

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



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 the printed name.

Hon Andrew Little
Minister of Justice