

11 July 2023

Section 9(2)(a)

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Ref: OIA 105232

Tēnā koe Section 9(2)(a)

Official Information Act request: Section 27 reports

Thank you for your email of 13 June 2023 requesting, under the Official Information Act 1982 (the Act), information regarding Section 27 reports. Specifically, you requested:

A breakdown of the amount of Ministry of Justice and/or Courts funding given to providers of Section 27 cultural reports, broken down by provider, in each of the years from 2018 to 2023 to date.

For clarity, I am requesting a table with headers for each of the six years covered, with the rows as the providers of cultural reports, including but not limited to Independent Research Solutions, Reports.co.nz, Cultural Wise and Real-Life Reports.

Your request has been referred to me for response, as it falls within my responsibilities as Group Manager, National Service Delivery, and is being managed in accordance with the provisions of the Act.

On 14 June the Ministry of Justice (the Ministry) contacted you to clarify your request. You confirmed that your request could be refined to cover data for a specific company, Independent Research Solutions.

In response to your request, I must advise that the court does not order section 27 reports. They are submitted to the court under section 27 of the Sentencing Act 2002, which requires a sentencing court to hear cultural information presented by a client unless there are special reasons not to do so. The information can include the client's personal, family, whānau, community, and cultural background and how those matters may be relevant to the offending, sentencing and rehabilitation.

Legal aid lawyers can request funding for these reports through the legal aid scheme, whilst Public Defence Service (PDS) lawyers can request these reports through their budget appropriation. Please note that should a client wish to privately arrange and pay for their own section 27 report, non-legal aid or PDS lawyers can arrange for a section 27 report to be prepared and submitted to the court. The Ministry does not hold records about the numbers of privately funded section 27 reports, as they are paid for by the client.

Please refer to the attached table, which outlines the amounts paid to report writers who produced reports for PDS for each calendar year from 2018 to May 2023.

Legal Aid Services (LAS) does not record the name of the report writer from whom the legal aid lawyer procured a report. Therefore, I am refusing your request for information regarding reports produced by LAS under section 18(g) of the Act, as the information requested is not held by the Ministry, and I have no grounds for believing it is held by another agency subject to the Act.

Further information regarding the numbers of section 27 reports that the Ministry has paid for can be found in recent written parliamentary questions on the Parliament website at the following link: parliament.nz/en/pb/order-paper-questions/written-questions. The following WPQ's are relevant: 2647, 2657 and 16548.

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 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

A handwritten signature in black ink that reads "Tracey Baguley". The signature is written in a cursive, flowing style.

Tracey Baguley
Group Manager, National Service Delivery

Table 1: A breakdown of the amount the Public Defence Service has given to Independent Research Solutions for Section 27 reports, in each of the years from 1 January 2018 to 31 May 2023

2018		2019		2020		2021		2022		2023*		TOTAL	
No. of reports	Cost	No. of reports	Cost	No. of reports	Cost	No. of reports	Cost	No. of reports	Cost	No. of reports	Cost	No. of reports	Cost
1	\$2,026							4	\$10,000	1	\$3,000	6	\$15,026

Notes

*Data for the 2023 calendar year is as of 31 May 2023. All calendar years are from 1 January to 31 December.

This document contains data drawn from a database that is subject to change, as new data is continually recorded and/or recoded.

Until the 2020 financial year end, section 27 reports commissioned through the Public Defence Service were not reported on separately, so invoices for the earlier years are harder to identify.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982