

## Hon Minister Allan

Minister of Justice

### Proactive release – Better Outcomes for Victims: Work Programme

Date of issue: TBC

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

No.	Document	Comments
1	<b>Better Outcomes for Victims: Work Programme</b> <i>Cabinet paper</i> Office of the Minister of Justice <i>Lodged: 23 March 2023</i>	Released with some information withheld under section 9(2)(f)(iv) of the OIA to protect the confidentiality of advice tendered by Ministers of the Crown and officials and section 9(2)(g)(1) to maintain free and frank expression of opinion.
1a	<b>Better Outcomes for Victims: Work Programme</b> <i>Cabinet Minute</i> <i>SWC-23-MIN-0020</i> Cabinet Office <i>29 March 2023</i>	Released in full.

## **In Confidence**

Office of the Minister of Justice

Social Wellbeing Cabinet Committee

### **Better Outcomes for Victims: Work programme**

#### **Purpose**

- 1 This paper seeks agreement to a multi-year work programme that will drive the justice sector Budget 2022 priority to deliver better outcomes for victims. It seeks decisions on Tranche 1 of this work programme, which includes short-term operational projects, increased resourcing for Victim Support and the Victims Assistance Scheme, and legislative change to strengthen legal protections for victims of family violence and sexual violence.
- 2 It provides an overview of the remaining, longer-term aspects of the work programme, including the development of an operating model for end-to-end system transformation, and the governance and accountability arrangements to ensure actions are progressed and implemented.

#### **Relation to Government Priorities**

- 3 The proposals in this paper focus on achieving better outcomes for victims, which will directly contribute to the Government's overarching priority to improve wellbeing outcomes for New Zealand. In Budget 2022, Justice Cluster Ministers also chose better outcomes for victims as one of four priorities for creating a more effective criminal justice system that contributes positive outcomes for people in the system, their communities, and the whole of New Zealand.

#### **Executive Summary**

- 4 Despite the introduction of the Victims' Rights Act 2002, and other past attempts to improve the victim experience in the criminal justice system, victims still often feel unsafe, retraumatised and that their voice and rights are not being listened to.
- 5 In Budget 2022, Justice Cluster Ministers chose better outcomes for victims as one of four priorities for creating a more effective criminal justice system that contributes positive outcomes for people in the system, their communities, and the whole of New Zealand. \$45.7 million was established as a tagged contingency for the sector-wide Victims of Crime – Improving Outcomes initiative to deliver an operating model that will create end-to-end transformation of the victim experience of the criminal justice system.
- 6 A three-year work programme has been developed to drive the justice sector delivery of better outcomes for victims, attached as Appendix One. Cabinet decisions are sought on Tranche 1 of this work programme, which includes three projects that collectively will create

**I N C O N F I D E N C E**

a base for a future operating model. Project 1 looks at how the whole system can keep victims safe, Project 2 focuses on a specific cohort of victims (children) and Project 3 is a deep dive into a specific interaction victims have with the system (bail).

- 7 Cabinet agreement is also sought to increase resourcing for Victim Support and the Victims Assistance Scheme and to strengthening legal protections for victims of family violence and sexual violence. These shorter-term actions to improve victims' safety are underpinned by longer-term work underway, including a review of legislative and policy settings and operational delivery transformation programmes, like New Zealand Police's Reframe. All these components will support the creation of a new operating model for a better designed, delivered and experienced justice system for victims.
- 8 To ensure actions are progressed and implemented, governance and accountability arrangements have been established to drive and monitor the delivery of the work programme.

## Background

- 9 New Zealand's adversarial criminal justice system has traditionally centred around the accountability and rights of offenders or defendants. Improvements were made when the Victims' Rights Act 2002 (the VRA) replaced the Victims of Offences Act 1987. The VRA strengthened the rights of victims, including by allowing victims of certain offences to receive notifications about the person accused or the offender.
- 10 Despite the introduction of the VRA, and other past attempts to improve the victim experience in the criminal justice system, victims still often feel unsafe, retraumatised and that their voice and rights are not being listened to. The reasons for this are complex, but reflect that much of what victims actually experience is determined not only by what agencies are required by law to do, but also by how agencies and the people they interact with in the justice system do it – behaviours, relationships, and how decisions are made and communicated.
- 11 The Victims Code was introduced in 2015 to try to improve the way agencies gave operational effect to their obligations under the VRA, but it had limited effect – victims often continue to feel marginalised or that their views and needs are afterthoughts.
- 12 However, this Government has made interventions since 2018 to improve outcomes for victims, in particular through a concentrated focus on improving outcomes for victims of family violence and sexual violence. The Domestic Violence Act 1995 was replaced with the Family Violence Act 2018, and Te Aorerekura: the National Strategy to Eliminate Family Violence and Sexual Violence was launched in 2021.
- 13 Te Aorerekura sets a collective pathway for tangata whenua, community specialist sectors and government to work together to eliminate family violence and sexual violence. The proposals in this paper compliment and reinforce the work underway as part of the Action Plan supporting Te Aorerekura.

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- 14 Over Budgets 2018-2022, close to \$900 million has been invested in preventing and responding to family violence and sexual violence in Aotearoa New Zealand. Prior to this, there was huge underfunding in the sector and significant service gaps.
- 15 There have also been numerous other investments made in initiatives to support victims since 2018, including:
  - 15.1. Meeting the Financial Entitlements for Victims of Serious Crimes (\$3.092 million in Budget 2021) - Improved access to sexual violence discretionary grants and two regulatory offences grants (for example prosecutions brought by worksafe, maritime safety)
  - 15.2. Provision of Effective Victim Services for Victims of the 15 March Terrorist Attacks (\$1 million in Budget 2020) - Provided comprehensive psycho-social support and Victims Assistance grants (travel and court attendance costs, counselling)
  - 15.3. Victims Assistance Scheme (\$2.038 million in Budget 2020) - Provide ongoing VAS grants to victims of the March 15 Terrorist Attacks.
  - 15.4. Support for Victims: Ensuring Safe and Effective Justice and Improved Mental Health Outcomes (\$6.226 million operating in Budget 2019) - Expand specialist homicide case worker service nationally.
- 16 In Budget 2022, Justice Cluster Ministers chose better outcomes for victims as one of four priorities for creating a more effective criminal justice system that contributes positive outcomes for people in the system, their communities, and the whole of New Zealand. Cabinet subsequently agreed on a Better Outcomes for Victims initiative through Budget 2022. Within that initiative, \$45.7 million was established as a tagged contingency for the sector-wide Victims of Crime – Improving Outcomes initiative to deliver an operating model that will create end-to-end transformation of the victim experience of the criminal justice system.
- 17 Budget 2022 also provided an additional \$4.100 million per year for the Victims Assistance Scheme to enable improvements to be made that would increase the uptake of grants, and \$8.6 million was provided to expand the New Zealand Crime and Victims Survey and undertake mixed methods research focusing on victims. The research will explore patterns and experiences of victimisation, including how participants have sought safety and healing both within and beyond the justice system.

### **Our focus now is to improve victims' safety**

- 18 While these interventions have delivered positive outcomes for victims, this change has been incremental. We know that some of our most vulnerable victims (including Māori victims and their whānau, victims of family violence and sexual violence, and victims from diverse communities) are still disproportionately represented among victims of crime and continue to be poorly served by current services and settings. It is clear that more effort and focus is

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needed, across a range of portfolios, driven by a coherent work programme to enable the delivery of an operating model for end-to-end system transformation in the future.

- 19 The way that rights are currently delivered operationally in the justice system is leading to victim experiences that are retraumatising and lead to feelings of unsafety, and does not necessarily fulfil victims' rights. Our focus now is to address the way that justice system agencies interact with victims directly, at the operational level – where the rights are actually delivered and experienced by people – to give the law the effect it was intended to have, and deliver immediate, meaningful improvement to the experiences of victims.
- 20 The development of a sector-wide operating model to deliver on the Budget 2022 initiative has been included in a three-year work programme to improve outcomes for victims, attached for your approval as Appendix 1. A review of policy and legislative settings (including the Victims Code) has also been incorporated into the work programme to make sure they deliver the rights and experiences victims deserve. However, these reviews, and the sector-wide operating model, are long-term deliverables. We cannot afford to wait before taking action to improve victim experiences, and Cabinet agreement is sought to the immediate actions (Tranche 1 2023) outlined below.

### **Building blocks toward improving victim experience**

- 21 To deliver on an end-to-end operating model, we need to start by making targeted operational changes, focused on fixing specific things that victims have told us do not work. By addressing these high-priority 'pain points' in a victim's journey through the system, justice sector agencies will deliver immediate, meaningful improvement in their experience – and create building blocks towards transforming the way victims are treated through the whole criminal justice system.
- 22 I propose that we invest in three specific projects, outlined below, to make immediate change. These are local initiatives that aim to test fixes for some of the bigger gaps in the system for victims. The initiatives will be evaluated, adjusted according to frontline and victims' feedback and then, if successful, and subject to funding availability, may be continued, expanded, or rolled out nationally. We expect these initiatives will help to improve the system for victims immediately in these areas, while also gathering evidence for what works to support future investment decisions.
- 23 The High Impact Innovation Programme will provide oversight and co-ordination for the projects. Collectively, the three projects create a base for a future operating model – Project 1 looks at how the whole system can keep victims safe, Project 2 focuses on a specific cohort of victims (children) and Project 3 is a deep dive into a specific interaction victims have with the system (bail).

### ***Project 1: Improving safety planning and co-ordination for Section 29 victims***

- 24 Section 29 (s.29) victims are victims of specified offences, these offences are decided by the Police Commissioner but usually involve victimisation of a person, such as assault and rape.

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Due to the serious, interpersonal nature of these crimes, s.29 victims have special rights to secure their safety as they journey through the system.<sup>1</sup>

- 25 Currently safety planning for victims is inconsistent and often only focuses on one point of a victim's journey. Victims have reported a lack of continuity, safety plans only being relevant at some specific point in time and frustration at having to retell their story at each point in the justice process. A more holistic and enduring service is required for s.29 victims.
- 26 We need to be proactive in keeping s.29 victims safe. This can be achieved through sharing information, better coordinating between agencies and providers and providing awahi to victims. Practically, this would look like establishing a co-location hub for agencies focusing on improving the victims experience through receiving real time information and being supported on their journey through the Criminal Justice System.
- 27 It is proposed that in order to address the current deficiencies in the system a pilot would:
- 27.1. Establish a cross-sector team made up of trained practitioners with access to all applicable information, who would be able to engage and provide a coherent response for victims.
  - 27.2. This team would appropriately triage and engage with eligible victims, ensure their safety needs (and those of their whānau) are identified, and a robust safety plan is developed.
  - 27.3. This team would continue to support ongoing engagement with the victim to ensure the safety plan remains relevant and effective for the entire journey through the justice system (not just during the court process).
  - 27.4. Report on results, (volumes, and actual safety outcomes) to inform future investment in this type of approach and comment on scalability of the service.
- 28 The details of the pilot:
- 28.1. The detailed design of the pilot would be completed prior to the commencement of the 2023/24 financial year with the intention of the pilot being run for 1 year.
  - 28.2. Te Tai Tokerau has been identified as a possible region to run the pilot due to the presence of both metro and rural courts, strong relationships between justice agencies and iwi and NGOs.
  - 28.3. Resources required would include, but are not limited to, FTE resource, capability uplift, contract services and technology implementation and enhancement with a budget of \$2 million. This would cover the five courts in the district.

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<sup>1</sup> For example, s.29 victims have the right to provide their views on an offender being released on bail, provide a Victim Impact Statement at sentencing, and receive notifications about the offender's movements after sentencing (e.g. upcoming release from prison).

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- 29 The s.29 project would build on initiatives that are already in place where this collaborative approach is already happening, such as Matariki Courts and Sexual Violence Pilot Court underway in Northland.
- 30 I propose allocating \$2 million from the Victims of Crime – Improving Outcomes initiative funding to develop the s.29 victims' project.

***Project 2: Strengthening the criminal justice response to child victims of sexual violence***

- 31 Currently children and young people who are witnesses in sexual violence proceedings, and their caregivers, are not supported adequately through the criminal justice process. This victim cohort is one of the most vulnerable and needs to feel safe, supported, listened to and cared for while their case progresses. This is hugely important not only for their safety, but also for the rest of their lives and their whanau.
- 32 This project will develop a service for children to ensure they are supported, orientated and educated throughout the criminal justice process. This service will be a needs-based approach for children, young people and their caregivers with the intent of working collaboratively with agencies fulfilling their regulatory obligations whilst ensuring all identified needs are met. The project will also address the roles and responsibilities of justice sector and other agencies. This will include consideration of processes, workforce capability, and information provided to participants.
- 33 This work will compliment the implementation of Te Aorerekura's action to attend to the psycho-social needs of child victims, and **Section (9)(2)(f)(iv)**  
[REDACTED]
- 34 This pilot will:
- 34.1. Create a service that will work specifically with children, young people and their caregivers, during the pre-trial and trial stages of the criminal justice system to ensure that relevant identified needs are met.
  - 34.2. The service will be a child specialist capability that will be informed by the development and needs of the child.
  - 34.3. This service will contribute alongside the range of initiatives for victims that will reduce trauma experienced by child victims and their caregivers engaged in the criminal justice system.
- 35 Details of the pilot:
- 35.1. The detailed design of the pilot would be completed in partnership with engaged agencies prior to the commencement of the 2023/24 financial year with the intention of the pilot being run for 1 year.
  - 35.2. The pilot will be trialled in a court delivering Jury Trials of a nature and frequency to confidentially test this proposed service.

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35.3. Based on the anticipated volumes of child victims, resources would include, but are not limited to, FTE resource, capability uplift, contract services and technology implementation and enhancement with a total budget of \$0.5 million.

36 I propose allocating \$0.5 million from the Victims of Crime – Improving Outcomes initiative funding to develop the strengthening the criminal justice response to child victims of sexual violence project.

### ***Project 3: Bail support services***

37 Bail is a time of unease and feelings of unsafety for victims, as they wonder when and where this person is going to be released into the community and what happens if they breach bail. These concerns can be alleviated if victims are consistently asked and provided the opportunity to communicate their views on bail so they can share their concerns, and any information only they know, to help the Judge make an informed decision about the safety of the community.

38 This pilot will increase victim safety by improving the process of collecting s.29 victims' views on bail. Currently, this may not happen at all, or the Police prosecutor might have done or assume someone else might have done it due to the confusion in roles and lack of clarity on whose obligation it is. These changes are critical not only to improve the way the system listens and responds to the voice of victims, but also to public safety – including through potentially preventing deaths. All s.29 victims of specified offences have the right under s.30 of the Victims Rights Act 2002 to have their views about the release of the offender on bail heard and provided to the court, and this pilot will ensure that this right is consistently upheld.

39 This pilot will:

39.1. Provide a specialised coordinated team to ensure that victims views are collected in a timely, accurate and consistent manner and these are provided to the court to enable informed decision making on bail.

39.2. Work closely with front line Police, prosecutors, defence council, court victim advisors and bail support officers to ensure victims experience a coordinated and effective process, where they can convey information to the Court and receive information as to Court outcomes.

40 Details of the pilot:

40.1. The detailed design of the pilot would be completed in partnership with other social sector agencies prior to the commencement of the 2023/24 financial year with the intention of the pilot being run for 1 year.

40.2. The pilot could run in two locations that are high volume, metropolitan courts. A Northland court would enable this model to leverage off the safety planning pilot of s.29 victims as mentioned above.

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40.3. Based on the anticipated volumes of s.29 matters, resources would include, but are not limited to, FTE resource, capability uplift, contract services and technology implementation and enhancement with a total budget of \$1.2 million.

41 I propose allocating \$1.2 million from the Victims of Crime – Improving Outcomes initiative funding to develop the Victims Voice in Bail Decisions pilot.

### **Strengthening existing services: Victim Support**

42 In addition to the development of new building blocks to improve victims' experiences of the criminal justice system, I propose that additional funding could be provided to strengthen Victim Support and the Victim Assistance Scheme (the Scheme).

43 Victim Support provides a free, nationwide support service for people affected by crime, trauma, and suicide in New Zealand. From the time a victim experiences a crime, victim support provides guidance and support around victims' rights and the court process, connects victims into local support and counselling providers and supports with victim impact statements or restorative justice conferences. It plays a unique and critical role for victims of crime, and their experience and expertise will be vital in designing the system and operational changes needed to create an end-to-end operating model. The contract with Victim Support is managed by the Ministry of Justice and is due for renewal in July 2023.

44 The level of funding currently provided to Victim Support does not meet the increased demand for Victim Support's service. The demand has increased from 30,989 in 2017/18 to 43,407 in 2021/22, but the number of paid support workers has not been increased. This has resulted in paid support workers carrying unsustainable caseloads.

45 Along with increasing the number of paid support workers to meet the increased service demand and prevent unsustainable caseloads, a funding uplift would support significant improvements to Victim Support's services and operations, potentially including:

- improved training for paid support staff and volunteers<sup>2</sup>
- recruitment of a Pou Whirinaki – Principal Advisor Māori, to lead Te Whiringa – Victim Support's Treaty of Waitangi framework
- a review and refresh of Victim Support's operating model
- partnering with iwi, providers and community groups to better meet the needs of victims
- design and implementation of digital solutions to support the delivery of services.

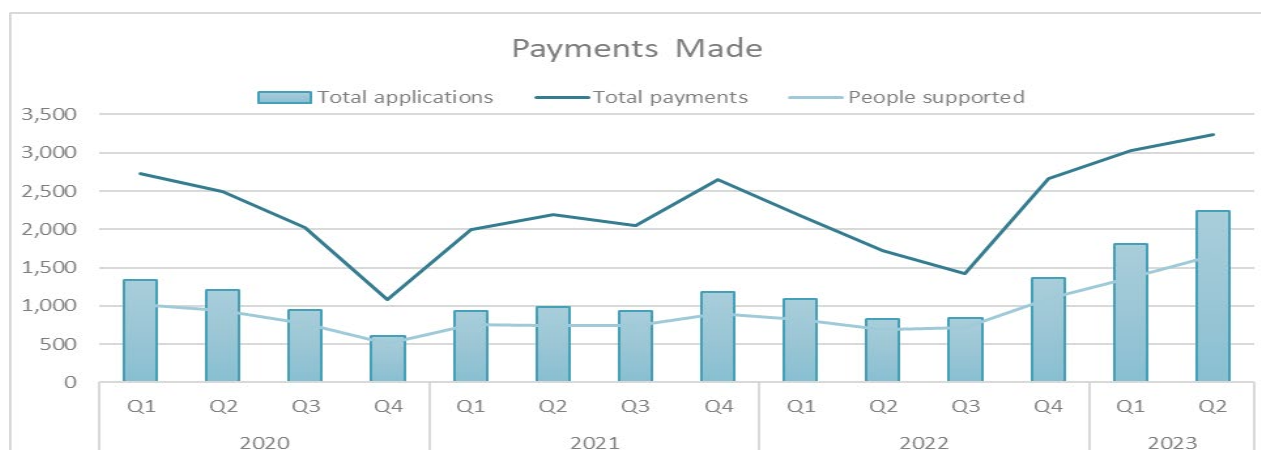
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<sup>2</sup> This could include training regarding the unique characteristics of family violence and sexual violence. For example, the capability frameworks developed and implemented under Te Aorerekura.

- 46 I propose allocating \$3 million in 2023/24 and outyears from the Victims of Crime – Improving Outcomes Initiative funding to sustain Victim Support's services.

### ***Victim Assistance Scheme***

- 47 The Scheme, administered by Victim Support on behalf of the Ministry of Justice, delivers financial assistance to victims of serious crime and trauma. The Scheme supports these victims to access discretionary payments, counselling and support with travel and attendance at court.
- 48 The current annual budget for the Scheme in 2022/2023 is \$3.695 million. An additional \$4.100 million per year was allocated in Budget 2022 to enable improvements to the Scheme, providing a total of \$7.795 million for 2023/2024 and outyears.
- 49 In mid-2022, Victim Support began active promotion of the Scheme to improve access. This has seen a significant increase in the number of victims being supported by the Scheme (see diagram below), resulting in increased cost for the Scheme. Therefore, the additional Budget 2022 funding will need to be used to fund the increased number of victims being supported.



- 50 **Section 9 (2)(g)(i)**
- 51 To enable Victim Support to continue to safely promote the Scheme to support more victims and to introduce improvements to the Scheme, I seek agreement to a top up of an additional \$2.205m to the Scheme's appropriation (to a total of \$10m) from 2023/24 and outyears, and \$0.420m to Victim Support to administer this additional funding.

- 52 **Section 9 (2)(g)(i)**

**Strengthening legal protections for victims of family violence and sexual violence**

- 53 While reviewing policy and legislative setting to improve outcomes for victims is predominantly longer-term work, there are legislative changes that can be made in the shorter-term.
- 54 I seek Cabinet's agreement to introduce a Bill in this parliamentary term to further strengthen the legal protections available to victims of family violence and sexual violence. The proposals will address known gaps in the legislative framework, as repeatedly articulated by victims, their advocates and specialist service providers. I seek to prioritise these issues as a first step, signalling a shift towards a more victim-focused legislative framework, while also making significant quick gains for victims and their families.

***Strengthening protections for child victims of sexual violence***

- 55 I seek Cabinet's agreement to clarify the law to protect child victims of sexual violence from further harm resulting from participation in court proceedings.
- 56 The sexual crimes part of the Crimes Act 1961 includes age-related offences for children and young people. Specifically, s132(1) makes it an offence to have a sexual connection with a child (defined in s132(6)(a) as a person under the age of 12 years) and carries a maximum penalty of 14 years' imprisonment. Section 132(5) also states that it is not a defence to a charge under that section that a child consented to the sexual activity.
- 57 However, data shows the rape of, or unlawful sexual connection with, a child is typically charged as a sexual violation under s128B of the Crimes Act 1961, primarily because the offence carries a maximum penalty of 20 years' imprisonment. Under this section, lack of consent and lack of reasonable belief in consent are key elements that must be proved. As a result, child victims may be asked about their willingness, agreement to, or even enjoyment of alleged sexual offending against them. This process can further traumatise young victims.
- 58 The Chief Victim Advisor, victims' advocates and others working in the field have reiterated this issue is significant for those children involved, who are extremely vulnerable. Further, it is widely understood that children do not have the knowledge, capacity, or capability to provide true and informed consent to sexual activity. Questioning, suggesting, or alluding to the contrary is out of step with society's expectation of the law. I propose to move swiftly to strengthen protections for child victims of sexual violence by making the legislation clear that children are not to be questioned in court about whether they wanted, agreed to, or enjoyed a sexual activity.
- 59 Secondly, I seek Cabinet's agreement to amend the penalty associated with the s132(1) offence of sexual connection with a child. I propose to adjust the maximum penalty from 14 years' to 20 years' imprisonment, bringing the maximum penalty in line with the offence for sexual violation. This change is intended to ensure the use of s132(1) of the Crimes Act as the primary offence for the rape of or unlawful sexual connection with a child. In my view, it

is appropriate that similar offending against children are subject to the same maximum penalty as the sexual violation of an adult – and certainly not a lesser one.

- 60 I anticipate a range of perspectives on the proposal to amend the penalty applied to sexual violence against children, and there will be opportunity to thoroughly canvass any concerns during the select committee stage.

***Strengthening autonomy for adult victims of sexual violence***

- 61 I seek Cabinet's agreement to amend the Criminal Procedure Act 2011 (CPA) to explicitly provide an opportunity for adult victims of sexual violence to opt-out of automatic name suppression at the time of trial. The implementation of this proposal should, in turn, also mitigate some of the barriers complainants face when applying to lift suppression after trial has concluded.
- 62 Currently, complainants in sexual violence trials are granted automatic name suppression pursuant to s203 of the CPA. The intent behind automatic name suppression is to protect the complainant – but some victims do not want or need such protection. In recent years, there has been a significant, global shift in the way sexual violence and victimisation is perceived and discussed. The #MeToo and #LetHerSpeak movements have played an important role in empowering victims to speak out about their experience, reclaim personal agency and let others know they are not alone. While the legislative settings provide for adult victims to apply to lift their suppression without additional cost, victim advocates and others have advised that the opportunity to do so is not consistently conveyed to complainants. As a result, some people miss the opportunity to give effect to their preferences.
- 63 I propose to amend legislation to ensure that complainants are provided with an explicit opportunity to indicate if they would like to apply to have their name suppression lifted as part of the court proceedings – with final decisions remaining with the presiding judge. Legislative clarity is required to ensure complainants are informed of their options as a consistent standardised practice. This approach will enhance the autonomy of complainants, while ensuring that current provisions remain in place for those aged under 18 years, alongside other victims who would like to retain their name suppression.
- 64 I am aware that there are differing cultural perspectives on the impacts of automatic name suppression, including the interests of wider whānau and communities. For example, Te Ao Māori processes and practices and how automatic suppression may limit tino rangatiratanga (autonomy and self-determination) have not been fully considered. However, this proposal intends to clarify current provisions to support complainants who choose this path, rather than signify a shift in direction.

***Strengthening the legal framework to recognise and respond to litigation abuse***

- 65 Finally, I seek Cabinet's agreement to amend legislation to provide the Courts with greater power to restrain a party from filing family-related applications (including interlocutory applications) or responses to applications that are abusive in nature.

- 66 Current legislative settings allow the Court to restrain a person from commencing proceedings where it is satisfied the person has persistently filed vexatious proceedings. However, a recent case has highlighted that judges are unable to use this power to restrain a person where they are *continuing* proceedings, for example by filing excessive interlocutory applications, rather than initiating them.<sup>3</sup> This and other recent examples indicate these settings may not be adequate to respond to the particular dynamics of coercive and controlling behaviour that constitutes family violence.
- 67 Access to justice and the right to be heard are fundamental principles that must be upheld. However, it is critical that Courts are able to identify and respond to instances where an individual attempts to manipulate court systems to harass, and/or exhibit controlling behaviour over their victim. I propose that legislation be amended to allow the court to restrain a party from filing applications (including interlocutory applications) or responses to applications at any stage of proceedings, where a holistic view of the case indicates the applicant or respondent is using the proceedings to abuse the other party.
- 68 I understand that the instances of litigation abuse are likely to be low, but that this form of abuse has detrimental impacts for those who experience it, and may severely impact on their wellbeing, finances, and wider family. Litigation abuse also impacts on the court's workload and may contribute to delays in court hearings. The proposed change may also save some court time by preventing the courts from having to deal with applications of this nature.

### Long-term work underway to improve outcomes for victims of crime

- 69 This government supports the development of an end-to-end operating model to transform the system for victims, as agreed in Budget 2022. This will be achieved through substantive revision of the system and how all parts work together, and will be a significant component of the work programme moving forward, leveraging the capabilities of the High Impact Innovation Programme, supported by all justice sector agencies.
- 70 Tranche 1 of the work programme covers actions that we must take now to immediately improve victims' safety. These actions will also provide a strong foundation from which we can develop a future operating model, and are supported by longer-term work already underway.

71 Section (9)(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>3</sup> Interlocutory applications are an application for directions or orders that are secondary to the main claim, and usually relates to the procedure of the case. It may be accompanied by an affidavit supporting the application.

Section (9)(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

74 The Ministry of Justice is also progressing work on a system of wellbeing and safety services for all victims, whether or not the offending against them is reported to Police, and a review of third-party services for victims managed by the Ministry.

75 Specialised services and providers for victims will also be of continued value as this work progresses, such as services with a focus on tangata whenua, tangata pasefika, disabled people and other diverse communities, as well as providers with experience dealing with the unique characteristics of family violence and sexual violence.

76 As outlined in the work programme in Appendix 1, justice sector agencies have also begun work to improve outcomes for victims in the criminal justice system. Examples include:

Section (9)(2)(f)(iv)

[REDACTED]

76.2. The Criminal Process Improvement Programme (CPIP) – a programme of work to reduce pressure and outstanding workload in the criminal jurisdiction of the District Court by making every court appearance meaningful to reduce the delays that waste

court time and resources, and those of all court participants – defendants, complainants, victims, witnesses and their whānau.

76.3. Te Ao Mārama – is a vision for change for the District Court where all people can come to court to seek justice and be seen, understood and meaningfully participate. The vision will be implemented by incorporating best practice lessons from existing specialist courts along with new processes and approaches.

76.4. Te Au Reka – a new initiative to modernise the way New Zealand’s courts and tribunals are supported. This includes court management technology which will support judicial decision making, court and tribunal management and enable participants to engage online with courts and tribunals.

### **Delivering on the work programme: Governance and Accountability**

77 Victims experience the justice system as a whole, not as individual agencies. Improving victims’ experiences requires agencies to align and connect their work. For the proposed work programme to be achieved, all justice sector agencies must coordinate their work, as well as work with the Chief Victims Advisor, other agencies who support or fund support for victims, and victims’, iwi and community.

78 Therefore, a cross-sector Victims Action Group has been established to drive the progression of the work programme and help ensure agency alignment. The Victims Action Group includes one representative from each of the following: Ministry of Justice, Ara Poutama Aotearoa – Department of Corrections, Oranga Tamariki, New Zealand Police and Te Puna Aonui. Crown Law will be included on matters that directly affect the role of Crown prosecutors. The Chief Victims Advisor to Government will also attend the Victims Action Group and will provide an external connection to the voices of victims.

79 I propose that the Justice Sector Leadership Board (JSLB) provide a governance function for the delivery of the work programme.<sup>4</sup> Governance of this work is a top priority for JSLB. A milestone tracker for reporting justice sector progress on the delivery of the work programme is being developed, and the JSLB will provide this tracker to me monthly.

80 While different agencies within the justice sector will be responsible for actions within the work programme, there are some actions for which delivery and accountability sits across multiple agencies. As Minister of Justice, I will be the lead Minister and sponsor of the victims work programme, but Justice Sector Ministers will be collectively responsible for achieving better outcomes for victims due to the interconnected nature of this work.

81 In addition, given the close links between this work programme and actions progressing under Te Aorerekura, I will work with the Minister for the Prevention of Family and Sexual Violence as work progresses. Similarly, the Disability Action Plan 2019-2023 includes an

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<sup>4</sup> The Justice Sector Leadership Board (JSLB) comprises the heads of the six core Justice Sector agencies.

action to make justice services more accessible and understandable to disabled people, and I will consult with the Minister for Disability Issues to ensure that this is factored into the victims work programme.

82 Section (9)(2)(f)(iv)

### Financial Implications

83 There is no additional funding being sought to support the delivery of Tranche 1 of the work programme. Funding for Tranche 1 is being provided through agency baselines or the Victims of Crime – Improving Outcomes initiative funding from Budget 2022. The original intent of this funding was to create a strategy and operating model that would create end-to-end transformation of the victim experience of the criminal justice system.

84 The funding was initially held in a tagged contingency associated with Vote Corrections. On completion of preparatory work, Joint Ministers have already actioned the draw down of \$10.7 million funding for 2022/23 and 2023/24 in to Vote Corrections. The remaining funding from 2024/25 onwards continues to be held in contingency until the implementation plan is agreed.

85 Section (9)(2)(f)(iv)

If the proposals are agreed, the remaining balances and indicative phasing of the Victims of Crime – Improving Outcomes initiative funding would be:

	\$m - increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Out-Years
Victims of Crime – Improving Outcomes – Tagged Operating Contingency	-	-	9.375	11.750	14.375

86 Section (9)(2)(f)(iv)

### Legislative implications

87 Legislation is required to implement the proposals in this paper. I intend to introduce a Bill before the general election for this purpose, and this is on the 2023 Legislative Programme.



I consider this Bill will be small in size and of medium complexity. The amendments are to existing Acts that bind the Crown.

## Regulatory Impact Statement

- 88 The Ministry of Justice Regulatory Impact Analysis Quality Assurance Panel has reviewed the Regulatory Impact Statement prepared by the Ministry and associated supporting material regarding the legislative proposals in this paper. **Section 9 (2)(g)(i)**

[REDACTED]

However, the Panel understand that should the proposals be agreed, officials will consult with the key stakeholders to ensure the best possible implementation of the policy intent.

## Population Implications

- 89 The New Zealand Crime and Victim Survey (NZCVS) is New Zealand's only comprehensive source of data about victims of crime. Overall, victimisation has remained stable over time (NZCVS Cycle 1 to Cycle 4). The Cycle 4 Report indicated 29% of adults were victimised once or more in the previous 12 months. Key population factors associated with a higher likelihood of victimisation when compared with the New Zealand average included:

89.1. **personal factors:** young adults (aged 15–29); bisexual; Māori; separated

89.2. **economic and household factors:** not employed and not actively seeking work; living in a one-parent-with-child(ren) household or multi-person household; renting government accommodation; being under high levels of financial pressure

89.3. **wellbeing factors:** having a moderate or high level of psychological distress; having low life satisfaction; having a low feeling of safety.

- 90 Disabled adults were significantly more likely to experience crime across personal offences and household offences when differences in average age are accounted for. Justice sector agencies have been working to improve justice services, including victim services, so that they are accessible and able to be understood by disabled people, as part of the Disability Action Plan 2019-2023.

- 91 There was only a small (2%) gap between Māori victimisation and the New Zealand average when age and derivation are accounted for. However, the Māori population is overrepresented in many of the high-risk areas, leaving Māori to bear a disproportionate level of victimisation overall.

- 92 Collectively, the proposals in this paper aim to provide better outcomes for all victims. However, some proposals were specifically designed to benefit those most poorly served by current services and settings, such as s.29 victims (Project 1). There are also two proposals

specifically focused on improving outcomes for child victims – Project 2 and the legislative change for child victims of sexual violence.

- 93 As the proposals are implemented, and an end-to-end operating model for system transformation is developed, we acknowledge that this must be informed by te ao Māori perspectives to identify and address gaps and inequities in current victims' services and systems for Māori. As a first step, work is underway to identify the best ways of achieving this through the governance arrangements for the victims work programme and the supporting working groups.

## **Human Rights**

- 94 Providing better outcomes for victims will enhance human rights and is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.
- 95 The proposed legislative change to enable the Court to restrain a party from filing or responding to applications in family proceedings to address the issue of litigation abuse will need to be balanced against the right to justice. Those involved in family disputes need to be able access the court system, for example to be able to bring concerns about the care of children to the attention of the courts. However, the principle of access to justice is not absolute, and can be balanced against the harm that may be caused by allowing some applications in the court to proceed.

## **Consultation**

- 96 All justice sector agencies were consulted on this paper, and the Justice Sector Leadership Board supports the proposals in this paper.
- 97 Te Puna Aonui and the Treasury were consulted on this paper, and the Chief Victims Advisor to Government was informed.
- 98 Officials have not undertaken formal consultation on the proposals for legislative change set out in this paper. However, officials have been in ongoing discussions with victim advocates and specialist service providers on issues with the legislative settings for family violence and sexual violence. If Cabinet agrees to progress these changes, I will direct officials to consult stakeholders, including the judiciary, during the drafting process to determine how best to achieve the policy intent.

## **Communications and Proactive Release**

- 99 The communications approach around this paper and associated issues will be managed by the Minister of Justice, in consultation with other Ministers' offices, as appropriate.
- 100 This Cabinet paper will be proactively released in accordance with proactive release requirements and guidelines.

## Recommendations

The Minister of Justice as lead Minister for the justice sector recommends that the Committee:

1 **note** that on 12 April 2022 Cabinet [CAB-22-MIN-0129 refers];

1.1. **agreed** to establish a tagged operating contingency of up to the amounts as follows held against Vote Corrections, to provide for the creation and implementation of a sector-wide strategy and operating model for improving outcomes for victims of Crime:

	\$m - increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
Victims of Crime: – Improving Outcomes – Tagged Operating Contingency	3.500	7.200	15.000	20.000	20.000

1.2. **agreed** that the Minister of Finance, the Minister of Corrections, and the relevant appropriation minister jointly draw down from the “Victims of Crime:- Improving Outcomes” contingency above (establishing any new appropriations as necessary), tranche one on the completion of preparatory work and request to drawdown, and tranche two on the submission of an implementation plan and request to drawdown;

2 **note** that on 21 July 2022, the Minister of Finance and Minister of Corrections approved the drawdown of \$10.700 million for 2022/23 and 2023/24 into Vote Corrections [B4380 refers];

3 **note** that, following the adjustments detailed in recommendation 2 above, the remaining balance and indicative phasing of the tagged operating contingency described in recommendation 1 is:

	\$m - increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
Victims of Crime: – Improving Outcomes – Tagged Operating Contingency	-	-	15.000	20.000	20.000

### *Victims Work Programme*

4 **agree** to the three-year work programme to improve outcomes for victims, attached as Appendix 1;

5 **note** that three specific projects have been identified to make immediate change toward improving victim experience of the criminal justice system;

**I N C O N F I D E N C E**

- 6 **note** that the cost of this work-programme is indicatively \$4.200 million and this will be met from justice sector agencies baselines;

*Tagged Contingency Drawdown for Victim Support and the Victim Assistance Scheme*

- 7 **note** that Victim Support plays a unique and critical role for victims of crime, and their experience and expertise will be vital in designing system and operational changes;
- 8 **agree** to provide \$3.000 million per year to Victim Support to sustain their services;
- 9 **agree** that to provide \$2.205 million per year to the Victim Assistance Scheme, and \$0.420 million per year to Victim Support to administer this additional funding;
- 10 **approve** the following fiscally neutral rephasing of the Victims of Crime:- Improving Outcomes - tagged operating contingency to provide for the policy decisions in recommendations 8 and 9 above;

	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
Current balance of the contingency	-	-	15.000	20.000	20.000
Rephasing	-	2.625	-	(2.625)	-
Updated balance of the contingency	-	2.625	15.000	17.375	20.000

**I N C O N F I D E N C E**

**IN C O N F I D E N C E**

- 11 **approve** the following changes to appropriations to give effect to the decision in recommendations 8 and 9 with no impact on the operating balance and net debt over the forecast period:

	\$m - increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
<b>Vote Justice Minister of Justice</b>					
Multi-Category Expenses and Capital Expenditure: Community Justice Support and Assistance MCA					
Non-Departmental Other Expenses: Victim Entitlements	-	2.205	2.205	2.205	2.205
Non-Departmental Output Expenses: Community Harm Reduction	-	3.420	3.420	3.420	3.420
Total Multi-Category Expenses and Capital Expenditure: Community Justice Support and Assistance MCA	-	5.625	5.625	5.625	5.625
<b>Vote Corrections Minister of Corrections</b>					
Policy Advice and Ministerial Services MCA Departmental Output Expenses: Policy Advice (funded by Revenue Crown)	-	(3.000)	-	-	-
<b>Total Operating</b>	-	2.625	5.625	5.625	5.625

- 12 **agree** that \$2.625 million of expenses incurred in 2023/24 under recommendation 11 above be charged against the Victims of Crime:- Improving Outcomes - Tagged Operating Contingency described in recommendation 1 above and the remaining \$3.000 million be met by a fiscally neutral adjustment from Vote Correction to Vote Justice;
- 13 **agree** that the expenses incurred in 2024/25 and outyears in recommendation 11 above be charged against the Victims of Crime:- Improving Outcomes - Tagged Operating Contingency described in recommendation 1 above;
- 14 **note** that, following the appropriation decision above, the remaining balances and indicative phasing of the operating contingency described in recommendation 1 above will be:

	\$m - increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
Victims of Crime – Improving Outcomes – Tagged Operating Contingency	-	-	9.375	11.750	14.375

- 15 **note** that the tagged operating contingency above will expire on 1 February 2025.

**IN C O N F I D E N C E**

## IN CONFIDENCE

### *Strengthening legal protections*

- 16 **note** that the Minister of Justice intends to introduce a bill to strengthen legal protections for victims of family violence and sexual violence before the general election;
- 17 **agree** to amend the Crimes Act 1961 to clarify the law to protect child victims of sexual violence from further harm resulting from participation in court proceedings by:
  - 17.3. removing doubt about a child under 12's inability to provide true and informed consent to sexual activity, and
  - 17.4. adjusting the maximum penalty for the offence of sexual connection with a child under 12, to align with the maximum penalty for sexual violation.
- 18 **agree** to amend the Criminal Procedure Act 2011 to explicitly provide an opportunity for adult victims of sexual violence to opt-out of automatic name suppression at the time of trial;
- 19 **agree** to amend relevant legislation to respond to litigation abuse, by providing the Courts with the power to restrain a party from filing family-related applications (including interlocutory applications) or responses to applications at any stage of proceedings where a holistic view of the case indicates the applicant or respondent is using the proceedings as a means to abuse the other party;
- 20 **authorise** the Minister of Justice to approve the final legislation to be amended to enable the court to restrain a party from filing applications (including interlocutory applications) or responses to applications at any stage of proceedings, where a holistic view of the case indicates the applicant or respondent is using the proceedings to abuse the other party;
- 21 **invite** the Minister of Justice to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above proposals, including any consequential amendments;
- 22 **authorise** the Minister of Justice to resolve any minor policy issues in relation to this drafting of legislation, consistent with the contents of this paper, without reference to Cabinet and following consultation with the Prime Minister, and other Ministers as necessary;

### *Long-term work underway, governance and accountability*

- 23 **note** the long-term work underway to improve outcomes for victims, and support the development of an end-to-end operating model;

IN CONFIDENCE

**I N C O N F I D E N C E**

- 24     **note** that a cross-sector Victims Action Group has been established to drive the progression of the work programme and help ensure agency alignment;
- 25     **agree** that the Justice Sector Leadership Board (JSLB) provide a governance function for the delivery of the work programme;
- 26     **note** that as Minister of Justice, I will be the lead Minister and sponsor of this work, and the JSLB will report justice sector progress on the delivery of the work programme to me monthly;
- 27     **agree** that, given the close links between this work programme and actions progressing under Te Aorerekura, the Minister of Justice will work with the Minister for the Prevention of Family and Sexual Violence as work progresses;
- 28     **note** that the Minister of Justice will consult with the Minister for Disability Issues;
- 29     **invite** the Minister of Justice to report-back on the progress of the work programme, related resourcing implications, and an outline of next steps (Tranche 2) to Cabinet before 31 July 2023.

Authorised for lodgement

Hon Kiri Allan

**Minister of Justice**

**I N C O N F I D E N C E**

## Victims Work Programme for the Criminal Justice Sector

### Delivering better outcomes for victims and their whānau

Work Streams	Lead agency (all others in support)	Tranche 1 2023			Tranche 2 2023			Tranche 3 2024		
		April	May	June	July	August	September...	January	February	March
Short Run Sector Deliverables										
Third party support for victims										
• Fund Victim Support to deliver service for victims	MoJ	Design of expanded operating model and agreement of service scope for service delivery	Development of new contract to support expanded operating model, reflecting Social Sector Commissioning principles		Section (9)(2)(f)(iv)					
• Victims Assistance Scheme Review: A review of the intent of the scheme to ensure the grants are meeting the needs of victims.	MoJ		Confirm changes to the Scheme with Victim Support.	Training of Victim Support staff on improvements to the Scheme.	Section (9)(2)(f)(iv)					
Victims – New Zealand Police										
• Te Pae Oranga Whānau: is being trialled to address harm caused by family violence, and to connect participants and their whānau with the programmes they may need to support behaviour change and address underlying issues.	NZP	Locations operating in Taranaki, Moerewa and Rotorua.	Gradual introduction to Counties Manukau, Dunedin and Nelson.							Section (9)(2)(f)(iv)
• Section (9)(2)(f)(iv)	NZP							Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)	
Legislative change										
• Name suppression in SV proceedings (also litigation abuse in Family Court)	MoJ				Section (9)(2)(f)(iv)					



<b>Pilots to Address Known Pain Points: HIIP in support of agencies</b>										
<b>Pilot 1: Improving safety planning and coordination for s29 victims</b>										
<ul style="list-style-type: none"> <li>Improving safety planning and coordination for s29 victims</li> </ul>	NZP, APA and MoJ.	Identify pre-existing hubs that this pilot could feed in to. Create processes and service design.	Implementation Planning.	Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)			Section (9)(2)(f)(iv)
<b>Pilot 2: Strengthen the criminal justice response to child victims of sexual violence</b>										
<ul style="list-style-type: none"> <li>Design and test a whole of sector approach to supporting child victims (and their caregivers) in sexual violence proceedings.</li> </ul>	NZP, OT and MoJ	Site selected		Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)				Section (9)(2)(f)(iv)
<b>Pilot 3: Victims' voice in bail and bail support for victims</b>										
<ul style="list-style-type: none"> <li>Design and test a process for ensuring victims' views are considered in relevant bail decisions</li> <li>Bail support service for victims developed and tested</li> </ul>	NZP – judiciary APA	Staff Training		Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)			Section (9)(2)(f)(iv)
<b>3 Year Victims Work Programme (Aligned with Budget Initiative)</b>										
<b>Legislative settings, including victims' rights in the criminal justice system</b>										
<ul style="list-style-type: none"> <li>Section (9)(2)(f)(iv)</li> </ul>	MoJ	See below – integrated victims plan			Section (9)(2)(f)(iv)					
<ul style="list-style-type: none"> <li>Develop options for monitoring agencies' compliance with victims' right e.g., statutory monitoring, stronger complaints mechanism, substantive appeal rights</li> </ul>					Section (9)(2)(f)(iv)					
<b>Service map and process redesign</b>										
<ul style="list-style-type: none"> <li>Map of current state operations (incl. services, technology, designation and resources) to inform decisions about which areas to prioritise for improvements</li> </ul>	HIIP in support of agencies.			Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)					Section (9)(2)(f)(iv)
<b>Integrated victims plan</b>										
<ul style="list-style-type: none"> <li>Integrated work programme based on policy and operational review and actions</li> </ul>		Cabinet: interim decisions		Section (9)(2)(f)(iv)						

				Section (9)(2)						
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Individual Agencies' Victims Deliverables already underway										
Ministry of Justice										
• Refresh VictimsInfo website and info for victims of SV – including additional translations of key messages			Justice sector engagement and alignment	Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)					
• Refresh Victim Centre complaints and annual reporting processes			Justice sector engagement and alignment	Section (9)(2)(f)(iv)						
• Develop, with funding agencies, wellbeing services for all victims of crime					Section (9)(2)(f)(iv)					
• A review of the effectiveness, funding, capacity and awareness of third party victims services managed by the Ministry					Section (9)(2)(f)(iv)					
• Train court staff to respond safely to victims of FV and SV (Te Aorerekura)		Procurement and evaluation activity		Section (9)(2)(f)(iv)			Section (9)(2)(f)(iv)			
• Victim-centred research, drawing on NZCVS data combined with qualitative and IDI insights				Section (9)(2)(f)(iv)						
Crown Law Office										
• Solicitor Generals Prosecution Guidelines		Wānanga on new test for Prosecution.  Begin drafting revised sections of Guidelines.								
New Zealand Police										
• Whāngaia ngā pā harakeke – Working with communities to improve connections and support to those experiencing family harm. (Te Aorerekura)										
• Te pae orange Rangatahi – designed on similar principals for young people and their wahanu		Seven locations going live at various stages of implementation.								



Corrections – Ara Poutama Aotearoa										
<ul style="list-style-type: none"> <li>ViNA is a victim information application. A new system for communicating with people registered on the Victim Notification Register.</li> </ul>			ViNA service operating model development	Section (9)(2)(f)(iv)			Section (9)(2)(f)(iv)			
<ul style="list-style-type: none"> <li>New Zealand Parole Board (NZPB) future operating model programme – Victim Improvement workstream. Seeking to enhance staff capability in dealing with victims and provide an improved service for victims within the parole process.</li> </ul>		A new role established – Victim Advisor.	Refreshed NZPB victim directed material to be rolled out	Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)		Section (9)(2)(f)(iv)			
Oranga Tamariki										
<ul style="list-style-type: none"> <li>Increasing victim participation in Youth Justice Family Group Conferences</li> </ul>							Section (9)(2)(f)(iv)			
<ul style="list-style-type: none"> <li>Supporting victims of sexual offending by young people through the Family Group Conference process</li> </ul>							Section (9)(2)(f)(iv)			
Serious Fraud Office										
<ul style="list-style-type: none"> <li>National Fraud and Corruption Strategy, emphasising victims of fraud.</li> </ul>			Draft Strategy to the Minister.	Section (9)(2)(f)(iv)						

Closely related programmes (non-exhaustive)	
Section (9)(2)(f)(iv)	Section (9)(2)(f)(iv)
Section (9)(2)(f)(iv)	
Te Ao Mārama	Judiciary
Through the growth of Te Ao Mārama, it is envisaged participants, victims, and whānau, will feel seen, heard, understood and able to meaningfully participate, and that overtime reoffending will be reduced.	
Criminal Process Improvements Programme	Courts
By improving processes in the criminal jurisdiction of the District Court it will help participants to be fully prepared to meaningfully progress or resolve a case at the scheduled hearing. This will reduce unnecessary adjournments and delays.	
Whakaorangia te Mana Tangata	
Whakaorangia te Mana Tangata - a whānau centred initiative that is designed and provided by local iwi or iwi mandated service providers, to support Māori offenders, victims and whānau through the court process.	

Te Aorerekura	Sector
<p>Addressing family violence and sexual violence will significantly improve the wellbeing of all people in Aotearoa New Zealand.</p> <p>Te Aorerekura is the National Strategy and Action Plan setting out a new collective path for government, tangata whenua, specialist sectors, and communities to eliminate family violence and sexual violence.</p>	
<p><b>Chief Victims Advisor</b></p>	
Victims Advisory Group	Independent
<p>The Chief Victims Advisor will form and chair an independent external advisory group which will advise on all aspects of the Victims Work Programme. This will include seeking frontline feedback on any proposed pilots and the identification of possible solutions for gaps prioritised for improvements.</p> <p>Appropriate members for the group will be identified in due course but may include professionals (for example academics or senior members of the legal profession) or people with key community connection (for example victim advocates or community leaders) or a combination of the two groups.</p>	



# Cabinet Social Wellbeing Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Better Outcomes for Victims: Work programme

Portfolio

Justice

On 29 March 2023, the Cabinet Social Wellbeing Committee (SWC):

1 **noted** that in Budget 2022, Cabinet:

1.1 agreed to establish a tagged operating contingency of up to the amounts as follows held against Vote Corrections, to provide for the creation and implementation of a sector-wide strategy and operating model for improving outcomes for victims of Crime:

	\$m - increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & outyears
Victims of Crime: – Improving Outcomes – Tagged Operating Contingency	3.500	7.200	15.000	20.000	20.000

1.2 agreed that the Minister of Finance, Minister of Corrections, and relevant appropriation minister jointly draw down from the “Victims of Crime:- Improving Outcomes” contingency (the tagged operating contingency), establishing any new appropriations as necessary, tranche one on the completion of preparatory work and request to drawdown, and tranche two on the submission of an implementation plan and request to drawdown;

[CAB-22-MIN-0129]

2 **noted** that in July 2022, the Minister of Finance and Minister of Corrections approved the drawdown of \$10.700 million for 2022/23 and 2023/24 into Vote Corrections;

- 3 **noted** that, following the adjustments detailed in paragraph 2 above, the remaining balance and indicative phasing of the tagged operating contingency is:

	\$m - increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
Victims of Crime: – Improving Outcomes – Tagged Operating Contingency	-	-	15.000	20.000	20.000

### Victims Work Programme

- 4 **agreed** to the three-year Victims Work Programme to improve outcomes for victims, attached as Appendix 1 to the paper under SWC-23-SUB-0020;
- 5 **noted** that three specific projects have been identified to make immediate change toward improving victim experience of the criminal justice system;
- 6 **noted** that the cost of the Victims Work Programme is indicatively \$4.200 million and this will be met from justice sector agencies baselines;
- 7 **invited** the Minister of Justice to consult with the Minister for the Prevention of Family and Sexual Violence on the Victims Work Programme as it progresses;

### Tagged Contingency Drawdown for Victim Support and the Victim Assistance Scheme

- 8 **noted** that Victim Support plays a unique and critical role for victims of crime, and their experience and expertise will be vital in designing system and operational changes;
- 9 **agreed** to provide \$3.000 million per year to Victim Support to sustain their services;
- 10 **agreed** to provide \$2.205 million per year to the Victim Assistance Scheme, and \$0.420 million per year to Victim Support to administer this additional funding;
- 11 **approved** the following fiscally neutral rephasing of the tagged operating contingency to provide for the policy decisions in paragraphs 9 and 10 above;

	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
Current balance of the contingency	-	-	15.000	20.000	20.000
Rephasing	-	2.625	-	(2.625)	-
Updated balance of the contingency	-	2.625	15.000	17.375	20.000

- 12 **approved** the following changes to appropriations to give effect to the decisions in paragraphs 9 and 10 with no impact on the operating balance and net debt over the forecast period:

	\$m - increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
<b>Vote Justice Minister of Justice</b>					
Multi-Category Expenses and Capital Expenditure: Community Justice Support and Assistance MCA					
Non-Departmental Other Expenses: Victim Entitlements	-	2.205	2.205	2.205	2.205
Non-Departmental Output Expenses: Community Harm Reduction	-	3.420	3.420	3.420	3.420
Total Multi-Category Expenses and Capital Expenditure: Community Justice Support and Assistance MCA	-	5.625	5.625	5.625	5.625
<b>Vote Corrections Minister of Corrections</b>					
Policy Advice and Ministerial Services MCA					
Departmental Output Expenses:  Policy Advice (funded by Revenue Crown)	-	(3.000)	-	-	-
<b>Total Operating</b>	-	2.625	5.625	5.625	5.625

- 13 **agreed** that \$2.625 million of expenses incurred in 2023/24 under paragraph 12 above be charged against the *Victims of Crime: - Improving Outcomes - Tagged Operating Contingency*, and the remaining \$3.000 million be met by a fiscally neutral adjustment from Vote Correction to Vote Justice;
- 14 **agreed** that the expenses incurred in 2024/25 and outyears in paragraph 12 above be charged against the *Victims of Crime: - Improving Outcomes - Tagged Operating Contingency*;
- 15 **noted** that, following the appropriation decisions above, the remaining balances and indicative phasing of the tagged operating contingency will be:

	\$m - increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
Victims of Crime – Improving Outcomes – Tagged Operating Contingency	-	-	9.375	11.750	14.375

- 16 **noted** that the tagged operating contingency will expire on 1 February 2025.

**Strengthening legal protections**

- 17 **noted** that the Minister of Justice intends to introduce a bill to strengthen legal protections for victims of family violence and sexual violence before the general election;
- 18 **agreed** to amend the Crimes Act 1961 to clarify the law to protect child victims of sexual violence from further harm resulting from participation in court proceedings by:
- 18.1 removing doubt about a child under 12's inability to provide true and informed consent to sexual activity, and
- 18.2 adjusting the maximum penalty for the offence of sexual connection with a child under 12, to align with the maximum penalty for sexual violation.
- 19 **agreed** to amend the Criminal Procedure Act 2011 to explicitly provide an opportunity for adult victims of sexual violence to opt-out of automatic name suppression at the time of trial;
- 20 **agreed** to amend relevant legislation to respond to litigation abuse, by providing the Courts with the power to restrain a party from filing family-related applications (including interlocutory applications) or responses to applications at any stage of proceedings where a holistic view of the case indicates the applicant or respondent is using the proceedings as a means to abuse the other party;
- 21 **authorised** the Minister of Justice to approve the final legislation to be amended to enable the court to restrain a party from filing applications (including interlocutory applications) or responses to applications at any stage of proceedings, where a holistic view of the case indicates the applicant or respondent is using the proceedings to abuse the other party;
- 22 **invited** the Minister of Justice to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions, including any consequential amendments;
- 23 **authorised** the Minister of Justice to resolve any minor policy issues in relation to this drafting of legislation, consistent with the contents of this paper, without reference to Cabinet and following consultation with the Prime Minister, and other Ministers as necessary;

**Long-term work underway, governance and accountability**

- 24 **noted** the long-term work underway to improve outcomes for victims, and support the development of an end-to-end operating model, as outlined in the paper under SWC-23-SUB-0020;
- 25 **noted** that a cross-sector Victims Action Group has been established to drive the progression of the work programme and help ensure agency alignment;
- 26 **agreed** that the Justice Sector Leadership Board (JSLB) provide a governance function for the delivery of the work programme;
- 27 **noted** that the Minister of Justice will be the lead Minister and sponsor of this work, and the JSLB will report justice sector progress on the delivery of the work programme to the Minister monthly;



- 28 **invited** the Minister of Justice to report back to SWC before 31 July 2023 on the progress of the work programme, related resourcing implications, and an outline of next steps (Tranche 2).

Rachel Clarke  
Committee Secretary

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**Present:**

Hon Carmel Sepuloni (Chair)  
Hon Grant Robertson  
Hon Dr Megan Woods  
Hon Dr Ayesha Verrall  
Hon Willie Jackson  
Hon Kiri Allan  
Hon Peeni Henare  
Hon Priyanca Radhakrishnan  
Hon Barbara Edmonds  
Hon Meka Whaitiri  
Hon Willow-Jean Prime  
Hon Rino Tirikatene

**Officials present from:**

Office of the Prime Minister  
Office of the Chair  
Officials' Committee for SWC