

THIRD TRIMESTER REPORT

For 2020 - 2021

1 MARCH 2021 – 30 JUNE 2021



1. INTRODUCTION

This is the third trimester report for 2020-21 for Te Aka Matua o te Ture | Law Commission (the Commission). This is supplied as required by the letter of expectations between the Minister Responsible for the Law Commission and the Commission dated 20 April 2020.

During trimester three, the Commission published the Issues Paper in its Review of Succession Law. Other projects continue to make good progress and remain on track as reported on below.

2. SUMMARY OF LAW REFORM PROJECTS – AS AT 30 JUNE 2021

Project	Current status	Target dates ¹
Review of the Criminal Investigations (Bodily Samples) Act 1995	The final report has been completed. This was presented to the (caretaker) Minister on 30 October 2020 and published on 24 November 2020.	The target date of 30 October 2020 for the final report was met.
Review of Class Actions and Litigation Funding	The issues paper was published on 4 December 2020. The project continues.	The target date for publishing an issues paper in trimester two of 2020-21 was met. The final report is planned for May 2022.
Review of Succession Law	The issues paper was published on 15 April 2021. The project continues.	The target date for publishing an issues paper in trimester three of 2020-21 was met. The final report is planned for November 2021.

¹ **Target date** is the date of a resolution by the Law Commission's Board that a final report is approved to go to the Minister, or a paper approved for online release on the Law Commission website. It does not mean a report will have been tabled in Parliament and does not necessarily mean the report will have been printed.

Review of the Law Relating to Adult Decision-making Capacity	This project is underway.	Terms of reference are being scoped.
Review of Surrogacy Law	The terms of reference were published on 8 March 2021.	The issues paper is underway.

3. LAW REFORM PROGRAMME

3.1 Final reports

One final report was due in 2020-21. The final report on the Review of the Criminal Investigations (Bodily Samples) Act 1995 was completed in the first trimester period.

3.2 Issues papers

Two issues paper were due in 2020-21. The issues paper on Class Actions and Litigation Funding was published during the second trimester and the issues paper on Succession Law was published in the third trimester.

3.3 Timeliness of completion of reports and issues papers

The timelines for the completion of reports and issues papers in 2020-21 were all published within the agreed timeframes.

3.4 Bills before the House

(a) The following information relates to Bills before the House that relate (at least in part) to the Law Commission's earlier work:

- i. *Births, Deaths, Marriages, and Relationships Registration Bill 296-2* (Introduced 10 August 2017; Select Committee report 10 August 2018; awaiting second reading).

The Bill responds to three discrete issues raised by the Law Commission report *Burials and Cremations* (NZLC R134, 2015).

- ii. *Sexual Violence Legislation Bill 185-2* (Introduced 11 November 2019; first reading 14 November 2019; Select Committee report 9 June 2020; second reading 25 February 2021, awaiting Committee stage).

The Bill responds to several recommendations in the Law Commission reports *The Justice Response to Victims of Sexual Violence: Criminal Trials and Alternative Processes* (NZLC R136, 2015) and *The Second Review of the Evidence Act 2006 – Te Arotake i te Evidence Act 2006* (NZLC R142, 2019).

- iii. *Incorporated Societies Bill 15-1* (Introduced 17 March 2021; first reading 6 April 2021).

The Bill implements the Law Commission report *A New Act for Incorporated Societies* (NZLC R129, 2013).

4. RISKS FACING TE AKA MATUA O TE TURE | LAW COMMISSION

4.1 Budget

On the advice of the Ministry of Justice, the Commission did not make a budget bid for 2021-22.

As a result of ongoing cost pressures and future budget uncertainty, the Commission continues to adopt a conservative operating position. There is a risk that the Commission will not be able to fully deliver on its strategic objectives as initially envisaged.

Within the constraints of the existing financial operating environment the Commission will endeavour to deliver a timely and effective and efficient law reform work programme.

4.2 Minimum Commissioners

Due to budget constraints the Commission continues to operate with the statutory minimum number of Commissioners (three). One Commissioner warrant expired on 15 May 2021 but that Commissioner has remained in office in accordance with section 32 of the Crown Entities Act 2004. The Commission, along with the Ministry of Justice, has undertaken an extensive search process to progress the appointment of further Commissioners and this process is nearing completion.

5. DRAFT STATEMENT OF SERVICE PERFORMANCE 2020-21

Measure	How	Planned 2020-21	Actual 2020-21
Consideration of substantive legal and policy issues			
High quality evidence-based legal and policy analysis	Survey of independent experts ²	Agree	Achieved ³
Recognition of te ao Māori	Survey of Māori Liaison Committee and independent experts	Agree	TBC
Clear and understandable consultation papers, reports or other advice	Survey of independent experts	Agree	Achieved
Independent and practicable recommendations	Survey of independent experts	Agree	Achieved
Consultation			
The number of submissions received	The percentage of target submissions per project	100%	100%
The number of consultation meetings held	The percentage of target consultation meetings per project	100%	10

² Survey of members of the Expert Advisory Group (EAG) that is established for each reference. Each member of an EAG is chosen for their independence and expertise, amongst other matters, and is appointed on a voluntary basis.

³ Survey completed for the final report on Criminal Investigations (Bodily Samples) Act 1995. The survey questions (including definitions for measures) have been developed for the 2020-2021 year. Survey respondents were able to respond to the questions by selecting answers from a sliding scale and by providing comments.

Measure	How	Planned 2020-21	Actual 2020-21
Timely production of consultation papers, reports and other advice			
The number of consultation or other papers, reports or advice	The number of published consultation or other papers, reports and advice	3	3
Reports or advice produced in timeframe agreed with the Responsible Minister	The date the report or advice is sent to the Responsible Minister	100%	100%
Long-term influence			
The number of community engagements	The number of community engagements (such as presentations, interviews and published articles)	5	25
References to the Commission's work	The number of references to the Commission's reports or advice in court decisions	60	85
	The number of references to the Commission's reports or advice in Parliamentary debates and committee reports, academic publications and other media	500	464 <i>Although this is fewer citations than the target number, this is the first time the Commission has used this measure. A lower target will be applied to this measure in the next financial year.</i>
Implementation of reports or other advice	The percentage implementation of reports and advice over the previous 10-year period	60%	Under development

6. FINANCIAL REPORTING

6.1 Draft Profit and Loss statement for the year to 30 June 2021

Profit & Loss
Law Commission
For the year to 30 June 2021

	Actual	Budget	Variance
Income			
Interest Income	\$1,874	\$27,000	-\$25,126
Other Income	\$1,584	\$27,000	-\$25,416
Revenue from Crown	\$4,293,000	\$3,993,000	\$300,000
Total Income	\$4,296,458	\$4,047,000	\$249,458
Communication and Consultancy	\$14,198	\$38,004	-\$23,806
Depreciation and Amortisation	\$83,492	\$84,792	-\$1,300
FX Gains and Losses	-\$17	-	-\$17
General Expenses	\$280,518	\$393,720	-\$113,203
Library Costs	\$106,969	\$129,696	-\$22,727
Occupancy Costs	\$235,378	\$253,080	-\$17,702
Personnel Costs	\$2,883,483	\$3,006,420	-\$122,937
Project Costs	\$137,372	\$479,996	-\$342,624
Total Operating Expenses	\$3,741,393	\$4,385,708	-\$463,219
Net Surplus	\$555,065	-\$338,708	\$893,773

6.2 Draft Balance Sheet as at 30 June 2021

Balance Sheet Law Commission As at 30 June 2021

	30 June 2021	30 June 2020
<i>Assets</i>		
<i>Current Assets</i>		
Accounts Receivable	\$6,028	\$217
Cash	\$3,181,153	\$2,566,281
GST	\$22,165	\$21,403
Prepayments	\$17,411	\$21,021
Total Current Assets	\$3,226,757	\$2,608,922
<i>Non-current Assets</i>		
Fixed Assets	\$406,865	\$465,200
Total Non-current Assets	\$406,865	\$465,200
Total Assets	\$3,633,622	\$3,074,122
<i>Liabilities</i>		
<i>Current Liabilities</i>		
Creditors and Provisions	\$83,297	\$113,521
Current Lease Incentive Provision	\$20,398	\$20,398
Employee Entitlements	\$263,439	\$208,381
Total Current Liabilities	\$367,134	\$342,300
<i>Non-Current Liabilities</i>		
Non-Current Lease Incentive Provision	\$98,590	\$118,988
Total Non-Current Liabilities	\$98,590	\$118,988
Total Liabilities	\$465,724	\$461,288
Net Assets	\$3,167,898	\$2,612,833
<i>Equity</i>		
Current Year Earnings	\$555,065	\$590,720
Retained Earnings	\$2,612,833	\$2,022,113
Total Equity	\$3,167,898	\$2,612,833