

7 June 2023

Section (9)(2)(a)

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Our ref: OIA 104174

Tēnā koe Section (9)(2)(a)

Official Information Act request: Mental Health interactions

Thank you for your email of 20 April 2023 under the Official Information Act 1982 requesting information regarding mentally/intellectually disabled persons interaction with the justice system. You specifically requested:

- *“All reports commissioned and produced by the MOJ with specific regard to, or where the main focus is on mentally ill and/or intellectually disabled people and their interactions with the justice system*
- *All briefings provided to Ministers about mentally ill and/or intellectually disabled people and their interactions with the justice system*
- *Any specific reports, briefings, or communications (including internal emails) on the topic of a specialised mental health court”*

Your request has been referred to me for response, as it falls within my responsibilities as Group Manager, Commissioning and Service Improvement, and is being managed in accordance with the provisions of the Official Information Act 1982 (the Act).

On 5 May 2023 the Ministry contacted you to clarify your request. You confirmed that your request could be clarified to the following:

- *All reports from January 2019 commissioned and produced by the MOJ with specific regard to, or where the main focus is on mentally ill and/or intellectually disabled people and their interactions with the justice system. Please provide a title list of reports and the date of publication. This is not a request for all of the reports in their entirety.*
- *All briefings provided to Ministers about mentally ill and/or intellectually disabled people and their interactions with the justice system since January 2019. (This may be better requested directly from the Minister?).*
- *Any specific reports or briefings on the topic of a specialised mental health court since January 2019. The title of any reports produced may also appear in the list requested under part 1 of this request.*

In response to your request, I have appended to this letter a list of documents that fall within the scope of your request. Copies of the documents are enclosed. Below you will find the list of documents, appended, and my decisions on their release.

Please note, some information has been withheld from the documents under the following provisions of the Act:

- section 9(2)(a) to protect privacy of natural persons; and
- section 9(2)(f)(iv) to maintain the constitutional conventions that protect confidentiality of advice tendered by Ministers and officials.

In accordance with section 9(1) of the Act, I have considered the public interest in making available the information being withheld and determined that it does not outweigh the need to withhold the information at this time.

In response to part three, I am refusing this part of your request under section 18(d) on the grounds that the information is publicly available. You can find the Mental Health Court evidence brief at: justice.govt.nz/assets/Mental-Health-Courts.pdf

Additionally, information that is publicly available has been refused under section 18(d) of the Act, and links have been provided. Information that has been deemed out of scope of your request has also been excluded.

Additional publicly available information can be found at:

- Quality framework- justice.govt.nz/about/lawyers-and-service-providers/service-providers/communication-assistance/
- Traumatic brain injury paper (2017) - justice.govt.nz/assets/Traumatic-Brain-Injury-paper-.pdf
- Mental illness and the Justice System (2015) - justice.govt.nz/assets/Mental-health-and-the-Justice-System.pdf

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



Donella Gawith
Group Manager, Commissioning and Service Improvement

Documents requested

No.	Date	Document type	Title	Decision on release
1.	9 March 2023	Weekly Report	Weekly Report for Minister Allan	Withheld under section 9(2)(a) and s9(2)(f)(iv) remaining information out of scope
2.	21 April 2023	Cabinet paper	Title withheld under section 9(2)(f)(iv)	Withheld under s9(2)(f)(iv)
3.	11 March 2021	Weekly Report	Weekly Report for Minister of Justice (Minister Faafoi)	Some information withheld under section 9(2)(a) and some information out of scope
4.	19 July 2021	Fortnightly Report	Fortnightly Report for Minister of Courts (Minister Sio)	Some information withheld under section 9(2)(a) and some information out of scope
5.	17 April 2023	Media Response	CPMIP response	Released in full