

Justice Matters

July 2019 | Issue 15

In this issue:

We see the launch of the Canterbury Earthquakes Insurance Tribunal, the Independent Panel considering the 2014 family justice systems reforms released its final report, ten agencies are working together on the Joint Venture, the Behavioural Insights Unit gets the green light, results from the NZ Crime and Victim Survey is published, and we visit the Wellington Environment Court.

Photo: Wellington Environment Court



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Justice Matters is a quarterly newsletter produced by the Ministry of Justice's Communications team.

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Andrew Little

Minister of Justice and Courts

Reports demonstrate the need for change



Andrew Kibblewhite

Secretary for Justice and Chief Executive

A busy year for the justice sector

June has seen the release of two major reports which will help shape the future of our justice system. Both the Te Uepū Hāpai i te Ora interim report and the Independent Family Justice Panel final report provide valuable insight into the need for enduring, system-wide change.

The Te Uepū interim report has come out of a series of engagements with New Zealanders about the state of our criminal justice system. Aptly titled He Waka Roimata – which translates as A Vessel of Tears – the report provides sober reading.

There are many stories and examples shared by victims, families, offenders and organisations that are upsetting, especially those that demonstrate how the system could be improved through simple, early and appropriate interventions. Most of all, it reflects the need for meaningful, long-lasting change for the better. I look forward to receiving the final report from Te Uepū, and thank them for their work to date.

Similarly, the Independent Panel's final report in the 2014 justice reforms Te Korowai Ture ā-Whānau shows just how damaging the delays in the court process can be for families. Families enter the family court system often at incredibly vulnerable periods of their lives. What the report finds is that cases are taking longer to resolve and many family members involved in the court processes say they are not well-supported. The Government will now carefully consider the recommendations with a view to making family justice services that are more effective and responsive.

What both reports show is that we can do better. We can do better for our children, for Māori and for all New Zealanders. ■

As this edition of Justice Matters goes to print, it is clear to me just how much is in motion, how much work is underway, and how hard everyone in the justice sector is working to bring about positive change for all New Zealanders.

Currently in progress are a raft of significant reforms and recommendations that the people of New Zealand want, need and deserve. From Family and Sexual Violence reforms to Hāpaitia, the reform of the criminal justice system, and Family Justice rewrite, there is no doubt of the fact that we, as a Ministry and a Sector have the opportunity before us to deliver systemic, transformative change.

Our success, of course, lies in working together as a sector. Our ability to deliver change lies in all of us talking, sharing ideas, developing sector capabilities and collaborating across agencies with a focus on the future as well as today.

The exciting news is that the kind of cross-agency collaboration we aim for is underway.

In May, Rt Hon Jacinda Ardern, and Parliamentary Under-Secretary, Jan Logie, announced the first ever Joint Venture budget package on family violence and sexual violence. This represents an important step towards cross-government collaboration with 10 agencies working together to eliminate family violence and sexual violence.

As part of Budget19 announcements Ministers Little and Mahuta similarly announced joint-agency funding for the Whenua Māori Programme. Together, the Ministry of Justice and Te Puni Kōkiri are delivering a joint programme of work to improve the services available to Māori land owners. Bringing our respective agency skills, expertise and perspectives together will achieve so much more than working apart.

I thank you all for the wealth of knowledge, positive intent and dedicated energy that you give every day in your work, energy that is powering our reform agenda and enabling us to focus every day on making the justice system better for all. ■



Budget investment and new law milestones in our efforts to eliminate violence and sexual violence

Kia ora koutou. As-salaamu Alaykum – peace be upon you.

In my work over the past four months, I have witnessed New Zealanders processing the Christchurch terror attacks and considering how we are going to change and respond as a nation. It's important to reflect on how we can all promote peace in our communities and ensure that everyone in them can live free of violence.

And we all have a part to play in challenging the discrimination and inequity that creates violence.

An estimated one million New Zealanders are affected by family violence and sexual violence every year. That includes the people who themselves use violence, and it's important that we include them in our thinking. Even as we centre victims and survivors in our discussion and decision-making, we must be able to hold those who use violence to account, to take responsibility and change their behaviour.

Our society is a violent one. But it doesn't have to be.

Our legal frameworks and how they are implemented are central to the response

The new Family Violence Act 2018 and the Family Violence (Amendments) Act 2018 aim to make sure people affected by family violence are safe, and people who use violence are held to account.

The first phase of this legislation came into effect in December. It included new offences of strangulation or suffocation, coercion to marry and assault on a person in a family relationship. These behaviours and practices are known to be used by perpetrators of violence, but weren't previously consistently responded to or given enough visibility.

The phase one changes also affected the Bail Act and Evidence Act, so the safety of victims and their families will be the primary consideration when deciding whether to grant bail, and on what conditions; and Police and courts will be empowered to impose any conditions they deem necessary for the protection of the victim and their family.

And it is now easier for Police to use video evidence on behalf of the victims. The pilot of this has already seen an increase in early guilty pleas.

Phase two of the legislation comes into effect on 1 July. This updates the definition of family violence to more clearly recognise the controlling, coercive nature of it, and the cumulative harm it causes.

“The new Family Violence Act 2018 and the Family Violence (Amendments) Act 2018 aim to make sure people affected by family violence are safe, and people who use violence are held to account.”

There are also new principles to help achieve the objectives of the Act and support more consistent responses to family violence including: the need to consider the views of victims; that access to court should be timely; perpetrators should have access to services that help them stop and prevent family

mark important inate family

Jan Logie

Parliamentary Under-Secretary to
the Minister of Justice (Domestic
and Sexual Violence)

violence; and recognising that children are particularly vulnerable to family violence; and family violence has long-term impacts.

Government and community agencies have new responsibilities under the law. The Family Violence Act names relevant government and known-government agencies as “family violence agencies,” and enables these agencies to collaborate to identify, stop, prevent and otherwise respond to family violence.

This is an opportunity for us to build awareness of the expectations of these government and community agencies. People working in these agencies are required to consider sharing information with other agencies where doing so would help keep people safe.

This legislation is part of the government’s wider work programme to transform our response to family violence, so everyone affected can get help in a timely and meaningful way.

The Wellbeing Budget delivers a comprehensive package to prevent and respond to violence.

In the first ever Joint Venture Budget package, the Wellbeing Budget 2019 delivered new funding to prevent and respond to family violence and sexual violence. This will drive substantial improvements for people currently affected by violence and reduce family violence and sexual violence for future generations.

Ministers and the ten Joint Venture agencies worked collaboratively to develop a coordinated, strategic package of investment of \$320 million over four years. There has never before been investment of this scale in preventing and responding to family violence and sexual violence. We are working differently, breaking out of our silos, focusing on the future and on making a real difference for all New Zealanders.

The package will increase the capability of community organisations, strengthen kaupapa Māori approaches, expand prevention initiatives to reach diverse communities, move towards a trauma-informed justice system and provide support to people using violence to address and change their behaviour.

**“In the first ever
Joint Venture
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It also provides \$37.8 million for improving the Justice response to victims of sexual violence. This responds to Law Commission recommendations aimed at reducing the risk of secondary revictimisation as complainants and witnesses proceed through court, including through the use of video victim statements.

We know that eliminating family violence and sexual violence is a long-term project. The Wellbeing Budget lays the foundations for a violence-free Aotearoa New Zealand and a nation we can be proud of. ■



Christchurch Mayor Lianne Dalziel addressing the audience.

Minister Little launches Canterbury Earthquakes Insurance Tribunal

Justice Minister Andrew Little launched the Canterbury Earthquakes Insurance Tribunal at an early morning gathering of stakeholders and media at the Christchurch Justice Precinct on 17 June 2019.

Greater Christchurch Regeneration Minister Megan Woods and Christchurch Mayor Lianne Dalziel also addressed the audience. All three speakers expressed their appreciation that this much-needed option was now available to those homeowners whose insurance claims remain unresolved eight or nine years after the earthquakes.

The Tribunal will provide homeowners with a fair, speedy, flexible and cost-effective way to resolve their long-standing insurance claims relating to the earthquakes of 2010 and 2011.

Minister Little also announced former District and Family Court Judge Chris Somerville as Chair of the Tribunal, commenting that “all parties participating in the Tribunal – homeowners and insurers alike – can have confidence in the process, given Chris’ experience in insurance law and expertise in mediation.”

In addition to his judicial work, Chris Somerville was a member of the Judicial Mediation Panel that provided training in mediation and settlement conferencing

for Judges of the District, Family and High Courts. He also chaired the Land Valuation Tribunals for North Canterbury (which includes Christchurch), South Canterbury and Westland.

Wayne Newall, Implementation Manager said, “It is enormously satisfying to see the Tribunal launched and open for business. The Tribunal is fully operational, and the team is already responding to enquiries and processing applications.

“Our stakeholder engagement now begins in earnest, as we endeavour to reach out to affected homeowners and let them know that, subject to meeting the eligibility criteria, this option is now available to them.

“This is the culmination of months of hard work on behalf of many in the Ministry and I’d like to express my sincere thanks to everyone involved,” says Wayne. ■

Find out more about the Canterbury Earthquakes Insurance Tribunal at
justice.govt.nz/tribunals/canterbury-earthquakes-insurance/

FAMILY JUSTICE REWRITE



Minister of Justice Andrew Little speaks to media about the report on family justice reforms.

The Independent Panel considering the 2014 family justice system reforms has released its final report to the Minister of Justice, Andrew Little.

The 142-page report makes 70 recommendations, which propose wide-ranging changes to the family justice system.

The principal recommendation calls for the development of a joined-up family justice service – Te Korowai Ture ā-Whānau, made up of the Ministry of Justice, Family Court, Parenting through Separation (PTS) and Family Dispute Resolution (FDR) providers, lawyers, iwi and kaupapa Māori organisations, social services and community agencies.

“Te Korowai provides a variety of ways for people to access the right family justice service at the right time for them,” says Rosslyn Noonan, Chairperson of the Panel.

“Each component is independent. What is different is that they come together on a regular basis nationally and locally to share knowledge, experience and professional development and interact with each other to better serve children, parents and whānau.”

In August 2018, Minister Little directed the Independent Panel to analyse the 2014 family justice system reforms. The focus of the review has been on care of children and achieving safe, timely and durable outcomes for them. This also ties in with the Government’s focus on child wellbeing. The 2014 reforms made significant changes to the family justice system, including introducing Family Dispute Resolution and removing lawyers from the early stages of some Family Court proceedings.

“What we have heard, seen, read and researched has convinced us that elements of the 2014 reforms must be changed,” says Rosslyn.

“Strengthening family justice services will take time, commitment, collaboration and open-mindedness of everyone involved at all levels. There is widespread agreement that change is urgently needed, and that agreement gives us confidence in the future of Te Korowai Ture ā-Whānau.”

The Panel – consisting of Chairperson Rosslyn Noonan and Panel members Chris Dellabarca and La-Verne King (recently appointed as a District Court Judge) – completed an initial round of consultations between September and November last year, with over 100 meetings held in 15 locations around the country. A second round of consultations were held between January and March this year. The Panel received over 500 submissions in total.

The report makes a raft of recommendations that focus on motivating people to engage with services such as Family Dispute Resolution (FDR) and reserving the Family Court for cases that most need to be heard in the Court.

The Justice Minister will examine the recommendations and report back by the end of the year. ■

The Family Court rewrite is one of our key initiatives. You can read the report and recommendations on our website:

justice.govt.nz/justice-sector-policy/key-initiatives/family-court-rewrite/

Collective action required on family violence and sexual violence

When Prime Minister Rt Hon Jacinda Ardern and Parliamentary Under-Secretary Jan Logie announced the first ever Joint Venture budget package on family violence and sexual violence in May, it represented an important step towards cross-government collaboration to address issues that impact the wellbeing of New Zealanders.

The budget package was developed by the new Joint Venture – ten agencies working together to eliminate family violence and sexual violence. The announcement reinforced the importance of coordination across government, and the need to work in partnership with communities, to prevent and eliminate family violence and sexual violence. The Prime Minister also affirmed that eliminating family violence and sexual violence is one of our greatest opportunities to improve wellbeing.

Through the Joint Venture of the Social Wellbeing Board, Chief Executives are committed to focussing their efforts on work where a joint response can make the biggest difference to reducing the impact of family violence and sexual violence on current and future New Zealanders. They are working in partnership with another governance group – Te Rōpū – who provide Māori expertise to facilitate the development and implementation of appropriate Māori responses. In addition to collaborating on funding and budgets, this joint work is likely to include strategic policy, service delivery and monitoring and evaluation.

Victims of violence consistently describe how hard they have to work to access the support they need during crisis and in their recovery. This is because the system is fragmented and hasn't been sufficiently focused on those it serves.



Fiona Ross, Director of Joint Venture Business Unit.

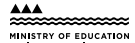
Through the Joint Venture and Te Rōpū we have the opportunity to build agreement about our approach to solving these complex issues. This year's budget expands prevention initiatives to reach diverse communities, invests in the capability of community organisations, strengthens kaupapa Māori approaches, moves towards a trauma-informed justice system and provides support to people using violence to address and change their behaviour.

There are significant opportunities for new ways of working, and changes in the culture and mindset across government to enable progress. It will take time to develop these new ways of working and it will take a sustained commitment to integrated, collective actions to achieve the transformation we need. That work has started, and I am hopeful that by working together we will succeed in creating a system capable of preventing and eliminating family violence and sexual violence.

Written by Fiona Ross, Director of Joint Venture Business Unit. The Ministry of Justice is one of the ten agencies forming the Joint Venture. The other agencies are: The Department of Prime Minister and Cabinet, Police, Oranga Tamariki, Ministry for Social Development, Ministry for Education, Te Puni Kōkiri, the Accident Compensation Corporation, Corrections and Ministry of Health. ■

Joint Venture

Eliminating family violence and sexual violence



New Behavioural Insights Unit gets green light

Our Ministry is setting up a Behavioural Insights Unit to support the Ministry of Justice, Police, Corrections, Oranga Tamariki and the Serious Fraud Office in July.

The proposal for the team came after our Ministry started using behavioural insights to improve the way we deliver our services. The team will have 11 members and has funding for the next two and a half years.

Behavioural insights play a key role in delivering a humane and effective justice system. Almost everything that happens within the justice sector is behaviour related, from arranging for people to pay their fines to crime prevention strategy.

“If you understand what motivates people’s behaviour and make some small tweaks to existing practices, you can sometimes make enormous improvements. It’s as if you’re nudging someone in the right direction,” says Vee Snijders, Behavioural Insights Senior Advisor.

“Organisations set up systems assuming people will act rationally, but when you observe people they are often influenced by a wide range of personal biases or habits and can behave irrationally or even against their own best intentions.”

One of the most notable achievements for our Ministry using behavioural insights was when our National Service Delivery team recently added 16 words to its template letter to customers reminding them to pay their fines. This simple change in language resulted in a \$1.7 billion increase in fine repayments.

Another example of behavioural insights work in the wider justice sector is our Behavioural Insights team supporting the Department of Corrections’ High Impact Innovation Programme. They created a booklet to help people on bail stick to their bail conditions, which will mean fewer people remanded or escalated to prison.

“Interestingly, making small behavioural changes can cost very little and their effects and the financial savings can be accurately measured,” says Vee. ■

To find out more about behavioural insights, see

dpmc.govt.nz/our-programmes/policy-project/policy-methods-toolbox/behavioural-insights

Around the Ministry

- Hayley Mackenzie has been appointed the head of the Women’s Network.
- District Court Registry Officer, Mike Vine and Criminal Records Officer, Jarrod Burns raised more than \$1,500 each by taking part in taking part in Shave for a Cure.
- Our Court Security Officer, Piripi Rakena designed the Kaikohe District Court window frosting after the Courthouse was refurbished.
- Adam Levy, contractor in Māori Crown Relations won the global Fantasy Premier League competition in May.
- Carmen Howearth, Service Manager at the Whangarei Māori Land Court, took part in her second Firefighter Sky Tower Stair Challenge in May, raising money for Leukaemia and Blood Cancer.
- Our Security Practice & Improvement team successfully ran their first in-house Officer Security Training course at the New Zealand Campus of Innovation and Sport (NZCIS) in Trentham.
- Sharleen Christensen, Court Registry Officer participated in the Jump to the Rescue fundraiser to raise money for the SPCA.



In May we caught up with our colleagues at the Wellington Environment Court.

The Environment Court is a specialist court that sits in various locations across the country and often takes place in a venue closest to where the case has been brought.

Although the Environment Court team is based in Wellington, it oversees cases for the lower North Island between Wellington and Taupō.

The Environment Court is a civil court so there is no criminal prosecution. However, under the Resource Management Act there are some provisions for prosecution. In such cases, the Environment Court Judge will assume the role of District Court Judge, so it can be treated as a criminal hearing.

The Wellington Environment Court team is comprised of Judge Brian Dwyer; Environment Commissioners Kathryn Edmonds, David Bunting and Ian Buchanan; Rachell Staunton, Service Manager; Jenni Gerritsen, Case Manager; Mary Goodwin, Judges PA; Bernadette Cuttance, Legal & Research Counsel; and Oliver Robertson, Hearing & Case Manager Mediations.

We spoke to a few of the team members to get an idea of what they do and what it's like working there.

Jenni has been working for the Ministry since 1998 and has been with the Environment Court since approximately 2003. Her job involves lots of case management for Judge Dwyer, answering customer and media enquiries, and preparing documents. "I really enjoy working for the Environment Court, there is a lot of variety and experience in the team," says Jenni.

Oliver has been with the Ministry for just over six months. He was previously a lawyer and now works as a hearing and case manager (like the registrar role within the courts). He drafts minutes for Judge Dwyer and manages hearings, mediations and witness conferences. "I

really enjoy my job at the Ministry, I get to do a lot of travelling and gain a lot of experience," says Oliver.

Bernadette has worked for the Ministry for 18 years in a variety of roles. She does lots of legal research for the Court. "I will often be asked to look up a decision, look at the legislation or provide a legal opinion to give the Court information to help it make a decision on a case. For someone with a law degree, this job is great because you get the chance to observe the court from behind the scenes," says Bernadette. ■

WELLINGTON ENVIRONMENT COURT



From left: Jenni Gerritsen, Case Manager; Oliver Robertson, Hearing & Case Manager Mediations; Rachell Staunton, Wellington Service Manager; Catherine Tibbles, Service Manager Coronial Services Southern.

Most of the Environment Court's work is underpinned by the Resource Management Act 1991. The Court largely deals with appeals about the contents of regional and district plans and appeals arising out of applications for resource consents. Consent applications may be for land use; a subdivision; a coastal, water or discharge permit; or a combination of these. The Court usually sits with a Judge and one or more of its Environment Commissioners. The Commissioners have expertise in many areas including planning and engineering. The Commissioners also conduct mediations of the Court's cases.

For more information on the Environment Court, visit environmentcourt.govt.nz

WELLBEING BUDGET 2019

In May the Government delivered its 2019 Wellbeing Budget.

This Budget has a specific focus on improving the wellbeing of generations to come, as well as making a difference for people right now.

Here are some of the ways that Budget 2019 supports our Ministry to make a difference:

- Funding for 10 additional judges, to help manage the District Courts' increasing workload; eight part-time relief coroners to reduce an increasing backlog; five Deputy Chairs to the Human Rights Tribunal to also reduce an increasing backlog and hear and determine more claims; and staff to support these additional judicial officers
- establishing the Canterbury Earthquakes and Insurance Tribunal to help affected Cantabrians resolve insurance issues following the 2010 and 2011 earthquakes
- ongoing funding for the additional 100 court security staff recruited over the last two years to ensure safety and security in our courthouses
- full funding of Legal Aid to continue allowing access to justice for those who cannot afford to pay. More than 55,000 people received Legal Aid services last year
- increased support for victims by providing specialist caseworkers for families bereaved by homicide, ensuring the service is based on international best practice
- investing in Oho Ake is a promising early intervention model for tamariki and rangatahi Māori run in partnership with Tūhoe Hauora in the Ngai Tūhoe tribal area. This enables Tūhoe Hauora to work with 120 young people and their families over the next four years, to provide clinical services and connect them with their cultural identity before they come to the attention of the police
- continuing The Alcohol and Other Drug Treatment Court pilot for another year while the pilot is evaluated
- providing the delivery of the 2020 election and starting preparation for a referendum on cannabis
- last but not least, the Budget provides the funding agreed to last year to improve the base pay of each Ministry of Justice employee.

The Joint Venture budget package sees 10 agencies working together to prevent and respond to family violence and sexual violence and the Whenua Māori Programme which is expected to significantly lift the intergenerational wellbeing of Māori landowners, their whānau and communities. ■

Wellbeing
Budget 2019

Family Violence and
Sexual Violence Package

Breaking the cycle of family and sexual violence

You can read more about the entire Wellbeing Budget 2019 package at justice.govt.nz/about/news-and-media/news/wellbeing-budget-2019

Whenua Māori Programme: justice.govt.nz/about/news-and-media/news/delivering-for-maori-and-the-whenua

A PLACE YOU CAN BE *Yourself*

Young Professionals and Women's Networks event

Our Young Professionals and Women's Networks held a joint event in May to discuss young women starting out in their careers.

We heard from a panel of four young women: Katherine Descours and Anna Graham, based in our National Office in Wellington, and Tatiana Daniels and Sammi Parks who joined us from the Auckland District Court via a video call.



Tina Wakefield moderated as panellists discussed their experiences and challenges in their careers, and then opened the floor up for questions. The panellists had plenty of helpful advice for the audience. Some of these questions included:

What types of challenges have you faced in your career?

"Moving countries from the United States to New Zealand was challenging for me. In my personal experience I found it quite hard at first getting into a substantial role in New Zealand. New Zealand's work values seemed a bit different, and I felt that companies in the US were looking for young, innovative professionals recently out of University. Whereas, New Zealand had a big focus on experience. Learning New Zealand's history, Māori culture while integrating into New Zealand was also a big challenge for me," says Sammi.

"Managing personal life with work life, and not letting one affect the other," says Tatiana.

What helps you maintain your resilience while building your career?

"Knowing myself and my limits is a huge help, also being part of an amazing team," says Katherine.

What advice would you give your younger self 10 years ago?

"I would tell myself to do more, get more experience and not be afraid of failing," says Sammi.

"Take the time to figure out what's important to you, what your values are," says Anna.

"Give things a go and don't worry about the result. Even if you fail at something, it doesn't mean you won't be good at it," says Tatiana.

Have you ever negotiated a job offer?

"I haven't yet, but I now feel confident enough to do this in my next opportunity," says Sammi.

"I have, but it took me a few job offers before I built up the confidence. It's good to go in prepared, know your self-worth, have examples prepared, explain what you can offer, and give it a go," says Anna.

How do you travel in your mid-twenties and not screw up your career?

"If you're in employment already, you can always ask if you could have a year off work without pay. That way you can do your travel and come back into work," suggested Tina.

"You can always try to do some internships or voluntary work while you travel. Lots of organisations won't turn down free labour, and you can gain valuable skills and references for when you return. You can also do an OE, that is a great way to continue building your career while being able to travel the world" says Sammi.

"Being well-travelled can also look really good on your CV," says Anna. ■

New survey shines light on New Zealand crime

The results of New Zealand's largest-ever survey of crime have been released, providing an important insight into New Zealanders' experiences of crime in the past 12 months.

The New Zealand Crime and Victims Survey (NCVS) is the most comprehensive report ever produced about the true nature of crime in Aotearoa. Our Research and Evaluation team ran the survey and summarised the key results in a booklet.

A major finding is that 71% of New Zealanders had not experienced crime last year. However, what the survey revealed to us was the extent of what is known as shadow crime, which is the amount of crime that goes unreported. It showed that 77% of crime is not reported to the Police.

"I don't think it's possible to overstate how valuable this information on shadow crime will be for us, the Police, Corrections, Oranga Tamariki and many other government agencies," said James Swindells, Manager Research and Evaluation.

"The insights we'll gain with further surveys, as we compare results, will provide even greater clarity on the nature of crime and the impact current policy and programmes have."

More than 8,000 people over the age of 15 were interviewed face-to-face between March and October 2018 and were asked about any incidents of crime they had experienced in the previous 12 months.

"Many people didn't even know a crime had been committed against them. They thought that whatever happened was just normal behaviour."


The 148-page report is the first of three annual surveys costing \$3.7 million in total. The next round of interviews for the 2020 report are already underway.

"The New Zealand Crime and Victims Survey uses a different methodology to the old NZ Crime and Safety Survey (NZCASS), so it's very important that people understand that results from the two surveys are not comparable.

"It's been an enormous achievement by all of the Ministry staff involved, and the surveying company CGB, that this huge survey has been turned around so quickly and carried out so comprehensively," says James. ■

"The insights we'll gain with further surveys will provide even greater clarity on the nature of crime and the impact current policy and programmes have."

You can view the findings online at justice.govt.nz/assets/Documents/Publications/NZCVS-findings-report-2018-fin-for-release.pdf



New family violence laws take effect

At the heart of new family violence legislation is better safety for victims and improved accountability for perpetrators of family violence.

The Family Violence Act 2018 and the Family Violence (Amendments) Act 2018 take effect in two phases, 3 December 2018 and 1 July 2019. They are part of the government's wider work programme to transform the response system for victims and perpetrators of family violence and sexual violence in New Zealand.

In phase one, three new family violence offences were introduced, victim safety was given priority in bail decisions and it was made easier for complainants to give evidence by video recording.

Phase two brings in changes to improve the legislative framework for family violence.

A new modern definition of family violence gives greater emphasis to coercive and controlling behaviour that is used over time to frighten a victim and undermine their autonomy.

The term domestic violence is replaced by family violence. This will better reflect that violence happens in a range of intimate and family relationships both inside and outside the home and that it is not a 'domestic' or private matter.

Under the Acts, family violence is defined as physical, sexual or psychological violence. Two new examples are added:

- abusing pets or threatening to abuse pets or animals of importance to a person is a common tactic to control or coerce a partner or family members
- dowry abuse: dowry is money, jewellery, gifts or property brought by a bride to her husband on their marriage.

Dowry abuse is when family members use threats or violence to demand more than the dowry agreed by the two families at the time of the marriage.

Psychological abuse includes threats, intimidation, stalking, harassment, damage to property and financial or economic abuse.

Other forms of psychological abuse are allowing a child to see or hear violence and disrupting the care of someone who needs it because of their age, disability or health condition.

Principles

A set of 15 principles will guide decision making by the courts and Police and are also expected to inform practice in the wider sector.

The principles give priority to victim safety and stability at all times, in particular recognising the vulnerability of children when violence is happening around them.

Perpetrators should face effective responses to and sanctions for family violence and have access to services to help them stop being violent.

Other principles relate to ensuring people vulnerable due to age, disability or health are responded to appropriately and that responses are culturally suitable, in particular that responses involving Māori should reflect tikanga Māori.

Ministry of Justice is one of 10 government agencies named as Family Violence Agencies, as well as a range of social service practitioners.

The Family Violence Act allows Family Violence Agencies to share information where this will allow better coordinated responses to assessing and managing family violence risk. Court information is exempt from the new information sharing provisions.

Guidance to support safe and appropriate information sharing is available on our website.

Protection Orders

Changes have been made to Protection Orders to improve uptake and make them work better for both applicants and respondents.

Around 3,000 Protection Orders are issued each year in New Zealand. A Protection Order has two main conditions – don't inflict violence and don't contact the people protected by the Order.

The new Act clarifies that contact by internet site or other digital channels such as messages on social media is still contact and is a breach of a Protection Order unless it has been agreed to by the protected person.

A new modern definition of family violence gives greater emphasis to coercive and controlling behaviour that is used over time to frighten a victim and undermine their autonomy.

Other changes to Protection Orders are designed to increase safety for children and young people. This includes Judges being able to impose protective conditions for handover arrangements between parents and being able to vary a Parenting Order when there are concerns about the safety of children.

The legislation makes changes to justice processes to give greater visibility to current or historical family violence activity in criminal proceedings, including at sentencing.

For example, family violence offences will be flagged in the criminal justice system and will remain on an offender's criminal record. This will inform and guide Judges and Police, so they can respond to the particular dynamics of family violence when they make decisions. ■

The Family Violence Act 2018 repeals and replaces the Domestic Violence Act 1995.

For more information go to justice.govt.nz

Delivering Safe and Effective Justice: What New Zealanders think



Te Uepū Hāpai i te Ora – the Safe and Effective Justice Advisory Group has released He Waka Roimata (A Vessel of Tears), a report that shares what the group has heard from New Zealanders about the criminal justice system.

The report’s clear message is that regardless of how people interact with the justice system, it’s failing them and their family/whānau, and there’s an urgent need for transformative change.

Justice Minister Andrew Little established Te Uepū in July 2018 to facilitate an open and constructive public conversation about how we can deliver safer and more effective justice for everyone.

The group listened to thousands of New Zealanders from all over the country at public events, through the Safe and Effective Justice website and social media. They heard diverse views, including from people harmed by crime and people who have offended. They also heard from family/whānau, communities and service providers.

“The overwhelming impression we got from people who have experienced the criminal justice system is one of grief. Far too many New Zealanders feel the system has not dealt with them fairly, compassionately or with respect - and in many cases has caused more harm,” says Chester Borrows, Te Uepū Chair.

“We heard that the current system simply isn’t delivering effective justice, and a 60 per cent reoffending rate within two years of a person leaving prison is some evidence of its ineffectiveness.

“We’re hearing that many victims are left with a sense that justice has not been done. People are feeling let down at their most vulnerable time.

“And for Māori the legacy of colonisation comes in many forms, many of them with tragic consequences, as is the case in all colonised countries where indigenous peoples are over-represented in prison. This legacy is a gross unfairness and something we should not tolerate in New Zealand.

from left to right: Te Uepū members Julia Whaipooti, Tracey McIntosh, Shila Nair, Quentin Hix, Chester Borrows (Chair), Carwyn Jones, Ruth Money.





Te Uepū Chair Chester Borrows discusses the He Waka Roimata report with Mark Richardson, Amanda Gillies and Duncan Garner on Newshub's The AM Show.

“There is widespread recognition that at every point in their lives, and over generations, Māori experience disadvantage that increases the risk they will come into contact with the criminal justice system,” he adds.

Justice Minister Andrew Little welcomed He Waka Roimata, and said it clearly demonstrates a public appetite for long-term sustainable and enduring transformation in the justice system.

“This report follows comprehensive engagement with the community and shows New Zealanders want to see less offending, less re-offending and fewer victims of crime, who are better supported.

“The report provides sober reading. There are many stories and examples shared by victims, families, offenders and organisations that are upsetting, especially those that demonstrate failings in the system that could be avoided through simple, early and appropriate interventions.

“The report also offers hope. The overwhelming sense is that we can make change for the better, and deliver safer and more effective justice for all New Zealanders.

“I’d like to thank everyone who has given their voice, especially those who have been victimised,” says Minister Little.

The report complements ongoing work by the Hāpaitia te Oranga Tangata: Safe and Effective Justice programme and a recent Victims Issues Workshop and Hui Māori: Ināia Tonu Nei Safe and Effective Justice forum.

He Waka Roimata covers the following major themes emerging from the public discussion:

- Too many people who have been harmed by crime feel unheard, misunderstood and re-victimised.
- The number of Māori in the system is a crisis.
- Violence is an enormous problem, particularly for family/whānau and children.
- Formal justice processes fail us too often.
- The justice system is too focused on punishment and neglects prevention, rehabilitation, reconciliation and repair of the harm done by crime.
- Individuals and family/whānau feel unsupported and disempowered by the system, and the ability of iwi, hapū, communities, NGOs and others to provide support is constrained by the siloed nature of government structures and funding arrangements.
- People experiencing mental distress lack the support they need.

Te Uepū is now developing a response to the themes and ideas raised by the public. ■

Read the full article at [safelandeffectivejustice.govt.nz](https://www.safelandeffectivejustice.govt.nz)

Working together to put victims at ease:

Court Victims Advisors support newly graduated constable's inductions

For many people, going to court can seem unfamiliar, and particularly for victims, stressful. An initiative between the Ministry of Justice and Police in Christchurch aims to improve that experience.

Ministry of Justice Court Victims' Advisors (CVAs) provide specialist support services to victims throughout the Court process. They advise victims of their rights under the Victims' Rights Act 2002 and help them navigate the court system - explaining court jargon and what to expect inside a court room.

With the Canterbury District welcoming approximately 120 newly graduated constables over the next few years, CVAs at the Christchurch Justice and Emergency Services Precinct (CJESP) have partnered with police to provide court induction sessions for the new constables.

The idea to partner this way grew out of a shared desire to see police and CVAs deliver better results for victims, particularly when victims come to court to give evidence.

Court Services for Victims, Service Manager, Kylie Ehrich, explains, "Victims look to Police and to our Court Victims' Advisors as a source of knowledge, support and comfort during a really stressful time."

"We noticed that some police were unsure in the court environment, and this was transferring to the victims. The more confident police are, the calmer the victims and witnesses. When victims get consistent information from police and CVAs they are more confident about what to expect, and how to cope. Ultimately, this can lead to better quality evidence."

The inductions have a practical focus and Helen Knowles, Court Victims' Advisor, who delivers them with Senior Sergeant Neru Leifi, Victims Manager, Christchurch believes this is working well.

"One aim is to ensure that new police get a chance to understand the complexities of the court process, but also know what facilities are available for victims and witnesses when they come to the CJESP building."

Inductions include a walk through of rooms available for victims; how to make use of the alternative ways to give evidence, including use of Audio Visual Technology (AVL); and child friendly spaces to support young witnesses or family members

As an officer with 30 years in the Police, Snr. Sgt. Leifi personally understands how this support helps new constables.

"I still recall my first time at court. I was very nervous and unaccustomed to speaking in public myself, yet I had witnesses and a victim with me to look after. I didn't know where to take them to wait, or where to stand in the courtroom myself. Back then there was little guidance in our training."

These days, Snr. Sgt Leifi explains, a key focus for police is their relationship with victims and engaging well with them in the process. He has received positive feedback from the new constables that the induction sessions support for this.



Working together: Court Services for Victims, Service Manager, Kylie Ehrich and Senior Sergeant Neru Leifi, Victims Manager, at Christchurch.

“I’ve now taken two groups of new constables through the induction with Helen and they have said the sessions take the stress off the court environment.”

At each session police and CVAs also discuss how they can work together to improve the victim experience during a prosecution.

“The induction programme has strengthened our relationship with the Ministry of Justice CVAs who are knowledgeable as well as being very personable – we could not do our job in court without them,” says Leifi.

Helen agrees the partnership has paid off, “It takes that pressure off police and helps victims feel comfortable in the court environment – no matter who they encounter. In this practical way we are sharing our knowledge across the front line of the justice sector – where it can make a positive difference to New Zealanders going through the system.” ■

New police constables become familiar with the court environment and CJESP facilities under the guidance of Court Victims Advisor Helen Knowles (far left) and Senior Sergeant Neru Leifi, Victims Manager (far right).



Court Victims Advisors

Court Victims Advisors support people affected by crimes ranging from property theft through to sexual violence, family violence and homicide. Court Victim Advisors services include:

- advising victims about their rights under the Victims’ Rights Act 2002
- providing victims with information and updates about a case
- helping victims take part in the court process
- telling victims about other services, entitlements and financial assistance
- helping victims prepare to give evidence.

To find out more, phone Victims Information on: 0800 650 654 (the 24/7 Victims Information Line) or visit victimsinfo.govt.nz/support-and-services/support-at-court

For more information about New Zealand Police, visit police.govt.nz

Justice Matters

Justice Matters is a quarterly newsletter produced by the Ministry of Justice's Communications team.

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justice.govt.nz

MOJ0198.14_JULY19
ISSN 2463-4476

