

The Treasury

Budget 2020 Information Release

June 2020

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Key to sections of the Act under which information may have been withheld:

- [1] 6(a) - to avoid prejudice to the security or defence of New Zealand or the international relations of the government
- [2] 6(b)(i) - to avoid prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government
- [4] 6(c) - to avoid prejudice to the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
- [11] 6(e)(vi) - to prevent serious damage to the economy of New Zealand by disclosing prematurely decisions to change or continue government economic or financial policies relating to the entering into of overseas trade agreements
- [23] 9(2)(a) - to protect the privacy of natural persons, including deceased people
- [25] 9(2)(b)(ii) - to protect the commercial position of the person who supplied the information or who is the subject of the information
- [26] 9(2)(ba)(i) - to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied
- [27] 9(2)(ba)(ii) - to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest
- [29] 9(2)(d) - to avoid prejudice to the substantial economic interests of New Zealand
- [31] 9(2)(f)(ii) - to maintain the current constitutional conventions protecting collective and individual ministerial responsibility
- [33] 9(2)(f)(iv) - to maintain the current constitutional conventions protecting the confidentiality of advice tendered by ministers and officials

- [34] 9(2)(g)(i) - to maintain the effective conduct of public affairs through the free and frank expression of opinions
- [36] 9(2)(h) - to maintain legal professional privilege
- [37] 9(2)(i) - to enable the Crown to carry out commercial activities without disadvantage or prejudice
- [38] 9(2)(j) - to enable the Crown to negotiate without disadvantage or prejudice
- [39] 9(2)(k) - to prevent the disclosure of official information for improper gain or improper advantage
- [40] not in scope
- [41] 18(c)(i) - that the making available of the information requested would be contrary to the provisions of a specified enactment
- [42] 18(d) - information is already publicly available or will be publicly available soon.

Where information has been withheld, a numbered reference to the applicable section of the Act has been made, as listed above. For example, a [23] appearing where information has been withheld in a release document refers to section 9(2)(a).

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Hon Andrew Little
Minister of Justice & Minister for Courts

Hon Grant Robertson
Minister of Finance

Strengthening the Family Court – Initiatives to Enhance Child and Whānau Wellbeing under COVID-19

Date	13 May 2020	File reference	
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Action sought	Timeframe
Approve the Family Court initiative for Votes Justice and Courts for COVID-19 Response and Recovery Fund.	By 2pm Thursday 14 May 2020

Contacts for telephone discussion (if required)

Name	Position	Telephone		First contact
		(work)	(a/h)	
Anouk Alexander	Deputy Secretary, Strategy, Governance and Finance	[39]	[23]	<input type="checkbox"/>
Andy Fulbrook	Chief Financial Officer			<input checked="" type="checkbox"/>
Thomas Brown	Manager Strategic Finance			<input type="checkbox"/>

Minister's office to complete

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Referred to: _____		
<input type="checkbox"/> Seen	<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Not seen by Minister
Minister's office's comments		

Purpose

1. This report seeks your agreement to the financial recommendations for 'Strengthening the Family Court – Initiatives to Enhance Child and Whānau Wellbeing under COVID-19' for Votes Justice and Courts. This will be charged against the COVID-19 Response and Recovery Fund (CRRF) and included in the CRRF Foundational Package, as per the 11 May Cabinet paper (CAB-20-MIN-0219).

Summary

2. On 11 May, Cabinet agreed to a package of initiatives to be charged against the CRRF, however some financial recommendations were still outstanding.
3. At this meeting, Cabinet authorised the Minister of Finance and relevant Appropriation Ministers to approve jointly any changes to appropriations and capital injections, and the establishment of new appropriations where necessary to give effect to a list of initiatives for which financial recommendations were still outstanding.
4. The financial recommendations for 'Family Court – Initiatives to Enhance Child and Whānau Wellbeing under COVID-19' are yet to be approved.
5. The Family Court initiative will provide funding for four key proposals consistent with the recommendations of the Independent Panel's report on the 2014 family justice reforms.
6. The four key proposal of this initiative are:
 - a. Expand legal aid to enable the reinstatement of legal representation in early stages of Care of Children Act 2004 (CoCA) proceedings;
 - b. Increase remuneration for lawyer for the child;
 - c. Improve the information available to children and whānau; and
 - d. Establish a new role in the Family Court – the Family Justice Liaison Officer.
7. Through these changes, the initiative aims to ensure parents and whānau are well-supported by the Family Court in a time of distress and promote timely, safe and durable resolution of care of children disputes. It works to address the delay within the Family Court that has been exacerbated by the COVID-19 pandemic, and the damaging effects this has on children, parents and whānau. The expected impacts include reduced child and parental stress, increased personal safety and greater connections with whānau.
8. This paper includes financial recommendations to include this initiative in the CRRF Foundational package, details of which will be communicated on Budget Day (14 May).

Consultation

9. This paper has been prepared in consultation with Treasury.

Recommendations

10. We recommend that you:

1. **Note** that on 11 May Cabinet (CAB-20-MIN-0219): YES / NO
 - 1.1 Approved a package of initiatives to be charged against the CRRF, however some financial recommendations were still outstanding
 - 1.2 Authorised the Minister of Finance and relevant Appropriation Ministers to approve jointly any changes to appropriations and capital injections, and the establishment of new appropriations where necessary to give effect to a list of initiatives for which financial recommendations were still outstanding.
2. **Note** that the following initiative did not have financial recommendations in the 11 May Cabinet paper: YES / NO
 - 2.1 Strengthening the Family Court – Initiatives to Enhance Child and Whānau Wellbeing under COVID-19
3. **Approve** the financial recommendations for Vote Justice and Courts, as detailed in the attached initiative document YES/NO
4. **Note** that Cabinet agreed that any and all underspends related to the initiatives in the foundational CRRF package are returned to the Centre YES/NO
5. **Note** that all communications relating to the CRRF and any requests for early announcement will need to have both the written approval of the Minister of Finance and sign-off from the Prime Minister's Office. YES/NO
6. **Agree** that the proposed changes to appropriations for 2020/21 approved in recommendation 3 above be included in the 2020/21 Supplementary Estimates, and that, in the interim, the increases be met from Imprest Supply YES/NO

Andy Fulbrook

Chief Financial Officer

Date / /

APPROVED SEEN NOT AGREED

Hon Andrew Little

Minister of Justice
Minister for Courts

Date / /

APPROVED SEEN NOT AGREED

Hon Grant Robertson

Minister of Finance

Date / /

APPROVED SEEN NOT AGREED

Attachments:

1. **Vote** Justice and Vote Courts- Financial Recommendations for Strengthening the Family Court – Initiatives to Enhance Child and Whānau Wellbeing under COVID-19.

Vote Justice COVID-19 Response and Recovery Fund Initiative

Initiative No: 12599

Vote: Justice

Title: Strengthening the Family Court – Initiatives to Enhance Child and Whānau Wellbeing under COVID-19

Description: This initiative will provide funding to strengthen the Family Court, consistent with the recommendations of the Independent Panel's report on the 2014 family justice reforms. The expected impacts include reduced child and parental stress, increased personal safety and greater connections with whānau, all of which will be particularly beneficial to whānau in the current environment as a result of COVID-19. The initiative aims to ensure parents and whānau are supported by the court in their time of distress and promotes the safe and durable resolution of care of children disputes.

Appropriation Changes

	Sm - increase/(decrease)				
	2019/20	2020/21	2021/22	2022/23	2023/24 & Outyears
Operating Balance Impact	-	6.060	6.060	6.060	6.060
Debt Impact	-	-	-	-	-
No Impact	-	-	-	-	-
Total	-	6.060	6.060	6.060	6.060

	Sm - increase/(decrease)				
	2019/20	2020/21	2021/22	2022/23	2023/24 & Outyears
Non-Departmental Output Expense:					
Legal Aid	-	6.060	6.060	6.060	6.060
Total Operating	-	6.060	6.060	6.060	6.060

Vote Courts COVID-19 Response and Recovery Fund Initiative

Initiative No: 12598

Vote: Courts

Title: Strengthening the Family Court – Initiatives to Enhance Child and Whānau Wellbeing under COVID-19

Description: This initiative will provide funding to strengthen the Family Court, consistent with the recommendations of the Independent Panel's report on the 2014 family justice reforms. The expected impacts include reduced child and parental stress, increased personal safety and greater connections with whānau, all of which will be particularly beneficial to whānau in the current environment as a result of COVID-19. The initiative aims to ensure parents and whānau are supported by the court in their time of distress and promotes the safe and durable resolution of care of children disputes.

Appropriation Changes

	\$m - increase/(decrease)				
	2019/20	2020/21	2021/22	2022/23	2023/24 & Outyears
Operating Balance Impact	-	6.450	10.522	9.982	10.892
Debt Impact	-	-	-	-	-
No Impact	-	-	-	-	-
Total	-	6.450	10.522	9.982	10.892

	\$m - increase/(decrease)				
	2019/20	2020/21	2021/22	2022/23	2023/24 & Outyears
Multi-Category Expenses and Capital Expenditure:					
Courts, Tribunals and Other Authorities Services, including the Collection and Enforcement of Fines and Civil Debts Services (MCA)					
<i>Departmental Output Expense:</i>					
District Court Services (funded by revenue Crown)	-	6.450	10.522	9.982	10.892
Total Operating	-	6.450	10.522	9.982	10.892