

Briefing for Incoming Justice Sector Ministers

Justice Sector Directorate

February 2023

Introduction

This briefing introduces the Justice Sector Leadership Board (JSLB), the Justice Sector Directorate, and summarises the role each plays in ensuring Justice Sector agencies are working together to achieve collective goals and priorities. This briefing has been provided to all incoming Ministers whose core sector agencies are represented on the JSLB, and outlines key priorities and upcoming decisions for Ministers.

Which agencies are part of the Justice Sector?

Justice in New Zealand is administered by a range of institutions, groups and individuals. At the core of the Justice Sector are six agencies. While the Justice Sector agencies have overlapping interests across the Justice Sector, most of the shared focus is on the criminal justice system. They work closely together at operational, policy and strategic levels. They are:

- **Ministry of Justice** – responsible for administration of the Courts and the majority of criminal justice legislation, the Public Defence Service, Legal Aid, the enforcement of monetary penalties, and providing advice on justice-related matters, including civil and constitutional policy
- **New Zealand Police** – responsible for maintaining public safety, law enforcement, crime prevention and community support
- **Ara Poutama Aotearoa/Department of Corrections** – responsible for administering prison and community sentences and orders, 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 administering youth justice services
- **Serious Fraud Office** – responsible for investigating and prosecuting serious or complex financial crime, including bribery and corruption, and the lead agency for counter-fraud and corruption prevention
- **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.

The Ministry of Justice also directly supports the third branch of government – the independent judiciary. Strong independent courts and tribunals are fundamental to our democratic system of government and are a critical part of the Justice Sector to which the six agencies belong.

What is the Justice Sector Leadership Board and the Sector Directorate?

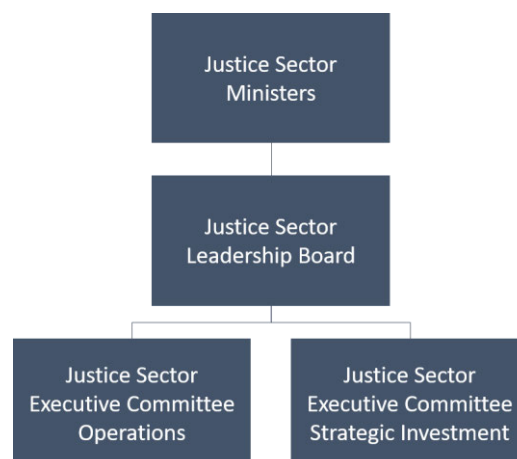
Justice Sector Leadership Board

The Justice Sector Leadership Board (JSLB) comprises the heads of the six core Justice Sector agencies. Current members of the JSLB are:

- Andrew Kibblewhite, Secretary for Justice, Ministry of Justice
- Una Jagose KC, Solicitor-General, Crown Law
- Andrew Coster, Police Commissioner, New Zealand Police
- Jeremy Lightfoot, Chief Executive, Ara Poutama Aotearoa/Department of Corrections
- Chappie Te Kani, Chief Executive, Oranga Tamariki
- Karen Chang, Chief Executive, Serious Fraud Office

The JSLB was established in 2011 to increase collaboration on system-wide issues, govern significant cross-agency work programmes and lead agencies with a united purpose. Members work together as leaders, governors and stewards for the Justice Sector, rather than as individual agency chief executives, to deliver change. More information on the importance of this collaborative approach is provided in Appendix One.

The JSLB are supported by two Justice Sector Executive Committees (JSECs) with second tier membership from across the Justice Sector agencies. The Operations JSEC is focussed on coordinating operational delivery across the Justice Sector, including having oversight of the interdependencies between significant change initiatives. The Strategic Investment JSEC provides advice to JSLB on cross-agency change prioritisation, including trade-offs between initiatives and the allocation and reprioritisation of funding.



Sector Directorate

The Sector Directorate was established in 2022 as a dedicated team to strengthen and embed the strategic and collective approach Justice Sector agencies are taking to reforming the criminal justice system. The Directorate is a small team of 20 people led by an Executive Director, Erin Judge, and a Deputy Director, Ryan Orange (see Appendix Two for biographies). The Directorate is hosted within the Ministry of Justice, but is separate from the Ministry and is accountable to the JSLB.

The Executive Director of the Sector Directorate works directly with the JSLB to foster a collaborative approach. In addition, the Sector Directorate provides a secretariat function and support to the JSLB and both JSECs.

Chief Victims Advisor and Chief Science Advisor for Justice

The Directorate also supports the Chief Victims Advisor, Dr Kim McGregor, who provides independent advice about victim issues to the Minister of Justice. The Directorate similarly supports the Chief Science Advisor for Justice, Professor Ian Lambie, who provides expert scientific advice within Justice Sector agencies.

The Proceeds of Crime Fund

The Directorate is responsible for providing Secretariat functions for the Proceeds of Crime Fund (PoCF) and leading any policy work on the Fund's settings. The purpose of the PoCF is to use funding from assets seized through crime to address organised crime and drug-related harm, test innovative solutions and enable agencies to build an evidence base of work that is addressing crime-related harm.

To receive funding from the PoCF, an initiative should align with at least one of the following criteria set by Cabinet:

- expansion of alcohol and other drug treatment services
- to fight organised criminal groups dealing in methamphetamine and other drugs
- to address mental health issues within the criminal justice system
- to address crime-related harm to communities and improve community wellbeing.

The standard process is for a Cross-agency Advisory Panel to assess applications for funding from the PoCF and make recommendations to the Responsible Ministers (the Minister of Justice, the Minister of Finance and the Prime Minister), who authorise the release of the funding. Cabinet also has the ability to determine use of the PoCF for urgent and immediate priority projects.

s9(2)(f)(iv)

What role do Justice Sector Ministers play?

Ministers whose core sector agencies are represented on the JSLB are part of the Justice Sector Ministers grouping. Collectively, Justice Sector Ministers contribute to setting the direction for the whole justice system, with access to the levers of the six justice sector agencies.

The Minister of Justice is lead Justice Sector Minister. The Sector Directorate provides advice and support to the lead Minister (similar to the support that individual agencies provide to their portfolio Ministers).

In the past, Justice Sector Ministers have met on a monthly basis. The Directorate provides a secretariat function for these meetings, and JSLB members are usually in attendance to support Ministers.

Key areas with upcoming decisions

In 2023, Justice Sector Ministers will have decisions to make in the following key areas:

- improving Outcomes for Victims
- addressing Issues with Remand
- the Justice Cluster, and
- Te Rau o te Tika: the Justice System Kaupapa Inquiry (Wai 3060).

More information on these priorities, and important ministerial decisions to be taken in 2023, are provided below.

Improving Outcomes for Victims

New Zealand's adversarial justice system has traditionally centred around the accountability and rights of offenders or defendants. Various reforms, initiatives, reports and recommendations have identified the needs of victims and how their experience could be improved.

In Budget 2022, Cabinet agreed on a Better Outcomes for Victims package, as one of the four priorities for the Justice Cluster pilot. Within that package, \$45.7 million was established as a tagged contingency for the sector-wide Victims of Crime – Improving Outcomes initiative. The initiative aims to create and implement a sector-wide Victims Strategy and Operating Model to improve the experience of victims of crime going through the criminal justice system.

The victim-related work to date has highlighted that urgent action is required, particularly for groups of victims (including Māori victims and their whānau, and victims of family violence and sexual violence) who have not been well served by existing services. This urgency necessitates a stronger ministerial direction than the original initiative provided for, and identification of initiatives that can be implemented over a shorter timeframe.

s9(2)(f)(iv)

Next steps

s9(2)(f)(iv)

Addressing Issues with Remand

The rise in custodial remand population within New Zealand has recently accelerated, this increase has been compounded with the effects of COVID. As the country has come out of COVID lockdowns and isolation periods, the impact on the prison population and those awaiting their appearance for crimes has been exacerbated. Remand can prevent timely access to rehabilitation services as well as being a barrier to the fostering of social connections, employment and housing opportunities.

In Budget 2022, Cabinet agreed on funding the Criminal Process Improvement Programme (CPIP) in part to address issues with remand. During COVID-19 a pilot was developed, led by Justice, with New Zealand Police and Ara Poutama Aotearoa – Department of Corrections, aiming to reduce the criminal case backlog. This in turn is expected to reduce the number of accused being remanded to prison and the length of time they are remanded in prison. By embedding the changes into the agencies, the practices that result in harm can be alleviated.

The Justice Sector works together to develop flexible solutions that will be sustainable. Within the justice system, changes in policing and judicial environments in particular impact on remand. Corrections is assessing programmes designed to assist in rehabilitation which are available for sentenced prisoners, that are currently unable to be accessed by those on remand. Justice Agencies are striving to ensure that people on remand will receive effective rehabilitation services, while agencies work together to resolve issues.

Next steps

s9(2)(f)(iv)

The Justice Cluster

In recognition of our long-standing cross-sector collaboration processes, the Justice Sector was invited to participate in one of two clusters established by Treasury as part of the Budget 2022 Cluster Pilot process.

Cluster Approach

The objectives of the cluster pilots include increasing collaboration across public service agencies, improving value for money, and strengthening delivery of the Government's wellbeing priorities.

As part of the cluster pilots the Government made operating funding decisions for a multiyear period rather than on an annual basis. To implement that approach, cluster agencies and Ministers worked together to develop multi-year funding proposals, and cluster operating funding decisions made at Budget 2022 will cover three-years, Budgets 2022 - 2024.

The Treasury and Sector Directorate are taking a learning approach with the development of the cluster pilots, with the aim of working with the clusters to strengthen the approach over time.

The Justice Cluster Scope

The Justice Cluster consists of New Zealand Police; Ministry of Justice; Ara Poutama Aotearoa – Department of Corrections; Crown Law Office and Serious Fraud Office. This reflects the Budget 2022 cluster priorities which are centred around criminal justice.

Note, this is a subset of the Justice Sector agencies, with Oranga Tamariki not included within the Justice Cluster process.

The Justice Cluster agencies received \$2.7 billion operating and \$65 million capital funding across the forecast period, representing three Budgets' worth of investment.

Cluster Priorities

The Justice Cluster's budget priorities are aligned with the Government's vision of achieving higher living standards and wellbeing for New Zealanders. Cluster Ministers and agencies have worked together to agree the following four priorities for the system, aimed at progressing the cluster's vision for a more effective criminal justice system that contributes positive outcomes for people in the system, their communities, and the whole of New Zealand:

- **Better outcomes for victims.** The experience and needs of people who have been victims of crime have not been well catered for by the justice system. Research confirms that victims often (but not always) come from the same complex backgrounds as offenders and can be in personal crisis at the time they interact with the system. The response to this challenge must recognise the experience and needs of victims throughout the entire system.
- **Improved access to justice.** There are many reasons why justice can be hard to access, or where the pathway to accessing justice can cause further harm. Barriers can arise from the means or resources available to a person in the system (including access to lawyers through Legal Aid) and can also be issues within the system itself (e.g. backlog of court proceedings). Some immediate challenges that delay or reduce

access to justice for people currently, and in doing so can cause further harm, arise from court delays or inefficient and risky paper-based or manual court proceedings.

- **Addressing issues with remand.** Notwithstanding the decline over the past year, the number of people being remanded in custody and the average time they spend on remand has been on an upward trend. Remanded prisoners account for more than 40% of the total prison population, and even more so for women. Getting people started on a pathway to wellbeing early is important and the sector recognises that there are many opportunities early in people's contact with the justice system which can help divert people away from prison or improve the chances of a shorter time there.
- **Better enabled organisations and workforce.** To deliver the outcomes desired in an improved criminal justice system, a focus will be to better enable agencies' frontline workforce to improve frontline capability. This will support achieving better safety and wellbeing for staff, including readiness, support and training.

New Cluster Ministerial Delegations

The Cluster Pilot means existing Ministerial and Vote delegations have changed and there are now additional Joint Cluster Ministerial delegations (in conjunction with the Minister of Finance) that apply.

The processes for enacting these delegations are being developed in consultation with the Treasury.

Cluster Pilot Learning and Feedback

Separate reporting requirements are being established for the Justice Cluster to facilitate the multi-year budget approach, provide a sector view of cluster performance and outcomes, and to understand how the pilot is working.

Treasury is undertaking regular review of the Cluster Pilot and will seek Ministerial participation in those reviews to understand the possible benefits and challenges of rolling out the cluster process across the public sector.

Next steps

Cluster updates will be provided as part of the regular Justice Sector Ministers meetings when required. You will also be briefed separately on Cluster specific accountability and reporting requirements throughout the pilot.

Te Rau o te Tika: Justice System Kaupapa Inquiry (Wai 3060)

The Waitangi Tribunal has initiated Te Rau o te Tika as a broad system-wide inquiry into the justice system. It will examine over 200 claims that actions, policies, or omissions within the Justice system are breaches of the Treaty of Waitangi, with the majority of claims relating to grievances that are contemporary and continuing today.

Te Rau o te Tika is an opportunity for the Crown to hear directly from Māori with claims about the justice system. It can support government to address current and past issues, and to continue the commitment to achieve better outcomes for Māori.

The Inquiry has started with Whakatika ki Runga, a mini-inquiry into funding of claimant participation in Waitangi Tribunal processes, including funding through legal aid. The hearings for this stage have been completed, and we received the Tribunal's report in February 2023. Ministers will receive advice on this from the Ministry of Justice Policy team. The remaining stages of the Inquiry will likely require the participation of more than 10 government agencies, over a number of years. The Ministry of Justice is the lead agency, and has established a small, dedicated team that will work closely with other agencies to bring together a joined-up Crown approach. This team sits within the Sector Directorate and is led by a Director, Caroline Greaney (see Appendix Two for biography).

Appendix One

Why is Justice Sector collaboration important?

Justice Sector agencies operate as part of a justice system of laws and practices that are essential to good governance and the achievement of wellbeing in New Zealand. Our justice system is built around irrevocable principles that underpin our democratic system of government – the separation of powers, the rule of law, judicial independence, access to justice. The strength, integrity and smooth working of core Justice Sector agencies also contributes to system performance and public trust in it.

To maintain public trust and confidence in the system's principles, core Justice Sector agencies must work together to ensure the system, in particular the criminal justice system:

- provides a safe and supportive experience for victims, their families and whānau
- is delivered in partnership with hapū, iwi, and community-based groups that best understand the complex needs of people at risk of offending and/or victimisation and the opportunities, services and programmes available to support them
- joins with government social, economic, health and housing sectors to address broader disparities that complicate crime prevention, victim support and offender rehabilitation.

Justice Sector agencies interact day-in-day-out across sector strategy, policy and front-line practice. For these reasons actions taken in isolation by one agency can have limited impact, or at worst, be counterproductive for different agencies across the sector. This can have negative outcomes for the people and communities the Justice Sector serves. As a consequence, agencies have been actively striving to work together for over 15 years to deliver accessible justice and better outcomes for all of Aotearoa.

The justice system also serves people who are in personal crisis at the time they enter the system. People can often present complex needs spanning issues such as racial injustice, low educational attainment, poor health, drug and alcohol dependence, mental health issues, low incomes, disability and a lack of suitable housing.

The criminal justice system

These issues are particularly acute, and of high public and agency concern, in the criminal justice system. These issues are not limited to offenders – victims and offenders often come from the same disadvantaged communities and are often both in personal crisis at the time they connect with the system.

It is increasingly recognised that criminal justice outcomes can be significantly improved if socio-economic factors are addressed and a better balance is found between preventative, rehabilitative, restorative and punitive aims. This will result in significant shifts in resources and effort over time towards prioritising prevention, supporting victims and reducing crime and the churn of people in and out of the justice system.

It is also imperative that government agencies and sectors not only work together, but also with the wider community. The voluntary and community sector, and the many non-government organisations, often best understand the needs of people in the system and the opportunities, programmes and services available to address them.

Changes are already being driven through a range of sector and agency initiatives. For example, the New Zealand Police's prevention first principle, achieved via community partnerships, is central to its way of working to prevent crime and harm, and ensure everybody is safe and feels safe wherever they live, work or visit. Additionally, the Serious Fraud Office's 'Preventing Fraud and Corruption' initiative aims to prevent and reduce fraud and corruption, and the harm caused to victims of these crimes, and protect New Zealanders' financial and economic wellbeing.

Strengthening the Māori-Crown relationship

Partnership opportunities with Māori, while contributing to the Crown honouring Treaty responsibilities, also provide opportunities to directly improve justice outcomes owing to the perspective, expertise, and contribution that Māori offer. Whānau, hapū and iwi are often best positioned to fully understand the complex needs of people at risk of harm and/or offending and the opportunities, services and programmes available to support them.

Justice Sector agencies recognise the need to reduce the disproportionate impact the criminal justice system has on Māori. Māori have highlighted this issue for at least 30 years, and several sector agencies have established Māori advisory groups to support them to put Māori-Crown relationships into their policy development and practice.

JSLB highly values partnering with Māori and expects to see stronger Māori-Crown relationships across the Justice Sector at every level: national, regional and local. The Māori-Crown relationship is key to helping communities identify and develop crime prevention initiatives and alternatives to the formal criminal justice system.

Ināia Tonu Nei

Following the 2018 Justice Summit, and subsequent Hui Māori held in Rotorua in 2019, a group, Ināia Tonu Nei (ITN), was formed by Māori who attended that hui to work across the criminal justice system on reform. The JSLB has a mana ōrite relationship with ITN. The Sector Directorate supports JSLB and ITN to work together to improve justice sector outcomes.

JSLB's relationship with ITN complements the partnering arrangements justice agencies have already established with Māori at different levels. Justice Sector rōpu include Ara Poutama Aotearoa's Te Poari Hautū Rautaki Māori and the New Zealand Police Māori Focus Forum.

Members of the judiciary and JSLB have also had multiple meetings with Kingi Tūheitia. The King has a deep interest and commitment to the Justice Sector, including Te Pae Oranga, the 18 Iwi Community Panels established by the New Zealand Police. There are further opportunities to work with the King to better meet the needs of Māori and co-design our future together.

At the national level, the National Iwi Chairs Forum (NICF) has included 'Justice Sector reform' (Pou Tikanga) in their list of key priorities to progress with the Crown. The Sector Directorate also supports this relationship.

Appendix Two

Sector Directorate Leadership

Erin Judge

Executive Director, Sector Directorate
s9(2)(a)

Erin Judge (Ngāti Tūwharetoa, Tutemohuta hapū) was appointed inaugural Director of the Sector Directorate in February 2022.



Erin trained as a lawyer and worked in the private sector and at the Ministry of Social Development before joining New Zealand Police in 2006 as a prosecutor. She represented state departments in Victoria, Australia and volunteered supporting family violence witnesses in Canada. Returning to New Zealand Police as a National Legal Advisor, she managed the systems supporting prosecution.

She went on from there to Crown Law Office, helping establish the Government Legal Network and then to Oranga Tamariki as Chief Legal Officer.

More recently, Erin was seconded to the Office of the Inspectorate, Ara Poutama Aotearoa, focusing on aligning the complaints processes to Hōkai Rangi and overseeing improvements to the management of wāhine.

Ryan Orange

Deputy Director, Sector Directorate

s9(2)(a)



Ryan Orange is an experienced public service leader and international expert on public sector reform and cross-agency collaboration. He has been Deputy Director of the Sector Directorate since April 2022.

Ryan has worked in the public and private sector in New Zealand and Australia. He was previously a Deputy Commissioner at the Public Service Commission, where he led the joint-Central Agency Performance Hub and policy work on the Better Public Services reforms (2011-2015).

He has worked with the United Nations Development Programme and the World Bank to support public sector strengthening and reform in Myanmar and Mongolia and across ASEAN and the Pacific.

Ryan has master's degrees in international relations and Comparative Social Policy from the University of Oxford and completed his undergraduate study at Victoria University of Wellington.

Caroline Greaney

Director, Justice System Kaupapa Inquiry

s9(2)(a)



Caroline Greaney has been the Director of the Crown's response to Te Rau o Te Tika, the Justice System Kaupapa Inquiry since August 2022.

She has been a senior manager in the Ministry of Justice for nearly 10 years, leading work across civil and constitutional policy and access to justice, including elections and democracy, human rights, abortion law reform, family law, and family & sexual violence. In 2021 Caroline was seconded to the Ministry of Health and was part of the leadership team for the COVID-19 Vaccine Programme.

Prior to Justice, she worked for 10 years in the health sector in New Zealand and Edinburgh, Scotland, with roles advising Ministers as well as community-based advocacy. She has degrees in politics and law, and has been admitted to the bar.