

Hon Andrew Little

Minister of Justice

Minister for Courts

Minister for Treaty of Waitangi Negotiations

Minister Responsible for the NZSIS

Minister Responsible for the GCSB

Minister Responsible for Pike River Re-entry



07 AUG 2018

Katie

fyi-request-8299-e8065102@requests.fyi.org.nz

Dear Katie

I refer to your request of 10 July 2018, seeking the following information under the Official Information Act 1982 (the Act):

“all information, including briefings, emails, memos and aide memoires, relating to the abortion law reform process, held by you or your office. In particular, I’m interested in detail on the intended process once the law commission reports back.”

I have taken the spirit of your request to mean *all information on the intended process once the law commission reports back on abortion law reform*. The Government has signalled its intent to treat abortion as a health issue, and has asked the Law Commission to provide a report on how this might be achieved. In order to not pre-determine the Law Commission’s findings, the Government has made no formal announcement on the process once it has received the Law Commission’s report.

I expect to receive the Law Commission’s report by the end of October 2018, at which point I will present the advice to Parliament and seek Cabinet approval of a response.

The following documents fall within the scope of your request and are attached to this response:

	Document type	Title	Date	Action
1	Letter	Letter to Hon Sir Douglas White QC, President of Law Commission	27 February 2018	Released in full, publicly available (s18(d) of the Act applies, but copy supplied).
2&3	Email and attached aide memoire	Seeking direction on your role and advice for three policy projects	10 May 2018	Released in part. Some sections are out of scope and have been labelled as such. Partially withheld under s9(2)(f)(iv) of the Act – confidentiality of

				advice tendered by Ministers and officials. A cell phone number has been withheld under s9(2)(a) of the Act.
4	Estimates review 2018/19 fact sheet	Abortion law reform	July 2018	Released in full.

You have the right under section 28(3) of the Act to complain to the Office of the Ombudsmen about the response to your request.

Yours sincerely



Hon Andrew Little
Minister of Justice

1.

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The Hon Sir Douglas White QC
President
Law Commission
PO Box 2590
WELLINGTON 6011

27 FEB 2018

Dear Sir Douglas

Thank you for meeting with me on 15 December 2017 to discuss the Law Commission's work programme. As I mentioned at that meeting, the Government is considering how best to ensure New Zealand's abortion laws are consistent with treating abortion as a health issue.

Accordingly, I am requesting under section 7(3) of the Law Commission Act 1985 that you prioritise a briefing to me with the Law Commission's advice. Given our intention to propose a policy shift to treat abortion as a health issue, I would like the Law Commission's advice on what alternative approaches could be taken in our legal framework to align with a health approach.

Specifically, I expect the scope of the Law Commission's advice to include reviewing the criminal aspects of abortion law, and the statutory grounds for an abortion and process for receiving services, which are contained in both the Crimes Act 1961 and the Contraception, Sterilisation, and Abortion Act 1977.

A draft bill is not required, however, you may wish to provide drafting to illustrate the options the Law Commission identifies. I do not expect you to review the offence of killing an unborn child in the Crimes Act 1961, but you may wish to highlight any adjustments to that provision that would be needed because of the options discussed.

I would like the Law Commission to review and report back to me within an eight-month time frame. I expect the Law Commission to seek some input from appropriate health professionals in developing its advice. I also ask that you provide an opportunity to receive the public's views to inform the Law Commission's advice.

Please work with officials from the Ministry of Justice and the Ministry of Health in developing your plans and processes for providing me with this advice.

I appreciate the Law Commission will need to commence work on this request prior to other existing projects being completed. I understand my staff have arranged for us to meet on Wednesday the 28th of February to discuss the Law Commission's work programme.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A Little', written over a vertical line that extends downwards from the signature.

Hon Andrew Little
Minister of Justice

2.

Argyle, Ellie

From: Greaney, Caroline
Sent: Friday, 11 May 2018 7:58 a.m.
To: Andrew Williams; 'Daniel Reid'
Cc: Purple, Folder; Gage, Brendan; Crooke, David; Chhana, Rajesh; Dearsley, Justine; Kerkin, Sarah
Subject: 20180510 Note to Minister on policy work on abortion **Out of scope**
Attachments: 20180510 Note to Minister on policy work on abortion **Out of scope**
Out of scope

Hi Daniel

As discussed earlier this week, here is a note for Minister on three projects - abortion, **Out of scope**
Out of scope We'll add it to agenda for Monday meeting, for an initial discussion.

Happy to discuss, please feel free to give me a call.

Ngā mihi
Caroline



Caroline Greaney
General Manager | Civil and
Constitutional
Policy Group
DDI: +64 4 918 8584 | Ext 58584 |
Mob **s(9)(2)(a)**
www.justice.govt.nz

3.



Seeking direction on your role and advice for three policy projects

Hon Andrew Little, Minister of Justice
10 May 2018

Purpose

1. We seek a discussion with you about the role that you see yourself taking on the following three projects, and the scope of the work required:

- abortion law reform

- out of scope

-

2. s9(2)(f)(iv)

3. Each of the projects involves conscience or similar issues, which put added demands on the policy processes and mean more time needs to be allowed for decision-making.

4. This note links to our recent Policy Group work programme 2018-2020 briefing. As highlighted in that briefing, the shape of the advice on these projects may have implications for resourcing other policy work.

The three projects and the type of direction that is required

Abortion law reform

5. The Law Commission's briefing on abortion law reform is due to be provided to you by the end of October. You will be required to present the advice to Parliament and seek Cabinet approval of a response, as soon as reasonably practicable. If Cabinet rejects the Law Commission's recommendations, a formal Government response is required to be presented to the House within 120 working days of the presentation of the Law Commission's report to the House.

6. s9(2)(f)(iv)

out of scope

out of scope

Next step:

s9(2)(f)(iv)

CURRENT GOVERNMENT PRIORITIES AND LEGISLATION

Abortion Law Reform

The Government is considering how best to ensure New Zealand's abortion laws are consistent with treating abortion as a health issue.

Abortion law

is contained in the Contraception, Sterilisation, and Abortion Act 1977 and in the Crimes Act 1961

The Crimes Act 1961

makes abortion a crime unless an abortion is performed on certain grounds

The Contraception, Sterilisation, and Abortion Act 1977

regulates how abortions are authorised and where they are performed

Request for advice from the Law Commission

- In February 2018, the Minister of Justice asked the Law Commission for advice on what alternative approaches could be taken in our law framework to align abortion law with a health approach.
- The advice will cover a review of the criminal aspects of abortion law, the grounds for abortion and the process for receiving abortion services.
- The Law Commission's advice is to be provided by the end of October 2018.

Planned achievements/progress in 18/19

- The Government will need to consider the Law Commission's advice. The Ministry will provide advice to the Minister as a part of developing the Government response to the Law Commission's report.