

# General Election 2017

**As an organisation** at the forefront of law reform, the New Zealand Law Society has a major interest in presenting the policies and proposals for changes in New Zealand's justice system. Parties which are registered to contest the 23 September General Election were sent five questions related to the justice sector on 20 June. A word limit of 200 words per answer and a deadline of 7 August for responses were set. Reminders were sent where necessary and the deadline was extended to enable as many responses as possible. The MANA Movement was the only party contacted which failed to provide responses. The Ban1080 Party replied that "none [of the questions] seem to apply to us."

To ensure the presentation is as fair as possible, there was a ballot for the answer publication order for each question. The abbreviation registered with the Electoral Commission (where available) has been used to identify parties in each response. Responses are reproduced as received, with obvious spelling and other errors corrected.

## 1 What are your party's key objectives in the justice portfolio and how do you plan to meet these objectives?

### Conservative Party

Reducing truancy, taking the problem off police so they can deal with more serious crime by re-establishing truancy departments in schools. If we can keep young people in schools it will reduce youth crime.

A tougher stance on youth crime, especially for first-time offenders. This would include a major review/overhaul of the Children and Young Persons Act 1989. The consequences must outweigh the benefits, but

when one simply gets dropped off home after committing a burglary, there is no disincentive, so crime continues.

The Conservative Party is also committed to lowering the age of offending for all charges, through the Youth Courts, to 12; require repeat offenders to attend 1 year at an age appropriate boot farm facility, and an overhaul of the youth court system, in order to address issues such as time frames for sentencing, increasing timeframes for Youth Court plans and increasing the maximum community services sentences.

The Conservative Party would like to see a three stage sentencing system in place.

- The first third of a prisoner's term would be served doing meaningful work in the prison. Any proceeds could be used for

compensation where possible.

- The middle third, after successful completion of the first stage, would be spent in meeting the prisoner's educational needs at the level they are at to prepare them better for re-entry into society.
- The final part of their term, after successfully completing stage two, would be an open prison, where the prisoner works in a normal job in the community but lives in a secure facility. Wages earned would pay for their keep and an allowance would be paid to the prisoner.
- Upon release there would be close monitoring and follow-up to ensure rehabilitation is effective.

### United Future

- Preventative justice. Crime

prevented through social investment and a fair society, free tertiary education and focus on housing and vital social services to ensure people have the best support we can give them.

- Early intervention for youth. United Future strongly believes in the theory of having 'a fence at the top of the cliff rather than an ambulance at the bottom' when it comes to dealing with young offenders or at-risk youth.
- Expand the Social Workers in Schools Programme beyond decile 1-3 schools.
- Resource alternative education providers to work with at-risk youth who have dropped out of mainstream schooling.
- The smooth running of our court, prison and probation systems is crucial if we are to successfully manage the implementation of justice in New Zealand.
- Prioritise and expand restorative justice programmes as a priority response.
- Repeal the Three Strikes Law.
- Reduce recidivism. The majority of inmates in New Zealand prisons are repeat offenders or are future repeat offenders. United Future is committed to reduce the rate of recidivism. This does not mean that we are soft on crime, rather we want to stop more crime from being committed.

## National Party

The National-led Government continues to be committed to reducing crime and reoffending and tackling family violence. We've introduced a number of measures to address these issues, including:

- Setting Better Public Service targets to reduce crime and reoffending, which has seen total crime reduce by 13% and reoffending reduce by 4.3% since 2011,
- Introducing the Family and Whānau Violence Legislation Bill to overhaul our family violence laws and,
- Establishing the Integrated Safety Response pilot to improve the way we respond to family violence.

## ACT Party

ACT will introduce three strikes for burglary, meaning someone convicted of a third burglary offence gets three years in prison.

ACT will reward prisoners who complete literacy programmes and driver licensing tests with reduced sentences. Do the same for prisoners who volunteer to teach in these programmes.

Scrap red tape that stops ordinary New Zealanders from volunteering in prison education and rehabilitation programmes.

ACT has always been committed to tackling crime and bureaucracy in the justice sector, we believe we need to be smarter on the core drivers of crime and put the focus back on victims. Rehabilitation of offenders is also vital in slowing the pace of recidivism that is putting immense pressure on communities. We need to be smarter at using police resources. Too much police time goes into chasing minor traffic offences and petty drug use. Taxpayers fund police to actually solve burglaries and prevent violence – not to play nanny state.

## Internet Party

In our Criminal Justice Portfolio we have a position to move the direction of the justice system to becoming not only fair and balanced but also more restorative and evidence based. We plan to do this by increasing, over time, the usage of non-custodial and rehabilitative approaches used by the courts based on international evidence and, ultimately, the best practices used. We also want to make sure that once a prisoner is released they will have ample access to jobs, education, housing and other services which is aimed at encouraging them to not offend in the future. We believe in redemption and hope to enlighten a movement towards forgiveness and understanding on both sides of conflict.

## NZ Outdoors Party

In response to every question we would say we have no experience

in these areas and would look to organisations like yours for expert advice should it be needed. We just don't want to have policy for policy sake not really knowing what the issues are. We do believe in the rule of law and have been most disappointed by the Government's suggestions of legislating to negate the Ruataniwha Dam High Court decision. The Outdoors Party will be standing a number of candidates and contesting the party vote emphasising our experience and knowledge of the environment.

## Aotearoa Legalise Cannabis Party

The Aotearoa Legalise Cannabis Party exists to legalise cannabis for R18 recreational, affordable medicinal, and industrial purposes; to empower people to work together for peace and true justice; and to institute a proper balance between the power of the state and the rights of the individual. We plan to meet these objectives by standing in the elections to raise the issues and encourage other parties to adopt cannabis law reform.

## Green Party

The Green Party will work towards an Aotearoa in which human rights are respected and promoted and a justice system that focuses on reducing crime and involving communities in restorative justice

If we truly want to reduce crime and victimisation, we must address inequality and marginalisation. We know that children who grow up in poverty are more likely to engage in criminal activity. We can't ignore those that have already walked that path but we must do our utmost to prevent more from following.

Community-based mediation, restoration and rehabilitation, together with a transparent and fair judicial and legal system, is at the heart of the Green Party's justice policy. We believe that the best way to keep families and communities safe is to address the causes of crime and, where possible, prevent it from happening in the first place.

## Continued

1: What are your party's key objectives in the justice portfolio and how do you plan to meet these objectives?

### NZ First

The costs of using the system must be reduced to provide greater access to justice, including:

- 1 More use of alternative disputes resolution processes
- 2 Providing litigants with better means of avoiding delays
- 3 Providing litigants with improved means of reviewing the fees charged by lawyers and other providers.

Instruct the Law Commission together with the Human Rights Commission to urgently review the New Zealand Bill of Rights Act to broaden its scope.

Reduce the prison population through the greater use of alternatives including the wider use of home detention with mandatory reporting for approved work or training during the day, and a greater range of non-custodial sentences such as the confiscation of specific property, larger and long term reparation payments and fines.

The income and capital eligibility thresholds for legal aid need urgent review to allow a much larger section of the community to get legal aid.

We would establish a group within the Ministry of Justice to oversee the effective co-ordination, funding and delivery of victim support services, and ensure that victim support groups receive adequate funding which reflects both the demand for and quality of the services they provide.

We believe that the priority for reducing youth crime is ensuring all young people are engaged in full-time employment.

### NZ People's Party

We are very concerned with the rising crime rate New Zealand is experiencing at the moment. Our key immediate objectives would be to boost police numbers by 2,400 by

2020 to give a police to population ratio of 1:450. We would then ensure future police funding always allows them to recruit enough officers each year to maintain this ratio.

In the long-term we would like to see sentencing move away from arbitrary length sentences and move to a rehabilitation-focused model. We envisage a multi-disciplinary sentencing panel would create a sentence to give the offender the best opportunity to turn their life around and become a productive member of society. Only when the sentencing board is satisfied the offender has achieved this outcome will their sentence end, whether that be before or after their original release date given at time of sentencing.

### Democrats for Social Credit

Our key objectives are:

- That all law-abiding people can live in peace and harmony, assured of community support and protection from those who commit criminal acts.
- A reduction in the number of people needing to use the court system.
- That those charged with a crime or those needing issues resolved in a court are able to have their cases dealt with promptly.
- That the cost of accessing the court system, and assistance with using it, is kept affordable.

We don't view justice as just a legal issue but as an economic, social, educational, and moral one. Implementation of our economic policy would see large numbers of people lifted out of the poverty trap that leads to crime, higher educational and skills proficiency achieved by more people, and greater income sufficiency. Some of the \$4.6 billion annually that is wasted by government on paying interest on its borrowings from commercial banks, when it could fund that borrowing from its own central bank without interest, would pay for more resources for the justice system, including greater use of alternative disputes resolution options, and support for victims.

### The Opportunities Party

Successive governments have tightened bail conditions, lengthened custodial sentences and made parole harder to get; in short, put more people in prison for longer and relentlessly increased costs. Criminal justice has become too punitive, which has led to a vicious cycle of an increasing prison population and rising costs, leaving little money to invest in reducing crime. As a result we have high recidivism rates and a disproportionate share of Māori in prison. Our prison population is rising and there is no end in sight.

We believe that this has to change; prison is not the answer. TOP would dial back overly punitive legislation. This approach would free up money to spend on better ways of reducing crime – namely prevention, rehabilitation and reintegration. This will be supported by better economic and social policies to reduce poverty and inequality, which help drive crime rates. The Opportunities Party's key objective in criminal justice policy is to lower the prison population by about 50% to no more than 6,000 by 2027. This would put us in line with the OECD average for prisoners as a percentage of the general population.

### Māori Party

Our key objective is to dismantle institutionalised racism within the justice system as a matter of urgent priority. We also want to implement, prioritise and expand restorative justice processes through a kaupapa Māori-based approach, particularly in the courts and prisons.

To achieve our objectives, we want to expand iwi panels, Kooti Rangatahi, Kooti Whānau and Matariki Courts across New Zealand and increase the numbers of specialist courts including the AOD Courts, following an evaluation of the current trials underway in the Drug and Alcohol Treatment Courts in Auckland. We also want to establish more community-led alternatives to secure youth residences and set targets to reduce the rates of Māori over-imprisonment by 30% by 2025.

Culturally relevant approaches to prison and crime rates that address violence in all its forms, reoffending and recidivism will be supported with the creation of a community-led fund for initiatives that focus on prevention of social harm.

Another of our objectives is to develop a Māori Pathway for Women Prisoners that are culturally responsive to assist in addressing the disproportionate number of Māori women in prison and we want to initiate computers in cells to assist with literacy and numeracy.

We want to introduce whānau facilitators to ensure whānau are informed and able to discuss all their choices and the consequences (legal and non-legal) in the Family Court system.

## **Labour Party**

Labour believes in a vision of a just society with safe and inclusive communities. Central to achieving this vision is a justice system which is humane, accessible and effective.

With a view to achieving this vision, Labour will have a focus on crime prevention and reducing recidivism, along with better access to justice for people regardless of their means. Crime prevention policy was addressed in part with our commitment to increasing police numbers by 1,000. Reducing recidivism will be addressed in our full manifesto when it is released but we will invest in prison programmes that rehabilitate offenders and give them options for the future, and invest in rehabilitative alternatives for more minor offences.

Those working in the justice system know that many New Zealanders have trouble accessing or qualifying for legal aid, the public defence service is not funded right, and community law centres frequently struggle. These are some of the areas we will be focusing on in our full Justice Manifesto.

Additionally, solutions to the problems faced in the justice system require a holistic view. Labour will have a focus on the underlying causes of crime such as poverty, inequality, and poor educational outcomes.

## **2 What are your party's policies in relation to access to legal aid?**

### **Democrats for Social Credit**

Our aim is to reduce the number of people needing legal aid. Our approach to that is covered briefly in our response to question one. Meantime we would raise the income threshold for access to legal aid to \$25,000 with corresponding increases to other levels. Fixed fees for lawyers undertaking legal aid work will be reviewed.

### **Aotearoa Legalise Cannabis Party**

The ALCP do not have a specific policy in relation to legal aid but believe all people should be able to have access to legal aid when there is a need. The ALCP would like to see this also available for community groups dealing with local or national government.

### **Labour Party**

Public access to good legal advice and representation is crucial to having a fair society and maintaining the rule of law. Cost saving measures put in place in the last nine years have made the legal aid process overly complex and unreachable for many that need it. Quite simply, that should never be the case. Equal access to legal assistance is a cornerstone of our justice system.

With this in mind, Labour will be addressing funding issues and the thresholds for access to civil legal aid. Our Justice Manifesto will outline this in further detail.

### **NZ People's Party**

We don't have a specific policy addressing legal aid, but if increasing access to and resources of legal aid helps offenders turn their lives

around then we would be supportive of increasing its resources.

### **NZ Outdoors Party**

In response to every question we would say we have no experience in these areas and would look to organisations like yours for expert advice should it be needed. We just don't want to have policy for policy sake not really knowing what the issues are. We do believe in the rule of law and have been most disappointed by the Government's suggestions of legislating to negate the Ruataniwha Dam High Court decision. The Outdoors Party will be standing a number of candidates and contesting the party vote emphasising our experience and knowledge of the environment.

### **Internet Party**

Currently we do not have any finalised policy documents on legal aid. However, we have in development a plan to install an act regarding Rape Crisis funding. This is because the trauma from a rape crime can be so severe that it can affect workload and the capacity to be able to continue working. From this the programme will be funded in a way that victims will be able to procure an effective lawyer and there is also room in development for an allowance during the first few weeks of post trauma. In essence, we support the need for victims to have effective lawyers in cases but have not investigated and researched how to implement this further.

### **NZ First**

The income and capital eligibility thresholds for legal aid need urgent review to allow a much larger section of the community to get legal aid.

### **The Opportunities Party**

The Opportunities Party is a new party and has no policies specifically on legal aid. We are committed to the right to a fair trial and are concerned that this right may have been

**Continued****2: What are your party's policies in relation to access to legal aid?**

compromised by the Government's 2010-13 legal aid reforms. We note with concern evidence that criminal aid lawyers' remuneration has reduced by a third since the mid-1990s and that lawyers are exiting this market. We are also concerned that legal aid for civil cases may be underfunded. The Government's reforms were driven by costs. Justice sector costs have been growing faster than inflation for years.

Overall our criminal justice policy aims to improve the government's fiscal position by reducing the cost of prisons (now verging on \$1 billion a year). It will be easier to find money to support the right to a fair trial if the prison population was smaller. In addition, our economic policy aims to reduce economic inequality and improve the economic outlook so that there are fewer people with "insufficient means" to go to court. Finally, the legal profession has actively responded to this problem by having the government's policy judicially reviewed and just this year launching Legal Aid Providers Aotearoa.

**United Future**

We think everyone should be able to access legal aid, we don't have any policy to change the state of legal aid but are firmly behind its principles.

**National Party**

We have not announced new policy on legal aid, however in Budget 2016 we announced that we would increase eligibility for civil and family legal aid to improve access for low-income New Zealanders. We remain committed to ensuring that those who need legal aid are able to access it.

**Māori Party**

The Māori Party believes that everyone has the right to access justice

and we support access to legal aid for all those who require it.

We understand there are challenges with the current system and we would review the legal aid system to identify changes to ensure those who require legal aid have appropriate access to it.

**ACT Party**

Legal aid is a vital service; every Kiwi deserves fair representation to navigate the sometimes complex justice system. By driving criminal justice reforms and simplification of the court system we can tackle the root causes. ACT supports current legal-aid frameworks but understands the challenges these services are facing, legal aid should be at the forefront of a wider conversation on justice reform.

**Conservative Party**

We do not have a policy to change anything here at present.

**Green Party**

We are committed to a fair system which upholds the principles of, and access to, justice, equality before the law and natural justice, which helps to build and maintain public confidence in the legal system. We feel it is important that, where possible, people should have a say in who represents them.

We have vigorously opposed the National Government's cuts to legal aid and their closure of regional legal aid offices as they imperil the right to a fair trial for New Zealanders who are most vulnerable. In Government we would make well-funded, professional and accessible legal aid a priority within our wider efforts on justice reform. This would include reform to enable Māori groups, community organisations and community class actions to be eligible for legal aid funding.

Access to legal aid is a fundamental component of the wider right of access to justice and it should be given the attention it deserves.

**3 What are your party's views on proposed law changes to improve the legislative response to family violence?****Conservative Party**

We are currently not familiar with these proposed law changes but are seriously concerned about family violence and want to explore ways to see families supported through their struggles so that relational needs which cause such violence are met, relationships are strengthened, and families become more functional.

**NZ People's Party**

Family violence is a big problem for New Zealand and we are very supportive of the changes to strengthen the police and courts ability to react. Changes like police being able to take statements at the scene with use of their smartphones to avoid any undue stress for the victim are the type of changes that seem minor but make a big impact. Ultimately, we need to change the culture to stamp out domestic violence, help those at or below the poverty line and those with addictions whose families are most at risk from domestic violence.

**National Party**

We know that legislation alone cannot solve New Zealand's horrific rate of family violence, however the Family and Whānau Violence Legislation Bill is a cornerstone element in how we tackle the issue. The bill overhauls the 20-year-old Domestic Violence Act and implements our reforms aimed at breaking the cycle of family violence and reducing the harm. These reforms are the beginning of a new integrated system but even on their

own they have the potential to significantly reduce family violence. The new offences and changes to protection orders alone are expected to prevent around 2,300 violent incidents every year.

## The Opportunities Party

The high rate of family violence in New Zealand is shameful. We commend the Government for addressing the issue. Many of their proposed law changes appear good, especially those aimed at providing more effective means to help perpetrators change their behaviour and connect them and at-risk families to services. We are concerned, however, that these services may not be properly funded.

The Opportunities Party's policy is to reinvest money saved from a smaller prison population in developing exactly these kinds of services. We are also concerned that there may not be enough civil legal aid to support the bill's policy. Moreover, the more punitive aspects of the bill – creating new offences and making 'safety' the primary consideration in bail and central to parenting and property orders – appear to us to continue a criminal justice strategy that has so far failed to produce good outcomes.

In addition, we draw attention to The Opportunities Party's policies on tax and families, which would decrease inequality. International evidence suggests a relationship between violence and economic inequality, so the high rate of family violence in New Zealand may be in part explained by New Zealand's high levels of economic inequality.

## ACT Party

ACT supports current government proposals and initiatives to crack-down on family violence, however, issues such as housing an inequality are directly related to family breakdown. Economically empowering families and facilitating strong development and growth is key to curtailing crime and disorder in our communities.

## United Future

Advocate for government agencies and NGOs to engage with the different ethnic communities and provide them with culturally appropriate services to address family violence, work within the legal system to ensure that support is given to victims as a first priority.

## Māori Party

We support the need for legislative reform to ensure protection orders provide the level of protection that is intended by them, that police safety orders are enforceable and effective and that victims can obtain support as soon as they require it.

Family violence is all too pervasive throughout society and research has identified that those living with the most harmful levels of family violence are also often experiencing huge levels of disadvantage and discrimination. In that regard, the Māori Party supports measures in the proposed law changes that make access to better support for victims easier.

The prevention of violence within whānau is complex and for many Māori the impacts continue to be destructive and significant.

The Māori Party believes that agencies need to change their response to family violence and any response for whānau Māori must recognise a strengthening of identity, connectedness and belonging to Māori and cultural practices and traditions.

## Labour Party

Labour has supported the Government's Family and Whānau Violence legislation. Labour has been encouraged by the genuine cross-party approach the Minister of Justice took during the early consultation stage. The bill makes some long overdue changes to enhancing the safety of victims of family violence.

We do have some concerns with aspects of the bill, however. In particular, we have concerns about

protection orders. We note that the bill will make the process easier for an individual to obtain a protection order, but we worry about whether it will be easier for authorities such as the police to enforce breaches of protection orders. We also have concerns about the financial capability of many people to obtain protection orders, which the legislation does not address.

We also believe that the bill should have addressed Family Court processes when deciding parenting arrangements. Specifically, we believe the court should be required to consider whether a protection order has been made when deciding parenting arrangements.

Labour hopes that the select committee process will be able to fix some of these shortcomings.

## Internet Party

We believe that this is long overdue and is a step forward to helping and supporting the victims of family violence. Based on research done it is simply necessary that in the future specific terms could be amended so that perpetrators of family violence don't try to weasel their way out by using the wording of the law in question to save them. Also, attention could be put towards separating the parties in cases where there are children involved. Perhaps imposing that the child in a family situation should have their own lawyer to represent them so that the child in question does not feel that they have to pick a side in a conflict between two parents as an example. It is ultimately in how the definitions and phases are spelt, "coercive control" for instance needs to be defined very carefully in the act to prevent loopholes from appearing later on.

## Aotearoa Legalise Cannabis Party

Ending prohibition of cannabis will help destress society, reducing crime and saving money. This tax saving of hundreds of millions every year will then be available for improving

**Continued****3: What are your party's views on proposed law changes to improve the legislative response to family violence?**

housing, health, increase welfare payments and in general reducing poverty and violence. Our policy for a lucrative and environmentally safe cannabis industry including medicinal, recreational and industrial, will boost the economy by billions of dollars, creating jobs and tax revenue. Poverty and alcohol are the two major driving forces for violence. Hemp products such as biodegradable plastic bags, paper, building materials, textiles, biofuel and food. Hemp seed, being one of the most perfectly balanced foods for humans, is the way to go for a happier sustainable future.

**NZ Outdoors Party**

In response to every question we would say we have no experience in these areas and would look to organisations like yours for expert advice should it be needed. We just don't want to have policy for policy sake not really knowing what the issues are. We do believe in the rule of law and have been most disappointed by the Government's suggestions of legislating to negate the Ruataniwha Dam High Court decision. The Outdoors Party will be standing a number of candidates and contesting the party vote emphasising our experience and knowledge of the environment.

**Democrats for Social Credit**

We view the rise in family violence as a reaction to a society under stress, especially financial stress. Our economic policy seeks to address some of those problems. Legislation to improve the way family violence issues are dealt with in the justice system is imperative.

We recognise the Law Society's concerns regarding the overlap between the family violence information sharing scheme and

the vulnerable children information sharing scheme in the Children, Young Persons and Their Families Legislation and support the Society's submission that the approach taken in the family violence bill, with some amendments, is preferable.

We also support the Society's submission that the Sentencing Act 2002 be amended to include a principle that victim safety, including the safety of any child, is a mandatory and primary consideration when the court is determining the appropriate sentence in family violence cases.

**Green Party**

Our family violence laws have been long overdue for an overhaul. The Green Party is supportive of the proposed bill on balance, but would have wanted it to go further. The Green Party is calling for the reinstatement of the Bristol clause, which would refuse abusive former partners' access to their children until the children's safety was assured.

It would have been preferable for the Government's overhaul to recognise the dynamic between intimate partner violence, and domestic and other forms of family violence. Police do not record the victim's relationship to the offenders in the majority of physical and sexual assaults against women. Research showed the vast majority of assaults on women were carried out by partners, ex-partners, family members and others known to them. Knowing this information would enable a more targeted response.

The inclusion of animal abuse in the new definition is good because we know that threats of harm to pets are a frequent control tactic utilised by perpetrators. A key oversight in the bill is how these changes will lead to increased demand for services. This will put further pressure on already stretched agencies such as Women's Refuge.

**NZ First**

Supportive.

**4****How would your party improve the courts and court processes?****Green Party**

There is a need to streamline court processes, in part to reduce the unacceptably long delays that are too often experienced in getting cases heard. Part of the problem would seem to lie in the reduced resourcing of courts due to ill-advised cost-cutting measures, and the loss of experienced staff that has been a consequence. It is also clear that experiments with centralising file management have failed, and should be abandoned.

The 'e-bench' project has stalled, and there needs to be an analysis of why that project failed so that a programme of developing the means to 'digitise' can proceed in a way that improves the accessibility and efficiency of court and judicial processes.

**Democrats for Social Credit**

We have not carried out a comprehensive review of the legislation that came into operation in March, but generally support the legislation's efforts to improve the courts and processes. We think the Courts & Tribunals Enhanced Services Bill contains some useful enhancements to the current system. We consider the Family Courts to be underfunded and would address that as a priority.

**NZ Outdoors Party**

In response to every question we would say we have no experience in these areas and would look to organisations like yours for expert advice should it be needed. We just don't want to have policy for policy sake not really knowing what the issues are. We do believe in the rule of law and have been most disappointed by the Government's

suggestions of legislating to negate the Ruataniwha Dam High Court decision. The Outdoors Party will be standing a number of candidates and contesting the party vote emphasising our experience and knowledge of the environment.

## Internet Party

We currently support an amendment to the Sentencing Act 2002 to promote and shift more towards community-based sentences. Specifically, we believe that Section 15A(1)(b) of the Act in question to refer to a specific period of three years instead of the term being used “short-term sentence”, which as it stands means two years. This is because we believe that a judge should have more freedom to decide whether a community-based sentence is more appropriate and will gain a better outcome for the criminal on trial and right now a judge cannot exercise discretion when a sentence of two more years is required, since imprisonment must be imposed in this case.

We also support the Law Commission’s recommendations provided by Yvette Tinsley and Elisabeth McDonald in considering alternative trial process in sexual assault cases. For instance, we support the idea of specialist judges and counsel involved in sexual assault cases which will make the outcome of cases much more clear. However, we oppose the recommendation to make legislative changes to allow finders of fact to draw adverse inferences from a defendant’s failure to be a witness.

## NZ People's Party

Any traffic offence currently dealt with by the courts where the maximum punishment is a fine would be moved to an automatic fine by police. Removing these sort of cases from the court system would help to unclog it. We are also supportive of the move to have the “right to silence” removed. Juries should be able to take into account when an accused has refused to cooperate with police.

## NZ First

Review the Disputes Tribunal to improve its performance by encouraging the appointment of legally qualified referees, and ensuring the adequacy of training for non-legally qualified referees. Much greater use of online documents must be achieved, using secure and trackable systems, and the greater use of technology to reduce the amount of court hearing time.

NZ First seeks real and enduring solutions to offending. These require programmes to curb anti-social behaviour and remove economic deprivation, consistently over time.

We would seek the establishment of a Criminal Cases Review Commission.

We would ensure that adequate counselling is reintroduced in the Family Court.

New Zealand First would:

- Ensure an accused can be re-tried for a crime where it is proved that an acquittal, or a change to a lesser offence, has resulted from intimidation perjury or the bribery of a victim, witness or juror,
- Remove concurrent sentences for those guilty of rape and for those who commit offences while on parole, on bail, or whilst in custody,
- Strengthen monitoring requirements in relation to community-based sentences,
- Review the adequacy of maximum sentences for serious criminal offences,
- Increase the use of mandatory minimum sentences for violent offenders.

## Aotearoa Legalise Cannabis Party

Ending the war on all drugs and treating drug use as a health issue not a criminal matter would greatly unclog the courts with spin off benefits. For example, a drug addict will not have to commit a crime to feed their drug habit.

The 2011 Law Commission Report basically stated that cannabis use is a health issue not a criminal matter.

## Māori Party

In addition, to the answers provided in question one, the party would:

- Establish Kooti Māori that encourages kaupapa-based approaches to dealing with whenua and whānau,
- Introduce therapeutic-based treatment and courts that invest in long-term reintegration and rehabilitation post-release,
- Set a target to reduce the prison muster by 25% by 2025,
- Repeal the Three Strikes Legislation, Sentencing and Parole, and Victims Rights Acts,
- Repeal the Bail Amendment Act to reduce the level of people on remand,
- Review sentencing laws to restrict prison to an option of last resort,
- Provide more funding and resources to support Marae-based youth court and restorative justice programmes,
- Repeal the Electoral (Disqualification of Sentences Prisoners) Amendment Bill,
- Place a moratorium on the building of new prisons and expand the provision of Whare Oranga Ake and Māori Focus Units in existing prisons,
- Support whānau facilitators to work closely with iwi and hapū within the Whānau Ora Commissioning Agencies,
- Provide funding to run te reo Māori and tikanga programmes in all prisons and programmes to support prisoners reintegrating back into the community,
- Expand the Passports to Life initiative to all paroled offenders and prisoners on probation to support them to get a driver’s licence, identification, bank account or CV.

## Labour Party

Courts and court processes are crucial to the functioning of the justice system, so it is important that they are effective, efficient, accessible, and responsive.

Labour is always open to considering proposals to improve the court system and its processes. We will also invest in evidence based



**Continued****4: How would your party improve the courts and court processes?**

alternatives to the 'traditional' court system, including drug and alcohol courts and other therapeutic courts.

**Conservative Party**

We have no set plan for this but recognise the need for improvement as mentioned in our Justice Policy. We would explore any possible options such as night courts, minor misdemeanours being heard by qualified people other than judges e.g. JPs with specific training, senior law students as a practicum, etc

**United Future**

Actively promote non-judicial case resolution (mediation or arbitration) for civil cases, making it a compulsory first step prior to court action.

Support alternative and specialist courts (like drug courts).

Ensure cases are heard in a timely manner, including ensuring sufficient funding for analysis of evidence.

Improve co-operation between New Zealand and Australia to manage citizens that commit crime overseas, including notification at sentencing, and legislative cooperation to ensure that parole and post-sentencing regimes may be enforced on repatriated nationals.

Monitor, review and update the Department of Correction's Transgender Prisoner policy to reflect international best practice about placement, care and management of trans prisoners to ensure their right to safety, and access to health services and rehabilitation on an equal basis as others.

**The Opportunities Party**

The Opportunities Party has no specific policies on improving the court process. However, we are committed to the rule of law and the right of every New Zealander

to affordable and effective access to justice. That means an independent and adequately funded judiciary. If everyone is bound by and entitled to the benefit of the law then everyone should be able to go to court to have the court determine their rights and liabilities. Or, when charged with a criminal offence, get a fair trial. Our criminal justice policy would save money by reducing the prison population, and so relieve pressure on the justice sector budget. With some of the money saved we want to expand three successful parts of the court system: restorative justice, AODT courts and the Youth Court. AODT courts have been a judiciary led project. The main limit on them is funding. Over the next two years we want funds provided to increase the number of AODT courts from two to seven. We are also want to raise the Youth Court age to 20 so that 14 to 19 year-olds are dealt with in the way currently that 14 to 16-year-olds are dealt with.

**National Party**

The National-led Government has introduced a number of measures aimed at improving the courts and court processes, including the national rollout of audio-visual links and a single point of contact for court customers to call. It is important to remember that much of the practise and operation of courts sits with the independent judiciary and Government's role relates primarily to the legislative frameworks under which they operate.

**ACT Party**

ACT believes in a justice system that targets violent offenders and puts victims at the forefront of focus. ACT believes specialist courts such as drug courts are a great way to help non-violent offenders onto the route of rehabilitation and to relieve pressure on traditional courts. It has always been a priority of the ACT party that core government services such as police and courts should be the main focus of politicians - the wider justice apparatus should work for families, not bureaucrats.

## 5 What are your party's views on the extension of the anti-money laundering legislation (AML/CFT Act 2009) to lawyers and other professions, and the timeframe it is being worked in?

**The Opportunities Party**

The Opportunities Party is all about fairness and evidence-based policy. We are a new party and have not completed sufficient research on the extension of the anti-money laundering legislation to lawyers and other professions to have assessed the evidence on this complex topic. Therefore, at present The Opportunities Party has no views on proposed anti-money laundering legislation. If we are in power and the issue arises we will review the evidence, and come to a position.

**National Party**

The extension of anti-money laundering legislation is necessary in order to protect New Zealand businesses and our reputation as being a good country to do business. It strikes the right balance between combating crime, minimising the cost of compliance and meeting international obligations. Businesses will have a period of time to prepare for the changes. The Government will provide guidance and information to help them understand, prepare for and comply with the law.

**Democrats for Social Credit**

We agree with the extension of the legislation to lawyers and

other professions, but do share the concerns of the Law Society about the timeframe being set for the legal profession to comply. In our view, legal firms are much more likely to have systems and expertise to implement the requirements than, for example, real estate agents. We see the timeframe being applied to an accounting practice (not later than 1 October 2018) as not unreasonable for legal firms.

## Green Party

The Green Party played a key role in exposing the shady way New Zealand foreign trusts were being used to facilitate money laundering and crime overseas.

We have also been critical of the National Government's lack of action on money laundering of many years. The OECD's Financial Action Task Force was critical of delays which resulted in New Zealand being struck off the 'White List' list of non-corrupt countries by the EU in 2010 - adding to the cost of doing business there for New Zealand companies.

We have also been critical of the delays in bringing the second phase of anti-money laundering legislation into Parliament. We are calling for early passage of the legislation, but recognise that there needs to be adequate time for the legal profession, accountants and others subject to the legislation to be able to have advance notice of the regulations, so they can undertake the training and development of systems required for implementation.

## Labour Party

Labour has supported the Anti-Money Laundering and Countering Financing of Terrorism Amendment Bill which recently passed its third reading. We believe it is important, as the Ministry of Justice advised, for professional services such as lawyers and accountants to be a part of anti-money laundering legislation.

We recognise that submitters, including many from the legal

area, had concerns about the timeframe they had to comply with the legislation and this was something discussed at length at select committee.

## Conservative Party

We have no particular view on this matter.

## NZ People's Party

We are fully supportive of efforts to strengthen the AML/CFT Act.

## Internet Party

The concept is appropriate and we understand the fundamental aim behind extending this legislation to tighten the grip on money laundering and reducing the amount of loopholes the real perpetrators can get through. However, ultimately we do not support the current state of the Act as a whole. Its purpose is sound but it has been proven to be misused against journalists and other dissenters rather than against money launderers. This means that the wording of the law is tailored in a way that allows corrupted officials to press against these journalists using the exact wording of the Act in question. It is important when developing acts that the line between theory and reality is made clear and in the reality we are in, protections should be extended to journalists that are simply reporting the facts not being directly abused by this Act. In theory a continued extension sounds great to stop money laundering from lawyers and certain other professions but take care in the development not to expose more loopholes for wrongdoers on all sides to exploit in this.

## ACT Party

We are satisfied with the current government settings and targets.

## NZ First

Broadly supportive. No comments on timeframe.

## Aotearoa Legalise Cannabis Party

Money laundering and corruption undermine civil society, breaks down trust and increases tax for those at the bottom. The sooner this can be addressed the better.

## Māori Party

The Māori Party supports the extension to lawyers and other professions although we acknowledge the special nature of the lawyer-client relationship and the tension between client confidentiality and the sanctity of privileged discussions with the need to file suspicious transaction reports. The Māori Party supported clarity to the law profession to enable them to develop compliant practices that also met their ethical obligations to their clients.

We did note that the bill proceeded with a shortened opportunity for input and public consultation which would not have been useful for everyone. We also noted the proposed timing of implementation for the three groups of professions - and supported a date that would capture all three professions at the same time.

## United Future

We supported the amended legislation in parliament, we want to see it enacted as soon as possible.

## NZ Outdoors Party

In response to every question we would say we have no experience in these areas and would look to organisations like yours for expert advice should it be needed. We just don't want to have policy for policy sake not really knowing what the issues are. We do believe in the rule of law and have been most disappointed by the Government's suggestions of legislating to negate the Ruataniwha Dam High Court decision. The Outdoors Party will be standing a number of candidates and contesting the party vote emphasising our experience and knowledge of the environment. ■