



Terms of Reference: Change of Legislation

About this document

This document specifies the terms of reference for change in legislation in the Ministry of Corrective Services.

Purpose

The Ministry of Corrective Services (“the Ministry”) was established in 2018 and legally set up on the 1st of July 2019. Currently there are 3 divisions within the Ministry namely Probation, Prison and Corporate Service. Previously the divisions were separate under the Ministry of Justice before being transferred out and setup as a standalone Ministry. As such, the Ministry does not have any standalone legislation establishing or guiding it, but rather is under various pieces of legislation, including the 1967 Prisons Act, 1968 Prisons Regulations and the 1967 Criminal Justice Act (“MOCS Legislation”). The Ministry is in need of a review of the MOCS Legislation.

Outputs

No.	Output	Inputs/tasks	Due date
1	MOCS existing legislation review	Current MOCS legislation to be reviewed including seeking clarification, if need be, from MOCS management.	28th Feb 2022
2	Fit for purpose analysis from the review in output 1	Once the review of the MOCS legislation is complete, an analysis will be required to determine fit for purpose with a Cook Islands context for the new legislation.	15th March 2022



Cook Islands Activity Management
Te Tarai Vaka

No.	Output	Inputs/tasks	Due date
3	Feedback analysis	<p>Hold meetings and obtain feedback from various stakeholders including Head of Ministry, Superintendent, Prison Management, Chief Probation Officer, Probation management, Executive Officer, the Honorable Minister, NZ Corrections and any other staff/ agency.</p> <p>The consultant may hold interviews or conduct surveys, whichever is best to obtain the most relevant feedback.</p>	31 st March 2022
4	MOCS New Legislation policy drafted and submitted to MOCS HOM (Head of Ministry).	<p>Present findings and policy draft that will go to Crown law and to the MOCS HOM.</p> <p>This may also include reviewing and adhering to any policy documents from Crown law/ contracting agency as well.</p>	10 th June 2022
5	Respond to any queries or clarifications that may arise from Crown Law and/or Cabinet for which the contracting agency may need assistance in responding to.	<p>Once the Policy has been submitted to Crown Law, there maybe some follow up queries or clarifications from either Crown Law or Cabinet. The contracting agency may get in touch with the Consultant if need be, to respond to these questions. The nature of this output will be based on hourly consultations.</p>	As the need arises, up to the 30th of September 2022

The consultant has the opportunity to complete each output earlier than the due date, provided the quality of the output is not compromised in doing so.

If the consultant is unable to meet the deadline for any output, they must inform the contracting agency in writing within 10 working days.

Methodology

The consultant is free to submit their own project management methodology, but will be required to abide by the Cook Islands Government Public Sector Code of Conduct in particular to carry out their duties in a



Cook Islands Activity Management
Te Tarai Vaka

professional, transparent, participatory and culturally appropriate way. In addition, they must also operate in accordance with all Cook Islands law, regulations and procedures, particularly the Cook Islands Government Financial Policy and Procedures Manual.

Expected Competencies

It is expected that the consultant will have the following key competencies:

- Comprehensive understanding and experience of drafting a policy for legislative change.
- Competency in report writing, interviews and feedback analysis;
- Familiarity with the Cook Islands Government machinery, including governance and legislations.
- Familiarity with the Cook Islands culture and language.

Required Skills and Experience

The successful applicant(s) may have:

1. A university degree in one of the following: public or business administration, governance and/or economics;
2. Experience of at least 8+ years at a senior level in designing, implementing, monitoring or evaluating public policy/legal programmes/projects;
3. Public sector experience preferably in the Cook Islands
4. Proven consultancy experience in the Pacific would be desirable;
5. Strong communication, report writing and interpersonal skills; and

Performance Standards

Quality standards that apply and how they will be measured (optional):

Standards for Consultant

The Consultant will operate to high standards of professionalism, transparency, and demonstrate focus on capacity development where possible.

Quality of work

Quality standards will be measured by the contracting agency/steering group when appraising outputs. If necessary, internal or external specialist assistance will be sought for this purpose.

General

All Services must be provided in a professional manner and in accordance with reasonable expectations of the Cook Islands Government. In respect of implementation, suppliers must meet or exceed the applicable targets stated in the outputs table/results framework. The services will also be delivered in a manner which provides the best outcomes in terms of the Development Effectiveness criteria specified by the OECD Development Assistance Committee (DAC): relevance, efficiency, effectiveness, impact, and sustainability.



Background

The Ministry of Corrective Services is a relatively new Ministry which was recently established. One of the recommendations in previous Ministry of Justice capacity assessments and the McDermott & Matapo Report 2017, was to have proper policies and procedures. The best method to have this undertaken, is to align it with modern and robust guiding legislation. This will also assist in addressing NSDA goals for Mental Health, Gender Equality & empowering of women and youth and reoffending rates.

Brief history of the programme/activity

The change in legislation is something that has been endeavoured to be undertaken in the past and is supported by New Zealand Corrections along with our donor agency.

Relevant reports/documentation

The following documents maybe relevant for this project:

1. 1967 Prison Act
2. 1968 Prison Regulations
3. 2019 Corrective Service Act
4. 1967 Criminal Justice Act
5. McDermott & Matapo Report 2017

Issues, risks or constraints

- The consultant is unable to travel to Cook Islands or liaise with key stakeholders due to external factors – *low/medium risk*.
- The collection of specific information/data is curtailed by a third-party (e.g. gov agency unable to provide documents) – *low/medium risk*.

Governance and management

The Ministry of Corrective Services will be the primary implementation agency. This project is also in line with the Ministry Strategic Plan.

Financial Proposal

The consultant should submit a financial proposal that includes the total costs including, but not limited to, travel, insurance, housing, transportation, customs duty and/or any other expenses to be incurred in the delivery of the services (if and where applicable). For this project, the consultant must have their own equipment to provide the services such as a laptop, printer, cell phone, and own office space unless the work requires the consultant to be based at the contracting agency where required. The consultant is not entitled to claim expenses, surcharges or margins or disbursements except if otherwise agreed in advance and in writing by the Government. All costs should be shown with VAT separated.



Submission

The applicant should submit:

1. CV including the names and contact information of referees, and a cover letter that expresses their interest in this consultancy.
2. Proposal with methodology for achievement of outputs and proposed timeframes, including financial proposal (Appendix 1).
strength on this work, and financial proposal for the consultancy.



Appendix 1: Pricing Schedule for Small Scale Activities

The table below can be used for short term/small scale services

Fees	<p>The Consultant fee for the work done must be calculated on the following basis: Fixed Fee A fixed Fee of \$[] excluding VAT.</p>			
Expenses	<p>Actual and reasonable — specified expenses The Principal will pay the consultant actual and reasonable expenses incurred in delivering the services up to the total maximum amounts stated:</p>			
	Item of expense	No. of items	Cost (VAT exc)	Total max cost (VAT exc)
	[Transport]	[Vehicle hire days]	[Cost per day]	[Total cost]
	[Administrative costs, e.g. printing, telecommunications, etc.]	[Flat rate unit]	[Flat rate unit]	[Total cost]
	[Subcontractor, local support costs]	[Hours/days]	[Separate lines for individual costs]	[Total cost]
	[]	[]	[]	[]
	Total Maximum Cost (Excluding VAT)	[Total costs]		