

13 April 2023

Section (9)(2)(a)

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Our ref: OIA 102415

Tēnā koe

Official Information Act request: Hate Speech Proposals

Thank you for your request of 9 February 2023 under the Official Information Act 1982 (the Act) in which you sought information about the costs and hours of work on the proposals related to the incitement of hatred. Specifically, you wrote:

"...I request the following information about the hate speech proposals:

- 1. The total spend on the proposals*
- 2. The total spend on contractors and consultants*
- 3. The number of hours spent on the proposals broken down by hours spent on it by consultant/contractors and Ministry of Justice staff*
- 4. The number of Ministry of Justice staff who were permanently working on the proposals and the number of staff who will still be permanently working on the proposals after the PM's announcement of the proposals ending."*

To aid in responding to your request, they have been numbered.

In response to the first part of your request, the total expected spend is \$760,925.27 (excluding GST). This includes:

- fees for translation of consultation materials, producing accessible versions of the materials, a country-wide series of hui to engage with communities on the proposals, and analysis of public submissions received through consultation in 2021;
- staff travel to attend nationwide hui in July and August 2021;
- analysis of submissions to the Justice Committee on the Human Rights (Incitement on Ground of Religious Belief) Amendment Bill; and
- project management staff costs and policy contractor costs.

This figure excludes costs for Ministry of Justice officials' time.

Please note, engagement costs in 2021 were shared with the Department of Internal Affairs and the Ministry of Social Development who were consulting on related proposals at the same meetings (changes to the definition of 'objectionable' in the Films, Videos and Publications Classifications Act 1993 and strengthening social cohesion). The figure given excludes costs paid by these other agencies.

The figure provided is lower than the figure provided in response to WPQ 55915 in December 2021 by the then Minister of Justice (\$796,722.11). That figure inadvertently included the cost of submissions analysis for submissions to the Select Committee on the Conversion Practices Prohibition Legislation Bill, and did not include some other invoices, or officials' travel expenses. We also note that the figure provided here includes an invoice for submissions analysis for the Human Rights (Incitement on Ground of Religious Belief) Amendment Bill, which had not been introduced at that time.

In response to the second part of your request, the total expected spend on contractors and consultants to date is \$595,934. This figure is included in the total cost figure provided above. The figure provided includes:

- consultants that facilitated the engagement hui;
- analysis of submissions received through the 2021 public engagement;
- project management staff for the 2021 engagement;
- a policy contractor; and
- analysis of submissions to the Justice Committee on the Human Rights (Incitement on Ground of Religious Belief) Amendment Bill.

We use contractors and consultants to bring in additional expertise where there are specialized resourcing or software requirements which cannot be filled through the Ministry's existing resources or recruitment, the roles need to be independent (for example, independent hui facilitation), or are needed short term. The Ministry engages contractors and consultants using its own procurement policy, which is consistent with the guidance of the Office of the Auditor-General, and the Government Rules of Sourcing issued by the Ministry of Business, Innovation and Employment.

In response to the third part of your request, the contractor hours spent are 1409.5 hours. Please note engagement facilitation and submission analysis services were invoiced in accordance with relevant contracts and hourly breakdowns were not provided.

The Ministry of Justice policy group has a timesheet recording system for the purpose of forecasting. The system is used as an estimate for forecasting rather than to provide detailed information about current or past projects. This data would not provide an accurate picture of time spent on this work, so we have not included that information in response to your request. I am therefore refusing this part of your request under section 18(e) of the Act on the grounds that the information sought does not exist.

Table 1: Number of staff working on the proposals from 26 November 2020 to 8 February 2023*

Dates	Role	Number of staff
26 November 2020- April 2021	Policy advisor	2
	Senior Policy advisor	1
	Principal advisor	1
May – November 2021	Policy advisor	2
	Senior Policy advisor	3
	Principal advisor	1
December 2021- June 2022	Policy advisor	1
	Senior Policy advisor	1
	Principal advisor	1
July – November 2022	Policy advisor	2
	Senior Policy advisor	1
	Principal advisor	1
December 2022 – 8 February 2023	Policy advisor	1
	Senior Policy advisor	1
	Principal advisor	1

***Please note:** These figures outline employees primarily working on the proposals, alongside other work and therefore do not represent full-time equivalents

In response to part four of your request, see table 1 attached. Please note that following the announcement on 8 February, this project is no longer included in the Ministry's work programme. Ongoing work is limited to tasks such as responding to requests for official information, responses to Ministerial correspondence, and other 'business as usual' work. The Ministry has provided information about the approximate numbers of staff working on the proposals at different times. As most of these staff were also working on other projects, these figures do not represent full-time equivalents.

If you require any further information, please contact Media & Social Media Manager Joe Locke at media@justice.govt.nz

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



Kathy Brightwell

General Manager, Civil and Constitutional Policy