



The Ministry of Justice
welcomes the appointment
of His Honour Judge Heemi
Taumaunu as Chief District
Court Judge.

Justice Matters

October 2019 | Issue 16

In this issue:

Sexual violence courts speed up the time of cases proceeding to trial; our Ministry launches its new Strategy; we visit the Waitangi Tribunal Unit in Wellington; Hui Paneke tackles some pressing criminal justice issues; the Women's Network participates in the Uplift Project; and the Coroners Society Conference opens with a specially written waiata.

*Photo: His Honour Judge Heemi Taumaunu, the new Chief District Court Judge.
Credit: Maria Gobbie Photography.*



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Andrew Little

Minister of Justice and Courts

Legislating to support fairer and safer communities

This Government is committed to tackling the long-term issues facing New Zealand. There is a lot of work to be done, and there has been an ambitious legislative programme in the justice space. I would like to thank all those in the Ministry of Justice and the sector who have worked hard on delivering significant legislative work to date. Your work will make a long-term difference in ensuring fairer and safer communities.

I have recently been overseas to meet with Justice Ministers from Commonwealth countries. One of the issues we have placed on the agenda is partnerships to better uphold suppression orders.

This is an issue that has been driven and led by New Zealand based on recent breaches of suppression orders in a high profile case. The importance of recognising suppression orders is a major one. No person or organisation is above the law. I am pleased at the initial commitments made by our counterparts in the UK, Canada, and Australia at July's five-country ministerial meeting in London.

On another tack, Parliament recently passed a piece of legislation, again delivered by the Justice team, which allows licensed premises to open for extended hours for Rugby World Cup matches. This is to facilitate the coming together of our communities to watch and celebrate the games live, and cheer on the All Blacks.

I want to thank you all for the work that you do, and the services you provide that support and restore the wellbeing of all New Zealanders. ■



Andrew Kibblewhite

Secretary for Justice and Chief Executive

New strategy provides direction to our Ministry

One of the things that is crucial for an organisation is a clear and shared sense of what is important: what success looks like, both in terms of what we want to achieve and the sort of organisation we want to be. Knowing this means we can set priorities, our most important goals that help people across the country share a collective vision for what we must do in the coming days, months and years ahead to grow, evolve and to continually deliver excellence.

I officially launched our new Ministry strategy at our Leaders Forum in October and I'm delighted to share our 'Strategy on a Page' with Justice Matters readers in this edition. You'll note that our strategy encompasses **enduring priorities** - areas that will remain fundamentally important to our Ministry over the long term, and **transformational opportunities**, which reflect the particular opportunities and challenges we face today and are what will make Aotearoa a better place for everyone. We also have a significant focus on building capability within our Ministry, and

ensuring our people continue to believe that Tāhū o te Ture (the Ministry of Justice) is a place where they are encouraged to reach their potential and motivated to play their part in the Ministry's successes.

I am pleased to say that work to progress our strategic priorities is already underway. Hui Paneke, which took place in September here in Wellington, was an important step towards taking a whole-of-government approach to improve the wellbeing of Māori and those affected by the justice system. The focus of the hui was on practical problems that could be addressed quickly by bringing together people who all have a role in understanding and influencing how the justice system works. I thank everyone who supported and participated in this workshop and invite you to read more about the event on page 14 of this edition of Justice Matters. ■



Making our justice processes better for victims of sexual violence

Jan Logie

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

Victims and survivors of sexual violence have repeatedly raised concerns about the trauma associated with court processes. The process itself is sometimes discouraging them from reporting what's happened, or leaving them feeling like it wasn't worth going through a trial.

That's why we're going to change the law to:

- tighten the rules around evidence about a complainant's sexual history, to better protect against unnecessary and distressing questioning
- make specialist assistance available for witnesses who need it to understand and answer questions
- give victims the right to choose how they give their evidence and undertake cross-examination – for example by audio-visual link or pre-recorded video
- record evidence given at trial so it can be replayed at re-trial
- provide more protections for victims giving their victim impact statements in court, and
- give judges certainty to intervene in unfair or inappropriate questioning, and to address common myths and misconceptions about sexual violence.

This legislation will be introduced before the end of the year.

There is more work underway as well, around the role of juries, the definition of consent in law, and how alternative resolution processes could work safely and appropriately for sexual offending. We're also looking at the Law Commission's recommendations about alternative resolution processes. These are complex policy areas with wide-ranging impacts, so we will be taking the time to ensure the work is thorough.

I know the Ministry of Justice is keen for people working on the ground and other experts to give input on pre-recorded cross-examination, to inform both the procedural framework and the detail of how it will work. This is a really new way of doing things, and we need to get it right.

Ending family violence and sexual violence requires us to work across the whole of government, seeing the easier fixes we can act on now and the long-term issues we need to address strategically. We need good data to understand the scale of the problem and measure our progress against, and to be willing to try different things to see what works.

This is one of the reasons the Government has prioritised the prevention and reduction of family violence and sexual violence through a National Strategy and Action Plan. The Joint Venture and Interim Te Rōpū are leading this work, with wider engagement planned before the end of the year.

We can end this violence when we all work together. ■



Historic court sitting to celebrate new Chief District Court Judge

Judge Heemi Taumaunu's appointment as Chief District Court Judge was celebrated at a historic special sitting of the District Court at Whāngārā marae near Gisborne in October 2019.

The Chief Justice, the Right Honourable Dame Helen Winkelmann, presided over a bench of more than 60 judges representing all levels of the court system. Seated four deep across the veranda of the Whitireia meeting house, the special sitting is thought to



His Honour Judge Heemi Taumaunu

be the largest number of judges to ever sit together at one bench in a New Zealand court.

About 300 people were in attendance to see Chief Judge Taumaunu, of Ngāti Pōrou and Ngāi Tahu descent, take the oath of the Chief District Court Judge and in doing so become the first Māori to hold the role.

Ministry and court staff from across the North Island were joined by representatives of Rangatahi and Pasifika courts, Māori wardens, local and national dignitaries, and the acting Secretary for Justice, Carl Crafar. The registrar for the sitting was long-serving Gisborne District Court staffer Karauria Ruru, supported by the Chief Justice's niece Torepe Taumaunu, who is also a Gisborne registrar.

Overlooking events from the top of the wharenui was the distinctive Koruru of the original whale rider, Paikea, invoking the legend made famous by Witi Ihimaera's novel, *The Whale Rider*, and the subsequent 2002 feature film made at the seaside marae of Ngāti Konohi.

Wearing the late Sir Henare Ngāta's korowai, which he had worn when sworn in as a Judge in 2004 at Whāngārā, the Chief Judge said the best message he could give New Zealanders about the direction the District Court must take was holding the special sitting on his marae, "recognising the two founding cultures of New Zealand with a bilingual and bicultural ceremony."

Chief Judge Taumaunu stressed that his focus would be on improving access to justice in a court that dispenses 95% of the justice in New Zealand, so that when people leave the District Court they feel they have been heard, understood, and have had a fair hearing.

Born in Gisborne, the Chief Judge practised law there before becoming a judge, and was resident first in Whāngārei and then the Waitakere and Auckland District Courts.

His pioneering role in establishing the Rangatahi Courts was acknowledged by various speakers, including Supreme Court Justice Joe Williams, the Solicitor-General Una Jagose QC, and Law Society President Tiana Epati.

"You have taught us how to bring the community into the courtroom," said Chief Justice Winkelmann. "You have shown how the involvement of the community can help repair and make whole again lives and whānau torn apart by poverty, addiction and violence." ■



Stock image of a court session.

Sexual violence courts speed up the time of cases proceeding to trial

An evaluation of specialist sexual violence courts piloted in the District Court at Auckland and Whāngārei has found cases proceed to jury trial a third faster than previously.

Some complainants involved in these pilot trials also said the process reduced their exposure to further trauma.

The average time to reach trial for cases has reduced by 30 percent, or 110 days, in Auckland. The average time has reduced by 39 percent, or 201 days, in Whāngārei. This means average time to trial from case review is 8 and 10 months in those centres respectively. Prior to the pilot it took 12 months in Auckland and 17 months in Whāngārei.

The sexual violence court pilots are judicially-led, and were designed to reduce timeframes for cases and reduce the stress experienced by those involved in such cases. The pilots use intensive and proactive pre-trial case management by specially trained jury judges. The 16 judges are supported by dedicated case managers and the evaluation found the case managers'

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The average time to reach trial for cases



this means...

average time to trial from case review is...



role was critical to the pilot's success.

The pilot has been running since December 2016 for all serious (Category 3) sexual violence cases to be heard by a jury. The evaluation by Gravitas and the Ministry of Justice covers the pilot's first two years. It includes quantitative analysis of timeframes, and face-to-face interviews and focus groups with a sample of people involved in the pilot, including complainants, defence counsel, prosecutors, court staff, victim advisors and judges.

Judge-designed best-practice guidelines for case and trial management, alongside measures to ensure more sensitive processes, such as secure waiting areas, are also reducing risk of further trauma.

Not only did the evaluation find that pilot cases

progress more efficiently, but stakeholders perceive that trial quality has improved, with fewer adjournments and better-quality evidence. Complainants are generally better prepared for attending trial, which reduces anxiety. Giving defendants firm trial dates is also resulting in more, and earlier, guilty pleas.

Andrew Little, Justice Minister, says the Government is going to examine the findings and look at the potential to expand sexual violence courts, subject to judicial and Ministry resources. ■

Continued fall in youth offending rates

The substantial drop in youth offending reported by last year's Youth Justice Indicators Report is continuing, according to the latest report published by the Ministry.

Between 2010 and 2018, offending rates dropped by 55 percent for children aged 10 to 13 and 58 percent for young people aged 14 to 16.

The report shows the flow of children and young people through the youth justice system from 2010 to 2018, using data captured by Oranga Tamariki—Ministry for Children, Police and the Ministry of Justice.

There have also been 3,400 fewer Māori in the youth justice system in 2018, a drop of 56 percent when compared to 2010.

There is a similar trend in the Youth Court, with almost 1,200 fewer Māori appearing in the Youth Court over the same period, representing a reduction of 55 percent.

While overall offending has reduced, serious crime has not fallen at the same speed as minor and moderate crime. This means serious crime now makes up a larger proportion of all offending by children and young people than previously.

However, the numbers of children and young people involved in more serious offending has dropped markedly since 2010, with a 44 percent reduction. This means there are far fewer victims of serious youth offending.

On 1 July 2019, the youth justice system was extended to include most 17-year-olds who offend. Two new Youth Court judges are to be appointed following the lift on the cap on numbers of District Court judges.

The Youth Justice Indicators Report provides an insight into the performance of the youth justice system from 2010 to 2018. It builds on 14 years of work by Government agencies to develop a statistical process to monitor the performance of the youth justice system. Both the report and the dataset will evolve over time to reflect emerging issues, priorities and availability of quality data, which includes changes this year to the Police dataset.

The report can be viewed on the Ministry of Justice website. ■

NAVIGATING A RELATIONSHIP BREAK UP

New help for people navigating a relationship break up is available on our website.

Breaking up can be hard. It's a life crisis that many of us go through and there is no one way or right way to do it. Formally ending a marriage or civil union requires a court process, as can the decisions about the care of children and the division of joint property. Last year, the courts heard 8,500 new divorce cases.

We have a lot of helpful information on our website, but people have told us it can still be overwhelming.

We took a look at how we were presenting information to people navigating a relationship break up and came up with a more individualised approach.

The new tool acts like a funnel. People select the topics that are important to them and can then delve deeper into these topics. This recognises that a break up is not a linear process. People take their own pathway

and go at their own pace, which can mean visiting our website many times over an extended period. The tool makes sure that they aren't overwhelmed by all the information at once.

A new 'to do' list feature lets people make, save, or share a list so they can pick up where they left off each time they come back to our website. And because we know that people are grappling with much more than legal processes, we've included links to help people access emotional support, legal support, support with family violence, as well as cultural and language support.

The tool has been tested with members of the public, our Contact Centre staff, and service providers. Check out the new tool here:

justice.govt.nz/family/relationship-break-up

The Ministry launches its new Strategy



Our refreshed Strategy was launched in October 2019, and reflects our new strategic direction that will enable us to achieve our purpose of working together for a fair and safe Aotearoa New Zealand.

We've separated our enduring priorities – those areas fundamentally important to our Ministry over the long term – from our transformational opportunities, which reflect the particular opportunities and challenges we face today. ■



Around the Ministry



- The Coronial Services team was a finalist in the State Services Commission's 2019 Spirit of Service Awards. The team was recognised for its work supporting the disaster victim identification process in Christchurch after the mosque shootings on 15 March 2019.
- The Canterbury Earthquakes Insurance Tribunal received its first case on 13 June 2019 and by 13 August the case had been settled.
- Customer Service Response training in family violence and sexual violence began in August for our frontline staff in New Plymouth.
- The Rotorua High and District Courts hosted a delegation of a Chief Justice and 26 Senior Judges from Thailand.
- Manukau and Christchurch District Courts held Daffodil Day events to raise money for the Cancer Society.
- Kirsten Edwards, District Court Scheduler from Nelson, won gold and bronze medals in the Gold Coast 2019 Asia Pacific Bowls Championship. ■



Waitangi Tribunal Unit staff and judges at Hongoeka Marae, Plimmerton.

The Waitangi Tribunal

We recently caught up with our colleagues at the Waitangi Tribunal Unit in Wellington.



The Waitangi Tribunal has been part of New Zealand's justice landscape for 44 years. Functioning as a standing commission of inquiry, the Tribunal hears and reports on claims brought by Māori alleging prejudice suffered as a result of breaches by the Crown of Te Tiriti/the Treaty of Waitangi.

The Tribunal has up to 20 members, who are appointed for terms of up to three years by the Governor-General on the recommendation of the Minister for Māori Development. The Chairperson is usually the Chief Judge of the Māori Land Court, whose judges also serve as presiding officers, as may members qualified as senior experienced lawyers.

The Chairperson, currently Chief Judge Wilson Isaac, appoints inquiry panels of three to seven members, who often serve on more than one panel at a time – at present, as many as 21 inquiries are underway. The Tribunal groups claims with similar issues for inquiry in four different workstreams:

- District inquiries hear claims that arise in a particular area, many of them historical (pre-1992)
- Kaupapa (thematic) inquiries hear claims related to nationally significant issues that affect Māori as a whole in similar ways
- Urgent inquiries are granted for claims that can demonstrate a risk of imminent and irreversible prejudice, including remedies for claims previously adjudged well-founded; and
- A standing panel process for historical claims not otherwise heard or settled.

The Tribunal holds hearings both at its offices in Wellington and, more frequently, in venues across the country, often on marae and in remote locations. In the 2019/20 year, more than 30 hearings of one to five days' duration are planned.

“The Tribunal is really interesting because it was designed to be flexible and to innovate and create its own processes. Our judiciary has the flexibility to tailor its own approach to the hearing of claims and to make recommendations,” says Dr Christopher Burke, Senior Facilitator.

Supporting this diverse inquiry work programme, the unit is organised into four teams under the leadership of Acting Director Renee Smith:

- The Claims and Registry team registers claims, manages the record of inquiry, organises hearings and other Tribunal events, facilitates claimant participation, and provides legal advice to the chairperson and presiding officers
- The Inquiry Facilitation team advises and assists presiding officers in planning and running their inquiries, and provides briefings on the evidence and issues for inquiry
- The Research Services team assists inquiry panels in developing research programmes for the technical evidence they need and its staff undertake Tribunal-commissioned evidential research
- The Report Writing team assists Tribunal panels with designing, planning, drafting and publishing their reports once inquiries are complete.

“Report writing is a large project which takes a lot of time to complete. It's by far the hardest thing but the most rewarding work I've done. It's interesting because you're learning about issues you haven't heard of before,” says Ethan McKenzie, Researcher/Analyst in the Report Writing team.

“People understand the importance of the work we're doing and want to be thorough and get it right. The work we do becomes part of New Zealand's history.”

“The people that work here are great – they understand the importance of the work we're doing and want to be thorough and get it right. The work we do becomes part of New Zealand's history,” says Robbie Stenberg, Researcher/Analyst in the Inquiry Facilitation team. ■

To find out more please visit: waitangitribunal.govt.nz/



Members of the Waitangi Tribunal Inquiry Facilitation Team

Adding critical voices to the criminal justice reform conversation



Māori and victims' voices were placed at the centre of the conversation on criminal justice reform in a series of reports released in recent months.

Ināia Tonu Nei – The Time is Now: We Lead, You Follow, published in July 2019, calls for Māori to have a genuine leadership role in creating a future justice system for Aotearoa New Zealand.

The report captures the kōrero at a national Māori justice hui held in Rotorua in April 2019 and shares hui attendees' clear challenges to the Crown:

- to share power with Māori and for Māori-led responses to be central to the reformation of the justice system;

- to stop working in silos and to take a whole-of-Government approach to improve the wellbeing of Māori; and
- to recognise that they do not have the cultural capability or capacity to deliver a justice system that can respond to this crisis alone.

Spokespeople for the report Tā Mark Solomon and Katie Murray said it reflects both the sobering reality for Māori at the hands of a colonial justice system, and an overwhelming energy for Māori to lead a new design for the justice system.

Justice Minister Andrew Little said the report provided important insights into Māori attitudes toward the justice system and ideas on how to improve justice outcomes: "It is clear that New Zealanders from across the country are calling for the criminal justice system to be overhauled. It is also clear that we must do better for Māori, who are over-represented in nearly every stage of the justice system."

Justice Minister Andrew Little and Chief Victims Advisor Dr Kim McGregor with participants at the Strengthening the Criminal Justice System for Victims workshop in Wellington earlier this year.



Hui Māori organiser Katie Murray with Ministry of Justice Chief Executive Andrew Kibblewhite

Victims' voices were also highlighted with the Chief Victims Advisor to Government Dr Kim McGregor's release of results from a survey that collected victims' feedback on the criminal justice system.

Respondents reported largely negative experiences via the Strengthening the Criminal Justice System for Victims survey, which ran during February 2019:

- 63% of respondents reported that their overall experience of the criminal justice system was either poor or very poor.
- 83% of respondents either disagreed or strongly disagreed that the criminal justice system is safe for victims.
- 77% of respondents either disagreed or strongly disagreed that victims' views, concerns and needs are listened to throughout the justice process.
- 79% of respondents either disagreed or strongly disagreed that victims have enough information and support (not including family and friends) throughout the justice process.

"A majority of respondents told us that their experience of the criminal justice system was either poor or very poor and this is backed up by the stories people shared.

"Through the survey, a majority of victims also told us that the criminal justice system doesn't keep them safe, doesn't provide them with enough support or information, and doesn't listen to their views, concerns or needs," said Dr McGregor.

Following the presentation of preliminary results at the Strengthening the Criminal Justice System for Victims workshop in Wellington in March 2019, a full report was published in August 2019. A playback report capturing the discussion at the workshop was also released.

"While the results are really concerning, they're helpful in highlighting where reforms are needed, and I want to thank everyone who generously shared their thoughts, ideas and experiences.

"It's clear that we need to do better for victims. Victims' needs, which are diverse and often complex, must be at the heart of any criminal justice reform," added Dr McGregor.

This work complements further reports by Te Uepū Hāpai i te Ora – Safe and Effective Justice Advisory Group and Dr McGregor that are currently being considered by the Government. ■

Read Ināia Tonu Nei – The Time is Now: We Lead, You Follow at: safeandeffectivejustice.govt.nz/about-this-work/hui-maori/

Read the Strengthening the Criminal Justice System for Victims survey and workshop playback reports at: chiefvictimsadvisor.justice.govt.nz/resources/

Hui Paneke: Pushing for change

Paneke means to move forward or progress – and Hui Paneke, which took place in Wellington on 3 September 2019, was an important first step in tackling some pressing criminal justice problems without legislative change or new resources.

Hui Paneke brought together justice sector chief executives, Māori leaders, judges, lawyers and other system experts to workshop some immediate steps we could take to improve how the criminal justice system operates.

“We gathered a diverse group of people to talk about some wide-ranging problems – people who might well have different ideas about what those problems are and what’s causing them. That could have made for a very challenging day. Instead, what shone through on the day was that everyone in the room was there because they recognised that we need change and they want to do something about that,” said Andrew Kibblewhite, Ministry of Justice Chief Executive.

“I am truly grateful for the generosity of all the participants. They brought an open mind and a willingness to share their experience and expertise at what was, in many ways, quite an experimental workshop.”

Hui Paneke took up the challenge issued at a national Māori justice hui in April 2019 for the Government and officials to stop working in silos and take a whole-of-government approach to improve the wellbeing of Māori and those affected by the justice system. By focusing on practical problems that could be quickly addressed, it complements work driven through *Hāpaitia te Oranga Tangata – Safe and Effective Justice* to transform the criminal justice system over a longer timeframe.

Since the hui, a smaller working group of attendees has been reviewing the ideas discussed on the day and looking at what needs to be done to implement them.

But the positive outcomes of the hui go beyond that. “One of the most unexpected things to come out of the hui were the connections and understanding that were fostered between the participants. The hui generated a huge amount of goodwill to work together, and people who have worked in the same system their whole lives learned things they didn’t know,” said Ruth Wilkie, Hāpaitia Director.

Our Ministry is working on facilitating a second Hui Paneke in early 2020. ■



A PLACE
YOU
CAN BE
Yourself

The Women’s Network ‘uplifts’ the community

Our Women’s Network and ACC worked together to collect over 1,800 items for the Uplift Project.

Uplift is a charity that collects bras and swimwear and provides them to women in the Pacific who otherwise don’t have access to these basics.



Members from both our Ministry and ACC came together, and in pairs counted the items at the Justice Centre in Wellington and in some of our courts around the country.

Women’s Network members Belinda Waters and Clare O’Brien led the event and took the boxes of donated bras to an Uplift Project representative. The items then went to Fiji via cargo ship in September.

Belinda and the network had an initial goal of 1,000 items and were blown away with the results!

“This is a really fantastic effort from everyone involved and will make a huge difference to women and girls in these communities,” said Belinda.

Andy Fulbrook, Acting Deputy Secretary Corporate & Governance, lent a hand and expressed his amazement at the number of items from the collection drive. ■

Coroners Conference to open with specially written waiata

The 2019 Asia Pacific Coroners Society Conference kicks off in Queenstown in November. The gathering will open with a waiata composed specially for the Coroners Court, which acknowledges traditional Māori beliefs along with the work undertaken by coroners.

“I’m really looking forward to this year’s conference,” says Judge Deborah Marshall, Chief Coroner.

“We have a range of fascinating sessions that will be presented by some very experienced professionals. The conference will also be the first time we introduce the official coronial waiata to a wider audience.

“The waiata, written by Tawhero Haitana from Waikato, is called Karanga Mai and speaks about the Te-Waka-o-Rangi, which carries the souls of the deceased to the heavens, so that they may be sown as stars in the sky. It’s a beautiful song, laden with meaning for all involved in the Coroners Court.”

Spread over three days, the conference includes seminars on, among other things, the Christchurch shooting of 15 March 2019, cultural considerations in coronial work, and recognising unconscious bias in coronial investigations. There will also be a session on coronial processes in the Pacific, with speakers from Tokelau, Fiji and Singapore.

A range of speakers will hold seminars, including Dame Naida Glavish of the Auckland District Health Board; Ross Ardern, Administrator of Tokelau; Simon Mount QC and more.

“This is a great opportunity for anyone interested in the role coroners play in our society to come along and hear from some truly inspiring speakers,” Judge Marshall says. “Being able to share knowledge with coronial experts from around the Asia-Pacific region is a rare opportunity and one I’m really looking forward to.” ■

The Coroners Conference will be held in Queenstown from 13-15 November 2019.

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

commservices@justice.govt.nz
justice.govt.nz

MOJ0198.16_OCT19
ISSN 2463-4476

