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New Zealand has a hierarchical court system. The District Courts are the primary courts where most cases are initiated. They are the principal trial courts in New Zealand. Every person charged with a criminal offence will make their first appearance in a District Court, even if their charge will ultimately be heard in the High Court. Most defendants will go through the entire justice process in a District Court, from first appearance until sentencing (if they are convicted), whether they plead guilty or not guilty. If a defendant disagrees with the outcome of the case, he or she may appeal to a higher court to have the decision revisited. In their civil jurisdiction, the District Courts can hear general claims in tort, equity and contract for amounts up to $200,000.

The Family Court and Youth Court are divisions of the District Courts.

New Zealand has a wide and diverse geographic and demographic spread. As the Chief District Court Judge, I am proud to be the leader of a group of hardworking judges who give conscientious service to the diverse communities they serve.

Chief District Court Judge
Her Honour Judge Jan-Marie Doogue

I am delighted to present the inaugural Annual Report for the District Courts of New Zealand for the year ended 30 June 2013. I hope you enjoy reading it. The purpose of the report is to give an insight into the workings of the District Courts and its divisions and to report upon aspects of its workloads and performance. A particular emphasis has been placed upon exposing the diversity and breadth of work of these courts and the personalities of those judges who sit in them. A number of judicial innovations are also highlighted.

The constitutional model that exists in New Zealand means that the judiciary has no independent budgetary or resource control. One of the significant implications of that, so far as this report is concerned, is that it is not the responsibility of the judges to collect statistics on the performance of the courts. We are reliant upon the executive arm of government to do that and are therefore not able to endorse the accuracy of the statistical data provided. Thus, the statistics published in this report are those provided by the Ministry of Justice.

I acknowledge the contribution made to the efficient running of the District Courts by groups such as the legal profession, Ministry of Justice staff, Police and Corrections.

Juliette Rodger, Chief District Court Judge
I was appointed to the role of Chief District Court Judge in September 2011. The Chief District Court Judge has statutory responsibility, under section 9 of the District Courts Act 1947, for "ensuring the orderly and expeditious discharge of the business of the District Courts throughout New Zealand". To this end, I have primary responsibility for rostering judges to different localities according to workload and resourcing requirements.

I constantly wrestle with ensuring the most efficient deployment of judicial resource so as to properly discharge this responsibility. Throughout this report, you will see where there have been judicial initiatives designed to assist the expeditious disposal of the business of the District Courts. Because of limited resources, the gains made by these initiatives have been at the expense of other business. For example, the redeployment of judges to assist with the criminal jury trial backlogs in the Auckland region has meant fewer judges have been available in the civil jurisdiction in that area.

In practice, I have a variety of leadership roles beyond this core responsibility. In conjunction with the Principal Judges of the Family Courts and Youth Courts, I am responsible for the wider administration and organisation of all District Court judges. This includes representing those judges in dealings with the Ministry of Justice, the wider legal profession and the public. I am involved in the appointment process for new judges and in appointing current judges to a variety of administrative roles within the judiciary. In addition, I have a role in developing initiatives to better dispose of the work before the courts. Recent examples of this have included: new systems for managing jury trials, new models for the deployment of judicial resource including double session sentencing courts, the incorporation of the International Framework for Court Excellence and implementing the District Courts’ Strategy Plan.
The Chief District Court Judge, the Principal Family Court Judge and the Principal Youth Court Judge together oversee the operation of the District Courts, Family Courts and Youth Courts. Each serves as the public face of their court. They have a wealth of expert experience in challenges that arise daily in each of their respective jurisdictions. The Principal Family Court Judge and the Principal Youth Court Judge have the similar responsibilities to those of the Chief District Court Judge for the orderly and expeditious discharge of the business of the Family Courts and the Youth Courts, but must discharge those responsibilities in consultation with the Chief District Court Judge. In practice, the three Judges work together as a cohesive team to best discharge the work before the courts while facing challenges to resources.
As Principal Family Court Judge, my role is to lead, manage and support the Family Court judges. There are 49 full-time Family Court Judges in New Zealand. For the reported year, there were six retired Family Court Judges who had Acting Warrants, enabling them to be called upon to preside in the Family Court. All Family Court judges are District Court judges.

The Family Court is constantly evolving and improving. The judiciary has led several new initiatives over the last 12 months – the development of National e-Duty is an example of that. It is important that the Family Court is transparent and accessible, so I regularly communicate and engage with the public and the media. I work closely with the General Manager of the District Courts, and I liaise on a regular basis with the Family Law Section of the New Zealand Law Society.

Being the Principal Family Court Judge is a challenging role, but with it comes the opportunity to work with Family Court judges who are, without exception, dedicated to the often difficult task of trying to help ordinary people deal with difficult times in their lives. I am proud at how dedicated those judges are to doing the best that they can to deliver the best outcome to those who come before them.

Principal Family Court Judge, His Honour Judge Laurence Ryan
I was appointed Principal Youth Court Judge in 2001. My role involves overseeing the effective operation of the Youth Court. This includes sitting in the District Court and Youth Court, liaising to ensure sufficient national and local rostering of Youth Courts and supporting all Youth Court Judges in their work (which includes arranging specialist training and regularly visiting Youth Courts around the country).

I regularly liaise and meet with relevant government departments and other non-government organisations regarding youth justice issues, including funding issues and legislative changes.

By virtue of my position, I am a stakeholder in the grievance process in Child, Youth and Family residences and the co-patron of the Police Blue Light Organisation.

My role enables me to undertake speaking engagements and make presentations to public and community group meetings on topics relevant to the Youth Court and youth justice issues generally.

I also hold a number of local, national and international administrative positions in organisations connected to either youth affairs or the general community.
The Framework provides a structured method for courts aiming to employ their limited resources (both judicial and administrative) more efficiently. The Framework uses a self-assessment process to evaluate a number of areas of court performance. This is called “the General Assessment.”

Starting in 2010, the District Courts planned and implemented the completion of the General Assessment over an eighteen-month period. The General Assessment was tailored to reflect the specific culture of the District Courts, including the constitutional arrangements between the courts and the Ministry of Justice.

A judicial assessment (Judicial Assessment) was also developed and implemented. This international innovation addressed issues specific to the judiciary as a whole, rather than the courts generally. The Judicial Assessment examined issues of ethics and standards, judicial organisations, judicial operations, judicial welfare and interaction between the judiciary and the community.

Both assessments were completed by all of the judges individually. The analysis of their responses was completed at several levels: national, regional and within individual courts.

The reports which arose from the analysis enabled not only a national view but also comparison between courts and between regions. Nine separate recommendations for improvement were made. These, in turn, informed the District Courts Judicial Strategy Plan: the vehicle through which the outcomes of the assessments have been implemented.

In New Zealand there is a constitutional separation between the courts and the administration of them. The judiciary does the work, supported by the Ministry of Justice, which is responsible for the provision of both hard and soft resources. The assessments have assisted the Chief District Court Judge and the Principal Judges of the Family and Youth Courts – not just in their assessment of the health of the courts as institutions, but also in their discussions with the Ministry of Justice around resourcing. The collective voice of the judges through the assessment processes has provided a principled approach to these discussions.

In the District Courts, the Ministry of Justice has also adopted a version of the General Assessment in its annual review of specific courts.

The next step is a General Assessment, completed by both judges and senior members of the Ministry of Justice management teams within the courts. This process (scheduled for 2015) will enable something other than a judge-centric view of the assessment areas, along with a “rounded” view of the health of the courts.

The International Framework for Court Excellence (the Framework) is a quality management system designed to assist courts to improve their performance. It assists courts to identify areas of performance capable of improvement and to develop innovative ways to address issues, improve transparency and clarity and enhance access, as well as reducing backlogs and overly complex procedures which detract from court quality and efficiency.

International Framework for Court Excellence

The International Framework for Court Excellence – an internationally recognised quality management system, designed to improve performance implemented by the District Courts.

• Judicial Strategy Plan – a specific strategy for the District Courts has been implemented.
• Judicial Performance Measures – the District Courts are exploring how best to capture judicial performance measures such as timelines of delivery of decisions, continuing professional development of judges and the rate of successful appeals against decisions of the courts.
• Appointment of National Executive Judge – an experienced executive judge to lead the District Courts’ response to the post-earthquake recovery in Christchurch and to be responsible for the ongoing development of initiatives and programmes derived from the International Framework for Court Excellence.
• Appointment of National Jury Judge – an experienced jury warranted judge is proactively managing the national inventory of jury trial workload in an effort to reduce waiting times for trials, to the benefit of the community, victims and defendants.
• Refocusing of Judicial Education – the use of more regular intensive, practical education.

Innovation

This report highlights the implementation of high level judge-led innovations which occurred in the reported year.

These include:

• International Framework for Court Excellence – an internationally recognised quality management system, designed to improve performance implemented by the District Courts.
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• Innovation

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2012-2015

Strategic aims

The judicial process in the District Court: provides dignified, timely access to justice which optimises the use of judicial expertise nationally, has the confidence of court users and the wider community and is consistent with international standards of excellence.

Key enablers

- A relationship with the Ministry of Justice and other agencies which is collaborative and productive while recognising the independence of the judiciary
- High quality, timely information about all aspects of the judicial process
- Appropriate use of judicial resources and expertise
- Appropriate use of technology
- An accurate understanding of court user and community perceptions of the judicial process

The Programme of Work
As an institution, the judiciary is accountable to society to administer and organise itself so as to provide the resolution of disputes. This must be done in a way that is not only fair, just and in accordance with the law, but also efficient, cost-effective, whilst employing a high degree of professionalism and skill. Judicial independence means that judges cannot be accountable in a sacrificial sense, in the way that public servants would be accountable to their minister. However, the judiciary is a branch of government which makes decisions in individual cases which determine and uphold people’s rights. The judiciary also makes administrative decisions at the Chief Judge level which have a significant impact on the efficiency and quality of the justice process. Growing attention is being paid to these administrative decisions and to the organisation of the judiciary as an institution. The judges of the District Courts are not exempt from this scrutiny.

In New Zealand, the District Courts have taken a lead in developing proposals to measure judicial accountability in an explanatory way for their organisation and administration. A paper (authored by the National Executive Judge, and Judges’ Research Counsell) and presented at an international conference for jurists, judges and court administrators in March 2013, proposed that this administrative accountability should mirror judicial accountability in respect of judicial decisions. The result of that accountability is that reasons must be provided whilst the public can scrutinise and comment upon, while judicial independence remains preserved. The paper proposed that to withstand scrutiny, it is imperative that the efforts of the judiciary are fully supported and resourced by the executive, particularly in an institutional model like that of New Zealand, where the judiciary has no independent budgetary or resource control. It also emphasised the importance of sufficient information being available to the public, so that the public confidence in the judiciary as a well-organised, professional, efficient and independent institution is not misplaced. In recognition of this accountability, the District Courts proposed a minimum set of performance measurement areas for the judicial administration, namely: the timeliness of decisions, the giving of appropriate reasons for decisions, the level of judicial training and appropriate workloads for judges.

We intend to develop these concepts in the ensuing year, with a view to settling upon a process of formulating and publishing appropriate measures.
The position of National Executive Judge was established as a response to the need to assess and implement the results of the International Framework for Court Excellence (IFCE), develop the District Court Judicial Strategy Plan, assist with the re-development of the courts in post-earthquake Christchurch and to generally assist the Chief District Court Judge and Principal Judges of both the Family and the Youth Court with specific projects. I am the first appointee to the position. My home court is in Christchurch and I alternate my time between there and elsewhere in New Zealand as demand dictates.

The role entails a wide variety of work: from assisting in the formulation of general policy to specific tasks such as research into and development of programmes for the mentoring of judges, a system of judicial peer review, a panel of judges for both pastoral and ethical support purposes, a proposal for a stand-alone youth Justice Centre in Christchurch, the judicial representative for the implementation of the Christchurch Justice and Emergency Services Precinct proposal and as a member of a judicial reference group for the implementation of the proposed reforms of the Family Court, to identify but a few.

One of the most challenging aspects has been my role as the judicial representative for the implementation of the Christchurch Justice and Emergency Services Precinct. The Christchurch earthquakes of 2010 and 2011 changed the face of Christchurch, including the delivery of justice services. The aftermath of the earthquakes saw dislocation of court services, in particular, and for a time the courts were sitting in locations scattered throughout the wider Christchurch area. These locations were novel – a marae, a racecourse, a tennis club, a museum – to name but a few.

I find the role of National Executive Judge demanding, yet intensely satisfying.
My appointment in October 2012 as National Jury Judge for the District Court was in response to concern about the increasing number and complexity of outstanding jury trials, particularly in metropolitan Auckland. My primary strategy has been to ensure that the real issues in cases are addressed as early as possible and that early dates for trial are set. Significant consultation and the application of this strategy have resulted in a steady reduction in the number of outstanding trials in those courts. The following graphs relating to the Auckland and Manukau District Court jury trial jurisdictions, show the picture.

I have also consulted widely in most jury trial courts in New Zealand, so that the individual needs of each court can be examined and additional resources allocated where required.

Ongoing challenges include merging the jury trial inventory of the Auckland and Manukau courts as a result of the renovation of the Manukau Court, as well as the management of the inevitable changes that will result from the Criminal Procedure Act 2011.
Auckland District Court Jury Trial Jurisdiction

This jurisdiction has seen the number of:

- Cases committed (New Business) to jury trial decrease from 670 in June 2012 to 534 in June 2013 – a reduction of 20% or 136 cases.
- Cases disposed increase from 643 in June 2012 to 670 in June 2013 – an increase of 4% or 27 cases.
- Active cases decrease from 636 in June 2012 to 500 in June 2013 – a reduction of 21% or 136 cases.

Manukau District Court Jury Trial Jurisdiction

This jurisdiction has seen the number of:

- Cases committed (New Business) to jury trial increase from 331 in June 2012 to 340 in June 2013 – an increase of 3% or 9 cases.
- Cases disposed increase from 346 in June 2012 to 364 in June 2013 – an increase of 5% or 18 cases.
- Active cases decrease from 356 in June 2012 to 328 in June 2013 – a reduction of 8% or 28 cases.
Criminal - Summary Jurisdiction

The summary jurisdiction of the District Courts deals with less serious criminal cases and is the busiest jurisdiction in the court system. These cases are heard by District Court Judges, Community Magistrates and Justices of the Peace.

DISTRICT COURT CRIMINAL SUMMARY CASES

<table>
<thead>
<tr>
<th></th>
<th>June 2009</th>
<th>June 2010</th>
<th>June 2011</th>
<th>June 2012</th>
<th>June 2013</th>
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<tr>
<td>New Business</td>
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<td>Disposals</td>
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<td>173,479</td>
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<td>Active Cases</td>
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<td>34,857</td>
<td>35,731</td>
<td>30,682</td>
<td>25,954</td>
</tr>
</tbody>
</table>

This jurisdiction has seen the number of:

- New cases decrease from 156,494 in June 2012 to 138,314 in June 2013 – a reduction of 12% or 18,180 cases.
- Cases disposed decrease from 159,656 in June 2012 to 144,005 in June 2013 – a reduction of 10% or 15,651 cases.
- Active cases decrease from 30,682 in June 2012 to 25,954 in June 2013 – a reduction of 15% or 4,728 cases.

The reduction in new business is primarily as a result of the police continuing to make greater use of pre-charge warnings, which aims to divert lower end offenders away from prosecution and court proceedings. Numbers of active summary cases are at their lowest point in 5 years, and a quarter of these cases are awaiting sentencing.

Sentencing

The District Courts impose 99.4% of sentencing in New Zealand and can impose any sentence other than life and preventive detention. The role of the court when sentencing is to determine the appropriate consequence for an offence. A sentence may have a number of purposes, including to hold the offender to account; denounce the offender’s conduct; rehabilitate the offender; or provide reparation. In determining the appropriate type and length of sentence, courts have regard to the circumstances of the offender and the offending, as well as to the wider interests of the victims and community. The law requires a wide range of factors to be considered and allows a variety of types of sentence in response. These include fines, community-based sentences and, in appropriate cases, imprisonment. One of the principles of sentencing is that a judge must impose the least restrictive outcome that is appropriate in the circumstances.

Did you know that the Sentencing Act only permits judges to impose imprisonment where no other options are appropriate?
Family Violence Courts
There are Family Violence Courts in Hutt Valley, Porirua, Masterton, Palmerston North, Auckland, Waitakere, Manukau, and Whangarei. These courts are intended to bring a multi-agency approach to dealing with the underlying causes of family violence. The courts are able to use procedures to identify the particular needs of offenders, the victim and the family, and encourage the formulation of a plan to address those needs. Work is underway to improve these processes and to encourage the provision of effective interventions for these courts to employ. This work during the next year will concentrate on Manukau and Hutt Valley Family Violence Courts.

Alcohol and Other Drug Treatment Courts
Within the Youth Court, two courts have been established to deal with young people who have moderate to severe alcohol or other drug dependency underlying their offending. The Youth Drug Court in Christchurch has been operating since 2002 and was followed by the Intensive Monitoring Group (IMG) within the Auckland Youth Court. Both of these courts receive referrals following Family Group Conference agreements, and they both employ a cross-agency approach. They are assisted by alcohol and other drug services and adolescent mental health services, together with dedicated Child Youth and Family personnel and education officers. The IMG focuses on young people with Care and Protection status, who also have moderate to severe mental health issues and/or clinically significant alcohol or other drug issues and are at moderate to high risk of reoffending.

In November 2012, two Alcohol and Other Drug Treatment Courts were established in Auckland and Waitakere as part of a five-year pilot. Strict entry criteria apply to these courts. Participants must have a moderate to severe dependency which is seen as a predominant driver in terms of their offending. Participants are subject to a comprehensive individualised plan, which includes residential or community-based treatment, aftercare, engagement with the 12 Step Fellowship (such as AA and NA), and they must submit to regular and random drug and alcohol testing throughout. They also undertake voluntary community work, various life skills programmes and progress towards study and work.

Bail
Because the District Courts are where all persons charged with an offence make their first court appearance, the District Courts deal with all but a few bail applications. For most offences the court must grant bail, unless the court is satisfied that there is just cause for detaining the defendant. For lower level offences an offender is bailable as of right. For a small group of serious offences, the court must not grant bail unless satisfied that the defendant will not be a danger to others. Where appropriate, the court imposes conditions of bail to ensure the defendant appears in court, does not interfere with the court process and does not commit further offences. These conditions include the imposition of curfews, probation on contact with victims, restrictions on defendants’ movement and bans on alcohol use.

Name Suppression
Judges of the District Courts often have to deal with applications for name suppression, because they deal with the majority of criminal cases. Where a defendant is granted name suppression, the defendant’s identity cannot be revealed. Open justice is a fundamental principle of the court system. In some cases, however, other factors may require this fundamental principle to be displaced. This might be because revealing the defendant’s identity would create risk to a fair trial, endanger the safety of another person or cause extreme hardship to the defendant. These are high thresholds which are not easily met. In some cases (for example, to protect the identity of victims of sexual offending), there is a specific statutory prohibition on the publication of the name of the offender.

Did you know that for most crimes the onus is on the prosecution to show why bail should not be granted?

Te Kooti o Timatanga Hou
(The Court of New Beginnings)
This court operates in the Auckland and Wellington District Courts. It is focused on adult offenders who are homeless and have mental health issues and/or chronic substance abuse issues. The court sits monthly. An evaluation in October 2012 demonstrated that the court and the cross-agency approach employed have been very effective in reducing the number of arrests and custodial remands of the homeless, as well as reducing hospital admissions.

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Did you know that most District Courts are open to the public?
The South Auckland region extends from Manukau City to the outer rural areas of Pukekohe and includes Papakura. There are three District Courts situated at Manukau, Papakura and Pukekohe all of which have the significant pressures of an increasing population.

The District Court at Manukau in particular is quite different from any other court in New Zealand. It is one of the busiest courts in the country and has the most diverse ethnic and cultural population. The courts in our region may at any time be called upon to provide interpreter services for any one or more of the estimated 170 languages or dialects which are spoken locally. The daily challenge is to work efficiently and effectively in such a constantly changing environment. Most important of all, is the requirement to ensure that the interests of justice are upheld at all times.

I am very fortunate to work in South Auckland and to be part of that community.
Role of Jury Court

The right to trial by jury is protected in the New Zealand Bill of Rights Act. A defendant has the right to elect a jury trial where he or she is charged with an offence punishable by a maximum sentence of 2 years imprisonment or more. In a jury trial, findings of fact are made by 12 members of the community rather than by a judge. The jury decides whether the defendant is guilty or not guilty and must reach that decision either unanimously or in certain circumstances by a majority of 11 to 1. Trial by jury is deeply rooted in history but today these trials are reserved for more serious crimes.

Criminal Procedure Act 2011

The Criminal Procedure Act 2011 significantly changed the processes for filing and progressing criminal cases through the courts from 1 July 2013. The terms “summary” and “indictable” were replaced by new terminology. It will be some time before the actual impact of this reform on the workload of the District Courts can be accurately understood. However, pre-1 July 2013 cases will continue to be a feature of the District Courts’ workload until those cases reach completion.

Jury Trial Jurisdiction - National Statistics

The jury trial jurisdiction deals with the more serious criminal cases, after defendants are committed for trial from criminal and youth pre-committal processes.

This jurisdiction has seen the number of:

- Cases committed (New Business) to jury trial decrease from 3,219 in June 2012 to 2,988 in June 2013 – a reduction of 7% or 231 cases.
- Cases disposed increase from 3,091 in June 2012 to 3,349 in June 2013 – an increase of 8% or 258 cases.
- Active cases decrease from 2,699 in June 2012 to 2,354 in June 2013 – a reduction of 13% or 345 cases.

A sustained effort by the judiciary over the past 14 months has resulted in an increase in jury trial case disposals. This has been achieved through more targeted deployment of the judicial resource and through innovative case management techniques developed by the National Jury Trial Judge and others.
The last three years have been, for Christchurch District Court as a whole, a once in a lifetime experience. Judges, staff and lawyers can look back with pride on the efforts that they have made to overcome adversity, upheaval and inconvenience following the 2011 and 2012 earthquakes. The last 12 months in Christchurch has seen real progress and satisfaction for the Christchurch Judges, with the return of nearly all the jurisdictions to the court’s building in Durham Street.

In May we moved the criminal list courts from the Nga Hau E Wha Marae in Pages Road back to the court, bringing to an end almost two years of use of the whare at the marae. The generous hospitality of the marae over that period was a humbling experience for all those involved with the courts. That move completed our return to the original courthouse.

I have been constantly surprised by the willingness of staff in particular to put themselves out to assist the judges in the administration of justice during these testing times.

On a personal note, I am privileged to have an exciting and ever-changing job where all aspects of human experience come before you. More often than not you can assist people either to rationally accept an outcome or, in some instances, to make positive changes in their lives. After 23 years as a Judge, I still remain optimistic that people can change and judges can make a difference.

Judge John Strettell
I sit with five other judges in the Hawke’s Bay and Gisborne circuits. This means we cover the courts from Dannevirke to Ruatoria. The geographical spread of our region naturally includes a wide and varied population, from the rural heartland of the East Cape, to the more metropolitan areas of Napier, Hastings and Gisborne. This gives rise to one of the big challenges of our work because, as judges, we have to be alert and sensitive to the particular needs of the communities we serve, whilst maintaining consistency overall. We are all very conscious that our community wants its courts working well, and we try hard as a group of judges to achieve that.
I sit in the Hamilton District Court. Audio Visual Links (AVL) between the court room and prison were first introduced in Auckland in 2010. I was a member of the judicial committee which settled protocols for its use. The subsequent successful implementation of AVL between the Hamilton District Court and the Waikeria Prison was due in large measure to the co-operation between local judges, court staff, lawyers, the Police, and the Corrections Service.

Most administrative appearances requiring the attendance of prison remandees are now conducted by AVL in Auckland. There is improved security for remandees, police and prison staff. I have observed that using AVL results in more humane treatment of remandees. It is also apparent that it can assist lawyers to receive better quality instructions as the interview suites provided with the AVL system improve access to their clients.

In my view, the use of AVL can provide better access to justice for remandees and more efficient use of resources for the community.

Judge Phil Connell
Role of Civil Jurisdiction

The civil jurisdiction of the District Courts resolves disputes between individuals or organisations. A person who feels they have been wronged may bring a claim and, if successful, be awarded a remedy such as compensation. The District Courts may hear claims up to a monetary value of $200,000. The government proposes to increase this limit to $350,000. Examples of common claims in the District Courts include contractual disputes, where one party has not performed their obligations under an agreement, and claims in negligence, where services have not been provided with a reasonable level of skill.

The District Courts deal with large volumes of civil cases. Many cases are in the category of "debt collecting". For the reported year, of the 15,706 civil claims disposed of, almost 60% had judgment entered where no defence had been raised to the claim. The District Courts process has an early emphasis on attempting to have the parties settle the claim, rather than asking a judge to make a decision. Of those that required judicial involvement, 50% were settled in judicial settlement conferences and 20% settled as a result of such conferences – the remainder were dealt with by judicial decisions.

The District Courts have jurisdiction over appeals from a large number of statutory bodies and also deal with a wide range of other matters. In the reported year there were 2,038 applications for orders under the Property Law Act, Harassment Act and Local Government Act. There were 663 appeals heard from the decisions of various statutory bodies.

Did you know that in certain civil cases, if the litigants consent they can have claims with an unlimited monetary value determined in the District Courts?
I am the chairperson of the District Court Civil Committee, a committee of six judges. Our civil work is dealt with by designated civil judges who have experience and ongoing training in the work they do. The judges are committed to carrying out their duties so as to secure the just, speedy and inexpensive determination of civil proceedings. The committee’s role is to oversee all aspects of work by these civil judges and to monitor the process of how the work is done. This includes ensuring the rules of court are appropriate. Several members of the committee are currently engaged in a review of the significant reforms of process that resulted in the District Court Rules 2009.

Judge Susan Thomas
I work in the Auckland, North Shore, Waitakere District Courts, and in the Northland District Courts of Whangarei, Kaihoko and Kaitaia.

These courts serve a large area of the most populated part of New Zealand. There are diverse communities, ranging from the first New Zealanders to the most recently arrived New Zealanders. From Te Tai Tokerau to Tamaki Makaurau, more than 10 different iwi are tangata whenua. The Auckland communities are home to people of more than eighty different nationalities hailing from all over the world. Working with people from so many different places and with diverse cultural heritages is both the most challenging and the most satisfying aspect of my job as a District Court judge. The way that justice is administered in this area includes solution-focused courts which, by their nature, involve representatives of the community. I hope that community involvement in courts will grow further. It is through engagement with the communities courts serve that justice is seen to be done. It is a privilege to be part of this process.
I am one of 12 judges who sit in the courts of the South Auckland region, based principally at Manukau. The population of approximately 600,000 served by the court is truly multi-cultural, with 186 different ethnic groups – thus English is not the first language for many. This brings its own challenges to the system and a feature of our courts is the large pool of interpreters.

We are reported to be the busiest court in the country, as far as the number of criminal prosecutions are concerned. A feature of our courts is the willingness to innovate, and this year daily double-sessions of court have been introduced for sentencing, with court starting at 8.30am and finishing at 7.00pm. In this way, there is greater flexibility for defendants, victims and others. For example, employment and child care commitments can be more easily catered for.

I am in my fifteenth year in South Auckland and am committed to serving this community. Each day is a separate challenge. From my chambers, on a clear day I can see both sides of New Zealand – the Manukau Heads and the Tasman Sea to the west and Rangitoto Island in the Hauraki Gulf to the east. Beat that!

Judge Charles Blackie
In the far north where I sit, we work with the assistance of Ngapuhi and groups within Ngapuhi communities. In dealing with offenders and victims in our community, whānau hold a critical piece of the puzzle to assist in reducing Māori crime.

There are no quick or easy solutions to the rate of offending in our communities, however strong and well-functioning whānau assist to build stronger communities. Working with whānau and the community networks generally will provide a broader understanding of the role and functions of the Court, and ensure that the Court has quality information about offenders and their communities.
Role of Family Court

The Family Court is a division of the District Court. It was established under the Family Courts Act 1980 as a place where New Zealanders could get help with family problems.

Many New Zealanders use the Family Court. The court deals with a wide range of "family" relationships, from children not yet born through to older people who are in need of care and protection. The variety of cases that come before the court is considerable. For example, the Family Court hears cases concerning adoption, child abduction, separation, relationship property, wills, domestic violence, mental health, surrogacy and child support. However, wherever possible, the court aims to help people resolve their own problems by way of counselling, conciliation and mediation.

Although the Family Court is essentially a private forum, in that it deals with deeply personal and sensitive matters, the court is nevertheless a part of our justice system — thus the work that is done in the court must be as open as possible and the decisions and processes accountable to the public.

Did you know that there are restrictions on the publication of Family Court judgments to protect the privacy of vulnerable people such as children?
Reform of the Family Court
The Family Court processes used to resolve disputes regarding care arrangements and guardianship of children have been reviewed by Parliament, and legislative reforms will be implemented in 2014. The most significant change is that people will be required to attend private mediation before they are eligible to use the Family Court, unless they are granted an exemption. However, people will continue to have direct access to the court if they are, or are at risk of being, victims of domestic violence.

National e-Duty
E-Duty is an online tool that enables judges throughout the country to receive, consider and decide urgent applications that are filed in any Family Court in New Zealand. This innovation significantly reduces paperwork for court staff, enables the people subject to the application to receive a decision faster, and is a more efficient use of judges’ time. E-duty was implemented in early 2015 and signals a move towards a new digital era for the Family Court.

Hague Convention
The International Hague Network of Judges was established in 1998 to facilitate information sharing between judges in different states, in regards to cross-border child abduction cases. Not only does the Family Court have a protocol which requires Hague Convention return applications requesting the return of children from New Zealand to be dealt with promptly and with priority over other business, it is also responsible for facilitating judicial communication between Hague Network judges internationally. Judicial communication is regarded as an important and useful tool in dealing with cross-border child abduction cases.

The Chief District Court Judge is the Hague Network Judge for New Zealand and it is intended that the Principal Family Court Judge will be the Alternative Hague Network Judge.

Family Court Jurisdiction
The number of individual applications is recorded by the Family Court as opposed to the number of cases. This is due to the fact that each case may involve several applications.

- **Number of Applications per 12 month period**
  - June 2009: 65,609
  - June 2010: 67,737
  - June 2011: 66,759
  - June 2012: 64,846
  - June 2013: 61,711

- **Number of Active Applications as at June each year**
  - 69,000 in June 2009
  - 67,000 in June 2010
  - 65,000 in June 2011
  - 63,000 in June 2012
  - 61,000 in June 2013

- **New Business**
  - June 2009: 66,609
  - June 2010: 67,737
  - June 2011: 66,759
  - June 2012: 64,846
  - June 2013: 61,711

- **Disposals**
  - June 2009: 65,007
  - June 2010: 67,081
  - June 2011: 66,015
  - June 2012: 65,298
  - June 2013: 63,091

- **Active Cases**
  - June 2009: 27,664
  - June 2010: 28,116
  - June 2011: 28,831
  - June 2012: 26,885
  - June 2013: 24,448

This jurisdiction has seen the number of:
- New applications decrease from 64,846 in June 2012 to 61,711 in June 2013 – a reduction of 5% or 3,135 applications.
- Applications disposed decrease from 65,298 in June 2012 to 63,091 in June 2013 – a reduction of 3% or 2,207 applications.
- Active applications decrease from 26,885 in June 2012 to 24,448 in June 2013 – a reduction of 9% or 2,437 applications.

The disposal trend is higher than the number of new applications and this has helped reduce the number of Active applications. One third of all applications are made under the Care of Children Act. These applications relate to care arrangements for children.
As part of the commitment to judicial training, I am the District Courts representative on the New Zealand Law Society Continuing Legal Education Board. This work is very challenging and involves keeping up to date with legislative changes and changes in the practice of law. Of recent times, it has also involved innovation in the way education is delivered, by utilising information technology to increase the opportunities to learn from a distance.

I am also a member of the District Court Education committee, which is chaired by the Chief District Court Judge. The Committee meets regularly to maintain the highest standards of judicial education in the District Courts. The members are very mindful of ensuring that the maximum practical benefit is obtained for the greatest number of judges; I find this work very rewarding. This year we concentrated specifically on workshops relating to risk assessment of alleged offenders and the granting of bail, where every District Court judge in the country had the opportunity to hear from experts and engage in discussion to further their expertise in these matters.
I am fortunate to serve the Ashburton, Oamaru and Timaru communities in conducting criminal, youth and civil work in their courts. I am the only judge based here. All three communities are very different from each other but share a keen interest in what the courts do. Along with the size of those communities, that means a sole judge cannot be ‘lost’ in the crowd; I am inevitably quite ‘visible’. I think that causes me to have a strong sense of responsibility to those communities for the delivery of justice to the best of my ability, in a prompt and fair way.

In the criminal area, restorative justice is an important tool for community participation – and this area can proudly claim to have been an early pioneer in restorative justice, thanks to my predecessor Judge E Ryan. I try to ensure it remains active in the criminal court’s processes today. It allows me to understand how the community sees a particular situation, which can help considerably. So, with the backdrop of some of the best scenery in the country, and the warm, friendly and interested communities I serve, I count myself one of the most fortunate of District Court judges in New Zealand.
Role of Youth Court

The Youth Court is a division of the District Courts. It deals with offending by young people (aged 14–16 years) and may deal with some children (aged 12–13 years) in certain circumstances. Approximately 20% of offences by children and young people come to court. The rest are managed by Police Youth Aid and Child, Youth and Family. With a few exceptions, the Youth Court can hear and determine all charges against young people.

A feature of the Youth Court process is a family group conference (FGC), which brings together the young person, his or her family, the victim and others who work with the young person. At the conference, the young person will be asked to admit the offending and the conference will come up with a plan to repair harm and address the offending. The plan will then be put to the Youth Court judge for approval, and sometimes the young person will appear in court on a regular basis afterwards for monitoring of the plan.

Not all young people are subject to FGC plans. If the offending is too serious, or a FGC cannot agree or if there is non-compliance with the FGC plan, there are a variety of orders the Youth Court can impose including a custodial sentence in a youth justice residence or a conviction and transfer to the District Court for a sentence of imprisonment.

The Youth Court is closed to the public. However, media can attend (provided they do not publish any details which could identify the young person).

Did you know that for serious crimes, young persons can be sentenced in the District Courts?
The role of a lay advocate is to ensure that the court is made aware of all cultural matters that are relevant to the proceedings and to represent the interests of the child or young person’s whānau, hapu, and iwi (or their equivalents if any) in the culture of the child or young person, to the extent that those interests are not otherwise represented in the proceedings.

Lay advocates occupy a very important part in the youth justice landscape. They were first utilised in Rangatahi Courts, a court where young, predominantly Māori, offenders who plead guilty are monitored in a marae setting. Lay advocates are now being utilised more in the general youth court setting.

Education Officers

Education officers are Ministry of Education staff members, whose role is to provide information to the Youth Court about a young person’s education status and needs. This includes assisting the young person to re-engage in education or vocational training (if suitable).

In seven courts (Christchurch, Porirua, Manukau, Auckland, Waiakere, Hamilton and Rotorua), Education officers sit in court and actively participate in proceedings. In seven further courts (Tauranga, Dunedin, Invercargill, Hastings, North Shore, Whangarei and Gisborne), written education reports are available to the court.

This initiative has resulted in significant positive outcomes for young offenders, such as helping them engage in vocational training, full-time work and re-engaging them back into school.

Youth Court Jurisdiction

The Youth Court deals with offending by young people (aged 14-16) and may deal with some children (those aged 12-13 who are charged with particularly serious offences or repeat offending). Only approximately 20% of offences by children and young people come to court. The rest are managed by Police Youth Aid (who can offer community-based diversion) and Child, Youth and Family. Of those cases that do come to court, the majority are dealt with via a FGCf and are disposed of without formal orders being made.

New Business 6,860 5,665 4,882 4,571 3,798
Disposals 6,791 5,492 4,626 4,436 3,705
Active Cases 1,411 1,349 1,368 1,166 986

This jurisdiction has seen the number of:
- New cases decrease from 4,571 in June 2012 to 3,798 in June 2013 – a reduction of 17% or 773 cases.
- Cases disposed decrease from 4,436 in June 2012 to 3,703 in June 2013 – a reduction of 17% or 733 cases.
- Active cases decrease from 1,166 in June 2012 to 986 in June 2013 – a reduction of 15% or 180 cases.
These courts apply the same law and procedure as any other Youth Court but do so in the marae and Pasifika community setting. Ngā Kōti Rangatahi and Pasifika Courts are Youth Courts which incorporate Māori and Pacific languages and protocols into the court process. Young people of any ethnicity can be referred to these courts for monitoring of a FGC plan. The consent of the victim is required.

Ngā Kōti Rangatahi and Pasifika Courts

Ngā Kōti Rangatahi are held on ten marae around the country. They incorporate te reo Māori (Māori language) and tikanga Māori (Māori customs).

Ngā Kōti Rangatahi sittings begin with a pōwhiri. During each hearing, kaumatua and kuia (elders) sit with the judge and offer advice to the young person. Young people who participate are required to learn and deliver a mihi – a traditional greeting in the Māori language. Lay advocates can assist them to do this.

At present, two Rangatahi Courts also provide access to tikanga programmes which strengthen understanding of tikanga Māori.

A recent qualitative evaluation found that rangatahi, whānau, marae, communities and those working in the court are experiencing positive outcomes as a result of their engagement with Ngā Kōti Rangatahi, translating to high levels of attendance at Ngā Kōti Rangatahi and a perception of the process as legitimate.
Throughout the generations, prominent Māori leaders and respected elders have stressed the importance of Māori holding fast to the Māori language, protocols, and culture, to ensure the survival of Māori people into the future. This message is based on the premise that if the Māori language is lost, then the Māori culture will inevitably follow and, ultimately, so will the Māori people.

Most Māori youth who appear before the Youth Court have no knowledge of their own Māori language and have no idea of who they are and where they are from. Most do not know what tribe they belong to, what marae they originally come from, what mountain and river they belong to. They have no idea of the rich treasures left to them by their ancestors. Rangatahi Courts have been established to help address these issues for those youth offenders who admit their offending.

I work as a judge in the Rangatahi Court at Te Poho-o-Rāwiri marae, Gisborne, and in the Rangatahi Court at Hoani Waititi Marae, West Auckland, as well as in criminal, youth civil, and jury trial courts. It is a great honour to serve the communities I work in as a District Court judge.
Pasifika

Pasifika Courts incorporate a variety of Pacific customs and protocols. They are held at community venues in Mangere and Avondale.

Elders from a variety of Pasifika nations attend the court and in any particular case, two elders will sit with the judge, depending on the originating Pasifika nation of the young person and their family. Pacific languages are used and traditions observed.

Since 2010, there have been Pasifika Youth Courts in both South and West Auckland. These courts were instigated by Judge Ida Malosi, with comprehensive support from the Pasifika community and youth justice sector.

Judge Ida Malosi

I am a New Zealander of Samoan descent and very proud of both cultures. I was pleased to discover that my appointment to the District Court allowed me to continue to participate fully in the cultural life of the Samoan community.

In March 2013, I was seconded to Samoa for 12 months to sit in the Supreme Court of Samoa and, amongst other things, assist in the development of their Youth Court and oversee new initiatives. I am also a member of the South Pacific Council of Youth and Children’s Court (SPCYCC), comprised of Family and Youth Court judges from New Zealand, Australia and the South Pacific. They meet annually to promote mentoring and support for Pacific nations to develop child protection and youth justice in their respective countries. My secondment to the Supreme Court of Samoa provides a unique opportunity to build on the work of the SPCYCC.

Parole Board

Judge Arthur Tompkins

Fifteen District Court judges or former judges sit as Parole Board conveners, usually on a panel of three which includes other professional or lay members.

The Board considers the release of eligible inmates onto parole, sets release conditions for each inmate released, and can conduct monitoring hearings to assess performance on parole. In addition, the Board can recall a parolee back to prison if they breach parole, or if their level of risk to the community has escalated unduly.

Parole Boards normally hear from the inmate, and can also hear from the inmate’s whānau and community supports, prison officer(s) and victims of the offending. The Board cannot release an inmate unless satisfied that they do not represent an undue risk to the safety of the community, taking into account all the relevant circumstances. The considerations include the desirability of reintegration back into the community and the support and assistance available to the inmate in the community.
Judge G MacAskill  Christchurch
Judge N MacLean, Chief Coroner  Wellington
Judge B Mackintosh  Napier
Judge I Malosi  Manukau (Samoa)
Judge D Mather  Waitakere
Judge DG Matheson  Whanganui
Judge N Mathers  Auckland
Judge RC Marshall  Hamilton
Judge S McAulans  Papakura
Judge J McDonald  Whanganui
Judge C McGuire  Rotorua
Judge I McHardy  Auckland
Judge M MacKenzie  Rotorua
Judge J McMeeken  Christchurch
Judge D McNaughton  Manukau
Judge S Maude  Whanganui
Judge J Maze  Timaru
Judge J Mill  Wellington
Judge J Moran  Christchurch
Judge B Morris  Palmerston North
Judge J Moses  Manukau
Judge J Moos  Wellington
Judge J Munro  Rotorua
Judge B Murfitt  Christchurch
Judge R Neave  Christchurch
Acting Principal Environment
Judge L Newhook  Auckland
Judge S O'Driscoll  Dunedin
Judge M O'Dwyer  Wellington
Judge E Paul  Auckland
Judge K Phillips  Invercargill
Judge G Rea  Napier
Judge P Recordon  Auckland
Judge R Riddell  Hamilton
Judge A Roberts  New Plymouth
Judge M Rogers  Manukau
Judge P Rollo  Taunui
Judge R Ronayne  Auckland
Judge G Ross  Palmerston North
Judge R Russell  Nelson
Judge D Ruth  Hamilton
Judge C Ryan  Auckland
Principal Family Court
Judge L Ryan  Wellington
Judge D Saunders  Christchurch
Judge M Sharp  Auckland
Judge A Sinclair  Auckland
Judge P Sinclair  North Shore
Judge A Singh  Manukau
Judge A Skeiern  Hastings
Judge D Smith  Palmerston North
Judge E Smith  Christchurch
Judge T Smith  Auckland
Judge A Somerville  Taunui
Judge C Somerville  Christchurch
Judge M Southwick  Manukau
Judge L Spear  Hamilton (Vanuatu)
Judge P Spiller  Hamilton
Judge J Streettall  Christchurch
Judge H Taumaunu  Waitakere
Judge EM Thomas  Hamilton
Judge S Thomas  Wellington
Judge C Thompson  Wellington
Judge A Tompkins  Hamilton
Judge C Tunby  Wellington
Judge MBT Turner  Invercargill
Judge L Tremewan  Waitakere
Judge V Ulrich  Wellington
Judge R Wade  North Shore
Judge CM Wainwright  Wellington
(Chairperson Immigration Appeals Tribunal)
Judge N Walsh  Christchurch
Judge A Walsh  Wellington
Judge JA Walker  Wellington
Judge JH Walker  North Shore
Judge J Weir  Rotorua
Judge A Willis  Taunui
Judge D Wilson  Auckland
Judge G Winter  Manukau
Judge R Wolff  Taunui
Judge A Zohrab  Nelson
The District Courts of New Zealand

Ngā kōti ā rohē