

# **Statement of Intent 2010–2013**

## **Ministry of Justice**

Presented to the House of Representatives  
pursuant to Section 39 of the Public Finance Act 1989

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## Foreword: Minister of Justice

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The Statement of Intent 2010–2013 sets out the major priorities the Ministry of Justice will be accountable for over the next three years.

Since becoming Minister, my immediate priorities have been to increase public safety and ensure that the justice system becomes more responsive to the needs of victims. I am pleased with the progress that has been made to date in these areas, including the passage of legislation designed to enhance the rights of victims, to crack down on gangs, to expand the use of DNA technology, and to protect children and the victims of domestic violence.

This Statement of Intent describes the work to be done over the next three years to carry out the Government's longer-term priorities. Over this period, the focus will not just be on dealing with the consequences of crime, but also addressing the drivers of crime and the efficient and effective functioning of the justice system as a whole. The Government is considering changing alcohol laws to reduce alcohol-related offending and other harm related to alcohol.

I also intend to make improvements to the criminal justice system through the simplification of criminal procedure and the introduction of modern technologies into our courts. I expect that this work will reduce the complexity and cost of our court system, providing New Zealanders with more efficient services and better value for their money.

I have also undertaken initial work to implement the Government's commitment to make progress on electoral and constitutional reform.

The Office of Treaty Settlements is part of the Ministry of Justice, but is not part of the justice sector. Nevertheless, supporting the Government to reach its aspirational goal to complete just and durable historical Treaty of Waitangi settlements by 2014 will be a key area of focus for the Ministry, as will reviewing the Foreshore and Seabed Act 2004.

I expect that, in all these priorities, the Ministry will contribute to the Government's wider goal of *better, smarter public services, for less*, by maintaining a focus on cost effectiveness.

I am satisfied that the information on future operating intentions provided by the Ministry of Justice in this Statement of Intent and the *Information Supporting the Estimates* is in accordance with sections 38, 40 and 41 of the Public Finance Act 1989 and is consistent with the policies and performance expectations of the Government.



Hon Simon Power  
Responsible Minister for the Ministry of Justice  
19 April 2010

# Introduction from the Chief Executive

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The Ministry's vision is to deliver *first class* justice services.

The Ministry of Justice exists to create a fairer and safer New Zealand and provides many services on behalf of government to help achieve this.

The Government has outlined its priorities for the justice sector over the next three years. This Statement of Intent sets out how the Ministry will meet those priorities while continuing to provide a wide range of frontline services throughout the country.

The Ministry has reprioritised its expenditure and activity to ensure that existing service delivery can be maintained or improved, and to deliver on government priorities.

While this Statement of Intent sets out an extensive programme of work and represents a considerable challenge for the Ministry, I am confident the Ministry has the people capability and capacity to successfully deliver on these commitments.

Belinda Clark  
Secretary for Justice and Chief Executive

## Statement of Responsibility

In signing this statement, I acknowledge that I am responsible for the information contained in the Statement of Intent for the Ministry of Justice. This information has been prepared in accordance with the Public Finance Act 1989. It is also consistent with the proposed appropriations set out in the Appropriations (2010/2011 Estimates) Bill, as presented to the House of Representatives in accordance with section 13 of the Public Finance Act 1989, and with existing appropriations and financial authorities.

Belinda Clark

Secretary for Justice and Chief Executive

15 April 2010

Lara Ariell

Chief Financial Officer

# Nature and Scope of Functions

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The Ministry of Justice provides a range of services on behalf of the Government and supports the:

- Minister of Justice and Associate Minister of Justice
- Minister for Courts
- Minister for Treaty of Waitangi Negotiations
- Minister Responsible for the Law Commission
- Attorney-General.

The Minister of Justice is the lead Minister for the justice sector, which comprises the Department of Corrections, New Zealand Police, Crown Law Office, Serious Fraud Office, Ministry of Social Development (regarding youth justice matters) and a number of Crown entities and other agencies.

The Ministry supports leadership of the sector by providing advice, coordinating justice sector planning including the sector's budget process, and developing and reporting on justice sector outcomes.

The Ministry's core functions are:

- delivery of operational services, including administration, case management and support services to courts, tribunals and a range of other judicial and quasi-judicial tribunals, committees and authorities, collection of fines and reparation, electoral services, and negotiations for settling historical Treaty of Waitangi claims
- delivery of policy advice
- provision of support to the judiciary
- monitoring and oversight of non-departmental output classes and managing the Crown's relationship with justice sector Crown entities.

The Ministry administers three votes: Justice, Courts, and Treaty Negotiations.

## Constitutional independence and support to the judiciary

A key role for the Ministry is supporting the work of 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. The Ministry seeks judicial input into its operations through joint Ministry–judicial governance and management committees and councils, for example, on improvements to court processes and service design.

In delivering services, the Ministry recognises the importance of the constitutional independence of judicial decision making, and works with the judiciary to ensure this independence is preserved and maintained.

Some staff exercise judicial functions under the supervision of judges (for example, exercising Registrars' powers in relation to interlocutory applications). However, the same staff, as part of their responsibilities as Ministry employees, may also perform tasks related to the functions of the executive (for example, exercising management duties such as

human resource and financial responsibilities). When staff exercise functions of a judicial nature, guidance may be provided by the Ministry through training and resources, such as Registrars' handbooks. However, the Ministry has no ability to direct and control the exercise by staff of their judicial functions. This reflects the need for judicial independence – the courts must be, and must be seen to be, separate from and independent of the executive. Staff are made aware of the different principles that apply when they are carrying out their judicial and executive functions.

## **Frontline services**

The New Zealand court system provides the majority of the Ministry's frontline service delivery to the public. Over three-quarters of all Ministry staff in locations throughout New Zealand are deployed in support of the court system.

The Operations Group provides administration, case management and support services to courts, tribunals and a range of other judicial and quasi-judicial tribunals, committees and authorities. The Operations Group also collects court-imposed monetary penalties (including reparation) and unpaid infringement fines issued by prosecuting authorities, enforces and completes civil judgment orders, and serves court documents.

Other operational services provided by the Ministry are the settlement of historical Treaty of Waitangi claims through the Office of Treaty Settlements, and the administration of elections and referenda through the Chief Electoral Office.

## **Policy advice**

The Ministry provides policy and legal advice to Ministers and the Attorney-General on a broad range of policy areas, and provides support and advice to two parliamentary select committees – the Justice and Electoral Committee and Māori Affairs Committee.

The Ministry supports Ministers in the appointment of members of the judiciary, Justices of the Peace and other key public officials. The Ministry manages the appointment process and issues Warrants of Appointment.

The Ministry will also be reviewing the Foreshore and Seabed Act 2004 to examine whether the Act adequately balances Māori customary interests and the rights and interests of all New Zealanders. The Government is seeking to complete the review of the Act, including the implementation of any changes, by the end of 2010.

The Office of Treaty Settlements will also undertake policy initiatives to support increased settlement momentum.

## **Expected changes to the Ministry's functions**

### **Chief Electoral Office**

In August 2009, Cabinet agreed to merge the responsibilities of the three existing electoral agencies into a new Electoral Commission that will be given overarching responsibility for electoral administration. Combining these multiple functions into a single entity will avoid duplication of effort, establish a single strategic overview, and reduce costs and complexity for political parties, constituency candidates and members of the public.

The Electoral Commission will be established in two stages so as not to disrupt electoral activity in the process. Subject to the passage of enabling legislation, the functions of the Chief Electoral Office and current Electoral Commission will be transferred to a new Electoral Commission on 1 October 2010. The Secretary for Justice currently has overall responsibility for the Chief Electoral Office. The new Electoral Commission will be an independent agency. It is expected that the transition to the new Electoral Commission will be completed by 1 October 2012 when the responsibilities of the Chief Registrar of Electors will be transferred to the Commission.

## **Transfer of responsibility for administering legal aid to the Ministry of Justice**

Following the review of legal aid undertaken by Dame Margaret Bazley in 2009, Cabinet agreed to disestablish the Legal Services Agency (LSA) and transfer responsibility for the administration of legal aid to the Chief Executive of the Ministry of Justice. Changes arising from the review focus on improving quality of service and advice for legal aid recipients and gaining better value for money. The timing of this transfer is subject to enabling legislation being passed, which is expected to occur during the 2010/2011 year. The Ministry is working closely with the LSA in preparation for the transfer.

## **Tribunals**

The Immigration Act 2009 established a single Immigration and Protection Tribunal to be administered by the Ministry, to decide immigration, deportation, refugee and protection appeals in New Zealand. It replaces four existing appellate bodies:

- Residence Review Board – currently administered by the Department of Labour (DoL)
- Removal Review Authority – currently administered by DoL
- Refugee Status Appeals Authority – currently administered by DoL
- Deportation Review Tribunal – currently administered by the Ministry.

Establishing a single tribunal will streamline the immigration appeal process, and allow for the appeals body to be clearly separated from the initial decision makers, Immigration New Zealand, which sits within DoL. The Immigration and Protection Tribunal will commence operations in November 2010.

A number of anticipated policy and legislative changes are expected to have an impact on the operation of other tribunals supported by the Ministry of Justice. These changes include the Copyright Amendment Bill, the review of the Sale of Liquor Act 1989, the Residential Tenancies Act Amendment Bill, the Unit Titles Act 2010 and the Private Security Personnel and Private Investigators Bill.

## Strategic Direction

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The justice system is characterised by a range of interdependent agencies and participants, increasing volumes and rising service expectations. The strategic direction of the Ministry of Justice is also shaped by the constrained economic environment that requires the Ministry to reprioritise resources in order to improve service delivery in critical areas.

Recognising this, and in order to meet future demand, the Ministry has commenced work to reorganise, simplify and modernise the way the justice system operates. While this change happens, the Ministry must also focus on ensuring the current system works as well as possible so that the accessibility and efficiency of the justice system are maintained. A critical group of changes are those reflected in Ministerial priorities around the criminal justice system.

The Ministry's work programme recognises the need to look past the system's responses to crime, and to understand and address the underlying drivers of crime. This approach will result in less crime, safer communities and fewer victims.

Improved service delivery in family, specialist and civil courts and tribunals will also ensure these services are more sustainable over the long term.

Within the electoral system, changes to constitutional and electoral arrangements will be made to modernise and create cost and service delivery efficiencies. The starting point for this work will be merging the three current electoral agencies into one new body, the Electoral Commission.

The Chief Electoral Office is also administering a referendum on New Zealand's electoral system in 2011, providing the opportunity for voters to comment on 15 years of Mixed Member Proportional (MMP) representation.

The Ministry is committed to supporting the Government's aspirational goal of settling historical Treaty of Waitangi claims by 2014.

*The Ministry of Justice has structured its work programme and is focusing its resources on supporting the following Ministerial priorities:*

- Improving the functioning and efficiency of court processes through work programmes such as Criminal Procedure Simplification, Audio-Visual Links and the Electronic Operating Model
- Addressing the drivers of crime
- Progressing electoral and constitutional reform
- Implementing the recommendations of the review of New Zealand's legal aid system
- Enhancing public safety
- Improving the collection of fines and reparation, including progressing the Courts and Criminal Matters Bill
- Progressing the aspirational goal of settling historical Treaty of Waitangi claims by 2014
- Progressing the Foreshore and Seabed Act 2004 review and negotiations
- Improving the responsiveness of the justice system to victims
- Other priorities relating to human rights and international obligations.

## Performance improvement actions

The Government has committed to deliver *better, smarter public services, for less*. Agencies must improve the efficiency and effectiveness of the expenditure and services that they deliver.

The Ministry has agreed with the Government a range of innovations, known as performance improvement actions (PIAs) that will modernise core court processes and deliver a more cost-effective court system. Together with work on *Addressing the Drivers of Crime*, these PIAs are intended to help manage demand for justice services and reduce the number of offenders coming into the justice system.

The Ministry's PIAs are:

- the *Addressing the Drivers of Crime* cross-government work programme
- the review and reform of legal aid
- the expanded use of audio-visual links for court processes
- the Criminal Procedure Simplification work programme
- moving towards an electronic operating model for court processes.

The PIAs are described in further detail in the Operating Intentions section of this Statement of Intent.

## Justice sector outcomes

The Ministry ensures that justice sector agencies collectively plan their interventions, expenditure and services to increase their effectiveness. To do this, a set of justice sector shared outcomes was agreed. The ultimate justice sector outcome is a “*safe and just society*”, achieved through two high-level outcomes of “*safer communities*” and “*civil and democratic rights and obligations enjoyed*”. These are supported by eight shared outcomes for the justice sector to work towards. The eight shared outcomes are inter-related and cannot be achieved by one agency alone.

1. *Crime reduced*: The rate of criminal offending needs to be reduced in a manner that both prevents those at risk of becoming offenders from offending, and reduces the likelihood that existing offenders will re-offend.
2. *Offenders held to account*: Individuals, who are identified, apprehended and found guilty of committing crimes, are held to account for their offending, and victims' rights are recognised.
3. *Impact of crime reduced*: The harmful impacts of criminal activities, including the social and economic costs and impacts, are mitigated and reduced.
4. *Accessible justice services*: Individuals and communities have access to resources, legal information and representation, as necessary, so they can have their rights upheld and fulfil their legal obligations.
5. *Trusted justice system*: In order for agencies within the justice system to uphold and enforce the law successfully, it is important that they enjoy the confidence and respect of users, individuals and groups living both within and outside of New Zealand.

6. *Effective constitutional arrangements:* New Zealand has a well-functioning, participative democracy in which constitutional arrangements are protected and relationships between the public and Government are enhanced by an understanding of, and agreement in respect of, constitutional arrangements and issues.
7. *International connectedness:* The contributions of justice sector agencies to the protection of New Zealand's security, upholding of international law obligations and assisting development of trans-national justice stability.
8. *Durable settlements of Treaty claims:* Claimants and the Crown, as well as other individuals and communities, have confidence that the Treaty settlements process is fair, equitable and achievable and that it is in the best interests of all New Zealanders.

## Ministry of Justice impacts

Impacts are changes resulting from specific actions or services delivered by the Ministry that contribute to the achievement of the justice sector outcomes. These impacts may have results in the short term (one-to-two years) or in the medium term (two-to-five years). The Ministry's impacts are:

- the drivers of crime addressed
- legal and democratic systems are credible
- public time and money are used effectively
- consequences for offenders are appropriate
- consequences for victims are reduced
- commitments honoured.

## Ministry of Justice outputs

Services delivered by the Ministry are described as outputs and are funded from three Votes.

Vote Justice		Vote Courts		Vote Treaty Negotiations	
Output	2010/2011 \$m	Output	2010/2011 \$m	Output	2010/2011 \$m
Policy Advice	27.4	District Court services	201.7	Policy Advice–Treaty Negotiations	21.5
Sector Leadership and Support	10.5	Higher Court services	65.9	Property Portfolio Management	7.3
Crime Prevention and Community Safety	1.9	Specialist courts, tribunals and other authorities' services	76.7	Representation–Waitangi Tribunal	3.0
Management of Parliamentary Electoral System	14.2	Collection and enforcement of fines; civil debt services	71.4		
	54.0	Waitangi Tribunal services	9.9		
			425.6		31.8

# Operating Intentions

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The Ministry has combined the Government's direction, the priorities of Ministers and the PIAs into a set of goals with a supporting work programme that is to be achieved over the next three years. The work programme is described under each of the Ministry's impacts (see the previous page).

## Impact: The Drivers of Crime are addressed

The drivers of crime are diverse and complex, involving factors outside the immediate influence of the justice sector. While the overall responsibility for reducing crime sits with justice sector agencies, collaboration with the health, education, economic, social and community development sectors is vital to making real progress. In November 2009, Cabinet agreed to adopt a new approach that extends beyond the justice sector and involves shared responsibility across a range of government agencies and service providers.

The Government has now made *Addressing the Drivers of Crime* a whole-of-government priority, with particular emphasis on reducing Māori offending and victimisation. This comprehensive approach will have wide benefits across a range of social outcomes, with the potential to improve efficiency and effectiveness in important service delivery areas. It is also critical to reducing the flows into the criminal justice system, and is an important element of the Government's strategy for managing cost pressures and improving value for money in the justice sector. Some short-term improvements are expected, but the substantial benefits will be long term.

The Ministry of Justice is coordinating, and providing policy and secretariat support for, the cross-government action. The Ministry is leading policy work in two of the four priority areas – including a number of actions to reduce harm from alcohol and improve government and community responses to repeat low-level offending.

**Government priorities include:**

- Addressing the Drivers of Crime.

**To achieve this, the Ministry intends to focus on:**

- Coordinating and contributing to the Addressing the Drivers of Crime work programme across government agencies. This includes:
  - o reducing the impact of alcohol as a driver of crime
  - o improving responses to low-level repeat offending.

**Departmental outputs that contribute:**

- Vote Justice: Policy Advice
- Vote Courts: District Court Services.

## Over the next three years

The four priority areas for the cross-government programme are outlined below. These areas were selected as they cover key risk factors associated with offending. They are

currently being addressed by multiple agencies delivering a range of services and interventions.

Priority area	Purpose	Agencies involved
Improving maternity and early parenting support	To ensure that families and children at risk of poor outcomes, including later criminal offending and victimisation, receive effective maternity and early parenting support services.	Ministry of Education Ministry of Health Ministry of Justice Ministry of Social Development Te Puni Kōkiri
Addressing conduct and behavioural problems in children and young people	Severe conduct and behavioural problems in childhood are, together, the single most important predictor of later chronic antisocial behaviour, including crime.	Ministry of Education Ministry of Health Ministry of Justice Ministry of Social Development Te Puni Kōkiri
Reducing the harm caused by alcohol and improving access to alcohol and other drug treatment	Many New Zealanders display problematic drinking behaviours, which create considerable harm. Drinking is a key factor associated with a significant proportion of violent offending and other offending. Timely treatment and recovery programmes can reduce this harm.	Accident Compensation Corporation Alcohol Advisory Council of New Zealand Department of Corrections Ministry of Health Ministry of Justice New Zealand Police Ministry of Social Development Te Puni Kōkiri Ministry of Transport
Identifying alternative approaches to manage repeat low-level offenders and offer pathways out of offending	Holding low-level offenders to account promptly in community settings, in conjunction with restorative justice practices, can have better outcomes for both victims and offenders. Low-level offenders are not currently prioritised for the education, health and housing services they need for long-term rehabilitation and reintegration.	Ministry of Justice Department of Corrections New Zealand Police Ministry of Transport Te Puni Kōkiri Ministry of Social Development

The Ministry is also supporting initiatives that link defendants with support agencies within courts. Some examples include judicially led Rangatahi Courts (marae-based Youth Courts), a pilot of education officers in Youth Courts, and linking court users with family violence support agencies.

## How we will show progress

These initiatives are expected to:

- help address underlying drivers of crime.

To assess the overall impact of *Addressing the Drivers of Crime*, the Ministry of Justice will monitor:

- implementation of agreed actions within the four priority areas (short term)
- improvements in service access, efficacy and efficiency that result from the actions (medium-term)
- improvements in criminal justice outcomes, including reduced offending and victimisation, particularly in relation to Māori (long term).

## Impact: Legal and democratic systems are credible

The law must stay in step with changing public expectations to remain credible. Modernisation and service improvement contribute to public perceptions of credibility in the legal and democratic systems.

In 2009, Dame Margaret Bazley made recommendations to the Government to improve the legal aid system, including recommendations to ensure that legal aid clients consistently receive high-quality advice and that the system is cost effective for the taxpayer. The Government has agreed to a response to Dame Margaret's review of legal aid, which will require significant changes to be made to the way legal aid is delivered and administered.

The Ministry also supports Ministers with the development of processes and advice to assist their consideration of constitutional issues, including reform of electoral finance rules and preparation for a referendum on Mixed Member Proportional (MMP) representation. The Ministry is progressing the streamlining of electoral administration and reorganising electoral agencies into a consolidated Electoral Commission to take over the electoral functions that are currently undertaken by three separate agencies.

### **Government priorities include:**

- implementing the recommendations of the review of New Zealand's legal aid system
- progressing electoral and constitutional reform.

### **To achieve this, the Ministry intends to focus on:**

- reforming legal aid
- assisting with the development of a group to consider constitutional issues
- progressing the reform of electoral finance rules
- streamlining electoral administration
- supporting the development and administration of a binding referendum on MMP representation
- administering the 2011 General Election.

### **Departmental outputs that contribute:**

- Vote Justice: Policy advice; Managing the Parliamentary Electoral process; Sector Leadership and Support.

## Over the next three years

### **Reforming legal aid**

The comprehensive package of changes includes a new quality system for approving and monitoring legal aid providers, adopting new purchase arrangements (including expanding the Public Defence Service), streamlining the processes for assessing eligibility and shifting responsibility for the administration of legal aid to the Ministry of Justice.

## **Electoral reform**

The Ministry is progressing legislation for a new regime to regulate election spending. The legislation on electoral finance rules, reflecting extensive cross-party consultation, is expected to be passed and implemented in 2010/2011. Legislation for the referendum on MMP representation has been introduced and is expected to be passed and implemented by 2011.

Electoral administration is being streamlined and the electoral agencies reorganised. This work must be complete and the new Crown entity operational in time to conduct the 2011 general election and MMP referendum.

## **Constitutional issues**

Ministers will be supported to establish a group to consider constitutional issues.

## **How we will show progress**

These initiatives are expected to ensure that:

- constitutional arrangements are effective and efficient
- members of the public have ongoing trust in the justice system.

Performance indicators include the following.

<b>Area of focus</b>	<b>Trend or result by 2013/14</b>
Better quality legal advice delivered more consistently nationwide  Simpler and faster administration of legal aid, along with tighter management of costs	To be determined once the replacement regime is established through consultation and the parliamentary process.
Streamline electoral administration	The new Electoral Commission is established and fully operational.
Reform electoral arrangements	Clear, timely information will be provided to voters on the MMP referendum, new financing regime and voting process in general.
Assist with the development of a group to consider constitutional issues	To be determined once the group is established.

More detailed information about the Ministry's performance in this area is contained in the *Information Supporting the Estimates*.

## Impact: Public time and money are used effectively

The Ministry of Justice is tasked with developing and delivering a justice system that is accessible and cost effective for New Zealanders. To achieve this, the Ministry is implementing changes to procedures, technology and behaviour to help the system to meet current and future challenges. The Ministry will use technology to improve access to justice and to improve the Ministry's efficiency.

Much of the Ministry's activity in this area is driven by the fundamental fact that the court system has a service delivery model with most of its activities based in courthouses and that relies heavily on paper-based supporting information. This delivery model comprises complex legislation and infrastructure and is process and resource intensive. This model is unsustainable as it is expensive and difficult to adjust to reflect significant changes and increases in demand. Moving towards solutions that make better use of technology and reform criminal procedure to improve efficiency and access to justice is a priority for the Ministry.

### **Government priorities include:**

- improving the functioning and efficiency of court processes.

### **To achieve this, the Ministry intends to focus on:**

- reforming criminal court procedures (Criminal Procedure Simplification)
- expanding the use of audio-visual technology in courts (Audio-Visual Links)
- moving towards an electronic operating model for court processes.

### **Departmental outputs that contribute:**

- Vote Justice: Policy Advice
- Vote Courts: District Court Services; Higher Court Services.

## Over the next three years

To ensure *public time and money is used effectively* the Ministry will focus on three workstreams that will require significant collaboration across the justice sector. These workstreams, all of which are Ministry PIAs, are described below.

### **Criminal Procedure Simplification**

This initiative will repeal and replace the majority of the Summary Proceedings Act 1957 and parts of the Crimes Act 1961, as well as other various legislative provisions regarding criminal procedure. Introduction of new legislation will represent a fundamental change for criminal justice procedure, a once in 50 year event. Criminal procedure is complex and can incentivise delaying progression of cases through the courts. Overall, this project should shorten the average time for a case to be decided upon and improve value for money. From 2012, a new legislative and operational framework will make the court system simpler and less time consuming for participants.

## **Electronic Operating Model for Courts**

The electronic operating model for courts will use existing, and some new, technology to replace paper court records and case files with an electronic court record and greater shared electronic case management for all parties. The current paper-based process of working through some 330,000 criminal charges per annum contributes to the current costs of the system, reduces flexibility and places increasing pressure on a system that is already challenged to maintain throughput and avoid delay. The electronic operating model will fundamentally change the way courts operate by simplifying the number of steps required for the various court related work-flows. In 2010, work commences in the criminal summary jurisdiction, with the first electronic charges expected to be processed from mid-2012.

The estimated value gains are likely to be realised in terms of extra capacity available in the justice sector to deal with increasing numbers of charges. A more productive use of resources will assist with management of rising demand and costs across the courts system.

## **Audio-Visual Links (AVL)**

New legislation will enable a much wider range of proceedings to be heard via audio-visual links. The primary focus over the next year is reducing remand prisoner transportation to and from court in areas where AVL is installed in courts and prisons. Installation of AVL facilities for remand prisoner appearances will be limited to a small number of locations to start with.

## **How we will show progress**

These initiatives are expected to:

- free up capacity
- improve timeliness and efficiency in court services for victims, witnesses, the community and defendants
- reduce the time incurred by participants and the cost of administering justice.

Performance indicators include the following.

<b>Area of focus</b>	<b>2008/2009 actual performance</b>	<b>Trend or result by 2013/2014</b>
Criminal Procedure Simplification	Approximately 850,000 criminal court events within the District Court	<p>The following benefits are expected to be realised by 2013, depending on the passage of legislation:</p> <ul style="list-style-type: none"> <li>• eliminate up to 14,000 court events</li> <li>• up to 10–15 percent time saving from first appearance to determination of the case</li> <li>• proportion of cases heard in the jury trial jurisdiction to reduce by around 50 percent.</li> </ul>

<b>Area of focus</b>	<b>2008/2009 actual performance</b>	<b>Trend or result by 2013/2014</b>
Electronic Operating Model for Courts	Approximately 330,000 criminal charges filed by all prosecuting authorities	Up to 270,000 charges filed by Police electronically, replacing filing management and disposal of a paper charge at the court by 2012/2013.
AVL	New measure	500 to 2,000 remand prisoner appearances to occur by AVL for each location selected by 2013/14.

More detailed information about the Ministry's performance in this area is contained in the *Information Supporting the Estimates*.

## Impact: Consequences for offenders are appropriate

Sanctions imposed on offenders need to be credible to reassure members of the public of their safety and to play a meaningful role in deterring offending and re-offending. The Ministry provides policy advice required to develop and implement the Government's commitments to improve public safety. Initiatives include supporting the introduction of legislation to increase Police powers to respond to crime through enhanced search and surveillance powers and the ability to collect DNA on arrest. The Government has also committed to reviews of home detention, bail and parole.

The Ministry's work on improving the effectiveness of the Collections Business Unit is focused on maximising compliance with sanctions and collecting as much of each fine as possible to ensure offenders are held to account, helping to maintain the public credibility of the fines system.

### **Government priorities include:**

- ensuring that sanctions on offenders are credible and play a meaningful role in deterring offending and re-offending.

### **To achieve this, the Ministry intends to focus on:**

- providing policy advice that will:
  - o support the passage of the Crimes (Offences Against the Person) Bill that is expected to be passed by the end of 2010
  - o support the passage of the Search and Surveillance Bill, which increases the powers of Police to detect and investigate crime. The passage of the Bill will be significantly progressed by the end of 2010
  - o implement legislation in two phases that increases the powers of Police to detect and investigate crime through enhanced powers to use advanced DNA technology
  - o review the current home detention, parole and bail legislation to ensure it is adequately protecting public safety
- enhancing collection and enforcement provisions to enable more fines and reparation to be collected
- increasing incentives so that people to pay their fines and reparation.

### **Departmental outputs that contribute:**

- Vote Justice: Policy Advice
- Vote Courts: Collection and Enforcement of Fines and Civil Debts Services.

## Over the next three years

### New legislative provisions

The Ministry is now implementing legislation passed in 2009 to enhance public safety.

The Ministry will provide support for the Crime (Offences Against the Person) Bill to rationalise offences in Part 8 of the Crimes Act 1961, which deals with offences against the person such as assaults, injury and homicide. This will strengthen the justice sector's ability to respond to offending against children.

The Search and Surveillance Bill was introduced in 2009, and the Ministry will continue to support its passage through Parliament. The Search and Surveillance Bill reforms and

modernises the search and surveillance powers of Police and other law enforcement agencies.

The Criminal Investigations (Bodily Samples) Amendment Act 2009 will allow Police to collect DNA from people they intend to charge and to match it against samples from unsolved crimes. The Act will be implemented in two phases. The first phase will come into force by the end of 2010 and will enable Police to obtain DNA samples from offenders, for more offences. The second phase is expected to come into force by the end of 2011 and will enable Police to obtain DNA samples for any imprisonable offence. In addition, the Ministry will conduct a review of the Act. The review will be completed by the end of 2011.

The Ministry is currently undertaking several related reviews, including a review of home detention, a review of bail laws and the reform of the parole eligibility regime. These reviews are expected to be completed in 2010/2011 with any consequential legislative changes being progressed in 2011/2012.

### **Fines segmentation and workflow**

The Ministry will implement a segmentation and workflow management approach to its collection operation. This internationally recognised best practice model for debt management groups the fines population based on individuals' willingness and ability to pay. This will increase the value of fines collected and make monetary penalties more credible. It will make the payment of fines as easy and convenient as possible for those who will pay voluntarily without the need for enforcement, and means that enforcement action can be targeted at people who are unwilling to pay.

The Courts and Criminal Matters Bill will introduce new enforcement measures that increase the courts' capacity to collect unpaid fines and reparation.

### **How we will show progress**

These initiatives are expected to:

- ensure that offenders are held to account
- ensure that fines and reparation are paid
- decrease crime rates.

Performance indicators include the following.

<b>Area of focus</b>	<b>2008/2009 actual performance</b>	<b>Trend or result by 2013/2014</b>
Enhance collections and enforcement to enable more fines and reparation to be collected	\$240.4 million collected	Increased cash collected year-on-year.
Increase incentives on debtors to pay fines and reparation and reduce the proportion of bad debt	52.6% of debt was overdue as at 30 June 2009	Reduction in the proportion of fines that are overdue.

More detailed information about the Ministry's performance in this area is contained in the *Information Supporting the Estimates*.

## Impact: Consequences for victims are reduced

A greater focus on victims in the criminal justice system will help reduce the cost and impact of crime on individuals and society in general. An improved response to victims and their families will also enhance public confidence in the criminal justice system.

### **Government priorities include:**

- improving the responsiveness of the justice system to victims.

### **To achieve this, the Ministry intends to focus on:**

- improving the responsiveness of the justice system to victims to prevent re-victimisation and minimise the financial and other effects of crime on victims.

### **Departmental outputs that contribute:**

- Vote Justice: Policy advice; Support and assistance provided by Victim Support to victims of crime.
- Vote Courts: District Courts Services; Collection and Enforcement of Fines and Civil Debts Services.

## Over the next three years

The Ministry's work in this area for 2010/2011 is a continuation of the Government's priority to improve public safety and protect the vulnerable. A number of government and non-governmental agencies provide services to victims. The Ministry will work with these agencies to provide advice and coordinate the services provided to victims.

In 2010/2011, the Ministry's work will focus on implementing the initiatives introduced in 2009/2010. These include:

- from 1 July 2010, the criminal courts, on behalf of the victims, will be able to issue protection orders against offenders who have committed a domestic violence offence
- additional entitlements and services for victims of serious crime, including a new court support service for victims of sexual violence by 2012
- completing the Enhancing Victims' Rights Review, and implementing any consequential legislative changes through amending the Victims' Rights Act 2002 and other relevant legislation
- responding to the recommendations of the Taskforce for Action on Sexual Violence.

## How we will show progress

These initiatives are expected to:

- reduce the impact of crime
- make justice services more accessible.

Performance indicators include the following:

<b>Area of focus</b>	<b>2008/2009 actual performance</b>	<b>Trend or result by 2013/2014</b>
Increased responsiveness by criminal justice sector agencies to victims of domestic violence	New measure	Numbers of protection orders issued by the criminal courts against domestic violence offenders.
Improved responses from government agencies to victims of crime and enhanced victims' rights and role in the criminal justice process	New measure	Completing the Enhancing Victims' Rights Review by 2010.
Improved provision of services to assist victims in a timely and practical way	New measure	High take-up rate for new court support service for victims of sexual violence.

More detailed information about the Ministry's performance in this area is contained in the *Information Supporting the Estimates*.

## Impact: Commitments honoured

The Government's aspirational goal is to complete just and durable historical Treaty of Waitangi settlements by 2014. This is defined as signing Deeds of Settlement with all mandated claimant groups. The Office of Treaty Settlements (OTS) is implementing a plan (the Roadmap) that sequences negotiations to endeavour to achieve the Government's 2014 goal.

In 2009, the Government also committed to reviewing the Foreshore and Seabed Act 2004 to examine whether the Act adequately balances Māori customary interests and the rights and interests of all New Zealanders. The Government is seeking to complete the review of the Act, and implement any changes, by the end of 2010.

### **Government priorities include:**

- increasing the momentum for the settling of historical Treaty of Waitangi claims by 2014
- progressing the review of the Foreshore and Seabed Act 2004 and foreshore and seabed negotiations.

### **To achieve this, the Ministry intends to focus on:**

- implementing the Roadmap, which makes best endeavours to complete historical Treaty settlements by 2014 based on negotiation and policy approaches designed to increase momentum
- completing the review of the Foreshore and Seabed Act 2004, including supporting the passage of new legislation and implementing any replacement regime.

### **Departmental outputs that contribute:**

- Vote Treaty Negotiations: Policy Advice – Negotiations; Property Portfolio Management; Representation – Waitangi Tribunal
- Vote Justice: Policy Advice
- Vote Courts: Waitangi Tribunal Services.

## Over the next three years

### Treaty settlements

OTS will focus on delivering on the Roadmap for the completion of historical Treaty settlements by 2014. Initially, OTS will complete Deeds of Settlement and Agreements in Principle with groups currently in intensive negotiations with the Crown. Particular priority will be given to the Tāmaki Makaurau (Auckland) region. At the same time, OTS will be working with remaining groups to prepare them for entering intensive negotiations with the Crown.

OTS will also undertake policy initiatives to support increased settlement momentum. Initiatives already implemented include the public service secondments to iwi programme and increased claimant funding. Recently announced initiatives to be implemented include establishing an iwi mentoring programme and changes to legal aid funding for Treaty of Waitangi claims.

The Ministry continues to support the Waitangi Tribunal to undertake inquiries into claims under the Treaty of Waitangi Act 1975.

## Foreshore and seabed

The Foreshore and Seabed (Repeal and Replacement) Bill is planned for introduction during 2010. The two priority foreshore and seabed negotiations to be completed in 2010/2011 are with Ngāti Porou and Te Whānau a Apanui. Work on the three remaining negotiations will continue but negotiations are not expected to be completed before 2012.

## How we will show progress

These initiatives are expected to:

- progress just and durable settlements of outstanding historical Treaty of Waitangi claims
- resolve issues with the Foreshore and Seabed Act 2004 and contribute to the wider Crown–Māori relationship.

Progress will be demonstrated by the Ministry meeting the Government's Roadmap for Treaty Settlements. Each Treaty settlement process has many steps that each take varying lengths of time.

During 2010, the shape of the replacement foreshore and seabed regime will be established through public consultation and the parliamentary process. How the Ministry will demonstrate success will depend on the final shape of the regime.

Performance indicators include the following:

<b>Area of focus</b>	<b>2008/2009 actual performance</b>	<b>Trend or result by 2013/2014</b>
Settling historical Treaty of Waitangi claims	27 Deeds of Settlement signed since 1990	<p>Delivering the Roadmap will require signing 16 Deeds of Settlement in 2010/2011.</p> <p>Continuing to meet the Roadmap for coming years requires three Deeds of Mandate, six Terms of Negotiation and five Agreements in Principle. The timing of these deeds is unpredictable and depends on how negotiations proceed.</p>
Progressing the Foreshore and Seabed Act 2004 review and negotiations	New measure	All current negotiations under the Foreshore and Seabed Act 2004 will be concluded.
Administering the replacement foreshore and seabed regime	New measure	To be determined once the replacement regime is established through public consultation and the parliamentary process.

Note: During the Treaty settlement process, negotiating groups may combine or divide. The signing of Deeds of Settlement requires agreement from both parties and the negotiation process can result in changes to original timeframes. The forecast Deeds of Settlement are based on current configurations of negotiating groups and are likely to change. More detailed information about the Ministry's performance in this area is contained in the *Information Supporting the Estimates*.

# Managing in a Changeable Operating Environment

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## Ministry approach to risk management

As a large operational organisation, providing diverse services, the Ministry faces a range of strategic and day-to-day business risks. The Ministry has developed a Risk Management Framework closely aligned to the AS/NZS 4360:20040 Risk Management Standard and utilises the seven main elements of the risk management process. Implementation of the framework is at various stages across the Ministry.

The framework provides:

- a Ministry-wide approach to risk management
- risk management methodologies that are integrated into planning, priority setting and decision-making activities
- accountability for the mitigation strategies, and for the effectiveness of mitigations
- assurance that significant risks and opportunities are identified, communicated and managed throughout the Ministry
- a continuous improvement focus on business processes
- increased stakeholder confidence in the Ministry's corporate governance and in the ability to meet stakeholder expectations.

The Ministry's internal Assurance and Risk Team advises management on the Ministry's risk management processes and business control systems. The team also develops and carries out an annual risk-based work programme agreed with the Ministry's Audit and Risk Committee. The work programme is designed to provide management with reasonable assurance that the Ministry is able to achieve its business objectives and strategies successfully; its assets are being safeguarded; operations are conducted effectively, efficiently and economically in accordance with Ministry policies and procedures and legislative requirements; and the Ministry's records and reports are accurate and reliable.

Managers and staff are responsible for properly managing and communicating risks. Once the Risk Management Framework is fully implemented, all business units within the Ministry will be required to keep up-to-date risk registers and to report quarterly on risks and mitigations.

## Audit and Risk Committee

The role of the Ministry's Audit and Risk Committee is to provide independent advice to assist the Chief Executive to discharge her responsibilities to maintain systems of internal control, responsible resource management and risk management. The committee comprises an independent chairperson, two other external members and members of the Ministry's Executive Team. The Chairperson reports directly to the Chief Executive. The committee's role is advisory only and the committee has no management functions. This separation preserves its independence and objectivity in relation to management matters. The

independent members and the auditor meet regularly and without the presence of executive members.

## **Focus in 2010/2011 and to 2012/2013**

At an operational level, the priority for 2010/2011 will be embedding the Risk Management Framework across the Ministry's operational business units to increase the effectiveness of risk management in the Ministry and to reduce inconsistencies in practice.

The focus will be on the Ministry's management control environment. The level of success achieved in increasing the effectiveness of risk management in this area will be assessed by the results (including gradings) of the annual audits carried out by the Office of the Auditor-General of the Ministry's management control environment and financial information systems and controls, and trends in these results.

As part of the Risk Management Framework, a Strategic Risks Register has been established of strategic risks to the achievement of the Ministry's overall functions, priorities and outcomes. The register includes mitigation strategies to manage the risks. These strategic risks and mitigation strategies are reviewed quarterly by the Ministry's Audit and Risk Committee. The register will be used to prioritise actions across the Ministry to mitigate these higher-level strategic risks.

# Assessing Organisational Health and Capability

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Over the past decade, the demand for justice services has substantially increased. This is reflected in higher volumes of court cases and higher numbers of participants in the justice system. The current business model for the justice system is underpinned by an extensive legislative and policy framework (often built on legislation that is over 50 years old). This model cannot cope with continued increases in demand without incurring significant additional costs.

The justice sector is investigating a range of options that will create a more fiscally sustainable operational model. The Ministry has a critical part to play in the development and implementation of change across the sector.

Managing this change and maintaining a focus on frontline service delivery will be a significant challenge to the Ministry. Change on this scale will require targeted investment in people, processes and technology, largely through the reprioritisation of existing resources.

## People capability

The Ministry has a clear vision for the capability and capacity we need to meet government and public expectations in the delivery of our services.

In 2010/2011, the Ministry's focus will continue to be on increasing workforce productivity and efficiency. We will also continue to build on the existing skills of staff and use innovative approaches to retain and attract talent. Initiatives include:

- focusing on workforce planning
- improved organisational efficiency through changes to organisational design
- continuing the implementation of learning programmes for core organisational skills
- a focus on developing future leaders
- developing and implementing approaches that support and encourage high levels of individual and team performance and accountability.

The Ministry uses a range of measures to assess the success of people-capability initiatives. These include employee turnover, absenteeism rates, the training investment undertaken per full-time employee and staff achieving their key performance indicators.

## Equal employment opportunities

The Ministry is committed to maintaining a diverse workforce and inclusive culture in which equal opportunities for all employees to develop and achieve are encouraged. A diverse workforce is good business practice for the Ministry because of the wide-ranging impacts the Ministry and its services have on all sectors of New Zealand society.

The Ministry's workforce is currently 65 percent female and 35 percent male compared with the public service averages of 59 percent female and 41 percent male.

The majority of employees identified as New Zealand European/Pakeha or other, with 12 percent identifying as Māori, 7 percent as Pacific peoples and 6 percent as Asian.

The Ministry will continue to foster a diverse workplace and inclusive culture by developing, implementing and maintaining organisational strategies to achieve the objectives of the equal employment opportunities (EEO) policy.

To measure success in achieving EEO objectives, the Ministry will monitor its workforce by collecting data on gender and ethnicity distribution at each tier of management. The Ministry will develop response plans to issues raised as a result of the findings.

## Pay and Employment Equity Response Plan

The Ministry is committed to pay and employment equity and has a Pay and Employment Equity Response Plan that involves:

- ongoing reviews of strategies to increase management and employee awareness of the Ministry's Human Resources policies and processes available to support management and employees
- providing the tools necessary for managers to manage effectively and for employees to be aware of their obligations and entitlements, and to ensure that these obligations and entitlements are applied consistently
- reviewing progress each year against the response plan, its processes and results, and updating the plan for the following year.

## Information communications and technology

The Ministry relies on information, communications and technology assets to deliver justice services. Maintaining and developing the capability of these assets is critical to the Ministry. Systems are designed in-house and with technology partners.

The Ministry's performance improvement actions involve an investment in technology that is expected to deliver significant benefits to frontline service delivery. However, as frontline service delivery becomes increasingly more reliant on information and communications technology, ensuring the resilience, capacity and flexibility of system infrastructure and that the Ministry has disaster recovery plans becomes critical.

The Ministry has a medium-term Information Technology Training Strategy in place to deliver a national training programme on all standard desktop applications. The Ministry provides this training to ensure productivity is maximised, particularly when software is updated. Online training is being extended to cover staff in remote areas.

## How we will show progress

The management and monitoring of the availability of main business systems are essential to ensure service availability. Key performance indicators include:

- effective incident resolution to maintain service availability at an acceptable level
- delivery of enhanced services to support legislative change and performance improvement initiatives through technological development.

## The Ministry's property assets

The Ministry has an extensive property portfolio of 114 buildings and administrative offices in 106 locations. The Ministry owns 74 properties and leases another 40. The replacement value of this portfolio is \$850 million.

The Ministry also manages a portfolio of land and buildings (the Landbank) for potential use as part of settlement redress for historical Treaty of Waitangi claims. The current replacement value of the Landbank exceeds \$350 million and is managed by the Ministry to obtain a commercial rate of return to offset the cost of acquisition or of holding.

The Ministry has a property maintenance plan to ensure property is prudently managed. Property maintenance budgets have been reprioritised over the next three-to-five years in order to address other cost pressures. This will result in a slower response to non-critical maintenance issues although it will not impact on court operations.

The Ministry has prioritised investment in performance improvement actions that reduces the amount of capital funding available for property refurbishment. Projects that are already under way will be completed, with investment in the medium term focusing on critical capacity issues.

## How we will show progress

Progressing capital works to meet demand:

- planning for major new building development at Tauranga, Waitakere and Manukau courts
- fit-out of levels one and two of the Gen-I tower in Auckland
- completion of refurbishment projects in Nelson, Invercargill and Auckland.

Other indicators of success in meeting service demand include:

- accurately modelling future capacity requirements through the Ministry's forecasting process
- Implementing a new court user survey in July 2010 to measure satisfaction with courthouse service delivery, including courthouse facilities.

# Departmental Capital and Asset Management Intentions

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The following table sets out the Ministry's capital intentions for the next five years.

	2009/2010 \$'000	2010/2011 \$'000	2011/2012 \$'000	2012/2013 \$'000	2013/2014 \$'000	2014/2015 \$'000
Computer Hardware	11,219	11,137	13,500	13,500	13,534	13,500
Computer Software	23,971	23,287	12,715	10,556	6,796	5,300
Non-residential Building	79,245	36,223	31,000	44,000	51,500	36,500
Land	5,651	4,705	0	0	0	0
Furniture & Fittings	584	1,982	1,863	1,668	1,701	1,668
Motor Vehicles	549	1,628	1,568	1,568	1,938	1,568
Plant & Equipment	268	795	795	835	765	765
	121,487	79,757	61,441	72,127	76,234	59,301

Spending on hardware and software over the next three-to-five years will target the implementation of Ministry performance improvement actions, supported by appropriate disaster recovery investment. The Ministry will have limited capacity to respond to new technology requirements or to refresh non-critical infrastructure. Information and communications technology asset replacement will occur on a slower timeframe, increasing the risk of breakages and unplanned downtime.

Investment in non-residential building in the short term is focused on the completion of projects that are already under way. Medium-term investment will focus on critical capacity issues.

## Asset management capability

The Ministry is a capital-intensive agency and is participating in the Treasury-led initiative to improve asset management across the public sector.

The Ministry and justice sector agencies are working to improve forecasting of demand for, and the nature of justice services in, the future. This information supports the development of strategic policy choices that could significantly influence the capital-intensive nature of the current system.

Improving asset management capability across a number of dimensions will continue to be an area of priority for the Ministry. This includes better management of physical assets, better asset specification, and analysis of information on asset performance, particularly where this contributes to obtaining better value for money from the Ministry's asset base.

## How we will show progress

- condition of critical assets will be maintained at current levels
- by 2013, the Ministry's asset management capability will improve from a core to moderate standard when assessed in accordance with Treasury's capital asset management framework.

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