



CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

# Annual Report

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*For the period*

1 JANUARY 2023 TO 31 DECEMBER 2023



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Publication Date 20 August 2024



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# Introduction

I am pleased to provide this Annual Report, the third of its kind. The report is intended to support public understanding of our courts and to enable public scrutiny of how they are administered. It explains the role that courts play in our society, the systems that support their work and the constraints and challenges that bear upon them. The report also describes the work underway outside the courtroom to ensure that our court system is fit for purpose for our changing society.

Openness is a fundamental requirement of any court system and is expressed through the principle of open justice. Cases are argued and decided in a public forum so that the court's processes can be seen and subjected to scrutiny (for more on open justice initiatives, see Part Four).

But the value of and need for openness extends beyond the individual cases decided. Because the courts administer justice for everyone in society, the public has a legitimate interest in who our judges and judicial officers are and how they are appointed. Information on this can be found on page 16. In addition, a list of all serving judges and judicial officers is provided on page 90.

The public also has a legitimate interest in how our courts are run, how the judiciary is supported to do their work, and how judicial leadership is addressing issues and engaging with opportunities for the courts.

This report presents the work underway by the judiciary to support the efficient and effective administration of justice through the courts. One part of the solution to improving court efficiency and effectiveness lies in technology. This year

the judiciary released the *Digital Strategy for the Courts and Tribunals of Aotearoa New Zealand*, which sets out the judiciary's objectives and guiding principles for the use of technology in the courts. It outlines how the judiciary, supported by the Ministry of Justice, will strive to capture the benefits of technology in a manner that promotes the rule of law and respects human dignity and the values that underpin the legal system.

We provide an update on some of the projects that are being implemented in accordance with the objectives and principles set out in the Digital Strategy. These include Te Au Reka—the new digital case and court management system intended to modernise the way New Zealand's courts and tribunals function. Another project is the use of audio-visual links in our courts to enable people to attend court appearances remotely, where it is appropriate to do so.

The Digital Strategy, and the projects guided by it, will play an important part in improving how accessible, efficient and effective the courts are. As the Digital Strategy states, it is essential that any technology adopted by the courts does not compromise the quality of justice administered through them.

Improving access to justice by improving the courts' processes is a priority for the judiciary. The report describes some of the barriers that people encounter when accessing our justice system, and the work being done to address these (page 68). At pages 38-39 you can read about Te Ao Mārama, the model of justice being developed in the District Court. Te Ao Mārama has two basic concepts—to ensure that everyone who engages with the court system can fully participate and understand the proceedings that affect them; and to use the opportunity of a court appearance to identify and address the circumstances that have led to a person's offending, or the conflict that brings the participants to court.

Achieving these two objectives requires more than the resources available to the courts. For that reason, the model of Te Ao Mārama builds important links between the court, and community and government agencies to ensure better long-term outcomes for offenders and the community.

The Rules Committee's *Improving Access to Civil Justice* report is another of the initiatives aimed at improving the courts' processes. The report recommends to government an increase in the Dispute Tribunal's jurisdiction and identifies steps that can be taken to revive the District Court's civil jurisdiction—see page 68.

Looking beyond our shores, the New Zealand judiciary has a strong tradition of supporting the rule of law in our region. There are longstanding arrangements for the provision of New Zealand judges to support Pacific courts—for example, serving judges on Te Kooti Whenua Māori sit in the Cook Islands High Court (land division). In addition, New Zealand judges have been involved in mentoring and judicial education in the Pacific for many years. These strong connections provide opportunities for our courts to learn from each other. Part Five includes a report of a delegation led by the Chief District Court Judge to Samoa to learn how Samoan culture is incorporated into court operations there. The information gathered on that visit will help the District Court shape culturally-responsive court practices in areas with large Samoan communities.

Building on this tradition is the work of the Pacific Justice Sector Programme (PJSP), a programme delivered by Te Kura Kaiwhakawa | Institute of Judicial Studies and funded by the Ministry

of Foreign Affairs and Trade. The programme supports the Chief Justices and courts of 15 Pacific nations to strengthen access to justice. Part Five of this report also outlines PJSP's areas of focus for 2023.

I conclude by expressing, on behalf of my fellow heads of bench, our appreciation to all those who support the operation of the courts and the administration of justice. It is through the work of many people and many agencies that in excess of a million court events were held last year. We are grateful to the Ministry of Justice as our partner in the administration of justice, to the legal profession, to iwi and community agencies who are working with us in new ways as we embed Te Ao Mārama. And finally, as the head of the judiciary, I am grateful to lead a cohort of able and skilled judges and judicial officers committed to the work of delivering justice for Aotearoa New Zealand.



**Helen Winkelmann**  
Chief Justice | Te Tumu Whakawā



**PART ONE**

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# The judicial branch of government

# Judicial leadership

The Chief Justice is the head of the judiciary and judicial branch of government. She is the principal spokesperson for the judiciary and the principal point of interface between the judiciary and the executive branch of government.

The Chief Justice is ultimately responsible under the Senior Courts Act 2016 for the orderly and efficient conduct of the business of the High Court, Court of Appeal and Supreme Court.

All courts within New Zealand's court system are headed by a chief judge who has statutory responsibility for the business of their court or courts. The District Court, covering criminal and civil jurisdictions, has three other divisions: Family, Youth and Disputes. The Family and Youth Courts are headed by a Principal Judge. The Disputes Tribunal is headed by the Principal Disputes Referee.



## Heads of bench as at 31 December 2023 were:



**Chief Justice Helen Winkelmann**  
Chief Justice and head of the Supreme Court



**Chief Judge Heemi Taumaunu**  
Chief District Court Judge



**Chief Judge Caren Fox**  
Chief Judge of the Māori Land Court  
Judge Fox was formally appointed Chief Judge on 19 July 2023. She served as Acting Chief Judge from 30 April 2023, following Chief Judge Wilson Isaac's retirement from the bench.



**Justice Mark Cooper**  
President of the Court of Appeal



**Judge Jacquelyn Moran**  
Principal Family Court Judge



**Chief Judge Christina Inglis**  
Chief Judge of the Employment Court



**Justice Sally Fitzgerald**  
Chief High Court Judge  
Justice Fitzgerald was appointed Chief High Court Judge on 20 December 2023, taking over from Justice Susan Thomas who was appointed as a judge of the Court of Appeal.



**Judge Ida Malosi**  
Principal Youth Court Judge



**Chief Judge David Kirkpatrick**  
Chief Environment Court Judge





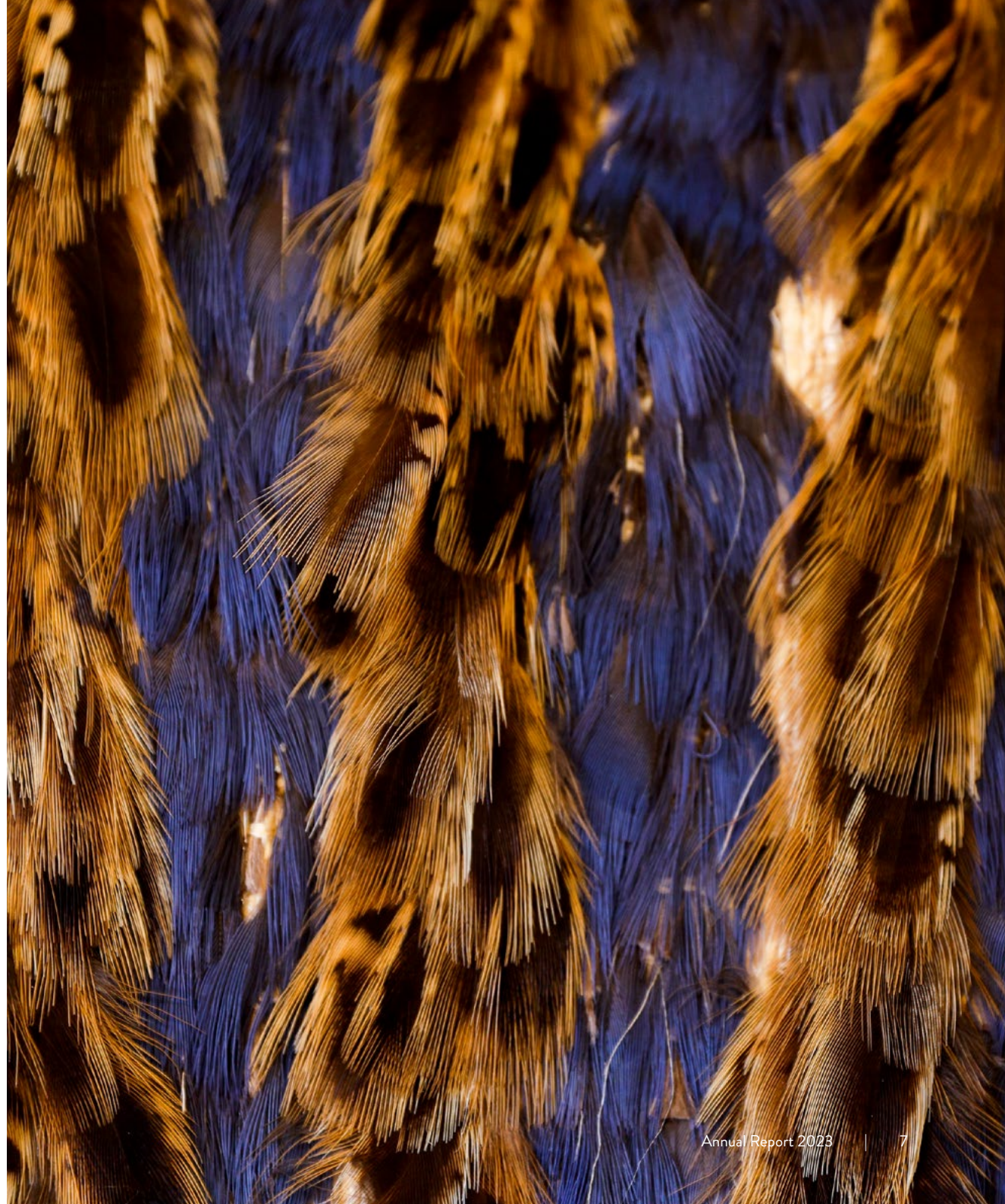
**Judge Anna Tutton**  
Chief Coroner



**Chief Judge Kevin Riordan**  
Chief Judge of the Court  
Martial and Judge Advocate  
General of the Armed Forces  
of New Zealand



**Janet Robertshaw**  
Principal Disputes Referee  
Ms Robertshaw joined the  
Heads of Bench Committee on  
3 August. She is the head of the  
Disputes Tribunal, a division of  
the District Court.





# Improving delivery of justice: Judicial committees and work programmes

Judges, in addition to their core roles, are also directly involved with planning and delivering initiatives to improve the operation of the courts, access to justice, and the administration of justice. They do this through a range of judicial committees, supported by a small, dedicated team of staff.

Committees also enable the judiciary and the Ministry of Justice to give effect to their shared responsibilities as set out in the [Statement of Principles](#). Some committees operate entirely on the judicial side of the partnership, while others are joint committees with the Ministry of Justice.

Throughout this report you will see the work of these committees reported under various initiatives. For a summary of the most significant committees and their 2023 achievements see Appendix 2.

## Heads of Bench Committee

The Heads of Bench Committee is the key decision-making body for the judicial branch of government in relation to matters of judicial administration. Chaired by the Chief Justice, the committee is made up of the chief and principal judges of each of the courts and supported by senior judicial office officials. Its focus is to identify and support initiatives that enable the effective operation of the courts.

In August 2023 the Chief Justice invited the Principal Disputes Referee to join the Heads of Bench Committee. The Disputes Tribunal is a division of the District Court which enables low-cost access to civil justice.

Some areas the heads of bench oversee include:

- » continuing education and development support for New Zealand judges and judicial officers
- » judicial wellbeing
- » the development of proposals to improve efficiency across the court system and input into transformative projects including Te Au Reka, Te Ao Mārama, the *Digital Strategy for the Courts and Tribunals of Aotearoa New Zealand* and the Rules Committee civil justice reforms
- » the relationship with, and support provided to the courts by, the Ministry of Justice, and the development and delivery of a shared work programme with the Ministry spanning areas of common interest such as property, security, health and safety, and IT
- » responding to the emerging issues of the day and any unforeseen events such as the impact of extreme weather on the operation of the courts.

## The judiciary and the Ministry of Justice: Sharing responsibility for court administration

The judiciary and the Ministry of Justice share responsibility for the administration of the courts. The Ministry of Justice provides courthouses, staff, technology and all other operating systems necessary to support the operation of the courts. Although registry staff are employed by the Ministry of Justice, the judiciary is responsible for the direction and supervision of those staff in relation to the business of the courts.

The Ministry of Justice, as a core government department, is part of the executive branch of government, separate to the judicial branch of government. Maintaining this separation of powers and the independence of the judiciary is fundamental to our constitutional system. The basic framework and principles that underpin this mixed model of courts administration are set out in the *Statement of Principles observed by the Judiciary and Ministry of Justice in the Administration of the Courts* reproduced in **Appendix 1**.

This model must operate in a way that both supports the independence of the judiciary and ensures the best use of public funds to ensure the courts' safe and effective operation.

The judiciary and Ministry take a partnership approach to planning for the courts. The Courts Strategic Partnership Group (CSPG) is the critical formal interface between the Ministry of Justice and the judiciary, providing a forum where senior judges and senior Ministry leaders work together with a commitment to building an effective partnership.

The CSPG has identified five priority areas to advance access to justice and the efficiency of the courts. The five focus areas and the projects that support them are as follows.

- » **Te Ao Mārama**—an operating model for the District Court that draws together evidence-based justice practices already operating in solutions-focused courts in New Zealand and other jurisdictions. This year, the District Court released the *Te Ao Mārama Best Practice Framework* (see page 38).
- » **The Digital Strategy for Courts and Tribunals of Aotearoa New Zealand**—launched in March, the Strategy sets out the judiciary’s objectives and guiding principles for use of technology in the courts, including digital case and court management, use of technology to enable remote attendance, and artificial intelligence (see page 59). The Ministry of Justice has agreed to report annually against the strategy’s objectives. The first report was provided in November.

- » **Te Au Reka**—a digital system for case management and for creating and maintaining the court record and court files. Te Au Reka is an important first step in the modernisation of technology to support the court system. It will be first introduced in the Family Court (currently estimated for the 2025/2026 financial year). (See page 61).
- » **Innovative courthouses**—The Innovative Courts building programme aims to ensure that new facilities better serve the needs of New Zealand today and in the future, providing safe spaces for those who come into the courthouse and those who work there. It is intended that these new facilities enable work to be done efficiently and provide space for the community and government agencies who support the work of the courts.

Designs for new court buildings in both Tauranga Moana and Whanganui are in development. These projects are overseen by the Innovative Court Design Portfolio Advisory Board whose members include the Chief Victims Advisor.

- » **Access to justice and reform of the civil jurisdiction.** Projects include:
  - Rules Committee: Response to the *Improving Access to Civil Justice* report
  - Wayfinding for Civil Justice Strategy
  - Access to Justice Legal Needs Survey
  - *Expressed Legal Need in Aotearoa: From Problems to Solutions* report
  - Interpreters service development.

These projects are described in more detail at pages 68-71.

## Support for the judicial branch of government

Two offices provide institutional support to the heads of bench to enable the judiciary to function as an independent branch of government—the Office of the Chief Justice | Te Tari Toko i te Tumu Whakawā and the Office of the Chief District Court Judge | Te Whare o Ngā Kaihautū o te Waka o Te Kōti-ā-Rohe.

The Office of the Chief Justice (Te Tari) ensures the systems and supports are in place to enable judges of the senior courts to perform their judicial duties. Almost three-quarters of the staff of Te Tari work in courthouses, directly supporting senior court judges in their judicial work (judicial research clerks, and associates who provide administrative assistance). The balance of Te Tari personnel provide independent advisory, legal, governance, administrative, educational, communications and operational support for:

- » the Chief Justice, as the head of the judiciary, of the Supreme Court, and in her capacity as Chief Justice of Tokelau;

- » the President of the Court of Appeal and the Chief High Court Judge, in the operation of their respective courts;
- » all heads of bench in the unified administration of the judicial branch of government (primarily via the Heads of Bench Committee);
- » all judges and judicial officers of New Zealand’s courts, through the provision of administrative systems;
- » all judges through the development of bench books and the ongoing training and education programmes delivered by the Te Kura Kaiwhakawā | Institute of Judicial Studies (see page 27 and page 28); and
- » judges and judicial officers throughout the Pacific, through the Pacific Justice Sector Programme (see page 77).

The Office of the Chief District Court Judge provides administrative, advisory, operational and strategic support to the District Court Judicial Leadership Team—which is made up of the Chief District Court Judge, the Principal Youth Court Judge, the Principal Family Court Judge and the National Executive Judge. This support assists them to lead their benches and undertake their statutory and non-statutory functions for the administration of the District Court to deliver timely, impartial and open justice.

Both offices put forward the views of the judiciary and advance judicial priorities and initiatives with the Ministry of Justice and other government agencies that support the courts as required.



**ABOVE:** Chief Justice Helen Winkelmann enters Parliament House for the Commission Opening of Parliament in December.

# Relationships with the executive and Parliament

It is essential to the stable and effective operation of the courts that the three branches of government—the legislature, the executive, and the judicial branches—can communicate effectively on matters of judicial administration. There are a number of ways that this happens.

The Chief Justice meets regularly with the Attorney-General to discuss judicial appointments. As the senior law officer of the Crown, the Attorney-General also acts as the bridge between the judiciary and both the executive and the legislature.<sup>1</sup>

For the first time, in November 2023—following the formation of the new government—the Chief Justice prepared a memorandum for the incoming Attorney-General covering matters of common interest relating to promoting access to justice and strengthening the rule of law through efficient and effective courts and a well-functioning judiciary.<sup>2</sup> Abridged versions of this document were also provided to the Minister of Justice and the Minister for Courts.

In recent years, the Attorney-General has facilitated an annual meeting between the Prime Minister and the Chief Justice in their capacity as heads of branches of government. In 2023 the meeting took place in December.

The Chief Justice engages with Ministers of the Crown (the Minister of Justice and the Minister for Courts), parliamentarians and public servants on issues of relevance to the courts and the judiciary. These engagements are governed by long-held conventions that protect the separation of powers—the idea that each branch of government should have separate, independent powers and responsibilities and act as a check and balance on the power of the other branches. The Chief Justice and members of the executive and legislature ensure that the roles and

1 For an explanation on the three branches of government—Parliament, the executive and the judiciary, see [Branches of Government—Courts of New Zealand \(courtsfnz.govt.nz\)](#).

2 [Memorandum to incoming Attorney-General \(2023\)](#). This memorandum was published with minor redactions in March 2024.

responsibilities of each branch of government are respected and, in particular, that the judiciary maintains its neutrality on political issues and that the judiciary's independence is respected.

The Chief Justice and the Minister of Justice meet regularly to discuss high-level policy matters to do with improving the courts such as the availability of legal aid, Family Court reforms and Te Ao Mārama. In May, the Chief Justice wrote to the Attorney-General requesting express mention of the role of the courts in the Treasury's Living Standards Framework<sup>3</sup> to ensure that the unique role of the courts is appropriately conveyed.

### OPENING OF PARLIAMENT 2023

Following the formation of the new Government, the Commission Opening and State Opening of Parliament took place in December 2023. The Chief Justice and senior judges attended both ceremonies.

The Chief Justice, President of the Court of Appeal Justice Cooper and Chief High Court Judge Justice Thomas, were appointed by the Governor-General to act on her behalf to declare Parliament open. As Commissioners, the Judges were escorted to and from Parliament by the Sheriff of the High Court. The following day, the Governor-General, on behalf of the King, read the Speech from the Throne, with the Chief Justice and eleven judges attending the ceremony.



<sup>3</sup> Treasury uses the Living Standards Framework to understand the drivers of wellbeing when providing policy advice—including the role that institutions play in that.



## JUDICIAL ENGAGEMENT WITH POLICY FORMATION

There is a well-established convention that the judiciary should not interfere, or be seen to seek to interfere, with executive policy-making or parliamentary law-making. This reflects the separation of powers between the three branches of government. However, it is consistent with this convention for the judiciary to comment on proposed legislation that may affect the operation of the courts, the independence of the judiciary, the rule of law, or the administration of justice. The range of topics considered is listed at page 85.

The Chief Justice may make a submission to a select committee on a Bill where it is appropriate to do so consistent with the conventions described above. This is rarely done. In 2023, the Chief Justice made an in-person submission with respect to the Natural and Built Environment Bill, relating to the implications of the legislation for the Environment Court.<sup>4</sup> She did so at the invitation of the Chair of the Environment Committee.

## MAINTAINING THE REGULATORY SYSTEM: REGULATORY SYSTEMS (JUSTICE) AMENDMENT BILL

Like all government departments, the Ministry of Justice is responsible for ensuring the legislation it administers is up to date and fit for purpose. To fulfil this regulatory stewardship role, the Ministry has begun a cyclical legislative process for making amendments to primary legislation via a package of regulatory systems amendment bills to deliver non-controversial amendments that support continuous improvement, repair, and maintenance of justice regulatory systems.

In June, the judiciary was invited to propose amendments for inclusion in the first justice-related Regulatory Systems Bill, which will include amendments relating to courts and tribunals. The Legislation and Law Reform Committee facilitated judicial proposals, collating and reviewing them for consistency with the scope of regulatory systems bills before submitting them to the Ministry of Justice. Work on the Bill will continue in 2024.

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4 Chief Justice Helen Winkelmann's Select Committee submission on the Natural and Built Environment Bill (2023).



## DECLARATIONS OF INCONSISTENCY UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990

All the branches of government are bound by the New Zealand Bill of Rights Act 1990. The courts must give legislation, to the extent it can be, a meaning consistent with the rights that are affirmed in the New Zealand Bill of Rights Act.<sup>5</sup>

Unlike in other countries, New Zealand courts have no power to invalidate legislation. When legislation cannot be given a meaning that is consistent with the affirmed rights, the courts have the power to declare the legislation inconsistent with the New Zealand Bill of Rights Act. Parliament has standing orders that enable it to respond to such a declaration. A declaration of inconsistency by a senior court does not tell Parliament what to do as a consequence—Parliament has its own processes for that. Where a declaration of inconsistency is made, the Act requires the Attorney-General to notify Parliament. Once the House has been informed about, considered and, if it thinks fit, responded to a declaration of inconsistency, the executive can then consider its approach to initiating legislative change to remedy the inconsistency.<sup>6</sup>

<sup>5</sup> New Zealand Bill of Rights Act 1990, s 6.

<sup>6</sup> [New Zealand Bill of Rights \(Declarations of Inconsistency\) Amendment Bill 2020 \(230–1\) \(Explanatory note\) at 2.](#)



ABOVE: Parliament House.

In 2022 the Supreme Court made a declaration of inconsistency in *Make it 16 Incorporated v Attorney-General* [2022] NZSC 134. The Court determined that the provisions of the Electoral Act and of the Local Electoral Act which set a minimum voting age of 18 years are inconsistent with the right in s 19 of the

New Zealand Bill of Rights Act to be free from discrimination on the basis of age and that these inconsistencies had not been justified in terms of s 5 of the New Zealand Bill of Rights Act.

It is for Parliament to decide whether to change the law and, if so, in what way.



**ABOVE:** Justice Paul Radich's swearing-in ceremony at the Wellington Old High Court in April. Wellington High Court manager Jane Penney and Court Registry Officer Nathan Thatcher are in the foreground.

# The judges

## How judges are appointed

### THE SELECTION PROCESS

Judges and judicial officers are generally appointed by the Governor-General who acts on the advice of the Attorney-General. The Attorney-General consults with the Chief Justice for appointments to the senior courts, and with the relevant head of bench for appointments to other courts.

There are protocols setting out the process and criteria for appointment to the High Court and the District Court.

- » [Judicial Appointments Protocol—Senior Courts;](#)
- » [Judicial Appointments Information Booklet—District Court; and](#)
- » [Information on Statutory Vacancies \(Ministry of Justice\).](#)

For appointment of the Chief Justice, the Governor General acts on the advice of the Prime Minister. For the appointment of Environment Court judges, the Attorney-General is required to consult with both the Minister for the Environment and the Minister for Māori Development before advising the Governor-General. Appointments to the Māori Land Court and the Māori Appellate Court are made by the Minister of Māori Affairs after consultation with the Attorney-General. Appointments to the Coroners Court are made by the Governor-General on the advice of the Attorney-General, after consultation with the Minister of Justice.

## QUALITIES OF A JUDGE

The Judicial Appointments Protocol provides clearly defined criteria for assessing whether a person is suitable for judicial appointment. These criteria cover legal ability, qualities of character (including personal honesty and integrity, open-mindedness, impartiality, courtesy and social sensitivity), personal technical skills (such as effective oral communication, mental agility and time management and organisational skills), and reflection of society (the quality of being a person who is aware of, and sensitive to, the diversity of modern New Zealand society).



**ABOVE:** Judge Jonathan Moses speaking at the swearing-in ceremony of Justice Andrew Becroft. Former District Court Judge and Principal Youth Court Judge, Justice Becroft was appointed to the High Court in May.



**ABOVE:** Judge Alana Thomas, centre, was sworn in as a judge of Te Kooti Whenua Māori | Māori Land Court at a ceremony at Whitiara Marae in May. With Judge Carrie Wainwright, left, and Chief Judge Caren Fox, right.

## RECOGNISING PREVIOUS PROFESSIONAL AND PERSONAL EXPERIENCE IN JUDICIAL APPLICANTS

Recent changes to the application process ensure that consideration is given to an applicant's previous professional and personal experience, including information about previous service to the community and commitment to access to justice.

The expression of interest form that is filled in by anyone nominating a candidate for, or expressing interest in, appointment to the bench contains specific questions about language and cultural knowledge, life experience, past involvement in access to justice initiatives, and in teaching and learning in the field of legal or judicial education. An example is the High Court judge expression of interest form.

- » [Expression of Interest High Court Judge 2022 \(justice.govt.nz\)](https://www.justice.govt.nz).

## THE APPOINTMENT POOL: WORK BEING DONE TOWARDS A MORE DIVERSE JUDICIARY

Work continues to ensure the New Zealand judiciary reflects the community it serves. Although final responsibility for judicial appointments rests with the executive, the judiciary recognises a responsibility to highlight the importance of diversity in appointments, and to encourage lawyers from a diverse range of backgrounds to seek judicial appointment.

The New Zealand Law Society | Te Kāhui Ture o Aotearoa reports annually to its members about the demographics of the profession,<sup>7</sup> and these reports indicate that the profession is increasing in diversity in the younger ranks. Lawyers with less than seven years post-admission experience are more likely to identify as Māori, Pasifika or Asian than their more experienced colleagues, and the numbers have increased since 2022. In 2023, the results for lawyers with less than 7 years post-admission experience showed the percentage of:

- » Asian lawyers (those identifying as Chinese, Indian, southeast Asian, or other Asian) rose from 16.2% in 2022 to 22.7% of the cohort
- » Māori lawyers increased from 9.7% to 12.1%
- » Pacific lawyers (identifying as Cook Island Māori, Fijian, Niuean, Samoan, Tokelauan, Tongan, or other Pacific Peoples) increased from 4.3% in 2022 to 6.4%.

This bodes well for the future diversity of the legal profession and judiciary.

Increasing diversity in the profession is also reflected in the growing numbers of lawyers who speak another language alongside English. There has been a 38 percent increase in the number of te reo Māori-speaking lawyers since 2022 and a 45 percent increase in Mandarin speakers. Other languages to see a marked increase include French, Hindi, Korean, New Zealand Sign Language, Spanish, German, Afrikaans, Cantonese, Samoan and Urdu.<sup>8</sup>

But for now, challenges to achieving a fully representative profession, and therefore judiciary, remain. For example, although in 2023 women made up 55.4 percent of the legal profession, achieving gender-equality in the senior tiers of the profession (and consequently readiness to join the judiciary) remains a work in progress.

Some law firms and chambers are supporting initiatives to increase diversity in the profession – for example by providing scholarships and mentorships to support students who may otherwise not have pursued a career in law.<sup>9</sup> Others promote diversity and inclusion initiatives to attract and keep women and diverse candidates to and in their firms.<sup>10</sup> These initiatives to bring and retain a greater diversity of people, thought and experience into the profession are to be commended.

## CELEBRATING 150 YEARS OF LEGAL EDUCATION

The University of Otago Law Faculty, the oldest law school in the country, celebrated its 150th anniversary in April 2023. As part of the festivities and events, former students Justices Christine French, Forrie Miller and Sarah Katz shared their experiences and engaged in a question-and-answer session with second year and Honours students at the law school.

In July, the University of Canterbury law school also celebrated its 150th anniversary. The Chief Justice gave a public lecture in Christchurch to celebrate that event issuing a challenge to educate a legal profession fit for the next 150 years including by teaching law and skills that will meet legal need in the community and understanding how the law, and the work of lawyers, operates within a broader justice system and broader society.<sup>11</sup>

8 Marianne Burt and Jacqui Van Der Kaay “Snapshot of the Profession” (2023). These numbers may also, in part, be attributed to improved data collection, particularly related to new lawyers.

9 Some examples of promoting law to students include **Meredith Connell** [Community focus | Meredith Connell \(mc.co.nz\)](https://www.meredithconnell.com/) – Te Kuhunga programme provides school visits, office visits, university open days, scholarships and university mentoring. This programme is delivered in conjunction with **Gilbert Walker** and **Shortland Chambers**.

**Simpson Grierson** (<https://www.simpsongrierson.com/community/>) works with Waikato-Tainui, Ngāi Tahu, and TupuToa to support Māori and Pasefika students. It also has a weekly mentoring programme at Ōrākei School for Year 8 pupils. In addition, it collaborates with Youthline to improve leadership and personal skills in young people.

**Chapman Tripp** (<https://graduates.chapmantripp.com/who-we-are/community/>) sponsors initiatives or activities in the legal field that support a diverse range of law students interested in commercial law. It engages with 22 societies, such as Pride in Law, Women in Law, Law for Change, Asian Law Students’ Association, Pacific Island Law Students’ Association, and many Māori law societies.

**Minter Ellison Rudd Watts** (<https://www.minterellison.co.nz/about/diversity-and-inclusion/>) offers students fully paid internships and employment opportunities during their tertiary studies. It has some initiatives for improving diversity, such as mentoring programmes at Kelston Girls’ College.

10 One example is **DLA Piper** (<https://www.dlapiper.com/en-nz/locations/new-zealand>) which set up a diversity and inclusion steering committee in 2017. The committee promotes an inclusive work environment for all, flexible working and workplace agility, cross-generational understanding, and inclusivity of all races and cultures.

11 Keep Running Up That Hill: The Challenge of Educating a Legal Profession Fit for the Next 150 Years.



**LEFT:** Behind the curtain. Toilolo Leilani Taula, Crown Prosecutor at Kayes Fletcher Walker, shared her experience as a new lawyer working in court.

**ENCOURAGING INCLUSION,  
IDENTIFYING BARRIERS**

*“I have no doubt that we’re missing out on seeing some truly excellent lawyers in our courts because they see court as an alien environment, that is unforgiving of inexperience... The aim of these sessions is to break down that barrier, so that more people can see themselves comfortably undertaking court work.”*

— Chief Judge Christina Inglis.

In December, Te Awa Tuia Tangata | the Judicial Diversity Committee ran an initiative called ‘*What is really behind the curtain*’, aimed at giving students and inexperienced practitioners an opportunity to experience being, and speaking, in court. Hosted by Chief Employment Court Judge Christina Inglis and Employment Court Judge Merepaia King (who were joined by a prosecutor from the Manukau Crown Solicitor’s office, a King’s Counsel and experienced court staff) the event saw more than 50 people take part. They were given the opportunity to have their appearances taken in front of a judge, be sworn/affirmed as witnesses, to hear about different paths in a legal career, and to ask questions in the concluding discussion.

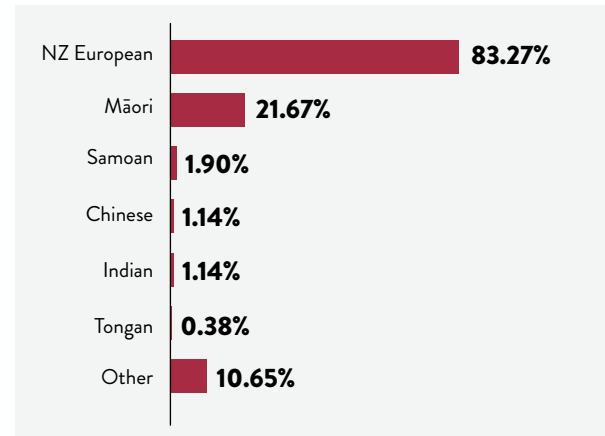
The judiciary also engages with law schools to support initiatives encouraging the education of a diverse range of law students, and with the profession to encourage practitioners to undertake a broad range of work to equip them for the judiciary.



# Judicial diversity survey<sup>1</sup>

## ETHNICITY AND GEOGRAPHY

### Respondents identified with these ethnicities:

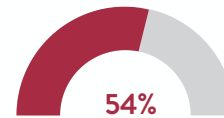


### Origins

- 29** immigrated to NZ
- 40** have one parent who immigrated to NZ
- 28** have two parents who immigrated to NZ

## RELIGION

**54%** said they identified with a religion, the majority of them are Christian.<sup>2</sup>



## FAMILY BACKGROUND

This is used as an indicator of socio economic background.



**18%** have two parents who did not finish secondary school



**17.5%** have one parent who did not finish secondary school



**30%** have two parents who were not university educated

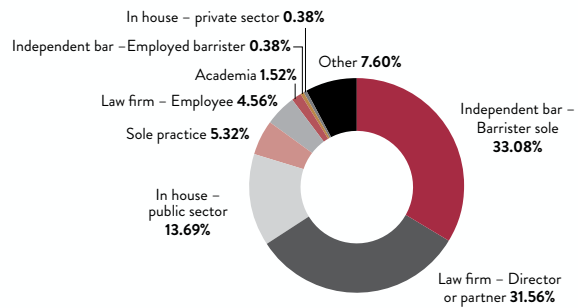
*These graphs represent statistics from all courts.*

- 1 258 out of 310 judges and judicial officers responded to the survey.
- 2 The wording of this survey question changed from previous surveys from "practising" a religion to "identifying with" a religion.

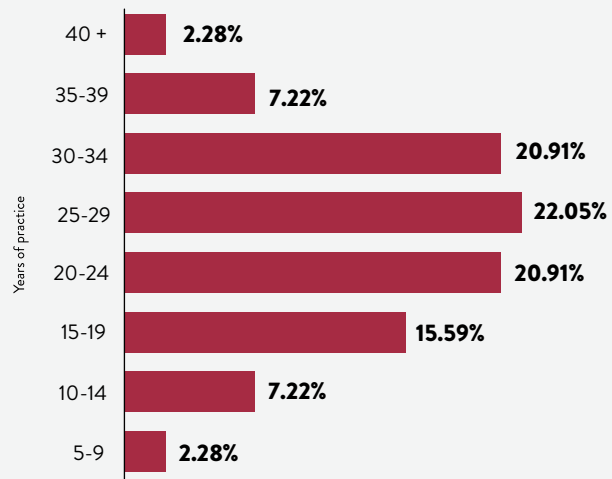
## PROFESSIONAL BACKGROUND

### Practice areas immediately before judicial appointment:

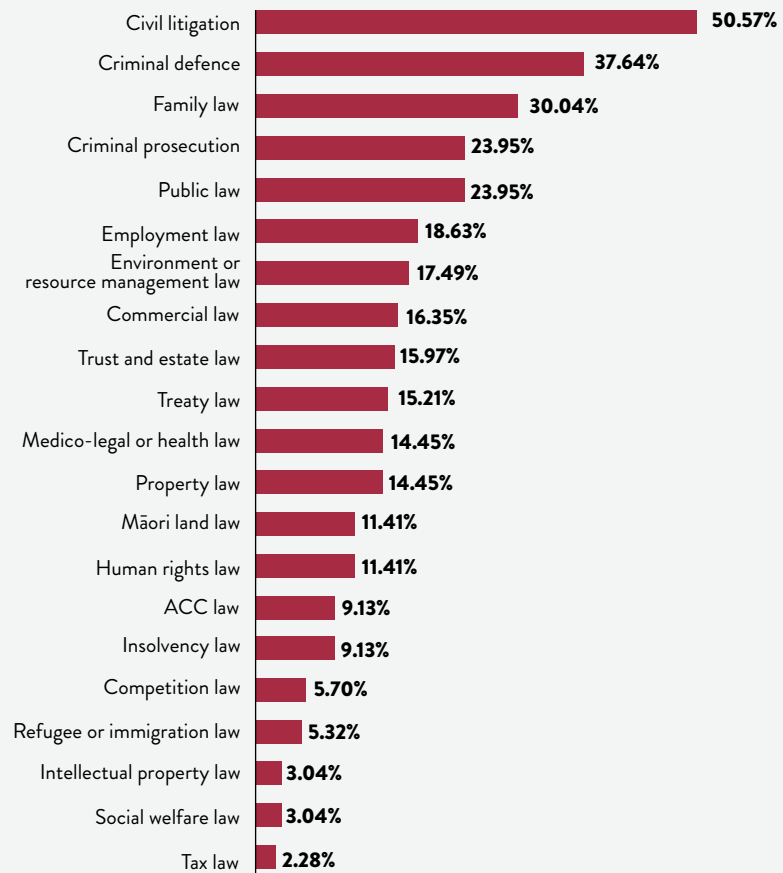
Judges who used to work at Crown Law, Public Defence Service and Police Prosecution Service are categorised as In-house lawyers.



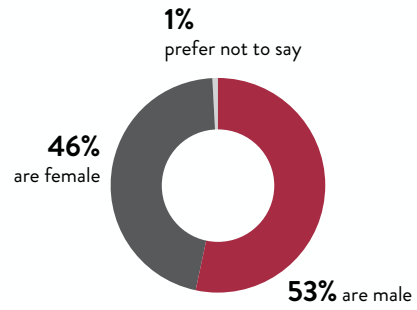
### Post qualification experience of judge and judicial officers:



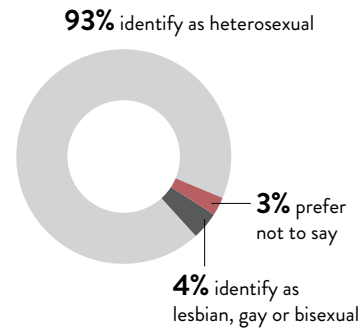
### Judges' areas of practice before judicial appointment:



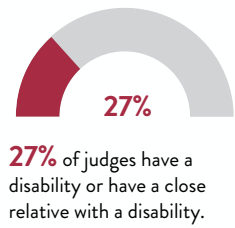
## GENDER



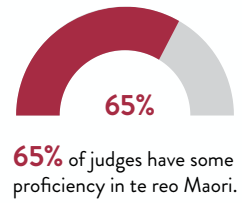
## SEXUALITY



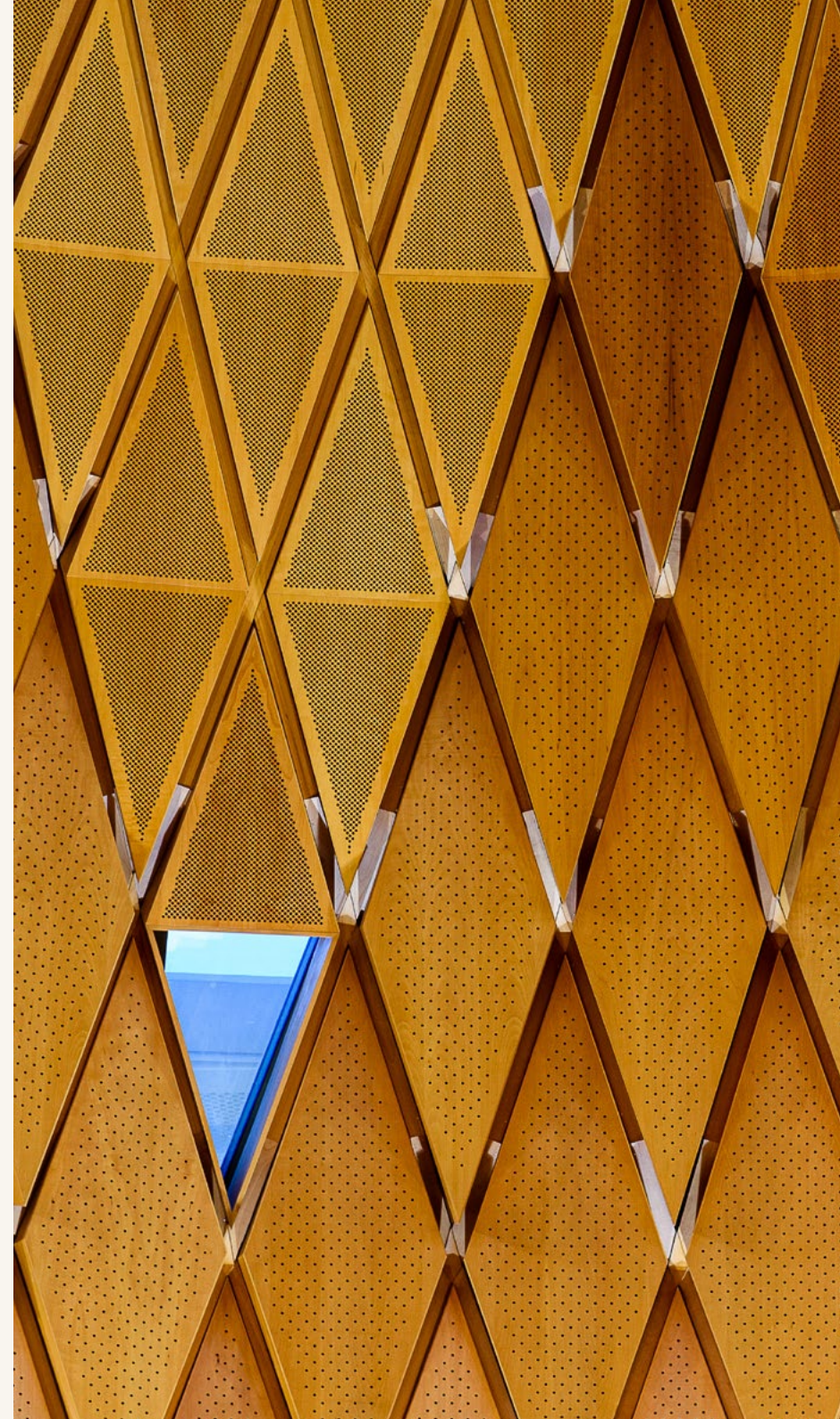
## DISABILITY



## LANGUAGE



*These graphs represent statistics from all courts.*





## Judicial workforce

A list of all sitting judges and judicial officers for the period reviewed can be found in **Appendix 3**. Judges who retired during the period are listed in **Appendix 4**.

As at 31 December 2023 there were 262 permanent judges and associate judges, 48 acting judges and more than 241<sup>12</sup> judicial officers presiding in New Zealand’s court system.<sup>13</sup> The numbers by court are as follows:

<b>Supreme Court   Te Kōti Mana Nui</b>	Six judges One acting judge
<b>Court of Appeal   Te Kōti Pira</b>	Ten judges One acting judge
<b>High Court   Te Kōti Matua</b>	39 judges Five acting judges Eight associate judges <sup>14</sup>
<b>District Court   Te Kōti-ā-Rohe</b>	169 judges <sup>15</sup> 37 acting warranted judges 20 community magistrates Approximately 170 judicial justices of the peace (JJP)

<b>Te Kooti Whenua Māori   Māori Land Court and Te Kooti Pira Māori   Māori Appellate Court</b>	13 judges One acting judge
<b>Employment Court   Te Kōti Take Mahi</b>	Five judges One acting judge
<b>Environment Court   Te Kōti Taiao</b>	Eight judges 14 alternate judges <sup>16</sup> 12 environment commissioners Three deputy environment commissioners
<b>Coroners Court   Te Kōti Kaitirotiro Matewhawhati</b>	22 coroners <sup>17</sup> Eight relief coroners <sup>18</sup> Seven associate coroners
<b>Court Martial   Te Kōti Whakawā Kaimahi o Te Ope Kātua</b>	Ten judges <sup>19</sup>
<b>Court Martial Appeal Court   Te Kōti Pira Whakawā Kaimahi O Te Ope Kātua</b>	Three appointed judges <sup>20</sup>

12 Judicial officers are made up of 71 community magistrates, environment commissioners and deputy commissioners, coroners, relief coroners and associate coroners, and over 170 judicial justices of the peace.

13 Some judges and judicial officers hold more than one position or sit in more than one court.

14 One associate judge is currently appointed as full-time as Chair of the Independent Police Conduct Authority | Mana Whanonga Pirihimana Motuhake.

15 Including judges on secondment or performing special roles (such as Children’s Commissioner or Chief Coroner) but excluding Environment Court judges.

16 Alternate judge is the terminology used in the Resource Management Act for “acting judge”. Alternate judges are either retired Environment Court judges or serving judges of the District Court or Māori Land Court. Alternate judges who are retired Environment Court judges generally serve in a full-time capacity, whereas alternate judges who are serving judges of the District Court or Māori Land Court sit only on select cases.

17 During 2022, the cap in the Coroners Act 2006 was raised from 20 to 22—see s 109(2)(a).

18 Relief coroners perform the same role and function as coroners. They have a fixed-term warrant and may work either full or part time. Associate coroners hold a fixed-term warrant and do not have the power to hold an inquest.

19 Only the Chief Judge sits full-time in the Court Martial. The Deputy Chief Judge and all other judges are District Court Judges who sit on an as-required basis.

20 Appointed judges are practising lawyers or retired High Court judges, who sit in this court on an as-required basis. All judges of the High Court are also judges of the Court Martial Appeal Court. The Court sits as a panel of three, with at least one appointed judge.

## JUDICIAL APPOINTMENTS IN 2023

There were 46 new appointments to the judiciary in 2023. Notably this includes seven appointments to the newly established associate coroner role and the recruitment of eight community magistrates.

It was an extraordinary year for retirements from the senior courts. Appointments were made to cover ten retirements and one appointment to a statutory position.

COURT	New judges and judicial officers appointed by bench (excluding elevations)
<b>High Court</b>	Six judges One associate judge
<b>District Court</b>	15 judges Eight community magistrates
<b>Māori Land Court</b>	One judge
<b>Employment Court</b>	One judge
<b>Environment Court</b>	Two judges
<b>Coroners Court</b>	Five relief coroners Seven associate coroners

## ACTING JUDGES

Acting judges are typically judges who have reached the mandatory age of retirement for judges (70) and have been granted an acting warrant to continue on the bench. They play a crucial part in the continued operation of the courts and have been fundamental to the ability of the courts to tackle backlogs related to COVID-19. During the year, 21 judges and judicial officers reached the mandatory retirement age. Fifteen of those judges and judicial officers continued to support the courts after they reached mandatory retirement age in an acting warranted capacity.

COURT	Acting warrant taken up during 2023	Acting warrant concluded during 2023
<b>Supreme Court</b>	Nil	Nil
<b>Court of Appeal</b>	1	1
<b>High Court</b>	5 judges	3 judges
<b>District Court</b>	9 judges	9 judges
<b>Māori Land Court</b>	1	Nil
<b>Employment Court</b>	Nil	Nil
<b>Environment Court</b>	Nil	Nil
<b>Coroners Court</b>	Nil	Nil
<b>Totals</b>	16	13

## APPOINTMENTS TO THE HIGH COURT IN 2023

It was a year of change for the High Court bench. The High Court welcomed new Chief High Court Judge, Justice Sally Fitzgerald, in December, following the appointment of former Chief High Court Judge, Justice Susan Thomas, to the Court of Appeal.

From a bench of 47, eight judges retired, two were appointed to the Court of Appeal, and two more appointments to the Court of Appeal were announced (to take effect in early 2024).<sup>21</sup> One new associate High Court judge and seven new High Court judges were appointed in 2023. To enable the Court to respond to the increased workload caused by COVID-19 related disruptions, five retiring judges were made acting High Court judges.<sup>22</sup>

- 
- 21 Justices Christine Gordon, Ailsa Duffy, Ed Wylie, Jan-Marie Doogue, Anne Hinton, Rob Osborne, Simon Moore and Helen Cull all retired in 2023. Justice Jill Mallon was appointed to the Court of Appeal in March and Justice Susan Thomas was appointed in December. The appointments of Justice Rebecca Ellis and Justice Francis Cooke to the Court of Appeal were announced in December; these will take effect in mid-January and mid-March 2024 respectively.
- 22 One retiring High Court Judge (Justice Wylie) was appointed as an acting Court of Appeal judge.





**LEFT:** This is a detail of an artwork by Robert Jahuke that was commissioned by the Department of Justice in 1992. It is located in the Wellington High Court.

## Judicial wellbeing

Judges manage heavy workloads and are responsible for making decisions that have considerable impact on people's lives. In the course of their daily work, many judges are exposed to distressing material, and are responsible for resolving traumatic and high-conflict situations. Their work can therefore be stressful. In recent years, that stress has been exacerbated by the disruption of COVID-19 and extreme weather events which created both difficult working circumstances and added workload.

Given the impact that a judicial decision has on the parties before them, and on the development of the law, it is crucial that judges are supported to judge well. Heads of bench continue to explore a proactive approach to judicial wellbeing.

The Judicial Wellbeing Steering Group, which includes judicial representatives and expert advisor Professor Ian Lambie ONZM,<sup>23</sup> has initiated a change in approach so that wellbeing supports are available and accessed by judges as part of their preparation for work—in other words, they are in place to prevent, rather than respond to, negative impacts on judges' mental health. The steering group is tasked with identifying what is required to move from the existing pastoral care model to this more proactive approach.

In 2023, the steering group oversaw the expansion of a panel of suitably qualified clinical psychologists to offer professional support sessions and other services to judges throughout the country. Allocated time out of the roster is available for judges to access this support.

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<sup>23</sup> Registered Clinical Psychologist, Professor of Psychology at the University of Auckland | Waipapa Taumata Rau, and Chief Science Advisor for the Justice Sector.



## Judicial education

Te Kura Kaiwhakawā | Institute of Judicial Studies is a judge-led organisation that supports continued learning for judges through all stages of their careers, via provision of targeted education programmes and online, judge-specific resources, namely bench books.

The education provided supports the day-to-day needs of judges sitting in court. In 2023 Te Kura developed bespoke seminars for Family Court judges on evidence in family proceedings and child-responsive decision-making. It also concentrated on the family law aspects of other regular seminars such as Family Violence.

For the senior courts<sup>24</sup>, Te Kura reviewed the role and membership of its education committee and introduced new programmes of particular interest to senior court judges, including assessing expert evidence and an advanced evidence and procedure course.

In September, in recognition of the role that tribunals play in facilitating access to civil justice in New Zealand, Te Kura extended access to its educational resources and bench books to members of all tribunals administered by the Ministry of Justice.

<sup>24</sup> The Supreme Court, the Court of Appeal and the High Court are collectively referred to as the senior courts.



### TE KURA'S CORE SEMINAR PROGRAMMES INCLUDE:

- » an intensive week-long programme (the 2023 cohort and presenters pictured above left) for new judges covering the transition to judicial life, the role of the judge and courtroom management
- » regular programmes in evidence and procedure, decision-making and judgment writing
- » updates on substantive law
- » courses on social and legal context
- » renewal and resilience seminars to support judges to judge well—topics include leadership, mentoring and wellbeing.

Judges are regularly required to apply concepts from tikanga Māori. Many statutes incorporate tikanga concepts into law, and tikanga has been recognised as part of the fabric of the common law in New Zealand. In addition, tikanga Māori continues to regulate and guide whānau, hapū and iwi in their everyday lives, and is therefore important social context for judges to understand. Tikanga and te reo Māori are therefore core parts of the judicial education curriculum.

Te Kura has partnered with Te Whare Wānanga o Awanuiārangi to deliver an advanced programme for judges engaging with tikanga. This will complement a pre-existing course at the introductory level. The course will begin in 2024.

## BENCH BOOKS AND RELATED RESOURCES

Bench books are electronic resources for judges and judicial officers that bring together up-to-date case law and statute, legal commentary and practice directions. All this information is available elsewhere—for instance, through legal publishers, and on judgment publishing sites such as Judicial Decisions Online—however bench books are a convenient repository for this information, tailored towards what judges need to know to deal with common situations.

Te Kura develops and maintains the 12 judicial bench books, which are written in collaboration with judicial officers as a resource for use in their day-to-day work on the bench.

Each bench book is subject to regular review by an editorial committee, made up of judges and in some cases subject-matter experts. For example, the Family Violence Bench Book Editing Committee includes an advisor from the Family Violence Death Review Committee. In 2023, there was a strong focus on educating judges about the Sexual Violence Legislation Act 2021, which made significant reforms to pre-recorded evidence provisions, and introduced the requirement for a judge to direct the jury about misconceptions arising in sexual cases. Te Kura published updated content on these reforms in its *Criminal Jury Trials Bench Book* and *Sexual Violence Trials Bench Book*.

Te Kura Kaiwhakawā continues to work towards the public release of bench books—this year publishing example sexual violence evidential directions and commentary, developed to assist judges to direct juries on misconceptions relevant to cases in which sexual offending is alleged, on the Courts of New Zealand website.

The public release of this material has provided opportunity for further engagement with the profession on its content. Following additional feedback from the profession, the sexual violence misconceptions working group re-convened to review the misconceptions materials and to consult with the profession about the existing directions. A revised iteration will be published in 2024.

*The Criminal Jury Trials Bench Book* and *Te Puna Manawa Whenua | Māori Land Court Bench Book* are scheduled for public release in 2024.



## BENCH BOOKS

The jurisdictional bench books are:

- » *Senior Courts Bench Book*
- » *District Court Bench Book*
- » *Family Court Bench Book*
- » *Youth Court Bench Book*
- » *Te Puna Manawa Whenua | Māori Land Court Bench Book*
- » *Employment Court Bench Book*
- » *Environment Court Bench Book*
- » *Coroners Court Bench Book*.

The specialist bench books are:

- » *Criminal Jury Trials Bench Book*
- » *Sexual Violence Trials Bench Book*
- » *Family Violence Bench Book*
- » *Kia Mana te Tangata | Judging in Context: A handbook*.

## Judicial conduct

The *Guidelines for Judicial Conduct* emphasise the importance of judicial independence and impartiality, and the high standard of behaviour expected of the judiciary, both in the courtroom and in their personal lives. The guidelines are available on the Courts of New Zealand website.

During the course of their judicial career, judges receive ongoing education and support on topics connected to judicial conduct.

It is important to the administration of justice, and to the standing of the judiciary that there are well understood processes available to those who wish to raise concerns about the conduct of a judge. There are three processes in place.

The primary mechanism for dealing with complaints of judicial misconduct is through the independent office of the Judicial Conduct Commissioner, established under the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004. That Act sets out a process for investigating complaints about judicial conduct and for removal of a judge or relevant judicial officer from office for serious misconduct. The Act's processes are designed to ensure that judicial independence and natural justice are protected and observed.

The judiciary and the New Zealand Law Society have an informal process for dealing with concerns about judges' conduct in court (available on the Courts of New Zealand website). This process was created because of feedback from the legal profession that practitioners often do not wish to invoke the formal complaints process available under the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 and would prefer to have complaints dealt with anonymously.

Finally, the judiciary has established a policy under which registry or Ministry of Justice staff members can raise concerns or can complain about bullying or harassment by a judge. Work is progressing on a complementary policy for judicial officers (those with judicial functions who are not judges, such as community magistrates and judicial justices of the peace), led by the Office of the Chief District Court Judge | Te Whare o Ngā Kaihautū o te Waka o Te Kōti-ā-Rohe.





**PART TWO**

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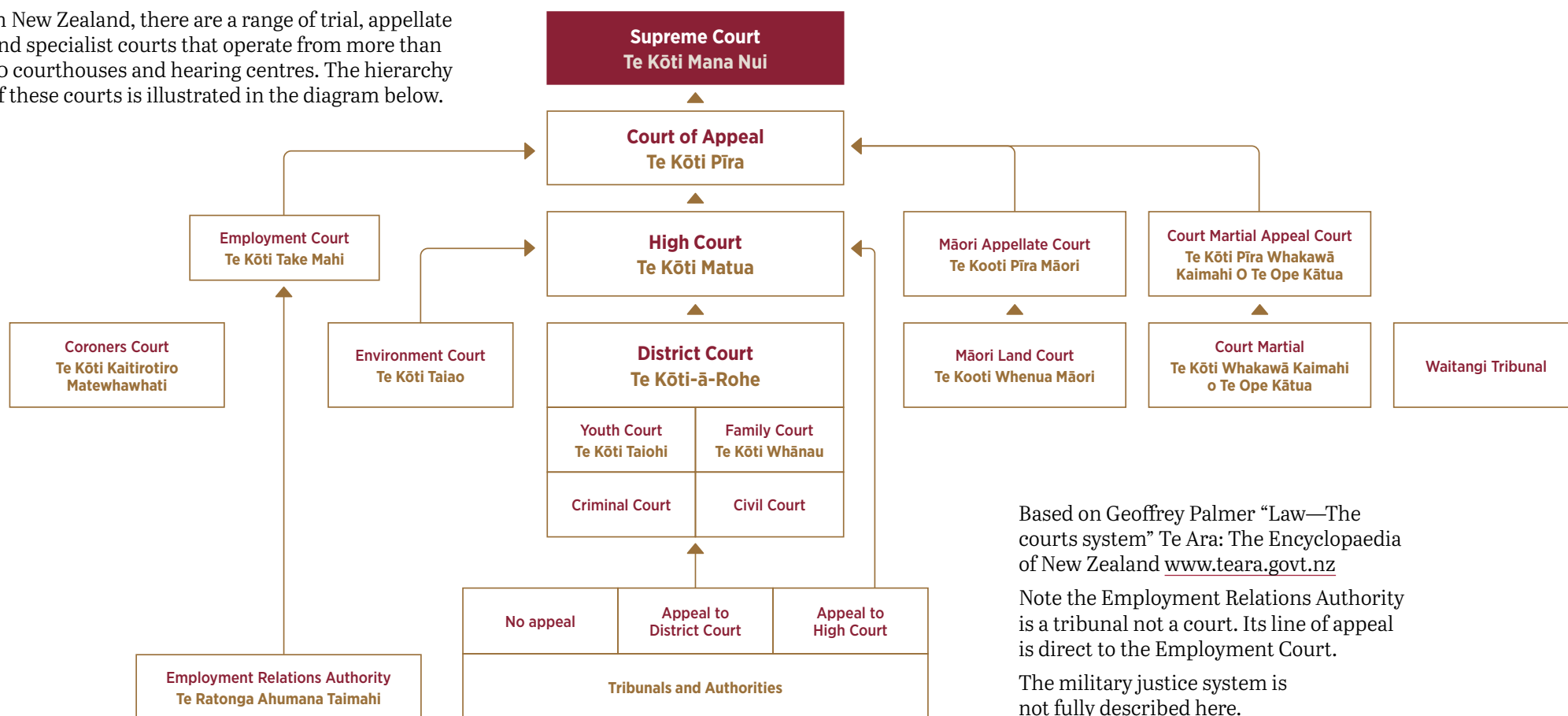
# The work of the courts



# New Zealand's court system

In our democracy the role of the courts is to administer justice. There are many aspects to this work—enforcing the criminal law, resolving civil disputes between citizens, upholding the rights of the individual and ensuring that government agencies stay within the law.

In New Zealand, there are a range of trial, appellate and specialist courts that operate from more than 70 courthouses and hearing centres. The hierarchy of these courts is illustrated in the diagram below.



Based on Geoffrey Palmer “Law—The courts system” Te Ara: The Encyclopaedia of New Zealand [www.teara.govt.nz](http://www.teara.govt.nz)

Note the Employment Relations Authority is a tribunal not a court. Its line of appeal is direct to the Employment Court.

The military justice system is not fully described here.

**RIGHT:** Patrick Davidson – Registrar of the Employment Court. Registrars, sometimes referred to as court takers, make sure that the formal processes of the court are followed and that accurate records are kept. In addition, they can exercise some of the powers of the court.

There are four main levels in our mainstream court system. The first is the **District Court | Te Kōti-ā-Rohe**, the court with the highest volume of cases. Most cities and large towns have a District Court—it sits in 59 courthouses and hearing centres in New Zealand. The Family Court and Youth Court are divisions of the District Court. Most criminal cases are heard in the District Court. Civil cases can also be heard in the District Court where the amount in dispute is less than \$350,000. The District Court hears appeals from some tribunals including the Disputes Tribunal.

The next level in our court system is the **High Court | Te Kōti Matua**. It is the highest court in which cases can start. The most serious criminal cases are heard in the High Court. It has unlimited civil jurisdiction. The High Court also hears appeals from the decisions of courts and tribunals below it. The High Court is the trial court which deals with judicial review proceedings. These are proceedings where the courts are asked to review public decisions, and the decisions of public bodies (including the executive branch of government), to see whether they have acted within the powers given to them by the law and in a procedurally fair manner.

The **Court of Appeal | Te Kōti Pira**, and the **Supreme Court | Te Kōti Mana Nui**, are the two most senior courts. They are appellate courts. If one of the parties to a court case is



not satisfied with the result, then that case can be appealed to a higher court. A case in the District Court is normally appealed first to the High Court.<sup>25</sup> There are also specialist courts in our court system—the **Employment Court, Environment Court, Māori Land Court, Coroners Court** and the **Court Martial**.

Outside the court system there are a range of tribunals and authorities which play a critical role in our system of justice. Tribunals are similar to courts in that they determine people's rights. But they differ in that they have more

flexible, and usually more informal, procedures. In New Zealand, tribunals are generally administered separately from the courts. There is one exception which is the Disputes Tribunal which is a division of the District Court.

There are more than 40 tribunals and authorities in New Zealand of which 27 are administered or supported by the Ministry of Justice.

» [Tribunals – Ministry of Justice.](#)

<sup>25</sup> There are three other appellate-only courts—the **Māori Appellate Court** (which hears appeals from the Māori Land Court), the **Court Martial Appeal Court** (which hears appeals from the Court Martial), and the **Summary Appeals Court** (which hears appeals from the disciplinary decisions of military officers).

# Courts of general jurisdiction

The District Court and High Court are known as courts of general jurisdiction. They undertake criminal, civil and some appellate work. Their work in those three categories is described below, along with some specific focus areas for the courts during 2023. More information on court-specific initiatives can be found in the chapter “Timely and accessible justice”.

The District Court and High Court produce separate annual reports.

[High Court Annual Report](#)

» [High Court statistics](#)

[District Court Annual Report](#)

» [District Court statistics](#)



# Criminal justice

Criminal justice proceedings make up most of the work of New Zealand’s courts. Criminal trials are heard in the District Court, Youth Court and High Court.<sup>26</sup> Appeals for criminal cases are heard in the appellate courts—the Supreme Court, the Court of Appeal and the High Court—see also “Appellate Courts”.

## High Court | Te Kōti Matua

The High Court deals with the most serious criminal cases including murder, manslaughter, attempted murder, and serious sexual, drug and violent offending. It conducts all sentencings in which preventive detention is a possible outcome. The High Court also hears protocol cases,<sup>27</sup> and appeals from judge-alone trials in the District Court and Youth Court. It does not hear appeals from District Court jury trials. See “Appellate Courts” for more on the High Court’s appellate jurisdiction.

This year, the High Court cleared all rescheduled COVID-19 criminal jury trials, which meant that jury trial numbers returned to pre-pandemic levels. However, delay remains a concern for the Court. In the High Court, there are several contributing factors to delay. For instance, the nature of the cases making up the court’s workload has a significant impact. The average time required for a trial has increased as a result of more complex matters coming before the Court, such as offences involving multiple defendants. There are also more homicide and attempted murder cases coming before the Court. These cases must be heard in the High Court and they now make up the majority of the High Court’s criminal workload.<sup>28</sup>

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26 Criminal trials for military officers and staff are heard in the Court Martial.

27 Protocol cases involve serious or complex offending. In accordance with the Criminal Procedure Act 2011, a High Court judge makes the decision as to whether the case is tried in the High Court or District Court, in accordance with the protocol. The protocol is used to ensure both that cases are heard in the most appropriate court and also to manage the workload between the District Court and High Court.

28 In the Auckland High Court, in 2018, 33 percent of the Court’s criminal workload was category 4 offences; by 2023, that had risen to 78 percent.

1. District Court Judge Stephen Harrop
2. High Court Justice Anne Hinton
3. High Court Justice Simon Moore
4. District Court Judge Peter Hobbs

In some parts of the country, there is a lack of appropriate courtrooms in which to hold criminal jury trials.<sup>29</sup>

Other factors that contribute to delay reflect the complexity of our justice system, with solutions requiring co-operation across the justice sector. One such example of a cross-sector issue is late disclosure of evidence, discussed below. Other factors reflect shortages of resourcing in agencies that support the courts. Many hearings, particularly sentencing, require specialist health assessor reports from psychiatrists or psychologists. There is both a shortage of skilled report writers in New Zealand, and a high demand for the reports—around 91 percent of people in custody have a diagnosis over their lifetime of either a substance abuse or mental health disorder, and around 60 percent meet the diagnostic criteria within the 12 months prior to their imprisonment.

The issue of delay is explored further under “Timely and accessible justice”.

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<sup>29</sup> For example, there is only one courtroom available to the High Court in each of Whangārei and Rotorua.





## ADDRESSING LATE DISCLOSURE OF EVIDENCE—HIGH COURT CRIMINAL DISCLOSURE PRACTICE NOTE

Late disclosure of evidence causes delay in criminal cases in the High Court. When evidence is disclosed late, it puts pressure on counsel and can result in trials being adjourned.

In March, the Chief High Court Judge Justice Susan Thomas issued the Criminal Disclosure in High Court Trials Practice Note, which requires the Crown and defence to actively address disclosure issues at an early stage to avoid delays caused by late disclosure. This is discussed further under “Timely and accessible justice.”

## THE IMPACT OF PARENTAL INCARCERATION ON CHILDREN

Children’s life trajectories are dramatically altered when a parent or caregiver is sent to prison, even for a short time. They can lose their homes, their schools, their security. It is important that judges know of a defendant’s caregiving responsibilities before sentence or remand. A webinar to discuss this was held in October by Chief High Court Judge Justice Susan Thomas and leaders of the legal profession Fiona Guy Kidd KC and Stacey Shortall. It was attended by over 600 lawyers.

The initiative was in part a response to the independent review by Dame Dr Karen Poutasi following the murder of 5-year-old Malachi Subecz by his carer while his mother was remanded in custody.<sup>30</sup>

The webinar aimed to increase practitioners’ awareness of the impact upon children when their parents are incarcerated, whether following charge, bail hearings or sentencing. Practitioners were encouraged to ensure judges were aware of the nature

of their client’s caregiving responsibilities, so that they can be considered in the judge’s deliberations. The session drew on experiences in Aotearoa, as well as British research, and in particular the work of Dr Shona Minson.

The Office of the Chief High Court Judge and the Office of the Chief Justice worked with the New Zealand Law Society to produce the webinar, which was funded by the Ministry of Justice.

The webinar and supporting materials can be accessed on the New Zealand Law Society’s Continuing Legal Education website.<sup>31</sup>

The judiciary continues to work with other agencies to ensure that systems within justice agencies promote the provision of information to judges, and to ensure that the effects on children of the criminal justice system remain in focus.

<sup>30</sup> [Independent Review of the Children’s System Response to Abuse | Oranga Tamariki—Ministry for Children](#)

<sup>31</sup> [Impact of Parental Incarceration on Children webinar, October 2023.](#)

## District Court | Te Kōti-ā-Rohe

Every person in New Zealand who is charged with a criminal offence makes their first appearance in the District Court, even if their charge is ultimately heard in the High Court. In a typical year, more than 105,000 new criminal cases enter the District Court.

Although the number of new cases in the court has been decreasing, as with the High Court, cases are taking longer to resolve. In the District Court, the contributing factors include: an increase in the number of serious and complex Category 3 cases before the courts;<sup>32</sup> more defendants electing a trial by jury, instead of by a judge; and defendants entering guilty pleas later in the court process. The extra court events needed before a late guilty plea is entered increase the workload of the Court.

Initiatives that the District Court is leading and collaborating on to address delay are covered in detail, starting on page 64.



### JUDICIAL OFFICERS IN THE DISTRICT COURT

In addition to District Court judges with general or jury warrants, community magistrates and judicial justices of the peace (JJPs) also play an important role in carrying out District Court criminal work. Community magistrates generally sit in urban courts and preside over a wide range of less serious criminal cases. JJPs preside over some preliminary hearings and bail applications. They hear and sentence in minor cases.

There are 20 community magistrates located in nine courthouses, and more than 170 JJPs who sit nationwide.

<sup>32</sup> Category 3 offences are offences with a maximum penalty of a prison term of two years or more (excluding Category 4 offences).



TE AO MĀRAMA

Enhancing Justice for All

## TE AO MĀRAMA—ENHANCING JUSTICE FOR ALL

Te Ao Mārama (the world of light) is the new operating model being developed by the District Court. It has two main goals—to support fair hearings by ensuring full participation of all parties, and to address root causes of offending by facilitating community and government agency involvement with defendants and their whānau, with a view to ensuring better long-term outcomes for offenders and the community.

Te Ao Mārama pulls together the best practice, solution-focused judging principles that have been developed in the Youth Court and specialist courts within the District Court over the course of 40 years. These courts have developed programmes that provide wrap-around support for people going through the court process. They have enabled defendants to access support to address the causes of their offending—for example, addiction, homelessness and challenges with literacy—and provided ongoing judicial oversight to ensure participation.

Resource constraints meant that many of these solution-focused courts are only available to people living in certain locations—for example, the Young Adult List Court in Porirua, Gisborne and Hamilton, the Matariki Court in Kaikohe, the Court of Special Circumstances in Wellington, and the Alcohol and Other Drug Treatment Court in Auckland, Waitakere and Hamilton. This leads to the possibility of “postcode justice”—that a defendant will receive a different outcome and different opportunities depending on where they live. This prospect is contrary to the rule of law, which requires that all people will be treated equally under the law.

The Te Ao Mārama Best Practice Framework draws together for the first-time best practice from these solution-focused courts to be applied in all District Court locations in order to spread the benefit of lessons learned in solution-focused courts. It was published in December and resources will be developed to support courts.

Te Ao Mārama is progressively being implemented in the family, youth and criminal jurisdictions in eight District Court locations (Kaitiāia, Kaikohe, Whangārei, Hamilton, Tauranga, Gisborne, Napier and Hastings), with funding to support development of community-based



service provision in the Court. Other locations are adopting elements of the framework relevant to the work of the Court and their local community, as funding allows.

The Te Ao Mārama framework is not “one size fits all” and may look different in each location depending on local needs. It reflects the communities it serves, including whānau, people with disabilities, Pacific peoples, Rainbow communities, and refugee and migrant communities. There is a focus on ensuring it is effective for Māori given the disproportionate representation of Māori in the family violence, care and protection and criminal jurisdictions of the District Court.

Timely justice is a central feature of Te Ao Mārama, which recognises that every court appearance must be meaningful to participants and aims to reduce unnecessary adjournments.



**ABOVE:** Chief District Court Judge Heemi Taumaunu

Te Ao Mārama approaches we already know work well include the following.

- » Creating connections with local communities.
- » Improving the quality of information judicial officers get to inform their decisions.
- » Improving processes for victims and complainants.
- » Encouraging people to feel heard in the courtroom.
- » Establishing alternative courtroom layouts.
- » Using plain language.
- » Reducing formality.

Te Ao Mārama is especially focused on supporting at-risk children and families when they are engaging with the family and criminal justice systems. It has significant potential to reduce the number of children in care, the number of children who offend in the medium term, and the number of young people who enter the adult criminal jurisdiction in the longer term—all contributing to an enduring reduction in offending and reoffending and the costs of crime.

Te Ao Mārama will operate within the framework of existing legislation including the New Zealand Bill of Rights Act 1990, the Bail Act 2000 and the Sentencing Act 2002. It does not require any new legislation. It will be given effect through new behaviours, new information, new services and new processes across both the criminal and civil jurisdictions.

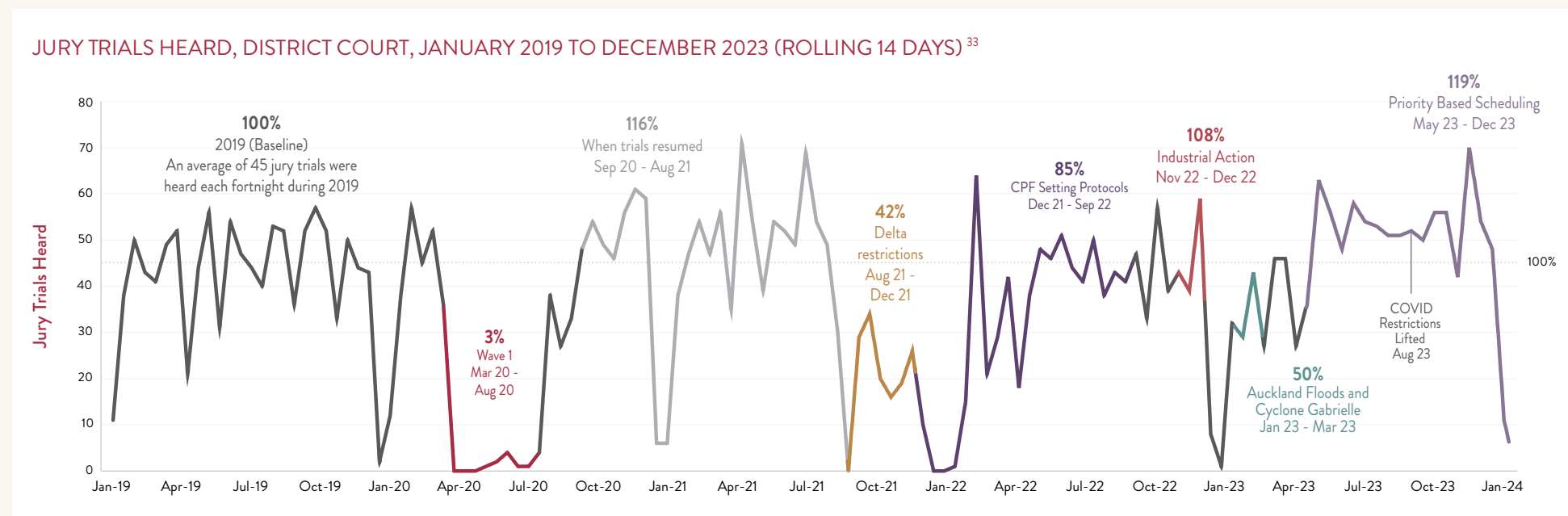
## LOCAL SOLUTIONS TO LOCAL CONDITIONS: THE DISTRICT COURT LOCAL SOLUTIONS FRAMEWORK

When local conditions (such as illness of staff or other participants) prevent a court from dealing with its normal workload, a local solutions framework operates to ensure that the requirements of the New Zealand Bill of Rights Act 1990 are observed and that issues are prioritised, with time-critical proceedings and those that affect life, liberty, wellbeing and personal safety being given the highest priority. Courts only resort to a local solutions framework when business as usual is not possible.

The framework, originally developed in response to the challenges of operating under COVID-19 restrictions, sets out the priority order in which proceedings will be scheduled and conducted, and the way in which they will be heard—for example, using remote technology if required. It has proven an invaluable tool for the District Court and was used to ensure court operations continued to the greatest extent possible as court repairs took place following the Auckland Anniversary floods and Cyclone Gabrielle.

## Jury trials in the District Court: Cases heard, cases resolved

Set against a 2019 baseline, these graphs show how the number of jury trials held and resolved was affected by external influences, such as COVID-19 restrictions, extreme weather and the actions of the judiciary, such as the introduction of priority scheduling.

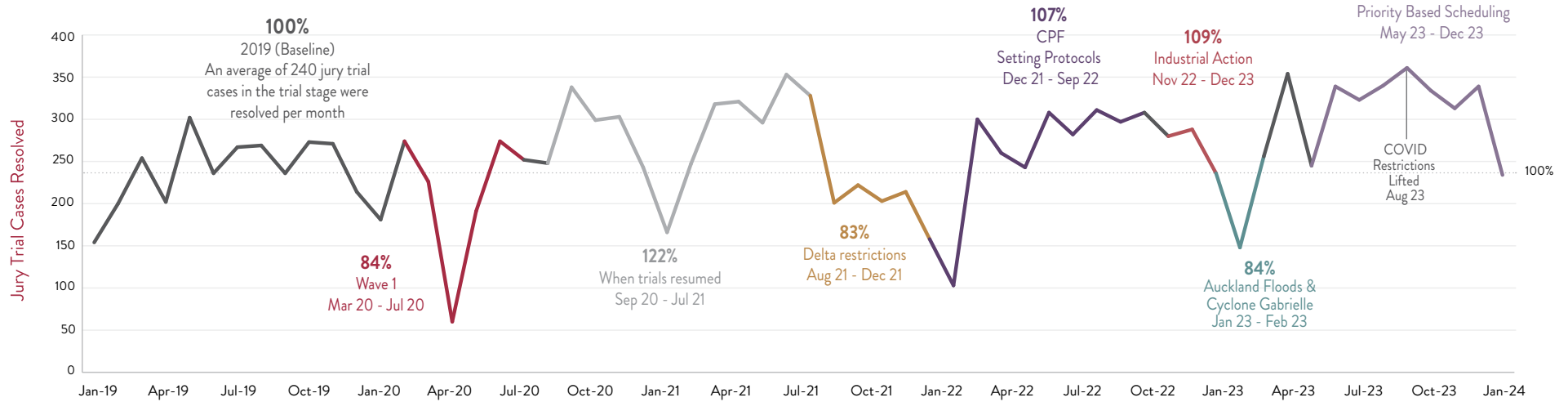


### Notes

- » Includes jury trial hearing events on cases in the District Court.
- » Includes events with an event status of complete, including mistrial and settled prior.
- » Only one event is counted for each case.
- » The Christmas holiday period is not included in the above calculations.
- » Data is based on the Court's Case Management System as at 10 April 2024.

<sup>33</sup> Please note that the *Jury Trials Heard* chart from the Chief Justice's 2022 Annual Report (page 30) contained a data error leading to an undercount of trials heard across the period and showing that the number of jury trials heard in the latter half of 2022 was only ~50% of the 2019 baseline. Revised data shows that the number of jury trials heard had, in fact, bounced back up to 2019 levels by mid-2022.

## JURY TRIAL CASES RESOLVED IN THE DISTRICT COURT, JANUARY 2019 TO DECEMBER 2023



### Notes:

- » Includes cases on the Jury Trial track in the District Court.
- » “Jury Trial Cases Resolved” includes all cases at trial stage that were disposed. This includes disposals through a hearing, a guilty plea before or on a jury trial hearing, or other. Some of these cases may still be awaiting sentencing.
- » This is monthly data, and all figures are monthly averages over the entirety of the months in each stated period. As such, public holidays including the Christmas holiday period are included in the above calculations.
- » Data is based on the Court’s Case Management System as at 4 April 2024.

## REMAND PRISONERS: WHY DELAYS MATTER TO THOSE REMANDED IN CUSTODY AWAITING TRIAL OR SENTENCING.

Delays for remand prisoners are problematic. Research shows that spending even a short period on remand in custody has significant impacts on a defendant's life outside of prison—such as the loss of employment and housing.

A defendant's whānau is also affected. There can be significant and long-lasting impacts on young dependent children separated from their caregivers. See sidebar on page 36.

Some remand prisoners will not be convicted once they come to trial, yet will have already spent time, perhaps long periods of time, in prison. Others will be convicted but will receive non-custodial sentences, or sentences that are shorter than their time already spent on remand.

Prisoners on remand do not have access to rehabilitation. Those who are convicted might therefore be released before they have had opportunities to address the causes of their offending.



YEAR ENDED	Number of prisoners awaiting trial or sentence	Remand prisoners as a % of total prison population
Dec 2023	3,930	43 per cent
Dec 2022	3,561 <sup>34</sup>	43 per cent
Dec 2021	2,859	37 per cent
Dec 2020	3,000	35 per cent
Dec 2019	3,613	37 per cent

<sup>34</sup> The data for 2021 and 2022 has been updated since the publication of the Chief Justice's Annual Report 2022. The updated figures are presented here.

## Youth Court | Te Kōti Taiohi

The Youth Court is a specialist division of the District Court and deals primarily with offending by young people aged 14 to 17 years. In certain circumstances, the Youth Court also deals with serious offending by children aged 12 to 13 years. Some serious offending by 17-year-olds is transferred to the adult criminal division of the District Court. Any child or young person charged with murder or manslaughter is dealt with by the High Court.

There are 61 permanent judges holding a Youth Court designation and 14 acting warranted judges.

The Youth Court is led by Principal Youth Court Judge Ida Malosi. The Court is highly regarded internationally for its innovation and solution-focused judging.

Most young offenders are diverted away from formal court interventions and dealt with by Police Youth Aid officers. This means that the young people in the Youth Court are the most serious offenders. They come to the Court with a complex range of issues such as severe trauma, neurodiversity, mental distress, addiction and disengagement from education.

The Oranga Tamariki Act 1989, which created the Youth Court, draws upon tikanga Māori concepts. It emphasises the engagement of whānau to address a young person's conduct and uses restorative justice principles to support the victim and bring home to the young person the consequences of their offending.

A unique feature of the Youth Court process is the family group conference, which involves a gathering of the young person, their family, victim(s), Police Youth Aid, the young person's youth advocate (lawyer) and other professionals. The parties establish a plan to address the offending and underlying causes, provide for victims' interests and help the young person take responsibility for their actions.

Another unique feature is that in some circumstances, the Court can deal with care and protection and youth justice issues at the same time, presided over by a judge who holds a Family Court warrant and Youth Court designation.

Not all Youth Court proceedings take place in a traditional courtroom. Te Kōti Rangatahi | Rangatahi Courts and Pasifika Courts are held at marae or community venues and Māori or Pasifika customs, and cultural practices are used as part of the court process.

There are 16 Te Kōti Rangatahi nationwide and two Pasifika Courts based in Auckland—in Waitakere and Manukau. These courts were established to address the over-representation of Māori and Pasifika in the youth justice system.

## TRENDS IN YOUTH JUSTICE

It was a challenging year across the youth justice sector. Ram raids and other serious retail crime were a persistent issue. The Youth Court handled more cases in 2023 than in any of the previous five years, with the biggest increases in the Auckland Metro region and Canterbury.

Despite the rise in cases this year, it is important to note that there has been a rapid and significant decline in the numbers of young people in the youth justice system since the Court first began work in 1989. That year, approximately 10,000 cases involving children and young people appeared before the Court. Some 35 years later, with almost two million more people in New Zealand (from 3.3 million to approximately 5.2 million) the total number of cases that flowed into the court in 2023 was around 4,500, and at the end of the year there were 1,071 active cases being monitored by a judge or awaiting a hearing.<sup>35</sup> This is despite an increase in the court's jurisdiction – in 2019, 17-year-olds were included in the Youth Court jurisdiction. This sustained reduction is the achievement of an evidence-based, system-wide response to youth offending and restorative justice.

### Youth Court statistics

<sup>35</sup> The figure includes all active cases at any step of the process – administrative, charges denied, defended and monitoring.

# Civil justice

Civil cases are non-criminal proceedings that focus on enforcing people’s rights. New Zealanders are most likely to interact with the courts in a civil capacity—for instance to settle a dispute between neighbours or with an employer, resolve a debt or insolvency issue or apply for probate. Civil cases are typically brought by private individuals, businesses or companies, but may include proceedings brought by or against central and local government regulatory agencies.

Many courts in New Zealand exercise a civil jurisdiction. The courts in this section are all civil courts, or courts with a civil jurisdiction. In addition, the appellate courts—the Supreme Court, Court of Appeal and High Court—hear appeals of civil matters: see “Appellate Courts” for more.

There are recognised barriers to people being able to access civil justice in New Zealand, including cost, and understanding how to navigate the system. These barriers, and initiatives underway to understand and address them, are described in “Timely and Accessible Justice” below.

## High Court | Te Kōti Matua

The High Court has unlimited jurisdiction for civil claims and hears cases that are not within the exclusive jurisdiction of other courts. The judges of the High Court (generally 40 in number) hear a wide variety of cases, including high-value and complex commercial disputes, property disputes, significant regulatory proceedings, defamation claims, intellectual property disputes, disputes arising out of family trusts and wills, claims by the Commissioner of Police in relation to the alleged proceeds of crime, judicial review proceedings, and appeals from other courts and tribunals. The Court also hears urgent applications for interim injunctions and asset freezing orders.

Trends in the civil jurisdiction for this year included the return to “normal” levels for judicial review hearings following a noticeable spike in 2020 and 2021 (a result in part of pandemic-related applications). The number of new insolvency-related applications continued to rise in 2023, up 25 percent from 2022.<sup>36</sup> The seven Associate Judges who sit in the High Court manage, as a key part of their work, bankruptcy and corporate insolvency applications.

Civil trials can be complex, requiring considerable hearing time—up to several months for some proceedings. Careful management is required to ensure that cases proceed efficiently, and this

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<sup>36</sup> High Court workload statistics are published at [Annual Statistics for the year ended 31 December 2023—Courts of New Zealand \(courtsofnz.govt.nz\)](https://www.courtsofnz.govt.nz).



year a number of initiatives were introduced that will see more cases assigned to judges for case management. One such example is in place in the Auckland High Court, where a new early identification system has been introduced to identify cases that are amenable to early settlement, and complex cases that would benefit from close judicial case management.

Civil decisions are very often reserved, which means that the judge issues their decision after the hearing has concluded. The High Court has set judgment delivery expectations in which 90 percent of judgments are to be delivered within three months of the conclusion of the hearing. In 2023, the High Court delivered approximately 2000 reserved civil judgments, 76.3 percent of which were delivered within one month of the hearing, and 91.4 percent of which were delivered within three months of the hearing.<sup>37</sup>

Further details of the work of the High Court are available in the High Court's Annual Report 2023.

<sup>37</sup> Judgment delivery expectations for the High Court are available on [Judgment delivery expectations – Courts of New Zealand \(courtsofnz.govt.nz\)](https://www.courtsofnz.govt.nz).

## MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT HEARINGS IN THE HIGH COURT

The Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) replaced the Foreshore and Seabed Act 2004. Hearings under the Act relate to the recognition of Māori customary rights in the foreshore and seabed arising from exclusive use in occupancy of the relevant part of the Takutai Moana since 1840.

In 2023, the High Court continued to make progress towards hearing the almost 200 outstanding applications for recognition orders under the Act. Hearings are conducted in accordance with tikanga with the involvement of Pūkenga (experts). Most claims under the Act involve cross-applications by overlapping claimant groups. The overlapping nature of these applications means that they are most efficiently heard in regional groupings. The need to hear multiple overlapping applications simultaneously means that the hearings required can often be lengthy—in some cases involving months of hearing time—and require significant High Court judicial and operational resources.

The area with the greatest number and highest density of claims is Te Tai Tokerau/Tamaki Makaurau. With the significant co-operation of the applicant groups, substantial progress has been made in identifying appropriate

groups of claims to be heard together and making timetable orders towards hearing. Several major hearings for this area have been timetabled to commence in 2024 and 2025.

These hearings have presented many technical challenges. The Court was assisted by the Surveyor General publishing a practice note in July on mapping guidelines. This will ensure consistent mapping of those areas for which recognition orders are granted.

In October, the Chief High Court Judge and the Chief Judge of the Māori Land Court agreed a protocol by which a case can be stated to the Māori Appellate Court, seeking an opinion when an application under the Act raises a question of tikanga Māori. The referral is to be made in accordance with s 61 of Te Ture Whenua Māori Act 1993. The opinion of the Māori Appellate Court will be binding on the High Court.

No referrals have yet been made, but judges assigned to preside over forthcoming claims are being encouraged to consider potential referrals with counsel as soon as reasonably practicable. It is hoped that the referral process will reduce the length of some hearings under the Act.



## District Court | Te Kōti-Ā-Rohe

The District Court has jurisdiction to hear civil claims up to a value of \$350,000 that are not within the exclusive jurisdiction of other courts. It also hears appeals from some tribunals. Civil cases coming to the District Court increased in number, with debt collection cases prominent among the new work.

Examples of common claims in the District Court include contractual disputes (where one party has not performed their obligations under an agreement), negligence (such as where services have not been provided with reasonable skill) and restraining orders (where a person is seeking an order to prevent harassment).

**RIGHT:** In August, Judge Tania Sharkey (left) became New Zealand's first Family Court Judge with Tongan heritage when she was sworn in by Principal Family Court Judge Jacquelyn Moran (right). The ceremony was attended by Her Majesty Queen Nanasipau'u of Tonga and other Tongan dignitaries, as well as family, friends, colleagues, members of the profession and Ministry staff.





## Specialist courts

Several courts have specialist jurisdictions. Their work is explained in brief below, along with an update of significant happenings of 2023.

### THE FAMILY COURT | TE KŌTI WHĀNAU

The Family Court was established in 1981 as a jurisdiction for matters such as the care of children, care and protection, relationship property, mental health, family violence, substance addiction and treatment, adoption, gender registration and surrogacy. The Family Court receives and deals with a significant number of applications, with more than 60,000 filed each year. There are 70 permanent and seven acting judges warranted to sit in the Family Court.

#### *Timely and effective family justice processes*

The Family Court has an extensive work programme spanning operational improvements, legislative reforms and policy development aimed at meeting the needs of participants in and out of court and delivering more timely and effective family justice processes.

Legislative change in 2023 placed an increased emphasis on the participation of children and young people. The Family Court (Supporting the Children in Court) Legislation Act 2021 which came into force in August, amended the Care of Children

Act 2004 and the Family Dispute Resolution Act 2013 so that greater emphasis is placed on a child's right to understand and be involved in proceedings and decisions that affect them. The Ministry of Justice received funding to support family dispute resolution providers to comply with the legislative change and enable the development of best practice guidance to support and protect tamariki.

Implementing the District Court's vision of Te Ao Mārama was a priority in the Family Court in 2023, with the primary focus on care and protection.

Te Au Reka, the new digital case and court management system, will be introduced into the Family Court first. Work on the first phase progressed in 2023 with the involvement of several Family Court judges. See page 61.

#### *Family Court Associates and Kaiārahi*

The new Family Court Associate role was established in 2023. Family Court Associates are judicial officers who will make decisions at the early stages of proceedings and interlocutory hearings. In addition, they will be able to exercise all the powers of a court registrar. Their appointment will provide much needed additional resource for an overloaded court.

The first six Family Court Associates will join the bench in 2024. The relevant legislation, the Family Court (Family Court Associates) Legislation Act 2023, was passed in June and amendments were made to the Family Court rules to accommodate the new judicial officer role.

There are now 51 Kaiārahi, or Family Court navigators, in courtrooms across the country. Kaiārahi are a link between the community and the Family Court, providing information and support to parents, caregivers and whānau on how to navigate the court system or access out-of-court services. Kaiārahi are officers of the court, and have developed relationships with justice agencies, the community and iwi.

#### *Family Violence Operating Model*

Much of the work before the Family Court is concerned in some way with family and sexual violence. A project trialling a Family Violence Operating Model began in 2023 in the Christchurch Family Court. The project focuses on increasing in-court safety for participants, mode of evidence, use of plain language, and improving information-sharing between Family and Criminal Courts.

#### [Family Court Statistics](#)

**RIGHT:** Cross-bench collegiality: District Court Judges La-Verne King and Hana Ellis, with Coroner Tania Tetitaha at an interbench hui in February.

### Judicial education

The nature of the cases before the Family Court means its judges need to keep up with evolving academic understanding of human interaction, including the dynamics of family and sexual violence and the impact of abuse on behaviour and memory. Ensuring that Family Court judges' education is tailored to the demands of their work has been a focus of 2023.

### EMPLOYMENT COURT | TE KŌTI TAKE MAHI

The Employment Court hears and determines cases relating to employment disputes. These include challenges to determinations of the Employment Relations Authority, questions of interpretation of law, and disputes over strikes and lockouts.

The Employment Court's caseload has returned to pre-COVID-19 levels. Challenges (appeals) continue to make up the bulk of the court's workload.

In 2023, registry functions were centralised to support consistency of approach, efficient file management and enhanced support for litigants engaging with the Court. A technical specialist role was created to work with case managers and a judicial support manager position has been established to provide



additional support to the Chief Judge, and to oversee and implement a number of initiatives aimed at supporting the operations of the Court, including streamlining procedures.

In October, after consultation with the judges of the Employment Court and the Chief Justice, Chief Judge Christina Inglis published refreshed guidelines for determining issues about potential conflicts of interest and recusals.<sup>38</sup>

The Employment Court's project on diversity and inclusion in the courts builds on the work of Te Awa Tuia Tangata and Tomo Mai committees. In 2023, the Court translated its Practice Directions into te reo Māori, started—in conjunction with Te Kura Kaiwhakawā—to prepare resources to support judges' use of te reo Māori in court, and updated the court's webpage

to include sections that clearly explain the court environment and support parties, witnesses, representatives and members of the public to understand court processes and what to expect when coming to the Employment Court.

The Employment Court has set judgment delivery expectations in which 90 percent of judgments are to be delivered within three months of the conclusion of the hearing. In 2023, the Employment Court delivered 237 judgments (71 percent) within one month of the conclusion of the hearing and 93 percent within three months.

[Employment Court statistics](#)

38 [Employment Court Recusal Guidelines \(2023\)](#).

## TE KOOTI WHENUA MĀORI | MĀORI LAND COURT

The Māori Land Court is New Zealand's longest established specialist court. It is the only indigenous land court in the world. The court's key purpose is to promote the retention of Māori land in Māori hands, and to support landowners to use, occupy and develop their whenua for the benefit of all landowners, and their whānau and hapū. The Court is responsible for the accurate documentation of the succession and management of Māori land.

Deputy Chief Judge Caren Fox was appointed as the new Chief Judge of the Court in July, following the statutory retirement of Chief Judge Isaac on 30 April after 29 years serving as a judge of the Māori Land Court. Chief Judge Fox was appointed Chair of the Waitangi Tribunal later in the year.

Notable in the Court's work programme this year was its response to applications relating to land affected by the extreme weather events of January. Following the significant damage caused by Cyclones Gabrielle and Hale in the Tairāwhiti, Tākitimu and Taitokerau regions, areas with high proportions of Māori land, Chief Judge Fox and other judges based in these regions engaged with Te Puni Kōkiri officials to ensure that the Māori Land Court can prioritise any applications relating to affected land to assist Māori landowners in the recovery process.



**ABOVE:** Judge Caren Fox, third from left, was sworn in as Chief Judge of the Māori Land Court in a ceremony that took place at the Pā, University of Waikato on 24 August.

The Court launched a new online platform in May. Pātaka Whenua was developed alongside the statutory reforms to the Court's legislation passed in 2020. It is designed to serve both as a portal through which Māori landowners can file applications with the Court and find information about their Māori land and the court record. It is also a case management system in which court staff and judges can progress court applications electronically.

Since its launch, the Court has identified ways to improve Pātaka Whenua to ensure the platform is effective and user-friendly for Māori landowners. The Court's judiciary and administration are working together to progress these enhancements.

Māori Land Court statistics are available in the [Court's Annual Report](#).

## ENVIRONMENT COURT | TE KŌTI TAI AO

Most of the Environment Court's work involves hearing appeals about issues that arise under the Resource Management Act 1991 (RMA), such as appeals about the contents of regional and district plans and appeals arising out of applications for resource consents. Two bills—the Natural and Built Environment Act 2023 and the Spatial Planning Act 2023—came into force in August but were then repealed in December. The RMA remains in force.

The Environment Court ended the calendar year with no backlog, through the successful use of remote hearing procedures and alternative dispute resolution through court-assisted mediation, which is popular with parties and has high rates of success.

For prosecutions under the Resource Management Act 1991, some of which are heard by jury trial held in the District Court, there continue to be delays.

The Resource Management Act contains several environmental concepts drawn from Te Ao Māori. Māori Land Court judges bring expertise in those subjects to Environment Court hearings. Alternate Judges from the District Court also support the Environment Court.

In August, the Court held its annual conference of its judges and commissioners in Kaikoura, Canterbury. Members of the Court have continued to lecture and present material about the court and how best to present evidence to the court to students and practitioners at universities and practitioner conferences.

[Environment Court statistics](#)



## WĀHINE MĀORI APPOINTMENTS IN THE SPECIALIST COURTS

Chief Judge Caren Fox (*Ngāti Porou, Rongowhakaata with ties to Te Whānau-a-Apanui*) was sworn in as the 17th Chief Judge of the Māori Land Court in August at a special sitting of the Court held as a part of Te Hunga Rōia Māori Hui-ā-Tau, the annual conference of the Māori Law Society. Chief Judge Fox is the first wāhine Māori to hold the role.

Chief Judge Fox was appointed as Māori Land Court Judge in 2000, and as Deputy Chief Judge in 2010. She was formerly the resident judge for the Tairāwhiti District of the Māori Land Court, hearing cases in Gisborne.

In April, the first Māori Environment Court Judge, Judge Sheena Tepania (*Ngāti Kahukū Whangaroa, Ngāti Kuri, Te Aupōuri, Te Rarawa, Ngāpuhi*), was sworn in at Waihapa Marae in Te Tai Tokerau.

In September, Judge Merepaia King (*Ngāti Māhanga, Ngāti Te Wehi – Tainui*) became the Employment Court's first Māori judge, and 5th female judge, in the 129 years of the Court's existence. It was also the first time an Employment Court judge had been sworn in on a marae, with the ceremony being held at Te Papa-o-Rotu Marae in Whatawhata.

## CORONERS COURT | TE KŌTI KAITIROTIRO MATEWHAWHATI

The Coroners Court is charged with conducting inquiries into deaths that are sudden, unexplained, violent, appear to be self-inflicted or that happen in official custody or care. The coroner will determine findings of fact, and consider whether anything could be done differently to prevent similar deaths.

Several complex coronial inquiries were before the Coroners Court in 2023, including inquiries into deaths relating to the Whakaari-White Island eruption, Cyclone Gabrielle, the Loafers Lodge fire in Wellington and the 2019 Christchurch Masjidain Attack.

The Coroners Court bench grew substantially in 2023, a result in part of the Coroners Amendment Act, which established a new associate coroner role. Seven associate coroners and five relief coroners were appointed to the Court, which now sits at a total of 37—comprised of one District

Court Judge (the Chief Coroner), 21 permanent coroners, eight relief coroners and seven associate coroners. In August, Coroner Brigitte Windley was sworn in as Deputy Chief Coroner.

The Act also allowed for the introduction of a new clinical advisory function to the Court. A new chief clinical advisor and seven clinical advisors—all senior doctors—have been appointed to support doctors to determine whether to report a death and to advise the duty coroner in relation to their inquiries.

Coroners work closely with Police and the Ministry of Justice to improve the coronial process so that it is consistent, efficient, empathetic and culturally responsive. It is important that to the greatest extent possible, the coronial process is consistent with tikanga Māori so that whānau can carry out cultural practices upon the death of a family member.

[Coroners Court statistics](#)

## BACKLOG REDUCTION STRATEGY

The Coroners Court has operated with a considerable backlog for some time. Coroners are acutely aware of the impact of delays on whānau and other interested parties and the Court launched its backlog reduction strategy, supported by the Ministry of Justice, aimed at progressing the older files currently before the Court, in October.

The strategy, along with the appointment of additional relief coroners, associate coroners and clinical advisors, has seen coroners' caseloads reduce. By December the number of active cases had dropped to just over 6,000 (down from more than 6,500 in June), and over 200 aged files have been closed.

## MASJIDAIN ATTACK CORONIAL INQUIRY

The inquest into the 2019 Christchurch Masjidain attack coronial inquiry started with a seven-week hearing in Christchurch between October and December 2023, presided over by the Deputy Chief Coroner.

The inquiry involves more than 120 interested parties. It is supported by a Ministry of Justice programme of work, as well as cultural advisors, and external agencies responsible for supporting the families and other interested parties. A livestream interpreted into four languages was made available to enable the many bereaved families and victims of the attack to follow the hearing.

The inquiry is ongoing.



**LEFT:** Deputy Chief Coroner Brigitte Windley.



# Appellate courts

## Supreme Court | Te Kōti Mana Nui

The Supreme Court has the role of maintaining overall coherence in the legal system. The principles expressed in Supreme Court decisions are binding on all courts in New Zealand. Each decision, therefore, has an impact far beyond the parties directly affected by the decision.

The Supreme Court is New Zealand's apex court. It has a broad appellate jurisdiction and hears appeals spanning contract, criminal, employment, family, resource management, torts and intellectual property law. The Court cannot invalidate legislation, but like the High Court and Court of Appeal, it can issue a declaration of inconsistency, where it finds a law or part of a law is inconsistent with one of the fundamental rights protected under the New Zealand Bill of Rights Act 1990 (see page 15).

**FROM LEFT:** Justice Joe Williams, Chief Justice Helen Winkelmann, Justice Susan Glazebrook, Justice Mark O'Regan (seated), Justice Stephen Kós, Justice Ellen France.



**LEFT:** Justice Mark O'Regan at his valedictory sitting in November. Justice O'Regan was appointed to the Court in 2014.

Appeals to the Supreme Court can be heard only with the leave of the Court.<sup>39</sup> To grant leave to appeal, the Court must be satisfied that it is in the interests of justice. That is, if it involves a matter of general or public importance; if a substantial miscarriage of justice may have occurred or may occur unless the appeal is heard; or if the appeal involves a matter of general commercial significance.<sup>40</sup>

There are six permanent judges of the Supreme Court. A panel of five judges is required to hear a substantive appeal—an odd number ensures that the Court reaches a majority decision. On occasion, an acting judge (a former judge of the Supreme Court or a sitting Court of Appeal judge) is a member of an appeal panel, where more than one permanent judge is unable to sit for any reason.

Justice Mark O'Regan, who was appointed to the Court in 2014, retired as a judge of the Court in November 2023.<sup>41</sup>

39 Leave decisions are usually made by a panel of three judges.

40 Senior Courts Act 2016, s 74,

41 Justice O'Regan became an acting Supreme Court judge in February 2024.

In December, Justice Forrie Miller was appointed as his replacement.

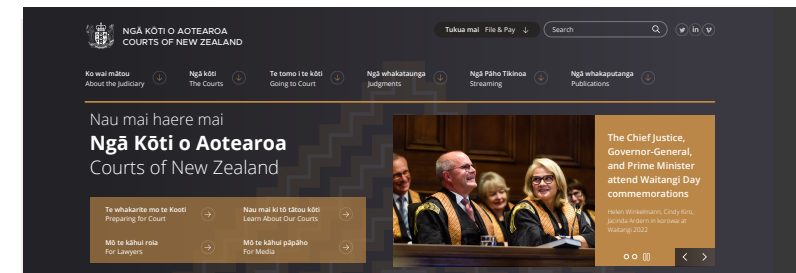
In 2023, the Court delivered 19 appeal judgments dealing with 22 substantive appeals, six of which (27 per cent) were criminal appeals and 16 (73 per cent) were civil appeals. The Court allowed four criminal and four civil appeals. The Court dismissed two criminal and 12 civil appeals.

In 2023, the Court delivered 124 leave judgments dealing with 127 leave applications, 55 (43 percent) were criminal and 72 (57 percent) were civil applications. The Court granted 15 criminal and 12 civil applications. The Court dismissed 40 criminal and 60 civil applications.

Given its significance, it is important that the work of the Supreme Court is readily available and accessible. The Court takes a proactive approach to increasing the transparency of the Court's work to

ensure that public confidence in the justice system is maintained. There were several developments in 2023 aimed at increasing the transparency of the Court's work, including live streaming of appeal hearings, publication of substantive appeal submissions online, and holding annual sitting weeks in Auckland and Christchurch. These initiatives are described further on pages 74-75.

### Supreme Court statistics



## THE COURTS OF NEW ZEALAND WEBSITE

The Courts of New Zealand website publishes all judgments of the Supreme Court. In addition, the website hosts livestreamed and recorded Supreme Court hearings and submissions for Supreme Court hearings. Through the website, the Court provides access to all judgments of the Supreme Court, to livestreamed and recorded hearings, and to the submissions for appeal hearings.

## Court of Appeal | Te Kōti Pira

The Court of Appeal is New Zealand's intermediate appellate court. The Court of Appeal has a key role in developing legal principle, correcting errors, and ensuring that the law is applied consistently.

The Court of Appeal hears appeals from the civil and criminal cases heard in the High Court and appeals from criminal jury trials in the District Court. In addition, matters appealed to the High Court from the District Court and certain tribunals may be taken to the Court of Appeal with leave if they are of sufficient significance to warrant a second appeal. The Court may hear appeals against pre-trial rulings in criminal cases. The Court can also hear appeals on questions of law from the Employment Court and appeals from the Māori Appellate Court and Court Martial Appeal Court. The Court ordinarily sits with a panel of three judges.

The Court of Appeal has primary responsibility for direction and consistency in the delivery of criminal justice. The Court's principal responsibility is to correct errors in conviction and sentence appeals. The Court also issues guideline judgments to provide general direction for sentencing for important criminal offending, usually via a court of



### COURT OF APPEAL:

Back row: Justice Sarah Katz, Justice David Collins, Justice Patricia Courtney, Justice David Goddard, Justice Jill Mallon.  
Front row: Justice Brendan Brown, Justice Christine French, Justice Mark Cooper (President), Justice Forrie Miller, Justice Murray Gilbert.

five judges and following intervention by interested parties. The Court intends to review sentencing policy for sexual violence offending when appropriate cases come before it.

The Court of Appeal had a busy year, delivering 672 judgments in 2023, while managing a substantial increase in workload in the civil jurisdiction.<sup>42</sup>

In 2023, the Court focused on reducing the delay between filing and hearing dates, including by scheduling additional hearing time, and reducing judgment delivery timeframes.

The composition of criminal appeals is changing, with a shift from pre-trial appeals to conviction and sentence appeals. This impacts on both hearing time required as well as the time taken to dispose of (close) criminal appeals.

The Court of Appeal has 10 permanent judges, supplemented by approximately 20 High Court judges who each sit as divisional members for up to four weeks a year, under s 48(2) of the Senior Courts Act 2016. Divisional members bring current criminal trial experience to the Court. Acting judges provide additional capacity.

In March, the Court of Appeal bench welcomed Justice Jill Mallon to the Court, and in December, Justice Susan Thomas. Justice Forrie Miller was appointed to Supreme Court in December, having served as a judge of the Court of Appeal since 2013.

The Court sits year-round in Wellington and Auckland. Each year it also sits for three weeks in Christchurch and one week in Dunedin as part of its divisional sitting programme.

<sup>42</sup> [Court of Appeal Annual Statistics \(2023\)](#).



## CRIMINAL RULES

The Rules Committee continued work to introduce the Court of Appeal (Criminal) Rules 2024 (which will replace the 2001 Criminal Rules). The New Zealand Law Society, Criminal Bar Association and Crown Law have provided comment on the proposed changes. Work will continue in 2024.

[Court of Appeal statistics](#)

## High Court | Te Kōti Matua— Appellate jurisdiction

The High Court hears criminal appeals from judge-alone trials in the District Court and Youth Court. It does not hear appeals from District Court jury trials. It hears civil appeals from the District Court, the Family Court, the Youth Court and the Environment Court as well as appeals from many administrative tribunals and regulatory bodies. All High Court judges can, and do, hear appeals.

## District Court | Te Kōti-Ā- Rohe—Appellate jurisdiction

The District Court hears appeals from a wide range of administrative tribunals and regulatory bodies, including the Disputes Tribunal, Tenancy Tribunal and Motor Vehicle Disputes Tribunal.

## Employment Court | Te Kōti Take Mahi

The Employment Court hears appeals from the Employment Relations Authority. Where an appeal raises an important issue, it will generally be heard by a full court sitting with three or more judges. There are limited rights of appeal to the Court of Appeal.



## PERMANENT COURT OF APPEAL IN OTAGO

In honour of the 150th anniversary of the University of Otago Faculty of Law, the Court of Appeal sat as the Permanent Court (comprising three Court of Appeal judges) in Dunedin's historic court building to hear two appeals, one relating to employment law and the other judicial review. The Permanent Court sat in Dunedin once before in 1982.





## Te Kooti Pira Māori | Māori Appellate Court

Te Kooti Pira Māori | the Māori Appellate Court was established in 1894 as the appellate body for all decisions of the Māori Land Court. The Appellate Court bench is made up of the judges of the Māori Land Court, sitting in panels of three or more judges to hear appeals. Māori Appellate Court sittings are held quarterly, with judges sitting in different panels (appointed by the Chief Judge and Deputy Chief Judge of the Māori Land Court) to hear all appeals filed with the Appellate Court in the previous three-month period. Each appeal is heard in the region to which it relates.

In October, Chief High Court Judge Justice Susan Thomas and Chief Judge of the Māori Land Court Caren Fox signed a protocol setting out the process to be followed where questions of tikanga Māori are referred from the High Court to the Māori Appellate Court pursuant to s 99 of the Marine and Coastal Area (Takutai Moana) Act 2011.

The Māori Appellate Court generally hears between 20 and 30 appeals per year. Māori Appellate Court judgments may be appealed to the Court of Appeal.



## Military justice appeals | Te Kōti Whakawā Kaimahi o Te Ope Kātua

New Zealand has a parallel military justice system. The Court Martial is a specialist court of record that hears cases of serious offending and breaches of military discipline by members of the Armed Forces, and, in rare cases, other persons closely associated with their operations. All of its judges are civilians and sit with a panel of military members who are the deciders of fact. See sidebar.

Although the Court Martial is part of the system of military justice, at the appellate level its appeals come into the civilian court system and are therefore included in this report.

The Court Martial Appeal Court | Te Kōti Pira Whakawā Kaimahi o Te Ope Kātua hears appeals from the Court Martial. The Court Martial Appeal Court is summoned by the Chief High Court Judge and consists of current High Court judges and appointed judges (who are either barristers or retired High Court judges). Appointed judges are civilians, but to date, have also had previous military experience.

The Court Martial Appeal Court has jurisdiction to determine all questions necessary for the purpose of doing justice in any case before it. Like the Court Martial, the Court Martial Appeal Court hears cases involving offences committed anywhere in the world and may sit in any location in New Zealand or overseas as required. This court can also hear any other case from the Court Martial by special reference from the Judge Advocate General or from the Minister of Defence. The Court sits with at least three judges, at least one of which must be an appointed judge. Parties have a further appeal avenue (by leave) to the Court of Appeal and Supreme Court.



### THE COURT MARTIAL

The Court Martial has jurisdiction to hear charges alleging offences against both military and criminal law committed anywhere in the world. Its powers of punishment are equivalent to those of the High Court but include unique sentences, such as detention in the Services Corrective Establishment or dismissal from His Majesty's Service. The Court Martial has adopted the principles of Te Ao Mārama in its proceedings. Appeals from the Court Martial are heard by the Court Martial Appeal Court, and above that by leave to the Court of Appeal or Supreme Court.

Less serious offending is tried before disciplinary officers (who are not judicial officers). Appeals against the findings, punishment, or orders of disciplinary officers are heard in another military court—the Summary Appeal Court | Te Kōti Whakawā Pira Whakaraupapa Kaimahi o Te Ope Kātua. All judges of the Court Martial are also judges of the Summary Appeal Court. Cases are heard by a single judge sitting alone. There is no further right of appeal from the Summary Appeal Court.



**PART THREE**

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# Timely and accessible justice

# Planning for the future

The Chief Justice and heads of bench have a responsibility to ensure that New Zealand's justice system remains fit for purpose through societal and technological change and that future courts are equipped to serve their evolving communities.

This section describes the work the judiciary and others are undertaking to ensure a modern and responsive court system that will work for all the people of New Zealand, now and in the future.

## ADOPTING TECHNOLOGY WISELY: DIGITAL STRATEGY FOR THE COURTS AND TRIBUNALS

Technology has the potential to make it easier to access the courts, and to reduce the cost and complexity of court proceedings. However, it must be adopted wisely in order to capture these benefits without compromising the human quality of our justice system.

The *Digital Strategy for the Courts and Tribunals of Aotearoa New Zealand* (the Digital Strategy) was launched in March and sets out the judiciary's objectives and guiding principles for use of technology in the courts. It outlines how the judiciary, supported by the Ministry of Justice, will strive to capture the benefits of technology, without compromising the human quality of our justice system.

The Digital Strategy identifies four priority initiatives:

- » Te Au Reka—introduction of a digital document and case management system
- » remote hearing technology—implementation of a high-quality, reliable, and flexible system for remote hearings using audio visual technologies
- » physical infrastructure—ensuring reliable, secure, fit for purpose network infrastructure and devices are in place across all courts and tribunals
- » training and support—ensuring high-quality and responsive training and support can be accessed by users of the digital technologies on which the court system depends.

The process of implementing the Digital Strategy will take time. It will require the courts to learn and adopt new ways of working. It will also require the judiciary, court staff, and the legal profession to be flexible as they adapt to new tools and new processes, and the Ministry of Justice to develop its support capacity.

In the course of developing the Digital Strategy, consultation took place with judges, tribunal members, Ministry of Justice officials, government agencies, the legal profession, community groups, academics and technology experts.



## PRINCIPLES GOVERNING DIGITAL TECHNOLOGY IN THE COURTS

The judiciary has identified 13 core principles to guide all decisions about digital technology used in the court system.

The design and implementation of digital technologies for use in the court system must be as follows.

- 1. Consistent with core values**—technology should support the delivery of justice in a manner that promotes the rule of law and respects human dignity and the values that underpin the legal system of Aotearoa New Zealand.
- 2. Consistent with constitutional responsibilities**—technology solutions should be consistent with the judiciary’s constitutional responsibility for court information, judicial information, and court business.
- 3. People-centred**—the design of technology should be centred on meeting the needs of all its users. Users should be involved in design processes, development and testing. Systems should be accessible, intuitive and easy to use; they should make it easier for people to participate in the court system, and to do the right thing.
- 4. Inclusive**—the adoption of digital technologies should reduce barriers to access to the court system, including barriers currently faced by people with disabilities, people using languages other than English, and people with limited means. Technology must not increase barriers to access for people who are digitally disadvantaged.
- 5. Reliable**—technology used in the courts must be reliable and resilient, appropriately scaled to meet peak demand, and well maintained and supported.
- 6. Secure**—information that is communicated and stored using digital technologies must be appropriately secure, appropriately protecting of privacy and confidentiality interests.
- 7. Transparent**—people who provide information that is stored digitally should be able to ascertain how that information is stored, who will have access to that information, and the purposes for which that information may be used.
- 8. Integrated**—systems should be appropriately integrated to ensure simplicity, ease of use and efficiency.
- 9. Flexible and enabling**—the technology that supports the courts must be capable of iterative evolution to meet changing needs and to generate, and take advantage of, new opportunities for innovation and enhanced delivery of justice.
- 10. Implementable**—all technology changes should be accompanied by appropriate organisational and process changes to maximise the benefits from the technology, such as targeted change management processes, training and support.
- 11. Properly supported**—ongoing training and high-quality and responsive support for users are essential to enable digital technologies to be used effectively across the court system.
- 12. Data-driven**—systems should be able to gather data, report on the operation of the court system, and obtain feedback from users to assess efficacy and identify opportunities for improvement.
- 13. Based on proven solutions**—our court system should aim to be a fast-follower; we should learn from the experience of other similar jurisdictions and adopt “best of class” solutions that have been deployed successfully in their courts and tribunals.

## BEYOND A PAPER-BASED SYSTEM: TE AU REKA

Te Au Reka<sup>43</sup> is a digital case and court management system intended to modernise the way New Zealand's courts and tribunals function. It will make it simpler, faster and easier to engage with courts and tribunals. It is one of four priority initiatives identified under the Digital Strategy to address the most acute justice infrastructure needs.

The Digital Strategy and Te Au Reka play an important part in the courts' overall strategy of improving how accessible and understood the courts are, and also how efficiently they operate.

Te Au Reka will be implemented in three phases, starting in the Family Court. The scope (what will be built) and define (what it will look like and how it will work) stages of Family Court implementation are underway.

## AUDIO-VISUAL LINKS: IMPROVING ACCESS TO AND EFFICIENCY OF COURTS

In 2023, more than 67,000 court events<sup>44</sup> were conducted via audio-visual links (AVL) or involved at least one case party attending via AVL. This represents an increase of 99 percent in AVL use since pre-pandemic times.

This figure still represents only a small amount of the courts' business, which is mainly conducted *kanohi ki te kanohi* (face to face). There is good reason for this. Certain court events are required by law to be held in person—a defendant has the right to be present at their trial and the jury must sit together and be present throughout the trial. For other court events, although there is no legal reason not to use remote technology, it is not always suitable. The mode of hearing a proceeding needs to be appropriate to the circumstances of the case and the significance of the hearing—for example, it is not appropriate to sentence people to lengthy prison sentences remotely.

However, there is significant potential for AVL technology to further transform the justice system, making it easier to access the courts—including for those with disabilities or who speak English as a second language—reducing the cost and complexity of court proceedings and enhancing access to justice for the public, media, *whānau*, and *iwi*.

The judiciary has begun to develop principles to guide the operational and procedural arrangements that enable greater use of AVL, while ensuring its use does not undermine just outcomes in individual cases. These will give more certainty to the types of hearings where AVL will typically be used.

At present, the most significant barrier to the use of AVL in courts is the availability and quality of infrastructure in the courts and justice sector.

The Chief Justice launched the Digital Strategy in March 2023, which sets out the judiciary's objectives and guiding principles for use of technology, including AVL, in the courts. This is discussed in more detail at page 59.

43 'Te au' translates as 'current' or 'flow', and 'reka' as 'sweet, palatable and pleasant.' Te Au Reka means the sweet flow —envisaging a case management system that enables court processes to flow seamlessly from beginning to end.

44 Conducted in the Youth Court, District Court or High Court across the criminal, family and civil jurisdictions.

## CONSIDERING THE IMPACT OF AI ON COURTS: THE ARTIFICIAL INTELLIGENCE ADVISORY GROUP

The use of generative artificial intelligence tools is now widespread and AI-generated content is appearing more often in materials that are presented to New Zealand courts and tribunals. The rapidly evolving sophistication and application of these technologies poses risks to the integrity of the administration of justice and court processes, particularly in terms of fabricated documents, images or videos that could easily be mistaken as genuine and admitted as evidence in proceedings.

Recognising that artificial intelligence (AI) is here to stay and that this powerful technology might also realise benefits,<sup>45</sup> heads of bench established an Artificial Intelligence Advisory Group to develop best practice guidelines for the use of artificial intelligence in court in May.<sup>46</sup>

The group spent several months investigating the practical and ethical implications of using AI in relation to the work of the courts, considering a range of factors including security and privacy concerns, what may constitute a legitimate use of AI in the court context, the quality of data outputs from AI platforms, and the effect that the courts' position on AI technology may have on public trust and perception of the institution, and on access to justice.

After extensive research and consultation, the group developed three sets of tailored guidelines—for judges and their staff, for counsel, and for non-lawyers (including self-represented litigants)—which were published on the Courts of New Zealand website in December.<sup>47</sup> The guidelines cover what AI is, risks inherent in its use, situations where it would be inappropriate or unhelpful to use it, and situations when it may be helpful.

As it is in the interests of justice that a consistent approach to these issues is taken across judicial forums as much as practicable, the group worked with Tribunals Aotearoa, a newly formed representative organisation for tribunals in New Zealand, to roll out a consistent set of guidelines for each of their member bodies. These guidelines apply to all courts, to the Waitangi Tribunal, and to the 28 other tribunals and authorities who have adopted them.

While courts around the world are navigating the opportunities and challenges presented by generative AI technology, New Zealand appears to have been the first country to publish such guidance. Other jurisdictions have now followed suit.

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45 Such as enabling courts to work more efficiently and enhancing access to justice by making legal knowledge and information more accessible to non-lawyers.

46 The advisory group, initially led by Justice Sarah Katz and later by Justice Paul Radich, includes representatives from the senior courts and District Court, judicial support staff, court registries, and the Ministry of Justice.

47 [Guidelines for use of generative artificial intelligence in Courts and Tribunals 2023.](#)



## TIKANGA MĀORI: WOVEN INTO THE FABRIC OF THE JUSTICE SYSTEM

Tikanga has informed court practice and process for decades in many jurisdictions in New Zealand. Tikanga, and tikanga-sourced concepts, are recognised both in legislation and as being relevant to the development of common law. This reflects the fact that tikanga continues to guide whānau, hapū and iwi in everyday life.

A number of initiatives are now in place to raise understanding of how tikanga should be applied in legal contexts. Judges learn about tikanga and te reo Māori as core parts of the judicial education curriculum (see page 27). Te Wānanga o Raukawa offers Poutāhū Ahunga Tikanga—a postgraduate diploma in Māori laws and philosophy, and Tāhuhu Ahunga Tikanga—a Master of Māori laws and philosophy.<sup>48</sup>

In September, Te Aka Matua o te Ture | Law Commission produced a detailed study paper—*He Poutama*<sup>49</sup>—that examines tikanga Māori and its place in our legal landscape. This will

**RIGHT:** Chief Justice Helen Winkelmann, Judge Denise Clark and Principal Youth Court Judge Ida Malosi at Te Whare Rūnanga Marae, Waitangi in February.



serve as a useful framework for continued discussion of the place and role of tikanga in the law. Justice Christian Whata, in his role as Law Commissioner, led the work on the report.

## TE REO MĀORI IN COURT

Although most court proceedings in New Zealand are conducted in English, court participants have the right to speak te reo Māori<sup>50</sup> or use New Zealand Sign Language.<sup>51</sup>

The Māori Land Court published its first bilingual Annual Report<sup>52</sup>, continued to publish its decisions with bi-lingual headings, and ensured its website was available in both English and Māori. The Waitangi Tribunal published its *Guide to Practice and Procedure in English and Māori*.<sup>53</sup>

In August, the Employment Court published its practice directions in te reo Māori.<sup>54</sup> Earlier in the year, Justice Layne Harvey issued a judgment with both English and te reo Māori headings—a first for the High Court. Interpreters are available to support participants who speak languages other than English (see page 70). The courts continue to look for ways to increase accessibility to court users.

48 [Te Wānanga o Raukawa \(2024\)](#).

49 The study paper describes tikanga Māori and where it comes from and reviews its place in law. The paper “maps” tikanga Māori as a system of law, drawing on, among other sources, expressions of tikanga in the courts and Waitangi Tribunal. The paper also examines the interaction between tikanga Māori, common law and legislation, with a view to providing a principled framework for engagement. He Poutama refers to the steps taken towards knowledge, or a journey of growth and learning: Law Commission [He Poutama](#) (NZLC SP24, 2023) at 16.

50 Te Ture mō Te Reo Māori 2016, Māori Language Act 2016, s 7.

51 New Zealand Sign Language Act 2006.

52 [Māori Land Court Annual Report Matariki 2022 - Matariki 2023](#) | Māori Land Court

53 [Guide to Practice and Procedure](#) | Waitangi Tribunal

54 [Employment Court of New Zealand | Te Kōti Take Mahi O Aotearoa: Practice Directions](#) | Mahi Aronga (2023).



# Delivering timely and accessible justice

The judiciary and the Ministry of Justice are together responsible for developing and maintaining a justice system that is just, fair, accessible, modern, and effective, and which delivers timely, impartial and open justice. This joint responsibility is described in the Statement of Principles (see Appendix 1 at page 81).

This section describes the challenges to delivering timely and accessible justice, and the work underway to meet those challenges.

## The challenge: Delay

Delay in court proceedings is a problem that affects individuals before the courts and those awaiting court determinations or decisions. It also impacts on the public perception of the judicial system and the legitimacy of the courts.

The judiciary is keenly aware of the causes and impacts of delay, and addressing these challenges is a priority. Some causes of delay are systemic—they relate to the complexity of the court system and the many agencies and participants involved.

Others are due to resource constraints such as the number of available courtrooms. Others are related to external events—such as the pandemic and natural disasters. These are explored below.

## COMPLEXITIES IN THE CRIMINAL JURISDICTION

Courts are an ecosystem of different agencies and individuals, which means that delay can occur at several points in the process. For a fair trial to take place, key agencies and individuals need to be available and fully prepared, including judges, registry staff, court security staff, jurors, Police or Crown prosecutors, defence counsel and witnesses. Specialist reports may be needed—for example, from mental health professionals—and all evidence must be disclosed in time for the parties to consider it.

Emerging trends that also contribute to delay include more defendants selecting jury trials, trials becoming increasingly complex with more multi-defendant trials and more serious charges, and fewer people choosing to make early guilty pleas. A whole-of-system approach is needed to ensure that properly-advised defendants can and do enter guilty pleas, if that is the just outcome, sooner rather than later.

A shortage of key personnel including Police prosecutors, defence counsel and psychologists is a contributing factor affecting the timely progression and completion of trials and sentencings in parts of the country. In July 2023, Cabinet authorised two years' funding to strengthen the Police Prosecution Service's ability to provide timely support to the courts, which has resulted in another 60 roles in the Police Prosecution Service and 21 roles in the associated Criminal Justice Support Unit to help improve the effectiveness of the service.

### **EXTREME WEATHER EVENTS: THE IMPACT ON THE COURTS**

Extreme weather in the North Island in the early months of 2023 resulted in the closure of several courtrooms, exacerbating the delays already faced by the District Court. In January, Auckland District Court, the country's busiest, was badly damaged by the Auckland Anniversary floods. Four of its 15 criminal courtrooms were severely affected.

A local solutions framework (see sidebar on page 39) was implemented following the floods to re-prioritise scheduling of Auckland District Court hearings to other courts in the area. AVL was used where possible.

In mid-February Cyclone Gabrielle caused severe disruption across the north and east of the North Island and the local solutions framework was extended to cover all District Court locations under a red weather warning or where a state of emergency had been declared.

The communities in Tairāwhiti and the Hawke's Bay were severely affected. Recognising that the community's first priority was to undertake recovery work, scheduled jury trials in Gisborne and Hawke's Bay were halted until mid-April to enable court participants (jurors, counsel, witnesses and defendants) to concentrate on their immediate needs for housing and business recovery.

Other local solutions were lifted in stages, with the Auckland District Court the last to resume full operations. The four damaged courtrooms came back into service between mid-August and mid-September. That courthouse had already faced challenges with delay, due in part to the ongoing impact of the Auckland COVID-19 lockdowns in 2021.

### **COVID-19: CONTINUED IMPACT**

In August 2023 all remaining regulatory COVID-19 restrictions were lifted, and courts were able to resume operations without the need for any special pandemic precautions to keep participants safe. This enabled the courts to focus on addressing backlogs that developed during the pandemic and in the aftermath of the extreme weather events in the early months of 2023.

Jury trials were particularly affected by COVID-19 restrictions. As the fact-finders in serious criminal trials, it was important jurors stayed well, both for their own health and to avoid having to re-hear cases, which is both distressing for participants and compounds delays in the courts. Jury trials also rely on the jury being together in one room, hearing the same evidence at the same time, which meant that remote options were not possible.

Throughout the pandemic, the judiciary worked closely with the Ministry of Justice, the profession and other court participants to ensure that justice was delivered; this required the commitment and flexibility of all parties. Many of the operational and technological changes that were introduced during the pandemic delivered additional benefits, such as improving access to justice for those who find getting to court difficult, and may continue to be used in certain circumstances.

Despite these efforts, the pandemic has left behind a legacy of delay that continues to impact the District Court. Work continues to address these delays (see overleaf).

## Addressing delay

Addressing delay in the court system is vital. This section covers the specific responses of the courts to this shared challenge.

### DISTRICT COURT

#### *Improving timeliness and reducing backlogs*

In 2023 the District Court introduced a priority-based approach to scheduling cases and rostering judicial resources to hear them, targeted at the District Court locations with the largest backlogs, with a particular focus on the Auckland region.

Initial indications suggest this approach is having some impact, with a reduction in the national criminal backlog following its introduction in May.

Backlogs have grown in the District Court since 2015. The District Court Timeliness Programme was established in 2023 to bring together judicially-led and Ministry-led initiatives focused on improving timeliness. This included the range of activities developed under the Criminal Process Improvement Programme to improve systems and ensure each appearance in court is meaningful and progresses the case towards completion. District Court timeliness will continue to be a focus for the Court in 2024.

Work also began on developing a timely access to justice standard and category-based timeliness thresholds for criminal cases. This is an important next step to tackle backlogs and improve timely delivery of justice in the District Court.

#### *Courtroom capacity*

Court administrators endeavour to have courtrooms running at full capacity, wherever possible. However, all courts are ultimately constrained by the number of judges and courtrooms available. To alleviate issues of courtroom capacity and, because justice may at times be delivered more effectively in a different setting, a variety of facilities are used as alternatives to traditional courtrooms.

In February, the Newmarket Hearing Centre opened, primarily to hear cases from Manukau District Court's family jurisdiction. This addresses the lack of suitable courtrooms in the Manukau courthouse for Family Court business and the number of Family Court judges based there.

### WORKING TOGETHER TO MAKE COURTS MORE EFFECTIVE

For the court system to work effectively, participants at each stage must be ready for hearings. Recognising this, the judiciary regularly meets with lawyers and justice agencies to identify barriers to the prompt and efficient disposition of cases.

The most long-standing of these connections is the Criminal Practice Committee (CPC). (See page 89 for more information). The CPC looks at systemic issues that require cross-agency cooperation to solve. On occasion, the CPC may decide to recommend legislative change to the government.

At a courthouse level, local executive judges chair (and take part in) stakeholder meetings with members of the local criminal bar, Police, Crown solicitors, and Department of Corrections | Ara Poutama staff, among others.

Since the first pandemic lockdown, the chief judges of the High and District Courts have met regularly online with legal professional groups, the Police Prosecution Service, Crown Law and the Department of Corrections | Ara Poutama to address operational issues that are hindering the prompt disposal of cases. Technology has enabled faster, less formal ways for professional court participants to interact with the judiciary to make practical operational changes to how the courts operate.

Te Kōti Rangatahi | Rangatahi Courts and Pasifika Courts operate out of marae or community venues. There are 16 Rangatahi Courts across the country and two Pasifika Courts based in Auckland. These courts were established to address the over-representation of Māori and Pasifika in the youth justice system. This initiative has had positive effects.

### *Criminal Process Improvement Programme*

The District Court's Criminal Process Improvement Programme (CPIP) is a judicially led justice sector-wide initiative to improve timely access to justice. It establishes best practice in criminal procedure to ensure all court hearings are meaningful, and to reduce the time it takes to resolve cases. After considerable planning, design, testing and evaluation, CPIP processes and practices are starting to be rolled out across the Court. In 2023, CPIP made improvements across areas such as case management, bail applications and improved documentation.

## HIGH COURT

### *Criminal Disclosure Practice Note*

Sometimes a criminal jury trial will need to be adjourned due to late disclosure by the prosecution. Given this, the High Court Criminal Disclosure Working Group was established (comprising representatives of the judiciary, prosecution and defence) to look at ways to improve the timeliness of

disclosure. Following the Working Group's report, Chief High Court Judge Justice Susan Thomas issued the Criminal Disclosure in High Court Trials Practice Note in March 2023.

The practice note requires the Crown and defence to address disclosure issues at an early date to avoid delays and adjournments caused by late disclosure. It is discussed in more detail on page 36.

Steps were also taken in 2023 to improve timeliness in the High Court's civil jurisdiction; see page 44. See also page 68 for information on proposed High Court Rules, aimed at ensuring High Court civil proceedings are effective and proportionate.

## CORONERS COURT

### *Coroners Court backlog reduction strategy*

The Coroners Court launched a backlog reduction strategy in 2023, aimed at progressing older files efficiently and effectively without any reduction in the quality of the work produced. This is already having a notable impact (see page 51).



## The challenge: Barriers to access to justice

To be accessible, justice must be easy to understand, easy to participate in and timely. People must understand that their issue might have a legal solution, and be able to navigate their way through the legal environment to find resolution.

Improving access to justice in all interactions the public have with the courts and with judicial processes is a priority for the judiciary.

## Improving access to justice

### FOUR INITIATIVES UNDERWAY TO IMPROVE ACCESS TO CIVIL JUSTICE

It is a fundamental right for all people to have access to courts or tribunals where their civil rights can be upheld, and breaches of those rights compensated, in a fair and transparent way by a neutral decision-maker in accordance with law. If everyone does not have the same access to civil justice—because they cannot afford it, or do

not know how to seek it, or find the process too intimidating—then this inequality undermines the rule of law because it means that the law’s protection is only available to some, not to all.

The system as it stands has numerous barriers to accessing civil justice. The following four significant projects are underway to enable better understanding of these barriers, and to reduce them.

### *Rules Committee—Simplifying court procedures to resolve disputes quickly and efficiently*

The Rules Committee,<sup>55</sup> in its report *Improving Access to Civil Justice* in November 2022, proposed substantial changes to the civil justice framework aimed at simplifying court procedures so that disputes can be resolved more quickly and efficiently. Its recommendations for rules, legislative and policy change included:

- » expanding the role of the Disputes Tribunal so it becomes the primary court for a significant proportion of civil disputes
- » revitalising the District Court’s civil jurisdiction, including by creating a separate civil division headed by a Principal Civil List Judge

- » new rules that simplify case management and the hearing of civil disputes in the High Court to make them more effective and proportionate
- » continued use of electronic documents and remote hearings conducted by audio-visual link where appropriate.

In accordance with its remit, the Committee focused on making changes to the High Court Rules regarding case management, proportionality, use of electronic documents and facilitating remote hearings. A sub-committee has proposed specific rule changes and is consulting with stakeholders on them. The proposed rules will be considered by the Committee in 2024.

The recommended policy proposals, relating to the jurisdiction of the Disputes Tribunal and constitution and judicial officers of the District Court, will require legislative change and are with the government for consideration.

### *The Access to Justice Advisory Group*

Improving access to justice forms part of the Courts Strategic Partnership Group’s (CSPG) terms of reference. The access to civil justice work programme is part of the shared CSPG workplan.

55 A statutory body that determines the rules of procedure for the senior courts and the District Court. Its membership consists of representatives from the judicial and executive branches of government, and also from the profession. See [Rules Committee—Courts of New Zealand \(courtsofnz.govt.nz\)](https://www.courtsofnz.govt.nz/rules-committee)

Building on a workshop held in 2020 with people on the frontline of civil justice, including not-for-profit and community groups, members of the legal profession, ministry officials and judges, the Chief Justice and the Secretary for Justice established the Access to Justice Advisory Group. The Group was charged with developing a strategy to enhance access to civil justice and to conduct a survey to better understand legal need.<sup>56</sup>

Having delivered these two initiatives (explored below) the Access to Justice Advisory Group will disband in 2024. The judiciary will continue to work on improving access to justice through other committees, including the Rules Committee, the Criminal Practice Committee, Huakina kia Tika, the Courthouse Design Committee and Tomo Mai, as well as through the Digital Strategy and Te Ao Mārama. There is a summary of committee work contained in Appendix 2.

### Navigating the system— *Wayfinding for Civil Justice*

The Access to Justice Advisory Group set up a working group to develop a stakeholder-led strategy, now known as *Wayfinding for Civil Justice*, in consultation with those working in and for civil access to justice.<sup>57</sup>

The *Wayfinding for Civil Justice* strategy encourages a unified and coordinated approach to the design and planning of individual initiatives to improve civil access to justice. It provides a set of guiding lights or principles and waypoints or goals. It seeks the following outcomes.

1. Legal assistance is accessible, appropriate and integrated.
2. Providers of legal assistance understand and serve the needs of their communities.
3. Dispute resolution—from initiation to enforcement—is accessible and equitable.
4. There is knowledge about the system and progress towards these goals can be monitored, evaluated and improved.

*Wayfinding for Civil Justice* was released in December 2023 and is available in both te reo Māori and English.<sup>58</sup>

As part of implementation, the working group recommended establishing a National Civil Justice Observatory to support the *Wayfinding for Civil Justice* strategy to be useful in practice. The Observatory would be responsible for coordinating reporting of initiatives, sharing information between stakeholders, and maintaining momentum for Wayfinding.

The working group was greatly assisted by feedback from civil justice stakeholders.

### *Discovering the extent of unmet legal need in New Zealand—Justice Legal Needs Survey*

The Access to Justice Advisory Group commissioned a nationwide Access to Justice Legal Needs Survey to gather data about people's experiences with civil justice issues and how they seek (or do not seek) resolution of those issues. Developed in conjunction with the Ministry of Business, Innovation and Employment and the

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56 The Advisory Group was co-chaired by the Chief High Court Judge, Justice Thomas and Sam Kunowski, General Manager, Courts and Justice Service Policy (Ministry of Justice), and its members are Chief Employment Court Judge Inglis, Dr Bridgette Toy-Cronin, Director, University of Otago Legal Issues Centre, Horiaana Irwin-Easthope, Managing Director, Whāia Legal, Donella Gawith, General Manager, Commissioning and Service Improvement and Sarah Lynn, Chief Advisor, Office of the Chief Executive in the Ministry of Justice.

57 The working group members are Dr Bridgette Toy-Cronin (Chair), Hon Raynor Asher KC, Wi Pere Mita (*Rongowhakaata, Te Aitanga a Mahaki / Te Whānau a Kai, Waikato/Tainui*), Gabrielle O'Brien and Anne Waapu (*Rongomaiwahine, Ngāti Hinemanu, NFGāti Kahungunu me Te Ati Haunui-ā-Pāpārangi*.)

58 [Wayfinding for Civil Justice—Imagining a better way of working together to improve access to civil justice in Aotearoa New Zealand \(2022\)](#).

Ministry of Justice, the survey was conducted from September to December 2023. The data and subsequent analysis will inform future work to improve access to civil justice.

## SHARING KNOWLEDGE ACROSS THE COURTS

The theme of the 2023 All Courts Conference held in Auckland in March was Access to Justice—Aotearoa style, reflecting the emphasis that the judiciary places on improving access to justice. The programme focused on innovative approaches in different courts and environments to facilitate access to justice such as the effect of Kaiārahi | Family Court Navigators in assisting litigants in the Family Court (see page 47 above) and included an insight into the unique needs of litigants before specialist courts (Environment, Employment, Māori Land Court and the Coroners Court).

## ACCOMMODATING COMMUNICATION DIFFICULTIES AND NEURO- DISABILITY IN THE COURTS

Everyone appearing in court has the right to participate in proceedings that affect them—participation is an aspect of access to justice. Yet many people who appear in our courtrooms

have disabilities that affect their ability to fully participate. Research shows that people with neurodisabilities, including traumatic brain injury and foetal alcohol syndrome, are overrepresented in the criminal courts.<sup>59</sup>

The courts employ strategies to accommodate people who may face barriers to full participation. These include using plain language instead of “legal speak” and using court-appointed communication assistants to support defendants and complainants who require it. In 2023 the Te Awa Tuia Tangata | Judicial Diversity Committee and Tomo Mai | Inclusive Workplace and Courtrooms Committee jointly hosted a Disability and Access to Justice conference, which provided valuable information from those with lived experience about disabled people’s barriers to access to justice. This feedback will inform future judicial initiatives.

Te Awa Tuia Tangata and Tomo Mai are preparing a report on Ministry of Justice disability initiatives. The report and recommendations will be presented to the heads of bench in 2024.

## INTERPRETING IN THE CRIMINAL COURTS

Over a quarter of New Zealanders were not born in New Zealand and many have first languages other than English. New Zealand has three official languages which can be used in court: English, Te Reo Māori and New Zealand Sign Language.<sup>60</sup> In 2023, interpreters were used in 10,150 court and tribunal court events using over 99 distinct languages.

Good quality interpreting is necessary in all courts to ensure that people who need it can properly participate in criminal proceedings—whether as defendants or witnesses. Poor-quality interpretation (for example, where questions or evidence are interpreted incorrectly) can lead to a miscarriage of justice, and to successful appeals.

In May, the Ministry of Justice published the *Interpreter Services Quality Framework* (the Framework) to support interpreters to deliver quality services in courts and tribunals.<sup>61</sup>

The Framework covers interpreter qualifications, training and induction; includes a code of conduct; sets out the logistics of assessing the need for and the delivery of interpreter services in individual cases; and addresses monitoring and

59 Dr Ian Lambie *What were they thinking? A discussion paper on brain and behaviour in relation to the justice system in New Zealand* (Office of the Prime Minister’s Chief Science Advisor, January 2020).

60 Te Ture mō Te Reo Māori 2016 (Māori Language Act 2016), s 7. New Zealand Sign Language Act 2006, s 7.

61 Interpreter Services Quality Framework (2023).



ongoing quality improvement. It is the result of an extensive and collaborative work programme, involving the Ministry of Justice and the judiciary, and informed by best practice in Australian courts.

### INCREASING PUBLIC UNDERSTANDING OF JUDICIAL PROCESSES

Bench books were originally developed for and by judges as a resource for use in their day-to-day work on the bench (see page 28) but it is recognised that providing this information more widely would be of benefit to the legal profession and would provide greater transparency into, and understanding of, court processes.

Publication of bench book material began in 2019, with the question trails from the *Criminal Jury Trials Bench Book* published on the Courts of New Zealand website. In August this year, example sexual violence evidential directions—developed to assist judges to direct juries on misconceptions about sexual offending—were also published. The public release of this material sparked further engagement with the profession.

Work is continuing towards public release of further bench books, with the *Criminal Jury Trials Bench Book* and *Te Puna Manawa Whenua | Māori Land Court Bench Book* scheduled for release in 2024.

### ENSURING PEOPLE HAVE ACCESS TO LEGAL ADVICE AND LEGAL AID

Our adversarial court system assumes that parties will be legally represented. The law is complex and court processes can be hard to follow; legal advice helps people understand their rights and what is taking place in the courtroom. However, the rising cost of legal services has far outstripped the increase in median weekly income.<sup>62</sup> Difficulty in getting and affording legal representation can be a barrier to access to justice.

A fair, just and sustainable legal aid system is necessary to provide access to justice and to promote respect for the rule of law. The Ministry of Justice, through the Legal Services Commissioner, is responsible for administering the legal aid system.

No matter what their financial status, any unrepresented defendant can seek advice from a duty lawyer (also known as a duty solicitor). Duty lawyers advise on penalties, the strength of the available evidence and, for defendants without sufficient means, assist them to apply for legal aid.

Duty lawyers are paid on a different regime to lawyers acting for a client granted legal aid. In August, duty lawyer rates were raised for the first time in 10 years, to \$103 per hour on weekdays and \$126 per hour on weekends and holidays. The weekday rate is equivalent to the hourly rate of the lowest level of criminal legal aid. In assessing the adequacy of this rate, it is necessary to bear in mind that this does not reflect the rate at which the lawyer is remunerated for their time—they must first pay the cost of practice out of that hourly rate.

Nevertheless, this long-overdue increase offered a reprieve to duty lawyers, who were increasingly finding duty lawyer work to be untenable and unsustainable.

The Legal Services Commissioner also announced a broad-scope review of the duty lawyer service to ensure it is fit for purpose in meeting the needs of unrepresented defendants in their appearances in the District Court. The review, which is being led by a professional services firm and supported by an advisory stakeholder group, commenced in August 2023 and is due to be completed in 2024.

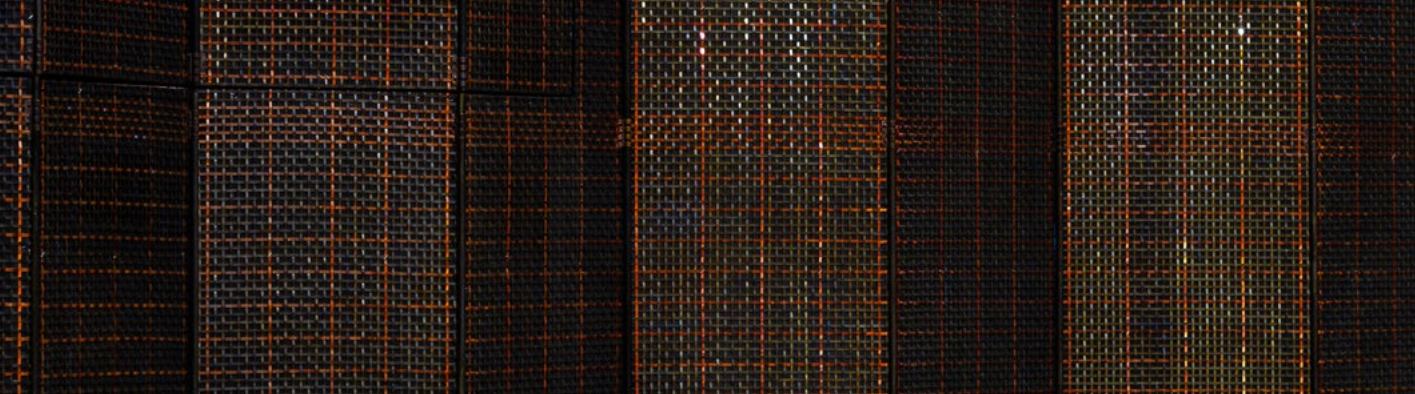
62 Bridgette Toy-Cronin “Explaining and Changing the Price of Litigation Services” (2019) NZLJ 310.



**PART FOUR**

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# Open justice and engagement



## HUAKINA KIA TIKA | OPEN JUSTICE COMMITTEE

The Huakina kia Tika | Open Justice Committee was established at the start of the COVID-19 pandemic when, for the first time, the public was not freely able to attend court hearings and when many hearings took place remotely. The Committee's first task was to ensure that the media, on behalf of the public, could attend court either in person or remotely.

The Committee's responsibilities have evolved to include overseeing and promoting initiatives to improve public and media access to the courts and public understanding of the courts and their constitutional role. It also provides a judicial perspective on issues relating to access to court records.

Work on publishing the judgments of all courts on one site, Judicial Decisions Online (JDO), continues. Holding all decisions in one place will make them easier to find and improve access to justice. The Committee is supervising the Ministry of Justice's project to achieve this. All judicial publishing staff will be brought together into one team. In late 2023, consultation began on a proposal to move the District Court publications staff into Judicial Libraries, alongside the team who publish judgments for the senior courts and some tribunals. Decisions are due in March 2024.

The Committee also supervised the Supreme Court transparency initiatives outlined overleaf.

## The principle of open justice

A fundamental principle of the common law is that the administration of justice must take place in open court. This principle underpins the public's right to attend court hearings, the media's right to report proceedings, and access rights to court documents (subject to some specific statutory exceptions). It is not open to the parties to agree to private hearings, to the sealing of the court file, or to the suppression of the judgment.

The requirement that justice be administered in a manner that renders it open to public scrutiny is the surest means of holding judges and courts to the ideal of a fair hearing. In this way, the principle of open justice maintains public confidence in the justice system.

Open justice initiatives aim to make accurate information about the courts and their decisions readily available to the media and the public. This access is critical to public confidence in the judiciary. Some initiatives that support open justice have the potential to enable access to justice by allowing people who are interested in proceedings, but unable to attend in person, to view them.

## A work programme to support open justice

Two judicial committees are responsible for overseeing the work that supports the principle of open justice.

### MEDIA AND COURTS COMMITTEE

The Media and Courts Committee is an advisory group comprised of judges, senior news leaders, senior Māori media representatives and senior registry staff. The Committee is a forum where media organisations and the judiciary can discuss topics of common concern, identify issues impacting the accurate and timely reporting of the work of the courts, and facilitate understanding between the two institutions. It is responsible for the In-Court Media Coverage Guidelines. Revised guidelines will be released in 2024.

The District Court Media Committee acts as a sub-committee to the Media and Courts Committee and meets twice a year. The meeting is an opportunity for the District Court judiciary to hear from court reporters and other working journalists to discuss key areas creating difficulty or confusion. The meeting is also attended by Ministry of Justice representatives as many of the action items are assigned to court staff rather than judges.

## IMPROVING THE TRANSPARENCY OF JUDICIAL ADMINISTRATION AND COURT BUSINESS

This is the third year in which the Chief Justice has published an Annual Report to share judicial progress.

In late August, following the release of the Chief Justice's 2022 Annual Report, the Chief Justice, Chief High Court Judge, acting Chief District Court Judge, Justice David Goddard and the Secretary for Justice took part in an online question and answer session hosted by the New Zealand Law Society President Frazer Barton. Justice Goddard provided updates on the progress of the *Digital Strategy for Courts and Tribunals of Aotearoa New Zealand*, Te Au Reka and guidance then being developed for the use of AI in the courts. This online engagement with the whole profession is now an annual event.

The Courts of New Zealand LinkedIn page, launched in August 2022, grew by 150 percent in 2023. It now has nearly 5,000 followers.

Through LinkedIn, the Courts of New Zealand engage with members of the legal profession, academia and the public service, sharing judicial news, events and appointments. This channel supplements the courts' X account (formerly Twitter) to advise of news and significant judgments as they are released. The courts have used Twitter/X since 2015.

Te Kura Kaiwhakawā | Institute of Judicial Studies develops and maintains a suite of online resources for the judiciary—12 in total (see page 28)—for judges' use in their day-to-day work on the bench. As part of increasing transparency into court processes, Te Kura is systematically preparing bench books for public release. The *Criminal Jury Trials Bench Book* and *Te Puna Manawa Whenua | Māori Land Court Bench Book* are due for public release in 2024.

## SUPREME COURT OUTREACH AND TRANSPARENCY INITIATIVES

The principles expressed in Supreme Court decisions are binding on all courts in New Zealand and have an impact far beyond those parties directly involved in the cases it hears. Therefore, it is important that the work of the Supreme Court is readily available and accessible.

To improve public understanding of the work of the Supreme Court, a case synopsis is prepared for each case the Court hears and published on the Courts of New Zealand website and shared via social media.

Other initiatives designed to increase the transparency of the Court's work, provide the public with access to Supreme Court hearings, and support educational institutions with the teaching of law, include the following.

- » **Live streaming of hearings:** Increasingly, hearings of the Supreme Court are livestreamed with a link made available through the Court's fixtures list. Hearings that feature suppressed information are not livestreamed. The first Supreme Court hearing to be livestreamed was the appeal in the *Justin Richard Burke v The King* case in March. In total, 12 hearings and one judgment delivery were livestreamed in 2023. A protocol relating to livestreaming of hearings was developed and published in November.
- » **Publication of recorded livestreamed hearings on Courts of New Zealand website:** Livestreamed hearings are recorded and published on the Courts of New Zealand website after the hearing has concluded.<sup>63</sup> This gives educational institutions, members of the legal profession and members of the public the ability to view the hearing at any time.
- » **Publication of substantive appeal submissions online:** The written submissions of counsel for appeal hearings are now published on the Courts of New Zealand website a day before the hearing begins, with limited exceptions. The Supreme Court Submissions Practice Note 2023 was issued in July, outlining criteria for and exceptions to publication. Publishing these documents supports law schools with the teaching of law, advocacy, and procedure.

63 [Ngā Pāho Tikinoa – Courts of New Zealand](#).

**RIGHT:** District Court Judge Evangelos (Barney) Thomas sitting at the Whakaari-White Island trial in Auckland.



- » **Practice regarding judge allocation:** The Chief Justice published the protocol for allocation of judges to a panel for the hearing of an appeal in the Supreme Court when six permanent judges are available to sit on the appeal.<sup>64</sup>
- » **Embargo judgment process:** The Court provides judgments under embargo in cases of high public interest. In this situation, the judgment is provided in advance of its formal delivery to counsel, parties, and media (and, sometimes, others).
- » **Supreme Court sitting outside of Wellington:** The Court has adopted a practice of having sitting weeks in Auckland and Christchurch every year. Holding hearings outside Wellington enables interested members of the public, the profession, academics and law students to see the Court in action. In March 2023, the Supreme Court sat for the first time in Christchurch. The Court also sat in Auckland in August.
- » **Outreach with the profession and academia:** On its away sittings, the Court hosted a question-and-answer session between the judges of the Supreme Court and counsel appearing, and academics and students from local law schools. The Court will continue this practice in the future. For preparation for the

event, the Court recorded a video introduction to the hearing, outlining the cases that would be advanced by counsel, and provided this in advance to law schools.

### THE WHAKAARI-WHITE ISLAND TRIAL—A CASE STUDY

On 9 December 2019, Whakaari-White Island, an active offshore volcano in the eastern Bay of Plenty, erupted. Forty-seven people were on the crater floor at the time—most of whom had paid for tours led by tour guides employed by commercial tour operators. As a result of the explosion, 22 lost their lives. The remaining 25 people were all injured, most seriously.

On 10 July 2023 at the Specialist Courts and Tribunals Centre in Auckland, the judge-alone District Court trial relating to the disaster began. Thirteen organisations and individuals were originally charged under the Health and Safety at Work Act 2015, following the most extensive and complex investigation ever undertaken by WorkSafe New Zealand.

Ensuring that the overseas-based victims and family members were able to watch the proceedings, and had the necessary support while they did so, was a priority.

For the first time in the District Court, the entire proceedings were livestreamed, with restricted access provided through the Courts of New Zealand website. International and national media representatives were also able to view the proceedings via the livestream.

A dedicated project team was set up by the Ministry of Justice to effectively manage the logistics surrounding a case of this complexity and scale and support its smooth running and to ensure that the victims and family members were properly supported. The team consisted of victim support, welfare, subject matter experts in project administration, court operations, security, IT, property, communications and media operations, and worked alongside staff from the Auckland and Whakatane District Courts.

The verdict and sentencing in the case are scheduled to take place in early 2024.

64 [Practice in relation to allocation of judges—Courts of New Zealand.](#)



PART FIVE

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# Pacific and international engagement

The New Zealand judiciary fosters strong links with colleagues in common law jurisdictions, particularly with the judiciaries in the Pacific and Australia. The Chief Justice regularly engages with judicial forums such as the Council of Chief Justices of Australia and New Zealand, and the Chief Justices of the Pacific.

## Tokelau justice sector reform

Tokelau is part of the Realm of New Zealand. The Chief Justice of New Zealand is also the Chief Justice of Tokelau.

There are significant issues affecting access to justice in Tokelau. It is a country with a very small population spread over three islands geographically distant from each other. Recommendations to address these issues and to strengthen access to justice were made in late 2019. A project in partnership with the government of Tokelau has been established to progress improvements.

Decision-making on these reforms is to be undertaken in partnership between the government of Tokelau and the government of New Zealand. A working party comprising equal representation from Tokelau and New Zealand has been established to begin the process for progressing reform options. Tokelau is continuing to consider and discuss the options for reform.

Because of COVID-19 restrictions, Chief Justice Winkelmann has not yet been able to visit Tokelau. The first visit to the territory by a New Zealand-based Chief Justice was by Dame Sian Elias in May 2011.

## Supporting justice in the Pacific

### PACIFIC JUSTICE SECTOR PROGRAMME

The Pacific Justice Sector Programme (PJSP) works with the Chief Justices and courts of 15 Pacific nations to strengthen access to justice. The partner countries are the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, the Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, the Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

This work is part of New Zealand's regional justice support activity, funded by the Ministry of Foreign Affairs and Trade and delivered through Te Kura Kaiwhakawā | Institute of Judicial Studies, which is part of the Office of the Chief Justice. The PJSP is guided by the Pacific Chief Justices' Leadership Forum and a Programme Executive



Committee (Komiti). It seeks to meet the needs and priorities identified by the Chief Justices of each country in the region. Accordingly, PJSP has prioritised engagement (talanoa) with Pacific Chief Justices to understand their priorities, strengthen relationships and to find practical solutions that work in the local context.



**RIGHT TO LEFT:** Principal Youth Court Judge Ida Malosi, Chief District Court Judge Heemi Taumaunu and Principal Family Court Judge Jacquelyn Moran on the inaugural inter-bench judicial exchange between the District and Supreme Courts of Samoa and the New Zealand District Court.

## SAMOA JUDICIAL EXCHANGE

In March, Chief District Court Judge Heemi Taumaunu headed a delegation to Samoa for the inaugural inter-bench judicial exchange between the District and Supreme Courts of Samoa and the New Zealand District Court. Principal Family Court Judge Jacquelyn Moran and Principal Youth Court Judge Ida Malosi, and District Court Judges Lope Ginnen, Robyn von Keisenberg and Mike Mika represented the Court. Hon Aupito William Sio MP accompanied the delegation as a representative of the New Zealand government.

The exchange was an opportunity for judges from both countries to share knowledge and ideas. It was also an opportunity for the New Zealand judges to gain a better appreciation of how Samoan culture is incorporated into court operations in Samoa—lessons that will help the District Court shape a culturally responsive court in areas of New Zealand with large Samoan communities.

The delegation was welcomed by the Hon Matamua Seumanu Vasati Sili Pulufana, Minister of Justice and Courts Administration, and Chief Justice Satiu Simativa Perese. The exchange included a traditional ‘ava ceremony, a meeting with all judges of the Land and Titles Court (which deals with Matai titles and customary land), and discussion about the evolution of specialist courts in New Zealand leading to the development of the Te Ao Mārama kaupapa.

## JUDICIAL SUPPORT FOR PACIFIC COURTS

There is a strong tradition of retired and sitting New Zealand judges both providing training to judges and judicial officers and acting as mentors for new Pacific judges and judicial officers. This includes longstanding arrangements for the provision of a serving District Court judge on secondment to the Supreme Court of Vanuatu, and for serving Māori Land Court judges to sit in the Cook Islands High Court (land division) and the High Court of Niue. The Chief Justice of Niue Craig Coxhead is also a serving Māori Land Court judge.

Retired and sitting New Zealand judges also sit in a variety of first instance and appellate courts.

In 2023, current and former members of the New Zealand judiciary served in courts in:

- » the Cook Islands
- » the Republic of Fiji
- » Niue
- » the Pitcairn Islands
- » the Solomon Islands
- » the Independent State of Samoa
- » the Kingdom of Tonga
- » the Republic of Vanuatu.

In February, Auckland hosted the inaugural Chief Justices’ Leadership Forum. Despite a last-minute change of venue due to Cyclone Gabrielle, the Forum went ahead and was an important opportunity for Pacific Chief Justices to meet in person.

In 2023, PJSP delivered a range of initiatives, including projects to improve the efficiency and transparency of courts (such as implementing a new case tracking system in Kiribati) and training for judicial officers and court staff on human rights, protection orders and decision making. Scholarships for study at the University of the South Pacific were provided, as well as conferences, workshops and wellbeing webinars.

A new Women and Justice Programme, Ina’ilau, was launched with funding from the US Department of State to provide targeted activities to support women and children in accessing legal rights and protections, and to support women into judicial and court leadership roles.

Under the direction of the Komiti, and in consultation with Pacific Chief Justices, PJSP is undertaking a strategic reset of how assistance is delivered to the Pacific justice sector with a focus on sustainability, capability building and developing a network of local partnerships.



The delegation was also privileged to witness a traditional ifoga demonstration—a customary restoration process that is recognised as part of the Samoan legal system and is considered at sentencing. Ifoga has been recognised in New Zealand as a mitigating factor at sentencing.

The exchange was beneficial for all involved and served as a reminder of the importance of strong judicial leadership in establishing community connected courts. New Zealand will host a Samoan delegation in 2025.

## Australasian Institute of Judicial Administration

New Zealand judges, court administrators and counsel are among the members of the Australasian Institute of Judicial Administration (AIJA). Its principal objectives include research into judicial administration and the development and conduct of educational programmes for judicial officers, court administrators and members of the legal profession in relation to court administration and judicial systems.

New Zealanders are active in the governance at board and council level and on AIJA committees. The Chief Justice is a co-patron with the Chief Justice of Australia. There is a permanent position for a New Zealand judicial representative on AIJA'S board, currently held by Justice Susan Thomas. Justice Thomas, the Ministry of Justice's Chief Operating Officer and a New Zealand King's Counsel are members of AIJA's council.

## INTERNATIONAL JUDICIAL COOPERATION

In March, the Supreme Court hosted the Asia Pacific Judicial Colloquium. The Colloquium is an opportunity for the Chief Justices and final appellate court judges of Australia, Canada, Singapore, Hong Kong, and New Zealand to discuss developing areas of the law.

The Colloquium is hosted on a rotational basis by each of the attending nations, with New Zealand last hosting in February 2010. The theme of the 2023 colloquium was, “*Let justice be done [as] the heavens fall*”: *Judging in times of disruption*.”

A pōwhiri was held in Matangireia, the Māori Affairs Select Committee room in Parliament. The four visiting Chief Justices are in the foreground of this photo.

**FROM LEFT:** Chief Justice of Singapore, Hon Sundaresh Menon; Chief Justice of Canada, Rt Hon Richard Wagner; Chief Justice of Hong Kong, Hon Andrew Cheung; and Chief Justice of Australia, Hon Susan Kiefel. The Chief Justices were accompanied by two senior judges from their courts - from the Canadian Supreme Court, Justice Michelle O'Bonsawin, and Justice Mahmud Jamal; from the Australian High Court, Justice Stephen Gageler and Justice Michelle Gordon; from the Hong Kong Final Court of Appeal, Justice Joseph Fok and Justice Johnson.

AIJA hosted the Enduring Courts in Changing Times Conference in Sydney in September. Supreme Court judge Justice Joe Williams spoke as part of the plenary session on “Court, Legal Systems and the Indigenous People”.

AIJA provides the secretariat for the Executive Committee that governs the International Consortium for Court Excellence (ICCE).





**ABOVE:** President of the IAWJ, Justice Susan Glazebrook.

## International Association of Women Judges

The New Zealand judiciary maintains proactive connections with international colleagues. The New Zealand Association of Women Judges | Te Kāhui Kaiwhakawā Wāhine o Aotearoa is affiliated with the International Association of Women Judges (IAWJ). The IAWJ is dedicated to the rule of law, gender equality and access to justice. It has over 6,500 members from around 100 countries. In May 2023, Justice Susan Glazebrook of the Supreme Court completed her term as President of IAWJ.

IAWJ has supported women judges in Afghanistan for almost 20 years. Since August 2021, IAWJ's Afghan Support Committee has been involved in the humanitarian effort to rescue and relocate more than 100 Afghan women judges at risk since the Taliban takeover in Afghanistan. There are still roughly 40 women judges remaining in the country. In 2023, the work of IAWJ was recognised with the Bolch Prize for the Rule of Law (Duke University).<sup>65</sup> Justice Glazebrook accepted the award on behalf of the IAWJ and delivered a keynote address.

## COMMONWEALTH MILITARY JUSTICE PROJECT

Chief Judge Kevin Riordan ONZM of the Court Martial of New Zealand is a member of an expert group of Commonwealth military court judges working on model legislation and procedure.

Work continues developing the “Stellenbosch Principles”—a statement of principles that can be applied by smaller Commonwealth nations whose military justice systems are in need of modernisation and reform.

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<sup>65</sup> [IAWJ President Keynote Address at the Bolch Prize Ceremony \(2023\).](#)

# Appendix 1

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## The Statement of Principles

29 NOVEMBER 2018

The Statement of Principles—Courts of New Zealand ([courtsfnz.govt.nz](http://courtsfnz.govt.nz))

### 1. PURPOSE OF STATEMENT

- 1.1. The constitutional principle of separation of powers requires that the courts be independent of the Executive to ensure impartiality in judicial decisions. As well as requiring freedom from interference in individual judicial decisions, the constitutional principle also depends on institutional independence in organising and managing the work of the courts.
- 1.2. The legislation under which the courts of New Zealand operate places on the judiciary the responsibility for the orderly and efficient conduct of the business of the courts. One of the purposes of the legislation is to improve the transparency of court arrangements “in a manner consistent with judicial independence”.
- 1.3. The judiciary is responsible for the work of the courts, but is supported by the Ministry of Justice, a department of the Executive government. The Secretary for Justice (through the Minister for Courts) is accountable to Parliament for the expenditure of the public funds needed to administer justice in the courts.
- 1.4. The judiciary and the Ministry of Justice therefore share responsibility for delivering justice through the courts. Both have interests in developing and maintaining a system of justice that is just, fair, accessible, modern, and effective, and which delivers timely, impartial, and open justice. The effective and efficient functioning of courts is assisted by the Ministry and the judges maintaining a constructive relationship involving open communication and respect for their respective responsibilities and institutional constraints.
- 1.5. The purpose of this statement of principles is to recognise the respective separate responsibilities of the judiciary and the Ministry, and responsibilities that are shared between the judiciary and the Ministry.

## 2 THE ROLES OF THE MINISTRY AND THE JUDICIARY

- 2.1. The Secretary for Justice, as Chief Executive of the Ministry of Justice, is responsible to the Minister for Courts. The Minister is responsible to Parliament for the proper use of the public resources used to support and run the courts, and for ensuring that sufficient resources are available to provide an accessible and effective justice system. The Secretary for Justice is formally responsible under the State Sector Act 1988 for employing staff who support the judiciary, including the Registry staff of the courts. Registrars, Deputy Registrars and other officers may be appointed under the State Sector Act 1988 to support the conduct of the business of each court, but act under judicial direction in doing so.
- 2.2. The Chief Justice is head of the judiciary in New Zealand and is also ultimately responsible under the Senior Courts Act 2016 for the orderly and efficient conduct of the Senior Courts' business. The Chief Judge of the District Court is ultimately responsible under the District Court Act 2016 for the orderly and efficient conduct of the business of the District Court. The Chief Judges of the Employment Court, Māori Land Court and Environment Court similarly have statutory responsibilities for the orderly and expeditious discharge of the business of their courts.
- 2.3. In conducting the business of the courts, it is necessary for the judiciary to engage with the Ministry of Justice on matters of overlapping responsibility, including in the assessment of need and in the provision of facilities and resources to support the courts. Where the engagement is in relation to matters affecting all courts, the Chief Justice and the Secretary for Justice need to lead the engagement. This statement addresses the basis for the necessary engagement to ensure that it does not compromise the constitutional principle of judicial independence and is similarly respectful of the Executive's different statutory and constitutional responsibilities.

### 3. JUDICIAL RESPONSIBILITIES

- 3.1. The judiciary's responsibilities in relation to conducting the business of the courts include:
- a) the scheduling of sittings of the court, the assignment of judges and judicial officers, and the listing of cases and applications (including those for alternative dispute resolution);
  - b) the use to be made of courts and their precincts;
  - c) the direction and supervision of Registry staff in relation to the business of the court;
  - d) the selection and supervision of immediate judicial support staff such as personal assistants, clerks and other similar staff (subject to paragraph 4.2(d));
  - e) the management of staff to support the Chief Justice and heads of bench;
  - f) the provision of judicial education and training;
  - g) the control and supervision of the use of information technology for the business of the court;
  - h) the custody and control of court records, whether or not held electronically, and control over access to them;
  - i) measuring court performance.

### 4. MINISTRY OF JUSTICE RESPONSIBILITY FOR COURT SUPPORT

- 4.1. The Secretary for Justice is solely responsible for decisions on all matters of expenditure of public money. The Secretary is accountable to the responsible Minister for the financial management, financial performance, and financial sustainability of the department.
- 4.2. Ministry of Justice responsibilities in relation to the business of the courts include:
- a) providing the judiciary with support to enable heads of bench to discharge their responsibility for the orderly and efficient conduct of court business, including those responsibilities in paragraph 3 above;
  - b) supporting the judiciary in improving access to justice and best practice in the courts;
  - c) the provision, maintenance and operation of technology and buildings for the operation of the courts;
  - d) discharging its responsibilities with respect to staff in accordance with the State Sector Act 1988;
  - e) the maintenance of court registries;
  - f) ensuring security and safety in court buildings;

- g) measuring and reporting on the use of the resources for which it is responsible;
- h) supporting the offices of the Chief Justice and the offices of the heads of the other courts to enable them to discharge their responsibilities.

## 5. SHARED RESPONSIBILITIES

- 5.1. Because the work of the courts draws on public resources, it is necessary for the judiciary and the Ministry of Justice to cooperate so that those resources are used efficiently and effectively.
- 5.2. The Secretary for Justice is responsible for ensuring there is appropriate and timely consultation through the Chief Justice about how its responsibilities for court administration will be provided, including the structuring of staff support and other resources required. Such consultation also includes the design and provision of appropriate court facilities and information technology strategies and initiatives.
- 5.3. The Secretary for Justice will consult the Chief Justice annually about the operating budgets for the courts.

- 5.4. The Secretary for Justice and the judiciary will cooperate in the collection and sharing of information necessary to assist each in their functions consistently with the principle of judicial independence and executive accountability for the expenditure of public funds.
- 5.5. The maintenance of court records is a shared responsibility between the Secretary for Justice and the Chief Justice. The judiciary has the responsibility for the custody and control of records of court proceedings and associated court administration, whether or not held electronically, and control over access to them (subject to any legislative requirements and any policies developed by the judiciary). The Ministry is responsible for the collection and storage of records relating to the use of Ministry resources, including the archiving of court and judicial records on the basis agreed between the Chief Justice and the Secretary for Justice from time to time.

## 6. STANDING COMMITTEES FOR ENGAGEMENT BETWEEN THE MINISTRY AND THE JUDICIARY

- 6.1. Following enactment of the 2016 legislation and restructuring of responsibilities for operations in the Ministry of Justice, restructuring of the processes of engagement is necessary. Courts administration requires cooperation between the Ministry and the judiciary at the operating level for the Senior Courts, District Court and specialist courts. It is also necessary to ensure that strategic direction for the courts be set by cooperation between the judiciary and the Ministry. The Chief Justice and the Secretary for Justice are to agree on a new structure for engagement between the Ministry and the judiciary at both the operational and at a strategic level (through separate joint committees for the Senior Courts, District Court and specialist courts) and it is agreed that any such means of engagement will be kept under review.

## Appendix 2

### Judicial and shared committees' summaries

#### PRINCIPAL JUDICIAL COMMITTEES

The cross-court **Legislation and Law Reform Committee** provides the Chief Justice and heads of bench with advice and recommendations on legislation and other law reform proposals that have implications for the operation of the courts and the judiciary. The Committee comprises judges from the courts of general jurisdiction and, as required, representatives of the specialist jurisdictions.

The Committee advises the Chief Justice and heads of bench about Bills and other law reform proposals on which it may be appropriate for the judiciary to comment. Matters that the committee considers, and may bring to the attention of the Chief Justice, include:

- » restrictions on accessing the courts, including in particular restrictions on judicial review
- » provisions affecting access to justice, including matters such as legal aid and court fees
- » changes to any existing role, function, jurisdiction, or power of all courts of general and specialised jurisdiction, including proposals for new roles, functions, jurisdiction or powers of these courts
- » measures with implications for the inherent jurisdiction of the High Court
- » measures affecting the scope and enforcement of the law of contempt
- » proposals affecting the reporting of or commentary on court proceedings
- » proposals affecting court procedure, including proposals for separate rules of procedure for a court
- » proposals involving the disclosure of court record information
- » proposals affecting the role and powers of court registrars
- » creation of new offences and penalties and use of the civil jurisdiction to enforce criminal penalties
- » creation of new powers of arrest and detention
- » proposals affecting the law of evidence, including self-incrimination and privilege
- » creation of new powers of investigation, including compulsory provision or sharing of information
- » implications for the courts of changes in sentencing laws, without comment on government policy motivating proposed changes
- » proposals involving the status and terms and conditions of appointment of judges
- » proposals with implications for fundamental rights and freedoms or the rule of law
- » proposals that would extend a court's workload and require additional resources
- » proposals concerning cross-border legal co-operation, and in particular cross-border judicial cooperation.

In 2023 the Ministry of Justice proposed that there should be a regular Justice Systems Stewardship Amendment Bill to ensure that legislation relating to the courts and the administration of justice remains fit for purpose and supports effective and efficient regulatory systems. Heads of bench were invited to propose amendments to legislation. The Committee worked closely with the heads of bench and the Ministry to facilitate this process. See page 14.

The Committee engaged on several law reform proposals, including the following.

- » COVID-19 court legislation—identification and consideration of the implications of the COVID-19 court-related legislation, following the expiry of the s 5 Epidemic Notice.
- » Class actions and litigation funding—engagement with the Law Commission, the Ministry of Justice and the Rules Committee.
- » Oaths and Declarations (Māori Language) Regulations 2004—working with the Ministry to advance te reo Māori translations of oaths and declarations and to update the oaths and declarations already in te reo Māori.
- » Remote hearings—responding to proposals from the government (in its 100-day plan) to review the Courts (Remote Participation) Act 2010.

The Committee also provided advice to the Chief Justice regarding a select committee submission on the Natural and Built Environment Bill (see page 14).

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### **Te Awa Tuia Tangata | Judicial Diversity**

**Committee** continued developing an approach, within the powers of the judiciary, to increase the diversity of the judiciary.

Some of the Committee's activities in 2023 were as follows:

- » The Committee hosted '*What is really behind the curtain*', an event designed to give inexperienced practitioners an opportunity to familiarise themselves with the courtroom environment in an informal and non-threatening setting. Read more on page 19.
- » The Committee jointly hosted—with Tomo Mai—a Disability and Access to Justice conference in November which provided valuable information from those with lived experience about disabled people's barriers to access to justice. This will inform the work programme of the merged committee mentioned below.
- » The Committee arranged a workshop in May to discuss broader issues in relation to judicial diversity and to identify barriers and challenges in designing and implementing judicial initiatives (including the language used and how it is received).
- » Chair of the Committee, Chief Employment Court Judge Inglis, met with Hon Mrs Justice Cheema-Grubb—a judge of the King's Bench Division of the High Court of Justice of England and Wales—and separately with Nikita Sharma of the United Kingdom's Judicial Appointments

Commission to discuss judicial appointments and diversity initiatives in the United Kingdom. Mrs Justice Cheema-Grubb leads the Judicial Reverse Mentoring Scheme.

Te Awa Tuia Tangata and Tomo Mai are jointly preparing a report on disability initiatives of the Ministry of Justice and recommendations for next steps.

**Tomo Mai | Inclusive Workplace and Courtrooms Committee** continued work looking at ways to reduce barriers to participation in the courts for litigants, practitioners, judges, staff and other interested parties.

In 2023, preparation began to merge the Te Awa Tuia Tangata and Tomo Mai committees and work programmes.

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The cross-court **Judicial Wellbeing Steering Group** provides oversight and direction to the whole of courts wellbeing work programme, and, in conjunction with the heads of bench, encourages uptake of wellbeing support across the judiciary (see page 26). In 2023, the group recruited and inducted an expanded panel of clinical psychologists to provide professional support to judges—there are now more than 120 clinicians on the panel.

In 2024 the group will continue to promote and expand the Clinical Providers Panel (with an increased focus on recruiting Māori and Pasifika clinicians). It will also focus on gathering feedback from judges who have accessed



professional support to inform future delivery and explore workload-related wellbeing issues through research and an information-gathering exercises with the frontline judiciary.

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The governing board of **Te Kura Kaiwhakawā | Institute of Judicial Studies** directs the educational programme and under the direction of judicial editorial committees develops judicial educational resources (bench books) for most courts.

Te Kura endeavours to be:

- » proactive—developing programmes and resources that align with significant initiatives and developments for the courts, whilst anticipating future needs and opportunities
- » tailored and personalised—meeting the individual needs of a more diverse judiciary, wherever judges are in their career
- » grounded in Aotearoa New Zealand and the Pacific—supporting the judiciary with knowledge and skills to administer the laws of Aotearoa New Zealand; making well-informed decisions, responsive to community needs, in a culturally safe environment
- » enduring and agile—building sustainable organisational foundations, whilst preserving flexibility.

2023 was a year of consolidation as Te Kura implemented changes following a 2021 Board-commissioned review of its scope and structure. A refreshed strategic plan and strengthened staffing has enabled Te Kura to provide more relevant legal and contextual judicial education and resources, to be more responsive to judicial education needs, and to have a renewed focus on the day-to-day experiences of judges sitting in court.

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The role of the **Judicial Conduct Advisory Committee** is to advise the Heads of Bench Committee on the currency of the Guidelines for Judicial Conduct, to review existing internal processes for dealing with complaints against judges, including (but not limited to) complaints made by members of the legal profession, and to provide informal ad hoc advice on various conduct issues as they arise. The committee continued its work on these matters.

## SHARED COMMITTEES

Committees made up of judges, registry or ministry staff and, on occasion, members of the legal profession consider strategic and operational matters. The key strategic committee is the Courts Strategic Partnership Group mentioned above at page 68. Other committees include the following.

The **Judicial Reference Group for Technology in Courts** is the committee through which judges provided input into operational information technology projects.

The Chief Justice launched the *Digital Strategy for Courts and Tribunals* (the Digital Strategy) in March. The Digital Strategy sets out the judiciary's objectives and guiding principles for use of technology in the courts. It outlines how the judiciary, supported by the Ministry of Justice, will strive to capture the benefits of technology, without compromising the human quality of our model of justice.

Other key focus areas for the Committee have included significant input into the Te Au Reka project (a digital system for case management and for creating and maintaining the court record and court files), a joint working group with the Ministry of Justice tasked to review audio visual technology in the courts, and the publication of guidelines on the responsible use of generative AI in the Courts (page 62).

In 2024, the Judicial Reference Group for Technology in Courts will merge with the Information Governance Committee to form the Information and Digital Governance Committee (IDGC).

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The **Information Governance Committee (IGC)** is a joint committee with the Ministry of Justice. It is responsible for policy issues relating to court, judicial and Ministry of Justice information that impact on the separate and shared responsibilities of the judiciary and the Ministry in respect of this information.

After establishing an understanding of the issues, challenges, and gaps in information management, the IGC established working groups to focus on the Access and Reporting Framework (to demonstrate judicial supervision over access to court information) and Off-Shore Cloud Framework (which sets out a process for evaluating proposals to use offshore cloud services to store or transmit court or judicial information). Both working groups have completed their work, with both frameworks being approved by the heads of bench and implemented.

The IGC also dealt with a range of other information issues in 2023, including consideration of information governance issues in the context of Te Au Reka, investigation of the storage of coronial data on the National Coronial Information System in Australia, and developing a judicial policy that governs access to information by retired judges.

In 2024, the IGC will merge with the Judicial Reference Group for Information and Communication Technology to form the IDGC.

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**The Judicial Libraries Management Board** guides the acquisition and provision of online and hard copy research materials for judges.

The board continued its focus on improving the quality and accessibility of online resources. Training and research services were provided so that judges can feel confident using online resources effectively and efficiently and increasingly take an online-first approach. Annual reviews of the library material provided for judges' chambers ensure they best reflect individual subject interests and requirements and that they complement rather than duplicate online resources. The Board supports judges' efforts to increase their knowledge of tikanga Māori and te reo Māori through the implementation of Mātauranga Māori in the Judicial Libraries programme.

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**Huakina kia Tika | Open Justice Committee** focuses on ways to increase public access to the courts via websites, AVL and access to information.

Committee activity is reported at Open Justice page 73.

**The Media and Courts Committee** reviews the arrangements to facilitate news media reporting of the courts and provides a forum for the judiciary, media and the ministry to discuss related issues such as access to court records.

Committee activity is reported at Open Justice page 73.

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**The Rules Committee** is a statutory body that includes judges, senior law officers, ministry staff and members of the profession. The Committee has responsibility for making rules concerning civil and criminal procedure for most courts.

A focus for the Committee this year was giving effect to the *Improving Access to Civil Justice* report, released in 2022, by considering changes to the High Court Rules (the Rules). A subcommittee undertook significant stakeholder consultation. The proposed rules will be considered in 2024.

In 2023, the Committee also:

- » continued its work on changing the Rules to allow self-represented litigants to be eligible for costs awards
- » made changes to the Rules to streamline the procedures for the use of te reo Māori in proceedings
- » in reference to the *He Poutama* study paper (see page 63), integrated references to tikanga in its access to justice reform;

- » formed a sub-committee to consider whether amendments may be required in relation to name suppression for complainants in sexual violence cases and in relation to the repeal of the three strikes legislation. Recommendations for rule changes will be made to the Committee in 2024.
- » addressed a series of changes to improve the Supreme Court Rules 2004.

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**The Criminal Practice Committee** reviews matters of criminal practice and procedure, recommending appropriate changes. Committee membership comprises justice sector departmental representatives, members of the legal profession and judges from the criminal trial and appellate courts, uniquely positioning it to encourage collaboration and provide oversight.

In 2023, the Committee considered a range of issues affecting the just and efficient operation of the criminal justice system, including duty lawyer remuneration, priority rostering of hearings in the District Court and issues to do with access to counsel for prisoners who are relocated to prisons nearer their courts of trial. Having identified parallel workstreams within the Ministry of Justice and the Department of Corrections | Ara Poutama on pre-sentence reports and reports under s 27 of the Sentencing Act 2002 (cultural reports), the Committee encouraged the bridging of this communication gap to reduce duplication. The Committee supported raising judicial and professional awareness of

custodial and sentencing issues for caregivers with dependent family members. It also instigated cross-sector collaboration in the rollout of the New Zealand Police digital notebook initiative.

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**The Criminal Trials Committee** is in abeyance. Work on causes of delay in the District Court jury trial jurisdiction has moved to the District Court timeliness project.

## Appendix 3

# Current judges and judicial officers of the Courts of New Zealand | Ngā Kaiwhakawā o Ngā Kōti o Aotearoa

*As of 31 December 2023 (unless otherwise stated)*

### SUPREME COURT | TE KŌTI MANA NUI

#### Chief Justice of New Zealand | Te Tumu Whakawā o Aotearoa

The Right Honourable Dame Helen Winkelmann GNZM

#### Judges of the Supreme Court | Ngā Kaiwhakawā Mātāmua o Te Kōti Mana Nui

*In order of seniority*

The Honourable Dame Susan Glazebrook DNZM

The Honourable Sir Mark O'Regan KNZM  
(until 30 November 2023)

The Honourable Dame Ellen France DNZM

The Honourable Sir Joe Williams KNZM

The Honourable Sir Stephen Kós KNZM

The Honourable Justice Forrest Miller  
(from 19 December 2023)

#### Acting Judges of the Supreme Court | Ngā Kaiwhakawā Mātāmua Whakakapi o Te Kōti Mana Nui

The Honourable Sir William Young KNZM

### COURT OF APPEAL | TE KŌTI PĪRA

#### President of the Court of Appeal | Te Tumuaki o Te Kōti Pīra

The Honourable Justice Mark Cooper  
*Ngāti Māhanga*

#### Judges of the Court of Appeal | Ngā Kaiwhakawā Mātāmua o Te Kōti Pīra

*In order of seniority*

The Honourable Justice Christine French

The Honourable Justice Forrest Miller  
(until 18 December 2023)

The Honourable Justice Brendan Brown

The Honourable Justice Murray Gilbert

The Honourable Justice Patricia Courtney

The Honourable Justice David Collins

The Honourable Justice David Goddard

The Honourable Justice Sarah Katz

The Honourable Justice Simon France  
(until 28 February 2023)

The Honourable Justice Jillian Mallon  
(from 20 March 2023)

The Honourable Justice Susan Thomas  
(from 19 December 2023)

**Acting Judges of the Court of Appeal | Ngā Kaiwhakawā Mātāmua  
Whakakapi o Te Kōti Pira**

*In order of seniority*

The Honourable Justice Denis Clifford  
(until 1 April 2023)

The Honourable Justice Edwin Wylie  
(from 20 May 2023)

**HIGH COURT | TE KŌTI MATUA**

**Chief High Court Judge | Te Kaiwhakawā Matua o Te Kōti Matua**

The Honourable Justice Susan Thomas  
Based in Wellington  
(until 18 December 2023)

The Honourable Justice Sally Fitzgerald  
Based in Auckland  
(from 19 December 2023)

**Judges of the High Court | Ngā Kaiwhakawā Mātāmua o Te Kōti Matua**

*In order of seniority, grouped by location*

**Auckland | Tāmaki Makaurau**

The Honourable Justice Geoffrey Venning

The Honourable Justice Graham Lang

The Honourable Justice Ailsa Duffy  
(until 20 April 2023)

The Honourable Justice Edwin Wylie  
(until 19 May 2023)

The Honourable Justice Timothy Brewer<sup>ONZM ED</sup>

The Honourable Justice Mary Peters

The Honourable Justice Mark Woolford

The Honourable Justice Christian Whata  
*Ngāti Pikiao, Ngāti Tamateatūtahi-Kawiti of Te Arawa*

The Honourable Justice Simon Moore  
(until 21 October 2023)

The Honourable Justice Matthew Muir

The Honourable Justice Anne Hinton  
(until 14 July 2023)

The Honourable Justice Rebecca Edwards

The Honourable Justice Mathew Downs

The Honourable Justice Sally Fitzgerald  
(until 18 December 2023)

The Honourable Justice Christine Gordon  
(until 21 February 2023)

The Honourable Justice Pheroze Jagose

The Honourable Justice Gerard van Bohemen

The Honourable Justice Grant Powell

The Honourable Justice Ian Gault

The Honourable Justice Tracey Walker

The Honourable Justice Neil Campbell

The Honourable Justice Melanie Harland  
(until 31 January 2023 – based at Christchurch High Court from 1 February 2023)

The Honourable Justice Michael Robinson

The Honourable Justice Layne Harvey  
*Ngāti Awa, Rongowhakaata, Te Aitanga-a-Māhaki, Ngāti Kahungunu ki Te Wairoa,  
Te Whānau-a-Apanui*

The Honourable Justice Kiri Tahana  
*Ngāti Pikiao, Ngāti Māhino, Tapuiha*

The Honourable Justice Peter Andrew

The Honourable Justice David Johnstone  
(from 22 February 2023)

The Honourable Justice Andrew Becroft<sup>QSO</sup>  
(from 2 May 2023)

The Honourable Justice Jane Anderson  
(from 20 May 2023)

The Honourable Justice Laura O’Gorman  
(from 23 October 2023)

#### Wellington | Te Whanganui-a-Tara

The Honourable Justice Jillian Mallon  
(until 19 March 2023)

The Honourable Justice Rebecca Ellis

The Honourable Justice Matthew Palmer

The Honourable Justice Helen Cull  
(until 23 October 2023)

The Honourable Justice Peter Churchman

The Honourable Justice Christine Grice CNZM

The Honourable Justice Francis Cooke

The Honourable Justice Cheryl Gwyn  
*Ngāi Tahu, Ngāpuhi*

The Honourable Justice Andru Isac

The Honourable Justice Helen McQueen

The Honourable Justice Paul Radich  
(from 17 April 2023)

The Honourable Justice Dale La Hood  
(from 24 October 2023)

#### Christchurch | Ōtautahi

The Honourable Justice Cameron Mander

The Honourable Justice Rachel Dunningham

The Honourable Justice Rob Osborne  
(until 14 October 2023)

The Honourable Justice Jan-Marie Doogue  
(until 16 June 2023)

The Honourable Justice Melanie Harland  
(from 1 February 2023 – based at Auckland High Court until 31 January 2023)

The Honourable Justice Jonathan Eaton

The Honourable Justice Lisa Preston  
(from 16 October 2023)

#### Acting Judges of the High Court | Ngā Kaiwhakawā Mātāmua Whakakapi o Te Kōti Matua

##### *Grouped by location*

#### Auckland | Tāmaki Makaurau

The Honourable Justice Paul Davison  
(until 31 August 2023)

The Honourable Justice Christine Gordon  
(from 22 February 2023)

The Honourable Justice Anne Hinton  
(from 24 July 2023)

The Honourable Justice Simon Moore  
(from 22 October 2023)

#### Wellington | Te Whanganui-a-Tara

The Honourable Justice David Gendall  
(until 31 August 2023)

The Honourable Justice Helen Cull  
(from 24 October 2023)

#### Christchurch | Ōtautahi

The Honourable Justice Gerald Nation  
(until 31 January 2023)

The Honourable Justice Rob Osborne  
(from 15 October 2023)

## Associate Judges of the High Court | Ngā Kaiwhakawā Tuarua o Te Kōti Matua

*In order of seniority, grouped by location*

### Auckland | Tāmaki Makaurau

Associate Judge Dani Gardiner

Associate Judge Rachel Sussock

Associate Judge Clive Taylor

Associate Judge Grant Brittain

### Wellington | Te Whanganui-a-Tara

Associate Judge Kenneth Johnston

(until 30 April 2023 – seconded as Chair, Independent Police Conduct Authority | Mana Whanonga Pirihimana Motuhake from 1 May 2023)

Associate Judge Andrew Skelton

(from 17 April 2023)

### Christchurch | Ōtautahi

Associate Judge Dale Lester

Associate Judge Owen Paulsen

## DISTRICT COURT | TE KŌTI-Ā-ROHE

### District Court Leadership | Ngā Kaihautū o te Waka o Te Kōti-ā-Rohe

Chief Judge Heemi Taumaunu General/Jury/Youth

*Ngāti Porou, Ngāti Konohi, Ngāi Tahu*

Chief District Court Judge |  
Te Kaiwhakawā Matua o te Kōti-ā-Rohe

Judge Jacquelyn Moran General/Family

Principal Family Court Judge |  
Te Kaiwhakawā Matua o te Kōti Whānau

Judge Ida Malosi General/Family/Youth

Principal Youth Court Judge |  
Te Kaiwhakawā Matua o te Kōti Taiohi

Judge Russell Collins General/Jury/Civil

National Executive Judge  
(from 5 June 2023)

### Judges of the District Court | Ngā Kaiwhakawā o Te Kōti-ā-Rohe

*In alphabetical order, grouped by location*

#### Kaikohe

Judge Michelle Howard-Sager General/Family

*Te Whakatōhea, Ngāpuhi*

Judge Brandt Shortland General/Jury/Youth

*Ngāti Hine, Ngāpuhi, Ngāi Te Rangī, Ngāti Ranginui*

#### Whangārei | Whangārei-terenga-parāoa

Judge Taryn Bayley General/Jury

*Ngāti Mutunga*

Judge Greg Davis General/Jury/Youth

*Ngāpuhi, Ngāi Tai, Ngāti Raukawa, Ngāti Kahungunu*

Judge Hana Ellis General/Family

*Ngāpuhi, Ngāti Porou*

(until 27 August 2023 – based at Auckland  
District Court from 28 August 2023)

Judge La-Verne King General/Family/Youth

*Ngāti Kahu ki Whangaroa, Ngāti Paoa*

Judge Deidre Orchard	General/Jury	Judge John Bergseng	General/Jury/Civil
Judge Philip Rzepecky	General/Jury/Civil	Judge Stephen Bonnar <sup>KC</sup>	General/Jury
Judge Gene Tomlinson	General/Jury	Judge David Burns	General/Family
Judge Tania Williams Blyth <i>Ngāti Pūkenga, Te Arawa</i> (from 10 June 2023)	General/Family	Judge David Clark <i>Ngāti Maniapoto, Ngāti Hāua ki Taumarunui</i>	General/Civil
<b>North Shore   Ōkahukura</b>		Judge Kate Davenport <sup>KC</sup> (from 21 February 2023)	General/Jury
Judge Clare Bennett	General/Jury/Youth	Judge Lex de Jong (until 30 April 2023 – based at Tauranga District Court from 1 May 2023)	General/Family
Judge Anna Fitzgibbon	General/Jury	Judge Hana Ellis <i>Ngāpuhi, Ngāti Porou</i> (from 28 August 2023 – based at Whangārei District Court until 27 August 2023)	General/Family
Judge Simon Maude	General/Family	Judge Tony FitzGerald	General/Family/Youth
Judge Dianne Partridge <i>Ngāti Kahungunu</i>	General/Family	Judge Sarah Fleming (until 4 November 2023)	General/Family
<b>Waitākere</b>		Judge Brooke Gibson	General/Jury/Civil
Judge Ophir Cassidy <i>Ngāti Porou, Ngāti Whātua o Kaipara</i>	General/Family	Judge Kevin Glubb	General/Jury
Judge Sarah Morrison <i>Te Arawa, Te Whānau-a-Apanui, Ngāti Mutunga</i>	General/Family	Judge June Jelaš	General/Jury
Judge Emma Parsons	General/Family/Youth	Judge Simon Lance (from 10 January 2023)	General/Jury
Judge Maria Pecotic <i>Ngāti Whakaue</i>	General/Jury	Judge Kirsten Lummis	General/Jury
Judge Belinda Pidwell (until 12 February 2023 – based at Auckland District Court from 13 February 2023)	General/Family	Judge Andrea Manuel	General/Family
Judge Terence Singh	General/Jury	Judge Nicola Mathers	General/Jury/Civil
Judge Lisa Tremewan	General/Jury/Youth	Judge Kathryn Maxwell	General/Jury
<b>Auckland   Tāmaki Makaurau</b>		Judge Kevin Muir	General/Family
Judge Debra Bell <i>Ngāpuhi</i> (from 9 January 2023)	General/Jury	Judge Belinda Pidwell (from 13 February 2023 – based at Waitākere District Court until 12 February 2023)	General/Family
		Judge Claire Ryan	General/Jury/Youth



Judge Belinda Sellars <sup>KC</sup> <i>Ngāi Te Rangi, Ngāi Tūkairangi</i>	General/Jury
Judge David Sharp	General/Jury/Civil
Judge Mary-Elizabeth Sharp	General/Jury/Civil
Judge Allison Sinclair	General/Jury/Civil
Judge Pippa Sinclair	General/Jury/Youth
Judge Anna Skellern <i>Ngāpuhi</i>	General/Jury/Family
Judge Evangelos (Barney) Thomas	General/Jury
Judge Robyn von Keisenberg	General/Family
Judge Peter Winter	General/Jury

#### Manukau

Judge Ali'imuamua Sandra Alofivae <sup>MNZM</sup> (from 4 September 2023)	General
Judge Tini Clark <i>Waikato-Tainui</i> (until 30 April 2023 – based at Hamilton District Court from 1 May 2023)	General/Jury/Youth
Judge Richard Earwaker (until 4 June 2023 – based at Napier District Court from 5 June 2023)	General/Jury
Judge Frances Eivers <i>Ngāti Maniapoto, Waikato-Tainui</i> (from 1 November 2023 – seconded as Children's Commissioner until 31 October 2023)	General/Family/Youth
Judge Janey Forrest	General/Jury/Civil
Judge Lope Ginnen	General/Family
Judge Alan Goodwin	General/Family
Judge Karen Grau	General/Jury
Judge Antony Mahon	General/Family
Judge Richard McIlraith	General/Jury/Civil

Judge David McNaughton	General/Jury
Judge Soana Moala <i>Ngāti Awa</i>	General/Jury/Youth
Judge Jonathan Moses	General/Jury
Judge Sharyn Otene <i>Ngāpuhi</i>	General/Jury/Civil/ Family/Youth
Judge Sanjay Patel	General/Jury/Youth
Judge Margaret Rogers	General/Family
Judge Tania Sharkey (from 4 August 2023)	General/Family
Judge Ngaroma Tahana <i>Ngāti Pikiao, Ngāti Māhino, Tapuika</i> (from 15 April 2023)	General/Jury
Judge Kiriana Tan <i>Ngāti Ranginui, Ngāti Mutunga</i> (until 22 October 2023 – based at Hamilton District Court from 23 October 2023)	General/Family/Youth
Judge Gabrielle Wagner	General/Family/Youth
Judge Nick Webby	General/Jury
Judge Mina Wharepouri <i>Taranaki, Te Ātiawa, Tonga</i>	General/Jury/Youth
Judge Yelena Yelavich	General/Jury

#### Papakura

Judge Alexander Laurenson <i>Ngāi Tahu, Ngāi Tūmapuhia-a-rangi, Te Āti Haunui-a-Pāpārangī, Ngāti Rangī, Ngāti Tūwharetoa</i>	General/Family
Judge Gerard Winter	General/Jury

#### Hamilton | Kirikiriroa

Judge Dean Blair	General/Family
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Judge Denise Clark <i>Ngāpuhi, Te Rarawa</i>	General/Jury/Youth
Judge Stephen Clark <i>Ngāti Hāua ki Taumarunui, Ngāti Maniapoto</i>	General/Jury/Civil
Judge Tini Clark <i>Waikato-Tainui</i> (from 1 May 2023 – based at Manukau District Court until 30 April 2023)	General/Jury/Youth
Judge Noel Cocurullo <i>Ngāti Pīkiao</i>	General/Jury/Family/Youth
Judge Garry Collin	General/Family
Judge Philip Crayton	General/Jury/Civil
Judge Brett Crowley	General/Jury/Youth
Judge Jonathan Down (until 31 December 2023)	General/Jury
Judge Nicky Grimes	General/Family
Judge Glen Marshall	General/Jury/Civil
Judge Rachel Paul <i>Ngāti Awa, Ngāti Hokopū, Ngāti Rangataua, Ngāti Manawa, Ngāti Pūkeko, Ngāti Moewhare</i>	General/Family/Youth
Judge Kim Saunders	General/Jury
Judge Kiriana Tan <i>Ngāti Ranginui, Ngāti Mutunga</i> (from 23 October 2023 – based at Manukau District Court until 22 October 2023)	General/Family/Youth

#### Tauranga | Tauranga Moana

Judge Louis Bidois <i>Te Arawa</i>	General/Jury/Youth
Judge David Cameron (until 10 April 2023)	General/Jury/Civil
Judge Christina Cook	General/Family/Youth
Judge Stephen Coyle	General/Jury/Family

Judge Lex de Jong (from 1 May 2023 – based at Auckland District Court until 30 April 2023)	General/Family
Judge Paul Geoghegan (from 18 March 2023 – Seconded to the Supreme Court of the Republic of Vanuatu until 17 March 2023)	General/Family/Youth
Judge Chris Harding (until 1 July 2023)	General/Jury/Youth
Judge Tom Ingram (until 24 November 2023)	General/Jury/Civil
Judge Bill Lawson	General/Jury
Judge Melinda Mason <i>Ngāti Tama, Te Ātiawa, Te Arawa</i> (from 11 January 2023)	General/Jury

#### Rotorua | Te Rotorua-nui-a-Kahumatamomoe

Judge Melinda Marama Broek <i>Ngāi Tai, Ngāti Koata</i>	General/Family/Youth
Judge Greg Hollister-Jones	General/Jury/Civil
Judge Maree MacKenzie	General/Jury/Family/Youth
Judge Eddie Paul <i>Ngāti Awa, Ngāti Hokopū, Ngāti Rangataua, Ngāti Manawa, Ngāti Pūkeko, Ngāti Moewhare</i>	General/Jury/Youth
Judge Tony Snell	General/Jury
Judge Alayne Wills <i>Kāi Tahu, Kāti Mamoe, Waitaha</i>	General/Family/Youth

#### Gisborne | Tūranganui-a-Kiwa

Judge Turitea Bolstad <i>Ngāti Maniapoto, Ngāruahine</i>	General/Jury/Youth
Judge Warren Cathcart	General/Jury/Civil
Judge Haamiora Raumati <i>Ngāti Mutunga, Ngāti Toa, Te Ātiawa, Ngāti Kahungunu</i>	General/Family/Youth

### Napier | Ahuriri

Judge Peter Callinicos	General/Family/Youth
Judge Russell Collins (until 4 June 2023 – appointed as National Executive Judge effective 5 June 2023)	General/Jury/Civil
Judge Richard Earwaker (from 5 June 2023 – based at Manukau District Court until 4 June 2023)	General/Jury
Judge Bridget Mackintosh	General/Jury/Civil/Youth

### Hastings | Heretaunga

Judge Jacqueline Blake <i>Ngāti Konohe, Ngāti Porou, Te Aitanga-a-Māhaki, Te Whānau-a-Kai</i>	General/Family
Judge Gordon Matenga <i>Ngāti Kahungunu, Ngāti Rongomaiwahine, Ngāi Tāmanuhiri</i>	General/Jury/Youth

### New Plymouth | Ngāmotu

Judge Tony Greig	General/Jury/Civil/Family/Youth
Judge Lynne Harrison	General/Family/Youth
Judge Gregory Hikaka <i>Ngā Ruahine, Ngāti Tamaahuroa, Ngāti Tūwharetoa, Ngāti Maniapoto, Ngāti Ruanui</i>	General/Jury/Family/Youth

### Whanganui

Judge Keryn Broughton <i>Ngā Rauru Kītahi, Ngāti Ruanui, Ngāruahine</i> (from 26 June 2023 – based at Palmerston North District Court until 25 June 2023)	General/Family/Youth
Judge Ian Carter <i>Ngāti Awa, Ngāi Te Rangī</i> (until 8 January 2023 – based at Wellington District Court from 9 January 2023)	General/Jury/Civil

Judge Justin Marinovich  
(from 13 January 2023) General/Jury

Judge Dugald Matheson  
(until 1 December 2023) General/Family/Youth

### Palmerston North | Te Papaioea

Judge Keryn Broughton  
*Ngā Rauru Kītahi, Ngāti Ruanui, Ngāruahine*  
(until 25 June 2023 – based at Whanganui District Court from 26 June 2023) General/Family/Youth

Judge Stephanie Edwards General/Jury

Judge Caroline Hickman  
(from 8 June 2023) General/Family

Judge Jonathan Krebs General/Jury

Judge Jill Moss General/Family/Youth

Judge Bruce Northwood  
*Te Aupōuri* General/Jury

Judge Lance Rowe General/Jury/Civil/Youth

### Masterton | Whakaoriori

Judge Barbara Morris General/Jury/Youth

### Porirua

Judge James Johnston  
*Ngāti Porou, Te Whānau-a-Apanui* General/Jury/Youth

### Hutt Valley | Te Awakairangi

Judge Mike Mika General/Jury/Youth

### Wellington | Te Whanganui-a-Tara

Judge Andrew Becroft <sup>QSO</sup>  
(until 1 May 2023) General/Jury/Family

Judge Jennifer Binns General/Family

Judge Tim Black	General/Family
Judge Ian Carter <i>Ngāti Awa, Ngāi Te Rangī</i> (from 9 January 2023 – based at Whanganui District Court until 8 January 2023)	General/Jury/Civil/ Accident Compensation Appeals
Judge Bruce Davidson <i>Ngāi Tahu</i> (until 17 August 2023)	General/Jury/Civil
Judge Chris Dellabarca (27 April 2023 – 16 August 2023)	General/Family
Judge Katie Elkin (from 12 May 2023)	General/Jury
Judge Stephen Harrop	General/Jury/Civil
Judge Bill Hastings (until 30 June 2023 – seconded to the Supreme Court of the Republic of Vanuatu from 1 July 2023)	General/Jury/Civil
Judge Peter Hobbs	General/Jury
Judge Susie Houghton (from 27 October 2023)	General/Family
Judge Jan Kelly <i>Ngāti Kahungungu</i>	General/Jury/Civil/Youth
Judge Kevin Kelly	General/Civil
Judge Alison McLeod	General/Family
Judge Christine Montague	General/Family
Judge Andy Nicholls	General/Jury
Judge Mary O'Dwyer (until 9 April 2023)	General/Family/Youth
Judge Noel Sainsbury	General/Jury/Civil
Judge Arthur Tompkins	General/Jury/Civil
Judge Tania Warburton (from 28 July 2023)	General/Jury

Judge Nicola Wills  
(from 26 May 2023)

General/Jury/Civil

#### Nelson | Whakatū

Judge Garry Barkle

General/Jury/Civil/Family/Youth

Judge Joanne (Jo) Rielly

General/Jury/Youth

Judge Richard Russell

General/Family/Youth

Judge Tony Zohrab

General/Jury/Civil/Youth

#### Christchurch | Ōtautahi

Judge Mark Callaghan

General/Jury/Civil/Family

Judge Tony Couch  
(until 12 March 2023)

General

Judge Mike Crosbie

General/Jury/Civil

Judge Michelle Duggan

General/Family

Judge Jane Farish

General/Jury/Civil

Judge Tom Gilbert

General/Jury/Civil

Judge Joanne Hambleton

General/Family

Judge Quentin Hix

General/Youth

*Ngāi Tahu, Ngāti Māmoē, Waitaha, Rapuwai, Hāwea*

Judge Murray Hunt

General/Civil/Family

*Ngāi Tahu*

Judge Paul Kellar

General/Jury/Civil

Judge Sarah Lindsay

General/Family/Youth

Judge Gerard Lynch

General/Jury/Youth

Judge Traicee McKenzie

General/Family

Judge Jane McMeeken

General/Family/Youth

Judge Raoul Neave

General/Jury/Civil

Judge Stephen O'Driscoll

General/Jury/Youth

Judge Paul Shearer

General/Family

### Timaru | Te Tihi-o-Maru

Judge Dominic Dravitzki	General/Family/Youth
Judge Joanna Maze (until 3 February 2023)	General/Jury/Civil/Youth
Judge Campbell Savage (from 12 January 2023)	General/Jury

### Dunedin | Ōtepoti

Judge Dominic Flatley	General/Family/Youth
Judge David Robinson	General/Jury/Civil
Judge Emma Smith	General/Jury/Family
Judge Michael Turner	General/Jury/Civil/Family/Youth

### Invercargill | Waihōpai

Judge Catriona Doyle	General/Family
Judge Bernadette Farnan	General/Jury/Family/Youth
Judge Russell Walker	General/Jury/Family/Youth

### Other locations | Ngā wāhi kē

Judge Paul Geoghegan Seconded to the Supreme Court of the Republic of Vanuatu (until 17 March 2023)	General/Family/Youth
Judge Lee Spear Seconded to the Supreme Court of the Republic of Vanuatu (6 April 2023 – 30 June 2023)	General/Jury/Civil
Judge Bill Hastings Seconded to the Supreme Court of the Republic of Vanuatu (from 1 July 2023)	General/Jury/Civil

Judge Philip Connell  
Chair, Alcohol Regulatory Licencing Authority  
| Te Mana Waeture Take Waipiro

General/Jury/Youth

Judge Colin Doherty  
Chair, Independent Police Conduct Authority  
| Mana Whanonga Pirihimana Motuhake  
(until 30 April 2023)

General/Jury/Civil

Judge Frances Eivers  
*Ngāti Maniapoto, Waikato-Tainui*  
Children's Commissioner  
(until 30 October 2023)

General/Family/Youth

Judge Simon Menzies  
Deputy Chair, Alcohol Regulatory Licencing  
Authority | Te Mana Waeture Take Waipiro

General/Jury/Civil

Judge Anna Tutton  
Chief Coroner | Kaitirotiro Matewhawhati Matua  
(from 30 January 2023)

General

Judge Martin Treadwell  
*Ngāpuhi*  
Chair, Immigration and Protection Tribunal

General

### Acting Warranted Judges of the District Court | Ngā Kaiwhakawā Whakakapi o Te Kōti-ā-Rohe

#### *In alphabetical order*

Judge Ema Aitken (from 7 February 2023)	General/Jury/Youth
Judge Gus Andrée Wiltens	General/Jury/Civil
Judge John Brandts-Giesen (until 7 March 2023)	General
Judge Peter Butler (until 17 February 2023)	General/Jury
Judge Brian Callaghan	General/Jury/Youth

Judge David Cameron (from 26 April 2023)	General/Jury/Civil
Judge Philip Connell	General/Jury/Youth/Alcohol Regulatory Licencing Authority
Judge Phillip Cooper	General/Jury/Civil/Youth
Judge Tony Couch (from 13 March 2023)	General
Judge Bruce Davidson <i>Ngāi Tahu</i> (from 18 August 2023)	General/Jury/Civil
Judge Nevin Dawson	General/Jury/Civil
Judge Keith de Ridder	General/Jury/Civil/Youth
Judge Colin Doherty (29 March – 28 June 2023)	General/Jury/Civil
Judge Timothy Druce (until 11 December 2023)	General/Family
Judge Sarah Fleming (from 5 November 2023)	General/Family
Judge Grant Fraser	General/Jury
Judge Chris Harding (from 2 July 2023)	General/Jury/Youth
Judge Duncan Harvey	General/Jury/Civil
Judge Denese Henare <sup>ONZM</sup> <i>Ngāti Hine, Ngāpuhi</i>	General/Civil/Accident Compensation Appeals
Judge Lawry Hinton <i>Te Arawa</i>	General/Jury/Civil
Judge Tom Ingram (from 25 November 2023)	General/Jury/Civil
Judge Jim Large	General/Jury/Youth
Judge Jane Lovell-Smith	General/Jury/Civil/Youth
Judge Paul Mabey <sup>KC</sup>	General/Jury/Civil

Judge John McDonald	General/Jury/Civil
Judge Chris McGuire (until 25 December 2023)	General/Jury/Civil/Accident Compensation Appeals
Judge Ian McHardy	General/Family
Judge Alisdair (Simon) Menzies	General/Jury/Civil
Judge Ian Mill	General/Jury/Youth
Judge Jocelyn Munro	General/Family/Youth
Judge Mary O'Dwyer (from 10 April 2023)	General/Family/Youth
Judge Kevin Phillips	General/Jury
Judge Geoff Rea	General/Jury/Civil
Judge Philip Recordon (until 3 April 2023)	General/Civil/Youth
Judge David Ruth	General/Jury/Youth
Judge Laurence Ryan (until 17 August 2023)	General/Family
Judge Ajit Singh	General
Judge David Smith	General/Jury/Civil/Family
Judge Maureen Southwick <sup>KC</sup>	General/Family
Judge Lee Spear	General/Jury/Civil
Judge Peter Spiller	General/Civil/Accident Compensation Appeals
Judge Chris Sygrove (until 29 December 2023)	General
Judge Chris Tuohy	General/Jury/Civil
Judge John Walker	General/Jury/Civil/Youth
Judge Anthony Walsh (until 18 March 2023)	General/Family/Youth
Judge Noel Walsh	General/Family/Youth

**Community Magistrates | Ngā Kaiwhakawā-ā-Hapori**  
*In alphabetical order, grouped by location*

**North Shore | Ōkahukura**

Community Magistrate Philippa King  
Community Magistrate Lavinia Nathan  
*Ngāpuhi, Ngāti Whātua*

**Waitākere**

Community Magistrate Russell Bagley  
(from 16 January 2023)  
Community Magistrate Fenella Thomas

**Auckland | Tāmaki Makaurau**

Community Magistrate Terry Bourke  
Community Magistrate Janet Holmes  
Community Magistrate Rosemary Fitzpatrick  
(from 16 January 2023)

**Manukau**

Community Magistrate Lauolefale Lemalu  
Community Magistrate Jo Sihamu

**Hamilton | Kirikiriroa**

Community Magistrate Ngaire Mascelle  
*Te Whakatōhea, Ngāti Porou, Ngāti Whakaue, Te Rarawa*  
Community Magistrate Dr Brenda Midson  
(from 16 January 2023)  
Community Magistrate Kaye Davies  
*Ngātiwai, Ngāti Porou*  
(from 16 January 2023)

**Tauranga | Tauranga Moana**

Community Magistrate Shaun Cole  
Community Magistrate Sherida Cooper  
Community Magistrate Lesley Jensen

**Palmerston North | Te Papaioea**

Community Magistrate Carla na Nagara  
(from 16 January 2023)

**Wellington | Te Whanganui-a-Tara**

Community Magistrate Brigid Corcoran  
(until 14 April 2023)  
Community Magistrate Jodie Winterburn  
*Ngāpuhi*  
(from 27 November 2023)

**Christchurch | Ōtautahi**

Community Magistrate Sally O'Brien  
Community Magistrate Elder Robati  
(from 27 November 2023)  
Community Magistrate Sarah Steele  
(from 27 November 2023)

## MĀORI LAND COURT | TE KOOTI WHENUA MĀORI & MĀORI APPELLATE COURT | TE KOOTI PĪRA MĀORI

### Chief Judge of the Māori Land Court & Māori Appellate Court | Te Kaiwhakawā Matua o Te Kooti Whenua Māori me Te Kooti Pira Māori

Chief Judge Wilson Isaac

*Ngāti Porou, Ngai Tūhoe, Ngāti Kahungunu*

Tairāwhiti District – Based in Gisborne

(until 30 April 2023)

Chief Judge Caren Fox

*Ngāti Porou, Rongowhakaata*

Tairāwhiti District – Based in Gisborne

(from 19 July 2023)

### Deputy Chief Judge of the Māori Land Court & Māori Appellate Court | Te Kaiwhakawā Matua Tuarua o Te Kooti Whenua Māori me Te Kooti Pira Māori

Deputy Chief Judge Caren Fox

*Ngāti Porou, Rongowhakaata*

Tairāwhiti District – Based in Gisborne

(until 18 July 2023)

### Judges of the Māori Land Court & Māori Appellate Court | Ngā Kaiwhakawā o Te Kooti Whenua Māori me Te Kooti Pira Māori

#### *In order of seniority*

Judge Carolyn Wainwright

Tairāwhiti District – Based in Wellington

Judge Stephanie Milroy

*Ngāi Tūhoe, Ngāti Whakaue*

Waikato Maniapoto District – Based in Hamilton

Judge Craig Coxhead

*Ngāti Mākino, Ngāti Pīkiao, Ngāti Awa, Ngāti Maru*

Wairiki District – Based in Rotorua

Judge Sarah Reeves

*Te Ātiawa*

Te Waipounamu District – Based in Wellington

Judge Michael Doogan

Aotea District – Based in Wellington

Judge Miharo Armstrong

*Te Whānau-a-Apanui*

Taitokerau District – Based in Whangārei

Judge Terena Wara

*Waikato, Ngāti Raukawa ki te Tonga*

Wairiki District – Based in Rotorua

Judge Damian Stone

*Ngāti Kahungunu*

Aotea and Tākitimu Districts – Based in Wellington

Judge Rachel Mullins

*Ngāti Kahungunu, Kāi Tahu*

Waikato Maniapoto District – Based in Hamilton

Judge Aidan Warren

*Rangitāne, Ngāti Kahungunu, Ngāi Tahu*

Aotea District – Based in Hamilton

Judge Te Kani Williams

*Ngāi Tūhoe, Ngāti Manawa, Te Aupōuri, Whakatōhea,*

*Ngāi Tai ki Tōrere, Ngāti Maniapoto, Waikato Tainui*

Taitokerau District – Based in Whangārei

Judge Alana Thomas

*Ngāpuhi*

Aotea District – Based in Wellington

(from 20 May 2023)

### Acting Judges of the Māori Land Court & Māori Appellate Court | Ngā Kaiwhakawā Whakakapi o Te Kooti Whenua Māori me Te Kooti Pira Māori

Judge Wilson Isaac

*Ngāti Porou, Ngai Tūhoe, Ngāti Kahungunu*

Tairāwhiti District – Based in Gisborne

(from 7 June 2023)



## EMPLOYMENT COURT | TE KŌTI TAKE MAHI

### Chief Judge of the Employment Court | Te Kaiwhakawā Matua o Te Kōti Take Mahi

Chief Judge Christina Inglis  
Based in Wellington

### Judges of the Employment Court | Ngā Kaiwhakawā o Te Kōti Take Mahi

#### *In order of seniority*

Judge Kerry Smith  
Based in Christchurch

Judge Joanna Holden  
Based in Auckland

Judge Kathryn Beck  
Based in Auckland

Judge Merepaia King  
*Ngāti Māhanga, Ngāti Te Wehi – Tainui*  
Based in Auckland  
(from 9 September 2023)

### Acting Judges of the Employment Court | Ngā Kaiwhakawā Whakakapi o Te Kōti Take Mahi

Judge Bruce Corkill

## ENVIRONMENT COURT | TE KŌTI TAIAO

### Chief Environment Court Judge | Te Kaiwhakawā Matua o Te Kōti Taiao

Chief Judge David Kirkpatrick  
Based in Auckland  
*Jury Warranted*

### Judges of the Environment Court | Ngā Kaiwhakawā o Te Kōti Taiao

#### *In order of seniority*

Judge Jeff Smith  
Based in Auckland

Judge Jane Borthwick  
Based in Christchurch  
*Jury Warranted*

Judge John Hassan  
Based in Christchurch  
*Jury Warranted*

Judge Melinda Dickey  
Based in Auckland

Judge Pru Steven KC  
Based in Christchurch  
*Jury Warranted*

Judge Lauren Semple  
Based in Wellington  
(from 24 March 2023)

Judge Sheena Tepania  
*Ngāti Kahu ki Whangaroa, Ngāti Kuri, Te Aupōuri, Te Rarawa, Ngāpuhi*  
Based in Auckland  
(from 15 April 2023)

**Alternate Judges of the Environment Court | Ngā Kaiwhakawā  
Whakakapi o Te Kōti Taiao**

*In alphabetical order*

**Alternate Judge Stephen Clark**

*Ngāti Hāua ki Taumarunui, Ngāti Maniapoto*

District Court Judge

Based in Hamilton

*Jury Warranted*

**Alternate Judge Greg Davis**

*Ngāpuhi, Ngāti Tai, Ngāti Raukawa, Ngāti Kahungunu*

District Court Judge

Based in Whangārei

*Jury Warranted*

**Alternate Judge Colin Doherty**

District Court Judge

Based in Wellington

*Jury Warranted*

(until 28 June 2023)

**Alternate Judge Michael Doogan**

Judge of the Māori Land Court

Based in Wellington

**Alternate Judge Brian Dwyer**

Retired Environment Judge

Based in Wellington

**Alternate Judge Caren Fox**

*Ngāti Porou, Rongowhakaata*

Chief Judge of the Māori Land Court

Based in Gisborne

**Alternate Judge Paul Kellar**

District Court Judge

Based in Christchurch

*Jury Warranted*

**Alternate Judge Jan Kelly**

*Ngāti Kahungunu*

District Court Judge

Based in Wellington

*Jury Warranted*

**Alternate Judge Stephanie Milroy**

*Ngāi Tūhoe, Ngāti Whakaue*

Judge of the Māori Land Court

Based in Hamilton

**Alternate Judge Laurie Newhook**

Retired Chief Environment Judge

Based in Auckland

*Jury Warranted*

**Alternate Judge Stephen O'Driscoll**

District Court Judge

Based in Christchurch

*Jury Warranted*

**Alternate Judge Geoff Rea**

District Court Acting Warranted Judge

Based in Napier

*Jury warranted*

**Alternate Judge Terena Wara**

*Waikato, Ngāti Raukawa ki te Tonga*

Judge of the Māori Land Court

Based in Rotorua

**Alternate Judge Aidan Warren**

*Rangitāne, Ngāti Kahungunu, Ngāi Tahu*

Judge of the Māori Land Court

Based in Hamilton

**Alternate Judge Te Kani Williams**

*Ngāi Tūhoe, Ngāti Manawa, Te Aupōuri, Whakatōhea,*

*Ngāi Tai ki Tōrere, Ngāti Maniapoto, Waikato Tainui*

Judge of the Māori Land Court

Based in Whangārei

**Environment Commissioners | Ngā Kaikōmihana Taiao**

*In alphabetical order*

**Commissioner James Baines**

Based in Christchurch

**Commissioner Ruth Bartlett**

Based in Auckland

Commissioner Ian Buchanan

Based in Wellington

Commissioner David Bunting

Based in Wellington

Commissioner Kathryn Edmonds

Based in Wellington

Commissioner Andrew Gysberts

Based in Auckland

Commissioner Jim Hodges

Based in Auckland

Commissioner Anne Leijnen

Based in Auckland

Commissioner Mark Mabin

Based in Christchurch

Commissioner Shona Myers

Based in Auckland

Commissioner Kevin Prime CNZM MBE

*Ngāti Hine, Ngāpuhi, Ngāti Whātua and Waikato Tainui*

Based in Auckland

The Honourable Commissioner Kate Wilkinson

Based in Christchurch

### Deputy Environment Commissioners | Ngā Kaikōmihana Taiao Tuarua

*In alphabetical order*

Deputy Commissioner Ross Dunlop

Based in Auckland

Deputy Commissioner David Kernohan MNZM

Based in Wellington

(until 14 April 2023)

Deputy Commissioner Glenice Paine

*Te Ātiawa, Ngāi Tahu*

Based in Wellington

Deputy Commissioner Miria Pomare

*Ngāti Toa Rangatira, Ngāti Mutunga, Ngāti Whakaue, Ngāti Kahungunu, Rongowhakaata*

Based in Wellington

### CORONERS COURT | TE KŌTI KAITIROTIRO MATEWHAWHATI

#### Chief Coroner | Te Kaitirotiro Matewhawhati Matua

Judge Anna Tutton

Based in Wellington

#### Deputy Chief Coroner | Te Kaitirotiro Matewhawhati Matua Tuarua

Coroner Brigitte Windley

Based in Wellington

(from 18 July 2023)

#### Coroners | Ngā Kaitirotiro Matewhawhati

*In alphabetical order, grouped by location*

##### Whangārei | Whangārei-terenga-parāoa

Coroner Alison Mills

Coroner Tania Tetitaha

*Ngāpuhi, Ngāi Tai, Ngāti Raukawa*

##### Auckland | Tāmaki Makaurau

Coroner Janet Anderson

(from 17 April 2023)

Coroner Debra Bell

(until 8 January 2023)

Coroner Tracey Fitzgibbon

*Ngāpuhi, Ngāti Hine, Ngare Hauata*

Coroner Alexander Ho

Coroner Ian Telford

(from 26 June 2023 – based at Rotorua Coroners Court until 25 June 2023)

Coroner Erin Woolley

### Hamilton | Kirikiriroa

Coroner Matthew Bates

Coroner Michael Robb

Coroner Peter Ryan

(from 23 October 2023 – based at Wellington Coroners Court until 22 October 2023)

### Rotorua | Te Rotorua-nui-a-Kahumatamomoe

Coroner Bruce Hesketh

*Ngāi Tahu*

Coroner Donna Llewellyn

*Ngāpuhi*

Coroner Ian Telford

(17 April to 25 June 2023 – based at Auckland Coroners Court from 26 June 2023)

### Hastings | Heretaunga

Coroner Heidi Wrigley

### Palmerston North | Te Papaioia

Coroner Robin Kay

### Wellington | Te Whanganui-a-Tara

Coroner Mary-Anne Borrowdale

Coroner Katherine Greig

Coroner Peter Ryan

(until 22 October 2023 – based at Hamilton Coroners Court from 23 October 2023)

Coroner Brigitte Windley

(until 17 July 2023)

### Christchurch | Ōtautahi

Coroner Alexandra Cunninghame

(from 3 July 2023 – based at Dunedin Coroners Court until 2 July 2023)

Coroner Marcus Elliott

Coroner Sue Johnson

### Dunedin | Ōtepoti

Coroner Alexandra Cunninghame

(until 2 July 2023 – based at Christchurch Coroners Court from 3 July 2023)

Coroner Heather McKenzie

### Relief Coroners | Ngā Kaitirotiro Matewhawhati Whakakapi

*In alphabetical order, grouped by location*

#### Auckland | Tāmaki Makaurau

Relief Coroner Janet Anderson

(until 16 April 2023)

Relief Coroner Megan Armistead

(from 16 October 2023)

Relief Coroner Meenal Duggal

Relief Coroner Andrew Schirnack

(from 17 October 2023)

#### Hamilton | Kirikiriroa

Relief Coroner Louella Dunn

#### Rotorua | Te Rotorua-nui-a-Kahumatamomoe

Relief Coroner Ian Telford

(until 16 April 2023)

#### Palmerston North | Te Papaioia

Relief Coroner Rachael Schmidt-McCleave

(from 16 October 2023)

Relief Coroner Ruth Thomas

(from 1 March 2023)

#### Wellington | Te Whanganui-a-Tara

Relief Coroner Mark Wilton

## Dunedin | Ōtepoti

Relief Coroner Amelia Steel  
*Ngāi Tahu*  
(from 2 October 2023)

## Associate Coroners | Ngā Kaitirotiro Matewhawhati Tuarua

*In alphabetical order, grouped by location*

### Auckland | Tāmaki Makaurau

Associate Coroner Dustin Luo  
(from 30 October 2023)

Associate Coroner Jennifer Smith  
*Te Ātiawa*  
(from 16 October 2023)

Associate Coroner Emma van Son  
(from 30 October 2023)

### Hamilton | Kirikiriroa

Associate Coroner James Buckle  
(from 30 October 2023)

Associate Coroner Seung Youn  
(from 6 November 2023)

### Wellington | Te Whanganui-a-Tara

Associate Coroner Dan Moore  
*Te Whānau-a-Apanui, Rangitāne, Ngāti Kahungunu*  
(from 30 October 2023)

### Christchurch | Ōtautahi

Associate Coroner Stephen Burdes  
(from 30 October 2023)

## COURT MARTIAL | TE KŌTI WHAKAWĀ KAIMAHI O TE OPE KĀTUA & SUMMARY APPEAL COURT | TE KŌTI PĪRA WHAKARAUPAPA KAIMAHI O TE OPE KĀTUA

Chief Judge of the Court Martial and Judge Advocate General of the Armed Forces of New Zealand | Te Kaiwhakawā Matua o Te Kōti Whakawā Kaimahi o Te Ope Kātua me te Kaiwhakawā Ihorei Whānui o Te Ope Kātua o Aotearoa

Chief Judge Kevin Riordan ONZM

Deputy Chief Judge of the Court Martial and Deputy Judge Advocate General of the Armed Forces of New Zealand | Te Kaiwhakawā Matua Tuarua o Te Kōti Whakawā Kaimahi o Te Ope Kātua me te Kaiwhakawā Ihorei Whānui Tuarua o Te Ope Kātua o Aotearoa

Deputy Chief Judge Heemi Taumaunu  
*Ngāti Porou, Ngāti Konohi, Ngāi Tahu*

Judges of the Court Martial and Summary Appeal Court | Ngā Kaiwhakawā o Te Kōti Whakawā Kaimahi o Te Ope Kātua me te Kōti Pīra Whakaraupapa Kaimahi o Te Ope Kātua

*In order of seniority*

Judge Bill Hastings  
(until 30 June 2023 – seconded to the Supreme Court of the Republic of Vanuatu from 1 July 2023)

Judge Brooke Gibson

Judge Maree MacKenzie

Judge Jonathan Moses

Judge Gerard Winter

Judge Mina Wharepourī  
*Taranaki, Te Ātiawa, Tonga*

Judge Tini Clark  
*Waikato Tainui*

Judge Mike Crosbie

Judge Tom Gilbert

## COURT MARTIAL APPEAL COURT | TE KŌTI PĪRA WHAKAWĀ KAIMAHI O TE OPE KĀTUA

### Chief Judge of the Court Martial Appeal Court | Te Kaiwhakawā Matua o Te Kōti Pira Whakawā Kaimahi o Te Ope Kātua

The Honourable Justice Susan Thomas

Chief High Court Judge | Te Kaiwhakawā Matua o Te Kōti Matua  
(until 18 December 2023)

The Honourable Justice Sally Fitzgerald

Chief High Court Judge | Te Kaiwhakawā Matua o Te Kōti Matua  
(from 19 December 2023)

### Judges of the Court Martial Appeal Court | Ngā Kaiwhakawā o Te Kōti Pira Whakawā Kaimahi o Te Ope Kātua

#### *In order of seniority*

Judge John Billington <sup>KC</sup>

(until 27 June 2023)

Judge James Wilding <sup>KC</sup>

Judge Robyn Loversidge <sup>VRD\*</sup>

Judge Craig Ruane <sup>ED\*\*</sup>



# Appendix 4

## Judges and judicial officers who retired, resigned or were elevated during 2023

### SUPREME COURT | TE KŌTI MANA NUI

#### Judges of the Supreme Court | Ngā Kaiwhakawā Mātāmua o Te Kōti Mana Nui

The Honourable Sir Mark O'Regan KNZM  
Retired on 30 November 2023

### COURT OF APPEAL | TE KŌTI PĪRA

#### Judges of the Court of Appeal | Ngā Kaiwhakawā Mātāmua o Te Kōti Pira

##### *In order of seniority*

The Honourable Justice Forrest Miller  
Appointed as a Judge of the Supreme Court effective 19 December 2023

The Honourable Justice Simon France  
Retired due to ill-health on 28 February 2023

### HIGH COURT | TE KŌTI MATUA

#### Chief High Court Judge | Te Kaiwhakawā Matua o Te Kōti Matua

The Honourable Justice Susan Thomas  
Appointed as a Judge of the Court of Appeal effective 19 December 2022

#### Judges of the High Court | Ngā Kaiwhakawā Mātāmua o Te Kōti Matua

##### *In order of seniority, grouped by location*

##### Auckland | Tāmaki Makaurau

The Honourable Justice Ailsa Duffy  
Retired on 20 April 2023

The Honourable Justice Edwin Wylie

Retired on 20 April 2023  
(Appointed as an Acting Judge of the Court of Appeal effective 20 May 2023)

The Honourable Justice Simon Moore

Retired on 21 October 2023  
(Appointed as an Acting Judge of the High Court effective 22 October 2023)

The Honourable Justice Anne Hinton

Retired on 14 July 2023  
(Appointed as an Acting Judge of the High Court effective 24 July 2023)

The Honourable Justice Sally Fitzgerald

Appointed as Chief High Court Judge effective 19 December 2023

The Honourable Justice Christine Gordon

Retired on 21 February 2023  
(Appointed as an Acting Judge of the High Court effective 22 February 2023)

##### Wellington | Te Whanganui-a-Tara

The Honourable Justice Jillian Mallon

Appointed as a Judge of the Court of Appeal effective 20 March 2023

The Honourable Justice Helen Cull

Retired on 23 October 2023  
(Appointed as an Acting Judge of the High Court effective 24 October 2023)

##### Christchurch | Ōtautahi

The Honourable Justice Rob Osborne

Retired on 14 October 2023  
(Appointed as an Acting Judge of the High Court effective 15 October 2023)

The Honourable Justice Jan-Marie Doogue

Retired on 16 June 2023

## DISTRICT COURT | TE KŌTI-Ā-ROHE

### Judges of the District Court | Ngā Kaiwhakawā o Te Kōti-ā-Rohe

*In alphabetical order, grouped by location*

#### Auckland | Tāmaki Makaurau

Judge Sarah Fleming

Retired on 4 November 2023

(Appointed as an Acting Warranted Judge effective 5 November 2023)

#### Hamilton | Kirikiriroa

Judge Jonathan Down

Retired on 31 December 2023

#### Tauranga | Tauranga Moana

Judge David Cameron

Retired on 10 April 2023

(Appointed as an Acting Warranted Judge effective 26 April 2023)

Judge Chris Harding

Retired on 1 July 2023

(Appointed as an Acting Warranted Judge effective 2 July 2023)

Judge Tom Ingram

Retired on 24 November 2023

(Appointed as an Acting Warranted Judge effective 25 November 2023)

#### Napier | Ahuriri

Judge Russell Collins

Appointed as National Executive Judge effective 5 June 2023

#### Whanganui

Judge Dugald Matheson

Retired on 1 December 2023

#### Wellington | Te Whanganui-a-Tara

Judge Andrew Becroft <sup>QSO</sup>

Appointed as a Judge of the High Court effective 2 May 2023

Judge Bruce Davidson

*Ngāi Tahu*

Retired on 17 August 2023

(Appointed as an Acting Warranted Judge effective 18 August 2023)

Judge Chris Dellabarca

Resigned effective 16 August 2023

Judge Mary O'Dwyer

Retired on 9 April 2023

(Appointed as an Acting Warranted Judge effective 10 April 2023)

#### Christchurch | Ōtautahi

Judge Tony Couch

Retired on 12 March 2023

(Appointed as an Acting Warranted Judge effective 13 March 2023)

#### Timaru | Te Tihi-o-Maru

Judge Joanna Maze

Retired on 3 February 2023

#### Other locations | Ngā wāhi kē

Judge Colin Doherty

Retired on 28 March 2023

(Appointed as an Acting Warranted Judge effective 29 March 2023)

#### Community Magistrates | Ngā Kaiwhakawā-ā-Hapori

*In alphabetical order, grouped by location*

#### Wellington | Te Whanganui-a-Tara

Community Magistrate Brigid Corcoran

Retired on 14 April 2023



## MĀORI LAND COURT | TE KOOTI WHENUA MĀORI & MĀORI APPELLATE COURT | TE KOOTI PĪRA MĀORI

### Chief Judge of the Māori Land Court & Māori Appellate Court | Te Kaiwhakawā Matua o Te Kooti Whenua Māori me Te Kooti Pira Māori

Chief Judge Wilson Isaac

*Ngāti Porou, Ngai Tūhoe, Ngāti Kahungunu*

Tairāwhiti District - Based in Gisborne

Retired on 30 April 2023

(Appointed as an Acting Judge of the Māori Land Court effective 7 June 2023)

### Deputy Chief Judge of the Māori Land Court & Māori Appellate Court | Te Kaiwhakawā Matua Tuarua o Te Kooti Whenua Māori me Te Kooti Pira Māori

Deputy Chief Judge Caren Fox

*Ngāti Porou, Rongowhakaata*

Tairāwhiti District - Based in Gisborne

Appointed as Chief Judge of the Māori Land Court effective 24 August 2023

## ENVIRONMENT COURT | TE KŌTI TAIAO

### Deputy Environment Commissioners | Ngā Kaikōmihana Taiao Tuarua

*In alphabetical order*

Deputy Commissioner David Kernohan MNZM

Based in Wellington

Warrant ended on 14 April 2023

## CORONERS COURT | TE KŌTI KAITIROTIRO MATEWHAHATI

### Chief Coroner | Te Kaitirotiro Matewhawhati Matua

Coroner Anna Tutton

Appointed as a District Court Judge effective 30 January 2023

## Coroners | Ngā Kaitirotiro Matewhawhati

*In alphabetical order, grouped by location*

### Auckland | Tāmaki Makaurau

Coroner Debra Bell

Appointed as a District Court Judge effective 9 January 2023

### Wellington | Te Whanganui-a-Tara

Coroner Brigitte Windley

Appointed as Deputy Chief Coroner effective 18 July 2023

## Relief Coroners | Ngā Kaitirotiro Matewhawhati Whakakapi

### Auckland | Tāmaki Makaurau

Relief Coroner Janet Anderson

Appointed as a permanent Coroner effective 17 April 2023

### Rotorua | Te Rotorua-nui-a-Kahumatamomoe

Relief Coroner Ian Telford

Appointed as a permanent Coroner effective 17 April 2023

## COURT MARTIAL APPEAL COURT | TE KŌTI PĪRA WHAKAWĀ KAIMAHI O TE OPE KĀTUA

### Judges of the Court Martial Appeal Court | Ngā Kaiwhakawā o Te Kōti Pira Whakawā Kaimahi o Te Ope Kātua

*In order of seniority*

Judge John Billington KC

Retired on 27 June 2023

# Appendix 5

## References and further information

### COURT WEBSITES

**Supreme Court, Court of Appeal and High Court**  
[Courtsfnz.govt.nz](http://Courtsfnz.govt.nz)

**District Court**  
[Districtcourts.govt.nz](http://Districtcourts.govt.nz)

**Māori Land Court**  
[Maorilandcourt.govt.nz](http://Maorilandcourt.govt.nz)

**Employment Court**  
[Employmentcourt.govt.nz](http://Employmentcourt.govt.nz)

**Environment Court**  
[Environmentcourt.govt.nz](http://Environmentcourt.govt.nz)

**Coroners Court**  
[Coronialservices.justice.govt.nz](http://Coronialservices.justice.govt.nz)

### COURT CONTACT DETAILS

**Contact a court**  
0800 COURTS (0800 268 787)

### ANNUAL REPORTS AND STATISTICS

**Supreme Court | Te Kōti Mana Nui**  
[2017 to 2023 statistics](#)  
[Earlier statistics](#)

**Court of Appeal | Te Kōti Pira**  
[Statistics](#)  
[2023](#)  
[2022](#)  
[2021](#)  
[2020](#)  
[2019](#)  
[2018](#)  
[2017](#)  
[Earlier statistics](#)

**High Court | Te Kōti Matua**  
[Annual reports](#)  
[2023](#)  
[2022](#)  
[2021](#)  
[2020](#)  
[2019](#)  
[2018](#)  
[2017](#)  
[Earlier reports](#)  
[Statistics](#)  
[2023](#)  
[2022](#)  
[2021](#)  
[2020](#)  
[2019](#)  
[2018](#)  
[2017](#)  
[Earlier statistics](#)

**District Court | Te Kōti-ā-Rohe**

Annual reports

2023

2022

2021

2020

2019

2018

2017

Earlier reports

Statistics

2021

2020

2019

2018

**Māori Land Court | Te Kooti Whenua Māori**

Māori Land Update—Ngā Āhuatanga  
o te whenua

2022

2021

2020

2019

2018

2017

Earlier updates

**Employment Court | Te Kōti Take Mahi**

2015 to 2023 statistics

**Environment Court | Te Kōti Taiao**

Annual reports

2021/2022

2020/2021

2019/2020

2018/2019

2017/2018

2016/2017

Earlier reports

**Coroners Court | Te Kōti Kaitirotiro Matewhawhati**

Annual reports

2022/2023

2021/2022

2020/2021

2019/2020

2018/2019

2017/2018

2016/2017

2015/2016

## OTHER USEFUL LINKS

[Digital Strategy for Courts and Tribunals of Aotearoa New Zealand  
Rules Committee Improving Access to Justice Report](#)

### **Tribunals**

[justice.govt.nz/tribunals](http://justice.govt.nz/tribunals)

### **Office of the Judicial Conduct Commissioner**

[jcc.govt.nz](http://jcc.govt.nz)

[Annual reports](#)

### **Criminal Cases Review Commission | Te Kāhui Tātari Ture**

[ccrc.nz](http://ccrc.nz)

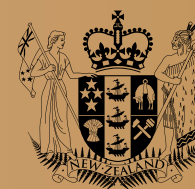
### **Question trails**

[courtsfnz.govt.nz](http://courtsfnz.govt.nz)

### **Te Ara Ture**

[Te Ara Ture FAQs](#)





CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

