

TERMS OF REFERENCE

Chief Victims Advisor to Government

Role specification

- The Chief Victims Advisor to Government is appointed as an independent Ministerial advisor to Government appointed by and accountable primarily to the Minister of Justice.
- The scope of the role encompasses victims' experiences across the justice sector. The justice sector includes the criminal, youth and civil justice systems and involves the following agencies: Ministry of Justice, NZ Police, Department of Corrections, Youth Justice (Child, Youth and Family, Ministry of Social Development), Crown Law and the Serious Fraud Office.
- The Minister of Justice is responsible for appointments to the role.
- The role is set at 0.3 Full Time Equivalent. It may be possible to negotiate with the Minister of Justice when and how this time is distributed throughout the year to deliver the work programme.
- The appointment is subject to the Fees Framework and all aspects of the arrangement are overseen by Cabinet Appointment and Honours Committee (APH) and Cabinet. The role is estimated to be at the high level of fees for a Chair, Level 2, Group 4 (up to \$818/day).
- As the position is new, the appointment will initially be for two years, at which point it will be evaluated to decide whether to continue, cease or change the role. Any extension of the appointment after two years will in part depend on the outcomes of that evaluation.
- The primary function of this role is to provide advice to Government and, as such, it is not intended as a public advocacy role on behalf of victims.

Independent advice

- The Chief Advisor will provide independent advice to the Minister of Justice and the Government on such matters as are, from time to time, included in an agreed work programme determined by the Minister of Justice.
- The Chief Advisor may propose matters to include in the work programme to the Minister of Justice.
- Advice will be subject to the Official Information Act 1982 as will be all the workings of the Ministerial Advisor.

Improving victims' experiences

- The Chief Advisor will be a source of contestable, independent advice to the Minister of Justice and the Government on justice sector-wide strategy and coordination relevant to victims, including identifying themes and promoting system improvements.
- The Chief Advisor will be a key player in the work across the justice sector relating to victims, including identifying areas for improvement in the justice sector (such as victims services or coordination), and advising how to address them.
- As an independent counsellor to the Minister of Justice the Chief Advisor may be asked to review and advise on improvements to:
 - policies that have implications for victims
 - service design in the justice sector that affects victims

TERMS OF REFERENCE

- justice sector- wide strategies and coordination issues that may impact on victims.
- The Chief Advisor may be asked to provide input on significant policy reviews (including scoping and recommendation stages) to ensure the needs of victims are considered.
- The Chief Advisor will evolve their understanding of victims’ needs and views through direct engagement with victim-related groups and fora, government agencies which deal with victims (such as Child, Youth and Family Youth Justice) and by accessing information through the Victims’ Centre and other secondary sources. The Chief Advisor will be expected to demonstrate respect for vulnerable groups in society, including victims, and foster good relationships with relevant communities.
- The Chief Advisor may independently undertake or commission research relating to improving victims’ experiences in the justice sector, ensuring that it:
 - is within the budget and other resourcing support available to the role
 - aligns with the work programme and financial management agreed with the Minister
 - takes into account other relevant research or work in the justice sector.

Appointment of the Chief Advisor to official committees

- The Chief Advisor will be an advisor to the Justice Sector Ministerial Group on victim-related strategy and services that align with their specified work programme.
- The Chief Advisor may be appointed to other official committees where this aligns with their specified work programme.

Representation

- From time to time the Minister of Justice may request the Chief Advisor to undertake a representational role. The full terms and conditions of such an engagement will be specified at the time of making the request.

Public statements

- The Chief Advisor will conform to the ‘no surprises’ convention to Government in regard to all proposed public statements relating to victims, including system and service responses, whether made in the capacity of Chief Advisor or as a private citizen.
- Questions around managing Crown liabilities require that Government and Ministers retain the right to accept, reject or disagree publicly with any advice or public statements as they may see fit.
- The Chief Advisor may from time to time speak with representatives of other political parties in connection with victim-related matters and his/her advice.
- The Chief Advisor must seek the prior approval of the Minister of Justice (on behalf of justice sector Ministers), if they wish to:
 - make public statements relating to victims in their capacity as Chief Advisor
 - disclose to the public any information they receive in their role as Chief Advisor
 - advise select committees.

TERMS OF REFERENCE

Working arrangements

- Budgetary and financial management will be agreed between the the Chief Advisor and the Ministry of Justice.
- Financial and secretariat support will be provided by the Ministry of Justice. This will include access to some advisory support.
- Office facilities for the role will be provided within the Ministry of Justice but if necessary other arrangements may be negotiated with the Ministry.
- Requests for additional relevant support from the Ministry of Justice, such as administration, policy advice or access to information, must be channelled through the Minister of Justice (in the same way as requests for information from other ministers are handled by the Ministry of Justice).

Employment of support staff

- The Ministry of Justice will be the managing agency for the Chief Advisor role and will enter any relevant contracts for research or support staff since a Ministerial Advisor cannot be an employer or enter into contracts.

Conflicts of interest

- The appointee may have other work or allegiances that in some situations could raise a conflict of interest in their role as Chief Advisor providing advice to the Minister of Justice. The Chief Advisor will be expected to follow agreed protocols for declaring and managing any such risks.