

Hon Andrew Little, Minister of Justice

**Hāpaitia te Oranga Tangata - Summit and Programme Update**

Date	<b>20 July 2018</b>	File reference	
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**Action sought**

**Timeframe**

Agree the outline for the Criminal Justice Summit proposed in this briefing	By 23 July
Note the Criminal Justice Summit scheduled for 20-22 August is an opportunity for Ministers to champion the proposed reform	By 20 August
Forward this briefing and covering letter (as appropriate) to your colleagues	By 23 July

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

Name	Position	Telephone		First contact
		(work)	(a/h)	
Tina Wakefield	Acting Deputy Secretary, Sector	04 466 4001	S9(2)(a)	<input type="checkbox"/>
Aphra Green	General Manager, Sector Group	04 466 4002	S9(2)(a)	<input checked="" type="checkbox"/>
Megan Davis	Principal Advisor, Sector Group	04 496 3367		<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 Seen       Withdrawn       Not seen by Minister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**

**Confidential**

Hon Andrew Little, Minister of Justice

## **Hāpaitia te Oranga Tangata - Summit and Programme Update**

### **Purpose**

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1. This briefing seeks your agreement to the Criminal Justice Summit mode and programme, provides details for how Ministers will be involved in the Summit, and attaches a letter for you to circulate to your colleagues specifically advising them of their role in it.

### **We are approaching this reform in a different way**

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2. In April this year, Cabinet noted how our criminal justice system is failing the public, victims and those who offend. It agreed significant reform will be necessary to improve criminal justice outcomes and public safety.
3. The failures identified by Cabinet are not new. However, changes implemented in the criminal justice system to address them have, over 30 years, often only contributed to ongoing deterioration of many justice outcomes, contrary to their intention and despite there being 'pockets' of successful innovation. You have consequently noted there needs to be a fundamental change in what we are doing if we are to reverse these trends - we need to do different things and we need to do them in different ways.
4. In establishing the Hāpaitia te Oranga Tangata Safe and Effective Justice Programme (the Hāpaitia Programme), officials are therefore intentionally seeking to establish mechanisms that will allow new ways of working. In particular, we are focussing on:
  - 4.1. Working to place te ao Māori at the centre of our change processes
  - 4.2. Working collaboratively, using appropriate co-design methodologies
  - 4.3. Actively seeking out the voices of those with lived experience of the criminal justice system to inform our understanding of the problems and the change required
  - 4.4. Working to hear the concerns of a wider public and working with them to obtain the social license necessary for any change to be enduring, including applying the most recent research to develop effective and democratic consultation processes
  - 4.5. Using evidence to inform decisions.
5. The intent of the Hāpaitia Programme is summarised in the Programme name and the tōhu, which you agreed be adopted. As noted by Cabinet, *Hāpaitia te Oranga Tangata* means to uplift and restore the wellbeing of the individual or the people, and captures

the overall aim and purpose of the Programme. The words and meaning can apply equally to:

- 5.1. People who offend
  - 5.2. People who have been victimised
  - 5.3. Whānau
  - 5.4. Communities.
6. The tōhu, attached in Appendix 1 and created by Len Hetet (Ngāti Tuwharetoa, Ngāti Maniapoto, Te Atiawa, Ngāti Apa), represents a nurturing mother whale and her calf and captures the spirituality, empowerment, identity and wellbeing of all people.
  7. The approach represented in the name and tōhu for the Programme closely aligns with the Government's focus on improving wellbeing and its commitment to strengthening Crown/Māori relations.
  8. As you are aware, the Hāpaitia Programme has now been formally established with:
    - 8.1. The announcement of Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group (to engage in a public conversation about what people in New Zealand want from their criminal justice system and to canvas ideas about how it can be improved)
    - 8.2. The successful launch of a website to provide a 'window' into the Programme and facilitate the public conversation (at: [www.safeandeffectivejustice.govt.nz](http://www.safeandeffectivejustice.govt.nz)), and
    - 8.3. Your invitation to people to join in the Summit planned from 20 to 22 August 2018, and in a public conversation about the issues, including your invitation to your justice sector and Parliamentary colleagues to attend.

### **The Summit is an opportunity to model the change you want**

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9. As well as being an opportunity to start a fresh conversation about what people in Aotearoa/New Zealand want from their criminal justice system, and to hear ideas about how it can be improved, the Summit will be an opportunity to demonstrate how we are going about change in a different way. The Summit experience has therefore been designed so that:
  - 9.1. It is interactive, not passive - problem solving in groups has proven to be more effective than problem-solving by people on their own. Therefore, to gain maximum value from the Summit (and to promote a collaborative approach more generally) we have designed it in a way that will enable participants to work with each other to develop and promote different solutions.
  - 9.2. Everyone participates - our criminal justice system impacts all New Zealanders to one extent or another and it belongs to us all. Therefore, we have assumed everyone's perspective is important, and everyone needs to take ownership of the reform if it is to be successful. We have also assumed that a wide range of perspectives should be represented and are working to enable people from many different backgrounds to participate including:

- 9.2.1. Those with lived experience of the criminal justice system (people who have been victimised and people who have offended)
- 9.2.2. People who work at the frontline of the system (for example, people from the New Zealand Police, Department of Corrections and Courts) - those people who are the enablers and architects of the system
- 9.2.3. Community leaders - people who understand the needs of their communities and who can help articulate a vision for a criminal justice system that better serves these needs and the values that define Aotearoa/New Zealand
- 9.2.4. Criminal justice experts.

9.3. People are empowered in a safe environment to express their views. The fact there will be a broad range of participants means, for example, that people who have been victimised may find themselves working with people who have offended, and Police may hear of criminal acts that might not have been prosecuted. This raises obvious issues, which facilitators will actively manage.

9.4. People are challenged to think differently, and are able to explore and to increase their understanding of the criminal justice system from a range of different perspectives (including 'lived' experience of the system and what the scientific evidence tells us about what works and what does not work).

9.5. Māori are acknowledged as experts on developing solutions for Māori.

9.6. **S9(2)(g)(i)**  
[Redacted text block]

10. The proposed run-sheet for the Summit is attached in Appendix 2 for your approval. Once you have approved this (and after Monday 23 July), no changes will be possible for logistical reasons.

11. The Summit programme represented on the run-sheet is intended to:

11.1. Balance hope with grief - the system has caused many people significant grief and we would expect this to be expressed at the Summit. This grief needs to be acknowledged, while at the same time shaping a vision for a better system and a real belief that the current system can be changed.

11.2. Provide many ways for people to engage - this means participants will also need to be take responsibility for themselves and their contribution (for example, if a session is not working for them, to move to another or to seek assistance).

11.3. Allow effort to be invested in what can be used to make a real difference in people's lives, not simply that which is interesting.

12. Ministers will be able to support this approach by providing visible leadership, for example:

- 12.1. Demonstrating they are prepared to actively listen, including reflecting back what they have heard and welcoming the input of those who might hold views that are ostensibly at odds with their own (including conversing across generational and Party lines);
- 12.2. Promoting the need for collaboration and openness - this could include speaking from personal experience;
- 12.3. Helping to create the belief that the criminal justice system can do better, including that a system that focuses on the safety and wellbeing of all people will be more effective than a system focussed on punishment;
- 12.4. Indicating this is a priority for Government and inviting others to see this as a priority also.

### **Summary of Summit run-sheet and set-up**

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13. As can be seen from the run-sheet, the Summit will occur over three days. The first day's activity consists of an evening reception, hosted by the Prime Minister, which will be held at Parliament. The main substance of the Summit will take place over the following two days, at the Te Rauparaha Centre in Porirua.
14. The focus of Day 2 (Tuesday, 21 August) will be on understanding what is wrong with the current criminal justice system from a range of different perspectives. Day 3, by contrast, will focus on what needs to happen to improve our current system.
15. Day 2 will begin with a powhiri for participants from Ngati Toa. This will occur in the main hall of the Te Rauparaha Centre. Representatives of the Crown will be seated at the front of the hall, adjacent to Ngati Toa. Speeches delivered by Crown representatives will need to be supported by waiata, and we will work with Ministers' offices and others to ensure they are prepared for this.
16. Food will be taken in a smaller hall close to the main hall. It is proposed this room, and other spaces, be arranged with static and dynamic displays including:
  - 16.1. User stories;
  - 16.2. Key statistics;
  - 16.3. A timeline, showing the development of our criminal justice system (from the arrival of the first people to these islands);
  - 16.4. Reflections on the criminal justice system prepared by children ('School kit').
17. Space will also be set aside where people might sit quietly or work together in small groups.
18. Substantive sessions will be held in the large hall. The layout of this space will be changed throughout the two days (during meal breaks) to help facilitate participation. A professional MC and facilitators will be present to help guide the conversation. However, a range of different people have been nominated to lead the various sessions. Over the next few weeks we will continue to work with these people on the more detailed design of their sessions.

19. In particular, you will note that your colleagues, Ministers Davis and Nash, and Under-Secretary Logie, are scheduled to have a role leading three concurrent sessions on the Tuesday, from 1.00 to 3.00 pm. These sessions could also include Dr Kim McGregor, the Chief Victims Advisor, and a panel of potential speakers she has suggested. We will work with each of the offices of Ministers Davis and Nash, and Under-Secretary Logie, to design their sessions, and confirm the role they will take in them, along with other potential speakers.
20. By the end of the Summit the aim is that participants will be able to take the conversation, as well as actions to improve the criminal justice system, back to their communities. A series of regional hui, planned for after the Summit, will also assist in enabling the conversation to continue.
21. To assist your colleagues in their preparation to lead sessions at the Summit, we recommend that you forward this briefing to them, with the cover letters attached in draft in Appendix 3. (If you agree, we will provide final copies to your office for your signature.) You may also like to forward this briefing to a wider group of colleagues likely to participate at the Summit.
22. We will liaise with your office to determine how we can work with your colleagues on the design of their sessions. We will also work with your office to ensure confirmation of attendance is received from Ministers and others you have invited to the Summit (including the names of their six nominees, where relevant) by 27 July. This will allow us to confirm general attendance by 3 August and enable participants to organise their travel and accommodation.

### **The Summit will provide direction for some initial change**

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23. As well as signalling the start of an ongoing conversation, the Summit is expected to help set the direction for some initial changes to provide a foundation for future reform. To give impetus for this change, we propose that we report back to you following the Summit with advice on and proposals for next steps on the Hāpaitia Programme. If you agree, this advice, which will be developed collaboratively with justice sector agencies, might then form the basis of an initial report-back from the Summit to Cabinet, in October 2018.
24. The advice we provide following the Summit will take into account your desire to, if possible, announce a package of changes that could be initiated or implemented from early next year. Details of any such proposals will not emerge until after the Summit. However, we note we would need to develop advice by mid-December 2018, to allow Ministers time to consider proposals over the Christmas/New Year break and to make decisions on them in early 2019. Announcements could then be made after that, including the possible introduction of a Bill into Parliament late in 2019, if required. While achievable, this timeframe (which can only be indicative at this stage) is relatively tight and likely to pose some challenges for decision-makers, as well as officials. For example, we would need to consider how and when to consult on any legislative changes.
25. A further challenge Ministers may like to consider (and which we will provide further advice on after the Summit) will be funding arrangements for any new initiatives.
26. Historically, change in the Justice Sector has been funded by reprioritisation, budget bids or by funding from special funds such as the Justice Sector Fund (JSF). As you

are aware, in April 2018, Cabinet agreed to the creation of the Effective Justice Fund (EJF) to support the start of reform of the criminal justice system. S9(2)(j)

[REDACTED]

[REDACTED]

27. The second EJF funding round is scheduled to commence in late September to incorporate the short-term objectives and priorities identified from the Summit. Round Two is in parallel with the Budget 19 (B19) process. There is, therefore, a possibility that targeted initiatives could be funded and announced in January 2019 with more significant announcements on Budget Day 2019.
28. The timing of the Summit is very late in the B19 development process. However, by March next year we expect to be able to provide a view of the work that will inform a 3-year budgetary programme across the justice system.
29. The Government's priorities for B19 closely align with the goals of the Hāpaitia Programme, including "reducing the prisoner population and promoting improved outcomes for victims, offenders and their families". Other priorities, aimed at improving general wellbeing, can also be expected to contribute to Hāpaitia goals. As you know, people caught up in the criminal justice system often have high social needs. Justice sector officials are, therefore, working with their colleagues in the social sector to identify opportunities to increase collaboration in relevant areas and this collaboration is also likely to provide the basis for advice to Ministers in the future.

## Recommendations

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30. It is recommended that you:

1. **Note** the Summit scheduled for 20-22 August is an opportunity for Ministers to champion reform by modelling new ways of working, and promoting the need for collaboration and openness. YES / NO
2. **Note** we will work with your office to determine how we can assist your colleagues Ministers Davis and Nash, and Under-Secretary Logie as well as Dr Kim McGregor, to design the session they are proposed to lead at the Summit as per the agreed Summit programme. YES / NO
3. **Forward** a copy of this briefing to the Minister of Corrections, Minister of Police, and Parliamentary Under-Secretary to the Minister of Justice, under a copy of the attached letter. YES / NO
4. **Forward** a copy of this briefing to the Prime Minister, Minister of Finance, the Attorney General, Minister for Children, Associate Minister for Courts and Associate Minister of Justice, and other colleagues attending the Summit, for their information. YES / NO

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Aphra Green

**General Manager, Strategy, Evidence and Investment**

APPROVED    SEEN    NOT AGREED

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Hon Andrew Little

Minister of Justice

**Date**    /    /



**Attachments:**

- Hāpaitia te Oranga Tangata Safe and Effective Justice tōhu
- Summit 'run sheet'
- Draft cover letters

## Appendix 1

### Hāpaitia te Oranga Tangata Safe and Effective Justice tōhu

“Tohorā” (“Whale”)



*“I am a guardian who will guide you through all. I will never leave your side. You will feed from me as I nurture you to become a leader among us”.*

“Hei kaitiaki au mō koutou i ngā wā katoa. Kore rawa au e wehe atu i a koe. Ka whāngaia koe e ahau, i ahau e penapena ana i a koe, hei kaiārahi mō tātou.”

## Appendix 2

# Criminal Justice Reform Summit

Date: 20 & 22<sup>nd</sup> of August 2018

## Draft Runsheet – 19/07/18

### Evening Launch (Banquet Hall, Parliament)

Time	Event	Lead
13:45	All officials and external providers arrive and clear security	
14:00	Set up commences	Ministers office
16:10	DPS walkthrough	Ministers office
16:30	Event reception staffed and open	Ministers office
17:00	Doors open for guests to arrive	Ministers office
18:00	Mihi whakatau	Minister Davis
18:05	Opening address	Rt Hon Jacinda Ardern
18:20	Welcome	Minister Little
18:30	Media stand up (TBC)	PM and Minister Little
18:30	Function commences canapes and drinks served	Icon Venues
18:36	PM departs	
19:30	Event close	Minister Little
20:00	Function closed	Ministers office
20:15	Pack-up commences	

### Day 2 (Te Rauparaha Centre, Porirua)

Time		Event	Lead
8:30 – 9:30	60 mins	Powhiri - Tā Matiu Rei – Minister Davis	Ngati Toa
9:30 – 10:00	30 mins	Morning Tea	Conference Innovators
10:00 – 10:25	25 mins	Orientation and Introduction - Intent, mandate, acknowledge current context, hopes for the system.	S9(2)(a) [REDACTED] to introduce Minister Little, with Ministers Davis and Nash in support
10:25 – 11:10	45 mins	Individual reflection (what do I want from this Summit/how will I contribute?), share with small groups, debrief via Slido app or provided Mics and iPads	MCs/Facilitation crew
11:10 – 12:10	60 mins	Panel discussion: hearing from those who have experienced the system from different perspectives - as victims/offenders; front-line workers; advocates of change	MCs, TBC
12:10 – 1:00	50 mins	Lunch	Conference Innovators
1:00 – 3:00	120 mins	Yesterday and today - Intent and introduction followed by three concurrent facilitated sessions. Close with group debrief to arrive at the mandate for change.	MCs, Ministers Davis and Nash, Under Secretary Logie & Dr Kim McGregor

<b>3:00 – 3:20</b>	<b>20 mins</b>	Afternoon tea	<b>Conference Innovators</b>
<b>3:20 – 5:00</b>	<b>100 mins</b>	Hope – Shining examples and Voices of hope. Judge Becroft to reflect on School Kit activities and lessons from Youth Justice system. Open mic to floor	<b>MCs, Minister Aupito William Sio, Judge Becroft, PM Jacinda Ardern via video message</b>
<b>5:00 – 5:30</b>	<b>30 mins</b>	Closing perspective on the day, playback what we've achieved together, setup tomorrow. Potentially an activity to take away and reflect on overnight to share tomorrow	<b>MCs, Minister Little, supported by Ministers Davis and Nash</b>
<b>Day 2 result : Mandate for change</b>			

### Day 3 (Te Rauparaha Centre, Porirua)

<b>Time</b>		<b>Event</b>	<b>Lead</b>
<b>8:30 – 9:00</b>	<b>30 mins</b>	Arrival	
<b>9:00 – 10:15</b>	<b>75 mins</b>	Reflections from day two – Panel (Ministers and others, TBD), followed by open mic to floor. Could include guest participant as speaker from day two. Open mic <i>During this time six seventeen-year-old participants arrive.</i>	<b>MCs, Ministers Little, Davis, Nash, Martin, Aupito William Sio, Under Secretary Logie</b>
<b>10:15 – 10:30</b>	<b>15 mins</b>	Shift mode from focus on the past to focus on the future – “How will we do this together?”	<b>MCs, Minister Little</b>
<b>10:30 – 12:15</b>	<b>105 mins</b>	Short term focus – introduced by Minister Davis before breaking into 8 workstreams/focus areas with 8-10 tables of 8 participants in each. Introduction, then context setting by experts, before specific activities/challenges/questions are given to the participants, who are invited develop ideas together. Experts lead streams with facilitators distributed throughout. Debrief in small groups, then streams, then as a whole.	<b>MCs, Minister Davis, Facilitation crew (further details on these sessions to come)</b>
<b>12:15 – 1:05</b>	<b>50 mins</b>	Lunch	<b>Conference Innovators</b>
<b>1:05 – 2:50</b>	<b>105 mins</b>	Long term focus – introduced by Advisory Group before breaking into 8 workstreams with 8-10 tables of 8 participants in each. Introduction, then context setting by experts, before specific activities/challenges/questions are given to the participants. Experts lead streams with facilitators distributed throughout. Debrief in small groups, then streams, then as a whole.	<b>MCs, Advisory group, Facilitation crew (further details on these sessions to come)</b>
<b>2:50 – 3:50</b>	<b>60 mins</b>	Values – Vox pops from children	<b>MCs, TBC</b>
<b>3:50 – 4:10</b>	<b>20 mins</b>	Afternoon tea	<b>Conference Innovators</b>
<b>4:10 – 5:00</b>	<b>50 mins</b>	Thank you and acknowledgement followed by strong send off and call-to-action – giving participants clear focus they are empowered to take back to their communities.	<b>MCs, TBC Ngati Toa</b>
<b>Day 3 result : Empowered community of change advocates</b>			

## **Appendix 3**

### **Draft cover letters**

Dear Minister Davis

#### **Hātpaitia te Oranga Tangata Safe and Effective Justice Summit**

Thank you for your support for the Criminal Justice Summit planned for the 20-22 August.

I attach a briefing provided to me, which includes an outline of the Summit, together with information about the role we, as Ministers, might take in it.

You will see, from the run-sheet attached to the briefing, the sessions that you are indicated as co-leading over the two main days of the Summit; in particular, a session from 1.00 to 3.00pm on the Tuesday (Day 2) of the Summit.

As described in the run-sheet, it is envisaged that this Tuesday session will include three concurrent sessions, one of which I hope you will lead. The overall aim of the session is to enable summit participants to understand what has happened in the criminal justice system, what is working, and what is not working from different perspectives.

As we have discussed, the session you are leading could address the disproportionate representation of Māori in the criminal justice system or innovation in the criminal justice system. I have asked my officials to work with your office to support you to design this session in greater detail.

Again, thank you for your support. I think we have before us an exciting challenge and huge opportunity to start to make significant improvements to the well-being of people affected by crime, and the safety of all New Zealanders.

Yours sincerely

Hon Andrew Little  
Minister of Justice

Dear Minister Nash

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As we have discussed, the session you are leading could address Prevention First strategies. I have asked my officials to work with your office to support you to design this session in greater detail.

Again, thank you for your support. I think we have before us an exciting challenge and huge opportunity to start to make significant improvements to the well-being of people affected by crime, and the safety of all New Zealanders.

Yours sincerely

Hon Andrew Little  
Minister of Justice

Dear Under-Secretary Logie

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Yours sincerely

Hon Andrew Little  
Minister of Justice