

Hon Kiri Allan, Minister of Justice

Briefing to Incoming Minister June 2022

Date	28 June 2022	File reference	
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Action sought	Timeframe
Agree to the proposed sequence, scheduling and prioritisation of decision papers and topics briefings outlined in this paper	At your convenience

Contacts for telephone discussion (if required)

Name	Position	Telephone		First contact
		(work)	(a/h)	
Andrew Kibblewhite	Secretary for Justice	s 9(2)(a)		X

Minister's office to complete

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Referred to: _____		
<input type="checkbox"/> Seen	<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Not seen by Minister
Minister's office's comments		

Purpose

1. This briefing outlines what you can expect to receive in the coming months from the Ministry of Justice as we deliver on the Prime Minister's expectations letter and progress other key priorities. It creates a platform for us to understand your priorities for the remainder of this electoral term.
2. We have prepared this briefing on the understanding that you have already engaged with previous briefings to incoming ministers and have already received material about some of our priorities since starting in this role.

Key messages

3. You are coming into the Justice portfolio at a critical time. We have around 14 months to deliver on the Prime Minister's expectations letter and other Government priorities before we have to start considering the election period. Much of our planning and many of our projects are already well-underway.
4. In our early conversations with you, we have heard your priorities to be:
 - a. To deliver on the Prime Minister's expectations letter:
 - i. Preventing and deterring gang activity, including by prioritising criminal proceeds legislation
 - ii. The Government response to the Royal Commission into the terrorist attack on Christchurch masjidain
 - iii. Managing implementation of the new case management system to minimise disruption of justice processes
 - iv. Advancing targeted electoral reforms.
 - b. Taking a victim-centric approach to the portfolio so that all New Zealanders are treated fairly and appropriately within the justice system.
 - c. Improving access to justice including through legal aid funding.
 - d. Reducing case backlogs in the court.
5. Our policy work programme is oriented towards the Prime Minister's priorities and we are confident we will deliver them before the election.
6. As the Minister of Justice you have overall responsibility for the justice system and joint responsibility with the Minister for Courts for the policy and law that provides how the courts and tribunals operate. The Ministry is a large service delivery agency. Most people experience our services in person, in our buildings, and interacting with our staff and our case

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management system (CMS). § 9(2)(g)(i), and we will brief you separately on how we are managing these issues.

7. There is a significant opportunity to transform how we deliver justice services and ensure better outcomes for people who participate in the justice system. Transformation will come from working with local communities, Māori, the judiciary and others in the sector. It will involve revitalising our court infrastructure, digitisation, the co-design and collaborative delivery of justice services, and other new ways of working.
8. We need to continue to operate the system while we're transforming it. We must keep sight of the people going through the system, to ensure they leave the system confident they have been treated justly and fairly. That is why we are prioritising policy and operational work to improve the operations of the courts (e.g. addressing backlogs in jury trials, better utilising community magistrates), alongside Ministerial priorities.
9. This briefing outlines a number of matters on which you will receive further briefings. They are disparate, ranging from appointments and extraditions to substantive policy matters, to funding approvals for ICT expenditure. The breadth of topics reflects the span of the Justice portfolio. It also reflects the scale of the operations the Ministry runs.

The way this document is designed to support you

10. This briefing starts by outlining the boundaries of your responsibilities as Minister of Justice.
11. It goes on to provide a concise thematic overview of the Ministry's work programme. Within each area, the briefing lists the individual topics you will receive briefings about over the coming months. The briefings are categorised as either papers requiring decisions or topic papers:
 - Decision papers: these are papers that you will receive as part of the Ministry's business as usual over the next few months, as we need to inform you about next steps in projects or as we seek decisions from you.
 - Topic briefings: these will inform you about other areas of the Ministry's work programme. We have developed the list of topics based on your feedback in our conversations so far and in conjunction with your office.
12. The papers listed here are in addition to the topics you have already received materials on in your role to date, and any material that you are expecting to receive in connection with those topics.

The boundaries of your responsibilities in the Justice portfolio

13. Responsibility for key legislation relating to the courts and tribunals is shared across the Justice and Courts portfolios. The different responsibilities are outlined in Appendix 1.
14. As Minister of Justice, you are responsible for:

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- Legislation and policy within the Justice portfolio or constitutional principles (e.g. core constitutional law and policy, criminal law, civil law such as family, property, trusts, wills, and dispute resolution, and access to justice). Current projects include gangs policy, adoption reform, national action plan against racism.
 - Supporting New Zealand's constitutional and democratic institutions (e.g. the Māori Electoral Option, supporting the independent review of electoral law).
15. The Minister for Courts is responsible for procedural or operational amendments and providing the administrative and other services necessary to support judicial administration of New Zealand's courts and tribunals.
16. Some of your responsibilities are shared with the Minister for Courts, and there are times you will have to work together. Usually, this will involve us writing you a joint briefing for joint ministerial approval.

What Vote Justice funds – and your role in relation to courts funding

17. The Vote Justice appropriation includes funding for:
- Justice policy advice and sector leadership
 - The Public Defence Service and administration of legal aid services
 - Justice Crown entities (Office of the Privacy Commissioner, Human Rights Commission, Independent Police Conduct Authority, Law Commission, Te Kāhui Tātari Ture - Criminal Cases Review Commission, Electoral Commission, Real Estate Authority (Crown agent delegated to Associate Justice Minister Sio), and Public Trust).¹
 - Community law centres
 - Justice support services and programmes –
 - Services to prevent or reduce crime and services that reduce harm and victimisation as a result of crime
 - Community-based legal advice, assistance, and representation services
 - Mediation, restorative practices, and resolution services
 - Entitlements, including counselling and financial assistance, for victims of crime
 - Services provided to other ministers – Te Puna Aonui (see paras 31 and 76) and Māori Crown relations

¹ Public Trust are an autonomous Crown entity funded out of Vote Justice and monitored by The Treasury.

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- Capital expenditure for the purchase or development of assets by and for the Ministry (e.g. property and ICT). This includes court buildings.
18. Operating expenditure associated with the capital expenditure noted above rests with those who use the assets across both Vote Justice and Vote Courts.
 19. There are strong links between policy reforms and investment needed for courts infrastructure. It means you will work closely with the Ministry and the Minister for Courts on the scoping and sequencing of initiatives that involve capital expenditure.
 20. For context, the Vote Courts appropriation includes Ministry services that support the work of courts, tribunals and other authorities, professional and administrative services provided to or directed by courts and coroners, judicial salaries, and the collection and enforcement of fines and civil debts. It also includes operating expenditure for property and ICT associated with running the court system.

Delegations to the Associate Minister of Justice

21. We are operating on the assumption that the delegation to the Associate Minister of Justice will remain in place. Minister Faafoi's delegation letter to the Associate Minister is attached as Appendix 2.
22. Control of the matters delegated to the Associate Minister remain with you (Cabinet Manual, para 2.36). That means you will be responsible for answering questions at the Estimates hearing on the matters within the delegation.

Your responsibilities in the justice sector

23. As the Minister of Justice, you are also the lead Minister of the justice sector.
24. This week you will receive a dedicated justice sector briefing to support and enable you in your role as the lead Minister for the justice sector.

Your responsibilities as a Family Violence and Sexual Violence Minister

25. As the Minister of Justice, you are a Family Violence Sexual Violence Minister. Te Aorerekura is the National Strategy and Action Plan to Eliminate Family Violence and Sexual Violence. The joint venture of government agencies that will deliver this strategy has recently been reconfigured as an Interdepartmental Executive Board. On 1 July they will take on the name Te Puna Aonui.
26. We will be informing you about your role, the details of the strategy and the actions for which the Ministry of Justice is responsible, and the functioning of Te Puna Aonui in July. This briefing will be prior to the Te Puna Aonui annual hui which you have been invited to attend.

Opportunities for transformation of the justice system

27. Several reports over decades have called for a justice system that is based on Te Tiriti o Waitangi and reflective of Aotearoa New Zealand.²
28. There is a significant opportunity to transform how policy and legislation is developed, justice services are designed and delivered, and investment are made. Transformation will come from partnering with iwi/Māori and working with local communities, the judiciary and others in the sector. It will involve revitalising our court infrastructure, digitisation, the co-design and collaborative delivery of justice services, and other new ways of working.

Providing advice reflecting te ao Māori worldviews

29. The Ministry recognises it needs to significantly increase its organisational capability to effectively partner with Māori, understand the impact of the justice system on Māori, and to identify and address racism, inequities, and structural discrimination. This is an area of current focus and we look forward to working with you as we evolve our capability and business practices.
30. Ātea a Rangi is the business group of the Pou Whakatere, the Deputy-Secretary Māori. Established in 2021, Ātea a Rangi provides strategic and policy advice and lead partnerships with iwi and Māori on key initiatives to progress shared priorities for justice reform.
31. Ātea a Rangi is supporting the Ministry on its journey to elevate the voices of Māori, to deliver improved justice outcomes for Māori, and to improve its organisational capability to meaningfully partner with Māori.
32. Ātea a Rangi can support you in your role by providing advice informed by iwi and Māori perspectives and centring te ao Māori worldviews.

Partnerships with Māori

33. Deliberate, meaningful partnerships with Māori are critical to justice reform and to improve access to justice. As Minister of Justice, you are the Lead Minister for the Pou Tikanga relationship with National Iwi Chairs Forum.
34. There are numerous partnerships with Māori across the justice sector. These can be broadly categorised as:
 - Strategic partnerships: i.e. partnerships with national Māori entities such as Ināia Tonu Nei and the National Iwi Chairs Forum to progress justice reform,
 - Operational partnerships: i.e. partnerships with iwi and iwi-mandated services for Te Ao Mārama, Whakaorangia te Mana Tangata and the innovative courts programme, and

² Recommendations for comprehensive reform of the justice system are included in Turuki! Turuki! (2019); Te Tangi o te Manawanui (2019); Ināia Tonu Nei (2019); He Whaipanga Hou (1988) and Puao-te-ata-tu (1988).

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- Treaty settlements: legislated formal relationships with iwi as part of settlement redress.
35. Partnering with Māori on reform of the justice system will accelerate the pace of change to improve justice and wellbeing outcomes for Māori and for all New Zealanders who come into contact with the justice system.

You will receive the following topic briefings from Ātea a Rangī

Topic	Description	Format / Date
July		
Ātea a Rangī: function and work programme	<ul style="list-style-type: none">• Background briefing providing you with more information about Ātea a Rangī.	Briefing 4 July
Partnerships with Māori	<ul style="list-style-type: none">• Background briefing on the Māori-Crown landscape in the justice sector, in response to your request.	Briefing 15 July

Providing analysis and advice on justice and constitutional issues

36. Policy Group has an ambitious and dynamic programme of priority-driven work. It includes projects highlighted in the Prime Minister's priorities letters, manifesto commitments, and Government and Ministerial priorities. We have oriented ourselves to deliver this work programme, and are confident we will deliver it.
37. Some of our work has an immediate sense of urgency, including the work related to gangs. We are also progressing much-needed work in areas that profoundly touch people's lives, such as adoption and surrogacy, supporting the response to the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain, and the national action plan against racism.
38. We are committed to progressing initiatives in the Courts portfolio, to support effective and efficient delivery of justice services. Some work we are progressing is supporting work to reduce the backlog of jury trials s 9(2)(f)(iv) [REDACTED] [REDACTED] Not all these projects are related to Government manifesto priorities; they look to address known issues and are high priorities for the judiciary and, in some cases, for the Minister for Courts and/or the Attorney-General. Managing these projects takes up some of our capacity and means we have to carefully balance progressing Government and judicial priorities at times. We will note any trade-offs in advice we provide you on progressing several court-related policy projects in the coming months.
39. Our work programme also includes mandatory commitments, such as stewardship responsibilities under the Public Service Act 2020, reactive work, and work arising from an international obligation, core function, such as offence and penalty or New Zealand Bill of Rights Act vetting, or other legal requirement (for example, review required by legislation).

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40. We recently reviewed our work programme and confirmed this with Minister Faafoi. The work programme documents are attached at Appendix 3. We appreciate that you may have different views about our priorities. While the scale of our mandatory commitments and priority-driven work is such that there may be limited room for reprioritisation, we welcome a conversation with you on your priorities and how we can make sure these are progressed.

You will receive the following decision papers on our policy work

Topic	Description	Format / Date
June		
Statutory review of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009	<ul style="list-style-type: none"> Report to you on our review of the Act, which is due to you by 30 June 2022 	Report 30 June
Response to the Royal Commission of Inquiry into Abuse in State Care	<ul style="list-style-type: none"> Update on the Ministry's work as part of the Crown's response to the RCOI. 	Aide memoire 30 June
July		
s 9(2)(f)(iv)		
Amendments to the Terrorism Suppression Act 2002	<ul style="list-style-type: none"> Urgent amendments are required to the Act to resolve the issues of revocation and renewal of terrorist designations in the case of an imprisoned and designated individual. 	Draft Cabinet paper 11 July
National Action Plan Against Racism	<ul style="list-style-type: none"> Briefing to inform you about the project and to give you an opportunity to be involved in key engagements associated with the development phase of the project, ahead of the November 2022 Cabinet report-back. 	Briefing 14 July
Reducing the number of active cases awaiting jury trials	<ul style="list-style-type: none"> Briefing outlining options to further explore ways to reduce the number of cases awaiting jury trials. 	Briefing 15 July

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Topic	Description	Format / Date
Community magistrates	<ul style="list-style-type: none"> Briefing for decisions on scope and timing of our investigation into ways to better utilise Community Magistrates s 9(2)(f)(iv) 	Briefing 15 July
s 9(2)(f)(iv)		
Surrogacy	<ul style="list-style-type: none"> Initial advice on progressing the Government response to the Law Commission's report <i>Te Kōpū Whāngai: He Arotake Review of Surrogacy</i>, which recommends a new approach to regulating surrogacy. 	Briefing July
Family Court Rules review	<ul style="list-style-type: none"> Briefing seeking your agreement to a revised objective for the review and next steps. The review responds to the recommendations of the Independent Panel examining Family Justice Reforms. 	Briefing July
Development-limiting covenants	<ul style="list-style-type: none"> Joint briefing with the Ministry for Housing and Urban Development. Updates Ministers on work on options to address development-limiting covenants on residential land and seeks direction on next steps. The work could result in amendments to the Property Law Act 2007, administered by the Ministry of Justice. 	Briefing July (TBC)
August		
Lawyers and Conveyancers Act (Lawyer Practice Rules) Amendment Regulations	<ul style="list-style-type: none"> Paper seeking LEG agreement to amendments to the regulations that allow the New Zealand Law Society to omit or remove a lawyer's work details from the public register of lawyers in situations where personal safety or privacy concerns are raised. 	Cabinet paper August
Criminal Proceeds Recovery (Amendment) Bill	<ul style="list-style-type: none"> Briefing accompanying a LEG paper for introduction. This bill will make it easier to secure the seizure and forfeiture of ill-gotten gains that come into New Zealand from overseas and to target the assets of those associated with organised criminal groups. 	Briefing August

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Topic	Description	Format / Date
s 9(2)(f)(iv)		
September		
Class actions and Litigation Funding	<ul style="list-style-type: none"> • Advice on the response to the Law Commission report <i>Class Actions and Litigation Funding Ko ngā Hunga Take Whaipānga me ngā Pūtea Tautiringa</i>. • Briefing will seek your views on the priority this work should be given within the context of a full work programme. The range of initiatives underway by the Ministry and judiciary to improve access to civil justice will be discussed in a separate topic briefing (see below). 	Briefing Late September
October		
s 9(2)(f)(iv), s 6(a)		
Date TBC		
Security Information in Proceedings Legislation Bill	<ul style="list-style-type: none"> • Background information to the bill, which will be provided to you with the Second Reading folder. • This bill amends several pieces of legislation to create an overarching framework for dealing with security information in court. The bill was reported back from select committee on 14 June. 	Date for second reading will need to be confirmed.

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You will receive the following topic briefings on our policy work

Topic	Description	Format / Date
June		
Independent Review of Electoral Law	<ul style="list-style-type: none"> • Introductory briefing about the review. • The briefing will accompany an update from the independent Panel on its work plan and engagement strategy. 	Briefing 30 June
July		
Evidence Regulations re-write	<ul style="list-style-type: none"> • Briefing on upcoming stakeholder consultation on new regulations required to support the Sexual Violence Legislation Act 2021 when it comes into force in December 2022. 	Briefing 8 July
EU General Data Protection Regulation: Adequacy Review	<ul style="list-style-type: none"> • Briefing setting out the current status of the EU's adequacy review s 9(2)(f)(iv) [REDACTED] • The timing of the briefing is somewhat dependent on us receiving the EU's draft report on its adequacy review. 	Briefing 15 July
Domestic Human Rights	<ul style="list-style-type: none"> • Briefing covering domestic human rights, such as the New Zealand Bill of Rights (Declarations of Inconsistency) Bill and the Human Rights Act review. 	Briefing 16 July
International Human Rights	<ul style="list-style-type: none"> • Briefing covering upcoming international human rights reporting engagements (e.g. for the Convention Against Torture) and our work to improve the international human rights monitoring and reporting system. 	Briefing 16 July
Improving access to civil justice	<ul style="list-style-type: none"> • Informing you about the range of initiatives underway by the Ministry and judiciary to improve access to civil justice. 	Briefing 29 July

Delivering our frontline services

41. Our courts and tribunals enforce criminal law, resolve civil disputes, uphold individuals' rights and hold government to account. A well-functioning court and tribunal system is of fundamental constitutional and societal importance.
42. Tangible progress is being made towards a vision of reimagined, modern, and functional courts and tribunals that can meet future challenges.

Te Ao Mārama in the District Court

43. The Te Ao Mārama vision for the District Court is the Ministry's key contribution to justice reform. It will bring communities into the court to support victims, offenders and their whānau, and to provide information to the court to assist solution-focused judging.
44. We will provide you with a topic briefing with more information about Te Ao Mārama and solution-focused courts.
45. On **7 July 2022**, we will provide you a background briefing on Te Ao Mārama, and a briefing to support your attendance at the public announcement of Te Ao Mārama in Kaitiāia on 13 July 2022.

Te Au Reka: caseload management

46. Most people experience our services in person, in our buildings, and interacting with our staff and the Case Management System that underpins our courts. CMS is outdated **s 9(2)(g)(i)** **██████████**. Many components of CMS are now out of IT support.
47. The court system is currently experiencing significant operational pressure, including increased work on hand and delays in the progression of cases. Cases are taking more events to resolve and demand for court services is projected to increase. Reliance on a paper-based caseload management system has meant court participants cannot track progress of a case online.
48. To successfully fulfil its role, our court and tribunal system will be supported by Te Au Reka, a more effective and consistent online case management system. Te Au Reka will enable all users to engage with a modern court that is trusted, safe and responsive. It will enable the active progression of cases through the courts, reducing the harm and the time it takes to reach resolution.
49. Following the meeting you had with officials on 27 June 2022, we will provide you a briefing on **15 July** seeking joint ministers' (Justice, Courts and Finance) approval to commence go-to-market activity and drawdown funding for 2022/23. We will need a decision by 10 August 2022.

Keeping the system running during transformation

50. We need to continue to operate the system while we're transforming it. We have a number of briefings planned for you with operational and policy suggestions to make improvements to the services that people experience now, while the larger transformations are under consideration.
51. Notwithstanding that the courts have continued to function safely throughout the pandemic, COVID-19 restrictions have had a significant impact on the operation of the courts. There have been over 2 million court events scheduled across the District Court since the beginning of COVID-19 restrictions in March 2020. Over 141,000 District Court events have been adjourned or rescheduled since then, including around 1,200 jury trials. We will be informing you about this and the ways we are helping to address the backlog in a briefing in July.

Addressing family violence and sexual violence

52. The Ministry is delivering a work programme to improve the experience of court proceedings for people impacted by family violence and sexual violence. Addressing family violence and sexual violence is a transformational opportunity in the Ministry's strategy, and the work programme also contributes to Te Aorerekura: National Strategy to Eliminate Family Violence and Sexual Violence, and Te Ao Mārama.

You will receive the following decision papers on delivering our frontline services

Topic	Description	Format / Date
June		
Solution-focussed courts and Te Ao Mārama	<ul style="list-style-type: none"> Background information on solution-focussed courts (also called specialist or therapeutic courts), and how best practice approaches from these courts are being delivered in Te Ao Mārama courts. What Te Ao Mārama courts will look like in practice Update on progress in delivering Te Ao Mārama in Hamilton, Gisborne and Kaitia. 	Briefing 28 June 2022

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Topic	Description	Format / Date
Masjidain Attack Coronial Process	<ul style="list-style-type: none"> • Background information on the process and upcoming ministerial decisions, including proposed timing for Cabinet funding decisions. • In November 2021, the Minister of Finance approved an exception to seeking funding for the masjidain attack coronial inquiry through the Budget 2022 justice sector cluster process. In April 2022, the Coroner confirmed that the inquiry would cover a broad set of issues. Given the scope of the inquiry and the complexity associated with it, the Ministry is unable to fund the costs of the inquiry within its existing budget. • The Ministry is preparing a paper for you to take to Cabinet seeking funding for the masjidain attack coronial inquiry. To support the development of this paper, the Ministry will seek your approval: <ul style="list-style-type: none"> ○ for exemptions to the Victim Assistance Scheme grant policy ○ to draw down funding from an existing masjidain attack Victim Support tagged operating contingency. 	Briefings Week of 27 June (then week of 11 July, week of 25 July and week of 22 August)
Your role as a family violence sexual violence Minister	<ul style="list-style-type: none"> • Information about Te Aorerekura: National Strategy for the Elimination of Family Violence and Sexual Violence and the related Action Plan, including how the Ministry supports Te Aorerekura by delivering Actions 15 and 27, and supporting other actions via its FVSV Operational Improvements work programme. 	Aide memoire By 14 July (then again prior to the Interdepartmental Executive Board annual hui 27-28 July)
July		
Whenua Māori Programme	<ul style="list-style-type: none"> • Update on the delivery of Pātaka Whenua. 	Briefings Week of 27 June (then week of 18 July)

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You will receive the following topic briefings on delivering our frontline services

Topic	Description	Format / Date
July		
Impacts of COVID-19 restrictions	<ul style="list-style-type: none"> An overview of court backlogs and the Budget 22 initiative on justice sector resourcing to help address the backlog. 	Aide memoire July recess
Criminal Process Improvement Programme	<ul style="list-style-type: none"> Information on the justice sector programme of work to improve and better align processes across the sector participants to improve timeliness of cases in the criminal jurisdiction of the District Court, reducing unnecessary adjournments and reducing the case backlogs. This is one of the Minister for Courts' priorities. 	Aide memoire July recess
Solutions-focused courts	<ul style="list-style-type: none"> Update on the establishment of solutions-focused courts, ongoing funding for Alcohol and Drug Treatment Courts, and an explanation of how this work aligns with Te Ao Mārama. 	Aide memoire July recess
Family justice reforms	<ul style="list-style-type: none"> Updates on the Family Court Work Programme including Resources and Information for Care of Children and Family Court Associates. 	Aide memoire July recess
Sexual Violence Legislation Act 2021	<ul style="list-style-type: none"> Information about legislative change to the way complainants in sexual violence trials can give evidence, including via means of new technology and pre-recording. 	Aide memoire July recess
Improving access to legal assistance for low-income New Zealanders	<ul style="list-style-type: none"> Update on the operational implications for improving access to legal assistance. Supplements the Cabinet paper you took to the SWC on 22 June 2022. 	Aide memoire July recess
Coronial Work Programme	<ul style="list-style-type: none"> A holistic overview of the Coronial work programme that is one of the Minister for Courts' priorities. 	Aide memoire July recess

Managing one of the largest property portfolios in the public sector

53. A large part of our service delivery hinges on the sites out of which we run courts and tribunals. The configuration of a building, the state it is in, and the services that can be operated out of it, say much to participants about how they are viewed by the justice system.
54. The Ministry has one of the largest property portfolios in the public sector, with 96 sites across the country. The courts operate from 73 sites, of which 40 are owned and 33 are leased. The remaining 23 sites are leased for Coroners, the Public Defence Service, national office, the National Transcription Service, Bailiffs, and administration and storage support functions.

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55. Of these sites, approximately 18% of the buildings are over 100 years old and a further 39% over 50 years. In June 2019, 31% of the entire portfolio was assessed as being in poor or very poor condition.
56. On 30 July 2020, the GOV noted the Ministry's Capital Plan 2020-2030 (the 10-Year Plan) to restore and modernise buildings across the Justice property portfolio [GOV-20-MIN-0029].
57. The 10-Year Plan now needs substantial revision. As a result of the COVID-19 pandemic, significant risks, such as the reduced availability of construction materials and labour and the consequential increase in costs, have manifested into issues and mean that the 10-Year Plan is no longer achievable within the previously identified funding.

Innovative courts programme

58. The innovative courts programme responds to requirements to design future courthouses in partnership with iwi, the local community, the judiciary, the legal profession, court staff and other court users. This includes drawing on Te Ao Māori values, and ensuring victims' safety needs are addressed in courthouse designs.
59. Aligned with the Te Ao Mārama kaupapa, the new courthouses for Whanganui and Tauranga provide the first opportunities to implement this new approach.
 - The courthouse in Whanganui is on track to open in mid-2025. Its innovative design has been developed by Te Puna Hāpori, a collaboration led by local iwi focused on developing a community wellbeing hub that puts whānau at the centre of services to improve justice outcomes.³ Trust and respect have been at the heart of this successful relationship. The main entrance to the new courthouse will be orientated to the puna at the centre of the site.
 - The Tauranga innovative courthouse is being developed using a co-design approach with local iwi/hapū. The courthouse will provide flexible physical spaces and can enable wrap-around service delivery and new ways of working. The courthouse is forecast to open in mid-2026, and has a forecast completion cost circa \$155.2 million.

³ Involving the Whanganui Land Settlement Negotiation Trust, the Whanganui Ruapehu Police, the Ministry of Justice and the Whanganui Mayor.

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You will receive the following decision paper on our portfolio

Topic	Description	Format / Date
June		
Justice Health & Safety Tagged Contingency s 9(2)(f)(iv)	<ul style="list-style-type: none">• Background information on our property portfolio and options for your consideration, confirming:<ul style="list-style-type: none">○ the major projects underway and the different approaches we are taking with local iwi and the community in the design of new buildings (you will see business cases and further briefings over the next six months for some of these projects)○ the funding solutions we have in place to support delivery of the 10-Year plan and the current affordability challenges○ s 9(2)(f)(iv)	Briefing 28 June

Providing professional legal leadership

- 60. The Office of Legal Counsel (OLC) provides professional legal leadership within the Ministry, and legal advice and services to Ministers and the public. In particular, OLC provides advice to you on compensation claims for wrongful conviction and imprisonment, extradition requests, judicial review proceedings, statutory appointments and other matters as required.
- 61. OLC also supports the Attorney-General on New Zealand Bill of Rights advice and judicial appointments to the District Court.
- 62. In addition, OLC hosts the Public Defence Service, operates the New Zealand Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction, and supports the Office of the Judicial Conduct Commissioner.

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You will receive the following decision papers on our legal work and advice (legally privileged)

Topic	Description	Format / Date
July		
s 9(2)(h)		
September		
Statutory appointments	<ul style="list-style-type: none">You are responsible for recommending appointments to the following independent Crown entities: Electoral Commission, Human Rights Commission, Criminal Cases Review Commission, Privacy Commissioner, Law Commission and the Independent Police Conduct Authority (IPCA).s 9(2)(h)	Briefing September
Date TBC		
s 9(2)(h)		

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Topic	Description	Format / Date
Alan Hall – miscarriage of justice	<ul style="list-style-type: none">• Mr Hall has indicated in the media that he intends to apply for compensation for wrongful conviction and imprisonment following the Supreme Court’s decision to quash his 1986 conviction for murder.• If so, his application would be dealt with under the 2020 Compensation Guidelines approved by Cabinet. You are responsible for administration of the Guidelines and advice to Cabinet on individual applications.	We will brief you on this matter as needed or as indicated by you.

You will receive the following topic briefing from us on our legal work (legally privileged)

s 9(2)(h)



Driving strategic decision making and shaping the Ministry’s direction

63. The Strategy, Governance and Finance (SGF) Group sets the Ministry’s overall strategy, direction and execution of the delivery of services. It provides several Ministry core services to ensure the Ministry can succeed and deliver on its priorities. These include finance, risk and assurance, enterprise-level planning and investment, performance reporting and accountability, justice sector-wide data and insights, governance, portfolio management, official correspondence, and communications including media.
64. SGF also monitors the Ministry’s Crown entities. You are the responsible Minister for six Crown entities, one Crown agent under the oversight of the Associate Minister of Justice, and one autonomous Crown entity funded out of Vote Justice and monitored by Treasury, also delegated to the Associate Minister of Justice:
 - Office of the Privacy Commissioner
 - Human Rights Commission
 - Independent Police Conduct Authority
 - Law Commission

IN CONFIDENCE

- Criminal Cases Review Commission
- Electoral Commission
- Real Estate Authority (Crown agent – Associate Minister of Justice)
- Public Trust (autonomous Crown entity - Associate Minister of Justice)

65. Many of the Crown entities play a critical role in protecting human, indigenous, constitutional and privacy rights, while others play a significant role in supporting the wellbeing of New Zealanders. The most significant deliverable across all entities in the remainder of the parliamentary term is the 2023 General Election, given the cost, scale, and impact of that event.

You will receive the following decision paper

Topic	Description	Format / Date
August		
Opinion of the Chief Ombudsman: OIA compliance and practice in the Ministry of Justice - Te Tāhū o te Ture report	<ul style="list-style-type: none"> • Briefing informing you about the report's findings, the Ministry's detailed response letter to the Chief Ombudsman, and an update on implementation of OIA management improvements. • This report sets out the Chief Ombudsman's opinion on how well Te Tāhū o te Ture is meeting its obligations under the OIA. 	Briefing August

You will receive the following topic briefing

Topic	Description	Format / Date
July		
Overview of the Ministry narrative and Crown entities	<ul style="list-style-type: none"> • Briefing you about: <ul style="list-style-type: none"> ○ the way we approach our work programme and ensure our resources are aligned and ○ the six independent Crown entities for which you are responsible, the challenge and opportunities that the Crown entities may face in the coming year, and a recommendation that you meet with the entities at least annually (there are currently no meetings scheduled). 	Briefing 18 July

Working with the judiciary and other agencies

Engaging with the judiciary

66. Underpinning all of the Ministry's engagement with the judiciary is preservation of judicial independence, so that the courts are, and are seen to be, separate from and independent of the executive.
67. Our engagement with the judiciary is informed by shared principles developed by the Ministry and the judiciary.
68. The principles state that both the judiciary and the Ministry have interests in developing and maintaining a system of justice that is just, fair, accessible, and modern, which delivers timely, impartial, and open justice. The principles recognise and set out the separate responsibilities of the judiciary and the Ministry for delivering justice through the courts, and those responsibilities that are shared. These responsibilities include:
- The Judiciary's responsibilities in conducting the business of the courts
 - The Ministry's role in supporting the operation and financial management of the courts:
 - The Judiciary and the Ministry's shared obligation to ensure the use of public resources to run the courts is done efficiently and effectively.
69. The shared principles also underpin the Courts Strategic Partnership Group (CSPG), which consists of the heads of bench and the Ministry's Strategic Leadership Team.

Te Arawhiti: The Office for Māori Crown Relations

70. Te Arawhiti is a departmental agency. It operates autonomously within the Ministry of Justice, its host agency. Te Arawhiti and the Ministry of Justice have a shared services arrangement, whereby the Ministry of Justice provides corporate services (e.g. finance and payroll) to Te Arawhiti.
71. The Minister for Māori Crown Relations is responsible for Te Arawhiti.

Te Puna Aonui – the Joint Venture for the Elimination of Family Violence and Sexual Violence

72. The Joint Venture for the Elimination of Family Violence and Sexual Violence became an Interdepartmental Executive Board (IEB) on 24 March 2022. From 1 July 2022, the IEB will be called Te Puna Aonui.
73. Te Puna Aonui is the joint venture of government agencies that will deliver Te Aorerekura – the National Strategy to Eliminate Family Violence and Sexual Violence. Te Puna Aonui administers the appropriation Eliminating Family Violence and Sexual Violence, overseen by the Minister for the Prevention of Family Violence and Sexual Violence. The Ministry of Justice is one of the joint venture agencies and provides corporate services to Te Puna Aonui.

Next steps

74. We will provide you with the decision papers and topic briefings are outlined in this briefing.
75. We will prepare additional material for you should you indicate that you would like to be informed about topics not addressed in this briefing.

Recommendations

76. It is recommended that you:
1. **Note** the information contained in this briefing.
 2. **Agree** to the proposed sequence of decision papers you will receive YES / NO
 3. **Agree** to the proposed scheduling and prioritisation of topics you will receive YES / NO



Andrew Kibblewhite
Secretary for Justice

APPROVED SEEN NOT AGREED

Hon Kiri Allan
Minister of Justice

Date / /

Appendix 1: Justice and Courts portfolios

Legislation in the Justice portfolio⁴

Abolition of the Death Penalty Act 1989
Abortion Legislation Act 2020
Administration Act 1969
Admiralty Act 1973[^]
Adoption Act 1955
Adoption (Intercountry) Act 1997
Adult Adoption Information Act 1985
Age of Majority Act 1970
Animals Law Reform Act 1989
Anti-Money Laundering and Countering Financing of Terrorism Act 2009
Arbitration Act 1996
Arbitration (International Investment Disputes) Act 1979
Aviation Crimes Act 1972
Bail Act 2000
Broadcasting Act 1989 (Part 6)
Canterbury Earthquakes Insurance Tribunal Act 2019
Care of Children Act 2004
Charitable Trusts Act 1957
Citizens Initiated Referenda Act 1993
Civil Union Act 2004
Constitution Act 1986
Contempt of Court Act 2019
Contract and Commercial Law Act 2017⁵
Contributory Negligence Act 1947
Coroners Act 2006[^]
Costs in Criminal Cases Act 1967[^]
Courts (Remote Participation) Act 2010[^]
Courts Security Act 1999[^]
Crimes Act 1961[^]
Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980
Crimes of Torture Act 1989
Criminal Cases Review Commission Act 2019
Criminal Disclosure Act 2008
Criminal Investigations (Bodily Samples) Act 1995
Criminal Procedure Act 2011[^]
Criminal Procedure (Mentally Impaired Persons) Act 2003
Criminal Proceeds (Recovery) Act 2009
Criminal Records (Clean Slate) Act 2004
Criminal Records (Expungement of Convictions for Historical Homosexual Offences) Act 2018
Crown Organisations (Criminal Liability) Act 2002

⁴ Legislation jointly administered under both the Justice and Courts portfolios is indicated with the symbol ^

⁵ Administered jointly with the Ministry of Business, Innovation, and Employment

IN CONFIDENCE

Crown Proceedings Act 1950
Deaths by Accidents Compensation Act 1952
Declaratory Judgments Act 1908[^]
Deeds Registration Act 1908[^]
Defamation Act 1992
Department of Justice (Restructuring) Act 1995
Disputes Tribunals Act 1988[^]
District Court Act 2016[^]
Domestic Actions Act 1975
Domicile Act 1976
Electoral Act 1993
Election Access Fund Act 2020
Electronic Courts and Tribunals Act 2016[^]
Evidence Act 2006
Extradition Act 1999
Family Court Act 1980[^]
Family Court (Supporting Families in Court) Legislation Act 2020
Family Dispute Resolution Act 2013
Family Proceedings Act 1980[^]
Family Protection Act 1955
Family Violence Act 2018
Fencing Act 1978
Flags, Emblems and Names Protection Act 1981⁶ (s.20)
Habeas Corpus Act 2001
Harmful Digital Communications Act 2015
Harassment Act 1997
Hotel Association of New Zealand Act 1969
Human Assisted Reproductive Technology Act 2004
Human Rights Act 1993
Imperial Laws Application Act 1988
Imprisonment for Debt Limitation Act 1908
Independent Police Conduct Authority Act 1988
Inferior Courts Procedure Act 1909[^]
Innkeepers Act 1962
Interest on Money Claims Act 2016[^]
International Crimes and International Criminal Court Act 2000⁷
International War Crimes Tribunals Act 1995
Joint Family Homes Act 1964
Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004
Judicial Review Procedure Act 2016[^]
Juries Act 1981[^]
Justices of the Peace Act 1957
Land Transfer (Hawkes Bay) Act 1931
Land Valuation Proceedings Act 1948
Law Commission Act 1985

⁶ Administered jointly with the Ministry for Culture and Heritage.

⁷ Administered jointly with the Ministry of Foreign Affairs and Trade.

IN CONFIDENCE

Law Reform Act 1936⁸
Law Reform Act 1944
Law Reform (Testamentary Promises) Act 1949
Lawyers and Conveyancers Act 2006
Legal Services Act 2011
Limitation Act 2010
Maritime Crimes Act 1999
Marriage Act 1955
Mining Tenures Registration Act 1962
Misuse of Drugs Act 1975⁹
Mutual Assistance in Criminal Matters Act 1992
New Zealand Bill of Rights Act 1990
New Zealand Council of Law Reporting Act 1938
Oaths and Declarations Act 1957
Occupiers' Liability Act 1962
Official Information Act 1982
Ombudsmen Act 1975
Parole Act 2002¹⁰
Political Disabilities Removal Act 1960
Prisoners' and Victims' Claims Act 2005
Privacy Act 2020
Private International Law (Choice of Law in Tort) Act 2017
Private Security Personnel and Private Investigators Act 2010¹¹
Prohibition of Gang Insignia in Government Premises Act 2013
Property Law Act 2007
Property (Relationships) Act 1976
Prostitution Reform Act 2003
Protection of Personal and Property Rights Act 1988
Public Trust Act 2001
Real Estate Agents Act 2008
Reciprocal Enforcement of Judgments Act 1934[^]
Referenda (Postal Voting) Act 2000
Referendums Framework Act 2019
Returning Offenders (Management and Information) Act 2015
Royal Succession Act 2013
Sale and Supply of Alcohol Act 2012
Search and Surveillance Act 2012
Secondhand Dealers and Pawnbrokers Act 2004
Secret Commissions Act 1910
Senior Courts Act 2016[^]
Sentencing Act 2002^{^12}
Serious Fraud Office Act 1990
Simultaneous Deaths Act 1958

⁸ Administered jointly with the Ministry of Business, Innovation, and Employment (part 3)

⁹ Administered jointly with the Ministry of Health.

¹⁰ Administered jointly with the Department of Corrections.

¹¹ Sections 100 and 101 are administered by the Department of Internal Affairs.

¹² Administered jointly with the Department of Corrections.

Statutory Land Charges Registrations Act 1928
Status of Children Act 1969
Succession (Homicide) Act 2007
Summary Offences Act 1981
Summary Proceedings Act 1957[^]
Terrorism Suppression Act 2002¹³
Terrorism Suppression (Control Orders) Act 2019
Trans-Tasman Proceedings Act 2010
Treaty of Waitangi (State Enterprises) Act 1988
Trespass Act 1980
Trustee Companies Act 1967
Trusts Act 2019
Unit Titles Act 2010¹⁴ (subpart 1 of Part 4)
Victims' Orders Against Violent Offenders Act 2014
Victims' Rights Act 2002
Wills Act 1837 (UK)
Wills Act 2007

Legislation in the Courts portfolio

Admiralty Act 1973
Coroners Act 2006
Costs in Criminal Cases Act 1967
Courts (Remote Participation) Act 2010
Courts Security Act 1999
Crimes Act 1961
Criminal Procedure Act 2011
Declaratory Judgments Act 1908
Disputes Tribunal Act 1988
District Court Act 2016
Electronic Courts and Tribunals Act 2016
Family Court Act 1980
Family Proceedings Act 1980
Inferior Courts Procedure Act 1909
Interest on Money Claims Act 2016
Judicial Review Procedure Act 2016
Juries Act 1981
Reciprocal Enforcement of Judgements Act 1934
Senior Courts Act 2016
Sentencing Act 2002
Summary Proceedings Act 1957

¹³ Administered jointly with the Ministry of Foreign Affairs and Trade.

¹⁴ Administered jointly with the Ministry of Business, Innovation, and Employment and with Land Information New Zealand.

Appendix 2: Delegation letter to Associate Minister of Justice

Hon Kris Faafoi

Minister of Justice
Minister for Broadcasting and Media
Minister of Immigration



18 November 2020

Hon Aupito William Sio
Associate Minister of Justice
Parliament Buildings
Wellington

Tēnā koe Minister

Delegated functions and responsibilities

Congratulations on your appointment as Associate Minister of Justice.

This letter sets out the matters I am delegating to you. They cover a broad range of areas and I expect us to work closely together to deliver on our portfolio responsibilities. It will be important to discuss any significant decisions you are considering under your delegation. To assist with this, I propose that we meet regularly to discuss these, and any other matters that might arise.

I delegate the following functions and responsibilities to you.

- 1 All matters relating to Justices of the Peace, with the exception of appointments of Justices of the Peace in your electorate
- 2 Appointments to, and monitoring of, the following Crown Entities:
 - 2.1 Public Trust
 - 2.2 Real Estate Agents Authority
- 4 Appointments to, and monitoring of, the Ministry of Justice administered tribunals and statutory bodies set out in Appendix 1.
- 5 Occupational regulations policy, statutes and tribunals relating to:
 - 5.1 Real Estate Agents
 - 5.2 Pawnbrokers and second-hand dealers
 - 5.3 Private investigators and security guards

- 6 Development and passage of Statutes Amendment Bills.
- 7 Regulations made under the Sale and Supply of Alcohol Act 2012 and appointments to the Alcohol Regulatory and Licensing Authority
- 8 Development and making of regulations to support the implementation of the Privacy Act 2020
- 9 Ministerial exemptions under section 157 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009
- 10 Exemptions under the Real Estate Agents Act 2008
- 11 Provision of protective fiduciary services by the Public Trust
- 12 Taking Rules Committee proposals through the Cabinet process
- 13 Other functions, responsibilities and matters as agreed from time to time by us.

The above delegations are subject to the conditions set out in this letter. Please also refer to paragraphs 2.35 to 2.40 of the Cabinet Manual, which deal with the relationship between Ministers and Associate Ministers.

Financial and statutory responsibilities

As portfolio Minister, I have final responsibility for, and overall control of, the Ministry of Justice and all Crown entities within the portfolio.

I am responsible for Vote Justice and also for all relevant statutory functions of the Minister. You have no delegated responsibility in this area.

Policy

Although you will have responsibility for matters of policy in relation to the above, any significant policy decisions should be discussed with me.

Public Statements

You will take responsibility for all communications regarding your areas of responsibility, including Ministerial correspondence, press statements and public announcements. From time to time I may also ask you to respond to other Justice portfolio Ministerial correspondence on my behalf. It is my expectation that 95% of all correspondence is responded to within one month.

Ministerial correspondence concerning significant policy issues should be prepared by the Ministry of Justice for my signature, where appropriate. Any significant public announcements should be discussed with me prior to release and, in some cases, may be made either by me or the Prime Minister.

Relations with the Department/Ministry

You may contact the Ministry of Justice on all matters for which you have delegated responsibility. You are able to meet with Justice officials as needed, and on all matters for which you have delegated responsibilities. You are also entitled to receive regular information relating to the Justice portfolio, and areas of delegation from me, as required to carry out your duties as Associate Minister of Justice. I expect to be kept fully informed of all

significant issues and the Chief Executive is, of course, free to raise any matter concerning your delegated functions with me.

You may arrange, through my office, to have your own regular briefing sessions or ad hoc meetings with Ministry officials to discuss matters relating to your areas of responsibility. A designated member of my office may attend any such meeting.

Communications between us

To ensure maximum cooperation and coordination, I propose that we meet regularly to coordinate our actions, and to share views and ideas. You should ensure that I am fully briefed on the actions that you think are necessary to undertake in relation to your delegated responsibilities. All significant papers, letters and directions to the Ministry should be copied to me for my information. In particular, it would be appreciated if our offices could work closely together to ensure I am aware at the earliest stage of any issues that have the potential to become controversial. In turn, I will keep you informed of my actions in relation to your areas of responsibility.

I will also consult with you on policy issues, and on matters related to the implementation of policy initiatives within the Justice portfolio more generally.

Cabinet and Cabinet Committee Papers

The rules on the submission of papers to Cabinet and Cabinet committees are set out in Chapter 5 of the Cabinet Manual. In particular, in terms of paragraph 5.42, you may submit papers to Cabinet and Cabinet committees within your designated areas of responsibility, provided that the submission clearly indicates that I have been consulted and have agreed that the paper may be lodged.

You will have access (for example, via CabNet) to all submissions and minutes, of those Cabinet committees of which you are a member. You will also have access to those submissions relating to your delegated responsibilities that are dealt with at any other Cabinet committee.

Information held by you as Associate Minister

Under the Official Information Act 1982, all papers held by you in relation to your Associate Minister responsibilities within this portfolio are deemed to be held on behalf of the Minister of Justice. Similarly, you will be treated as my agent, where necessary, for the purposes of the Privacy Act 1993.

You will be responsible for all Official Information Act requests in the areas of your delegated responsibility.

Parliamentary responsibilities

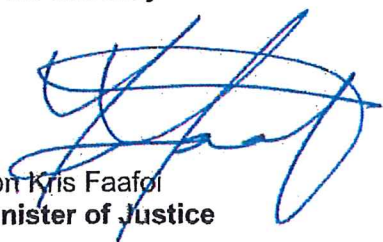
Parliamentary questions relating to your delegated areas of responsibility will be addressed to you. In my absence, you may also be required to answer oral Parliamentary questions on my behalf.

Next steps

A summary of the above delegations will be published on the Department of the Prime Minister and Cabinet's website, and included in a *Schedule of Responsibilities Delegated to Associate Ministers and Parliamentary Under-Secretaries*. The Schedule will be presented to the House of Representatives to clarify Ministerial accountability (so that, for example, Parliamentary questions can be directed to the appropriate Ministers for answer).

I look forward to working with you in the Justice portfolio. Please do not hesitate to discuss these delegations with me at any time.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Kris Faafoi', written over a horizontal line.

Hon Kris Faafoi
Minister of Justice

cc Secretary of the Cabinet
Chief Executive, Ministry of Justice

Appendix 1: Ministry of Justice administered tribunals and statutory bodies

- Accident Compensation Appeal Authority
- Additional Members of the High Court for Land Valuation Proceedings
- Canterbury Earthquakes Insurance Tribunal
- Community Magistrates
- Copyright Tribunal*
- Coroners*
- Criminal Justice Assistance Reimbursement Scheme
- Customs Appeals Authority
- Disputes Tribunal
- Human Rights Review Tribunal
- International Centre for Settlement of Investment Disputes
- Land Valuation Tribunal
- Lawyers and Conveyancers Disciplinary Tribunal
- Legal Aid Tribunal
- Legal Complaints Review Officers
- Motor Vehicles Disputes Tribunal
- Private Security Personnel Licensing Authority
- Public Protection Order Review Panel
- Second-hand Dealers and Pawnbrokers Licensing Authority
- Social Security Appeal Authority*
- Student Allowance Appeals Authority
- Taxation Review Authority
- Tenancy Tribunal
- The Review Authority
- Trans-Tasman Occupations Tribunal
- Victim's Special Claims Tribunal
- Visiting Justices
- Waitangi Tribunal*
- Weathertight Homes Tribunal

*consulted only for appointments

Appendix 3: Policy Group work programme package of materials

The following attachments are included:

- Policy work programme 2022-23 briefing, 4 May 2022
- Appendix 1 to the briefing: work programme 2022-23
- Aide memoire: confirmation of the Policy Group work programme 2022-23, 27 May 2022
- Appendix 2 to the aide memoire: confirmation of policy work programme 2022-23

Hon Kris Faafoi, Minister of Justice

Policy work programme 2022-2023

Date	4 May 2022	File reference	Office of Deputy Secretary/02 Work programme/Work programme advice/2205
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Action sought

Timeframe

Discuss the Ministry's policy work programme for 2022-23 with us	11 May 2022
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Contacts for telephone discussion (if required)

Name	Position	Telephone		First contact
		(work)	(a/h)	
Rajesh Chhana	Deputy Secretary, Policy	04 494 9909	s 9(2)(a)	
Brendan Gage	General Manager, Criminal Justice	04 498 9908	s 9(2)(a)	
Kathy Brightwell	General Manager, Civil and Constitutional	04 498 2392	s 9(2)(a)	
Sam Kunowski	General Manager, Courts and Justice Services Policy	04 913 9172	s 9(2)(a)	

Minister's office to complete

- Noted Approved Overtaken by events
 Referred to: _____
 Seen Withdrawn Not seen by Minister

Minister's office's comments

RESTRICTED AND IN CONFIDENCE – BUDGET SENSITIVE

Purpose

1. This briefing updates you about the Ministry's policy work programme for the Justice portfolio and seeks decisions on priorities for the rest of the parliamentary term.

Key messages

2. This briefing follows the previous work programme briefing sent to you in December 2021 and our conversation on the work programme in January this year.
3. Since those earlier conversations around the beginning of the year, we have provided you further briefings on specific topics to inform decisions about priorities for the remainder of the term. We have also learnt of the successful Budget bid, which means that we will be better able to respond to expectations.
4. Given the breadth of the Justice portfolio, the number of current and potential projects continues to exceed the capacity of the Policy Group. New priority projects continue to emerge, and greater emphasis put on some existing projects. The reality remains that difficult choices need to be made to decide which projects can be advanced and completed before the election period begins in the later part of 2023.
5. External factors, such as the availability of House time and, increasingly, time for Ministerial consultation and Cabinet Committee considerations also affect what can be delivered before the election. Advancing the work programme will involve your office continuing to work with the Leader of the House, Prime Minister's and other Ministerial Offices, and Cabinet Office to make sure there is space for these programmes.
6. Based on the Prime Minister's letter, manifesto commitments and discussions with you, we have prepared a draft work programme. We have also taken the recently confirmed Budget uplift into account in setting out what we can achieve for you before the election.
7. Trade-offs have been made, which are explained, including their implications. These trade-offs mean that while some stakeholders will be pleased, others, including your Ministerial colleagues, may be disappointed with the extent of progress on some projects by the election. You may wish to discuss implications with your colleagues.
8. Our advice is summarised in the table in **Appendix 1**.
9. We seek your views and would like to discuss this approach with you. A meeting has been scheduled on 11 May 2022 for this purpose.

We have made progress in the first quarter of 2022

10. Despite the challenges brought about by COVID-19, we have continued to deliver in the first quarter of the year. Notable highlights include:
 - passage of legislation including the Conversion Practices Prohibition Legislation Act 2022 and the COVID-19 Response (Courts Safety) Legislation Act 2022

- completing public consultation to develop advice on political donations reform
 - commencing the statutory review of the Intelligence and Security Act 2017 and the statutory review of the Sale and Supply of Alcohol (Fees) Regulations 2013
 - completing the selection process for the panel to undertake the Independent Review of Electoral Law
 - securing Cabinet agreement to develop Aotearoa New Zealand's first national action plan against racism.
11. In our conversation with you in January, we committed to providing you with advice on a number of projects to inform further decisions about the programme. We have delivered these briefings, which includes advice on reform of the Sale and Supply of Alcohol Act 2012, s 9(2)(f)(iv), relationship property and succession law, and a review of the Human Rights Act 1993 and incitement of hatred and discrimination. Briefings on adoption and surrogacy will also be provided to you shortly following this advice.

The sources of our work

12. Our work covers both the Justice and Courts portfolios and includes obligations that we must meet, in addition to helping you achieve your goals for the Government.

We have an ambitious and dynamic programme of priority-driven work

13. Our priority-driven work includes projects highlighted in the Prime Minister's priorities letters, manifesto commitments, and Government and Ministerial priorities. Some of this work has a renewed sense of urgency, including the work related to gangs and scoping work around stalking and harassment. This shift in focus is not uncommon but requires scaling back other work.

We are committed to progressing initiatives in the Courts portfolio

14. Our work programme includes policy work that is critical to the operations of the courts. Most recently this has resulted in the progression of the COVID-19 Response (Courts Safety) bill, Security of Information in Proceedings bill and Coroners bill, as well as some scoping work on options to reduce the backlog of jury trials, s 9(2)(f)(iv) and structure of Tribunals.
15. While not all these projects are related to government manifesto priorities, they look to address known issues and are high priorities for the judiciary and, in some cases, for the Minister for Courts and/or the Attorney-General. Managing these projects takes up some of our capacity and means we have to carefully balance progressing government and judicial priorities at times. We will note any trade-offs in advice we provide you on progressing several court-related policy projects in the coming months.

Our work includes mandatory commitments, stewardship and reactive work

16. As you know, there is work we are committed to doing either because it arises from an international obligation, core function or other legal requirement (for example statutory reviews). One of our mandatory commitments is to respond to the Law Commission's review of succession law by 15 June. We also have stewardship responsibilities under the Public Service Act 2020.
17. The choices about prioritisation of this mandatory work are limited or carry risks if we under-resource them. Similar to the Courts portfolio, we resource this work carefully.

The Budget uplift means we can focus on doing things better

18. Since we last spoke to you about the work programme, we have learnt of the success of our Budget bid. New funding over this and the coming 3 years will bring our baseline close to what our operating expenses have been for the past decade.
19. The certainty that stable funding brings allows us to move away from one-off funding and recruit more permanent staff. The move to a larger permanent staff base means that we will be better able to meet wellbeing needs and support professional development. This will make us better able to respond to new priorities and become more efficient.
20. The funding uplift will also mean that we are better able to meet expectations and requirements around public engagement. We are already forecast to spend more than double on engagement in the 2022/23 financial year compared to the 2021/22 financial year, including on the National Action Plan Against Racism.
21. We have taken the additional funding into account in the proposed work programme.

Confirming our work programme for this parliamentary term

22. The volume of our mandatory commitments and the scale of priority-driven work in the portfolio is such that we cannot progress all priority-driven work with the resource we have at the same time and pace. We are also constrained by external factors, such as the availability of House time and, increasingly, time for Ministerial consultation and Cabinet Committee considerations.
23. We need to confirm decisions around relative priorities and the trade-offs that can be made. To assist your decisions, we have categorised projects as follows:
 - top priorities that cannot be stopped, slowed or deferred
 - priorities to be sequenced around other projects
 - projects that will be put on hold for the time being.
24. This approach balances achieving expected progress on the top priorities while ensuring other priority work continues albeit at a slower pace and/or as resourcing allows. Some projects will also remain on hold for the time being.

	We address other projects that are part of the RCOI response below.
National Action Plan Against Racism	This manifesto commitment and is underway following Cabinet agreement.
Electoral initiatives § 9(2)(f)(iv) [Redacted]	<p>These initiatives are the Māori Electoral Option and Political Donations Amendment bills, the Independent Review of Electoral Law, the Government response to the Independent Review, § 9(2)(f)(iv) [Redacted] § 6(a), § 9(2)(f)(iv) [Redacted] [Redacted]</p> <p>This collection of work includes time-sensitive projects, that are necessary to deliver with sufficient time before the 2023 General Election. It also includes projects with dedicated funding. Not all of them are manifesto commitments, but given the interconnected nature of them, we recommend progressing all the projects as a package and giving them our top priority.</p>
Adoption § [Redacted] §(2) (f)	§ 9(2)(f)(iv) [Redacted] [Redacted]
Legal aid	This project will amend the Legal Services Act 2011 and regulations to implement the Budget 2022 changes to legal aid, and make changes to enhance access to justice.
Family Court Associates	This bill, to create the role of Family Court Associates, is to be passed this term.
Review of the Sale and Supply of Alcohol Act	<p>§ 9(2)(f)(iv) [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]</p> <p>The statutory review of the Alcohol Fees Regulation (a mandatory commitment) will continue to progress separately, although we will look for opportunities to align where appropriate.</p>

Priorities to be sequenced around other projects

28. You have other priority projects, which we will sequence around other projects. We seek confirmation of this approach.

Topic	Comment
Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 (the RCOI)	<p>After the ISA and AML reviews, our next emerging priorities are to complete work on designations, § 9(2)(f)(iv) [REDACTED] and control orders. We propose sequencing these priorities after the statutory reviews are complete.</p> <p>The ISA review is currently scheduled to be completed in September 2022. The AML review is due to be complete by the end of June 2022, § 9(2)(f)(iv) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>

§ 9(2)(f)(iv) [REDACTED]

Projects to be put on hold for the time being

29. You have previously confirmed projects to be put on hold. These are listed at **Appendix 2**.

30. We also propose putting the following work on hold, so that resources can be freed up to focus on other projects, until more resource is available:

- review of the Human Rights Act (HRA) 1993
- § 9(2)(f)(iv) [REDACTED]

- s 9(2)(f)(iv) [redacted]
[redacted]
- s 9(2)(f)(iv) [redacted]
[redacted]

31. s 9(2)(f)(iv) [redacted]
[redacted]
[redacted]
[redacted]

32. s 9(2)(f)(iv) [redacted]
[redacted]

Updating you on progress

33. We will continue to keep you updated on our progress against the agreed priorities throughout the rest of the term.
34. Based on experience, we will need to be prepared to respond to 3 to 4 unplanned and urgent projects between now and the end of the parliamentary term, such as becoming involved in work being driven by other Ministers. If such issues arise that may affect delivery of our work programme, we will bring this to your attention and discuss reprioritisation, as needed.

Next steps

35. You may wish to discuss the relative priorities with your Ministerial colleagues, particularly those projects which cross-Ministerial interest such as the RCOI into the 15 March terrorist attack. We could provide you with material to support you in those conversations.
36. We would like to discuss this proposed work programme with you at the meeting scheduled on 11 May 2022.

Recommendations

37. It is recommended that you:

- | | | |
|----|---|----------|
| 1. | Note our recommendations for the work programme for the rest of the parliamentary term; | YES / NO |
| 2. | Discuss the Ministry's policy work programme for 2022-23 with us on 11 May 2022; | YES / NO |
| 3. | Note that we will continue to meet with you to discuss the policy work programme and your priorities on a regular basis; | YES / NO |
| 4. | Forward the briefing and appendices to the Minister for Courts. | YES / NO |



Rajesh Chhana

Deputy Secretary, Policy

APPROVED SEEN NOT AGREED

Hon Kris Faafoi
Minister of Justice


Date / /

Attachment: Appendix 1: work programme

Appendix 2: projects on hold

- Review of the Official Information Act 1982

s 9(2)(f)(iv)



RESTRICTED AND IN CONFIDENCE – BUDGET SENSITIVE

KEY	
In the House - will resource as needed	Mandatory - will resource as needed
Top priority - cannot be stopped, slowed or deferred	Priorities to be sequenced around other projects
To be progressed as resource allows	Court/judiciary priority
On hold	Referred to Law Commission

Appendix 1: work programme 2022-2023

	Name	Description	Mandate	Categorisation	Milestone to be achieved by end of Parliamentary term	Minister's comments
Gangs	Leading Justice Sector work on gangs	We support you in your leadership role for a policy and legislative package relating to gangs. This new work programme emerged out of recent meetings of the Social Wellbeing Committee (SWC). The scale of the work is being scoped. We have made a preliminary assessment of effort to inform this briefing, with a separate report to you to follow with a proposed work programme to present to SWC in June 2022.	Prime Minister's letter and manifesto	Top priority - not to be stopped, slowed or deferred	Bill passed this term	
	Criminal Proceeds Recovery (Amendment) Bill	This bill will make it easier to secure the seizure and forfeiture of ill-gotten gains that come into New Zealand from overseas, and to target the assets of those associated with organised criminal groups.	Prime Minister's letter and manifesto	Top priority - not to be stopped, slowed or deferred	Bill passed December 2022	
	s 9(2)(f)(iv)	[REDACTED]				
Human rights	New Zealand Bill of Rights (Declarations of Inconsistency) Bill	This bill helps provide a mechanism for the Executive and the House of Representatives to consider, and, if they think fit, respond to, a declaration of inconsistency made under the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.	Government or ministerial commitment	In the House - will resource as needed	Bill passed	
	National Action Plan Against Racism	This project develops a national action plan against racism for Aotearoa New Zealand. The action plan will be a comprehensive, whole-of-government programme of concrete actions aimed at progressively bringing about improvements in the promotion of racial equality and equity. Developing the plan will be a significant undertaking involving: governance and steering group arrangements that include tangata whenua, tauīwi and senior officials; a whole-of-government process to identify and develop actions; a two-step public engagement process to inform and test the draft action plan and a strong evidence base.	Manifesto	Top priority - not to be stopped, slowed or deferred	Preliminary draft of national action plan against racism prepared	
	Human Rights Act Review	A review of the Human Rights Act 1993, including the existing exceptions for lawful discrimination, the effectiveness of the complaints process and the governance structure and jurisdiction of the Human Rights Commission.	Stewardship	On hold		

RESTRICTED AND IN CONFIDENCE – BUDGET SENSITIVE

	Name	Description	Mandate	Categorisation	Milestone to be achieved by end of Parliamentary term	Minister's comments
Human rights (continued)	International Human Rights Monitoring and Reporting	We report to the United Nations, monitor progress on commitments, and present over an ongoing cycle on five Conventions: UN Universal Periodic Review (UPR), UN Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), UN Committee on Elimination of Racial Discrimination (CERD), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR).	Mandatory (international commitment)	Mandatory - will resource as needed	Convention Against Torture presentation in Geneva expected April/May 2023	
	Establishing a National Mechanism for Human Rights Reporting and Follow-up	The United Nations (UN) strongly recommends that each member state have a 'National Mechanism for Reporting and Follow-up' to support engagement with international human rights mechanisms. New Zealand is establishing an inter-ministerial National Mechanism. Capability of the National Mechanism would be built over time, but first steps include establishing an Inter-agency Governance Group, developing a web-based tool and guidelines. This is a joint project with MFAT.	Mandatory (international commitment)	Mandatory - will resource as needed	We will continue to support the work of the Governance Group	
Electoral	Electoral Amendment Bill (Māori Electoral Option)	This bill will provide for Māori to exercise the Māori Electoral Option and move between the Māori Electoral Roll and the General Roll any time, subject to an exception for by-elections.	Prime Minister's letter and manifesto	Top priority - not to be stopped, slowed or deferred	Bill enacted by October 2022	
	Electoral Amendment Bill (Political Donations)	This bill will consider changes to the Electoral Act to improve transparency about how political parties and candidates are funded, as well as to reduce the administrative complexity for parties and candidates.	Prime Minister's letter and manifesto	Top priority - not to be stopped, slowed or deferred	Bill enacted by the end of 2022	
	Independent Review of Electoral Law	An Independent Panel will be appointed to review our electoral laws, looking at how elections are run, and issues such as the length of the parliamentary term, the voting age and the Electoral Commission's recommendations to improve MMP.	Manifesto	Top priority - not to be stopped, slowed or deferred	Progressing work to support the Panel's report to Minister in 2023	
	Government Response to Independent Review into Electoral Law	The next stage of the project will be led by the Ministry of Justice, to respond to the Panel's recommendations, and develop a new Electoral Act.	Government or ministerial commitment	s 9(2)(f)(iv)		
	s 9(2)(f)(iv)					
	s 6(a), s 9(2)(f)(iv)					
	Inquiry into 2020 General Election (Stage 2)	The Ministry of Justice has been appointed to advise the Justice Committee on its inquiry into the General Election. Recommendations from the Committee may lead to operational or legislative changes to future elections.	Mandatory	Mandatory - will resource as needed	Advice for Justice Committee	

RESTRICTED AND IN CONFIDENCE – BUDGET SENSITIVE

	Name	Description	Mandate	Categorisation	Milestone to be achieved by end of Parliamentary term	Minister's comments
Electoral (continued)	Waitangi Tribunal's Kaupapa Inquiry into Constitution, Self-Government, and the Electoral System	This project will co-ordinate the Crown's engagement with the Waitangi Tribunal's kaupapa inquiry "Constitution, self-government, and the electoral system". The Crown's role needs to be carried out in a collaborative way that strengthens relationships between Māori and the Crown.	Mandatory	Mandatory - will resource as needed	Develop programme plan and put governance arrangements in place	
	s 9(2)(f)(iv)					
Civil and family law	Adoption Amendment Bill	The Government is currently undertaking a review of Aotearoa New Zealand's adoption laws. Reform will begin with public and targeted engagement on issues and options for change will consider New Zealand's 3 main adoption statutes.	Manifesto	Top priority - not to be stopped, slowed or deferred	s 9(2)(f)(iv)	
	s 9(2)(f)(iv)	Government's response to the Law Commission's examination of surrogacy law, regulation and practice in Aotearoa New Zealand. The Law Commission's report will make recommendations to ensure that the law meets the needs and expectations of New Zealanders and protects the rights and interests of people involved in surrogacy arrangements, including children born as a result of a surrogacy arrangement, surrogates and intending parents.	Manifesto	s 9(2)(f)(iv)		
	Family Courts Associates Bill	This bill will create the role of Family Court Associates.	Manifesto	Top priority - not to be stopped, slowed or deferred	Bill passed	
	Succession Law - response to the Law Commission report	Government's response to the Law Commission's review of succession law.	Mandatory (response to Law Commission Report)	Mandatory - will resource as needed	Government response	
	s 9(2)(f)(iv)					
	Family Court Rules Review	Next stages of responding to recommendations of the Independent Panel examining Family Justice Reforms, including continuing foundational initiatives such as development of new operating model for Family Court and rewrite of rules. Review of the rules would involve two parts. Part A would involve a review of the content of the rules. Part B would involve consideration of ongoing responsibility for the rules.	Manifesto	To be progressed as resource allows	Review at midpoint (policy decisions in mid-2024)	
	Children's participation in Court	Outsourced literature review and advice on best practice models of children's participation in court proceedings.	Manifesto	Court/judiciary priority	Act in force	

RESTRICTED AND IN CONFIDENCE – BUDGET SENSITIVE

	Name	Description	Mandate	Categorisation	Milestone to be achieved by end of Parliamentary term	Minister's comments	
Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 (the RCOI)	Security Information in Proceedings Legislation	This bill adds to the Government's work to strengthen New Zealand's protections against security threats and relates to the recommendations of the Royal Commission into the terrorist attack on Christchurch masjidain (RCOI) to review all legislation relevant to counter terrorism. This Bill will create a single overarching legal framework for the use and protection of security information in proceedings.	Prime Minister's letter and manifesto	In the House - will not be scaled back	Bill passed end 2022		
	Designations under the Terrorism Suppression Act 2002	Review of designation provisions in the Terrorism Suppression Act 2002.	Prime Minister's letter and manifesto	Sequence after the ISA and AML reviews are complete	Briefing (no legislation)		
	Budapest Convention Accession Bill	The Budapest Convention is a criminal justice agreement that harmonises Party countries' laws with respect to certain specified cybercrime offences, search and surveillance powers, and mutual assistance protocols. This omnibus bill will complete New Zealand's accession to the Budapest Convention with amendments to the Search and Surveillance Act, Customs and Excise Act, the Crimes Act, the Mutual Assistance in Criminal Matters Act.	Prime Minister's letter and manifesto	Top priority - not to be stopped, slowed or deferred	Bill passed end 2022		
	Human Rights (Incitement) Amendment Bill	This bill will respond to recommendation 40 of the RCOI. It will amend sections 61 and 131 of the Human Rights Act concerning incitement of hostility or hatred of others. It will also clarify that sex characteristics and gender are included as protected grounds from discrimination.	Prime Minister's letter and manifesto	Top priority - not to be stopped, slowed or deferred	Bill enacted by May 2023		
	Search and Surveillance Amendment Bill	The RCOI recommended that the Government review the Search and Surveillance Act along with other counter-terrorism related legislation. This review picks up on the 2018 Law Commission and Ministry of Justice report which made 67 recommendations to improve the clarity and workability of the Act.	Prime Minister's letter and manifesto	Will advise on timing when we report back to you on the consultation, expected in July.	Report to Government		
	s 9(2)(f)(iv)	[REDACTED]					
	Terrorism Suppression (Control Orders) Amendment Bill	This bill will further extend eligibility of the control orders regime in the Terrorism Suppression (Control Orders) Act 2019.	Prime Minister's letter and manifesto	Sequence after the ISA and AML reviews are complete	Bill passed		

RESTRICTED AND IN CONFIDENCE – BUDGET SENSITIVE

	Name	Description	Mandate	Categorisation	Milestone to be achieved by end of Parliamentary term	Minister's comments
The RCOI (continued)	Intelligence and Security Act Review	Secretariat support to independent reviewers and special adviser on the statutory review in accordance with the terms of reference and timeframe set by the Prime Minister. The review was brought forward as part of the government's response to the Royal Commission's report into the terrorist attack on Christchurch masjidain.	Mandatory (statutory review)	Mandatory - will resource as needed	Report to Minister of National Intelligence and Security in September 2022	
	Anti-Money Laundering and Countering Financing of Terrorism Amendment Bill	A statutory review of the Anti-Money Laundering and Counter Financing of Terrorism Act (AML/CFT Act) started on 1 July 2021 and will conclude at the end of June 2022. The Ministry will provide the Minister a report on the performance of the Act and whether any amendments are needed. The Minister must then table the report in Parliament as soon as practical. Limited changes that can be made through regulations to fulfil international obligations and improve the effectiveness and efficiency of the AML/CFT regime have already been identified and advice will be provided to the Minister following completion of the Statutory Review.	Mandatory (statutory review)	Mandatory - will resource as needed	Report to Government	
	Hate Crime	This project responds to recommendation 39 of the Royal Commission into the terrorist attack on Christchurch masjidain, that hate motivated offences be created in the Summary Offences Act and the Crimes Act in relation to offensive behaviour or language, assault, arson, wilful damage, intimidation and intentional damage.	Prime Minister's letter and manifesto	Referred to Law Commission		
Alcohol	Review of the Sale and Supply of Alcohol Act 2012	Alcohol-related harm is an ongoing issue in New Zealand and several independent inquiries have concluded that stronger regulation is required. There are licensing and operational aspects of the Act that do not appear to be working as intended. There are significant measures for regulating alcohol that are not currently features of the New Zealand regime. s 9(2)(f)(iv)	Manifesto	Top priority - not to be stopped, slowed or deferred (subject to Cabinet approval)	s 9(2)(f)(iv)	
	Alcohol Licensing Fees Review	A statutory review of the regulations that prescribe fees payable to the Alcohol and Regulatory Licensing Authority (ARLA) and territorial authorities in relation to their alcohol licensing functions, as required by the Sale and Supply of Alcohol Act.	Mandatory (statutory review)	Mandatory - will resource as needed	Report to Government	
Criminal justice	Three Strikes Legislation Repeal Bill	Repeal of Three Strikes legislation.	Manifesto	In the House - will not be scaled back	Bill passed end 2022	
	s 9(2)(f)(iv)					

RESTRICTED AND IN CONFIDENCE – BUDGET SENSITIVE

	Name	Description	Mandate	Categorisation	Milestone to be achieved by end of Parliamentary term	Minister's comments
Sexual violence	Evidence Regulations re-write	Regulatory amendments required to support implementation of Sexual Violence Legislation Bill.	Manifesto	Court/judiciary priority	Regulations passed	
	s 9(2)(f)(iv)					
Access to justice	Class actions and Litigation Funding	Government's response to the Law Commission's consideration of whether and to what extent the law should allow class actions, and how they should be regulated, and also the role of litigation funding and the role of the courts, if any, in overseeing litigation funding arrangements.	Mandatory (response to Law Commission Report)	Mandatory - will resource as needed	Government response	
	Legal Services Amendment Bill	Subject to decisions in Budget 2022, this Bill will amend the Legal Services Act 2011 and regulations to: remove legal aid user charges, remove interest on legal aid debt, increase legal aid eligibility and repayment thresholds.	Manifesto	Top priority - not to be stopped, slowed or deferred	Regulations amended Bill passed	
	s 9(2)(f)(iv)					
	Wayfinder	This is work to develop a national roadmap for access to justice, being undertaken in collaboration with the judiciary, academics, legal organisations and others.	Stewardship/judiciary	Court/judiciary priority	Wayfinder document published	
	Legal Needs Survey	This is a survey to determine people's legal needs and which could provide recommendations to improve access to justice.	Stewardship/judiciary	Court/judiciary priority	Survey fieldwork in progress	
Privacy	EU General Data Protection Regulation: Adequacy Review	This project supports the EU's current review of whether New Zealand's privacy law still provides an adequate level of protection for personal information transferred from the EU in light of new standards under the EU's General Data Protection Regulation. Having adequacy status gives New Zealand businesses an advantage over those of countries that do not when competing for business from the EU. It also supports our global reputation as a jurisdiction with strong privacy protections.	Mandatory (international commitment)	Mandatory - will resource as needed	s 9(2)(f)(iv)	
RCOI Abuse in Care	Response to the Royal Commission into Abuse in Care	Justice's contribution to the Crown's response to the RCOI into historical abuse in state care and in the care of faith-based institutions, including contributing to cross-agency work on a new Crown redress scheme and servicing RCOI investigations. Also includes responding to the December 2021 Redress Report recommendations related to the Justice portfolio. This work includes looking at civil litigation settings and a review of limitation periods and potential reform of the relevant legislation.	Government or ministerial commitment	Mandatory - will resource as needed	Advice to Cabinet	

RESTRICTED AND IN CONFIDENCE – BUDGET SENSITIVE

	Name	Description	Mandate	Categorisation	Milestone to be achieved by end of Parliamentary term	Minister's comments
Courts	s 9(2)(f)(iv)					
	Courts stewardship	As part of our regulatory stewardship responsibilities, develop a strategic approach to delivering court stewardship in the medium to longer term. This would enable us to advise on emerging issues and risks to the courts in the future.	Stewardship	Court/judiciary priority	Team established and approach for court stewardship developed/in operation	
	Tribunals	Current state assessment of Tribunals undertaken in 2021, identified a range of potential options for policy and operational improvements relating to Tribunals. Next steps currently under consideration.	Stewardship/judiciary	Court/judiciary priority	TBD	
	Remuneration Authority Bill	This omnibus bill amends the Remuneration Authority Act 1977 and six other Acts to transfer responsibility for determining the remuneration of certain judicial and statutory officers to the Remuneration Authority to recognise the judicial nature of the positions.	Stewardship	Court/judiciary priority	Bill passed	
	Jury trials	Policy and operational work to reduce the number of active jury cases awaiting trial	Manifesto	Court/judiciary priority	TBD	
	s 9(2)(f)(v)	Investigating ways to better utilise Community Magistrates s 9(2)(f)	Stewardship	Court/judiciary priority	TBD	
Coroners	Coroners Amendment Bill (2022)	A narrow-scoped bill to make amendments to the Coroners Act to help reduce the backlog and improve timeliness of the Coronial system.	Government or ministerial commitment	Court/judiciary priority	Bill passed	
	s 9(2)(f)(iv)					
	Coroners Regulations (GP Payments)	Regulations to pay Doctors for reports relating to Coronial inquiries.	Government or ministerial commitment	Court/judiciary priority	Regulations passed	
	Coroners Amendment Bill (Coronial Cap)	This bill amends the Coroners Act to increase the maximum number of coroners from 20 to 22.	Government or ministerial commitment	Court/judiciary priority	Bill passed	



Confirmation of the policy Group work programme 2022-2023

Hon Kris Faafoi, Minister of Justice

27 May 2022

Purpose

1. This aide memoire summarises our discussion about the work programme on 13 May, including identification of your top priorities.

Background

2. On 4 May, we briefed you on our proposed work programme for the remainder of the parliamentary term. On 13 May, we met with you to discuss this proposal. We also discussed how we can work with your office to ensure that your time-sensitive top priorities are given the priority they need to progress.

We have a clear sense of our work programme for this term

3. We have captured the finalised work programme at Appendix 1. It reflects our discussion, recording what you identified as being your top priorities, as well as secondary priority projects, and projects that will be on hold for the time being. We have not included our mandatory work commitments in this list. We will continue to progress that work as needed.
4. Some of the top priority projects are time-sensitive, requiring legislation to be enacted or, at the very least, introduced, by the end of term. We discussed the need for us to work closely with your office to ensure time on Cabinet Committee agendas and in the House. For this purpose, we have prepared a timetable of these projects with key dates, included at Appendix 2.

We will carefully manage resources to ensure we deliver on your top priorities

5. Our work programme is ambitious, but we have not identified any projects that we would advise being deprioritised. We will carefully manage our resources so that we can meet your expectations around the top priorities. Where necessary, we will reallocate resource to top priority projects from lower priority projects to meet deadlines. If this were to happen, we would not be able to progress lower priority projects as initially planned.

Our discussion resulted in some changes to the plan for certain projects

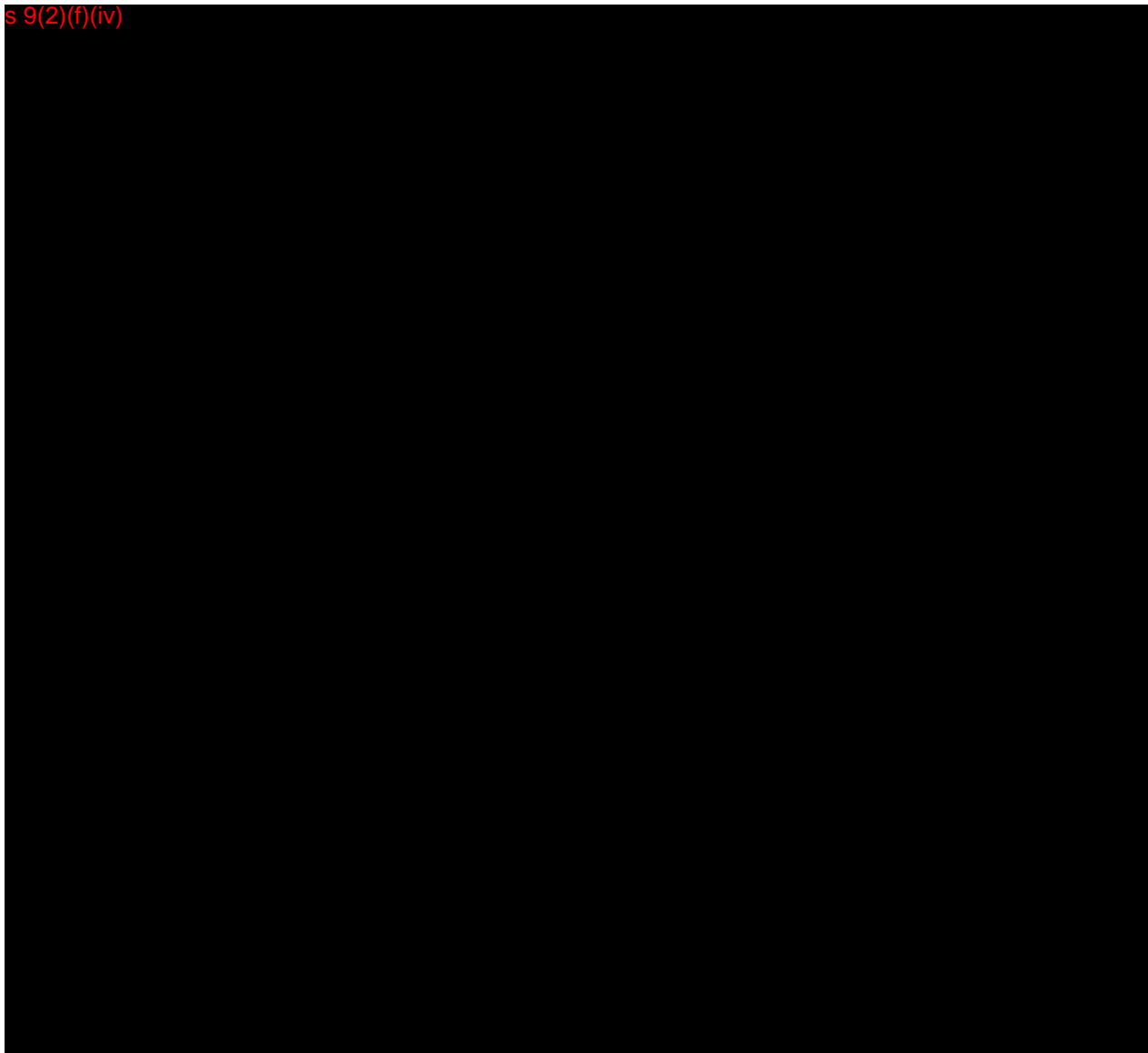
Designations is a top priority project

6. You confirmed that this work is a top priority. You also indicated that **s 9(2)(f)(iv)** can progress at a slower pace. Accordingly, we have reallocated resource **s 9(2)(f)(iv)** to begin work on designations immediately, so that a bill can be passed by August 2023.
7. As work on designations will be progressed via legislation this term, we will look to progress control orders through the same vehicle at the same time.

Approved by: Rajesh Chhana, Deputy Secretary, Policy

8. As we noted, slowing § 9(2)(f)(iv) may cause frustration, § 9(2)(f)(iv). You may wish to discuss implications with your colleagues to manage their expectations.
9. These projects are part of the Government's response to the RCOI the terrorist attack on Christchurch masjidain on 15 March 2019. After the current work in response to the RCOI is complete, we will continue our stewardship role of counter-terrorism legislation generally, in line with recommendation 18.

§ 9(2)(f)(iv)



Next steps

15. We will continue to be proactive in managing our resources and working with your office to ensure top priorities are progressed.
16. We will update you at the earliest if we think that our ability to deliver on your top priority projects is likely to be affected because of factors outside our control.

Appendix 1: policy work programme 2022-2023

Mandatory commitments have not been noted below.

*The projects marked with an asterisk are included in the timetables at Appendix 2.

Area	Top priority projects
Work programme on gangs	<ul style="list-style-type: none"> Gangs Omnibus bill* Criminal Proceeds Recovery (Amendment) bill* § 9(2)(f)(iv)
Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 (the RCOI)	<ul style="list-style-type: none"> Designations under the Terrorism Suppression Act 2002 and control orders* Human Rights (Incitement) Amendment bill* Security Information in Proceedings bill Budapest Convention bill
National Action Plan Against Racism	<ul style="list-style-type: none"> Preliminary draft of national action plan
Electoral initiatives § 9(2)(f)(iv)	<ul style="list-style-type: none"> § 9(2)(f)(iv) Māori Electoral Option* Political Donations Amendment bill* Independent Review of Electoral Law Government response to the Independent Review § 9(2)(f)(iv)
Adoption § 9(2)(f)(iv)	<ul style="list-style-type: none"> Adoption Amendment bill* § 9(2)(f)(iv)
Access to justice	<ul style="list-style-type: none"> Legal Services Amendment bill*
Family Court	<ul style="list-style-type: none"> Family Court Associates bill*
Review of the Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> Commence work as part of review of the Act.
Coroners	<ul style="list-style-type: none"> Coroners Amendment bill (2022)*
§ 9(2)(f)(iv)	<ul style="list-style-type: none"> § 9(2)(f)(iv)

Area	Secondary priority projects
The RCOI	s 9(2)(f)(iv) [REDACTED] will be progressed at a slower pace so that work on designations can be prioritised.
s 9(2)(f)(iv) [REDACTED]	
Family Court	Work on the Family Court Rules Review will be progressed as resource allows.
Access to justice	s 9(2)(f)(iv) [REDACTED]

Projects on hold for the time being

- Human Rights Act Review

s 9(2)(f)(iv) [REDACTED]

- Review of the Official Information Act 1982

s 9(2)(f)(iv) [REDACTED]

Confirmation of the policy work programme 2022-2023

Appendix 2: top priority projects with legislative components

KEY	Policy
	Engagement
	LEG
	House time
	TBC

Top priority and time-sensitive projects with legislative components at 27 May 2022

	Bill	Milestone	May-22		Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	
Top priority - time sensitive	Electoral Amendment bill (Māori Electoral Option)	Bill passed	12/5: LEG 16/5: CAB	31/5: intro (tbc)	2/6: 1R	Select Committee			3/10: report back 18-27/10: all stages 28/10: enactment											
	Electoral Amendment bill (Political Donations)	Bill passed	Draft LEG paper to Minister		23/6: LEG 27/6: CAB	30/6: 1R	Select Committee			31/10: report back	8-17/11: all stages 18/11: enactment									
	s 9(2)(f)(iv)																			
	Designations under the Terrorism Suppression Act 2002/Control Orders	Bill passed before August 2023					26/7: CAB policy approval	Early-September: CAB bill approval		Early-October: intro and 1R										
Legal Services Amendment bill	Bill passed Regulations amended	Draft Cabinet paper to Minister		22/6: SWC policy approval 27/6: CAB policy approval	Draft LEG paper to Minister			Early-October: LEG bill approval	Intro	Jan: Regulation amendments in force		s 9(2)(f)(iv)								
										Select Committee										

Confirmation of the policy work programme 2022-2023

Appendix 2: top priority projects with legislative components

KEY	Policy
	Engagement
	LEG
	House time
	TBC

Top priority projects with legislative components at 27 May 2022

	Project	Milestone	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23		
Top priority	Gangs Omnibus bill	Bill passed	Policy				Late-July: Advice to Justice Ministers	Late-August: SWC policy approval	Early-September: CAB policy approval	LEG	s 9(2)(f)(iv)									
	Criminal Proceeds Recovery (Amendment) bill	Bill passed		LEG bill approval	House time					July: intro	s 9(2)(f)(iv)									
	Human Rights (Incitement) Amendment bill	Bill passed	May: draft Cabinet paper to Minister	Policy			27/7: SWC policy approval	1/7: CAB policy approval	LEG	s 9(2)(f)(iv)										
	Family Courts Associates bill	Act in force	Engagement	23/6: LEG bill approval 27/6: CAB approval	27/6: intro 30/6: 1R	House time			Select Committee	Oct: report back	Nov-22	s 9(2)(f)(iv)								
	Coroners Amendment bill (2022)	Bill passed				28/7: LEG bill approval	4/8: intro	House time												
	Adoption Amendment bill	s 9(2)(f)(iv)		Jun: CAB approval of discussion document	Engagement			s 9(2)(f)(iv)												