

14 May 2025

Layba

fyi-request-30709-f28d59eb@requests.fyi.org.nz

Ref: OIA 121293

Tēnā koe Layba

Official Information Act request: Consent law reform

Thank you for your email of 13 April 2025 to the Ministry of Justice (the Ministry) requesting, under the Official Information Act 1982 (the Act), information about consent law. Specifically, you requested:

... official information relating to the potential reform of consent laws in New Zealand between 1 January 2020 and 13 April 2025...

1. Policy and Legal Documents Held by the Ministry of Justice

- Any final policy documents, briefing papers, Cabinet papers, or internal discussion documents prepared by or for the Ministry of Justice that relate to the definition of consent in sexual offence legislation, or affirmative consent.*
- Any legal advice received by the Ministry regarding the viability or implications of law reform relating to consent, including any review of international legal models (e.g. affirmative consent frameworks). Scope limitation: I do not require duplicate copies, nor drafts unless final versions are unavailable.*

2. Correspondence Related to the Justice Select Committee's Recommendation

- Correspondence (including emails, letters or memos) between the Ministry of Justice and the Justice Select Committee in relation to their recommendation that consent laws be re-examined. Any internal responses, summaries, or notes created by the Ministry in response to or discussing that recommendation.*

3. Ministerial Communications (Limited by Topic and Timeframe) Please provide any correspondence, briefing notes, or advice provided to or from:

- Minister Paul Goldsmith (Justice)*
- Prime Minister Christopher Luxon*
- Minister Karen Chhour (Children and Associate Justice)*

...that discuss:

- Consent law reform*
- The Select Committee's recommendation on re-examining consent*
- Public calls for the inclusion of affirmative consent standards*

- iv. *This includes material dated between October 2023 – April 2025 (i.e. post-Select Committee recommendation period).*

On 28 April 2025, the Ministry asked you to clarify your request. On 1 May 2025, you confirmed that you were seeking information on general consent law reform, which includes affirmative consent. For part 3 of your request, you confirmed that you were seeking correspondence between the Ministry and the individuals named.

Policy and Legal Documents & Correspondence with Justice Select Committee

In response to parts 1 and 2 of your request, please refer to documents 1-9 in the Appendix below, which details the documents in scope of these parts of your request and my decision on their release.

Please note that a significant amount of information in these documents has been redacted as it is outside the scope of your request. Further, some information has been refused under section 18(d) of the Act, as the information is publicly available.

Ministerial communications

In response to part 3 of your request, please refer to documents 10-11 in the Appendix below, which details the documents in scope of your request and my decision on their release. Some information has been withheld as it is outside the scope of your request.

I can advise that the Ministry does not brief Ministers other than the Minister of Justice and any Associate Ministers of Justice. Therefore, I am refusing the part of your request relating to Prime Minister Christopher Luxon and Minister Chhour, under section 18(e) of the Act, as the information does not exist. Minister Chhour is not an Associate Minister of Justice.

In the Appendix, you will note that some information has been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons. In document 5, I have redacted the name of the petitioner to protect their privacy as I understand this response will be published online.

Finally, please note, where entire pages of material have been deemed out of scope, they have been removed from the attached document pack to avoid providing you with unnecessary blank pages.

In withholding information under section 9 of the Act, I have considered the public interest and do not consider that it outweighs withholding the information at this time.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [Official Information Act responses | New Zealand Ministry of Justice](#)

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28 of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



Alida Mercuri

General Manager, Criminal Law Policy

Appendix 1: Documents in scope of request

Doc no.	Date	Document type	Document title	Decision on release
1	09/12/2021	Briefing	Sexual violence in the criminal law – proposed scope and approach to consultation	Some information withheld under s9(2)(a) of the Act. Some information also redacted as it is out of scope.
2	01/04/2022	Briefing	Further advice on sexual violence in the criminal law	
3	31/08/2022	Briefing	Family violence and sexual violence in the criminal law – summary of key issues and forward work	
4	12/12/2022	Briefing	Further advice on strengthening legal protections for victims of FVSV	
5	27/01/2023	Written submission	Invitation to submit on petition of Layba Zubair: consent law reform	
6	24/03/2023	Regulatory Impact Statement	Regulatory Impact Statement: Strengthening legal protections for victims of family violence and sexual violence	Refused under s18(d) of the Act - publicly available at: Regulatory-Impact-Statement-24-March-2023.pdf
7	26/05/2023	Briefing	Advice to inform drafting to implement Cabinet decisions on strengthening legal protections for victims of family violence and sexual violence	Some information withheld under section 9(2)(a) of the Act. Some information also redacted as it is out of scope.
8	No date	Cabinet paper	Proactive release - Better Outcomes for Victims: Work Programme	Refused under s18(d) of the Act - publicly available at: Proactive-release-Better-Outcomes-for-Victims-Work-Programme_FINAL.pdf
9	11/09/2023	LEG paper	Proactive release - Better Outcomes for Victims: approvals for introducing legislation and a Government Response to Petitions Committee report	Refused under s18(d) of the Act - publicly available at: Sexual-Violence-Bill-and-Govt-Response_FINAL.pdf