

**Hon Kiri Allan**  
Minister of Justice

**Proactive release – Briefing to incoming lead Minister for the Justice Sector**

Date of issue: August 2022

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
1	<b>Briefing to incoming lead Minister for the Justice Sector</b> <i>Briefing</i> Minister of Justice	Some information withheld under sections 9(2)(a) and 9(2)(f)(iv)

Hon Kiri Allan, Lead Justice Cluster Minister and Minister of Justice

**Briefing to incoming lead Minister for the Justice Sector**

<b>Date</b>	1 July 2022	<b>File reference</b>	
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**Action sought**

**Timeframe**

<b>Note</b> the contents of this briefing in relation to your role as lead Minister of the Justice Sector	At your convenience
<b>Indicate</b> any additional information you would like to receive from officials on aspects referred to in this briefing	At your convenience

**Contacts for telephone discussion (if required)**

<b>Name</b>	<b>Position</b>	<b>Telephone (work)</b>	<b>(a/h)</b>	<b>First contact</b>
Erin Judge	Executive Director, Sector Directorate	s9(2)(a)	s9(2)(a)	<input type="checkbox"/>

**Minister's office to complete**

- ☐ Noted      ☐ Approved      ☐ Overtaken by events  
☐ Referred to: \_\_\_\_\_  
☐ Seen      ☐ Withdrawn      ☐ Not seen by Minister

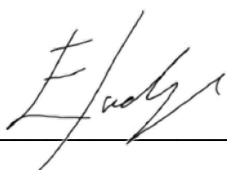
**Minister's office's comments**

## Recommendations

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It is recommended that you:

1. **Note** the contents of this briefing in relation to your role as lead Minister of the Justice Sector YES / NO
2. **Indicate** any additional information you would like to receive from officials on aspects referred to in this briefing YES / NO



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Erin Judge

**Executive Director, Justice Sector Directorate**

**Date**    /    /

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Hon Kiri Allan

**Minister of Justice**

**Date**    /    /

## Introduction

This briefing provides you with an overview of the Justice Sector to support you in your role as the lead Minister for the Justice Sector. As lead Minister you will work closely with the Justice Sector Leadership Board (JSLB) and the Justice Sector Directorate (Directorate) responsible for enabling key justice sector agencies to work together.

The Directorate will provide similar support to you in your role as lead Minister, as the support you receive from the Ministry of Justice in your role as the Minister of Justice.

As lead Minister for the Justice Sector, you contribute to setting direction for the whole justice system, with access to the levers of six justice sector agencies – Police, Corrections, Oranga Tamariki, Crown Law, Serious Fraud Office and Ministry of Justice.

## Overview of the Justice Sector

### Justice Sector Agencies

The justice sector includes government departments, police, lawyers, community groups and the media. The judiciary as a separate and independent branch of government play an important role. Whilst there are numerous departments with a connection to the justice sector (including many with prosecution functions) the key justice sector agencies are:

- **New Zealand Police** – responsible for maintaining public safety, law enforcement, crime prevention and community support.
- **Ministry of Justice** – responsible for the administration of the Courts, the Public Defence Service, legal aid, the enforcement of monetary penalties, and providing advice on justice-related matters, the administration of the law and constitutional policy. The Ministry also directly supports the Judiciary.
- **Department of Corrections** – responsible for administering prison and community sentences and assisting in the rehabilitation and reintegration of people who are serving sentences or orders.
- **Oranga Tamariki** – responsible for supporting children at-risk of significant harm and for administering youth justice services.
- **Crown Law Office** – provides legal advice and representation services to the government in matters affecting the executive government and is responsible for prosecuting the most serious crime, criminal appeals, and the oversight of public prosecutions.
- **Serious Fraud Office** – the lead law enforcement agency for investigating and prosecuting serious or complex financial crime, including bribery and corruption.

Each agency has individual operational, policy and strategic responsibilities and accountabilities. While the responsibility of individual agencies remain distinct, there is overlap in some areas including in a number of reform programmes underway with significant potential to prevent harm, increase access to justice and improve outcomes for victims. The successful delivery of these initiatives requires all agencies to work together and move in the same direction.

### Key agency-led programmes

- **Te Au Reka (Caseflow Management) | Ministry of Justice** – Te Au Reka modernises court processes from the current manually intensive, paper-based system. This will increase progression of cases, support resolution and keep people safe. The current administratively intensive processes have potential to increase harm and cause delay, including for victims. Caseflow will also improve connection across the Justice Sector.
- **Criminal Process Improvement Programme (CPIP) | Ministry of Justice** – CPIP is a cross-agency programme aimed at reducing unnecessary adjournments and harmful delays. CPIP needs to be delivered in order to support the successful implementation of Te Ao Mārama.
- **ReFrame | NZ Police** – ReFrame is a three-year programme designed to improve outcomes. ReFrame will enable Police by creating the policies, processes, tools, and systems to modernise their end-to-end resolution process to improve evidence collection, resolution decision-making and case management and improve the service provided to victims, whānau and communities.
- **Te Ao Mārama | Ministry of Justice** – Te Ao Mārama is a judicially-led kaupapa, partnering with iwi and communities to design new solutions and provide support for people going through the District Court. It aims to use best practices learnt from the therapeutic courts to enable a more solutions focussed approach for the District Court.
- **Hōkai Rangi | Corrections** – Hōkai Rangi (2019) is focused on the prioritisation of the wellbeing of Māori who come into Corrections' management and their whānau. Working with iwi partners, Corrections aims to better incorporate a Te Ao Māori worldview, support and enhance cultural identity, and deliver humanising and healing services. These changes seek to improve wellbeing outcomes, reduce re-offending and lower the proportion of Māori in prison.
- **Oranga Tamariki Action Plan | Oranga Tamariki** – The Action Plan is a cross-agency commitment for agencies to work together to ensure that children, young people, and their families and whānau with the greatest needs receive the support and services they require to prevent harm and improve their wellbeing. The Action Plan is accompanied by an Implementation Plan, which includes the practical steps that agencies have committed to take over the short and medium terms.
- **Review of the Solicitor General's Prosecution Guidelines | Crown Law** – The Solicitor-General is working alongside Ināia Tonu Nei to review the Solicitor-General's Prosecution Guidelines. These guidelines set out what all public prosecution agencies follow when deciding whether to bring a prosecution and when conducting any prosecution. The review will result in clearer guidance for how prosecutorial discretion can ensure better outcomes for individuals in the criminal justice system while better supporting the long-term safety of the community.

## The Justice Sector Leadership Board

The justice sector is driven by a collective of Chief Executives who are established as a Board to lead with a united purpose. The JSLB has been operating since 2011 and is chaired by the Secretary for Justice. Current members are:

- Andrew Kibblewhite, Secretary for Justice and Chief Executive (appointed 2019)
- Andrew Coster, Police Commissioner (appointed 2020)
- Chappie Te Kani, Chief Executive of Oranga Tamariki (appointed 2021)
- Jeremy Lightfoot, Chief Executive of Corrections (appointed 2020)
- Karen Chang, Chief Executive and Director of the Serious Fraud Office (appointed 2022)
- Una Jagose QC, Chief Executive of Crown Law and Solicitor-General (appointed 2016)

The members work together to deliver change in their capacity as leaders, governors and stewards for the justice sector, rather than as individual agency chief executives. Governance is also provided by two Justice Sector Executive Committees responsible for providing strategic investment advice, governing significant cross-agency initiatives and driving continuous operational improvement.

### *Ināia Tonu Nei*

The JSLB entered into a mana ōrite relationship with Ināia Tonu Nei in 2021. The kaitiaki of Ināia Tonu Nei are Rikirangi Gage, Tā Mark Solomon, Katie Murray and Dee-Ann Wolferstan<sup>1</sup>. Ināia Tonu Nei was formed as a result of 'Hui Māori' held in Rotorua in 2019. The stated purpose of the mana ōrite relationship is "to create a future that benefits both Māori and all New Zealanders by transforming the justice sector whereby Māori are no longer affected by the impacts of institutional racism, whānau and communities are empowered, and the system focuses on healing and restoration".

The Directorate supports the JSLB members and Ināia Tonu Nei to work together with trust and transparency, helping to successfully navigate each other's capability, authority and role, and recognising the opportunities offered through this relationship to support improved justice services and outcomes for Māori.

## The role of the Justice Sector Directorate

In their capacity as a Board, members and their agencies are supported and connected by the Justice Sector Directorate, a small business unit of around 20 FTEs, led by Erin Judge, Executive Director who reports directly to the JSLB.

The Directorate was established to support the JSLB achieve its ambition for system transformation<sup>2</sup>. The Directorate formally commenced on 1 April 2022 and is still being formed. The Directorate is hosted within the Ministry of Justice but remains independent and accountable to JSLB.

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<sup>1</sup> s9(2)(f)(iv)

<sup>2</sup> Previously, the JSLB was supported by 'Sector Group', a larger mixed model team, which was part of the Ministry of Justice and included additional functions such as Sector Insights and Crown Entities Monitoring.

The Directorate has three primary functions – to advise and support senior leaders, to drive smart delivery of the cross-agency work programme and to provide functions which require a whole-of-sector approach.

### *Advice*

The Directorate helps JSLB to deliver its ambitions through the coordination of agencies and stakeholders. Relationships are key, as is understanding the aspirations, culture and challenges within each agency. The Directorate sits independently of all agencies and this perspective enables us to:

- see the 'whole' and provide advice on how work can be prioritised, consolidated and sequenced to improve efficiency and drive results
- help navigate the tension between individual and collective sector priorities
- make connections, remove barriers and get agencies what they need to make progress

### *Enabling the Justice Sector work programme*

The Strategic Narrative for the Justice Sector articulates the transformation that is being sought in the justice sector and explains how the Budget 22 investment will help achieve it. The current work programme of JSLB aims to prevent crime, respond early and restore people and communities when harm has occurred.

The Directorate helps bring together agency strategies (eg. Hōkai Rangi) and the large work programmes (eg. Casflow) to ensure they are delivered in a cohesive and efficient way that achieves outcomes.

### *Additional Functions*

#### *Leading the Justice Cluster Budget*

You are aware of the work undertaken by five of the six Justice Sector agencies<sup>3</sup> to enable the <sup>s9(2)(f)(iv)</sup> billion multi-year, multi-agency Justice Sector investment in Budget 22.

In order to support the Cluster agencies, a Justice Cluster Secretariat was formed to co-ordinate and ensure consistency across initiatives. The Secretariat maintained a neutral agency position, while fostering the Ministerial Strategic Priorities (better outcomes for victims, better enabled workforces, improved access to justice and addressing issues with remand).

There are a number of reporting and monitoring obligations that the Secretariat are responsible for leading. That includes the Strategic Narrative for the sector which you are being provided with separately.

#### *Supporting the Chief Victims Advisor*

The Chief Victims Advisor (CVA) is accountable to you in your role as the Minister of Justice to provide independent advice about victim issues. The inaugural CVA, Dr Kim McGregor was appointed in November 2015.

The CVA is supported by a small team (two senior advisors and some administrative support) provided by the Directorate. The support team is positioned within the independent

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<sup>3</sup> Oranga Tamariki was not part of the Justice Cluster Budget given their primary role is in the social sector



Directorate, to ensure connection with all agencies involved in a victim's journey through the justice system.

### Supporting the Chief Science Advisor

The Prime Minister's Chief Science Advisor convenes a forum of Chief Science Advisors from across government. Professor Ian Lambie was appointed as Chief Science Advisor for Justice (CSA Justice) in October 2015.

The CSA Justice provides independent scientific advice within justice agencies, ensuring that policy and practice are research-led and have a strong evidence base. s9(2)(f)(iv)

The CSA Justice reports to the Executive Director, which enables him to be connected to the whole of the justice sector.

### Long-term Insights Briefing

The Directorate is responsible for overseeing the development of the first Justice Sector Long-term Insights Briefing (LTIB). The Public Service Act 2020 introduced a requirement for chief executives of government departments to publish an LTIB at least once every three years. This must be created independently of Ministers and involve public consultation on both the proposed subject matter and the draft LTIB.

The JSLB agreed that justice agencies would produce a joint LTIB and the subject agreed with Ināia Tonu Nei<sup>4</sup> and adopted by the JSLB, is *'Long-term insights about imprisonment and what these tell us about future risks and opportunities'*.

While the LTIB is developed independently of Ministers, they are required to undergo Select Committee scrutiny and the relevant Minister(s) must present a copy of a briefing to the House of Representatives as soon as is reasonably practicable after receiving it. You will be informed at key stages of the LTIB development process until its completion under the 'no surprises' principle.

Key milestones are:

- Mid-May to mid-August 2022: compilation of the LTIB
- Mid-August to late-September 2022: public consultation including tangata whenua engagement and other expert consultation;
- Mid-November 2022: tabling of the final LTIB in Parliament.

### Proceeds of Crime Fund

The Proceeds of Crime Fund (PoCF) was created to enable proceeds of crime (recovered under the Criminal Proceeds (Recovery) Act 2009) to be re-invested into innovative initiatives to support a reduction in organised crime and methamphetamine use. Cabinet has previously agreed four criteria for allocating monies:

- expansion of alcohol and other drug treatment services

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<sup>4</sup> The LTIB is one of two key areas of joint sector-level work between Ināia Tonu Nei and JSLB.



- initiatives to fight organised criminal groups dealing in methamphetamine and other drugs
- initiatives to address mental health issues within the criminal justice system
- initiatives that test innovative approaches to address crime-related harm to communities and improve community wellbeing.

The Directorate is responsible for leading the PoCF policy and administration. s9(2)(f)(iv)

s9(2)(f)(iv)

### Justice Sector Kaupapa Inquiry

On 5 August 2021 the Waitangi Tribunal formally commenced a kaupapa inquiry into claims concerning the justice system (the Inquiry). This is a wide-reaching inquiry and Judge Carrie Wainwright is the presiding officer.

The Government's response to the Inquiry will be led by you as the Minister of Justice as the Ministry of Justice is the lead agency for response. Other agencies and ministers will also have a direct interest in the Inquiry.

The secretariat to support the sector's response to the Inquiry will sit within the Directorate so that it can co-ordinate across agencies and be connected to the future direction of the sector.