

The Treasury

Budget 2017 Information Release

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[1]	to prevent prejudice to the security or defence of New Zealand or the international relations of the government	6(a)
[4]	to prevent prejudice to the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial	6(c)
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[33]	to maintain the current constitutional conventions protecting the confidentiality of advice tendered by ministers and officials	9(2)(f)(iv)
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[38]	to enable the Crown to negotiate without disadvantage or prejudice	9(2)(j)
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[40]	Not in scope	

In preparing this Information Release, the Treasury has considered the public interest considerations in section 9(1) and section 18 of the Official Information Act.

Reference: T2016/1521

DH-0-3

Date: 15 August 2016

To: Minister of Finance (Hon Bill English)

Aide Memoire: Reform of Family Violence Law

Further discussion on the package of Family Violence legislative reforms proposed by the Minister of Justice is scheduled for SOC on 17 August 2016.

This aide memoire provides options for shaping an alternative package should Ministers wish to lower the cost of the total package.

The incompleteness of the costs and benefits in the underlying analysis makes it difficult to assess the precise impact of component parts of the package. In particular, the analysis does not fully account for the capital costs of new prison beds, or the likely flow-on impacts on social sector costs.

The below table gives a breakdown of the individual civil and criminal proposals by cost. We have estimated the capital costs for prison capacity on a 'rule of thumb' of \$0.500 million per prison bed.

[33]

Package Options

[33]

The Ministry of Justice’s RIS indicates that although there is a level of uncertainty around the likely effectiveness of the package in reducing family violence, the subset of civil proposals is likely to be more cost-effective than the criminal proposals. This is because of the high costs associated with incarceration and the questionability of whether harsher or longer sentences reduce the overall rate of reoffending.

Within the civil proposals, the changes to increase access to more effective protection orders is the only proposal that has a significant cost. The proposal is also expected to provide significant benefits. The proposed changes are estimated to lead to a 40 percent reduction in violence and a corresponding reduction in costs across the health and justice sectors ([33]). Reductions in victim suffering and fear are other benefits.

If Ministers wish to improve the cost-effectiveness of the package they could consider adjusting it as follows.

Option	Comment	Saving per annum (once fully implemented)
<p>Proceeding with a five year penalty (rather than seven years) for the new offence of strangulation, or deferring a decision on the creation of this offence.</p>	<p>This proposal responds to a recommendation by the Law Commission to create a new offence of strangulation with a maximum penalty of seven years.</p>	<p>A 5 year maximum penalty would reduce operating costs by [33] and capital costs by [33]. Deferring a decision would reduce operating costs by [33] and capital costs by [33].</p>
<p>[33]</p>		
<p>Deferring a decision on the proposed changes to Police safety orders.</p>	<p>Police have expressed concerns about the proposal to direct recipients to complete a risk management assessment. This concern stems from the proposal not providing for consent of the recipient. A PSO recipient has not necessarily committed a crime nor have they been convicted of an offence. Police also have concerns that failure on the recipient’s part to complete the risk management assessment/programme would lead to increased arrests of people that have not committed any crime.</p>	<p>This would result in a minor reduction in operating costs of [33] per annum.</p>

The remainder of the package could be agreed as a set of “early wins” addressing family violence, allowing for further consideration of some of the more costly and/or contentious elements.

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