

Ministry of Justice responses to questions from the Collective Impact Board

1. *Lawyers are viewed as not being independent as they are appointed by the Crown*

Although the Ministry of Justice has been paying for the lawyers, they are acting independently for families and are bound by the usual lawyer-client confidentiality rules. This means, for example, that the lawyers do not tell the Ministry what they have been talking about with their clients or provide the Ministry with copies of the advice they are providing to families.

Now that there is to be a court hearing, legal aid funding has become available. This will provide the option for families to engage a lawyer of their choosing.

2. *Most have families have gone with Nigel and Kathryn, Aarif has only been given one hour per family per week which is not enough time to understand each case and support the families*

The lawyers' contracts have provided a standard amount of hours each week but each lawyer is able to ask the Ministry to pay for more hours if they are needed. Aarif has used this part of his contract to ask for and receive more hours.

Now that there is to be a court hearing, legal aid funding has become available. This will increase the hours that are available to the lawyers.

3. *Families are struggling to understand the legal process as it is different from their experiences and it is complex*

We agree the coronial process is a complex legal process.

In the letters the Chief Coroner writes to families, she tries to make available as much information as she can about the process in a simple form. Translations of this information are also made available. This information is also on the website.

We understand that written information can be difficult for families to work through. That is why we made lawyers available, to help families understand the process and how they can participate in it. We encourage everyone to make as much use of these lawyers as they can.

We are also working with other agencies who are in Christchurch to facilitate access to information and support to families.

4. *There are gaps in the information in the coroner's report for some people when you compare what is in the coroner's report to what the police provided*

This question isn't one that the Ministry can answer. Families who have concerns about gaps in information in documents like the coroner's report should contact the Chief Coroner's office for assistance.

- 5. *Insufficient individual support for each family. Some families don't understand due to the complexity of the legal information and the language barriers. Also, it is difficult because it is re-traumatising the families. There was a suggestion for help from MSD case worker or Victim Support to help families understand.***

We have been supporting MSD caseworkers and Victim Support with briefings about the coronial process and how they can support their clients to receive the support that will be most appropriate to their client's needs. We have also been providing similar support to the organisations who we know are supporting the affected families. The feedback we have had from these organisations is that this has been helpful for their clients who have sought support for the coronial process.

We have also engaged Haamid Ben Fayed, who is a Specialist Advisor assisting the coronial inquiry. Haamid is available in Christchurch to meet with any groups or individuals to provide support and information about the coronial process. Where he cannot assist directly, he can ensure people are connected to the most appropriate support depending on their needs.

If you know of any other clients or organisations who are not receiving adequate support, please make a referral to Haamid and he will meet with them to discuss any unmet needs.

See also the answer to question 3.

- 6. *Insufficient hours provided to the lawyers per family, families are not able to ask all the questions they have and receive answers from the lawyers.***

See the answer to question 2.

- 7. *Communication of information needs to be better for the community. Most people are not going to the website and may not be able to understand the written material. Different people were providing different messages in the beginning with regards to the process and people were getting confused, lost, and disengaged.***

See the answers to questions 3 and 5.

- 8. *Legal support versus legal advice was not properly explained and understood by the community. There is a lot of jargon that is being used and when it is translated into other languages it has a different meaning or interpretation.***

As soon as we realised there were misunderstandings about what legal services were available, we did our best to correct it. Now that there is to be a court hearing, legal aid funding has become available. This will increase the hours that are available to the lawyers and enable families to choose other lawyers. We encourage everyone to make as much use of the lawyers as they can.

- 9. *It was suggested that there should be conduits who speak the same language as the families to help support understanding. There over 50 different ethnic groups within the community and many languages spoken.***

The lawyers have access to funding for the use of interpreters. The Chief Coroner's office also has access to interpreters for incoming enquiries. We plan to have in-person interpreters available at the hearing on 14 and 15 December to help people communicate with their lawyers or coronial staff and ask questions. We are also providing written translations of the letters and material that the Chief Coroner is sending families.

However, we acknowledge that sometimes people with language barriers may not know how to make contact and may have fallen through the gaps. If you know of anyone who this is the case for, we ask that you make a referral to Haamid Ben Fayed or the Chief Coroner's office with the client's name, contact details/preferred contact time and method and we will arrange for an interpreter, and then contact them. We have also asked all the community organisations and agencies we know who are working with the families to do this.

10. *Timeline for the process is not clear.*

There is no set timeline for a coronial process. The timeline is heavily dependent on other processes (such as the prosecution and Royal Commission of Inquiry) as well as issues raised by the parties involved and new information that comes to light. Additionally, the unique circumstances of this case have required additional and new arrangements to be put in place that have also affected the timeline.

The Chief Coroner's Minute that was published on 28 October provides a timeline for the next steps in the process. This includes a hearing on 14 and 15 December 2021 about the proposed scope of the inquiry. Coroner Windley who is taking over the inquiry has not decided yet on the timeline after the hearing.

11. *How much funding has been allocated and how is it distributed?*

We assume this is a question about the funding available for the lawyers. There is no set funding or budget.

12. *How many clients each lawyer represent? Is it just to offer Arif only 1hr/family per week? Do you think you served the families justice?*

See the answer to question 2. Normally lawyers would not be available at this stage of the coronial process. We made lawyers available at this early stage due to the unique circumstances and to provide families with some additional support and assistance. We hope families who have used the lawyers have found that service helpful.

13. *What is the role of the 6 lawyers in the panel and what purpose the lawyers are going to have going forward?*

The funded lawyers are there to support the families to participate fully in the coronial process. There are no restrictions on the type of legal services the lawyers can provide as long as they are within the scope of the coronial process. This can include legal advice, assistance and representation. The lawyers are completely independent of the Ministry. This also applies to when the funding moves to legal aid.

Now that legal aid has become available, families and interested parties can choose to continue with one of these lawyers or choose another lawyer. Whichever lawyer they choose, they will be eligible for legal aid.

14. *How justice adapted in big previous cases like March 15th? Is there a possibility to adapt here? If not, why not?*

Decisions about what will happen in the coronial process are for the coroner to decide. Those decisions include what the inquiry should look at or whether there should be a hearing.

Many of the Ministry people who are providing support to the coroner also worked on the criminal case and sentencing. As we did during the criminal case and sentencing, we are making changes to the support that would be usually be provided when a need is identified and where it is possible to do so. This includes, for example, making lawyers available to the families. We are always open to feedback about what other support needs to be put in place.