

Annual Report 2020

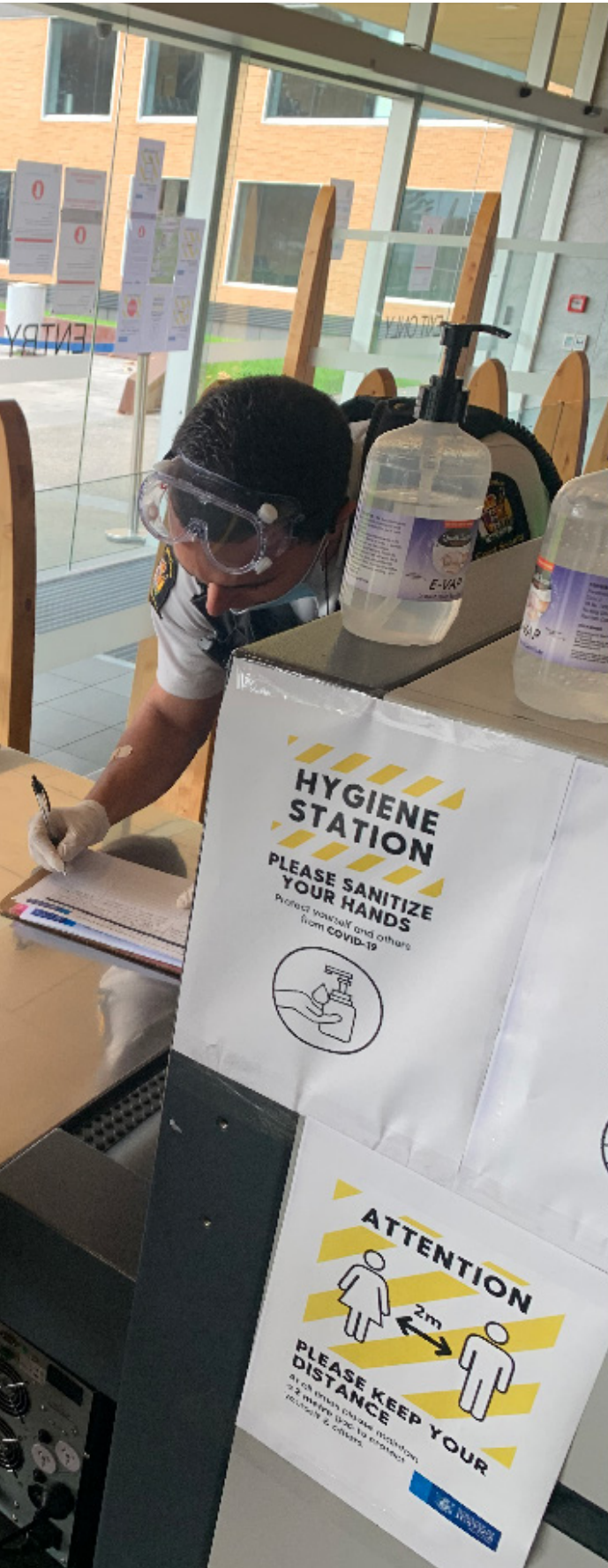
**DISTRICT COURT OF NEW ZEALAND
TE KŌTI Ā ROHE**





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FOREWORD:

The importance of carrying on

Tēnā koutou katoa

Tēnā tātou i ō tātou tini aituā, i ō tātou tini mate, huri noa i ō tātou marae maha, i ō tātou kārangarangatanga maha huri noa i te motu. Waiho iho rātou te hunga wairua kua whetūrangitia, waiho iho rātou ki a rātou. Ko tātou ngā kanohi ora, tēnā hoki tātou katoa.

Like many New Zealanders, District Court judges must find ways to continue the core roles and tasks we perform during the disruption caused by unexpected events.

For the District Court, one of those tasks is accounting to the communities we serve through compilation and publication of an annual report. It is part of our commitment to open and transparent justice.

The 2019/2020 report reflects the extra challenges and constraints the court has worked under because of the COVID-19 pandemic. It also reflects that as Chief Judge I place considerable store in continuing to provide the public with reliable and easily accessible information about the court's work and judicially-led projects, notwithstanding the challenges that may have confronted the court during this past year.

This is important for maintaining public confidence in the administration of justice and the rule of law, and is especially so during worrying and uncertain times.

Ngā mihi

Heemi Taumaunu
Chief District Court Judge



REPORT OF THE CHIEF DISTRICT COURT JUDGE, JUDGE HEEMI TAUMAUNU

— A shared vision withstands crisis

Te Kōti-ā-Rohe o Aotearoa, he wāhi e rapu ai te tika, ahakoa he tangata whai rawa, rawa kore rānei, ahakoa ko wai koe, ahakoa nō hea, ahakoa nō kōnei koe, nō tāwāhi kē.

The District Court of New Zealand, a place where all people may seek justice, regardless of your means or your abilities, regardless of your culture or ethnicity, and regardless of who you are or where you are from.

My first year in the role of Chief Judge, 2019/2020, was always going to be momentous. Every annual report is an opportunity to look back and consider what has been achieved and changed, but during the past year events turned out to be of historic proportions.

When I swore an oath as Chief Judge on my home marae in Whāngāra near Gisborne in October 2019, little did I know that like so many institutions which provide essential services, the District Court of New Zealand was about to be tested in unprecedented ways.

The COVID-19 pandemic response that began to unfold dramatically in February and March 2020 required urgent and continuing changes to the way the District Court operates, to ensure we could continue to

provide access to justice while preserving the health and safety of participants, court staff and professionals, and the general public. We more than got by. We tried things we had never attempted before.

It is testament to the determination and resourcefulness of the judges of the District Court — and the Ministry of Justice officials and court staff who support us — plus the unifying leadership of the Chief Justice Dame Helen Winkelmann, that at the very least we found ways to ensure priority proceedings continued, and did so safely.

Before the lockdown was announced, the District Court leadership had identified the types of proceedings to take priority while the court experienced severe capacity constraints to meet pandemic control requirements. New protocols for the Criminal, Family, Youth and

Civil jurisdictions setting clear directions and guidance to court professionals and affected agencies were published at every Alert Level.

Priority proceedings generally were those affecting liberty of the individual (people in custody), personal safety (such as family violence) and time-critical matters. Despite public health restrictions forcing the adjournment of most matters, everyone held in custody was brought before a judge, which is an important human right to uphold. As restrictions were eased, as much other work as possible was also scheduled.

It was heartening that by July 2020 — less than three weeks after the country moved to Alert Level 1 — some 5500 extra, non-jury cases in the criminal jurisdiction that had

built up since full lockdown began on March 24 were largely cleared.

Jury trials were suspended for more than four months for safety reasons, and an unavoidable extra backlog of 500 jury trials continues to be addressed. However, the ability to redeploy judicial resources while jury trials were suspended carved big inroads into wait times for judge alone trials (JATs).

Planning for a project to address JAT wait times pre-dated the pandemic but the extra intensity of judge time we were able to apply, especially during June 2020, resulted in a 50% higher disposal rate than in the previous year. Over a six-week period some 1000 JATs were scheduled, of which 65% were disposed of in the Auckland metro area.

Making every appearance meaningful

Although the term “backlog” is commonly used to describe delay, it is important to keep upper-mind that a court is not about statistics and numbers but about providing access to justice, for people. Delay or backlog represents a human cost in terms of stress, uncertainty, inconvenience and expense.

It is also important not to label all active caseload as backlog. Concerns about delay should relate to matters that exceed ideal timeframes to reach resolution or completion. In this regard, the District Court has some catching up to do, a challenge that pre-



Chief Judge Taumaunu swears an oath of office during a special court sitting convened by the Chief Justice, Dame Helen Winkelmann (right), at te Whitireia Meeting House in Whangāra.

existed COVID-19 and is caused largely by an increase in the volumes, seriousness and complexity of cases entering the court.

Flowing from a cross-agency Criminal Process Working Group that the Chief Justice asked me to co-chair with Justice Thomas at the height of the pandemic response period, a sub-committee was formed to identify and propose improvement to every step of the criminal process with the goal of making every court appearance meaningful.

A strong set of proposals resulted, and I am grateful to Judge Ema Aitken and Judge John Bergseng for their high-quality report which has been met with enthusiasm and momentum. In the coming year, I hope to be able to report on feedback and next steps in converting avoidable delay to meaningful and more timely appearances.



The District Court leadership listen to speakers at their Wellington chambers pōwhiri for the Chief Judge.



Judge Ema Aitken leads discussions during a hui of specialist court judges at the Chief Judge's Wellington chambers.

My hope is that the change that emerges from this collaborative project will help advance the shared vision we have for the District Court. Dealing with the immediate challenges from the pandemic response has not diminished our wider hopes and aspirations. If anything, the crisis brought things into sharper focus, presented once-in-a-lifetime opportunities for improvement and demonstrated what change can be achieved in a short space of time when the status quo is no longer an option.

“Dealing with the immediate challenges from the pandemic response has not diminished our wider hopes and aspirations ... If anything, the crisis brought things into sharper focus.”

A shared vision for the District Court

To maintain the legitimacy of our court, the communities we serve must be able to perceive the District Court as a place where all people can seek justice, no matter who they are, where they are from, or their means and abilities. Regardless of whatever role a person plays in our court, all people who are affected by the business of our court are entitled to receive a fair hearing.

The court should take into account that different people come from different starting points. Yet too many people feel they are neither heard nor understood, irrespective of whether the administration of justice has been efficient or protracted.

The experience of all people who come to the District Court matters, whether they are defendants, complainants, witnesses, or victims. It is important that they leave feeling they had a fair hearing, and that they were heard and understood no matter what the outcome.

To a large extent this drives the mounting and consistent calls for transformative change to the way justice is delivered in Aotearoa New Zealand. It also encapsulates what judges increasingly envisage a modern, relevant and inclusive court to be, and is the basis of an emerging shared vision for the fair and

equitable administration of justice on behalf of our communities.

As New Zealand's population becomes progressively more multi-cultural, awareness about diversity and cultural competence is increasingly important. It matters especially to Māori who, despite being one of New Zealand's two founding cultures, are imprisoned at a vastly disproportionate rate. Māori also feature disproportionately among the victims of crime and in care and protection matters in the Family Court. The Pasifika and Asian populations in New Zealand are growing rapidly and their voices must also be heard and understood, as should all the minority cultures who contribute to our progressive, inclusive country.

Some of these concerns are addressed by increasing the diversity of judges, who need to reflect the communities we serve. The mix of the new intake of 27 judges during 2019–2020 demonstrates how the court is making the fair reflection of society's diversity a reality. More than half the new judges are of Māori or Pasifika descent, while growing numbers of our judges speak or are learning te reo.

How we communicate, including court procedure, is important. The knowledge and skills acquired over the years by the District Court's suite of specialist courts have much to

teach us and have rich potential for delivering wider transformative change.

“The knowledge and skills acquired over the years by the District Court’s suite of specialist courts have much to teach us and have rich potential for delivering wider transformative change.”

Judges are exploring ways to incorporate our growing body of knowledge from specialist courts into the everyday business of the District Court, through mainstreaming. The focus will be on how to incorporate, to the greatest extent possible, best practice from our specialist courts into all our courts. These courts have become adept at identifying

underlying drivers of offending and applying effective solutions-focused interventions alongside community input to address them.

With the mainstreaming goal in mind, soon after I took up the role in 2019, a meeting was convened of several District Court judges who work in specialist courts which they have designed, nurtured and championed with the support of the Ministry of Justice, other justice agencies and their communities. The meeting discussed how best practice from specialist courts could be identified and brought across into our mainstream courts to allow the maximum number of people in all of our District Court locations to benefit from the lessons we have learnt in our specialist courts. This concept has now been called the “Te Ao Mārama” model.



An exciting blueprint for mainstreaming is already being piloted in the Porirua District Court where under the leadership of the Principal Youth Court Judge, John Walker, approaches developed in the Youth Court jurisdiction for identifying special needs or disabilities of defendants are being adapted for the youngest adults who appear in the District Court. The pilot of Iti rearea, kahikatea teitei ka taea — Young Adult List began in March 2020. Another exciting opportunity for mainstreaming will be developed in the Hamilton District Court in 2021.

The Virtue of Persistence

To end this report, I am reminded of one of my grandfather's favourite whakataukī:

He iti te mokoroa, kahikatea teitei ka hinga!

Even the smallest insect, the borer, can fell the tallest tree in the forest, the kahikatea.

To achieve a great feat, what is required is time, persistence, and commitment to achieve a unified purpose. I commend this approach to all of us in our collective endeavour to reimagine the District Court as a place where all people can come to seek justice, and to make this shared vision a reality.

Heemi Taumaunu
Chief District Court Judge



Whānau and supporters join the Chief Judge in a haka during a pōwhiri to welcome him to his new chambers at Te Whare te waka in Wellington.

REPORT OF THE PRINCIPAL FAMILY COURT JUDGE, JUDGE JACQUELYN MORAN

— Learning from the past when change is in the air

Later this year, the Family Court’s triennial conference had been scheduled to explore the theme of “2020 Vision”, an ode to learning from the Family Court’s past and applying those lessons to the future.

The COVID-19 pandemic meant the conference was postponed. However, these lessons were not, and right through the 2019-2020 year they have not been wasted.

In the months since the 2020 Budget was delivered, we have seen the beginning of a significant change with the much-needed investment of \$62 million in the Family Court.

Momentum accelerated in January, when Attorney-General David Parker announced the appointment of 21 new District Court Judges, 12 to hold Family Court warrants. The appointment of an additional Family Court Judge was announced in May.

The Attorney-General said at the time that “it is important that the judiciary reflects the make-up of the community it serves”. The appointments to the Family Court certainly reflect that message. Six of the new judges are of Māori descent and speak te reo Māori.



Ten are women, meaning that more than half of the judges of the Family Court are now women.

The appointment of so many new judges, and from such diverse backgrounds, also made

for an intense but joyous period of formal swearing-in ceremonies.

The valuable insights that all the new judges bring to the Bench will be fully harnessed. These appointments reflect an awareness of the need to ensure Family Court judges are culturally competent, particularly in tikanga Māori. Specialised tikanga sessions have been included in the ongoing Family Court judges' induction training that has taken place this year.

To further support this, the first phase of the 2020 Budget Family Justice Reforms includes provision for a new role in the Family Court, that of Family Justice Liaison Officers. I envisage that these officers will provide a conduit between the community and the court.

I have also been working alongside the Ministry of Justice to recruit Lay Advocates for the Family Court. Lay Advocates play an important role linking tamariki, whānau, iwi and the wider community. They provide valuable cultural insight for the court by tracing a child's whakapapa. The circumstances of each case must be understood in the particular cultural context to ensure the most effective and appropriate outcomes are achieved for each child.

In July, at the close of the reporting year, the Family Court (Supporting Families in Court)



Judge Moran with Judge Kiriana Tan after her swearing-in ceremony in Hamilton.



Judge Michelle Howard-Sagar takes her judicial oath at Whanganui District Court.



Judge Rachel Paul swears her judicial oath on Wairaka Marae in Whakatāne, one of 13 new Family Court Judges sworn in during 2019/20.

Act 2020 came into force. This Act repealed s 7A of the Care of Children Act 2004, restoring the right to legal representation for parties from the outset of Care of Children proceedings and enabling eligible parties to access legal aid.

These changes counter one of the most demonstrably negative effects of the 2014 Family Justice Reforms, which removed the right to legal representation in the Family Court unless an application was on a without-notice (urgent) basis. This produced unprecedented numbers of without notice applications, resulting in large backlogs and aged caseloads in Care of Children Act cases.

“These changes counter one of the most demonstrably negative effects of the 2014 family justice reforms ... ”

With the repeal of s 7A, and the return of lawyers to the court, I hope to see backlogs reducing, enabling us to expeditiously discharge the Family Court’s business.

The second phase of the 2020 reforms will include implementing further change based on the recommendations of the Independent Panel’s 2019 review, particularly focused on strengthening the voice of the child in proceedings.

It is an exciting time to be in the Family Court. Transformation is here, and progress

is imminent. With change in the air, there is a strong focus on continuing legal education for the judiciary and upskilling in cultural competence. This is set to continue, ideally with regional education to increase knowledge of local history.

As always, the Family Court judges, whether new or experienced, are committed to serving their communities and providing access to justice. I am excited to lead the Family Court in this vital work over the coming year.

COVID-19 and the Family Court

As the second largest division of the District Court, it was essential that the Family Court remained open during the period of COVID-19 restrictions, and accessible to those who needed it most.

Prior to lockdown, significant work was undertaken to identify likely priority areas and adapt processes to align with COVID-19 restrictions. Protocols were designed as required under each of the alert levels.

The Alert Level 4 protocol covered matters with statutory timeframes and those involving vulnerable parties such as welfare guardianship or property orders.

Almost all hearings were conducted remotely. In Alert Level 3 this extended to include scheduled work, where possible. Alert Level 2 expanded again to undertake all previously scheduled work. Some matters were able

to be heard in person, with strict physical distancing enforced.

Throughout the lockdown period, particular attention was paid to Family Violence proceedings as there was a fear that violence would increase during a time of heightened stress, with parties in continued close proximity.

For a number of reasons, including the fact that partners subject to family violence were locked down with the perpetrators of violence, and lawyers and other supports became more difficult to access, the number of protection order applications decreased significantly, though they saw a steep increase following lockdown.

Mental health proceedings remained a priority, with AVL or telephone utilised until and during Alert Level 2. The Family Court also provided guidance throughout the Alert Levels in response to issues which became apparent, in particular, relating to shared care agreements.



On top of the domestic toll of COVID-19 restrictions, there have been wider international issues that have necessitated a response. This included devising a protocol which sets out a temporary process for parents and their babies who have been born via surrogates overseas and are unable to travel home. Instead of subjecting parents to the delay of obtaining an international passport in the country of birth, they can be issued with an adoption order via AVL, enabling the child to obtain a New Zealand passport.

This protocol integrated electronic filing which was permitted under the District Court's Covid protocol.



REPORT OF THE PRINCIPAL YOUTH COURT JUDGE, JUDGE JOHN WALKER

— Rights of the vulnerable upheld during a time of crisis

The work of the Youth Court in 2019/2020 has been coloured, unsurprisingly, by the effects of COVID-19, which continue to be felt across the entire country.

As we move closer towards a state of normality it seems an appropriate time to reflect on the lessons we have learnt over recent months and how to harness the positives which have come out of this difficult time.

In times of crisis such as these, extra vigilance is required to uphold the rights and interests of the young and vulnerable. It is crucial that we remain alert to the dangers of the vulnerable being overlooked. Children and young people are particularly vulnerable and have special needs and rights that must be protected.

The United Nations Convention on the Rights of the Child (CRC) remains a beacon of hope in dark times. One of the many legislative changes to the Oranga Tamariki Act 1989 that came into force in 2019 was an additional principle that children's and young people's rights, including those rights set out in CRC, must be respected and upheld.

The evolving pandemic situation risked infringing or diluting some of these rights. The Youth Court actively took measures to avoid this by emphasising the importance of diversion, custody as a last resort, looking for options within the community, having support



people in court and dealing with matters in a timeframe appropriate to the age and development of the young person.

“The evolving pandemic situation risked infringing or diluting some of these rights. The Youth Court actively took measures to avoid this.”

One of the guiding principles in youth justice is that custody is the last resort for children and young people. The importance of this principle was highlighted during the pandemic response. We saw an impressive effort from agencies working together to explore other options to custody, through extensive use of the Remand Options Investigation Tool (ROIT). By looking for options, and looking for options again, alternatives to custody and innovative solutions were found.

This is just one example of the way that the Youth Court operated at the height of

the COVID-19 response period, which was reflective of the collegial interagency nature of youth justice operations. Having already established this collaborative approach was key as it allowed us to immediately tap into the existing framework. Any unexpected issues that arose were readily dealt with by judges, Oranga Tamariki, Police Youth Aid, the Ministry of Justice and other agencies.

“One of the guiding principles in youth justice is that custody is the last resort for children and young people. The importance of this principle was highlighted during the pandemic response.”

It is clear that there are many lessons which we can take from the Youth Court’s response to COVID-19. Finding inventive solutions, working together as a team and upholding children’s and young people’s rights must continue to be done even when the time of crisis has passed.



Judge Walker addresses the Youth Court Triennial Conference at Ōrākei Marae in July 2019

JUDICIAL PERFORMANCE MEASURES

District Court judges are committed to reporting on a range of appropriate measures to enhance public awareness of, and confidence in, the judiciary as a well-organised, professional, efficient and independent institution. Performance measures presented are appeals and reserved judgments.

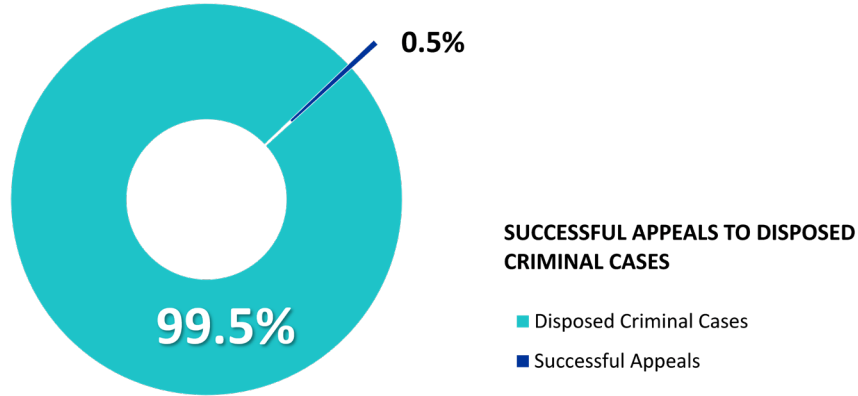
Appeals

Decisions that are successfully appealed to the senior courts are a common measure of judicial performance. In 2019/2020 there were 576 successful appeals from the total 1,758 appeals lodged following District Court decisions (543 were criminal proceedings, 25 Family Court and 8 civil).

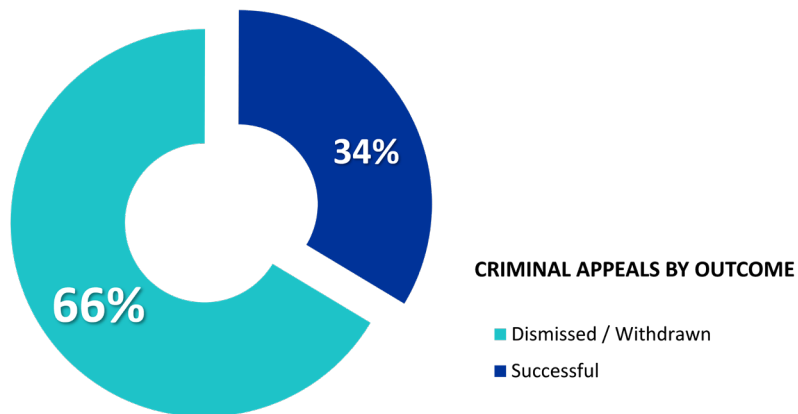
This is against a backdrop of 123,449 matters disposed of across all jurisdictions during this period: 119,648 criminal cases (includes Jury trial and Youth Court); 3,214 defended Family Court applications (where a hearing was held); and 587 defended civil cases. Successful appeals represent 0.5% of this total.



Criminal Appeals

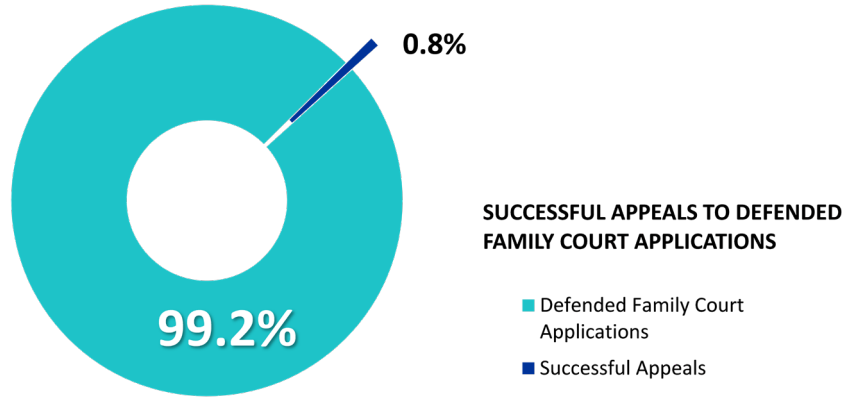


12 Month Period	Disposed Criminal Cases	Successful Appeals
to end June 2020	119,648 (99.5%)	543 (0.5%)
to end June 2019	127,219 (99.6%)	497 (0.4%)

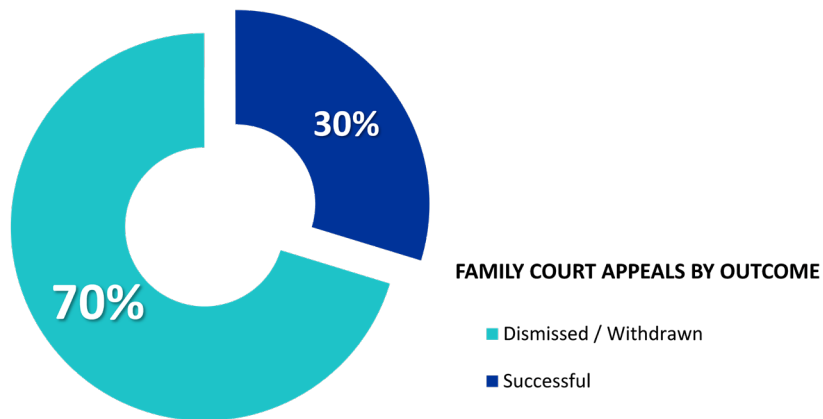


12 Month Period	Total Appeals	Successful	Dismissed/Withdrawn
to end June 2020	1,618	543 (34%)	1,075 (66%)
to end June 2019	1,439	497 (35%)	942 (65%)

Family Appeals

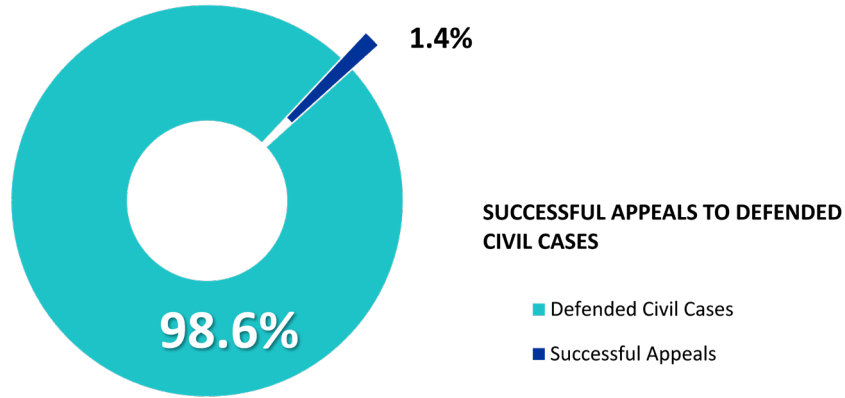


12 Month Period	Defended Family Court Applications	Successful Appeals
to end June 2020	3,214 (99.2%)	25 (0.8%)
to end June 2019	3,682 (99.4%)	22 (0.6%)

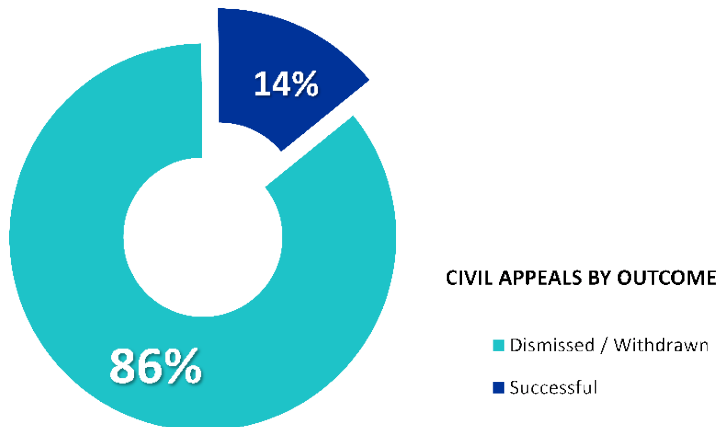


12 Month Period	Total Appeals	Successful	Dismissed/Withdrawn
to end June 2020	84	25 (30%)	59 (70%)
to end June 2019	99	22 (22%)	77 (78%)

Civil Appeals



12 Month Period	Defended Civil Cases	Successful Appeals
to end June 2020	587 (98.6%)	8 (1.4%)
to end June 2019	712 (97.5%)	17 (2.5%)



12 Month Period	Total Appeals	Successful	Dismissed/Withdrawn
to end June 2020	56	8 (14%)	48 (86%)
to end June 2019	73	17 (23%)	56 (77%)

— Timely Delivery of Judgments

Judges sometimes defer announcing their decisions at the end of a hearing because of the complexity of their work and matters they must consider. These decisions are “reserved” and delivered at a later time, usually in writing. The following charts show the number of reserved decisions and amount of time taken (in months) to deliver these.

Information on reserved judgments — s 218 of the District Court Act 2016

Parties to proceedings can find information on the status of a reserved judgment by enquiring at the court where the proceedings were held.

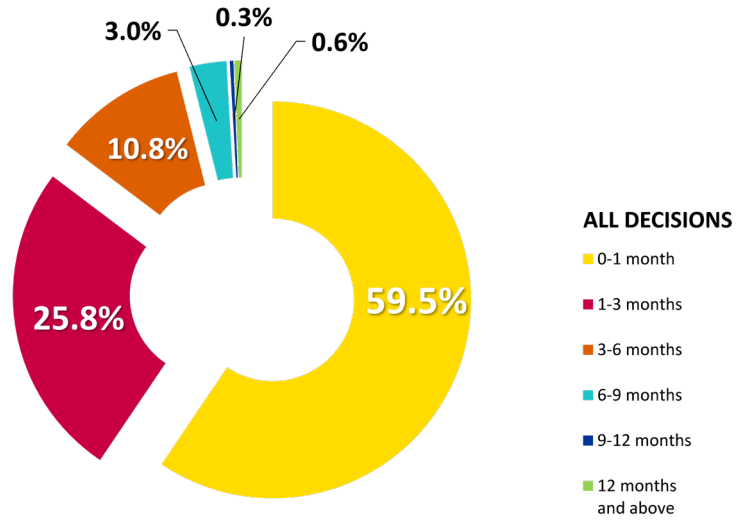
Wherever possible, the Court aims to deliver judgment, or reasons for judgment, within one month of the conclusion of the hearing. This cannot always be attained, either because of the nature of the particular case or because workload commitments of the judge preclude it. There is an expectation that 90% of all judgments or reasons for judgments will be delivered within three months.

2019-2020 Fiscal Year

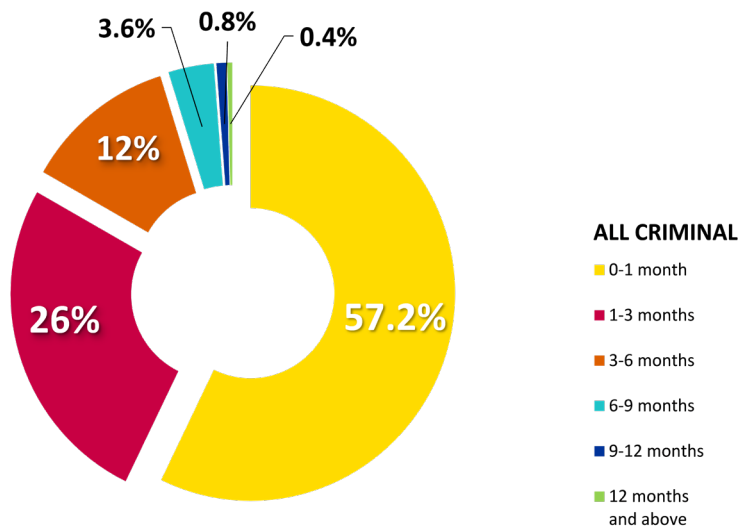
- 85% of all reserved judgments were delivered within three months from the date of hearing.
- 83% of reserved Criminal judgments were delivered within three months from the date of hearing.
- 87% of reserved Family Court judgments were delivered within three months from the date of hearing.
- 84% of reserved Civil judgments were delivered within three months from the date of hearing.

Delays beyond the 90-day delivery standard are likely to be attributable to the effects of the COVID-19 Pandemic.

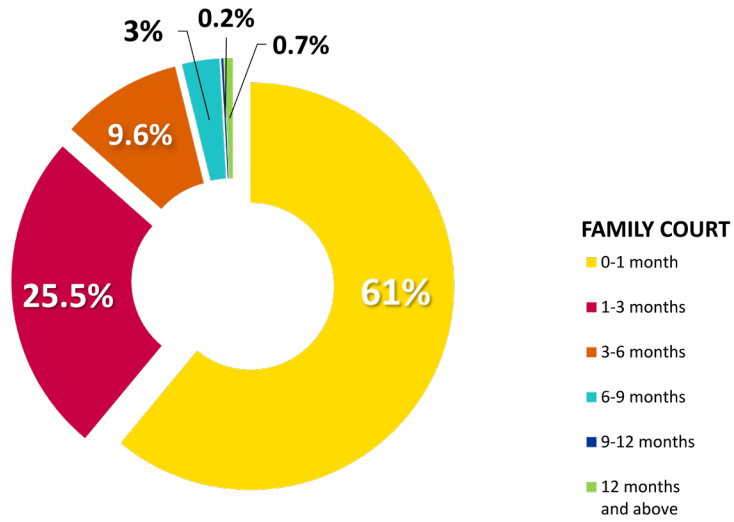
The Chief Judge does not consider any judgment of the District Court to have been outstanding beyond a reasonable time for delivery.



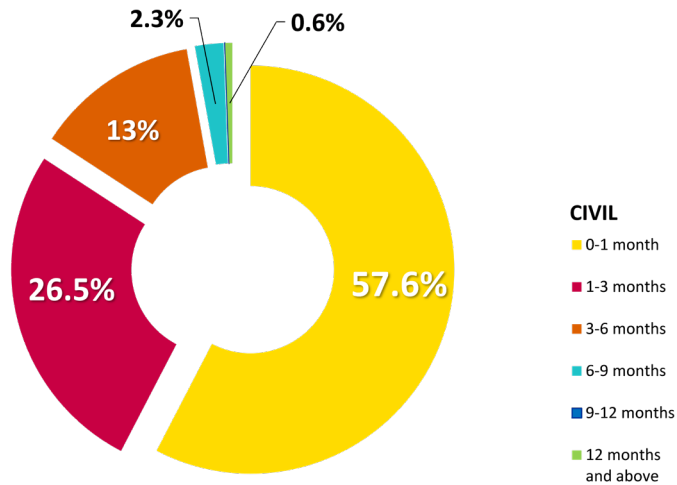
12 Month Period	Total Decisions	0-1 month	1-3 months	3-6 months	6-9 months	9-12 months	12 months and above
to end June 2020	999	594	258	108	30	3	6
to end June 2019	1,109	702	277	108	18	3	1



12 Month Period	Total Decisions	0-1 month	1-3 months	3-6 months	6-9 months	9-12 months	12 months and above
to end June 2020	250	143	65	30	9	2	1
to end June 2019	289	161	91	35	2		

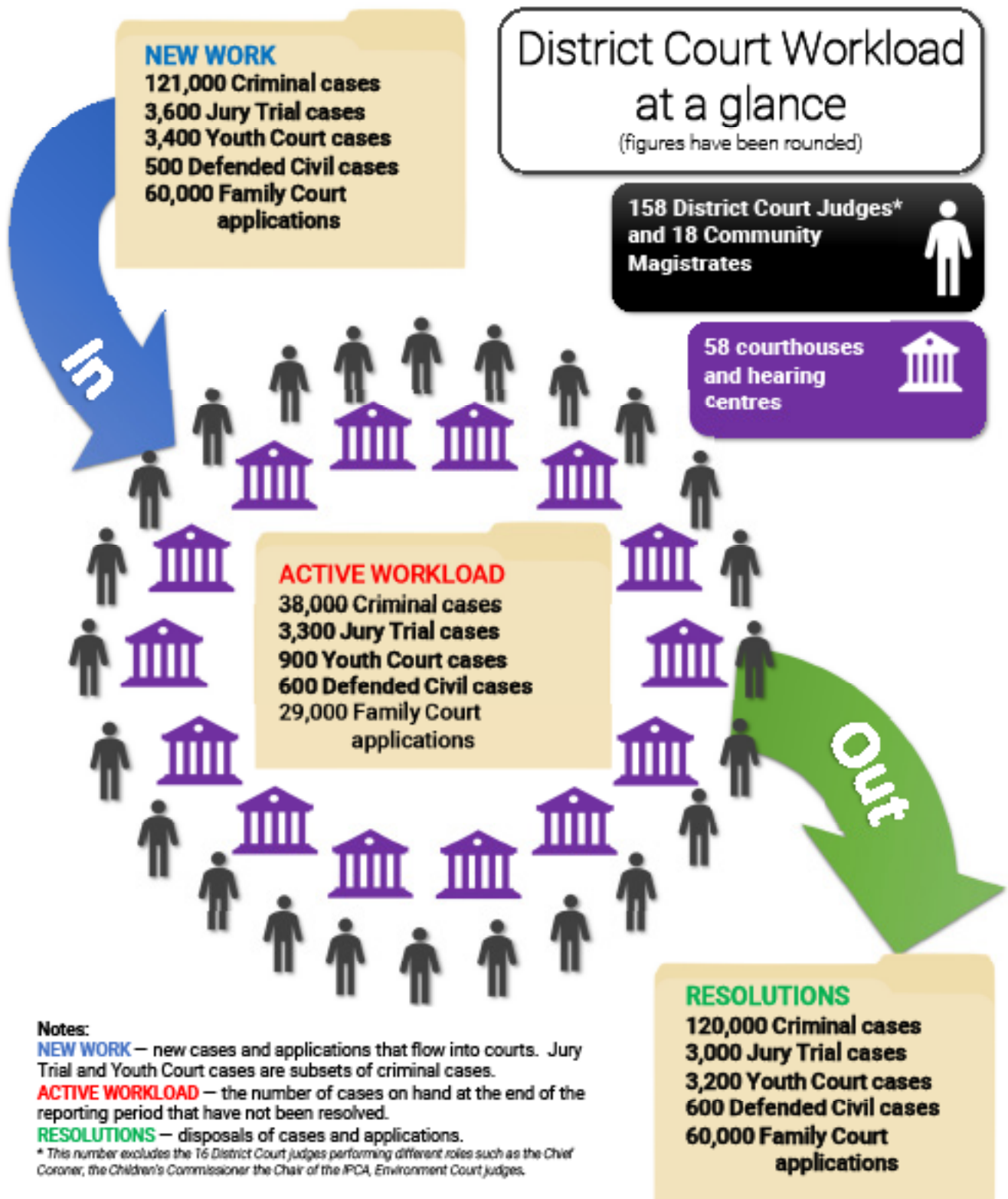


12 Month Period	Total Decisions	0-1 month	1-3 months	3-6 months	6-9 months	9-12 months	12 months and above
to end June 2020	572	349	146	55	17	1	4
to end June 2019	599	389	146	47	14	3	



12 Month Period	Total Decisions	0-1 month	1-3 months	3-6 months	6-9 months	9-12 months	12 months and above
to end June 2020	177	102	47	23	4		1
to end June 2019	221	152	40	26	2		1

ROLE AND STATISTICS



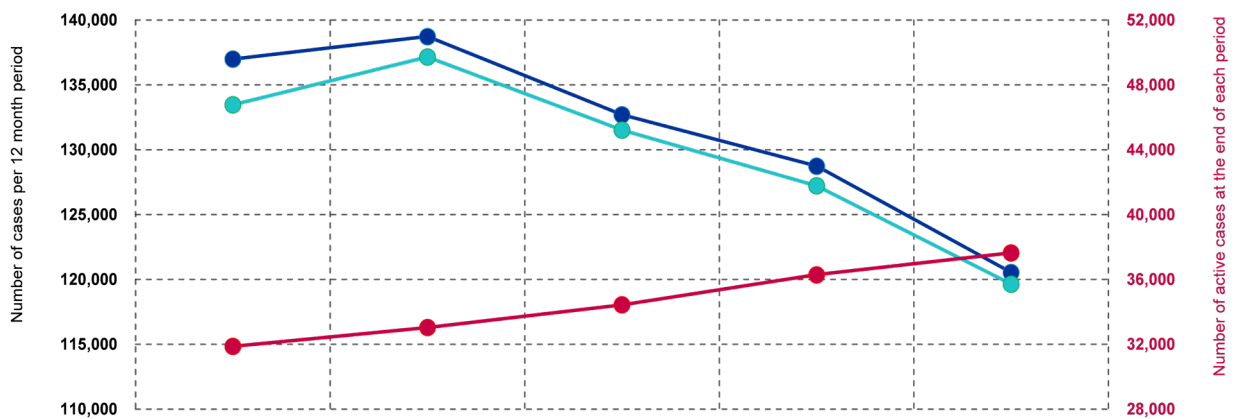
— Total Criminal

The vast majority of criminal cases in New Zealand come before District Court judges, and the criminal jurisdiction accounts for most of the District Court’s work.

The workload includes cases across the spectrum and a steady diet of complex and serious cases which have the most impact on the workload of judges working in the criminal jurisdiction.

The business of the District Court was affected markedly by the COVID-19 crisis. For example, as a result of lockdown periods the court was unable to conduct all scheduled hearings to advance criminal cases, and considerable backlog resulted.

TOTAL CRIMINAL CASES



	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
New Business	136,989	138,735	132,705	128,746	120,542
Disposals	133,470	137,153	131,516	127,219	119,648
Active Cases	31,874	33,038	34,434	36,295	37,641

Comparing the current Fiscal year to the previous Fiscal year has seen:

- New business decrease by 8,204 cases (-6%)
- Disposals decrease by 7,571 cases (-6%)
- Active cases increase by 1,346 cases (+4%)

— Jury Trials

All New Zealanders have a right to choose trial by jury if they are charged with a serious offence, punishable by two or more years in prison. This right is protected by the New Zealand Bill of Rights Act 1990.



Jury trials are an important part of the criminal justice system. Members of the jury are the fact-finders in a case; they determine the guilt or innocence of the defendant.

The jury process allows members of the public to participate in the court process and to be directly involved in the administration of justice and the rule of law.

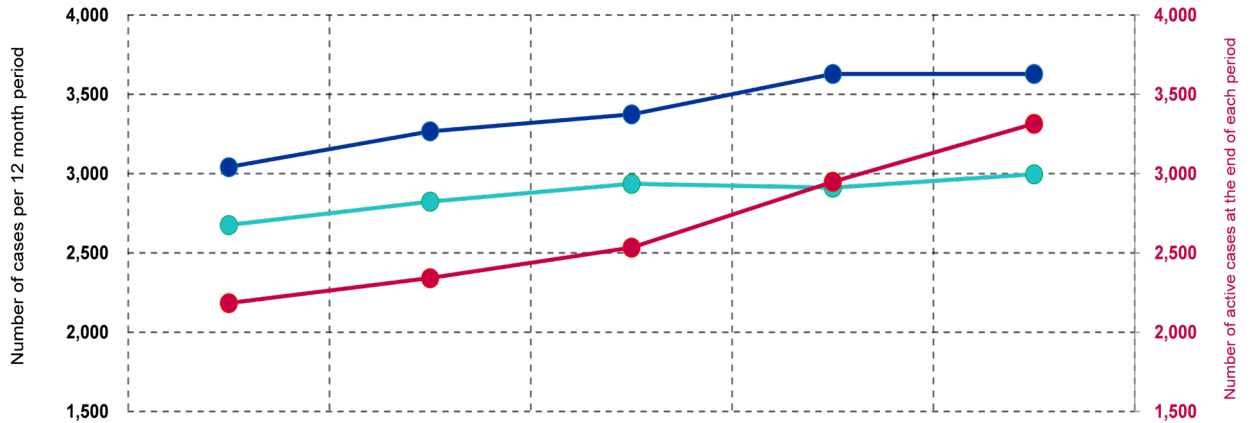
A jury is comprised of 12 New Zealanders who are selected at random. To reach a decision, all members of the jury must agree. However, there are certain cases where a decision may be reached with the agreement of 11 jurors. If jurors return a guilty verdict, a judge will impose the sentence.

Most jury trials in Aotearoa New Zealand are heard in the District Court. Just over 100 full-time District Court judges hold jury trial warrants, and another 17 acting warranted judges can also preside over jury trials.

COVID-19 disrupted the District Court's ability to hold jury trials for a period towards the end of the reporting year. On 23 March 2020 all jury trials in New Zealand were suspended, but by early August had mostly recommenced. This has impacted considerably on jury trial timeframes and statistics.

National Statistics

JURY TRIAL CASES



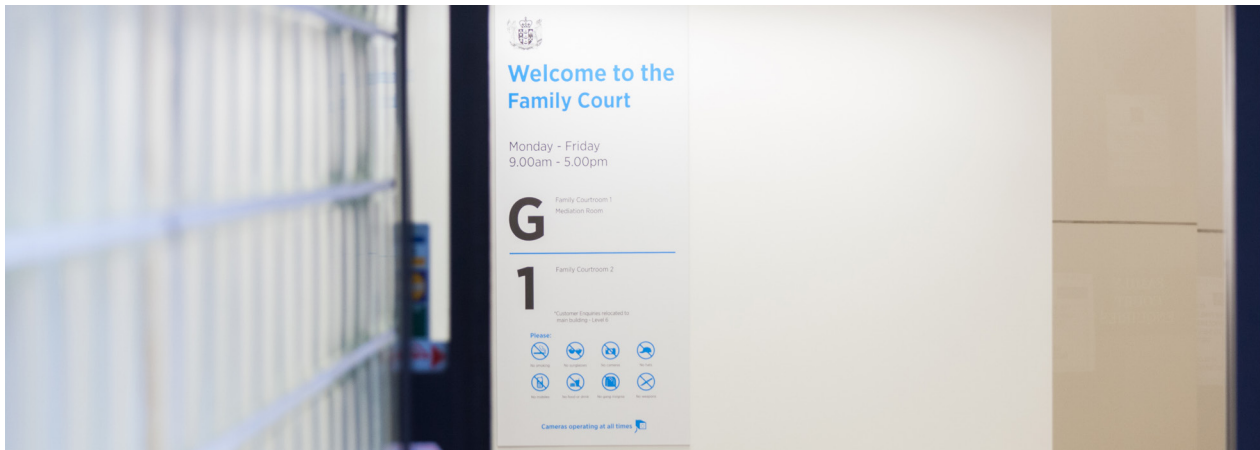
	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
New Trial Cases	3,042	3,267	3,374	3,629	3,629
Disposals	2,676	2,824	2,936	2,912	2,996
Active Cases	2,184	2,342	2,534	2,949	3,315

Comparing the current Fiscal year to the previous Fiscal year has seen:

- New business remain at the same level
- Disposals increase by 84 applications (+3%)
- Active cases increase by 366 applications (+12%)

— Family Court

The Family Court is the second busiest division of the District Court, after the criminal division.



When the court was established in 1980 through the Family Court Act, it was mandated to deal with what were perceived as inherently “family issues” such as the dissolution of marriage, disputes over relationship property and the care of children.

Much in society has changed in the last 40 years and the court’s jurisdiction now looks vastly different. These days it is also tasked with responsibilities around family violence, compulsory mental health and addiction treatment, civil unions and minors seeking to marry. Recently the registration of gender came within the Family Court’s mandate, in keeping with the evolving understanding of identity, currently a topical issue in the law.

In all, the Family Court administers more than 20 legal statutes which reflect the wide range of issues and problems that impact the lives of families, and where the court may be asked or required to assist or adjudicate when there is a dispute. These issues range from adoption, surrogacy, guardianship, child abduction, and State care and protection to wills and estates, and the protection of personal and property rights of the vulnerable elderly.

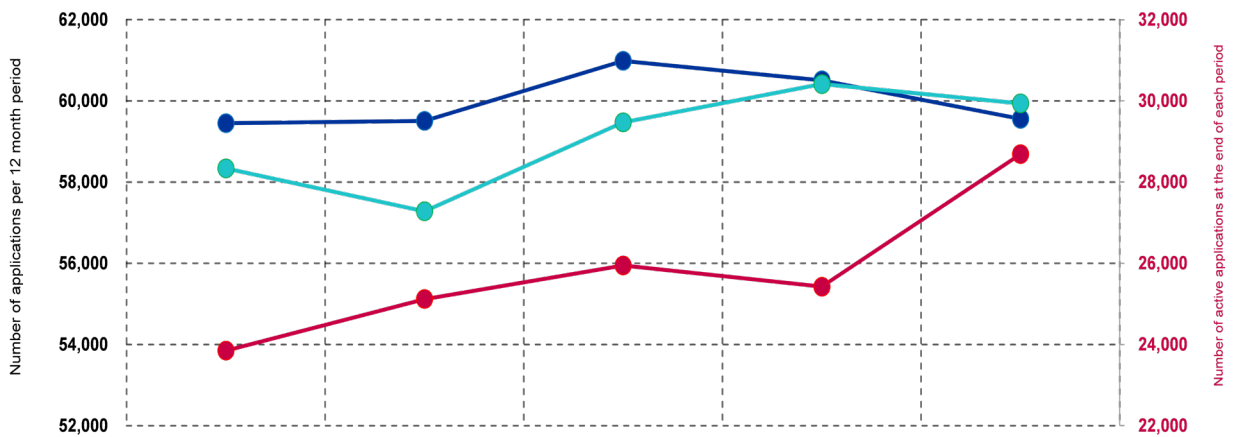
The court values the ability of parties to resolve their own matters too, and counselling, conciliation and mediation are an integral part of the Family Court’s work.

With such a wide jurisdiction, the Family Court sees a huge number of applications, with more than 60,000 filed each year.

Although the Family Court is a forum for personal and private disputes, it is not a “private” or “closed” court. Media may attend most proceedings and report on them, within the statutory restrictions around identification of children and young people or for those people legally defined as vulnerable.

National Statistics

FAMILY COURT APPLICATIONS



	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
New Business	59,449	59,507	60,985	60,505	59,558
Disposals	58,338	57,279	59,472	60,414	59,936
Active Applications	23,848	25,116	25,946	25,424	28,685

Comparing the current Fiscal year to the previous Fiscal year has seen:

- New business decrease by 947 applications (-2%)
- Disposals decrease by 478 applications (-1%)
- Active applications increase by 3,261 applications (+13%)

— Youth Court

The Youth Court is a specialist division of the District Court and is overseen by the Principal Youth Court Judge. There are 64 designated Youth Court judges.

The Youth Court primarily deals with offending by young people aged 14–17 years, except for some serious offending by 17 year olds which is transferred automatically to the District Court. In certain circumstances the Youth Court also deals with serious offending by children aged 12–13 years.

The Youth Court is not just the District Court for young people. It has all the hallmarks of a solution-focused court, centred on rehabilitation, wrap-around support, addressing the underlying causes of offending, and diversion away from court. A team of dedicated specialists assist young people to actively engage and participate in proceedings.

“The Youth Court is not just the District Court for young people. It has all the hallmarks of a solution-focused court ...”

Only 20–30 per cent of police apprehensions come before the Youth Court. This allows judges to focus on cases involving serious offending by young people with complex needs.



Young offenders have often been exposed to trauma, abuse and family violence. They may be dislocated from their culture or schooling and increasingly suffer from mental illness. Neurodisabilities such as Foetal Alcohol Spectrum Disorder, autism and dyslexia are also common.

A unique feature of the Youth Court process is the Family Group Conference (FGC), which involves a gathering of the young person, their family, any victims, 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 any victims' interests and

help the young person to take responsibility for their actions.

Not all Youth Court proceedings occur in a traditional courtroom. Ngā Kōti Rangatahi (Rangatahi Courts) and Pasifika Courts occur at a marae or a Pasifika hall. Māori or Pacific languages, custom and cultural practices are used as part of the court process. There are 15 Rangatahi Courts nationwide and

two Pasifika Courts. A sixteenth Rangatahi Court was due to open in Hawke's Bay in late 2020.

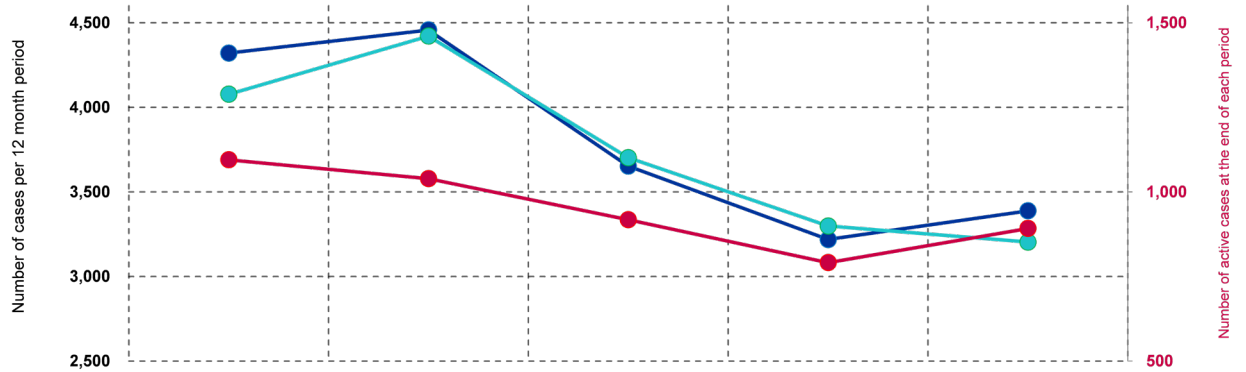
These courts were established to address the over-representation of Māori and Pasifika in the youth justice system. This has had visible positive effects. The number of Māori children and young people in court is decreasing, and at a faster rate than other ethnicities.



New Zealand's Youth Court judges assemble every three years for their triennial conference. In July 2019, Ōrākei Marae in Auckland was the venue for the conference.

National Statistics

YOUTH COURT CASES



	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
New Business	4,321	4,457	3,653	3,219	3,388
Disposals	4,077	4,421	3,703	3,299	3,204
Active Applications	1,095	1,039	918	791	892

Comparing the current Fiscal year to the previous Fiscal year has seen:

- New business increase by 169 applications (+5%)
- Disposals decrease by 95 applications (-3%)
- Active cases increase by 101 applications (+13%)

The increase in new business and active cases reflects the inclusion of 17 year olds in the Youth Court jurisdiction from 1 July 2019.

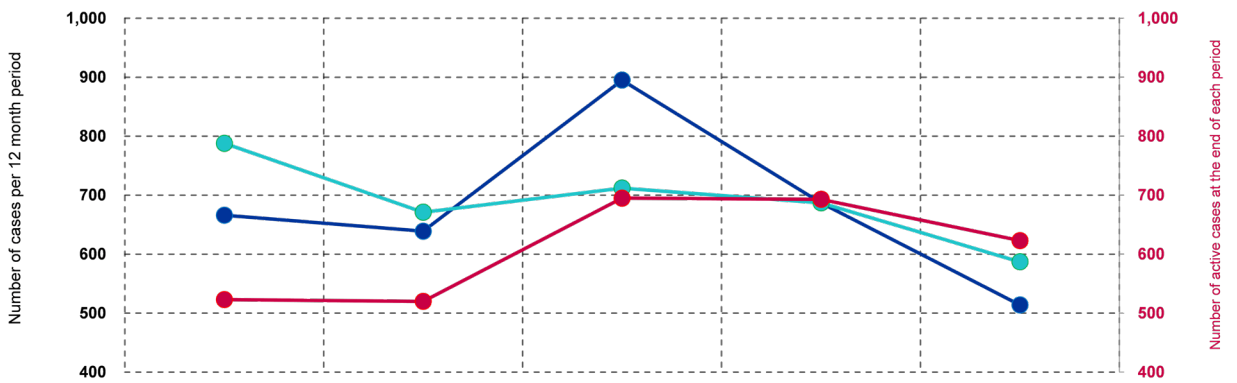
— Civil

The civil workload in the District Court was impacted by the COVID-19 crisis.

During lockdown periods the court was unable to proceed with all hearings including, in particular, defended proceedings involving witnesses. There has also been some delay and decrease evident with filing of new proceedings.

National Statistics

DEFENDED CIVIL CASES



	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
New Trial Cases	666	639	895	687	514
Disposals	788	671	712	687	587
Active Cases	523	520	695	693	623

Comparing the current Fiscal year to the previous Fiscal year has seen:

- New business decrease by 173 cases (-25%)
- Disposals decrease by 100 cases (-15%)
- Active cases decrease by 70 cases (-10%)

NEW JUDGES BRING EXTRA DIVERSITY

The District Court administers justice on behalf of the communities it serves, and the makeup of the District Court bench is increasingly reflecting the diversity of those communities.

A feature of the 2019-20 year was the number of Māori and Pasifika judges joining the District Court. More than half of the 27 new judges appointed are of Māori or Pasifika descent, with Chinese, Dutch, Jewish and other cultures also represented.



Judge Keryn Broughton (Nga Ruaru, Ngāti Ruanui) was sworn in in New Plymouth in February and assigned to Palmerston North.

At 16 per cent, the number of District Court judges who are of Māori descent is now almost in line with the percentage of Māori in the New Zealand population.

Awareness of diversity and cultural competence is a requirement in all divisions of the court. A growing number of District Court judges speak or are learning te reo.

Half the judges in the Family Court are now women, and across all the District Court, women account for more than one-third of the bench.

The judges appointed to the District Court this year go some way to ensuring more voices from Aotearoa New Zealand's diverse communities have a seat at the justice table.

The appointments come amidst increasing calls for transformative change in the way justice is delivered in New Zealand to ensure courts are relevant and that those appearing in court feel they are heard and understood.



Judge Quentin Hix (Ngai Tahu, Ngāti Mamoi, Waitaha) was sworn in on his home marae, Arowhenua Marae, in Temuka in February and assigned to Christchurch.



Credit: Claudia Scott/NZLS

Judge Lope Ginnen (centre left) became the second District Court judge of Samoan descent in July 2019. Joining her at her swearing-in ceremony was the District Court's first Samoan judge, Judge Ida Malosi (left), Judge La Verne King (right; Ngatikahu ki Whangaroa, Te Aupouri, Ngati Paoa, Ngati Maru) who was appointed a few months earlier, and a colleague from their former law firm, Ali'imuanua Sandra Alofivae.

A NEW APPROACH TO THE YOUNGEST ADULTS IN THE DISTRICT COURT

District Court judges are leading development of a different kind of hearing for young adults that is being piloted in Porirua District Court.

Those aged 18 to 25 appearing in court are offered tailored support through the District Court's first Young Adult List, which is designed to enhance procedural fairness.

This age group of defendants appear on a dedicated court list where specialist services are on hand to help identify and address any special needs or characteristics they may have.

A judicially led initiative, the Young Adult List began sitting in March 2020, although its official launch was delayed by the COVID-19 restrictions till the end of July.

Local iwi, Ngāti Toa, gifted the name, Iti rearea teitei kahikatea ka taea, to the List. This symbolises that with support the smallest bird, iti rearea, can fly to the top of the tallest tree.

As a matter of procedural fairness, young adults require a different approach. Research shows that they have underdeveloped cognitive skills and emotional intelligence and tend to be more susceptible to impulsive behaviour and peer pressure.

There is also a high prevalence of neuro-disabilities and mental illnesses in this age



Members of the judiciary and justice sector guests gather for a pōwhiri at Takapūwāhia marae before Ngāti Toa gifted the Young Adult List a name.



Principal Youth Court Judge John Walker presides at the first sitting of the Young Adult List in March 2020.

group, demonstrating a further need to treat them differently.

The Young Adult List draws on processes used in the Youth Court to remove barriers to participation, help young adults to effectively engage in the court process and generally understand court proceedings.

“The Young Adult List draws on processes used in the Youth Court to remove barriers to participation, help young adults to effectively engage in the court process and generally understand court proceedings.”

This is done by being alert to the presence of disability, information sharing between the Youth and Family Courts and the District Court, adapting the physical layout of the courtroom, and ensuring judges and lawyers and others who speak in court use plain language rather than legal jargon.

In addition, a dedicated and specially trained multi-disciplinary team is present at each court session to help support young adults to actively participate in the court process. This team includes adolescent mental health workers, iwi liaison officers, adolescent-focused Corrections Officers and Restorative Justice.

An information sharing protocol allows for any existing information about the young adult

held by the Youth Court and Family Court to be made available. This ensures everyone involved, particularly the judges, knows of the challenges facing the young person and can tailor responses and interventions effectively.

Ultimately it is hoped that the provision of wrap-around services and the tailored processes used in court may provide these young adults with the support they need to live healthy, productive lives, reduce the likelihood of their reoffending and enhance their sense of having been treated fairly by the justice system.

Principal Youth Court Judge John Walker led development of the pilot with the help of local judges and court staff, and the support of the Ministry of Justice, the Porirua justice community and Ngāti Toa.

The delayed official launch was attended by the Chief Justice Dame Helen Winkelmann, the Minister of Justice, Andrew Little, the Chief District Court Judge, Heemi Taumaunu, the Principal Family Court Judge Jacquelyn Moran, Judge Walker, Porirua's resident judge, Judge James Johnston and the Secretary for Justice Andrew Kibblewhite.



Judge Walker addresses the Young Adult List's official launch.

CHIEF JUDGE RETURNS TO THE MARAE TO HERALD NEW ERA

History was made in the District Court in October 2019 when, for the first time, a new Chief District Court Judge swore an oath of office on a marae.



More than 60 judges representing all New Zealand courts were among those who travelled to the special bi-lingual, bi-cultural sitting at the home marae of Chief Judge Heemi Taumaunu at Whāngāra on the East Coast.

Chief Judge Taumaunu's tribal affiliations are Ngāti Pōrou, Ngāti Konohi and Ngāi Tahu. He is the first Māori to be appointed to the role. A fluent te reo Māori speaker, he swore his oath in both te reo and English.

The Chief Justice, the Rt Hon Dame Helen Winkelmann, presided over a bench extending

the breadth of the Whitireia Meeting House and four rows deep. It is believed to be the most judges to have sat at one bench in a New Zealand court.

Ngāti Konohi hosted the ceremony, which was livestreamed by Radio Ngāti Porou.

Contributors to the whaikōrero included Supreme Court Justice Joe Williams, Whāngārei District Court Judge Greg Davis, Maanu Paul and Sir Pita Sharples. Members of the Bar to address the court were the Solicitor-General Una Jagose QC on behalf of the Attorney-General, Law Society President

Tiana Epati, and Matanuku Mahuika representing Ngāti Porou and Te Hunga Roia.

Other guests included Ministry of Justice and court staff from around the country, Acting Secretary for Justice Carl Crafar, and representatives of Rangatahi and Pasifika courts.

In her address to the court, the Chief Justice stressed the District Court’s significance in the lives of New Zealanders. “This court is the face of justice for many New Zealanders. The judgments its judges issue will change lives,” the Chief Justice said.

Referring to the winds of change, she said there was an awareness that change was needed so that courts could deliver justice fit for Aotearoa and fit for this time.

“This court is the face of justice for many New Zealanders. The judgments its judges issue will change lives.”

Wearing the korowai of the late Sir Henare Ngāta — the son of Sir Apirana Ngāta, who



Judge Heemi Taumaunu taking the Oath of Chief District Court Judge

was his inspiration to enter the law — Chief Judge Taumaunu said the focus under his leadership would be on improving access to justice in a court that dispenses 95 per cent of the justice in New Zealand.

“It is important to recognise that the process or the way that people are treated by the court is just as, if not more important than the actual outcome that is reached by court,” Chief Judge Taumaunu said.

If people felt they had a fair hearing, this would enhance the legitimacy of the court within communities and enhance the rule of law. “And ultimately we will be residing in safer communities if that is the result.”



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COMMUNITY MAGISTRATES

Community Magistrates are a vital part of the District Court judiciary and play a valued and essential role in dealing with the court's criminal work in the communities they serve.

They preside in the criminal jurisdiction on a part-time basis, hearing less serious cases coming before the criminal court.

Community Magistrates may preside over trials for offences carrying a maximum penalty of a fine up to \$40,000 and all infringement offences.

Their substantive jurisdiction extends to offences under the Fisheries Act 1996, the

Dog Control Act 1996, the Summary Offences Act 1981 and other regulatory Acts.

They are able to sentence offenders who plead guilty to offences punishable by up to three months' imprisonment. However, Community Magistrates cannot themselves impose sentences of imprisonment.

They also often preside over bail hearings and undertake a variety of case-management



National Executive Judge Lawry Hinton (second from right) joins Community Magistrates and support staff from the Chief Judge's Office at their annual conference in October 2019.

related tasks involving offences outside their jurisdiction.

Community Magistrates are recruited to be representative of their communities in the criminal justice system, based on their life skills and experience.



Representatives of various Taranaki justice service agencies welcome Community Magistrates during a pōwhiri at their annual conference in New Plymouth.

The Community Magistrate role was designed from inception to increase community involvement in the justice system and to reduce delays by freeing up judges to deal with more complex matters.

The expertise and community connection of Community Magistrates continues to enhance that community involvement and benefit. They have become a vital cog in the administration of justice and are very highly regarded by District Court judges.

New Zealand's 18 Community Magistrates sit in areas around the country, including

Northland, Auckland, Manukau, Waikato, Bay of Plenty, Hawke's Bay, Gisborne, Taranaki, Whanganui, Wellington, Marlborough, Canterbury and Otago.

The involvement of Community Magistrates in work formerly carried out by District Court judges has been a significant and permanent benefit to the District Court, and to the communities we serve.

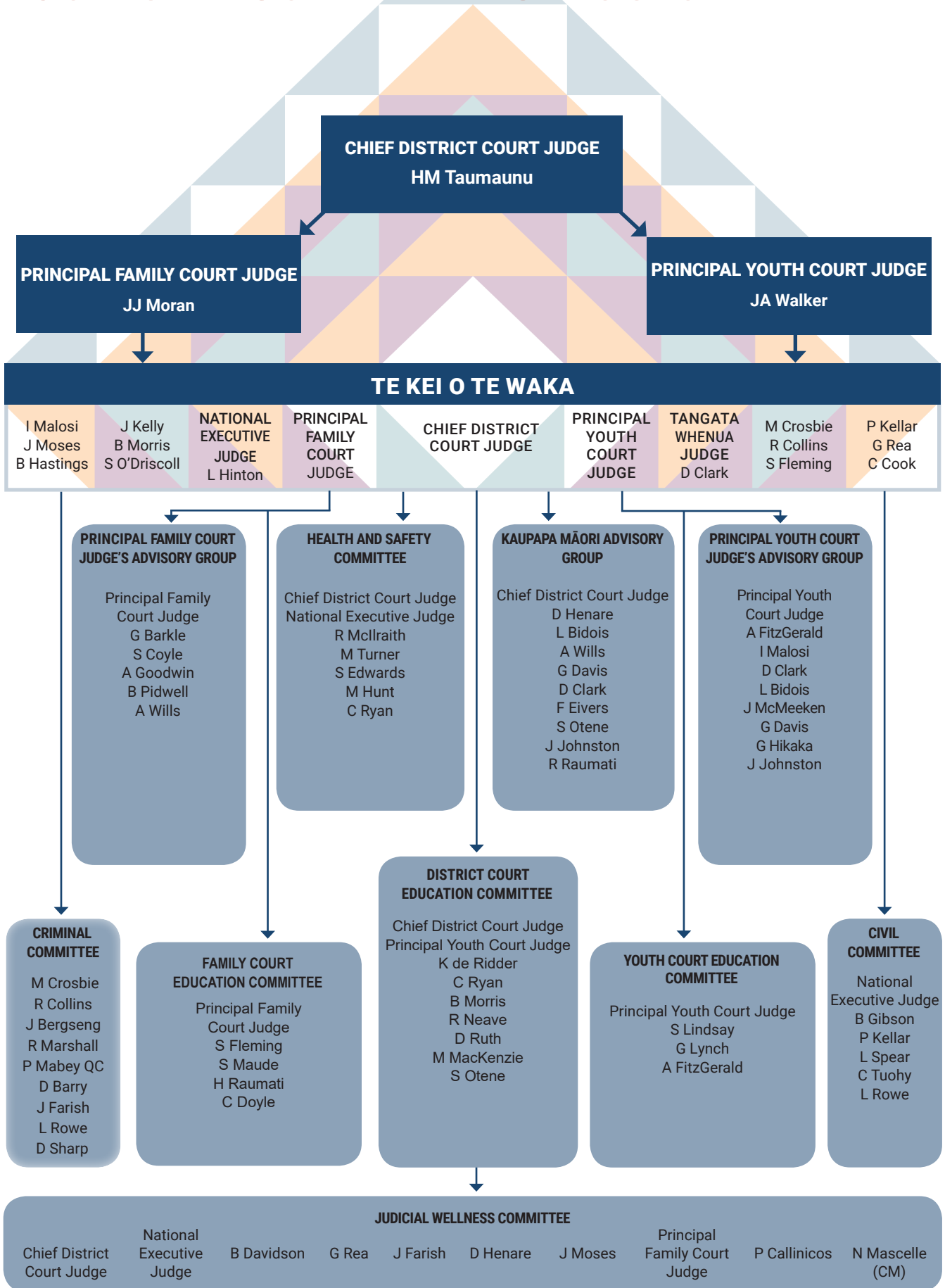
“The involvement of Community Magistrates in work formerly carried out by District Court judges has been a significant and permanent benefit to the District Court, and to the communities we serve.”

The Chief District Court Judge is responsible for their rostering, training and professional development, which is done with the assistance of the National Executive Judge.



(From left) Community Magistrates Kathy Wilson, Lau Lemalu and Brigid Corcoran and National Executive Judge Lawry Hinton during the 2019 CM's annual conference in New Plymouth.

JUDICIAL COMMITTEE STRUCTURE



SITTING JUDGES

* indicates retired during year ending 30 June 2020

Judge A Adeane	Napier	Judge D Burns	Auckland
Judge E Aitken	Auckland	Judge B Callaghan	Christchurch
Judge G Andrée Wiltens	(Vanuatu)	Judge M Callaghan	Invercargill
Judge G Barkle	Nelson	Judge P Callinicos	Napier
Judge D Barry	Wellington	Judge D Cameron	Tauranga
Judge A Becroft	Children's Commissioner	Judge W Cathcart	Gisborne
Judge C Bennett	North Shore	Judge D Clark	Hamilton
Judge J Bergseng	Manukau	Judge T Clark	Manukau
Judge L Bidois	Tauranga	Judge N Cocurullo	Hamilton
Judge J Binns	Wellington	Judge G Collin	Hamilton
Judge T Black	Wellington	Judge R Collins	Auckland
Judge D Blair	Hamilton	Judge P Connell	Hamilton
Judge T Bolstad	Gisborne	Judge C Cook	Tauranga
Judge J Borthwick	Christchurch	Judge P Cooper	Rotorua
Judge J Brandts-Giesen*	Invercargill	Judge A Couch	Christchurch
Judge M Broek	Rotorua	Judge M Courtney	Hastings
Judge K Broughton	Palmerston North	Judge S Coyle	Tauranga
Judge M Burnett*	Hamilton	Judge P Crayton	Whanganui

Judge M Crosbie	Dunedin	Judge J Farish	Christchurch
Judge P Cunningham	Auckland	Judge B Farnan	Invercargill
Judge B Davidson	Wellington	Judge A FitzGerald	Auckland
Judge G Davis	Whāngārei	Judge D Flatley	Dunedin
Judge N Dawson	Auckland	Judge S Fleming	Auckland
Judge L de Jong	Auckland	Judge G Fraser	Auckland
Judge K de Ridder	Whāngārei	Judge A Garland	Christchurch
Judge M Dickey	Auckland	Judge P Geoghegan	Tauranga
Judge C Doherty	Chair IPCA	Judge B Gibson	Auckland
Judge J-M Doogue*	Former Chief District Court Judge	Judge T Gilbert	Christchurch
Judge J Down	Hamilton	Judge L Ginnen	Manukau
Judge C Doyle	Wellington	Judge K Glubb	Waitakere
Judge D Dravitski	Timaru	Judge A Goodwin	Manukau
Judge T Druce*	Auckland	Judge A Greig	New Plymouth
Judge M Duggan	Christchurch	Judge N Grimes	Hamilton
Judge B Dwyer*	Wellington	Judge C Harding	Tauranga
Judge R Earwaker	Manukau	Judge M Harland	Auckland
Judge S Edwards	Palmerston North	Judge L Harrison	New Plymouth
Judge F Eivers	Manukau	Judge S Harrop	Wellington
Judge H Ellis	Whāngārei	Judge DG Harvey	Whāngārei

Judge J Hassan	Christchurch	Judge J Krebs	Palmerston North
Judge W Hastings	Wellington	Judge J Large*	Palmerston North
Judge D Henare	Auckland	Judge S Lindsay	Christchurch
Judge G Hikaka	New Plymouth	Judge G Lynch	Christchurch
Judge L Hinton*	National Executive Judge	Judge P Mabey QC	Tauranga
Judge Q Hix	Christchurch	Judge G MacAskill*	Christchurch
Judge P Hobbs	Wellington	Judge M MacKenzie	Rotorua
Judge G Hollister-Jones	Rotorua	Judge B Mackintosh	Napier
Judge Howard-Sager	Kaikohe	Judge A Mahon	Manukau
Judge M Hunt	Christchurch	Judge I Malosi	Manukau
Judge T Ingram	Tauranga	Judge A Manuel	Auckland
Judge J Jackson	Christchurch	Judge D Marshall	Chief Coroner
Judge J Jelas	Waitakere	Judge R Marshall	Hamilton
Judge A Johns	Manukau	Judge G Matenga	Hastings
Judge J Johnston	Porirua	Judge N Mathers	Auckland
Judge P Kellar	Christchurch	Judge D Matheson	Whanganui
Judge J Kelly	Chair ARLA	Judge S Maude	North Shore
Judge K Kelly	Wellington	Judge J Maze	Timaru
Judge L King	Whāngārei	Judge D McDonald	Whāngārei
Judge D Kirkpatrick	Auckland	Judge I McHardy	Auckland

Judge R McIlraith	Manukau	Judge E Parsons	Waitakere
Judge A McLeod	Invercargill	Judge D Partridge	North Shore
Judge J McMeeken	Christchurch	Judge S Patel	Manukau
Judge D McNaughton	Manukau	Judge E Paul	Auckland
Judge AG Menzies	Hamilton	Judge R Paul	Hamilton
Judge I Mill	Wellington	Judge B Pidwell	Waitakere
Judge S Moala	Manukau	Judge H Raumati	Gisborne
Judge J Moran	Principal Family Court Judge	Judge G Rea	Napier
Judge B Morris	Wellington	Judge J Rielly	Nelson
Judge J Moses	Manukau	Judge R Riddell*	Hamilton
Judge J Moss	Palmerston North	Judge M Rogers	Manukau
Judge K Muir	Auckland	Judge R Ronayne (deceased)	Auckland
Judge J Munro	Rotorua	Judge L Rowe	Palmerston North
Judge R Neave	Christchurch	Judge R Russell	Nelson
Judge L Newhook	Principal Environment Court Judge	Judge D Ruth*	Nelson
Judge B Northwood	Palmerston North	Judge C Ryan	Auckland
Judge S O'Driscoll	Christchurch	Judge N Sainsbury	Waitakere
Judge M O'Dwyer	Wellington	Judge D Saunders	Christchurch
Judge D Orchard	Whāngārei	Judge K Saunders	Hamilton
Judge S Otene	Manukau	Judge D Sharp	Auckland

Judge M-B Sharp	Auckland	Judge G Wagner	Manukau
Judge B Shortland	Kaikohe	Judge J Walker	Principal Youth Court Judge
Judge A Sinclair	Auckland	Judge R Walker	Christchurch
Judge P Sinclair	Auckland	Judge D Wallwork	Northshore
Judge A Singh	Auckland	Judge N Walsh	Christchurch
Judge A Skellern	Manukau	Judge M Wharepouri	Manukau
Judge D Smith*	Palmerston North	Judge A Wills	Rotorua
Judge E Smith	Dunedin	Judge G Winter	Papakura
Judge J Smith	Auckland	Judge P Winter	Auckland
Judge A Snell	Rotorua	Judge A Zohrab	Nelson
Judge L Spear	Hamilton		
Judge P Spiller	Chair, Immigration and Protection Tribunal		
Judge K Tan	Manukau		
Judge H Taumaunu	Chief District Court Judge		
Judge B Thomas	Auckland		
Judge A Tompkins	Hutt Valley		
Judge L Tremewan	Waitakere		
Judge C Tuohy	Wellington		
Judge M Turner	Dunedin		
Judge R von Keisenberg	Auckland		



