

The Safe and Effective Justice Programme Advisory Group – Te Uepū Hāpai i te Ora

Terms of Reference

General matters

1. These Terms of Reference (ToR) set out:
 - In Part A, the scope and objectives of the programme to reform the criminal justice system and create a safer New Zealand, The Safe and Effective Justice Programme – Hāpaitia te Oranga Tangata (the Programme)
 - In Part B, the functions and operation of the Safe and Effective Justice Programme Advisory Group – Te Uepū Hāpai i te Ora (the Group).
2. This document has been agreed by Cabinet and will be reviewed by the Minister of Justice in December 2018 to ensure it remains fit for purpose. The Minister will consult with Cabinet on any substantive change to it.
3. Additionally, these ToR may be reviewed and amended by Cabinet at any time.
4. Unless otherwise agreed by Cabinet, it is expected the Group will be disestablished a year from the time it is established.

Part A

Objective

5. The Programme has been established to deliver advice to the Government on how to create a more effective criminal justice system, and a safer New Zealand.
6. The advice is to be developed in the context of a wide ranging, thoughtful and informed public conversation about crime and punishment in New Zealand. It should identify the characteristics of a criminal justice system that properly reflect New Zealand values and aspirations.
7. The advice will help Government to articulate and implement (also through the Programme) a new vision for the criminal justice system in New Zealand.

Context

8. The Government has identified that a change of direction for the criminal justice system is needed. The current system is not adequately meeting the needs of:

- the public, too many of whom have little confidence in it
- victims, who experience the harm caused by crime
- people who offend, the majority of whom have long-standing vulnerabilities.

9. Symptoms of current failures of the system include (but are not limited to):

- New Zealand's high and growing prison population
- Disproportionally high numbers of Māori being caught up in criminal justice processes.

10. The Government has noted that the current system is the product of many *ad hoc* changes over time. These have tended to emphasise punishment and control as preferred responses to crime. By contrast, evidence suggests that more effective responses to crime often focus on reducing harm and keeping people (and their property) safe through a greater focus on prevention, effective and early intervention and, for people sentenced to a term of imprisonment or other penalty, through effective rehabilitation and reintegration.

11. The Government has determined that a more systematic approach to crime and punishment is needed. This approach needs to actively and rationally reflect the outcomes people in New Zealand want from their criminal justice system. It will likely involve significant reform of the current system. To develop a coherent framework for enduring change over the long-term, the Government recognises that the involvement of, and support from a wide constituency will be required.

12. To set New Zealand on a path to a more effective criminal justice system, the Government considers a different conversation about crime and punishment is required. This will need to describe a new vision for criminal justice system reform; one that can lead to higher levels of community safety and improved well-being for all those people affected by crime. Further, to implement this new vision, coordinated change will be necessary across the whole of the criminal justice system, working with communities.

13. Therefore, in the next few years, the Government will focus on:

- Operational and organisational change
- Legislative reform
- Investment in existing and new services
- Public engagement
- New partnerships, particularly with iwi/Māori but also with NGOs, the philanthropic sector, and the private sector.

Part B

Purpose of Advisory Group

14. The Advisory Group is established to assist Government to:

- Engage in a public conversation about what people in New Zealand want from their criminal justice system
- Canvass a range of ideas and recommend proposals about how the criminal justice system can be improved.

15. More specifically, the Group is invited to:

- Consider the purpose of a criminal justice system for New Zealand
- With Government, identify principles to guide the future development of New Zealand's criminal justice system, including to reflect mātauranga Māori
- Identify the types of changes needed, and work in conjunction with agencies to co-design new approaches to promote a direction of travel for reform of the criminal justice system over the long term.

Approach to Work

16. The Group is invited to work alongside and with Government and government agencies to:

- Provide an avenue for a wide range of people to contribute their ideas, knowledge and experience (including, but not limited to, people and their whānau/families who have been directly caught up in justice processes as both victims and offenders, people who work within the justice system, iwi, churches, social service and other community organisations, academics, the legal profession and the judiciary)
- Draw on and promote evidence-informed approaches to criminal justice reform.

17. It is to act as an advisor to, and fact finder for, Government and government agencies, making recommendations but not as a decision-making body.

18. The Government expects that the sustained public conversation that is needed will take a variety of forms including (but not limited to):

- National summit(s), regional meetings, hui and fono
- Kanohi ki te kanohi with iwi/Māori and other interest groups
- Online and in writing via media and other channels

19. The Advisory Group is expected to:

- Participate in the design and hosting of the (first) Summit, anticipated in late 2018 (and possible future Summits)
- Host and attend regional meetings, hui and fono (as a group or as individual members)
- Participate in online discussion forums, media interviews and other public presentations to encourage an informed public conversation
- Report on the outcomes of the various summit, hui and other conversations
- Offer comment and feedback on the Government's reform programme as it develops, including providing a sounding board for the development of agency work programmes and advice on future focus area and emerging priorities.

20. The Group will meet with the Minister of Justice and other relevant Ministers as necessary:

- Shortly after the Group is established
- Regularly throughout the first year.

21. As the Group is expected to work in partnership with and provide ongoing input and advice to the Government and government agencies, no single report or output is specified. However, to facilitate the conversation and provide input, the Group may consider:

- A series of short findings reports
- A series of short issues papers (to generate discussion)
- A summary of insights learned from key engagement events (the Summit, regional meetings, hui and fono)
- An overarching summary or report, including:
 - What the Group has heard people in New Zealand saying about what they need from their criminal justice system
 - Advice as to the principles that might best be used to guide the future development of New Zealand's criminal justice system
 - Advice on changes that could be progressed over the next one, five and fifteen years to create a more effective criminal justice system and a safer New Zealand
 - Advice regarding the future role of a criminal justice reform advisory group.

Membership and protocols

22. The Government will appoint members to the Group including a Chair. It is to have up to 8 members, who will be appointed to reflect the diversity of New Zealand, include perspectives from Māori, and be representative of all New Zealanders (including youth).

Role of members and duties

23. Members are expected to:

- Attend all scheduled Group meetings, and agreed public meetings, hui and fono (together or as individuals) – when members are prevented from attending, substitutes will not be able to be sent
- Undertake pre-meeting reading, if provided
- Engage fully with the material at each meeting and tender appropriate advice
- Complete any post-meeting actions.

24. The Chair is to provide leadership for the Group and is to work with the Secretariat to ensure the Group functions effectively. Decisions of the Group will be made by consensus. If members cannot agree on an issue, this will be noted in any relevant documentation.

Meetings and sub-groups

25. The Advisory Group is expected to commence in early June 2018.

26. The Group and individual group members may meet at different locations for the purpose of public engagement.

27. The Group may form sub-groups to consider particular issues, and may agree to invite additional people (experts) to participate in these sub-groups.

28. The conduct of meetings will be at the discretion of the Chair.

Support

29. A secretariat, including a manager and five other officials from the Ministry of Justice, will provide services for the Group. These will include:

- Providing background materials and documents
- Preparing agendas and supporting material for Group meetings
- Identifying opportunities for engagement and advising the Group of these
- Arranging and helping to conduct public meetings and other public engagement activities
- Facilitating the flow of information to and from government departments involved in the Programme
- Drafting and publishing materials from the Group (including plans, reports and public communication material)
- Arranging travel and providing other necessary administrative support for the Group between meetings.

30. The Secretariat will also provide regular updates on progress to the Minister of Justice.

Payment

31. This Advisory Group is classified as a 'Group 4' body under the Cabinet Fees Framework. Payment of fees will be made in line with that Framework.