

Justice

HIGHLIGHTS

Labour will:

- Set a target of reducing the number of people in prison by 30% over fifteen years, and undertake our comprehensive plan to reach that target
- Uphold the right of all New Zealanders to access justice by increasing the income threshold so access to legal aid is available to more people, funding the public defence service and community law centres, and comprehensively reviewing other access to justice issues
- Review and replace National's Family Court reforms to ensure a modern and accessible system that resolves disputes fairly and efficiently.

Introduction

Labour's vision is of a just society with safe, secure and inclusive communities. A humane and effective justice system – which protects our rights and public safety – is critical to that vision.

Labour takes a prevention-first approach to crime. Labour will tackle the root causes of crime to reduce offending and make our communities safer. Labour's policies in health, education, social development, housing, police and corrections all reflect that commitment. When crime occurs, the justice system needs to protect the public and victims, and take a long-term focus on reducing re-offending.

Another cornerstone of our approach to justice is our belief that everyone should have access to the justice regardless of their financial means. That principle is under threat from constant erosion by National. Labour will restore and enhance it.

Reducing the number of people in prison

In the last nine years New Zealand's prison population has reached a record 10,000 people, while the cost of running the prison system has ballooned 60% to almost \$1billion each year. National's response is to throw another \$1billion at the system, locking up more and more people in institutions that are proven failures at addressing re-offending.

There are better ways to spend \$1 billion.

Labour believes that prison should be a last resort. Prisons can increase reoffending and make us poorer and less safe in the long-term. Too often they have become dumping grounds for people who need treatment more than they need punishment.

The increase in prisoners under National is driven by a failure to address the causes of crime, a chronic shortage of social housing and proper alternatives to prison, and National's poorly targeted and punitive changes to criminal justice legislation.

No one should be sent to prison because they are homeless or because residential treatment is not available. Unacceptably, too many people are imprisoned today because of the lack of proper alternatives – because there are no beds in rehabilitation and youth justice centres, or because they cannot find an appropriate address for bail or home detention. For less serious offending, where alternatives to prison should be available, short-term prison sentences are still too common.

Labour's smarter approach to social safety and crime prevention starts with investing in children and early intervention. At the other end, we will invest in a humane justice system that is focused on protecting the public by addressing the causes of crime.

Labour will:

- Set a target of reducing the prison population by 30% over fifteen years, including a specific target to reduce Māori over-representation in the prison system
- Ensure that alternatives to prison are available and utilised at both the sentencing and remand stage. This includes:
 - investing in alternatives that will protect the public and meet rehabilitative needs, such as secure alcohol and drug rehabilitation services
 - investing in youth justice centres to ensure that beds are available when needed
 - ensuring that defendants on remand have access to social housing where they meet eligibility criteria
 - amending legislation to ensure judges have discretion to utilise alternatives to prison for low level offenders
- Invest in evidence-based interventions that reduce re-offending, including rolling out the alcohol and drug courts nationwide, and investing in alcohol and drug treatment, mental health services, other therapeutic courts, and restorative justice
- Address Māori over-representation in the prison system, including by incorporating Māori values of justice and Māori-led initiative, and tackling systemic biases
- Improve consistency in sentencing, including by considering reconstituting the Sentencing Council
- Repeal the "Three Strikes" legislation
- Comprehensively respond to the Law Commission's report Controlling and Regulating Drugs – A Review of the Misuse of Drugs Act 1975, and replace the Misuse of Drugs Act 1975.

Upholding our right to access justice

We should all have access to a justice system that will protect our rights, regardless of our financial means or social position. Access to justice is fundamental to the enablement of the rule of law in our society, but it is increasingly at risk. National has eroded our right to justice

through a series of haphazard and poorly thought through cost-saving measures – eroding the right to legal aid and to legal representation. Labour will restore it.

Wrongful convictions are a particular issue that threaten the integrity of our criminal justice system and reviews of unsafe convictions are onerous and expensive. Labour will make reviews of convictions easier.

Labour will:

- Ask the Law Commission to complete a comprehensive review on access to justice issues, including any disproportionate impact these issues are having on Maori and people with disabilities
- Increase the income threshold so access to civil legal aid is available to more people
- Ensure that the Public Defence Service is funded at a level where it can consistently provide high quality representation
- Deliver security of funding for community law centres
- Establish an independent Criminal Cases Review Commission to review wrongful convictions.

Reform the Family Court

National's reforms to the Family Court have failed – causing significant disparities and delays for families and children, and reducing access to mediation and other alternative dispute mechanisms.

An astounding 86 % of cases are now made on an urgent “without notice” basis, so that families can avoid massive delays and secure legal representation. And a two-tiered system where families with money can access a lawyer but others cannot has developed. Public confidence in the Family Court process has taken a hit. The reforms need to be urgently reviewed and replaced.

Labour will:

- Review and replace the Family Court reforms
- Allow parties to family disputes to choose to be represented by lawyers at all stages in the proceeding
- Ensure efficient Court Registries provide prompt hearing dates for cases so the disputes can be resolved and families can move on from disputes
- Protect children by allowing Judges to obtain expert reports when they will assist in determining a matter (not being essential as is currently required).

Youth Justice

Youth justice is an important part of the justice system. Labour will support the youth justice system's focus on rehabilitation and focus on reducing youth crime.

Labour will:

- Invest in youth justice centres and programmes to reduce youth offending.

- Ensure the full implementation of international justice standards for young people, including that young persons are detained separately from adults and that detention is a last resort.

Removing abortion from the Crimes Act

Labour will require the Law Commission to review the existing law on Contraception, Sterilization and Abortion and recommend changes to ensure abortion laws are consistent with treating abortion as a health issue that is a reproductive choice for women, rather than as a criminal issue.

Modernising adoption law

The Adoption Act is now over six decades old, and is badly in need of overhaul. To address issues that have arisen in the operation of the existing legislation Labour will review and reform the adoption system in New Zealand.

Labour will ask the Law Commission to update its review of the adoption law and then replace the Adoption Act, ensuring the rights of the child are at the heart of the new legislation.

