

Budget 2020

Summary for Stakeholders

15 May 2020



MINISTRY OF
JUSTICE
Tabu o te Ture

New Zealand Government

Contents

- Access to Justice (Votes: Justice and Courts) 1
- Addressing family violence and sexual violence (Vote: Justice)..... 6
- Maintaining the Integrity of the Courts and Tribunals (Vote: Justice)..... 7
- Honouring our responsibilities to Māori (Vote: Treaty) 8
- Human Rights10
- Maintaining critical infrastructure – property and technology.....11
- National Security13

This summary provides information about the main initiatives in Budget 2020 across Votes: Justice, Courts and Treaty. Full information about these initiatives is available on the Beehive website.

Access to Justice (Votes: Justice and Courts)

Equal access to justice is a fundamental tenet of the legal system and an important contributor to societal and individual wellbeing.

Lack of access to justice has been found to contribute to increased poverty, social exclusion and to undermine democracy and economic growth. Inability to resolve legal problems also leads to reduced public confidence in the fairness of the justice system and the rule of law.

Strengthening the Family Court

\$62.086m over 4 years

Vote: Justice \$24.24m over 4 years

Vote: Courts \$37.846m over 4 years

This is part of the COVID-19 'Position for Recovery' package

This initiative to strengthen the Family Court aims to support parents and whānau in the Family Court.

The Family Court (Supporting Families in Court) Legislation Bill will take effect on 1 July 2020. It forms part of the \$62 million package and will restore the right to legal representation at the start of a care of children dispute in the Family Court and allow parties to those proceedings, where eligible, to access legal aid.

The Bill will ensure that families and whānau are well-supported with early legal advice and help reduce the level of delay in resolving issues in the Family Court, and the damaging effects this has on children, parents and whānau.

The Budget initiative will:

- Establish Family Justice Liaison Officers and produce better information resources to help parents and whānau navigate the system;
- Increase legal aid; and
- Increase remuneration for lawyers for children to incentivise the recruitment and retention of skilled practitioners.

A second Bill focused on strengthening the Family Court will follow later this year, which will:

- Enhance children's participation in proceedings that affect them;
- Ensure that children feel supported and informed as they move through the Family Court process;
- Expand lawyers' duties in care of children proceedings.

These initiatives follow the recommendations of the Independent Panel which reviewed the 2014 changes in their report, Te Korowai Ture-ā-Whānau.

Legal Aid representation for people who need legal services but cannot afford them

\$40.985m over 2 years

Legal aid is an important part of New Zealand's justice system. It supports people who can't afford a lawyer to access legal representation. Each year, more than 75,000 grants are made to people who would otherwise be denied legal assistance. Legal Aid enables access to justice in the criminal, family, civil and Waitangi Tribunal jurisdictions.

This appropriation enables an extension of funding to meet demand.

New and improved Community Legal Services

\$1.775m over 4 years

Each year, community law centres complete between 45,000 and 50,000 cases and provide law-related education to around 25,000 people. Centres also undertake a broad range of legal work across all areas of law, and deal with increasingly complex inquiries.

This investment will help all 24 Community Law Centres improve access to justice for vulnerable New Zealanders. Addressing legal problems early helps remove life stressors, alleviate financial concerns, improve wellbeing and provide early intervention for those who need support with legal issues.

This funding will provide an improved case management system and a new clearinghouse that will help to match lawyers with those needing help.

The case management initiative will ensure lawyers spend more time with vulnerable people who need their help. Modern systems will mean clients are seen faster, staff work more efficiently, and services are reliable.

The pro-bono clearinghouse will increase access to free legal assistance and support people needing help by matching them with private lawyers who are offering their services for free.

Awareness of individual legal rights and remedies means people receive what they are entitled to and ensures that their rights are upheld. Resolving issues early prevents harm and disruption to the lives of individuals and their families.

Improving free to access legal services in Community Law Centres

\$5.948m over 4 years

Enabling people to retain qualified lawyers improves access to justice for vulnerable clients, such as those affected by family violence and those on low incomes.

This investment will cover personnel cost pressures in Community Law Centres enabling sustainable funding for Community Law centres to focus more on helping whānau resolve their legal issues, before they compound or escalate.

Community Law Centres have experienced growing demand for services creating cost pressures.

Community Law Centres make a significant contribution to maximising access to justice especially for single parents, Māori, Pacific, people receiving a benefit or with long term health problems or a disability, or low household income, many of whom may experience multiple inter-related legal issues which are impacting their lives.

Greater experience in working with the kind of challenges these people are dealing with will mean more quality services for people on limited incomes.

**Specialist responses to strangulation (Legal Aid)
\$6.4m over 4 years (plus \$11.2m to Health over 4 years and \$2.3m to Police over 4 years)**

This initiative will strengthen responses to strangulation so that sufficient evidence and expertise is gathered for both the prosecution and defence to ensure robust and balanced criminal justice processes. Victims will be supported to access a highly trained medical practitioner and appropriate referrals. This will support the ongoing implementation of the Family Violence Act 2018, which has resulted in an average of five charges of strangulation being brought each day.

This initiative will provide specialist medical and forensic responses to the charge of strangulation, primarily in family violence situations. This includes forensic medical examination, and specialist reports and expert witnesses for both the prosecution and defence.

Provision of effective victim services for victims of the Christchurch Mosque attacks

\$1m in 2020/21

This initiative provides funding for Victim Support to support victims of the 15 March Terrorist Attacks. Funding will ensure Victim Support can provide practical, emotional and financial support to over 1,000 victims of the attacks. This will ensure the victims to receive the same level of support that all victims of serious crime in New Zealand receive, while enabling Victim Support to continue delivering services to all victims across New Zealand.

Victims services carry forward underspend as part of a tagged contingency

Up to \$2.038m in the 2020/21 year has been allocated as a tagged contingency, draw down (subject to Minister of Finance and Minister of Justice approval) for Victim Assistance grants to victims of the Christchurch Mosque attacks.

Ongoing funding for the operation of Canterbury Earthquakes Insurance Tribunal

\$6.494m over 2 years

The Canterbury Earthquakes Insurance Tribunal enables Canterbury homeowners to access a fair, speedy, flexible and cost-effective way of resolve their long-standing insurance claims, so they can move on with their lives.

This initiative will extend time limited funding to continue operation of the Canterbury Earthquakes Insurance Tribunal.

Public Trust - continuing trustee services to vulnerable clients

\$3.96m over 4 years

Ensuring the Public Trust meets its obligations to vulnerable clients referred by the courts, upholds clients' rights to trustee services and ensures they have their money or property cared for and their estate managed.

This initiative will fund the Public Trust's court-directed legislative obligation* to provide fiduciary services to vulnerable clients, by meeting increased demand.

Cost pressures have increased due to population increases, particularly in the context of an aging population, increasing complexity in client needs, and staffing costs.

(*The Protection of Personal and Property Rights Act 1988 and Public Trust Act 2001)



Independent Police Conduct Authority **\$3.8m over 4 years**

The independent oversight provided by the Independent Police Conduct Authority (IPCA) plays a critical part in ensuring trust and confidence in the justice system.

This initiative will enable the IPCA to resolve up to 40% more complaints maintaining a high level of scrutiny and public accountability.

In 2018/19 the IPCA received 3,206 complaints, compared with 2,592 the previous year. The IPCA forecasts that complaint numbers will continue to increase, with around 3,800 complaints expected in 2019/20.

Addressing family violence and sexual violence (Vote: Justice)

Whānau Protect \$5.98m over 4 years

This is part of the COVID-19 'Position for Recovery' package

Whānau Protect assists children and whānau who are at high-risk of serious assault or death due to repeat family violence by making practical security improvements to their homes. It aims to help victims remain in their homes and removes the cost and burden of relocating themselves and their children, deter perpetrators and reduce the likelihood of further violence.

These additional safety measures prevent them needing to access emergency accommodation/refuge services. These services are currently experiencing unprecedented demand.

Whānau Protect is effective at preventing family violence and directly impacts on children experiencing improved life trajectories. An evaluation showed victims who received the service experienced an 80% reduction in revictimisation.

See the Joint Venture Family Violence and Sexual Violence initiatives announced on 11 May for information about further investment in this area. These initiatives invest in the specialist family violence sector to:

- provide support for victims of family violence (\$142.0m),
- deliver services to help perpetrators to stop using violence (\$16.0m), and
- support for victims of elder abuse (\$25.0m).

Maintaining the Integrity of the Courts and Tribunals (Vote: Justice)

Operation of the Criminal Cases Review Commission (CCRC) \$15.948m over 4 years

The Criminal Cases Review Commission (CCRC) is an independent body that will review criminal convictions and sentences where there is a claimed miscarriage of justice. This will contribute to the timely review of suspected injustices, following fair and transparent processes.

This investment will fund the operation of the newly established Criminal Cases Review Commission from 1 July 2020, as required by the CCRC Act 2019.

The CCRC can refer cases back to the Court of Appeal, but it does not determine guilt or innocence. This additional check and balance will help build public confidence in the justice system.

Honouring our responsibilities to Māori (Vote: Treaty)

Implementation of Marine and Coastal Area Customary Interests \$14.56m over 4 years

The Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (the Acts) enable iwi, hapū and whānau to have their customary interests in the Common Marine and Coastal Area (Takutai Moana) legally recognised.

This initiative enables Te Arawhiti to support the Minister responsible for the Acts, and the High Court, in making decisions under the Acts. This includes the provision of historical research for the responsible Minister and the High Court, the administration of the financial assistance scheme for applicants, the provision of advice to the responsible Minister on applications made directly to the responsible Minister, and the development of the Crown's position for High Court hearings.

Relativity Mechanism Dispute Resolution \$2.5m in 2020/21

This initiative will help progress the resolution of Relativity Mechanism disputes, as agreed in Treaty settlements with two of New Zealand's largest iwi. This preserves the integrity of historical Treaty settlements with Waikato-Tainui and Ngāi Tahu, reinforcing the value of Māori-Crown relationships.

Continue momentum to complete historical Treaty of Waitangi settlements \$10m over 2 years (2020/21 and 2021/22)

The nation moves towards a true post-settlement environment with stronger sense of partnership with tangata whenua.

This initiative will help meet the cost pressures related to litigation in the Waitangi Tribunal and the High Court, for iwi associated with Crown forest licensed lands and other land affected by the State-Owned Enterprises Act (Section 27B).

Progressing these settlements will benefit iwi through local control of investment and initiatives. Regions will benefit through business and investment generators.

Crown contributions to support the delivery of redress arrangements in specific circumstances as determined by the Minister for Treaty of Waitangi Negotiations
\$15m in 2019/20

This initiative will enable the Minister for Treaty of Waitangi Negotiations to provide Crown contributions to support the delivery of redress arrangements in specific circumstances.

Human Rights

Privacy Commissioner - an effective modern privacy regulator in New Zealand and internationally **\$4.812m over 4 years**

This investment will strengthen the Privacy Commission to achieve better privacy and data protection for New Zealanders.

The Privacy Act 2019 gives the Commissioner stronger powers to direct agencies to comply with orders and enables the Commission to receive mandatory notifications of privacy breaches.

This will keep New Zealanders' personal information safe and ensure businesses can operate globally while maintaining appropriate protections for personal data.

Maintaining critical infrastructure – property and technology

Addressing the depreciation impacts of property revaluations \$40.4m over 5 years

By funding an increase in depreciation costs, this investment will support ongoing infrastructure maintenance and the renewal of court buildings, ensuring facilities are safe for court users, staff and the judiciary.

Innovative Tauranga Courthouse Project \$0.6m in 2019/20 (plus tagged contingency of \$22.8m over 2 years)

The new courthouse in Tauranga will be a model for future courthouse design for New Zealand.

The new court will provide both victims and offenders and other users with access to wrap-around services which support and rehabilitate, through the co-location of social sector agencies and community support services on the premises.

Designing and constructing a new courthouse in partnership with iwi, the community, the judiciary and legal professionals will enable innovation in the way justice services are delivered in Tauranga.

This initiative brings forward expenditure from 2020/21 to 2019/20 to enable project team establishment and start site investigations for the new Tauranga courthouse. It will not fund the courthouse itself.

Justice Property Remediation (Tagged contingency subject to additional business planning: Capex \$163.5m)

The Ministry of Justice has a nation-wide property portfolio that is one of the largest in the public sector, with a replacement value of approximately \$2.1 billion. This includes courts and office buildings, with 95 buildings across 52 towns and cities in New Zealand.

This capital investment of \$163.5m will go towards upgrading court buildings around New Zealand.



Maintaining critical technology to ensure the delivery of justice services

Justice: \$3.017m over 4 years

Courts: \$15.778m over 4 years

Treaty: \$0.733m over 4 years

This investment will maintain the Ministry's existing ageing technology and deliver on the Ministry's newly refreshed strategy.

Secure, stable technology is necessary for the maintenance of the justice system. Improvements in technology will enable more effective case and information management.

National Security

Office of the Inspector-General of Intelligence and Security \$0.564m over 4 years

This investment will support the work of the Office of the Inspector-General to ensure robust security processes and address staffing cost pressures.

Ministry of Justice
Tāhū o te Ture

justice.govt.nz

info@justice.govt.nz

0800 COURTS
0800 268 787

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



New Zealand Government