



MINISTRY OF
JUSTICE
Tāhū o te Tūru

Votes Justice and Courts

2014 Briefing for the Incoming Minister

Published by the Ministry of Justice
2014 © Crown Copyright
ISBN 978-0-478-32439-6 (print)
ISBN 978-0-478-32440-2 (online)

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Your responsibilities

The Justice Portfolio

As the Minister of Justice, you are responsible for:

- Justice sector leadership, including priority setting across the sector.
- Policy and legislation across a broad range of justice policy areas, including:
 - reducing crime and victimisation
 - sentencing, parole and bail
 - domestic and international criminal law
 - family law
 - youth justice
 - legal aid and access to justice
 - enforcement and protection of civil rights and interests
 - human rights
 - the quality of regulation
 - electoral and constitutional law.
- The Government's ownership interest in the Ministry of Justice (as Responsible Minister for the overall Ministry) and Vote Justice Crown Entities.
- Giving advice to the Governor-General on applications for the exercise of the Royal prerogative of mercy.
- Making decisions on compensation claims for wrongful conviction and imprisonment.
- Appointments to approximately 450 statutory positions (excluding Justice of the Peace appointments). The majority of these appointments are made for terms of three or five years so 120 to 140 positions are reviewed annually.
- Making decisions about applications for extradition.

The Courts Portfolio

As the Minister for Courts, you are responsible for providing, through the Ministry of Justice, the administrative and other services necessary to:

- Operate the New Zealand court system
- Support independent judicial decision making
- Oversee the collection of fines and reparations
- Serve court documents, and
- Enforce civil judgment orders.

This document provides an initial overview of these responsibilities, what they mean practically and some of the opportunities available to you as Minister. It should be considered alongside the Justice Sector Briefing to the Incoming Government (provided by the Ministry of Justice), the Social Sector Briefing to the Incoming Government (provided by the Ministry of Social Development), and the Public Services Briefing to the Incoming Government.

We are able to brief you in more detail on key initiatives, and would welcome the opportunity to provide any further information you require.

The Ministry of Justice

The Ministry supports the Minister of Justice, Minister for Courts, Minister Responsible for the Law Commission, the Attorney-General and the Minister for Treaty of Waitangi Negotiations in carrying out their responsibilities, and delivers a range of courts and justice services to New Zealanders.

The Ministry is the lead agency in the justice sector, which comprises the Department of Corrections, New Zealand Police, Crown Law Office, Serious Fraud Office, Ministry of Social Development (for youth justice) and a number of crown entities and agencies. The Justice Sector Leadership Board - made up of the Secretary for Justice, the Chief Executive of the Department of Corrections, the Commissioner of Police, Solicitor General and Director of the Serious Fraud Office - is a vehicle to give effect to greater collaboration and whole-of-sector approaches. The board is chaired by the Secretary for Justice, who, in his role as Chief Executive of the Ministry of Justice, is accountable to the Minister of Justice.

We administer three Votes – Justice, Courts and Treaty Negotiations, and will provide a total of \$669 million departmental and \$534 million non-departmental outputs across the three votes in the 2014/15 financial year. The Ministry has approximately 3,400 full-time equivalent staff, most of who work in operational areas from more than 100 locations across New Zealand.

The Ministry is unique in New Zealand in that we are the only agency working across all three arms of government – as well as working for the legislature and executive, we provide support for the judiciary. A key element of this relationship is the constitutional requirement of independence in judicial decision-making. We support 82 courts, 29 tribunals and more than 650 judges and judicial officers.

Supporting the work of the judiciary

The Ministry of Justice is at the nexus of the relationship between the executive and the judiciary. The Ministry ensures that the judiciary is provided with adequate levels of administrative, technological and human resources support, and funding for judicial training and development.

In delivering these services, the Ministry recognises the importance of judicial independence. An example of how this works in practice is that the judiciary is responsible for allocating judges to hearings (to avoid the executive controlling which judges hear which particular cases), but the Ministry is responsible for ensuring there are adequate courtrooms and staff to support hearings.

Some Ministry staff exercise judicial functions, for example, as court registrars. The same staff, as part of their responsibilities as Ministry employees, may also perform tasks related to the functions of the executive (such as management duties). The Ministry has no ability to direct or control staff in their judicial functions.

The Ministry and the judiciary have established a new Courts Consultative Committee to consider high level issues of mutual interest and concern in the administration and development of the Courts. It will ensure appropriate judicial input into significant decisions affecting the Courts, as well as a free exchange on issues of mutual interest.

The Ministry's primary responsibilities are to:

VOTE JUSTICE

- Develop ways to reduce crime and victimisation.
- Provide advice on developing and reforming legislation to ensure laws and sanctions deter potential offenders, minimise re-offending and hold offenders to account.

- Administer legal aid and purchase legal aid services from private lawyers. The Ministry includes the Public Defence Service, which employs independent salaried criminal lawyers to represent eligible people accused of crime. We ensure the efficiency of publically funded legal services so that they remain available for those who need them most.
- Fund justice services, including crime prevention, restorative justice and victims' services.
- Provide advice on modern, flexible and credible constitutional arrangements. We administer core constitutional statutes (including NZBORA, OIA, Ombudsmen Act, Electoral Act, Judicature Act, Constitution Act) and support core constitutional agencies (including Electoral Commission, Human Rights Commissioner, Privacy Commissioner, and the Independent Police Complaints Authority).
- Ensure the regulatory and institutional arrangements that make up our civil justice system remain relevant and that there are simple, clear and fair rules for civil transactions.

Under Vote Justice, the Ministry also provides:

- the Minister Responsible for the Law Commission with advice on Law Commission policy, appointments, strategic direction, performance, risk management and work programme, and
- the Attorney-General, in their role as Senior Law Officer of the Crown, with services in regard to the areas administered by the Ministry of Justice that are the responsibility of the Attorney-General: judicial and some statutory appointments, and the New Zealand Bill of Rights Act 1990.

VOTE COURTS

- Provide the administrative services necessary to operate the New Zealand court system and to support the judiciary.
- Administer and support the progression of cases in the Supreme Court, Court of Appeal, High Court, District Courts, specialist courts and a large range of tribunals and authorities.
- Enforce and collect court-imposed fines and reparations.

VOTE TREATY NEGOTIATIONS (REPORTS TO MINISTER FOR TREATY NEGOTIATIONS)

- Support the Crown and iwi in settling historical Treaty of Waitangi claims. We provide claims management, research, report writing and inquiry support to the Waitangi Tribunal. We oversee implementation of settlements, and preserve the value of properties in the Crown landbank until they are required in a settlement.
- Administer the Marine and Coastal Area (Takutai Moana) Act 2011. We advise on implementation of the Act, engage with groups for recognition agreements, and instruct the Crown Law Office on applications to the High Court under the Act for recognition orders.
- Through the Post Settlement Commitments Unit, we work alongside the rest of the Crown, local government and iwi to safeguard the durability of Treaty settlements and to ensure the gains made through settlement process are supported and built upon.

Appropriations

The Ministry administers over \$1 billion across Votes Justice, Courts, and Treaty Negotiations.

VOTE JUSTICE APPROPRIATIONS

DEPARTMENTAL BUDGET FOR THE YEAR ENDING 30 JUNE 2015	BUDGET \$000
Administration of Legal Services	22,521
Public Defence Service	23,370
Sector Leadership and Support	7,765
Justice Policy Advice and Related Services MCA	20,546
– <i>Justice Policy Advice</i>	15,786
– <i>Legal and Ministerial Services</i>	4,760

Total Departmental Funding

74,202

DEPARTMENTAL BUDGETS – LAST YEAR, THIS YEAR, AND THE NEXT 3 YEARS

Budget \$000	2013/14	2014/15	2015/16	2016/17	2017/18
Total Departmental Funding	83,214	74,202	75,248	74,895	74,747

NON-DEPARTMENTAL BUDGET FOR THE YEAR ENDING 30 JUNE 2015

BUDGET \$000

Community Law Centres	10,970
Crime Prevention and Community Safety Programmes	11,782
Electoral Services	43,993
Equity Promotion and Protection Services – Inspector General PLA	330
Family Disputes Resolution Services	7,360
Justice Advocacy, Advice and Promotion Services	22,869
Legal Aid	109,555
Provision of Protective Fiduciary Services	2,627
Provision of Services from the Electoral Commission – Broadcasting PLA	2,855
Supporting and assistance provided by Victims Support to Victims of Crime	6,032
Impairment of Legal Aid Debt	18,866
Impairment of Offender Levy	1,366
Victims' Services	4,350
Total Non-Departmental Funding	242,955

NON-DEPARTMENTAL BUDGETS – LAST YEAR, THIS YEAR, AND THE NEXT 3 YEARS

Budget \$000	2013/14	2014/15	2015/16	2016/17	2017/18
Total Non-Departmental Funding	240,322	242,955	206,454	217,884	224,689

DEPARTMENTAL CAPITAL EXPENDITURE FOR THE YEAR ENDING 30 JUNE 2015

BUDGET \$000

Ministry of Justice – Capital Expenditure PLA	115,032
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DEPARTMENTAL CAPITAL BUDGET – LAST YEAR, THIS YEAR, AND THE NEXT 3 YEARS

Budget \$000	2013/14	2014/15	2015/16	2016/17	2017/18
Total Departmental Capital Funding	131,711	115,032	60,134	64,040	77,574

VOTE COURTS APPROPRIATIONS

Departmental budget for the year ending 30 June 2015

Budget \$000

Courts, Tribunals and Other Authorities Services, including the Collection and Enforcement of Fines and Civil Debt Services MCA	436,880
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- Collection and Enforcement Fines and Civil Debts Services	66,057
- District Court Services	215,278
- Higher Court Services	68,253
- Specialist Courts, Tribunals and Other Authorities Services	87,292

Departmental budgets – last year, this year, and the next 3 years

Budget \$000	2013/14	2014/15	2015/16	2016/17	2017/18
Total Departmental Funding	459,495	436,880	443,719	441,525	441,344

Non-departmental budget for the year ending 30 June 2015

Budget \$000

Abortion Supervisory Committee - Certifying Consultants Fees	5,063
Assistance to Victims of Crime	40
Coroners Salaries and Allowances PLA	5,173
Court and Coroner Related Costs	73,863
Impairment of Debt Established to Recognise Contributions towards Family Court Professional Services	1,292
Impairment of Fines Receivable	57,114
Judges' Salaries and Allowances PLA	114,089
Judicial Review Costs	1,196
Justices of the Peace Association	350
Tribunal Related Fees and Expenses	5,074
Total Non-Departmental Funding	263,254

Non-Departmental budgets – last year, this year, and the next 3 years

Budget \$000	2013/14	2014/15	2015/16	2016/17	2017/18
Total Non-Departmental Funding	272,109	263,254	264,251	264,514	264,514

Justice - Strategic overview

The justice system

New Zealand's justice system supports the framework of laws that govern all aspects of life in our country – it protects our society and the way we live. Civil justice, criminal justice and constitutional law guarantee our rights and freedoms, set out what is unacceptable in our society (and the penalties for breaking the law), and provide the rules around how our country is governed and our relationships managed. Civil justice also supports the economy by providing the rules for business and security around property rights and contracts. Spending for the Vote Courts appropriation is evenly split between criminal and civil justice.

Our justice system is built around irrevocable principles that underpin all modern democracies – the separation of powers, and the rule of law – on the strength and integrity of its institutions, especially the courts, and in public trust in those institutions and the law.

Maintaining that trust and meeting public expectations is critical. This is not just about people believing that the justice system will keep them safe. Our democracy works because most people live within the law. Deterrence and appropriate punishment are important, but equally important is public trust that the law is fair, that it will be applied fairly and that the justice system is in tune with its society.

Separation of powers

A fundamental constitutional principle in New Zealand is the doctrine of the 'separation of powers' and the independence of each of the three branches of government: the legislature (Parliament), the executive (Ministers of the Crown and government departments), and the judiciary. Each of these branches has a distinct role and acts as a check on the others.

The rule of law

A core element of an unwritten Westminster-style constitution, such as in New Zealand, is the rule of law. This exists as a safeguard of personal and property rights and, in its most basic form, is the principle that no one is above the law - it applies to everyone, equally. Its most important application is the principle that governmental authority is exercised only in accordance with written, publicly disclosed laws adopted and enforced in accordance with established procedures.

Judicial independence

While Parliament is responsible for making laws and the executive for administering them, the judiciary is responsible for interpreting the law and for independently and impartially conducting trials and resolving disputes in accordance with the law.

There is no statute that expressly requires the executive to uphold the independence of the judiciary. Rather, it is a matter of convention in New Zealand that the executive cannot direct the judiciary and that the legislature can only direct it through legislation.

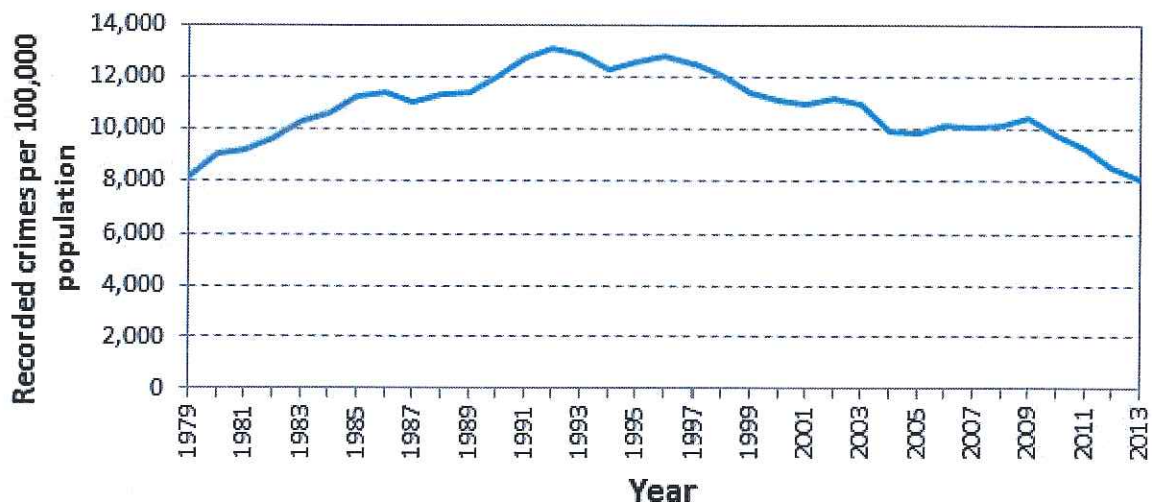
New Zealand's justice system is highly regarded internationally through the World Justice Project's Rule of Law Index and New Zealand is ranked as the least corrupt nation in the world (first equal with Denmark) by Transparency International's Corruption Perceptions Index. These are positive measures of the integrity of the justice system and the people who work in it, and signal to those who want to invest or do business in New Zealand that they can trust our system of laws and property rights.

Most people do not worry about the law or think about justice and most do not use or encounter the justice system unless something has gone wrong – for example around property (where they use the Tenancy and Disputes Tribunals), a relationship breakdown, or having experienced crime. This is why the way justice services are delivered is particularly important – especially for those people who are experiencing the impacts of crime. The timeliness, responsiveness and quality of service, and the consistency of processes and the ease with which they are understood, can minimise harm and help maintain and build trust in the justice system.

These characteristics of justice mean that a key measure of success is a reduction in the number of people (including victims) utilising services or entering the justice system.

Most significantly from a public perspective, people are increasingly safe and crime levels are falling. The crime rate is 39% lower than its peak in 1992. Public perceptions of crime, however, are not aligned with this fact. A survey undertaken by the sector the last two years shows that the public believes national crime levels are increasing. In the latest survey around 60% of people believe that crime is increasing nationally. Far fewer people think there is a crime problem in their own neighbourhood.

Recorded crime rate per capita, 1979-2013



Key features of the justice system are:

- Falling crime and volumes – crime prevention and greater police use of diversion for low-level offending are contributing to fewer people coming before the courts. Similarly, the number of new civil cases decreased by 43% from 30 June 2010 to 30 June 2014.
- An increasing focus on reducing harm and improving the experience of victims.
- Improved collaboration between justice sector agencies and with other sectors, with a focus on better results, improved frontline services and using resources more effectively.
- Substantial legislative and operational change. Legislative change in the past two years has included reform of criminal court procedures; bail; privacy law; legal aid; the Family court and alcohol law. Major operational change programmes have been completed to implement these reforms.
- Increased use of technology and increasing emphasis on improving services to people, to make access to justice easier and to reduce the time they have to spend in the justice system.

Overall, as the results show, the justice system works well. But it is a system with a large investment in infrastructure and its operating model (and its major costs) are based largely around buildings and people. Some aspects, particularly court operations, are paper-based and increasingly out of date.

We can make the system simpler, and technology provides the opportunity to design a justice system that better meets modern needs and continues to build public trust in the justice system. This is why the Ministry's work focuses on three areas: driving down crime, modernising services, and protecting the framework of law we all rely on.

The Ministry's work

Modern, accessible, people-centred justice services

Our mission, of providing 'modern, accessible, people-centred justice services', recognises that we are here for New Zealanders and ensures we focus on what we do for them. It puts the people who need or 'use' justice - the public of New Zealand and our customers - at the heart of work. We can provide services differently for people and in ways that work better for them, and we can provide courts that work faster and are easier to understand. In everything we do, we need people to know and feel that justice is being served.

Fundamental objectives are at the heart of the Ministry of Justice's work: reducing crime and the impact and cost of crime on people; maintaining the integrity and principles of the justice system and supporting the court system and independent judiciary; and improving justice services and access to justice.

The fact New Zealand's justice system is perceived to be among the best in the world reflects the soundness of its principles and the integrity of its people and institutions. The falling crime rate shows that people increasingly live within the law and less harm is being done.

We need to ensure that these trends continue - and that the processes and systems that support the delivery of justice work better for people. Our interactions and our service, particularly in the courts system where there is the greatest impact on people's lives, should strengthen public confidence in the justice system.

This is the reason the Ministry has adopted a mission of providing "modern, accessible, people-centred justice services". It is designed to put people at the heart of our thinking and to ensure there is a very clear focus on New Zealanders and what we do for them.

Major reforms have already occurred and we have made some important gains for people, most notably around crime reduction and improving the speed of court services. However, we still have a significant way to go to modernise a system that is still rooted in traditional and courthouse-based processes.

The Ministry's work over the next few years is designed to:

- make society safer by shaping policies that reduce crime and harm
- modernise our services and speed the time it takes for cases to proceed through the courts
- support access to justice and enhance public confidence in the justice system (in part through our work around Treaty Negotiations)
- reshape the Ministry to support this work and use taxpayers' money effectively.

The overall approach is modernisation: ensuring laws, systems, our ways of work and our services are effective and fit for purpose so that justice is served.

Reducing crime and harm

A key priority for the Ministry has been working with the sector to reduce crime and its impacts on people. Sector agencies recognise that there is a justice "pipeline" across the criminal justice sector (the criminal justice system accounts for approximately 80% of sector spending) and there is a focus on crime prevention, rehabilitation and reducing re-offending.

Figure 1: the criminal justice pipeline



There have been significant gains in recent years. The number of people entering the criminal justice system, which accounts for about 80% of sector spending, is steadily declining.

There has been a general decrease in crime over the last 35 years, in New Zealand and internationally. There is no single reason for the decrease which is partially explained by demographic and technological changes (e.g. car immobilisers, cheap electronic goods reducing demand for stolen items, CCTV) and changes in policy and within the justice system. Crime reduction targets have helped focus the justice sector on sustaining the fall in crime rate and they have also seen positive movements in the difficult areas of serious crime and reoffending, and a significant reduction in youth crime.

Better Public Services (BPS)

The justice sector's BPS targets – which use June 2011 crime levels as a baseline – aim for a 15% reduction in total crime, a 20% reduction in violent crime, a 25% reduction in youth crime and a 25% reduction in reoffending by 2017. At 31 March 2014, the total crime rate was down by 16%, violent crime 11%, reoffending 12.2%, and Youth Court appearances were down 30%. These figures mean around 55,000 fewer crimes are being committed each year compared to 2011 and that fewer people are being affected by crime and its impacts.

Reducing harm

Some types of crime and associated victimisation have not reduced, or not reduced as fast as we would like. These areas include family and sexual violence.

The incidence of crime is unevenly spread. Most people do not experience crime in any year, while 6% of adults experience more than half of all crime.

Victims of family violence suffer particularly high levels of harm, which can have a lasting effect on their lives.

They are also at high risk of further victimisation.

Reducing repeat victimisation, particularly family violence, will have the biggest impact on levels of violent crime and harm.

54% of all crime is experienced by just 6% of adults.

Sexual violence often co-exists with family violence and can have severe and long-lasting impacts for victims. Victims often experience repeat episodes and are less likely to report sexual assaults - even when accompanying family violence is reported.

Another area of concern is the continued over-representation of Māori in the criminal justice system: Māori make up around half the prison population, and are also among those groups most likely to experience crime.

Key work underway

Crime reduction

The Hutt Valley Innovation Project demonstrated how joining-up local frontline services can make a real difference to crime reduction. This approach has been extended this year to Papakura, Hamilton, and the East Coast. The justice sector is also working with communities at high risk of offending and victimisation, piloting a partnership approach with Maori organisations, including trialling iwi panels, in three areas.

We are increasingly working with the social sector to prevent crime. A major example is the Youth Crime Action Plan. Eight government agencies, with leadership from the Ministry, are working together and partnering with Māori, communities, parents, schools and others to tackle youth crime and the factors that lead to youth offending.

Family violence and victims

In June 2014 Cabinet agreed to four action areas for the justice sector to improve its response to family violence:

- Better protect victims of domestic violence
- Improve victims' experience in the justice system
- Support judicial decision-making in cases involving domestic violence, and
- Ensure domestic violence legislation is modern and fit for purpose.

Justice agencies are working on a package of initiatives that complements actions being led by the social sector (e.g., the Ministry of Social Development's whole of government approach to reducing family violence through inter-generational change). The cross-agency Justice Sector Briefing for the Incoming Government provides more information.

The Ministry is planning changes to the Evidence Act 2006 to better protect victims during cross-examination.

Modernising services

The Ministry has implemented substantial change in the last three years. Major policy and legislative change has been supported and implemented, including in areas such as alcohol and family justice reform that have the potential to make a positive difference to society. And we have increasingly moved to use modern tools and ways of working so that we provide people better services.

We have, for example:

- Modernised key legislation underpinning court processes, including:
 - Criminal Procedure Act 2011, which changed the way that cases progress through the court and simplified and sped up criminal court processes. This was the biggest change in the criminal jurisdiction in 50 years.
 - Reforming the Family Court by providing a range of out-of-court support services so people do not have to go to court to resolve disputes in the first instance. The Family Court can now focus on those at risk and the more complex cases.
- Used technology to improve services:
 - Expanded Audio-visual links to allow remote appearances in court by remand prisoners.
 - Developed on-line tools, including making websites more user-friendly and making available arrangements to pay online.
 - Introduced electronic filing of Police charges, meaning around 200,000 charges a year will now be issued to courts in this way rather than in paper. Similarly, 'e-filing' of Corrections pre-sentence reports.

- Made changes to the court network to reflect population shifts. Several small, underused court houses were turned into hearing-only courts, and others were closed, while investment has been made in Manukau, Dunedin and Masterton.
- Centralised common administrative tasks (e.g. dissolutions of marriage and applications to the Disputes Tribunals) from individual courts to dedicated processing teams.

Significantly also, by setting a target for improving the speed of court performance, the average age of court cases is reducing rather than increasing. The average age of District Court cases at the end of December 2013 had reduced by 8.9%, with an 18.3% reduction in the criminal jurisdiction and a 5% reduction across civil and family, and disputes. Although the volume of cases entering the courts had been dropping since 2009, this was the first time average case times had reduced since then.

Falling crime and volumes, the opportunities of technology, and the reforms to date provide a solid platform for further change - and further change is necessary to improve outcomes for New Zealanders and to strengthen the resilience of key institutions in an increasingly complex world.

Key work underway

Modernising courts

Modernising courts administration is the Ministry's top operational priority. Modernising courts is about improving our operations and our processes to provide better services to people who use the courts and work in them.

Independent, fair, and efficient courts are a cornerstone of our democracy. However, the court system uses a service delivery model where most of its activities are based around separate jurisdictions in individual courthouses and all rely heavily on paper-based supporting information. This delivery model is underpinned by complex legislation and infrastructure and is resource intensive.

The administration of this key institution needs modernising so that it works faster for people and meets public expectations. Speed is a very important dimension of service for the public and the Ministry is continuing to build on the achievements made in 2013, as we work towards a cumulative target of a 20% reduction in the age of cases by the end of 2014. We do not want people – especially the victims of serious crime – to be in the justice system for longer than necessary.

Doing current processes better is not enough to close the gap between what we can provide and what New Zealanders want. We need to:

- change the way the Ministry delivers court administrative services and redesign business processes
- use business intelligence and data far better, and
- implement an electronic court (eCourt) system, based around an electronic case file.

Modernising courts administration and services will bring substantial benefits, including for victims and witnesses. We also expect long term financial benefits, although realising them depends on productivity gains and subsequent changes to the business model. This substantive programme of change will require sustained attention and effort over the coming years.

eCourts

We are developing proposals to move to an electronic courts system. This would create an electronic rather than paper court file and allow people to store and send information electronically. Cabinet considered a paper on modernising courts in July and we would like to seek Cabinet's agreement to an indicative business case for eCourts before the end of the year.

eCourts will provide an essential platform for any future improvements in the service delivery in courts and tribunals. Implementation would be stepped to allow us to prove that changes work

before progressing to the next stage. This approach will allow us to gain the support of court users, the judiciary and the legal profession and to align changes with justice sector systems.

Implementation of eCourts depends on early passage of the Judicature Modernisation Bill, currently awaiting its second reading. (The Minister of Justice is responsible for the Judicature Modernisation Bill.) The Bill sets up a legislative framework which enables technology to be used in courts and tribunals and in interactions with the court process (e.g., filing applications).

Better business processes

The emphasis on business process engineering recognises that, while technology is an important enabler, we need also to re-think how we deliver our services. Work already underway in this area includes:

- Centralising common administrative tasks (e.g. dissolutions of marriage and applications to the Disputes Tribunals) to dedicated processing teams where appropriate
- Standardising certain business processes to ensure we provide a consistent service throughout the country
- Improving the tools we use for scheduling hearings and how we use them.

We are also looking at the best operational mechanisms to drive performance. We need to take a cross jurisdictional approach to make the quality of our frontline services more consistent and improve our use of existing resources such as court rooms.

Better business intelligence

We need to strengthen the use of business intelligence within the Ministry to help managers improve business performance and support decision-making at all levels. Initiatives currently underway will address data quality, ease of access to data and information, and development of a business intelligence capability. The Ministry goal is to develop a mature data, information, and business intelligence capability, providing future-focused, predictive analytics to improve business performance.

Key initiatives are around:

- Courts productivity
- Business intelligence and information management
- An Electronic Data Warehouse.

Modernising the justice framework

Significant pieces of Ministry-led legislation have been passed in recent years to address crime, improve processes, and provide better services to victims. Many of these have required significant operational change for the Ministry.

Legislation	Description
Criminal Procedure Act 2011 and associated Amendment Acts	Biggest reform of criminal procedure in 50 years. Simplifies, streamlines and modernises criminal court processes.
Legal Services Act 2011	Integrated the Legal Services Agency into the Ministry of Justice, and implemented the Legal Aid Tribunal and Legal Aid Review Authority.
Courts and Criminal Matters Bill 2011	Better encourages people to pay their fines, enhances enforcement powers, simplifies and reduces compliance costs for civil debt.
Courts (Remote Participation) Act 2010	Allows court participants such as defendants to appear in court remotely.

Legislation	Description
Anti-Money Laundering and Countering Financing of Terrorism Act 2009	Includes provisions to deter, detect and prosecute serious crime.
Search and Surveillance Act 2012	A new framework for regulatory and enforcement agencies. Allows enforcement methods to adapt to changes in technology that may occur.
Bail Amendment Act 2013	Amends Bail Act 2000 to improve public safety by making it harder for those accused of serious offences to get bail, and ensure the overall integrity of New Zealand's bail system.
Victims of Crime Reform (2014)	Includes proposals to strengthen victims' rights and improve the information and services available to them.
Alcohol Reform (2012)	Implements decisions made in response to the Law Commission's 2010 report on alcohol to reduce the harm caused by alcohol.
Legal Assistance Amendment Act 2013	Changes the provision of legal services paid for by the Crown to ensure costs are affordable.
Victims' Orders Against Violent Offenders Act 2014	Acknowledges ongoing effects of serious violent offending for victims; empowers the court, on application of a victim, to make a non-contact order prohibiting the offender from having any form of contact with the victim
Family Court Reform (2013)	Provides for a modern and sustainable family justice system. It enabled the setting up of the Family Dispute Resolution (FDR) service to assist parents to reach agreement about their children without having to go to the Family Court. It also changed the court processes for Care of Children Act 2004 cases so that court proceedings are more predictable for court users and more efficient. The Bill made changes to the Domestic Violence Act 1995 to: increase the penalty for breaching a protection order; include economic or financial abuse in the definition of domestic violence; and make non-violence programmes more effective
Sentencing (Aggravating Factors) Amendment Act 2012	Makes it an aggravating factor at sentencing that the victim was a constable or prison officer acting in the course of their duty, or an emergency health or fire services provider acting in the course of their duty at the scene of an emergency

Strengthening constitutional resilience

Legislative change has also been made to respond to people's evolving technology needs and expectations:

- The Electoral Amendment Act 2014 modernised and improved services to voters, candidates and parties. Changes include online enrolment for voters and allowing parties to email bulk candidate nomination and party list documents
- The Privacy Amendment Act 2013 enables government agencies to share personal information to facilitate service delivery, while providing appropriate safeguards to protect privacy.

We have also established the Post Settlement Commitments Unit (PSCU) to work alongside other parts of the Crown, local government and iwi to safeguard the durability of Treaty settlements and to ensure the gains made to the Crown-Māori relationship through historical Treaty settlements are maintained and built upon. To date the PSCU has reported to the Attorney-General.

Key work underway

Seven Bills are currently before Parliament available for reinstatement. These Bills (set out in Annex A) will either introduce further change or are required to support other initiatives.

Review of Intelligence and Security Agencies

Under the Intelligence and Security Committee Amendment Act 2013, the Ministry of Justice is responsible for providing administrative and secretarial support for the first periodic review of the intelligence and security agencies (the Government Communications Security Bureau and the Security Intelligence Service), the legislation governing them and their oversight.

The first review must be commenced before 30 June 2015. You will be responsible for appointing two reviewers and establishing the review terms of reference, in consultation with Parliament's Intelligence and Security Committee.

Modernising the Ministry

The Ministry's major focus has been external – on delivering results for New Zealanders and strengthening relations with the judiciary, law profession and sector partners who make the justice system work.

We have to continue to deliver results at the same time as we modernise the justice system and our services. This requires significant internal change. Technology provides the opportunity to transform operations and improve public services, and to do things faster and cheaper than before. However, considerable reform is needed to move from a service delivery network based primarily on buildings rather than ICT, and the Ministry needs improved people capability, including change skills.

Decisions will be required about the Ministry's work programme and investment. With further cost reductions and reprioritisation, we expect it will be possible to maintain existing service levels. But to build a justice system that is responsive to the needs and expectations of the 21st century, additional investment will be necessary.

Financial pressures

Over recent years the Ministry has met substantial savings targets [Withheld under Official Information Act 1982 section 9(2)(f)(iv)] and reduced baselines. Savings have been made through policy changes (e.g. legal aid changes, civil court fees review, family justice reforms) and operational efficiencies (e.g. Regional Service Delivery changes to the courts network, more efficient fines collection, and a National Office restructure) and improved internal financial disciplines. The approximate annual savings generated by these initiatives, [Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

The Ministry has also implemented greater discipline around the management of its finances. An Investment Committee takes a rigorous approach to ensuring that only proposals that are key priorities receive funding, that all expenditure is strictly tracked and justified, and that benefits are realised.

Despite these improvements, significant cost pressures remain. The total 2014/15 departmental budget is \$25.2 million lower than last year and budgets are forecast to remain at this level for the foreseeable future.

JUSTICE SECTOR FUND

To help the justice sector meet its commitment to live within existing funding levels to 2020, the Justice Sector Fund (JSF) was established in 2012. [Withheld under Official Information Act 1982 section 9(2)(f)(iv)]. In some instances, this funding has allowed the Ministry to introduce savings initiatives. [Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

Key work underway

We are committed to living within existing baselines. The Modernising Courts work will help create a leaner organisation. [Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

Property

The Ministry's property portfolio includes 138 properties across 52 towns and cities. We are changing the way we use our property to reflect our strategic priorities and falling volumes. As we modernise court services and put the focus onto users, we will change the way we design and upgrade our properties to ensure that we can provide modern, accessible buildings that increase the use of technology or that allow for increased use of technology.

The work coming into courts is declining, and most of our business is in conducted in the ten busiest courts. [Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

We already conduct hearings for some tribunals and specialist courts in leased premises. In 2012 the Ministry implemented the Regional Service Delivery changes with eight small, underused court houses turned into hearing-only courts, and six others closed.

We are concentrating capital investment on a limited number of strategic sites, which currently includes Christchurch, Manukau and Dunedin. More information about each of the courts is set out below. We will continue to look at how we maximise the use of our existing footprint to provide better services, reduce costs and put the focus on process change and better and increased use of technology rather than property solutions.

The Ministry also administers 966 properties in the Landbank to be used in support of Treaty settlement negotiations. The condition of properties in the Landbank is variable, and a more strategic approach to maintaining, administering and investing in the portfolio is required.

CHRISTCHURCH JUSTICE AND EMERGENCY SERVICES PRECINCT

The Ministry has responsibility for leading the building of the Christchurch Justice and Emergency Services Precinct (a \$300+ million project) that provides the opportunity to model new and replicable levels of cooperation and improved service delivery. The Ministry of Justice, New Zealand Police, Department of Corrections, St John New Zealand, NZ Fire Service, the Ministry of Civil Defence and the Emergency Management functions of Christchurch City Council and Environment Canterbury will be located in the Precinct. We are on track to deliver all three buildings by December 2016. The first concrete pour for foundations has been made and the project is in the final stage of the design process following consultation with tenant agencies.

MANUKAU DISTRICT COURT

We are completing a \$44 million refurbishment and extension to improve the functionality of the Manukau District Court and future-proof its use. The expansion includes adding four jury capable court rooms and a refresh of the existing registry and courts.

The courtrooms in the new part of the court are due to come into operation in November when refurbishment of the existing court building commences. The replacement of the existing roof has now been completed.

DUNEDIN DISTRICT /HIGH COURT

In Dunedin we have commenced a two to three year programme of work to earthquake strengthen the District/High Court building. We opened an interim jury facility and work to provide Criminal, Family and Youth courtrooms in that facility is now underway. The interim facilities will be used until the work on the main courthouse is complete in 2016/17.

People

The Ministry needs to develop the capability of its staff in order to deliver better outcomes for New Zealanders. We are focused on lifting the broad skill base and improving management of change.

Lifting our low levels of staff engagement continues to be a key priority for the Ministry. Many staff have good levels of engagement around their individual places of work, but this does not translate

well at an all-of-Ministry level. We want the Ministry to be a good place to work and an engaged workforce is an important platform for successful implementation of our ambitious change agenda.

Security

The Ministry is increasing the attention it pays to the security of staff. We are developing a security strategy and refreshing security policies and procedures. The programme of work will take into account lessons learnt from the review of the Ashburton shootings, as well as special requirements for the judiciary and is [Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

COURT SECURITY

The majority of the threats to court security are low risk. The challenge for the security team is to develop risk management strategies that balance highly unlikely events –but ones with very serious consequences – with everyday events with relatively minor consequences.

The Ministry has a courts security team to ensure:

- Courts can function safely and securely
- Public confidence in the security measures adopted the courts, and
- Those who operate and use the courts are safe.

The recent events in Ashburton have increased the sense of vulnerability amongst our front line staff. Our immediate response was to maximise the visibility of security to reassure staff and increase the deterrent effect for anybody entering the court. We have also started an immediate review of our policies and call centre procedures to ensure they are up-to-date.

Ensuring the continued safety of those who use our courts will require continued and potentially accelerated investment in court security.

Looking forward

This portfolio provides the opportunity to make a real difference in New Zealanders' lives. The next few years hold huge opportunity to build a modern, accessible, people-centred justice system and a safer country. However, realising these opportunities requires prioritisation and choices will have to be made about where to invest effort and resources.

By 2017, there should be a further improvement in peoples' safety, particularly by reducing the harm caused by family violence. We could be operating modern courts that deliver more timely justice and people's experiences of justice services, including victims, could have improved. And public trust and confidence in our democratic and justice institutions could have been enhanced.

The following are areas and ideas you may wish to discuss further in determining your priorities and designing your work programme.

Improving public safety

Reducing crime

Our communities are safer now than they used to be but further reducing crime and improving safety are fundamental to social wellbeing. There is a good basis to build on in continuing the work to foster safer communities, including:

Restating the Government's Better Public Services targets for the justice sector. The National Party manifesto proposed increasing the targets for overall and youth crime, so the justice sector's targets would be to reduce overall crime by 20%, violent crime by 20%, youth crime by 30% and reoffending by 25% by 2017.

Reinstating key Bills that lapsed when Parliament was dissolved:

- Organised Crime and Anti-Corruption Amendment Bill
- Parole Amendment Bill
- Public Safety (Public Protection Orders) Bill
- Harmful Digital Communications Bill
- Objectionable Publications and Indecency Legislation Bill

Reducing family violence

Reducing the incidence of family violence, particularly re-victimisation, would make a major reduction in the level of violent crime and re-offending and would significantly improve the situation for victims. In the medium term, lower levels of family violence would reduce associated social and economic costs.

Around half of all violent offence charges in the courts relate to domestic violence

[Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

The justice sector BIG also sets out how the sector could take a leadership role in the accelerating reduction in family violence.

Reducing sexual violence

Sexual violence is the least likely of all crime types to be reported to Police and can have severe and long-lasting impacts for victims. It often co-exists with family violence.

We have implemented measures to make courts less traumatising for victims, including the appointment of specialist sexual violence victim advisors and are planning changes to the Evidence Act 2006 to better protect victims during cross-examination.

[Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

Improving victims' experience in the justice system

We know that victims find the justice system difficult to navigate. They also say that the system is too slow in dealing with serious crime. (We are addressing the aspect of speeding services through modernising courts).

How victims experience the criminal justice system – the processes and the services they receive – affects how they recover from the impact of crime. It also affects how they see the justice system.

Planned changes to the Evidence Act will better protect victims during cross-examination.

[Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

More consistent approaches to defining criminal behaviour

The state decides what should be criminal and what should not. Along with the impact on people, who become 'criminals', defining conduct as criminal impacts across the criminal justice pipeline. Between 2000 and 2010, 1,653 new offences were created.

[Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

Addressing the causes of crime

The justice sector cannot tackle the causes of crime on its own. The best solutions are most likely to arise through collective effort across the justice and social sectors, and to involve the communities affected by crime.

There are opportunities to build on initiatives like the Youth Crime Action Plan, Social Sector trials and Vulnerable Children work that aim to prevent harm to children and break the pattern of early exposure to and then increasing involvement in the justice system. Work in this area would align with the Prime Minister's desire to address the problems of child poverty.

[Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

Modern services and better access to justice

Modernising courts

As discussed previously (pages 13,14) modernising the administrative services that support courts' operation is currently the Ministry's top operational priority. We need to:

- fundamentally change the way the Ministry delivers court administrative services and redesign business processes
- use business intelligence and data far better, and
- implement an electronic court (eCourt) system.

This substantive programme of change will require sustained attention and effort over the coming years.

Other opportunities can be achieved through the activities and support of the judiciary, and investment in appropriate training, including:

[Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

MODERNISING COURTS LEGISLATION

Implementation of eCourts depends on early passage of the Judicature Modernisation Bill, currently awaiting its second reading, which sets up a legislative framework to enable technology to be used in courts and tribunals.

You could support the initiatives to improve service delivery and modernise courts by progressing some key pieces of legislation:

- The Courts and Tribunals Enhanced Services Bill (CATES) complements the Judicature Modernisation Bill and changes the legislation governing 20 tribunals administered by the Ministry to enhance their efficiency, accountability, transparency and leadership. It is currently being drafted by Parliamentary Counsel Office.
- The Coroners Amendment Bill makes changes to improve the efficiency and effectiveness of the coronial system. It is awaiting its first reading and to progress it will need to be included in the reinstatement motion so it can be considered by the new Parliament.

Work is underway to reform the Te Ture Whenua Māori Act 1993 to improve the governance and utilisation of Māori land. To date this work has been led by the Associate Minister of Māori Affairs in consultation with the Justice, Courts, and Land Information Ministers. The changes will affect the work of the Māori Land Court.

Improving people's access to justice

Access to justice is a fundamental principle of our justice system supported by our core constitutional documents. The state must ensure that justice is accessible to everyone. This responsibility is balanced by a duty to use public funds responsibly, and a recognition that not all disputes need to be resolved in court.

LEGAL AID

Legal aid funds the vast majority of criminal defences, so is central to ensuring a sustainable criminal bar. Improvements could be made to how legal services are purchased. We currently fund one case at a time from a relatively large pool of lawyers, which is transaction- and administration-heavy.

The Legal Services Commissioner is reviewing the administration of legal aid grants and payments, with a view to improving efficiency and reducing operational costs. This may involve giving lawyers greater flexibility in how they administer their case load. The Commissioner's proposals will be subject to further consultation with the legal profession and other interested parties in 2015.

Stronger constitutional and civil law

Some opportunities are available to strengthen the foundations for constitutional and civil law.

Constitutional Advisory Panel

The previous government appointed an independent Constitutional Advisory Panel to explore a wide range of constitutional topics. The Ministry supported the Panel, which reported in December 2013 with 33 recommendations.

A formal government response was not developed, given the report's delivery was so close to an election year. The government could still provide an overall response to the report, including on the key recommendations to continue the constitutional conversation and improve civics education.

New Zealand Flag referendum

The Prime Minister, Rt Hon John Key, publicly announced in March 2014 an intention to hold a public discussion and vote on New Zealand's flag. We will be responsible, at a minimum, for the referendum legislation aspect of this project. We have been working with other agencies to prepare advice on process options for considering changing the flag. This advice will shortly be ready to go to the responsible minister/s, for subsequent submission to Cabinet.

Improving the quality of civil law

There are opportunities in civil law to ensure the system operates to give more certainty for businesses and minimise the chances of dispute. The Ministry could also reform the Trustee Act 1956, in line with the Law Commission's recommendations.

Engagement with you

The Government as a whole, and you as Minister, has a comprehensive programme to be delivered over the next three years. The Ministry will support you in the effective and timely delivery of your priorities, and we look forward to engaging with you in the coming weeks to map out how we can best meet your requirements.

Appendix A: Master List of Upcoming Actions & Decisions (to 31 December)

You will need to consider the following Bills for reinstatement in Parliament

When the Parliament was dissolved, there were a number of Bills before the House. We recommend these Bills be included in the reinstatement motion so they can be considered by the new Parliament. The Bills are:

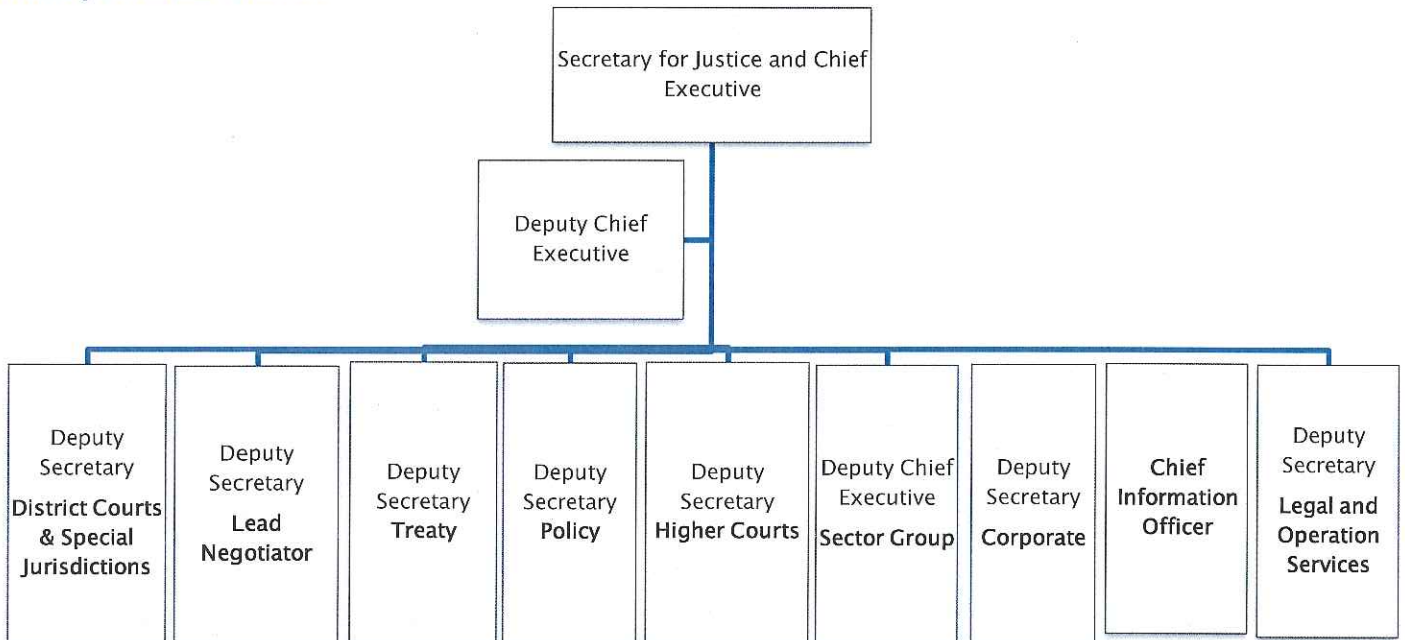
Title	What it does	Stage
Judicature Modernisation Bill	Modernises courts legislation. Increases flexibility for court users. Enhances clarity and transparency of court system. Responds to the Law Commission's Judicature Act review	Reported back 13 June 2014 Awaiting second reading
Harmful Digital Communications Bill	New regime to address cyber-bullying	Reported back 27 May 2014 Awaiting second reading
Human Rights Amendment Bill	Makes changes to role and structure of Human Rights Commission, to enable the Commission to respond better to emerging human rights issues and to do so in line with Government's focus on better results from public services	Reported back 30 April 2014 Awaiting second reading
Objectionable Publications and Indecency Legislation Bill	Increases penalty for possession, import or export of objectionable material and includes presumption of imprisonment where a child pornography offence is a repeat offence.	Reported back 22 April 2014 Awaiting second reading
Organised Crime and Anti-Corruption Amendment Bill	Implements legislative improvements to combat organised crime (arising from work on Organised Crime Strategy) and brings New Zealand domestic law into conformity with UN Convention Against Corruption and OECD Convention on Combating the Bribery of Foreign Public Officials in International Business Transactions	Introduced 25 June 2014 Awaiting first reading
Parole Amendment Bill	Reduces number of parole hearings for prisoners who have not completed part of their offender plan and are unlikely to be released. Intended to reduce unnecessary stress on victims	Reported back 16 May 2014 Awaiting second reading
Public Safety (Public Protection Orders) Bill	Creates a new regime to provide for civil detention of individuals past their sentence where they pose a very high and imminent risk of serious sexual or violent offending. Bill specifies process and requirements for obtaining and reviewing public protection orders, sets out the nature and form of detention (including the location of the facilities on prison grounds and the rights and protections for detainees) and sets reporting and inspection requirements	Reported back 15 April 2014 Awaiting second reading
Coroners Amendment Bill	Includes several amendments to the Coroners Act 2006. The changes focus on improving the timeliness and efficiency of the coronial system and providing better support to families. The Bill also implements the Law Commission's recommendations to improve and simplify the legislative restrictions on suicide reporting in the media	Introduced on 31 July 2014 Awaiting first reading
Statutes Amendment Bill (No 4)	Omnibus Bill to make miscellaneous minor, technical and non-controversial amendments to a number of pieces of legislation administered by various government agencies	Reported back 29 July 2014. Awaiting second reading

You will receive advice on the following decisions that need to be made

[Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

Appendix B: Information about the Ministry

Ministry of Justice structure



Key contacts

PERSON	POSITION	PHONE	EMAIL
Executive Team			
Andrew Bridgman	Chief Executive Officer/Secretary for Justice	Withhold – s9(2)(a)	andrew.bridgman@justice.govt.nz
Brook Barrington	Deputy Chief Executive	Withhold – s9(2)(a)	brook.barrington@justice.govt.nz
Karl Cummins	Deputy Secretary District Courts and Special Jurisdictions	Withhold – s9(2)(a)	karl.cummins@justice.govt.nz
Nigel Fyfe	Deputy Secretary – Lead Negotiator	Withhold – s9(2)(a)	nigel.fyfe@justice.govt.nz
Kevin Kelly	Deputy Secretary Treaty	Withhold – s9(2)(a)	kevin.kelly@justice.govt.nz
Robert Pigou	Deputy Secretary Higher Courts & Christchurch Justice & Emergency Services Precinct	Withhold – s9(2)(a)	robert.pigou@justice.govt.nz
Audrey Sonerson	Deputy Chief Executive Sector Group	Withhold – s9(2)(a)	audrey.sonerson@justice.govt.nz

PERSON	POSITION	PHONE	EMAIL
Jeff Orr	Deputy Secretary (Acting) Legal and Operational Services	Withhold – s9(2)(a)	Jeff.orr@justice.govt.nz
Frank McLaughlin	Deputy Secretary Policy	Withhold – s9(2)(a)	frank.mclaughlin@justice.govt.nz
Suzanne Stew	Deputy Secretary Corporate	(Not yet started)	suzanne.stew@justice.govt.nz
Tina Sutton	Chief Information Officer	tina.sutton@justice.govt.nz	
Office of Legal Counsel			
Tania Warburton	Chief Legal Counsel (Acting)	Withhold – s9(2)(a)	tania.warburton@justice.govt.nz
Office of the Chief Executive			
Peter Wood	Manager	Withhold – s9(2)(a)	peter.wood@justice.govt.nz
John Hobbs	Chief Advisor	Withhold – s9(2)(a)	john.hobbs@justice.govt.nz
Andrew McConnell	Advisor, Courts	Withhold – s9(2)(a)	andrew.mcconnell@justice.govt.nz
Kevin Burnett	Director Office of the Deputy Chief Executive	Withhold – s9(2)(a)	kevin.burnett@justice.govt.nz

Appendix C: Appointments and Crown entities

Statutory appointments

You are responsible for making or recommending appointments to approximately 450 statutory positions (excluding Justice of the Peace appointments).

The appointments fall into two major groups:

Crown Entities – This group includes the Electoral Commission, the Human Rights Commission, the Law Commission, the Independent Police Conduct Authority, the Office of the Privacy Commissioner and the Real Estate Agents Authority.

Tribunals, Boards, Committees and Authorities – These include tribunals and other bodies of similar functions that either operate from the District Courts (for example, the Disputes Tribunal, the Tenancy Tribunal, and Land Valuation Tribunals) and/or are administered by the Tribunals Unit of the Special Jurisdictions Group of the Ministry (for example, Abortion Supervisory Committee, Weathertight Homes Tribunal, Immigration and Protection Tribunal and the Private Security Personnel Licensing Authority).

The majority of these appointments are made for terms of three or five years.

Justices of the Peace

You are also responsible for recommending the appointment of Justices of the Peace (JPs).

Only Members of Parliament (MP) may nominate individuals for appointment as a JP. Each electorate MP is responsible for ensuring that their electorate is adequately serviced by JPs. List Members may submit nominations in their own name but need to have the prior endorsement of the appropriate electorate MP.

In recent years 200 to 300 JP appointments have been approved annually. To manage workflow, nominations that require decisions are generally batched into monthly schedules.

Appointments process

The statutes under which the bodies or positions are established specify who makes the appointment (most often the Governor-General on the recommendation of the Minister) and the appointment term. Other matters such as appointment criteria and required consultation are sometimes included in the governing legislation but it is rare for legislation to prescribe the process by which candidates are to be identified.

Responsibility for managing the recruitment and appointment processes are deemed to be delegated to the Ministry of Justice unless you direct otherwise.

The Ministry provides advice on each upcoming vacancy. Normally the advice will:

- explain the basic legislative and Cabinet requirements associated with the appointment
- provide a position description
- offer preliminary advice on the skills and experience of the person required to fill the vacancy
- recommend a process
- set out any associated remuneration issues.

Potential candidates can be identified in various ways including advertising, seeking nominations from interest groups, Ministers or MPs, seeking suggestions from incumbent chairs and board members and via self-nomination. The suitability of the available options is canvassed on a case by case basis but, in general, the practice in recent years has been publicly to advertise Crown entity and other high profile appointments.

Under Cabinet guidelines, all but the most minor appointments are referred to the Cabinet Appointments and Honours Committee (APH) and Cabinet.

Cabinet guidelines also advise that the Prime Minister should be consulted on major appointments before they are submitted to APH.

Upcoming appointments

You will be fully briefed in due course on appointments that need to be made over the coming months. Appointments requiring early attention will include the following:

ABORTION SUPERVISORY COMMITTEE

The terms of appointment of the Chair and members expired on 10 April 2014 but continue under carry-over provisions.

Appointments to the Committee are made by the Governor-General on the resolution of the House. Therefore, cross-party consultation will be required.

COMMUNITY MAGISTRATES

The previous Minister had agreed to the Chief District Court Judge's recommendation that two Community Magistrates be recruited for the Auckland region.

The recruitment process is prescribed by regulation. You will receive an interview panel recommendation in due course.

HUMAN RIGHTS REVIEW TRIBUNAL

The terms of appointment of 10 panel members expire in December 2014. The carry-over provisions are very limited and it is desirable that decisions on appointments are made as soon as possible to enable the Tribunal to maintain its hearings.

INDEPENDENT POLICE CONDUCT AUTHORITY

A decision will be needed on Board appointments that have been held over due to the election. Appointments to the Authority are debated in the House of Representatives.

REAL ESTATE AGENTS AUTHORITY

The terms of appointment for the Chair and two members expired in August 2014 but continue under carry-over provisions.

Role of Associate Minister of Justice

You retain ultimate responsibility for all statutory appointments within the Justice portfolio but it has been the practice of successive Ministers of Justice to delegate a number of appointments to an Associate Minister of Justice. The delegated appointments usually include Justices of the Peace.

Crown entities

You are the Minister responsible for five Crown entities and one Crown agent. You also have a purchase interest in the Public Trust (a Crown entity monitored by another responsible Minister).

The role of the Responsible Minister is to oversee and manage the Crown's interests in, and relationships with, entities in their portfolio, and carry out statutory responsibilities identified in section 27 of the Crown Entities Act 2004.

Overall, the Minister's roles and responsibilities are to:

- Ensure an effective and efficient board is in place to govern the Crown entity (through the responsibility to appoint, reappoint and remove board members)

- Participate in setting the direction of a Crown entity
- Monitor and review Crown entity performance and results
- Manage risks on behalf of the Crown.

The Ministry provides the Responsible Minister with advice about:

- Performance against agreed targets – assessment of performance
- Financial planning – advice about robustness of planning
- Risk management – assurance that risk management is in place
- Financial results – early warning of threats to viability or effectiveness
- Entity capability – assurance that entities have capability to deliver.

The following is a high-level summary of key information related to entities in the Vote Justice portfolio. More detailed information will be provided in a separate briefing. Individual Crown entities will provide their own briefings to the responsible Minister as soon as possible following government formation.

Electoral Commission

Independent Crown Entity

The Electoral Commission's purpose is to conduct the General Election and other electoral events, and maintain public confidence in the administration of electoral laws.

The Commission has a well-performing Board, is financially stable, and well-managed. The Board and leadership team have been in place for some time.

[Withheld under Official Information Act 1982 section 9(2)(f)(iv)].

Human Rights Commission

Independent Crown Entity

The Human Rights Commission strives to provide better protection of human rights in New Zealand.

Two new Commissioners were appointed in 2013. The Human Rights Amendment Bill before Parliament will, if passed, change the structure and number of Commissioners.

The Commission has recently undertaken an organisational review to align its structure with its strategic priorities. The Commission is meeting its non-financial performance measures and is closely managing its financial position.

Independent Police Conduct Authority

Independent Crown Entity

The Independent Police Conduct Authority's purpose is to promote trust and confidence in New Zealand Police.

The Board has experienced substantial change in its most senior leaders in the last year.

The Authority is largely meeting its non-financial performance measures and is closely managing its financial position. As noted in the previous section, a decision will be needed on Board appointments that have been held over due to the election. We will brief you separately.

Law Commission

Independent Crown Entity

The Law Commission's purpose is to improve the quality, relevance and effectiveness of New Zealand law.

The Commission's financial position has been finely balanced over the last few years. It is on track to achieve a balanced budget by 1 July 2016. The Commission has met the majority of its non-financial performance measures.

Privacy Commissioner

Independent Crown Entity

The Privacy Commissioner's office works to develop and promote a culture in which personal information is protected and respected. The Privacy Commissioner investigates complaints and makes regulatory decisions under the Privacy Act.

The Commissioner's office is well-regarded, with recognised capability. A budget bid in 2014 resulted in both one-off and ongoing funding increases to address the risks posed by a static baseline and increasing demands on the office.

Public Trust (purchase contract)

Autonomous Crown Entity

Public Trust provides New Zealanders with products and services including wills, legal, financial, investment, trusts, estate administration, and estate protection. The Ministry purchases services through a Services Agreement with the Minister of Justice for:

- Protection of personal and property rights non-commercial services
- Advice for the protection of personal and property rights
- Small estates and trusts
- Administration of assets and other public functions.

Public Trust is monitored by the Crown Ownership Monitoring Unit in the Treasury. We monitor only in respect of the services purchased under the Services Agreement.

There have been no issues to date with the delivery of the services purchased under the Services Agreement. The current agreement runs until 30 June 2015.

Real Estate Agents Authority

Crown Agent

The purpose of the Authority is to achieve increased consumer protection and increased confidence in the real estate industry.

The Board and leadership team have been in place for some time. The Chair's appointment, and those of two members, expired in August 2014. These appointments need to be progressed. We will brief you separately on these matters.

The Authority is a well-performing entity. It is on track to repay its establishment funding to the Crown by April 2015. It has embedded a new complaints handling process, which is helping the Authority to improve those areas of its non-financial performance which were lagging.

Appendix D: Legislation administered by the Ministry

A

Abolition of the Death Penalty Act 1989
Administration Act 1969
Admiralty Act 1973
Adoption Act 1955
Adoption (Intercountry) Act 1997
Adult Adoption Information Act 1985
Age of Majority Act 1970
Animals Law Reform Act 1989
Anti-Money Laundering and Countering Financing of Terrorism Act 2009
Arbitration Act 1996
Arbitration (International Investment Disputes) Act 1979
Aviation Crimes Act 1972

B

Bail Act 2000
Broadcasting Act 1989 Part 6

C

Care of Children Act 2004
Charitable Trusts Act 1957
Citizens Initiated Referenda Act 1993
Civil Union Act 2004
Consolidated Statutes Enactment Act 1908
Constitution Act 1986
Contraception, Sterilisation, and Abortion Act 1977
Contracts (Privity) Act 1982
Contractual Mistakes Act 1977
Contractual Remedies Act 1979
Contributory Negligence Act 1947
Coroners Act 2006
Costs in Criminal Cases Act 1967[^]
Courts (Remote Participation) Act 2010
Courts Security Act 1999
Crimes Act 1961

Crimes (Internationally Protected Persons and Hostages) Act 1980
Crimes of Torture Act 1989
Criminal Disclosure Act 2008
Criminal Investigations (Bodily Samples) Act 1995
Criminal Procedure Act 2011
Criminal Proceeds (Recovery) Act 2009
Criminal Records (Clean Slate) Act 2004
Crown Organisations (Criminal Liability) Act 2002
Crown Proceedings Act 1950

D

Deaths by Accidents Compensation Act 1952
Declaratory Judgments Act 1908
Deeds Registration Act 1908
Defamation Act 1992
Department of Justice (Restructuring) Act 1995
Disputes Tribunals Act 1988
District Courts Act 1947
Domestic Actions Act 1975
Domestic Violence Act 1995
Domicile Act 1976

E

Electoral Act 1993
Electoral Finance Act 2007
Electoral Referendum Act 2010
Evidence Act 2006
Extradition Act 1999

F

Family Courts Act 1980
Family Proceedings Act 1980
Family Protection Act 1955
Fencing Act 1978

Films, Videos, and Publications Classification Act 1993

Financial Transactions Reporting Act 1996
Flags, Emblems and Names Protection Act 1981, s.20

Frustrated Contracts Act 1944

H

Habeas Corpus Act 2001

Harassment Act 1997

Hotel Association of New Zealand Act 1969

Human Assisted Reproductive Technology Act 2004

Human Rights Act 1993

I

Illegal Contracts Act 1970

Imperial Laws Application Act 1988

Imprisonment for Debt Limitation Act 1908

Independent Police Conduct Authority Act 1988

Inferior Courts Procedure Act 1909

Innkeepers Act 1962

Insurance Intermediaries Act 1994

Insurance Law Reform Act 1977

Insurance Law Reform Act 1985

International Crimes and International Criminal Courts Act 2000

International War Crimes Tribunals Act 1995

Interpretation Act 1999

J

Joint Family Homes Act 1964

Judicature Act 1908

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004

Juries Act 1981

Justices of the Peace Act 1957

L

Land Transfer Act 1952[^]

Land Transfer (Hawke's Bay) Act 1931

Land Valuation Proceedings Act 1948

Law Reform Act 1936

Law Reform Act 1944

Law Reform (Testamentary Promises) Act 1949

Lawyers and Conveyancers Act 2006

Legal Services Act 2011

Legislation Act 2012¹

Licensing Fund Act 1989

Life Insurance Act 1908, (Part II)

Limitation Act 2010

Local Restoration Polls Act 1990

M

Marine and Coastal Area (Takutai Moana) Act 2011

Maritime Crimes Act 1999

Marriage Act 1955

Mining Tenures Registration Act 1962

Minors Contracts Act 1969

Misuse of Drugs Amendment Act 1978 (Part II)

Mortgagors and Lessees Rehabilitation Act 1936

Mount Albert Licensing Trust Dissolution Act 1986

Mutual Assistance in Criminal Matters Act 1992

N

Newspapers and Printers Act Repeal Act 1995

New Zealand Bill of Rights Act 1990

New Zealand Council of Law Reporting Act 1938

O

Oaths and Declarations Act 1957

Occupiers Liability Act 1962

Official Information Act 1982

Ombudsmen Act 1975

P

Pardon for Soldiers of the Great War Act 2000

¹ Administered jointly with PCO

Parole Act 2002²
Perpetuities Act 1964
Political Disabilities Removal Act 1960
Prisoners' and Victims' Claims Act 2005
Privacy Act 1993
Private Security Personnel and Private Investigators Act 2010³
Prohibition of Gang Insignia in Government Premises Act 2013
Property Law Act 2007
Property (Relationships) Act 1976
Prostitution Reform Act 2003
Protection of Personal and Property Rights Act 1988
Public Service Investment Society Management (No 2) Act 1979
Public Trust Act 2001

R

Real Estate Agents Act 2008
Reciprocal Enforcement of Judgments Act 1934
Referenda (Postal Voting) Act 2000
Regulations (Disallowance) Act 1989
Royal Succession Act 2013

S

Sale and Supply of Alcohol Act 2012
Search and Surveillance Act 2013
Secondhand Dealers and Pawnbrokers Act 2004
Secret Commissions Act 1910
Sentencing Act 2002⁴
Sentencing Council Act 2007
Serious Fraud Office Act 1990
Simultaneous Deaths Act 1958
Statutory Land Charges Registrations Act 1928

² The Parole Act 2002 is administered jointly with the Department of Corrections.

³ Sections 100 and 101 are administered by the Department of Internal Affairs.

⁴ Administered jointly with Corrections.

Status of Children Act 1969
Succession (Homicide) Act 2007
Summary Offences Act 1981
Summary Proceedings Act 1957
Supreme Court Act 2003

T

Telecommunications (Interception Capability) Act 2004
Terrorism Suppression Act 2002
Trans-Tasman Proceedings Act 2010
Treaty of Waitangi (State Enterprises) Act 1988
Trespass Act 1980
Trustee Act 1956
Trustee Companies Act 1967

U

Unit Titles Act 2010⁵ (subpart 1 of Part 4)

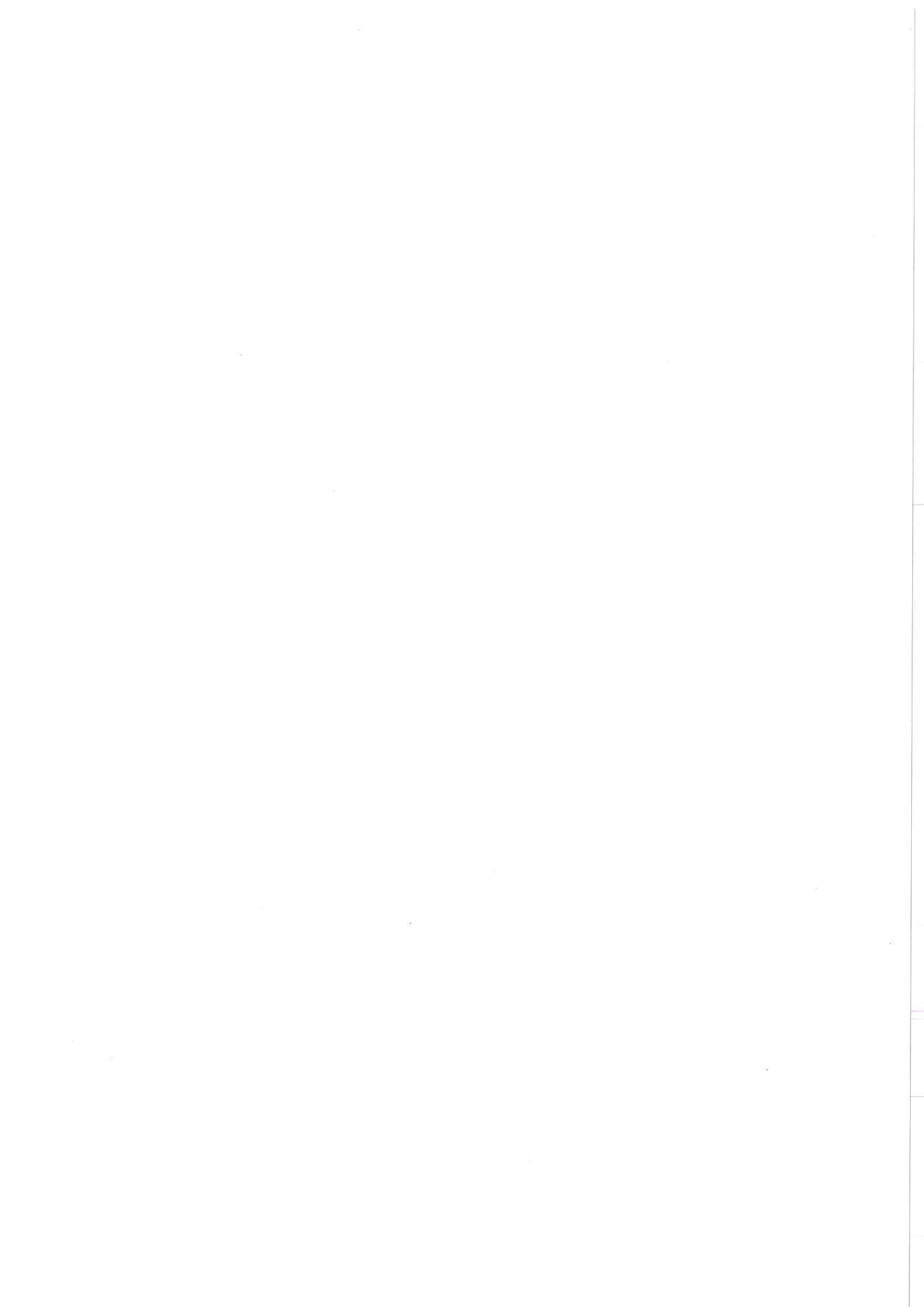
V

Victims' Orders Against Violent Offenders Act 2014
Victims' Rights Act 2002

W

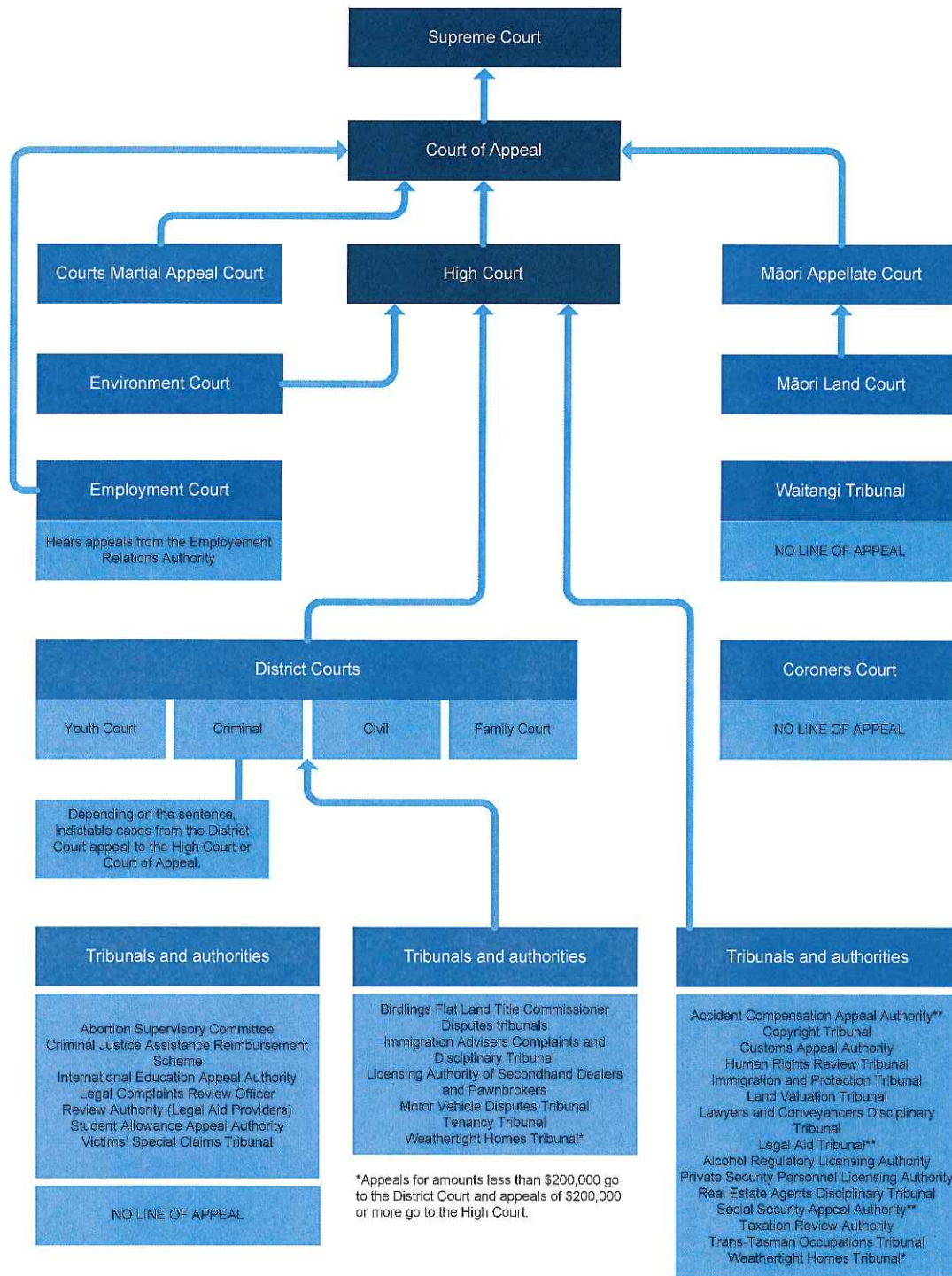
Wills Act 1837 (UK)
Wills Act 2000

⁵ Administered jointly with the Department of Building and Housing and Land Information New Zealand.



Appendix E: Court system structure

Overview of courts, tribunals and other authorities and the current appeal process in place



NOTE: Tribunals listed are those administered by the Ministry of Justice

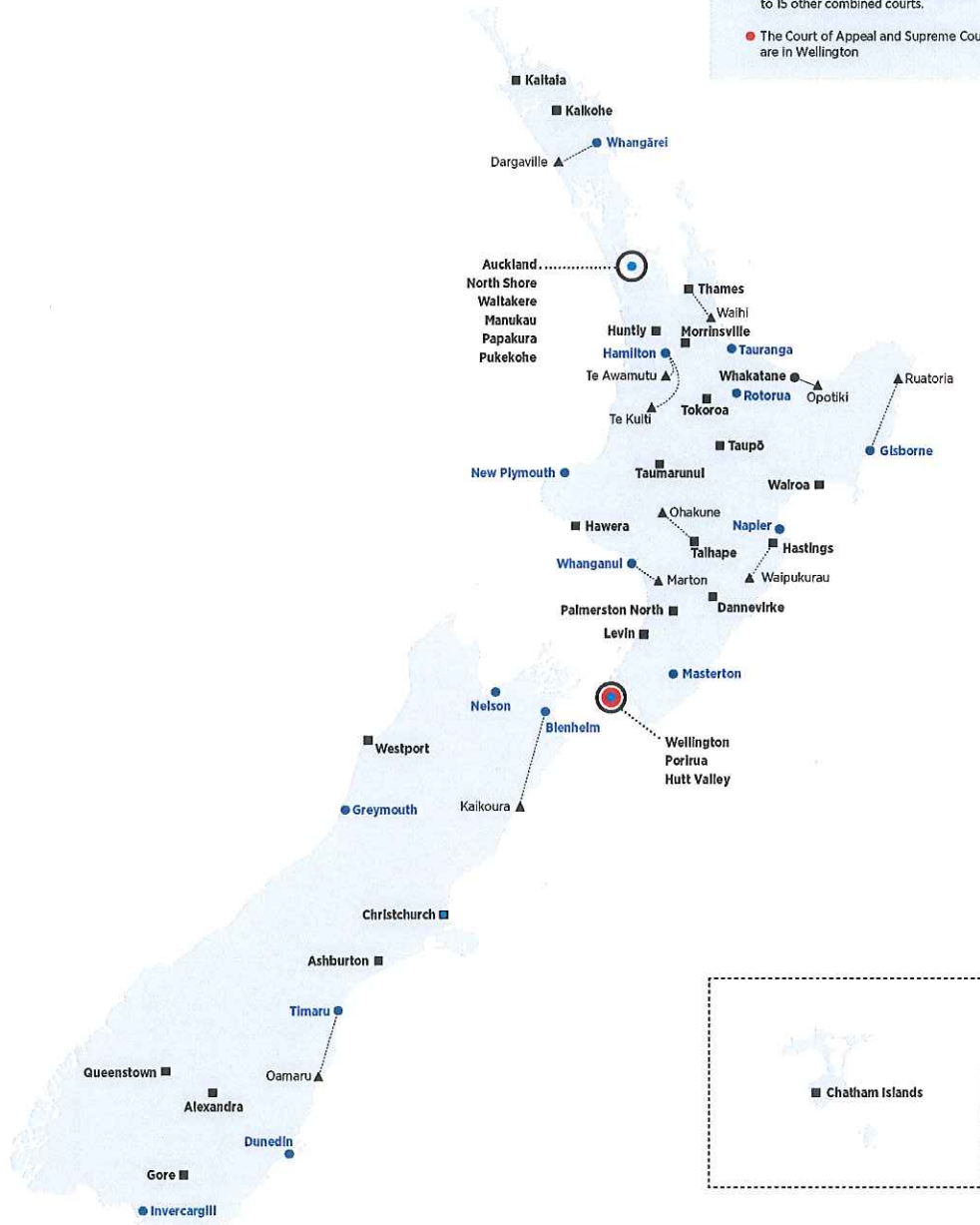
**On questions of law only.

Appendix F: Court locations



Courts

- district court
- ▲ district court - hearing court
- combined court - high and district court
- High court judges are based in Auckland, Wellington & Christchurch. They travel to 15 other combined courts.
- The Court of Appeal and Supreme Court are in Wellington



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