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- 51 The associated reduction in demand for prison places may allow some future Ara Poutama Aotearoa – the Department of Corrections operating costs to be avoided.
- 52 Should transitional arrangements be included there will be some costs to Crown Law, the Ministry of Justice and Ara Poutama Aotearoa – the Department of Corrections for re-sentencings in Court. However, these will be absorbed within baselines.
- 53 Legal challenges may arise depending on decisions regarding transitional arrangements. If brought, these will have financial impacts relating to costs of litigation and potential damages.

### Legislative implications

- 54 The proposals would require amendments to the Sentencing Act 2002 and the Parole Act 2002. There will also be consequential amendments to a number of other statutes which refer to the definition of a serious violent offence.
- 55 Subject to decisions from Cabinet, my officials will work with Parliamentary Counsel Office to draft the relevant provisions in preparation for introduction in mid-2021.
- 56 The Bill will bind the Crown.

### Regulatory Impact Statement

- 57 A Regulatory Impact Statement has been prepared. A joint QA panel from the Ministry of Justice, Treasury and Ara Poutama Aotearoa – the Department of Corrections has reviewed the Regulatory Impact Statement prepared by the Ministry of Justice on the proposal to Repeal Three Strikes, and considers that the information and analysis summarised in the Regulatory Impact Statement **partially meets** the Quality Assurance criteria.
- 58 The panel considers that the analysis is otherwise robust and can be relied on by Ministers to support their decision-making.
- 59 The analysis supporting this paper is informed by the public engagement on the criminal justice system that took place through the *Hāpaitia te Oranga Tangata: Safe and Effective Justice* programme between 2018 and 2019 and engagement with affected government agencies.
- 60 *Hāpaitia te Oranga Tangata* reports have highlighted the impact imprisonment has on Māori and their whānau.<sup>18</sup> Repealing the three strikes law will allow for background and cultural considerations of the offender to be considered at sentencing. This has been specifically highlighted in these reports, which call for such considerations to be mainstreamed throughout the criminal justice system.

<sup>18</sup> Hui Māori *Ināia Tonu Nei* (2019); Te Uepū Hapai I Te Ora *Turuki! Turuki! Move Together* (2019); Te Uepū Hapai I Te Ora *He Waka Roimata* (2019).













