on remand pre-COVID-19 have raised significant human rights and access to justice issues.

Many New Zealanders, in particular Māori and victims of crime, have been saying that the system is not meeting their needs. Public engagement on the criminal justice system has consistently identified the same areas of dissatisfaction. These are reflected in three major reports produced in 2019 by the Independent Advisory Group, Te Uepū Hāpai i te Ora (Turuki! Turuki!), the Chief Victims Advisor to Government (Te Tangi o te Manawanui) and Te Ohu Whakatika (Ināia Tonu Nei), respectively. Key criticisms of the system include that it is:

- not striking the right balance between punishment/deterrence and rehabilitation and restoration, and
- not adequately meeting the needs of victims and communities, and in many cases, increasing the harm they experience.

Furthermore, Māori are concerned that the Crown is not consistently working with them as Treaty partners to improve the system, raising significant legitimacy issues for Māori.

## Opportunities are available to transform the system

Work is underway across the justice sector to respond to these calls for fundamental transformation of the criminal justice system. For example, Ara Poutama Aotearoa Department of Corrections and Police have launched new strategies, Hōkai Rangi and Te Huringa o Te Tai respectively, which focus on achieving better outcomes for Māori, including through innovative and partnership approaches.

However, transformation will require a sustained, comprehensive and coordinated programme of action across governance and leadership, strategy, policy and practice. Your role in leading the sector and partnering with Māori and key stakeholders, is important to achieve this fundamental change.

We are keen to explore your interest in pursuing options for change. One option is articulating a shared vision and purpose for the criminal justice system, and agreed principles for reform. These could then guide an overarching strategy, specific legislative reforms and the day to day operation of the system.

Real gains could be made through working with our justice sector partners to improve the experience of, and services for, people who have been victimised. We could better co-

ordinate services to victims from the start of the process to its end, particularly for Māori, who are disproportionately victims of crime.

Opportunities for legislative reform include changes to sentencing and bail legislation to promote consistency and transparency, and expanding the clean slate regime. The significant reduction in the level of offending by young people in the past decade means there is potential for a more tailored response to offending in the critical years of 18 to 24. Addressing offending effectively at this time of emerging adulthood could lead to lasting change.

## Addressing Family and Sexual Violence

People's experience of family violence and sexual violence (FVSV) is one of the most significant barriers to New Zealanders' wellbeing and whānau ora. Successive governments have committed to addressing FVSV through a multi-agency collaborative approach.

The Ministry plays a key role in this whole of government response to FVSV. We administer and implement the law, and provide court services and related programmes which support access to justice, offender accountability and victim safety. Ministry frontline staff interact with customers affected by FVSV, and the Ministry's website and other channels are vital sources of information. The Ministry has responsibility for operational aspects of the legal tools which are available to affected people, such as protection orders and parenting orders. We also contract with providers who deliver services to or on behalf of people affected by FVSV (for example, non-violence programmes providers, restorative justice providers, legal aid lawyers, psychologists and interpreters).

Through these various mechanisms, we have an opportunity to contribute significantly to the goal of addressing FVSV.

## Joint Venture for Family Violence and Sexual Violence

The Joint Venture of the Social Wellbeing Board was established in 2018 to address FVSV. It comprises 10 government agencies: Accident Compensation Corporation, Ara Poutama Aotearoa Department of Corrections, the Department of Prime Minister and Cabinet, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development, New Zealand Police, Oranga Tamariki, and Te Puni Kōkiri. These agencies lead a whole-of-government response to FVSV. The Ministry is an active member of the Joint Venture.

You are one of a group of ministers who oversee the Joint Venture's work. We support you in this role by briefing you on relevant work and responsibilities and drawing connections with the Joint Venture's work programme. The Joint Venture's lead minister is the Minister for the Prevention of Family and Sexual Violence.

The Joint Venture Board is made up of the Chief Executives of the Joint Venture agencies. The Board provides leadership and alignment across government — influencing at strategic, practical, operational and community levels.

## Family Violence and Sexual Violence work programme

The statutory framework for family violence was recently reformed, resulting in a new Family Violence Act 2018 and changes to criminal and family law. These changes came into force in December 2018 and July 2019. The Ministry is building on this change with a work programme of further operational improvements. It includes improving the skills and knowledge of the people we employ and contract with, supporting customers' access to health, social and legal services, and improving the design and safety of court buildings and processes.

In addition, the Sexual Violence Legislation Bill is currently before Parliament (awaiting its second reading) and available for reinstatement. The Bill is designed to reduce the re-traumatisation many sexual violence victims experience when attending court and giving evidence. These legislative changes will be supported through specialist education and training for judges, sexual violence prosecutors and defence lawyers.

There is opportunity to further improve the criminal justice system's response to sexual violence. In April 2019, Cabinet agreed to a longer-term work programme related to sexual violence cases. This work would aim to promote victims' confidence in reporting sexual violence and seeking a just resolution, ensure greater accountability of perpetrators, and support therapeutic approaches to preventing further offending. We will brief you further on this work.

# Putting things into action

We set out below the key areas where you will need to make decisions, and key meetings in the period up to the end of April 2021.

## Policy and legislation work programme

Realising the opportunities discussed above will require investment of time and resources, which needs to be accommodated alongside our other roles, such as administering and improving justice legislation, and providing policy leadership on human rights and constitutional issues across the public service.

We would like to discuss a work programme for what you hope to achieve over the next three years and beyond, including manifesto commitments, your key priorities and timing. This discussion will also inform bids for the 2021 legislation programme.

## Budget 2021

Treasury will expedite seeking decisions from the Minister of Finance on the timing and process for Budget 2021. One of our immediate priorities will be engaging with you on the Budget process, to identify the Budget initiatives you wish to put forward for consideration.

## Significant appointments

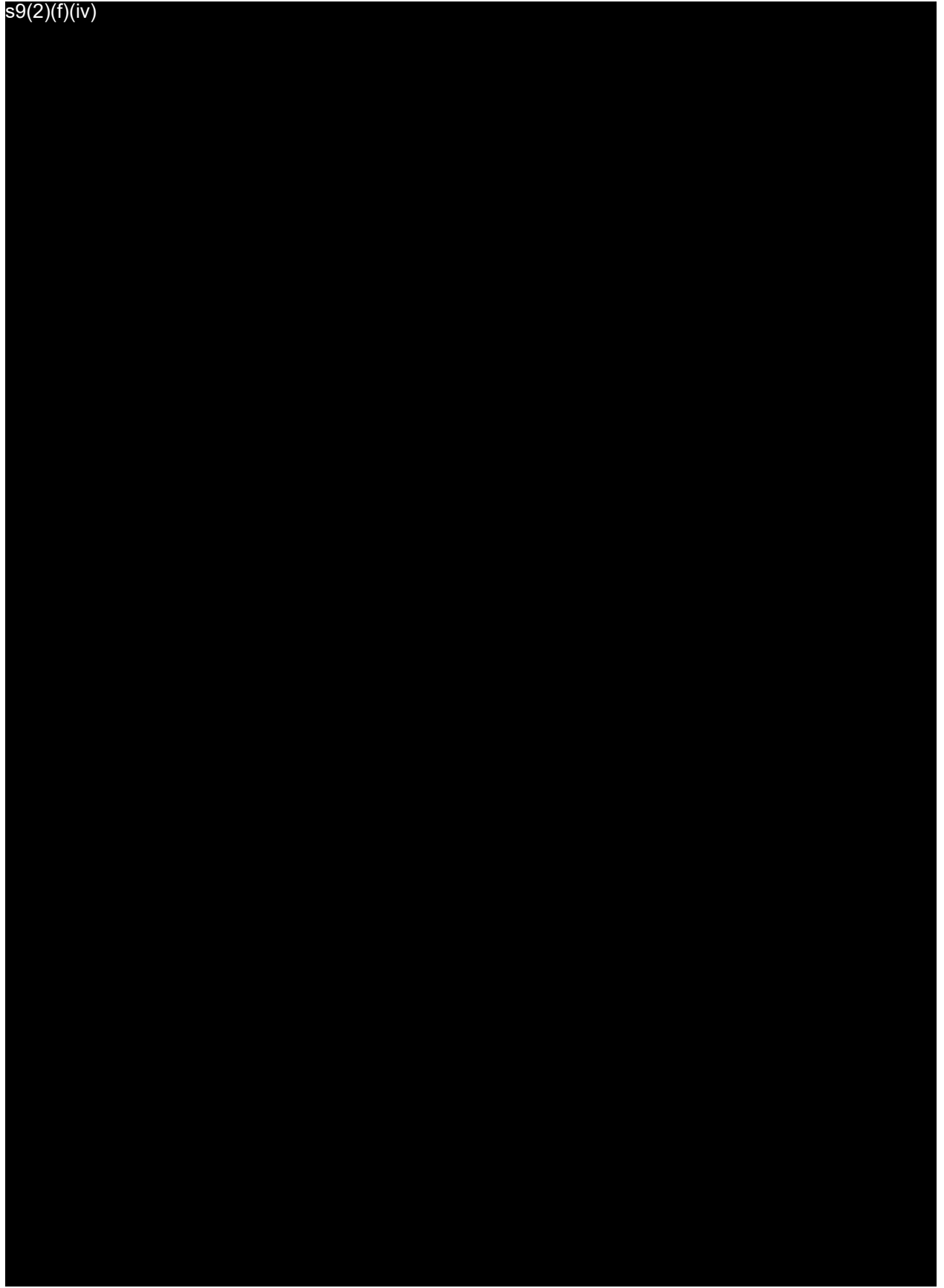
You will be briefed as soon as practicable on the following:

- Law Commission membership – the appointments of two commissioners expire in February and May 2021.
- Public Protection Order Review Panel membership – appointments to this panel have been running on for an extended period. The panel can continue to operate but a review of the membership needs to be undertaken promptly.

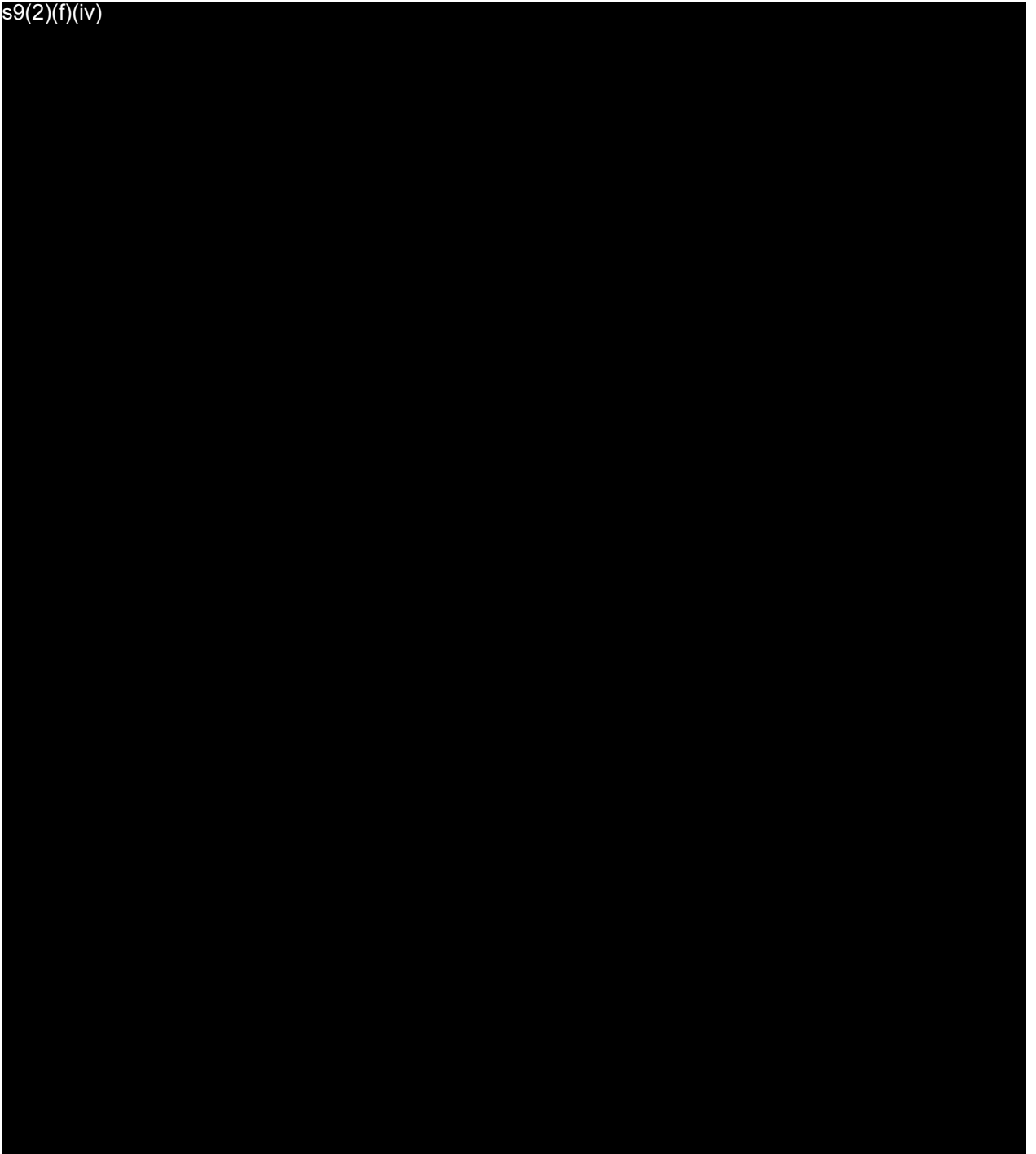
## Your upcoming decisions and meetings

### Upcoming briefings seeking your decisions

s9(2)(f)(iv)



s9(2)(f)(iv)



**Significant upcoming meetings or events in your portfolio**

Event	Action required	Timing
National Iwi Chairs Forum Quarterly Hui	Following the meeting of the Iwi Chairs Forum, we will brief you on the agreed priorities	6 November
NZ Bill of Rights (Declarations of Inconsistency) Amendment Bill	You may be invited by the Privileges Committee to speak to this Bill	To be confirmed
Meet with Heads of Bench	We recommend that you meet with the Heads of Bench	When convenient
OECD Anti-Bribery Convention review	Attendance to welcome our reviewers	1-5 February

## Justice Bills before the House at the dissolution of Parliament

The new Parliament may reinstate any business of the previous Parliament at any time in the first parliamentary session. The decision to reinstate any business of the previous Parliament is likely to occur in the first few sitting weeks and it will be necessary to consider what items should be reinstated, including those items which lapsed within the Justice portfolio.

The following table describes the bills that lapsed with the dissolution of the previous Parliament. We note the status of each item and the Ministry's recommendation for reinstatement.

**Reinstatement of bills**

Bill	Previous stage	Recommendation
Family Court (Supporting Children in Court) Legislation Bill	Introduced on 8 August 2020	Include the Bill on the Reinstatement of Business motion
Sexual Violence Legislation Bill	Justice Committee reported back on the Bill on 9 June 2020	Include the Bill on the Reinstatement of Business motion
NZ Bill of Rights (Declarations of Inconsistency) Amendment Bill	Referred to the Privileges Committee on 27 May 2020	Include the Bill on the Reinstatement of Business motion

## Notable bills and regulations related to the Justice portfolio

There is a wide range of other legislation at various Parliamentary stages that will similarly require decisions regarding reinstatement, which will be led by the Ministers with principal responsibility for those bills.

There are also member's bills that relate to the Justice portfolio, and as a matter of convention these are usually reinstated. The Ministry will provide advice on the members' bills below, as noted and as required.

### Members' bills related to the Justice portfolio

Bill	Previous stage	Decision sought (if any)
Rights for Victims of Insane Offenders Bill	Referred to the Justice Committee on 1 July 2020	If reinstated, seek decision on Ministry's role advising select committee, approval of initial briefing and Departmental Report
District Court (Protection of Judgment Debtors with Disabilities) Amendment Bill	Referred to the Justice Committee on 21 July 2020	If reinstated, seek approval of initial briefing (joint with Minister for Courts)
Oranga Tamariki (Youth Justice Demerit Points) Amendment Bill	Referred to the Social Services and Community Committee on 21 July 2020	If reinstated, seek decision on Ministry's role advising select committee
Electoral (Integrity Repeal) Amendment Bill	Referred to the Justice Committee on 29 July 2020	If reinstated, seek decision on Ministry's role advising select committee
Harmful Digital Communications (Unauthorised Posting of Intimate Visual Recording) Amendment Bill	Introduced on 2 July 2020	If reinstated, seek decision on Ministry's role advising select committee, approval of initial briefing
Lawyers and Conveyancers (Employed Lawyers Providing Free Legal Services) Amendment Bill	Introduced on 28 July 2020	If reinstated, seek decision on Ministry's role advising select committee
Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill	Introduced on 28 July 2020	If reinstated, seek decision on Ministry's role advising select committee
Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2)	Awaiting second reading	None



## Other Parliamentary requirements

### Parliamentary requirements and statutory obligations

Topic	Action required	Timing
Law Commission Report on the use of DNA in Criminal Investigations	Present the report to the House	December
Government Response to the report of the Officers of Parliament Committee into the case of Martin Matthews	Tabling of the response	December
Government response to the Social Services and Community Committee's briefing on matters related to forced adoptions	Tabling of the response	December
Lawyers and Conveyancers Act	Tabling of NZ Society of Conveyancers Annual Reports	Statutory requirement – as soon as practicable
Government Response to the report of the Justice Committee into the petition of Laura O'Connell (addressing online hate, harassment and abuse)	Tabling of the response	February
Government Response to the report of the Justice Committee into the petition of Charlene Kraatskow (reviewing legislation relating to custodial sentences)	Tabling of the response	February
Electoral Commission's report into the conduct of the 2020 General Election	Tabling of the response	April

# Introducing te Tāhū o te Ture | Ministry of Justice

## Tāhū o te Ture

Te Tāhū o te Ture is the Māori name for the Ministry of Justice. This name was bestowed to the Ministry by respected kaumātua Tā John Clarke. The name touches on the connection between the ridge pole that supports a whare and the role the Ministry plays in supporting democracy and the rule of law in Aotearoa.

Tāhū: is the ridge pole that is the main support structure of a wharenui.

Ture: is the law.

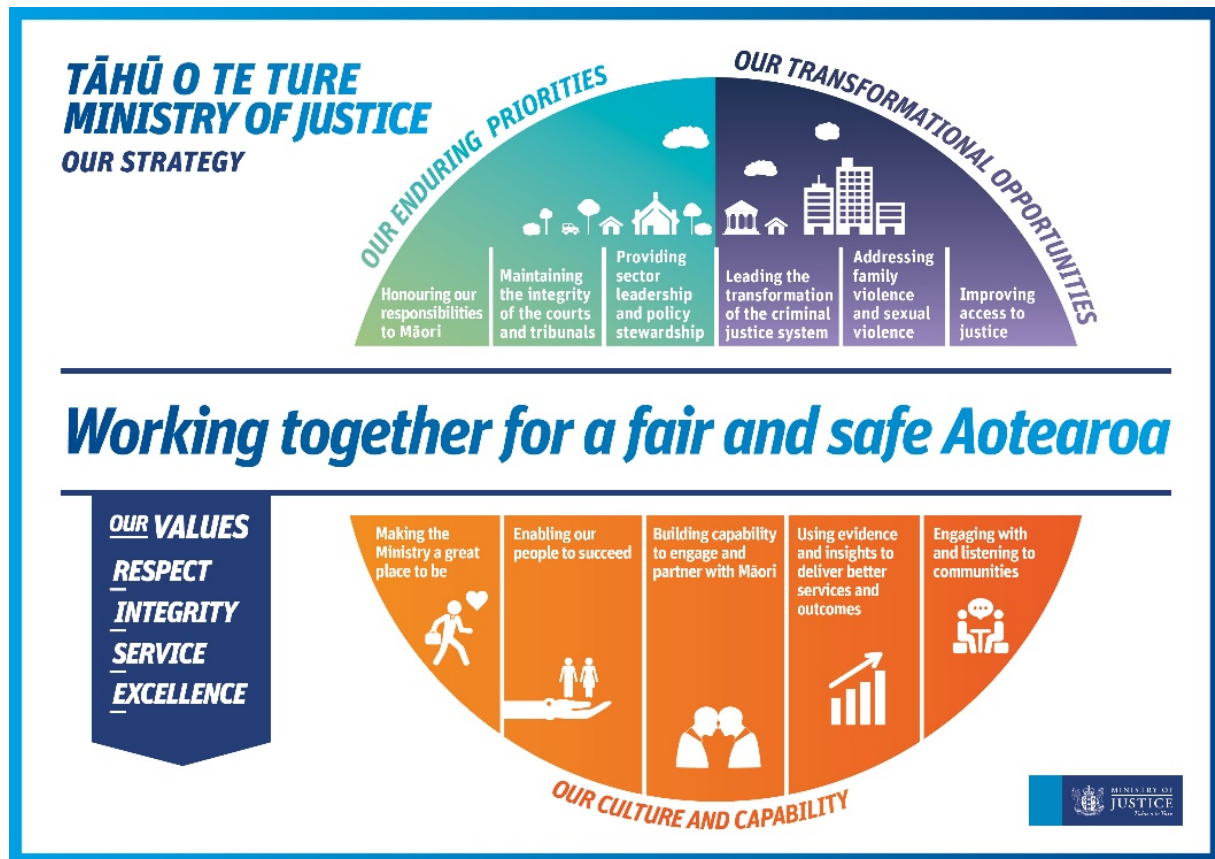
## About the Ministry

The Ministry of Justice supports the Minister of Justice, Minister for Courts and the Attorney-General to carry out their responsibilities, and delivers a range of court and justice services to New Zealanders.

The Ministry has over 4,000 people and is active in 58 towns and cities across Aotearoa. We lead and support an integrated justice sector through strong sector knowledge and governance, shared goals and identifying solutions to improve justice sector outcomes. We recognise the need to work together across the justice sector to make Aotearoa safer, and to deliver justice services that are fair and accessible for all New Zealanders.

# Delivering on the Ministry's strategy

Figure 1: Our Strategy



The Ministry's strategy sets out our strategic intentions that will enable us to achieve our purpose of working together for a fair and safe Aotearoa.

**Our enduring priorities** are the areas that will remain fundamentally important to the Ministry over the long-term.

**Our transformational opportunities** reflect the particular opportunities and challenges we face today and are what will make Aotearoa a better place for everyone.

**Our culture and capability** are what we need to focus on as an organisation to ensure we're well placed to improve outcomes for New Zealanders.

## The Ministry's work is broad and wide-ranging

The Ministry is unique in Aotearoa New Zealand in that we are the only agency working across all three arms of government – as well as working for the legislature and executive, we provide support to the judiciary. A critical element of this relationship is the constitutional requirement of judicial independence.

## Supporting the courts and tribunals

Our key operational role is to support the judiciary and the courts and tribunals. We provide registry and administrative services necessary to support the judicial administration of the court system and to support judicial decision-making. Administrative support includes providing court security staff in the registries, transcription services, finance, ICT, human resources and funding for continuing legal education and development for judges. We also support 29 tribunals, authorities and committees, allocating \$192 million to these bodies that help New Zealanders resolve disputes.

We also:

- administer the legal aid system. In 2019/20, we processed 82,074 applications for legal aid
- operate the Public Defence Service, Aotearoa New Zealand's largest criminal law practice with over 200 criminal defence lawyers in 10 offices across the country
- collect unpaid infringements lodged in court, court fines and reparations. In 2019/20, \$198 million was collected in fines
- carry out criminal conviction history checks, processing 500,584 in 2019/20
- contract with providers to deliver a variety of programmes and services that support directions given by the judiciary
- provide funding for community law centres which provide free legal services and law-related education to New Zealanders.

## Working alongside the judiciary

In supporting the court system, we recognise the importance of the constitutional requirement for independence of the judicial function, and support the judiciary to ensure this is preserved and maintained. The courts must be, and must be seen to be, separate from and independent of the executive – this serves to uphold the rule of law.

Employees, such as court registrars who exercise quasi-judicial functions, do so as officers of the court. The Ministry does not direct employees when they are exercising these functions. We seek judicial input into our operational changes that affect the courts, for example improvements to court processes and service design.

The Chief Justice and Secretary for Justice established the Courts Strategic Partnership Group in 2019 to support engagement between the judiciary and the Ministry on matters of strategic importance. The Courts Strategic Partnership Group consists of the Heads of Bench and the Ministry's Strategic Leadership Team and is jointly chaired by the Chief Justice and the Secretary for Justice. It reflects their joint commitment to the partnership between the two branches of government that is articulated in the *Principles observed by Judiciary and Ministry of Justice in the Administration of the Courts* (29 November 2018).

The Principles state that both the judiciary and the Ministry have interests in developing and maintaining a system of justice that is just, fair, accessible, and modern, which delivers timely, impartial, and open justice. The Principles recognise and set out the separate responsibilities of the judiciary and the Ministry for delivering justice through the courts, and those responsibilities that are shared. These responsibilities include:

- the judiciary's responsibilities in conducting the business of the courts

- the Ministry's role in supporting the operation and financial management of the courts, and
- the judiciary and the Ministry's shared obligation to ensure the use of public resources to run the courts are used efficiently and effectively.

## **Upholding our public service responsibilities**

We work with our ministers, within the Ministry, and across the public sector to improve the long term wellbeing of New Zealanders. This means anticipating future issues, and proactively offering advice on the issues we think matter the most.

We are working on embedding the new Public Service Act 2020. The Act modernises the legislative framework for the public service, including by setting out the public service's core values, strengthening the Māori-Crown relationship and increasing the flexibility of public sector organisations.

Our Chief Executive's key responsibilities under the Act include:

- promoting and fostering an inclusive workplace
- ensuring the Ministry upholds the principles of the public service
- supporting the Crown in its relationships with Māori under Te Tiriti o Waitangi by developing and maintaining the Ministry's capability to engage with and understand Māori perspectives
- ensuring the operation of employment policy which aligns with the principles of being a good employer.

The new Act also reinforces the importance of policy stewardship, a key component of our Policy Group's day-to-day work. Our Chief Executive must proactively promote stewardship of the legislation the Ministry administers. To be an effective steward, we must maintain a long-term view and consider how the decisions made today will impact the next five years, the next ten years, and the next generation.

We must also now consult the public and provide you with a long-term insights briefing. The briefing will set out medium and long-term trends, risks and opportunities that affect Aotearoa New Zealand society and policy options for responding. The Standing Orders Committee recommended that the Government coordinate the presentation of these briefings to the House, and that the first series of these briefings be presented no later than 30 June 2022.

## **Building capability to engage and partner with Māori**

We are on a journey to build capability to be able to truly partner and effectively engage with Māori, as Treaty partners. The Public Service Act also supports our focus on better justice outcomes for Māori and our commitment to developing organisational capability to work with Māori.

Honouring our responsibilities to Māori begins with more involvement of whānau, hapū and iwi in the design and delivery of justice services for Māori. Our Māori Strategy, Te Haerenga, signals progression, a journey, and is our roadmap and plan for building our capability to engage and partner with Māori. We recently launched a multi-year programme of work – Te Kokenga – our Te ao Māori Capability Programme. We are committed to ensuring our Māori

employees are connected, supported, and valued, and are represented in our leadership and decision-making. Te Kokenga aims to help us achieve this. We have recently appointed a Deputy Secretary Māori to lead this and other work to honour our responsibilities to Māori.

## **We host and collaborate with other agencies**

### **Te Arawhiti: The Office for Māori Crown Relations**

Te Arawhiti is a departmental agency. This means it operates autonomously within the Ministry of Justice, which is its host agency. Te Arawhiti and the Ministry of Justice have a shared services arrangement, whereby the Ministry of Justice provides corporate services (eg finance and payroll) to Te Arawhiti.

The Minister for Māori Crown Relations is responsible for Te Arawhiti.

### **Joint Venture Business Unit on behalf of the Joint Venture Family Violence and Sexual Violence**

The Joint Venture Business Unit is hosted by the Ministry of Justice and its director is part of the Ministry's Strategic Leadership Team. The Joint Venture Business Unit provides a governance secretariat for the Joint Venture Family Violence and Sexual Violence, Ministerial servicing and coordinates policy advice from a family violence and sexual violence system perspective.

### **Justice Sector Leadership Board**

We lead an integrated justice sector through strong sector governance, and shared ambition and knowledge. The justice sector is a system of agencies, stakeholders and individuals who work together on complex issues every day. We recognise the need to work together across the justice sector to make Aotearoa safer, and to deliver justice services that are fair for all New Zealanders.

The Ministry leads the justice sector through the Secretary for Justice's role as Chair of the Justice Sector Leadership Board. The Board is a vehicle for collaboration, collective decision-making, and direction setting for a whole-of-sector approach to the system. The Ministry also chairs national and local cross-sector forums to ensure joined up investment, operations and communications.

We also share our data, evidence, and what we've learned to increase collaboration and integration across the justice system. These shared insights help us make better decisions, increase transparency, and improve our services.

## **Stewardship of our people, assets and functions**

We want the Ministry of Justice to be a place where our people can be healthy and safe, trusted, supported and involved. Delivering such a range of services for New Zealanders is

only achievable because of the great people at the Ministry. We need to ensure we have the right balance of investment in infrastructure, tools and capability so our people can continue delivering people-centred services to provide access to justice for all.

The Ministry's operating funding over the last 10 years has placed us under significant financial pressure. Long-term under-investment and investment trade-offs have made it difficult to maintain our services and support our ageing property and technology assets.

Whilst work has been done to maintain and remediate some property and IT assets within the funding available, more needs to be done to sustain improvements made and keep pace with changing customer expectations.

The Government has committed to some of the investment required over the next 10 years to restore and modernise the Ministry's property portfolio. We will shortly brief you on this investment, and the property and digital initiatives we have developed to deliver on our strategy. The revitalisation of courts infrastructure, together with other key changes on the horizon, provides an opportunity to transform how we deliver justice services.

Over the course of this year Treasury, in consultation with the Ministry, has been carrying out a review of the Ministry's service, funding, and risk baselines ("Baseline Review"). The Review has analysed the performance since 2007 including service effectiveness, efficiency, sustainability, risk, cost, and alignment to Government objectives.

Baseline Reviews are exercises undertaken by Treasury that are intended to address issues of value for money, cost pressures and reprioritisation. This is done by gaining insights about key issues that are affecting current and future funding needs, and to improve transparency to Ministers about how Budget decisions can affect baselines.

The Review process is now in its final stages and Treasury expects to present the final version of its Baseline Review report to you and the Minister of Finance by December 2020. The interim Baseline Review report was previously presented to Ministers in July 2020.

Treasury also intends that Vote Courts and Vote Justice Budget 2021 initiatives will be reviewed by the Baseline Review team to enable it to provide the Minister of Finance with advice as to whether the initiatives are consistent with Treasury's findings.

## Responding to COVID-19

During the COVID-19 restrictions the justice system, including the courts, was an essential service. Jury trials were suspended, but the District Court continued to operate to deal with priority proceedings.

Our people had to act urgently and with great care to ensure court protocols and safety precautions were implemented as the Alert levels changed. We worked closely with the judiciary and other justice sector agencies on measures to enable court proceedings that would not breach COVID-19 restrictions. These included the rapid expansion of Visual Meeting Rooms from 33 to 378 and the development of a Virtual Courts solution.

Before COVID-19 the Ministry's technology did not support remote working by courts staff or the wider Ministry. To provide this capability the Ministry worked at pace and with agility to increase mobile work devices, supplying almost 800 laptops and 60 desktop computers to



our people in less than three months. We also accelerated the upgrade and stabilisation of the Ministry network to enable the ability for over 4,000 users to log on concurrently.

The Ministry is well-prepared to respond to further escalations of COVID-19, drawing on the successful initial response, as well as lessons learned on where we could improve. We will brief you on our current preparedness and ongoing work to ensure our readiness for dealing with the pandemic.

## Appropriations

The Ministry administers over \$1 billion across Votes Justice, Courts and Treaty Negotiations.

**Table: Vote Justice**

2020-21 Annual and Permanent Appropriations	Budget \$000
Departmental Output Expenses and Multi-Category Expenses	161,806
Departmental Capital Expenditure	81,250
Non-Departmental Output Expenses	442,942
Non-Departmental Other Expenses	20,214
<b>Total Annual and Permanent Appropriations</b>	<b>706,212</b>

**Table: Vote Courts**

2020-21 Annual and Permanent Appropriations	Budget \$000
Non-Departmental Other Expenses	309,439
Multi-Category Expenses and Capital Expenditure	557,392
<b>Total Annual and Permanent Appropriations</b>	<b>866,831</b>

**Table: Vote Treaty Negotiations**

2020-21 Annual and Permanent Appropriations	Budget \$000
Non-Departmental Output Expenses	1,000
Non-Departmental Other Expenses	18,552
Multi-Category Expenses and Capital Expenditure	39,086
Non-Departmental Capital Expenditure	150,000
<b>Total Annual and Permanent Appropriations</b>	<b>208,638</b>



**Vote Treaty Negotiations – Multi-year Appropriation**

2020-21 Annual and Permanent Appropriations	Budget \$000
Historical Treaty of Waitangi Settlements - Original Appropriation \$1,400,000 in 4 years	350,000
Total Annual and Permanent Appropriations	350,000

## How we can support you

We will work with your office to establish ways we can best support you. Some of the suggestions for this support are through:

**Regular meetings:** The Secretary for Justice and the Ministry's Strategic Leadership Team (SLT) can meet with you weekly and as necessary.

**Weekly report:** You may wish to receive a weekly report to support your meeting with the Secretary for Justice and SLT. This report can include items of interest, a round-up of future briefings and Cabinet papers, and a list of papers currently with your office.

**Briefings on specific issues:** We can advise you on matters to assist decision-making and assist you in preparing for meetings.

**Communications:** We will work closely with your office on providing assistance with media queries, drafting replies to correspondence, and answering requests for information under the Official Information Act 1982.

**Material for the Estimates Examination:** We can support you in your appearance before the Justice Committee for the Vote Justice Estimates Review, by providing you with written responses and briefing material for oral questions.

**Regular Performance Reporting:** We can provide you with quarterly reports, which update you on work on your priorities, as well as on our operational performance and major initiatives.

## Key contacts



**Andrew Kibblewhite**  
**Secretary for Justice and Chief Executive**  
Andrew.Kibblewhite@justice.govt.nz  
s9(2)(a)



**Carl Crafar**  
**Chief Operating Officer – Operations and Service Delivery**  
Carl.Crafar@justice.govt.nz  
s9(2)(a)



**Anouk Alexander**  
**Deputy Secretary – Strategy, Governance and Finance**  
Anouk.Alexander@justice.govt.nz  
s9(2)(a)



**Tina Wakefield**  
**Deputy Secretary – Corporate and Digital Services**  
Tina.Wakefield@justice.govt.nz  
s9(2)(a)



**Rajesh Chhana**  
**Deputy Secretary – Policy**  
Rajesh.Chhana@justice.govt.nz  
s9(2)(a)



**Marcus Akuhata-Brown**  
**Deputy Secretary – Māori**  
Marcus.Akuhata-Brown@justice.govt.nz  
s9(2)(a)



**Tim Hampton**  
**Deputy Secretary – Sector**  
Tim.Hampton@justice.govt.nz  
s9(2)(a)



**Fiona Ross**  
**Director – Joint Venture – Family Violence and Sexual Violence**  
Fiona.Ross@justice.govt.nz  
s9(2)(a)



**Jeff Orr**  
**Chief Legal Counsel**  
Jeff.Orr@justice.govt.nz  
s9(2)(a)

## Appendix A: Crown entities

You are the responsible minister for six independent crown entities, one autonomous crown entity and one crown agent.

Your role is to oversee and manage the Crown's interests in, and relationships with, entities within your portfolio, and to carry out the responsibilities in section 27 of the Crown Entities Act 2004. Overall, your responsibilities are to:

- ensure effective and efficient boards are in place to govern the crown entities (through the responsibility to appoint, reappoint and remove board members)
- participate in setting the direction of crown entities
- monitor and review crown entities' performance and results, and
- manage risks on behalf of the Crown.

The Ministry will provide you with advice about:

- performance against agreed targets
- robustness of financial planning
- assurance that risk management is in place
- financial results and early warning of threats to viability or effectiveness, and
- assurance that entities have capability to deliver.

Crown entities in the Vote Justice portfolio are listed below. Individual crown entities will provide you with their own briefings.

**Vote Justice crown entities**

Name and type of entity	Entity purpose	Chair of Board
Law Commission (LC) <i>Independent Crown Entity</i>	The systematic review, reform and development of the law	President of the Law Commission Associate Professor Amokura Kawharu
Electoral Commission (EC) <i>Independent Crown Entity</i>	Runs an effective and impartial electoral system	Marie Shroff
Independent Police Conduct Authority (IPCA) <i>Independent Crown Entity</i>	Oversees the conduct of New Zealand Police	Judge Colin Doherty
Human Rights Commission (HRC) <i>Independent Crown Entity</i>	Promotes and protects the human rights of all people in Aotearoa New Zealand	Chief Commissioner Dr Paul Hunt
Office of the Privacy Commissioner (OPC) <i>Independent Crown Entity</i>	Develops and promotes a culture of privacy	Privacy Commissioner John Edwards
Real Estate Authority (REA) <i>Crown Agent</i>	Promotes public confidence in the real estate industry	Denese Bates QC
Criminal Cases Review Commission (CCRC) <i>Independent Crown Entity</i>	Addresses potential miscarriages of justice	Chief Commissioner Colin Carruthers QC
Public Trust <sup>1</sup> <i>Autonomous Crown Entity</i>	Provides New Zealanders with products and services including wills, legal, financial, investment, trusts, estate administration and estate protection	

<sup>1</sup> The Ministry purchases services through Public Trust's Services Agreement with the Minister of Justice. The Ministry has policy responsibility for the Public Trust Act 2001 but the Public Trust itself is monitored by the Crown Operations Group in the Treasury. The Ministry monitors in respect of the services purchased under the Services Agreement.

## Appendix B: Statutory appointments

As the Minister of Justice, you are responsible for making or recommending appointments to approximately 450 statutory positions (excluding your Justices of the Peace appointments). The appointments fall into two major groups:

- crown entities: see appendix A.
- tribunals, boards, committees and authorities: these include tribunals and other quasi-judicial bodies of similar functions (eg, Weathertight Homes Tribunal, Immigration and Protection Tribunal, Disputes Tribunal, Tenancy Tribunal, and Land Valuation Tribunals).

The majority of these appointments are for terms of three to five years so 120 to 140 positions are reviewed annually.

### Justices of the Peace

You are also responsible for recommending the appointment of Justices of the Peace (JPs). Only Members of Parliament (MPs) may nominate individuals for appointment as JPs. Each electorate MP is responsible for ensuring that their electorate is adequately serviced by JPs. List MPs may submit nominations in their own name but need to have the prior endorsement of the appropriate electorate MP. In recent years approximately 200 – 300 JP appointments have been approved annually. To manage workflow, nominations that require decisions are generally batched into monthly schedules.

### Appointment process

The statutes under which the bodies or positions are established specify who makes the appointment (most often the Governor-General on the recommendation of the Minister) and the appointment term. Other matters such as appointment criteria and required consultation are sometimes included in the governing legislation but it is rare for legislation to prescribe the process by which candidates are to be identified.

Responsibility for managing the recruitment and appointment processes are deemed to be delegated to the Ministry of Justice unless you direct otherwise. The Ministry provides advice on each upcoming vacancy. Normally the advice will:

- explain the basic legislative and Cabinet requirements associated with the appointment
- provide a position description
- offer preliminary advice on the skills and experience of the person required to fill the vacancy
- recommend a process that may be followed, and
- set out any associated remuneration issues.

Potential candidates can be identified in various ways including advertising, seeking nominations from interest groups, Ministers or MPs, seeking suggestions from incumbent chairs and via self-nomination. The suitability of the available options is canvassed on a case-by-case basis but, in general, the practice in recent years has been publicly to advertise crown entity and other high profile appointments.

Under Cabinet guidelines, all but the most minor appointments are referred to Cabinet. Cabinet guidelines also advise that the Prime Minister should be consulted on major appointments before they are submitted to Cabinet.

## Appendix C: Legislation in the Justice portfolio

The Ministry of Justice administers 154 pieces of legislation and have regulatory stewardship responsibilities for 52 regulatory systems.

Our large regulatory stock is organised into seven regulatory areas, many of which overlap.

Statutes jointly administered under both the Justice and Courts portfolios are indicated with an asterisk (\*).

### Courts and tribunals

This area gives effect to the rule of law and the separation of powers. It also provides the operating framework for the majority of the Ministry's other regulatory systems, including: the constitution; jurisdiction; necessary procedures and powers of courts and tribunals; resolving civil disputes; upholding individuals' rights and holding the government to account.

Admiralty Act 1973\*

Arbitration (International Investment Disputes) Act 1979

Arbitration Act 1996

Coroners Act 2006\*

Costs in Criminal Cases Act 1967\*

Courts (Remote Participation) Act 2010\*

Criminal Disclosure Act 2008

Criminal Procedure Act 2011\*

Criminal Procedure (Mentally Impaired Persons) Act 2003

Declaratory Judgments Act 1908\*

Disputes Tribunals Act 1988\*

District Court Act 2016\*

Domicile Act 1976

Electronic Courts and Tribunals Act 2016\*

Evidence Act 2006

Family Court Act 1980\*

Family Proceedings Act 1980\*

Imprisonment for Debt Limitation Act 1908

Inferior Courts Procedure Act 1909\*

Interest on Money Claims Act 2016\*

Judicature Act 1908 (section 87)

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004

Judicial Review Procedure Act 2016\*

Juries Act 1981\*

Justices of the Peace Act 1957

Lawyers and Conveyancers Act 2006

Legal Services Act 2011

Limitation Act 1950

Limitation Act 2010

Senior Courts Act 2016\*

Summary Proceedings Act 1957\*

## Criminal justice and victims

This area oversees justice system mechanism for dealing with crimes. The State holds the critical power in the prosecution and punishment of crimes. Consequently, the definition of crime and the exercising of that power is closely regulated. However, the justice system's treatment of crimes and offenders needs to be mindful of the needs of victims. This area includes the legislation that ensures appropriate provision is made for victims of crime, including responses to family violence and sexual violence.

Bail Act 2000	Mutual Assistance in Criminal Matters Act 1992
Crimes of Torture Act 1989	Parole Act 2002 <sup>3</sup>
Criminal Cases Review Commission Act 2019	Prisoners' and Victims' Claims Act 2005
Criminal Investigations (Bodily Samples) Act 1995	Returning Offenders (Management and Information) Act 2015
Criminal Proceeds (Recovery) Act 2009	Sentencing Act 2002 <sup>4*</sup>
Criminal Records (Clean Slate) Act 2004	Serious Fraud Office Act 1990
Domestic Violence Act 1995	Terrorism Suppression Act 2002 <sup>5</sup>
Extradition Act 1999	Victims Orders Against Violent Offenders Act 2014
International Crimes and International Criminal Court Act 2000 <sup>2*</sup>	Victims' Rights Act 2002
International War Crimes Tribunals Act 1995	

<sup>2</sup> Administered jointly with the Ministry of Foreign Affairs and Trade.

<sup>3</sup> Administered jointly with Ara Poutama Aotearoa Department of Corrections.

<sup>4</sup> Administered jointly with Ara Poutama Aotearoa Department of Corrections.

<sup>5</sup> Administered jointly with the Ministry of Foreign Affairs and Trade.



## Criminal law

This area encompasses the definition of crime. The criminal law should reflect both society's and the State's expectations for what types of behaviours should be deemed criminal conduct. Accountability is provided by setting out in clear and unambiguous language exactly what conduct is prohibited and precisely what elements the State must establish to punish an individual for that conduct. The variety of systems in this regulatory area is a result of the variable and changing nature of crime and the ways it can be carried out.

Anti-Money Laundering and Countering  
Financing of Terrorism Act 2009

Aviation Crimes Act 1972

Crimes Act 1961\*

Crimes (Internally Protected Persons,  
United Nations and Associated Personnel,  
and Hostages) Act 1980

Crimes of Torture Act 1989

Harassment Act 1997

Harmful Digital Communications Act 2015

Maritime Crimes Act 1999

Misuse of Drugs Act 1975<sup>6</sup>

Prohibition of Gang Insignia in  
Government Premises Act 2013

Search and Surveillance Act 2012

Secret Commissions Act 2010

Serious Fraud Office Act

Summary Offences Act 1981

Terrorism Suppression Act 2002<sup>7</sup>

Trespass Act 1980

## Family

This regulatory area governs family law in Aotearoa New Zealand. It provides the framework for adult relationships (including relationship property), parent-child relationships, and for resolving disputes when relationships end.

Adoption Act 1955

Adoption (Intercountry) Act 1997

Adult Adoption Information Act 1985

Age of Majority Act 1970

Care of Children Act 2004

Civil Union Act 2004

Domestic Actions Act 1975

Domestic Violence Act 1995

Family Dispute Resolution Act 2013

Family Protection Act 1955

Joint Family Homes Act 1964

Law Reform (Testamentary Promises) Act  
1949

Marriage Act 1955

Property (Relationships) Act 1976

Protection of Personal Rights and  
Property Act 1988

<sup>6</sup> Administered jointly with the Ministry of Health.

<sup>7</sup> Administered jointly with the Ministry of Foreign  
Affairs and Trade.

Status of Children Act 1969

## Civil law

The civil law area contains laws that govern legal rights and responsibilities in interactions between private individuals. It interacts with the courts and tribunals area to the extent that some of the systems use court processes to resolve disputes.

Administration Act 1969	Mining Tenures Registration Act 1962
Animals Law Reform Act 1989	Occupiers' Liability Act 1962
Charitable Trusts Act 1957	Perpetuities Act 1964
Contract and Commercial Law Act 2007 <sup>8*</sup>	Privacy Act 1993
Contributory Negligence Act 1947	Property Law Act 2007
Deaths by Accidents Compensation Act 1952	Public Trust Act 2001
Deeds Registration Act 1908*	Reciprocal Enforcement of Judgments Act 1934*
Defamation Act 1992	Simultaneous Deaths Act 1958
Human Assisted Reproductive Technology Act 2004	Statutory Land Charges Registration Act 1928
Fencing Act 1978	Succession (Homicide) Act 2007
Innkeepers Act 1962	Trans-Tasman Proceedings Act 2010
Land Transfer (Hawkes Bay) Act 1931	Trustee Act 1956
Land Valuation Proceedings Act 1948	Trustee Companies Act 1967
Law Reform (Testamentary Promises) Act 1949	Unit Titles Act 2010 (subpart 1 of Part 4) <sup>9</sup>
Law Reform Act 1936	Wills Act 1837 (UK)
Law Reform Act 1944	Wills Act 2007

<sup>8</sup> Administered jointly with the Ministry of Business, Innovation and Employment.

<sup>9</sup> Administered jointly with the Ministry of Business, Innovation and Employment and Land Information New Zealand.

## Constitutional

This area creates the foundations that underpin the courts and tribunals regulatory area. It also describes and create the institutions of the State, set out the constraints on the exercise of state power, and regulates the relationship between citizens and the state. Together, these areas provide the platform upon which all other regulatory systems in Aotearoa New Zealand are based. It also provides the framework for the recognition and implementation of international law.

Abolition of the Death Penalty Act 1989

Broadcasting Act 1989 (Part 6)<sup>10</sup>

Citizens Initiated Referenda Act 1993

Constitution Act 1986

Courts Security Act 1999\*

Crimes of Torture Act 1989

Crown Organisations (Criminal Liability) Act 2002

Crown Proceedings Act 1950

Department of Justice (Restructuring) Act 1995

Electoral Act 1993

Election Access Fund Act 2020

Flags, Emblems, and Names Protection Act 1981(section 20)<sup>11</sup>

Habeas Corpus Act 2001

Human Rights Act 1993

Imperial Laws Application Act 1988

Independent Police Conduct Authority Act 1988

Interpretation Act 1999

Judicial Review Procedure Act 2016

Law Commission Act 1985

Legislation Act 2012<sup>12</sup>

Local Restoration Polls Act 1990

New Zealand Bill of Rights Act 1990

Oaths and Declarations Act 1957

Official Information Act 1982

Ombudsmen Act 1975

Political Disabilities Removal Act 1960

Privacy Act 2020

Referenda (Postal Voting) Act 2000

Royal Succession Act 2013

Treaty of Waitangi (State Enterprises) Act 1988

<sup>10</sup> Administered jointly with the Ministry for Culture and Heritage and Te Puni Kōkiri.

<sup>11</sup> Administered jointly with the Ministry for Culture and Heritage.

<sup>12</sup> Administered jointly with the Parliamentary Counsel Office.

## Occupational regulation

This area details the areas the Ministry is responsible for regulating certain occupations to protect consumers.

Hotel Association of New Zealand Act 1969

Lawyers and Conveyancers Act 2006

Legal Services Act 2011

NZ Council of Law Reporting Act 1938

Private Security Personnel and Private Investigators Act 2010<sup>13</sup>

Prostitution Reform Act 2003

Real Estate Agents Act 2008

Sale and Supply of Alcohol Act 2012

Secondhand Dealers and Pawnbrokers Act 2004

Trans-Tasman Mutual Recognition Act 1997

<sup>13</sup> Sections 100 and 101 are administered by the Department of Internal Affairs.

**Ministry of Justice**  
**Tāhū o te Ture**

**[justice.govt.nz](http://justice.govt.nz)**

[info@justice.govt.nz](mailto:info@justice.govt.nz)

0800 COURTS  
0800 268 787

National Office  
Justice Centre | 19 Aitken St  
DX SX10088 | Wellington | New Zealand

