District Court of New Zealand | Te Kōti-ā-Rohe o Aotearoa

# Annual Report 2022



# Contents

Foreword	03
Report of the Chief District Court Judge	04
Report of the Principal Family Court Judge	08
Report of the Principal Youth Court Judge	12
Role and Statistics	14
District Court – Aggregate	15
Criminal	16
Jury Trials	18
Youth Court	20
Family Court	22
Civil	24
Judicial Performance Measures	26
Judge list	32

# MAI TE PÕ KI TE AO MĀRAMA – TRANSITION FROM THE NIGHT TO THE ENLIGHTENED WORLD

# Foreword

### Tēnā koutou katoa

With COVID-19 continuing to sweep through our communities, 2022 was one of the most difficult years for New Zealanders in recent memory. The District Court has not been immune to those challenges, with changing alert levels, staffing shortages and illness exacerbating case backlogs and impeding access to justice across the country.

Amid the difficulties, we have managed to conduct the business of the court and to make great strides on important programmes of work. I want to acknowledge the dedication, perseverance and commitment to service of the judiciary and court staff at this time. I also want to express my deepest gratitude to New Zealand Police, the legal profession, Ara Poutama Aotearoa The Department of Corrections, and all those across the wider justice sector who have toiled and sacrificed to support the courts' continued operation through these unprecedented times. Your commitment to justice and to your communities is acknowledged and appreciated. It is with the help of those across the wider justice sector, as well as the support of local communities, that we have been able to continue making progress toward our long-term goals despite the current landscape.

In 2020, I announced the vision of Te Ao Mārama, the judicially led initiative which promised transformative change in the District Court. This year, we began to embark upon the journey of delivering that vision: Mai te pō ki Te Ao Mārama – the transition from the night to the enlightened world.

This year the Te Ao Mārama initiative was successfully launched in Kaitāia. Kaitāia is now the third court location that has begun to develop the Te Ao Mārama initiative, following Hamilton and Gisborne earlier this year.

A fundamental component of the Te Ao Marama initiative will require us to improve our ability to deliver timely justice. To achieve this goal and to address growing backlogs and related court delays, the District Court has designed and implemented numerous strategic initiatives. The ultimate aims of those initiatives will be to improve our overall levels of efficiency and increase our capacity, and to enhance the quality of the justice that we administer.

Ngā mihi,

Heemi Taumaunu Chief District Court Judge



### JUDGE HEEMI TAUMAUNU

# **Report of the Chief District Court Judge**

# ABOUT THE DISTRICT COURT | TE KŌTI-Ā-ROHE O AOTEAROA

The District Court is the primary court of first instance in Aotearoa New Zealand and the largest court in Australasia. At 30 June 2022 there were 165 Permanent Judges and 35 Acting Warranted Judges across 58 courthouses. In the past year our Judges have heard approximately 176,500 criminal, civil, family and youth matters across the country.

As signalled in last year's annual report, the District Court is undergoing a significant period of change and transformation as we make progress on the vision of Te Ao Mārama – Enhancing Justice for All. Te Ao Mārama is a judicial-led, cross-agency initiative intended to create a justice system where all people can come to seek justice and meaningfully participate in court, regardless of their means or ability, ethnicity, culture or language. It builds on the hard work, commitment and professionalism over many decades by all the people who contribute to the District Court. It is an evolution, rather than a revolution, of our current practice.

We acknowledge the human cost of significant backlogs and delays in our criminal, civil and family jurisdictions. It is our intention to address these issues in a strategic and comprehensive manner. As such, decreasing backlogs and delays in our courts is a long-term goal for each jurisdiction. The impact of COVID-19 has exacerbated these issues and, in response, we have had to establish timely and effective protocols to support our workforce at a local and national level. The statistics on court performance can be found in the second part of this report.

## **PROGRAMME AND PROGRESS**

We are working alongside justice sector agencies, iwi and the community on a number of significant programmes of work across the District Court. Each programme intends to address the issues within our courts and are designed to increase:

- the efficiency in the way we conduct the business of the court;
- the capacity of our court to conduct more business; and
- the quality of the work we do.

### **Criminal Process Improvement Programme**

The Criminal Process Improvement Programme (CPIP) has been established to identify inefficiencies within each stage of the criminal process. The programme then designs, tests and implements solutions to increase efficiency and ensure that each appearance is meaningful. Alongside CPIP, judicial protocols have been developed in consultation with our bench. These protocols have been developed to improve our efficiency in four important stages of the criminal jurisdiction – administration, case review, judge-alone trial, and jury trial. The protocols will take effect in a staged manner across locations. The protocols for all remaining sites are intended to take effect between March and November 2023.

### Te Ao Mārama – Enhancing Justice for All

In both the family and criminal jurisdictions, relevant justice agencies have been encouraged to work together with local community providers and local iwi to develop wraparound therapeutic services to support all people who have come to court to seek justice. In the family justice sphere, the primary focus for this support will be on care and protection and family violence proceedings. In the criminal justice sphere, the primary focus will be on a defendant's early appearances (including bail) and on sentencing. The support provided by these services will be especially helpful for children and their wider whānau members who have found themselves trapped in the justice system. Such supports will be designed to help them make positive changes and exit the justice system highway.

Family Court judges make decisions about the entry of children and their whānau into the state care and protection regime. They consider whether





We have learnt important lessons along the way and take pride in the initiatives we have achieved, despite the challenges we have faced. taking the step of transferring control of a child's well-being from their whānau to Oranga Tamariki is justified in terms of the statutory criteria. They also control who may participate in that decision-making process and on what terms.

The Te Ao Mārama initiative will be designed to give Family Court judges important information about the family context, better enabling judges to engage appropriately with the child's wider context and to draw the community, its knowledge and resources into the decision-making process. By this means, the best and most relevant information will be provided to the decision maker at the critical decision points.

Judges in the criminal jurisdiction assess bail risks and, when guilt is acknowledged or established, sentence offenders. They must do so independently of the Executive Branch and according to law. They must first hear from the prosecutor, the offender (usually through their lawyer), and from victims via formal victim impact statements. The Sentencing Act directs judges to sentence offenders in a way that takes account of sentencing purposes such as deterrence, denunciation, offender rehabilitation and providing for the interests of victims, and sentencing principles such as offender culpability and background, consistency in sentencing and recognising the effect on the victims.

The Te Ao Mārama initiative will be designed to encourage judges and court staff to communicate with defendants, convicted offenders, victims, and others in plain language and to remove the legacy of formalism from criminal procedure where appropriate. It will encourage justice sector agencies to refocus and coordinate their efforts to ensure that high quality information is available to the court at critical decision-making points. It will be designed to facilitate participation in the sentencing process of the offender's own community. That community can bring information about the offender's background and about the resources available within the community to achieve the offender's rehabilitation and reintegration in a meaningful way. If resourced to do so, the community can present the sentencing judge with more and better sentencing options.

Te Ao Mārama requires no changes to the law and does not compromise the independent mana of the judiciary, justice sector agencies or the community. In fact, Te Ao Mārama will be transformative only when each component is independently strong and functioning in such a way as to command the respect of the others.

### Te Au Reka (Caseflow)

Te Au Reka is a Ministry of Justice initiative that aims to implement a digital case management system, thereby increasing the efficiency of the business of our court. This new online system will replace the current paper-based process and case management system. It will be implemented in the Family Court in Phase One, followed by implementation in the criminal jurisdiction of the District Court. This work will require significant judicial input to inform and support the design of Te Au Reka so that it is fit for purpose. Te Au Reka will need to be designed in a manner that supports and is consistent with the other improvements that are currently underway in the District Court, including Te Ao Mārama.

## **DISTRICT COURT OUTLOOK FOR 2023**

Looking ahead to 2023, we will continue to strive for improvements in the way we conduct the business of the District Court.

# ACKNOWLEDGEMENTS

It is important to acknowledge the hard work, grit and determination of the District Court bench and all of our judicial officers during 2021-22. Thank you for everything you do, not only in the daily business of administering justice and upholding the rule of law, but in your contribution to the many significant work programmes we are currently working on.

I acknowledge the important support of Ministry of Justice officials, wider justice sector officials and the profession. In particular, I acknowledge local registry staff, local lawyers, and all other local stakeholder groups for continuing to support the ongoing operation of our court despite difficult and trying circumstances throughout the course of the last year.

On behalf of the District Court bench, I conclude my report by acknowledging the service of retiring Principal Youth Court Judge John Walker. In November 2022, Judge Walker will conclude his six years as Principal Youth Court Judge and 28 years of service on the District Court bench. Across a distinguished judicial career, Judge Walker has committed his time and services to the District Court, particularly in the area of youth justice. I am indebted to his invaluable advice, support and friendship during my time as Chief District Court Judge. I wish him and his whānau all the best in his retirement.

E te Rangatira, John, tēnei te mihi nui ki a koe. Otirā, tēnā koutou katoa.







### JUDGE JACQUELYN MORAN

# **Report of the Principal Family Court Judge**

# ABOUT THE FAMILY COURT | TE KŌTI WHĀNAU

As a Specialist Court and the second largest division of the District Court with 64 judges overseeing more than 30 pieces of legislation, the Family Court is continually adapting and working to remain light on its feet to achieve its overarching goal of access to justice for those before the Court. To this end the Family Court judiciary have achieved a major milestone in establishing a joint work programme with the Ministry of Justice – the Judicial and Ministry of Justice Family Court Work Programme, which identifies the work of the Family Court and looks to enhance its operation.

The Family Court Work Programme brings together 47 initiatives

of varying significance and priority within the Court to progress towards key goals, including promoting:

- more timely and effective family justice processes
- more accessible out-of-court and in-court interventions to support sustainable solutions and better support for participants; and
- safety through minimising any perceived difficulties caused by the court process.

Managing initiatives under one umbrella allows for a collective, responsive approach to implementing changes in the Court and prevents work from being undertaken in siloes. The initiatives contained within the Programme cover a wide scope, including operational improvements, legislative reforms and policy development among other areas, with the ultimate aim of meeting the needs of the community in and out of court.

## PROGRESS ON THE FAMILY COURT WORK PROGRAMME

To achieve our goals, the Family Court Work Programme has numerous key initiatives underway in the first tranche of work.

#### Te Ao Mārama

To support the progression of Te Ao Mārama in the Family Court, a report has been completed by Judges O'Dwyer, Coyle and Tan which considers the therapeutic interventions and processes needed in Care of Children Act 2004 proceedings (the predominant legislation for the Court). In addition, Te Ao Mārama is currently being progressed through in-depth consultation between the Family Court judiciary, iwi leaders and leaders within the Ministry.

### **Family Court Associates**

The Family Court Associate is a new role being developed with the aim of improving access to justice and reducing delays within the Court. Family Court Associates will focus on progressing administrative matters at the early stages of proceedings where work is currently undertaken by judges, allowing Family Court judges to concentrate on substantive decision-making. The Family Court (Family Court Associates) Legislation Bill, which provides the jurisdiction and powers for the Family Court Associates, is currently progressing through Parliament.

### Kaiārahi - Family Court Navigators

Another new role that is being embedded into the Court is the Kaiārahi or Family Court Navigators. By 30 June 2022, 40 Kaiārahi had been appointed. Kaiārahi provide guidance and information to those who have applied to, or are before, the Court to help them make informed decisions and access appropriate support services. Kaiārahi work within the Court, in the community, with iwi and collaborate with local agencies and service providers with the goal of meaningfully contributing to the resolution of disputes and guiding court participants and whānau through Family Court





processes. Some examples of the work Kaiārahi undertake on a day-to-day basis include:

- contacting unrepresented Family Court participants to assist in engagement with court processes; for example, reaching out to people with protection orders and helping to facilitate attendance at programmes
- hosting open days for community organisations at the courts and running mock courts and Q&A sessions with local staff and judges; and
- helping parties to understand orders and decisions made before they leave the Court.

This mahi has already led to a significant increase in participation and engagement with the Court – kaiārahi have hosted a number of open days around the motu and there has been strong interest from agencies in attending. The kaiārahi role continues to progress rapidly and will be further refined following this year's learnings in 2023.

### **Family Court Rules Review**

The current Family Court Rules guiding the processes of the Court were enacted in 2002. At the time the Rules were written they could not have foreseen the challenges and new ways of working in the courts 20 years later. The Court has adapted to today's rapidly developing digital environment, to remain flexible in the face of a pandemic, and has implemented creative solutions when dealing with significant resourcing challenges. However, the Rules are no longer fit for purpose.

The Ministry of Justice is therefore undertaking a review of the Rules supported by an Expert Reference Group including members of the Family Court judiciary. The review will take a principled approach to the Rules that reflects modern court practices, the specialist nature of the Family Court and ensures processes are more readily understandable and transparent for court users.

### Auckland Metro Scan

The Auckland Metro Scan is a significant project that has come to fruition following many months of work in the Auckland Metro Courts (Metro refers to all the courts in the Auckland region). This year, while ensuring that court operations were continuing, the Scan team were able to progress changes during the pandemic and ongoing impacts of COVID-19 in Auckland. Through collaboration between the judiciary and the Ministry, centralised processing of on notice applications in Auckland has been returned to the court of filing at North Shore, Waitakere and South Auckland Courts. The establishment of dedicated Family Court registries at Papakura and Pukekohe has also been successfully completed. Further changes to the courts' operating models are currently being developed, including the implementation of end-to-end case management.

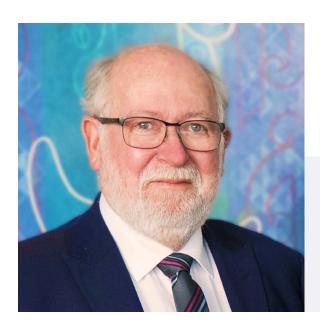
The project aims to enhance Family Court service delivery in the Auckland Metro by improving consistency and timeliness of processing of applications and developing better connections between the courts and their communities reflecting best practice. These improvements will result in a more reliable service for those involved in the Family jurisdiction within the Auckland Metro. This reflects the overarching goal of the Court to provide timely and effective family justice processes and accessible support for court participants.

# FAMILY COURT OUTLOOK FOR 2023

Underpinned by the Te Ao Mārama principles, the Family Court Work Programme promotes solution-focused initiatives. Looking to 2023, the continuing development of the Kaiārahi role seeks to create an environment in the Court where all feel welcome and able to communicate effectively. The expected introduction of Family Court Associates next year aims to reduce delays in the Court, in both the processing and hearing of applications. We are also hopeful that we will see greater access to resources under the Work Programme, such as screening to identify underlying issues for families before the Court. Considerable steps have been taken this year to ensure that the Court is remaining effective and responsive to the community it serves. We continue to prioritise support to improve access to justice and meaningful and safe participation for children in the Court.

## ACKNOWLEDGEMENTS

It has been another busy year for the Family Court. The continuing global pandemic created many challenges for the operation of the Court which were met by creative solutions. I thank the Family Court Judges for their commitment to the families of New Zealand and others who appear before us throughout this crisis. The Judges' dedication to their communities and their work continues as we now look beyond the pandemic to improving the operations of the Family Court to provide enhanced services. I also acknowledge the managers and staff at the Ministry of Justice who lead the work of the Family Court Work Programme to transform these improvements from discussion into reality.



### JUDGE JOHN WALKER

# **Report of the Principal Youth Court Judge**

# ABOUT THE YOUTH COURT | TE KŌTI TAIOHI

The Youth Court deals with the majority of charges laid against children and young people under the age of 18. Exceptions to this include traffic offences, murder and manslaughter, as well as when certain serious charges are laid against 17-year-olds. When these charges arise, they are instead dealt within the District or High Court. There are 76 Youth Court-warranted Judges around the country. Most children and young people who come to the attention of police are diverted away from formal court interventions and are instead dealt with through alternative action measures. Judges deal with only the most high-risk children and young people charged with serious offences. The emphasis on diversion away from court for minor offending increases the capacity of the Youth Court to carry out intensive interventions and judicial monitoring for these complex cases.

# SOLUTION-FOCUSED JUDGING

Since the Youth Court was established in 1989, it has operated according to statutory principles which direct the Court to focus on addressing the underlying causes of young people's offending. Today, this approach has become known as 'solution-focused judging', which underpins the spirit of Te Ao Mārama. In the Youth Court, this approach involves a multi-disciplinary team working together to first determine what has driven the young person to offend. The children and young people who appear in the Youth Court often experience a complex combination of issues, including neurodisabilities, early onset mental illness, alcohol and drug dependency, dislocation from education, disconnection from culture, and exposure to trauma including experiencing and witnessing family violence.

As well as Police Youth Aid officers and youth advocates, our multidisciplinary team in the Youth Court includes youth forensic nurses, alcohol and drug clinicians, education officers, social workers, lay advocates, psychologists and psychiatrists who can provide information to the court about these concerns. Most importantly, this team then supports the development and implementation of individualised plans to respond to these issues. In addition to measures holding young people accountable for their offending, plans may include components such as referral to mental health services, rehabilitation treatment, disability support services, educational providers and cultural programmes.

## TRENDS IN YOUTH OFFENDING

Immense efforts occur both inside and outside the Youth Court to make our communities safer by addressing the factors which often underpin youth offending. These efforts are reflected by the overall levels of youth offending continually and markedly falling in recent years. The number of child and youth offenders has fallen by almost 65% in the past decade. In 2010/11, almost 18,000 children and young people were dealt with by police for their offending. By 2020/21, this number had fallen by almost 10,000.

Although overall levels of youth offending are continuing to fall, our community has been affected by a recent spike in certain types of serious offending, particularly ram raids and burglaries. The impact of this offending on victims, businesses and communities cannot be overstated. A key focus of the Youth Court, and the broader youth justice system, is to understand the reasons behind this trend in offending, as well as developing plans to address these issues and engage the young people in alternative activities.

It is apparent that the cohort committing these serious offences are also our most vulnerable children and young people. The vast majority are affected by issues such as exposure to family violence. Unsafe homes are another issue, leading young people to seek refuge where they can with others in similar circumstances and then go on to offend with them. Like many in our community, these children, young people and their families have suffered increased stressors resulting from the impacts of COVID-19. Issues of unemployment and isolating in overcrowded homes add to the challenges experienced by this already vulnerable group. For many, the disruptions caused by COVID-19 have severed already tenuous connections to education. An ongoing priority for the inter-agency youth justice team is providing the necessary intervention and support measures for these young people and their families to make their homes, and our communities, safer.

## ACKNOWLEDGEMENTS

I would like to acknowledge the immense efforts of all involved in the continued operation of the youth justice system during these difficult times which have impacted significantly on our work. COVID-19 and the related challenges have placed pressures on all corners of the system, from the operation of Police Youth Aid to the staff at Oranga Tamariki residences. These challenges are still playing out in our community and in our courts. While the national Youth Court case load has remained at a similar level to the previous fiscal year, regions such as Auckland have seen a rise in the number of active cases in the Youth Court. We have anticipated this caseload increase as Youth Court cases are now progressing after delays caused by COVID-19 in our most impacted regions.

In the past year, the Youth Court and the wider youth justice system have continued adapting our approach to respond to the particular challenges of the Omicron variant. For example, we have streamlined our court systems to improve efficiency and prevent the accumulation of backlogs and we have strengthened methods for finding alternatives to custodial placements for our young people. In the year ahead, we look forward to continuing the lessons learned as best practice to support a stronger solution-focused youth justice system.

# **Role and Statistics**

# IMPACT OF COVID-19 ON THE DISTRICT COURT

Throughout the 2021/22 financial year the Courts of New Zealand have operated under a series of judicial protocols aimed at reducing the risk of COVID-19 transmission in courts. The protocols are independently set by the Judiciary and the restrictions generally applied for a longer period than the Government restrictions. The protocols initially limited court activities to priority proceedings only. Jury trials were suspended nation-wide for four months in 2020, and in Auckland and Northland a further two months during 2021/22.

Since the beginning of COVID-19 restrictions in March 2020, almost 144,000 court events in the District Court have been adjourned or rescheduled. However, this number needs to be seen within the context of the 2.4 million court events scheduled across the District Court throughout that same time period.

We have continued to provide access to justice through other ways, for example by holding more hearings by Audio Visual Link (AVL).

While the number of active criminal cases increased significantly at different points in the COVID-19 response, the total number of active criminal cases in the District Court at the end of the COVID-19 Protection Framework (CPF) was 3,200 lower than pre-COVID levels. However, there are now more cases awaiting jury trial, particularly in Auckland, which spent longer under high COVID-19 restrictions. In the Family Court, active applications have remained relatively stable.

The Government has also responded to the pressures the courts have been under as a result of COVID-19, with just over \$90 million in funding to provide additional judicial resources within the court, and proactive resourcing and scheduling work by the judiciary, legal profession, court registries and scheduling teams. That work is ongoing to ensure cases are progressed.

The total number of active criminal cases in the District Court at the end of the COVID-19 Protection Framework was

**3,200** lower than pre-COVID-19 levels

# Vorkload at a glance

### NEW WORK (12 months ending June 2022)

3,700	Jury Cases
100,000	Non-Jury cases
55,000	Family Court Applications
14,500	Civil Cases
3,300	Youth Court cases

165	District Court Judges*
15	Community Magistrates
58	Courthouses and hearing centres

### ACTIVE WORKLOAD (as at June 2022)

4,100	Jury Cases
30,000	Non-Jury Cases
26,600	Family Court Applications
8,300	Civil Cases
853	Youth Court cases

### NOTES:

**NEW WORK:** new cases and applications that flow into courts.

**RESOLUTIONS:** disposal of cases and applications.

ACTIVE WORKLOAD: the number of cases or applications on hand at the end of the reporting period that have not been resolved.

\*This number excludes the 12 District Court judges (plus four vacancies) performing different roles such as Environment Court Judges and senior Government roles such as Chair of the IPCA. There are five Community Magistrate vacancies and five judges who have been funded for COVID-19 relief. All District Court judges including those performing different roles are listed later in this report.

### RESOLUTIONS (12 months ending June 2022)

3,000	Jury Cases
85,700	Non-Jury Cases
54,700	Family Court applications
15,700	Civil Cases
3,161	Youth Court Cases



In 2021-22, active criminal cases are lower than pre-COVID-19 levels, but more cases are awaiting jury trial.

# **CRIMINAL COURT | TE KŌTI TAIHARA**

The District Court is the primary court where criminal cases are initiated. Every person charged with a criminal offence will make their first appearance in the District Court, even if their charge will ultimately be heard in the High Court. Many defendants will go through the entire justice process in the District Court, from first appearance until sentencing (if they are convicted), whether they plead guilty or not guilty.

In 2021-22, active criminal cases are lower than pre-COVID-19 levels, but more cases are awaiting jury trial. There are two different trends. Due to COVID-19 restrictions lasting longer in Auckland, Auckland Metro courts have experienced a 14% increase in active criminal cases, while in the rest of the country there has been a 3% decrease in active criminal cases overall. The number of new cases entering the court has also decreased over this last fiscal year.

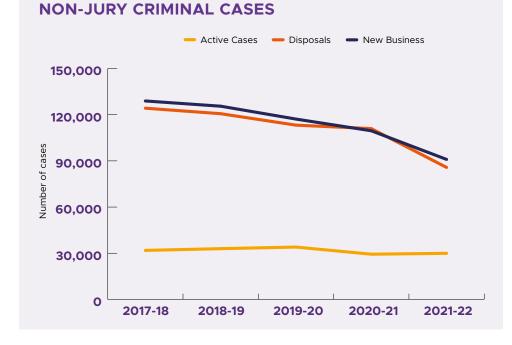
### **NON-JURY CRIMINAL**

Most criminal cases in New Zealand come before District Court judges, and the non-jury criminal jurisdiction accounts for the bulk of the District Court's work. This covers all criminal cases that do not involve a jury trial and involves a wide range of matters including bail decisions, pre-trial hearings, judge-alone trials, and sentencing decisions. This includes cases across the full spectrum of complexity and seriousness. In 2021-22, the COVID-19 pandemic continued to disrupt the District Court's ability to hold hearings, significantly impacting timeframes and statistics.

Criminal statistics are recorded by number of cases rather than people because each case may involve several charges or people. Some cases may be managed together. Criminal statistics in this section exclude jury trial and Youth Court matters.

Non-jury criminal new business and disposals have been trending down for the last five financial years, with decreases of 37,962 and 38,477 respectively.

Active cases have increased in the last financial year by 571 to 29,945.



	2017-18	2018-19	2019-20	2020-21	2021-22
New Business	128,917	125,519	117,158	109,554	90,955
Disposals	124,224	120,637	113,213	110,959	85,747
Active Cases	31,841	32,980	34,001	29,374	29,945

Note that the figure above counts new business and disposals as the total number of cases over a twelve-month period ending June of each year. Active cases are as at 30 June for the associated year.

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

New business decrease by

**18,599** cases (-17%)

Disposals decrease by **25,212** cases (-23%)

Active cases increase by **571** cases (+2%)

Active cases in the Auckland Metro Courts increase by **1357** (+12%)



# 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 facet of the criminal justice system. Members of the jury are the factfinders in a case; they determine the guilt or innocence of the defendant.

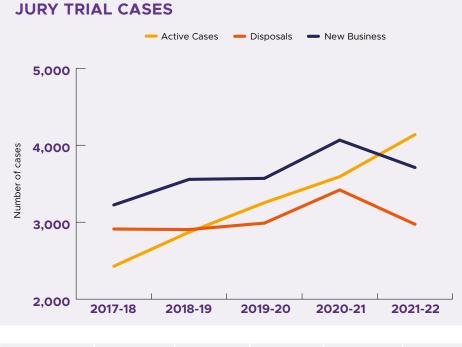
Sitting on a jury allows members of the public to participate in the court process, and to be directly involved in the administration of justice and the rule of law.

Each 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 then sentence the offender.

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 18 acting warranted judges can also preside over jury trials.

The COVID-19 pandemic has disrupted the District Court's ability to hold jury trials, significantly impacting jury trial timeframes and statistics.

Despite a decrease in new jury trials entering the District Court, in 2021-22 the number of active cases awaiting trial or sentencing increased by 15% and active cases awaiting jury trial increased 17%. This increase in cases is greatest in the Auckland Metro Courts, primarily due to Auckland remaining under COVID-19 Alert Level 4 and 3 restrictions in 2021 for longer than the rest of the country.



	2017-18	2018-19	2019-20	2020-21	2021-22
New Business	3,224	3,556	3,569	4,066	3,710
Disposals	2,911	2,904	2,988	3,419	2,973
Active Cases	2,427	2,870	3,253	3,591	4,138

Note that the figure above counts new business and disposals as the total number of cases over a twelve-month period ending June of each year. Active cases are as at 30 June for the associated year.

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

New jury trial cases decrease by **356** cases (-9%)

Disposals decrease by

**446** cases (-13%)

Active cases awaiting trial or awaiting sentencing increase by

547 cases (+15%)

Active cases awaiting trial increase by

498 cases (+17%)

Active cases awaiting trial in the Auckland Metro Courts increase by **263** (+25%)



# YOUTH COURT | TE KŌTI TAIOHI

The Youth Court is a specialist division of the District Court and is overseen by the Principal Youth Court Judge.

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.

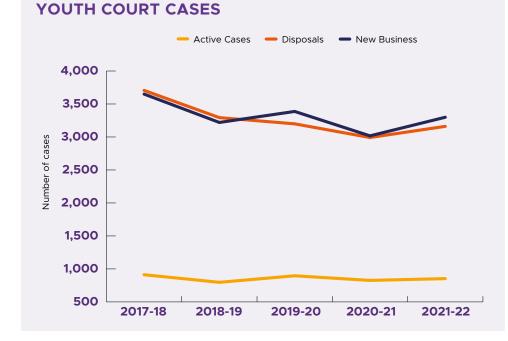
Only 20–30% of police apprehensions come before the Youth Court. This allows judges to focus on cases involving serious offending by young people with complex needs.

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 community venue. Māori or Pasifika languages, custom and cultural practices are used as part of the court process. There are 16 Rangatahi Courts nationwide and two Pasifika Courts based in Auckland.

These courts were established to address the over-representation of Māori and Pasifika in the youth justice system. This 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.

Over the past decade, our current youth justice system has been successful, contributing to a significant reduction in offending by children and young people (65 and 63% respectively). However, there has been a recent spike in offending by children and young people particularly in Auckland, who are engaging in serious and persistent offending.



	2017-18	2018-19	2019-20	2020-21	2021-22
New Business	3,650	3,220	3,387	3,017	3,299
Disposals	3,706	3,293	3,199	2,992	3,161
Active Cases	912	797	896	826	853

Note that the figure above counts new business and disposals as the total number of cases over a twelve-month period ending June of each year. Active cases are as at 30 June for the associated year. Note that many active cases are not awaiting a hearing but are being monitored by a judge.

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

New cases increase by **282** cases (+9%)

Disposals increase by

169 cases (+6%)

Active cases increase by

**27** cases (+3%)

Active cases in the Auckland Metro Courts increase by **32** (+16%)

Annual Report 2022 21



# FAMILY COURT | TE KŌTI WHĀNAU

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

The Family Court Act was passed in 1980, introducing a new forum to deal with what were perceived as inherently family matters including dissolution of marriage, disputes over relationship property and the care of children.

As society has changed over the last 40 years, so has the court's jurisdiction. Nowadays, its responsibilities include family violence matters, 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.

The Family Court administers more than 30 legal statutes which reflect the wide range of issues and problems affecting 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 and 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. Overall, active applications before the Family Court are lower in number than 2020 (pre-COVID-19). While new business into the Family Court has decreased, the number of applications that are defended has increased, resulting in more court time and effort required. Care of Children Act applications make up just over half of all applications before the Family Court, of which a high proportion (70%) are defended.

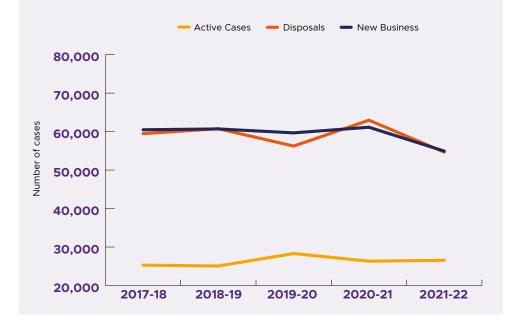
Family Violence applications have increased, with aged cases<sup>1</sup> now representing over half of all family violence applications before the Family Court. Family Violence applications sitting before the Auckland Metro courts, however, now represent almost two thirds of the national total, due to the impact of COVID-19 restrictions<sup>2</sup> lasting longer in the Auckland region. Oranga Tamariki Act applications have also increased and aged<sup>3</sup>.

A new Kaiārahi role was introduced in January 2022 to improve access to the family justice system for New Zealanders'. Approximately 50 Kaiārahi will be placed across the country, to provide guidance and information about the resolution and support options available to parents, caregivers and whānau who are considering applying to the Family Court. Some of the expected benefits of the Kaiārahi would result in seeing a greater number of parties going through out of court services such as family disputes resolution (FDR) or parenting through separation (PTS); and/ or an increase in the number of applications filed from individuals who previously were not accessing the Family Court to resolve family disputes.

<sup>&</sup>lt;sup>1</sup> Aged' Family Violence applications are over 95 days old.

<sup>&</sup>lt;sup>2</sup> August to December 2021.

<sup>&</sup>lt;sup>3</sup> 'Aged' OTA applications are over 92 days old.



**FAMILY COURT APPLICATIONS** 

	2017-18	2018-19	2019-20	2020-21	2021-22
New Business	60,474	60,683	59,666	61,125	54,930
Disposals	59,466	60,746	56,229	62,958	54,661
Active Cases	25,292	25,079	28,311	26,323	26,566

Note that the figure above counts new business and disposals as the total number of applications over a twelve-month period ending June of each year. Active cases are as at 30 June for the associated year.

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

New business decrease by

6,195 applications (-10%)

Disposals decrease by **8,297** applications (-13%)

Active applications increase by **243** applications (+1%)

# Annual Report 2022 23



# CIVIL | TE KŌTI HIWHIRI

In its civil jurisdiction, the District Court 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 Court may hear claims up to a value of \$350,000. Examples of common claims in the District Court include contractual disputes (where one party has not performed their obligations under an agreement), negligence (such as where services have not been provided with reasonable skill) or restraining orders (where a person is seeking an order to prevent harassment). The District Court does not have jurisdiction to hear disputes regarding the recovery of land (with some exceptions), interpretation of wills or judicial review.

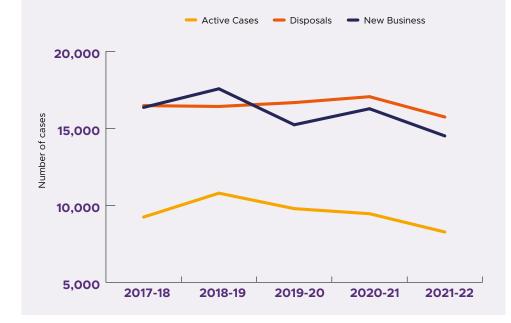
The civil workload in the District Court continued to be impacted by the COVID-19 pandemic during the 2021-22 year.

In 2021-22, the active civil caseload has decreased 13% overall. The Auckland Region accounts for approximately half of this decrease, a result of a large reduction in new filings during the Delta COVID-19 restrictions in 2021.

Note that the figure on the right counts new business and disposals as the total number of cases over a twelve-month period ending June of each year. Active cases are as at 30 June for the associated year.

### **CIVIL CASES**

In the Civil jurisdiction there has been progress in reducing the number of defended cases across the country. The number of new cases has fallen by 11% in the past year while active cases have also fallen by 13%.



	2017-18	2018-19	2019-20	2020-21	2021-22
New Business	16,360	17,568	15,231	16,272	14,507
Disposals	16,477	16,421	16,672	17,055	15,736
Active Cases	9,235	10,788	9,784	9,454	8,265

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

New business decrease by **1,765** cases (-11%)

Disposals decrease by

**1,319** cases (-8%)

Active cases decrease by **1,189** cases (-13%)

# 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 2021/2022 there were 603 successful appeals from the total 1,549 appeals heard following District Court decisions (562 were criminal proceedings appealed to either the High Court or Court of Appeal, 26 Family Court and 15 civil).

### **CRIMINAL APPEALS BY OUTCOME**

In the last year the number of successful criminal appeals decreased by 18 (-3%)

The proportion of successful appeals increased by two percentage points to 40% of the total criminal appeals filed in the 2021/22 financial year



Note that total criminal appeals include cases appealed from the District Court to both the High Court and the Court of Appeal.

### FAMILY APPEALS BY OUTCOME

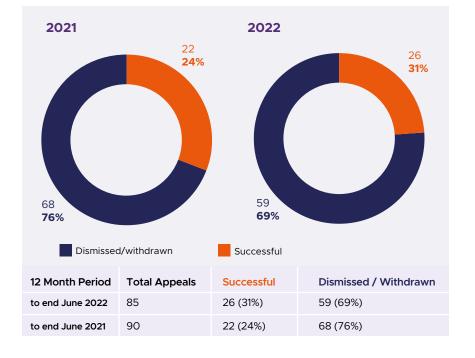
In the last year the number of successful family appeals increased by 4 (+18%)

The proportion of successful appeals increased by seven percentage points to 31% of the total family appeals filed in the 2021/22 financial year

### **CIVIL APPEALS BY OUTCOME**

In the last year the number of successful civil appeals decreased by 3 (-16%)

The proportion of successful appeals decreased by 6 percentage points to 24% of the total civil appeals filed in the 2021/22 financial year





### TIMELY DELIVERY OF JUDGMENTS

Judges sometimes defer announcing their decisions at the end of a hearing because of the complexity of their work and the 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 the 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. Sometimes the nature of the case or 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.

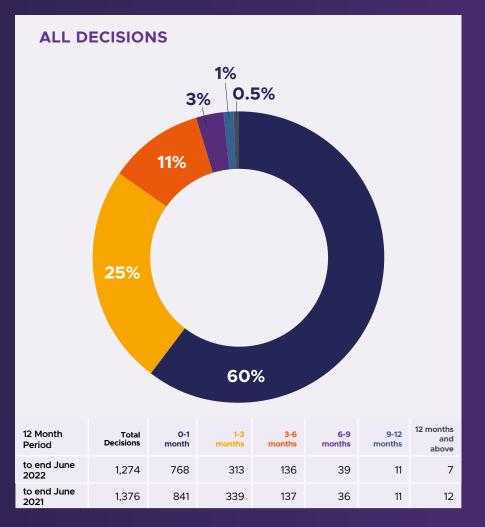
### 2021 - 2022 85% of all reserved judgments were delivered within three months from the date of hearing.

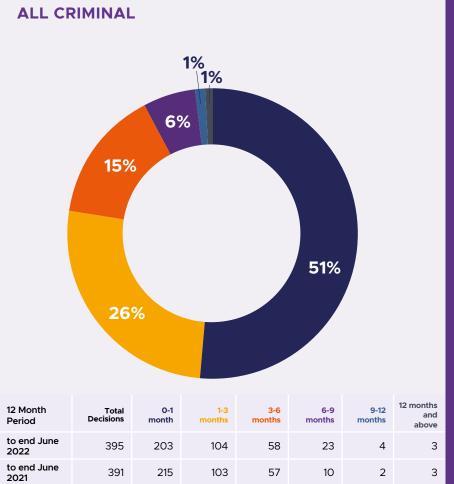
**78%** of reserved Criminal judgments were delivered within three months from the date of hearing.

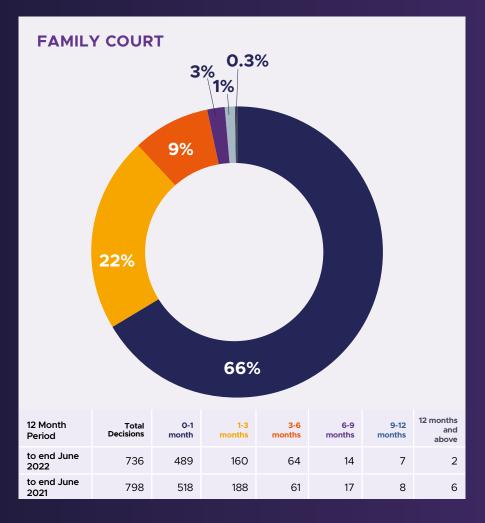
**88%** of reserved Family Court judgments were delivered within three months from the date of hearing.

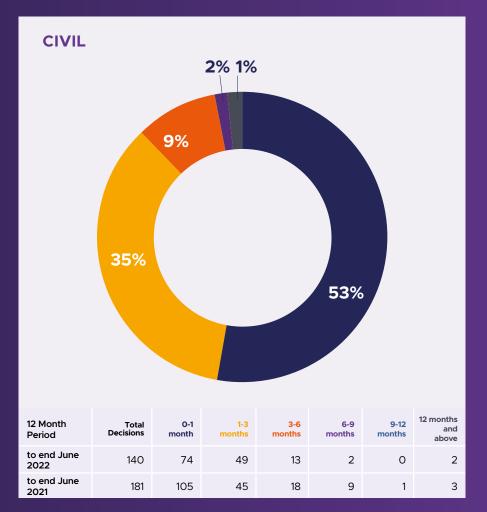
**88%** of reserved Civil judgments were delivered within three months from the date of hearing.

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









### 30 Annual Report 2022

Principal Youth Court Judge John Walker, National Executive Judge Ida Malosi, Chief District Court Judge Heemi Taumaunu, and Principal Family Court Judge Jacquelyn Moran.

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# ANNUAL REPORT - 30 JUNE 2022

#### \* denotes retired

\*\* denotes elevated to High Court

### **District Court** Name Kaikohe Judge M Howard-Sager Judge B Shortland Whangarei Judge T Bayley Judge G Davis Judge H Ellis Judge L King Judge J McDonald\* Judge D Orchard Judge P Rzepecky Judge G Tomlinson Auckland Judge E Aitken\* Judge J Bergseng Judge S Bonnar KC

Judge D Burns Judge David Clark Judge P Cunningham\* Judge N Dawson\* Judge L de Jong Judge A Fitzgerald Judge S Fleming Judge G Fraser Judge B Gibson Judge K Glubb Judge D Henare Judge J Jelas Judge K Lummis Judge I McHardy\* Judge A Manuel Judge N Mathers Judge K Maxwell Judge K Muir Judge C Ryan

Judge B Sellars KC Judge D Sharp Judge M Sharp Judge A Sinclair Judge P Sinclair Judge A Singh\* Judge A Skellern Judge B Thomas Judge R von Keisenberg Judge P Winter **North Shore** Judge C Bennett Judge A Fitzgibbon Judge S Maude Judge D Partridge Waitākere Judge O Cassidy Judge S Morrison Judge E Parsons

Judge B Pidwell Judge T Singh Judge L Tremewan Manukau Judge G Andrée Wiltens Judge T Clark Judge R Earwaker Judge J Forrest Judge L Ginnen Judge A Goodwin Judge K Grau Judge A Johns\* Judge A Laurenson Judge A Mahon Judge R McIlraith Judge D McNaughton Judge S Moala Judge J Moses

Judge M Pecotic

Judge S Otene Judge S Patel Judge M Rogers Judge K Tan Judge G Wagner Judge N Webby Judge M Wharepouri Judge Y Yelavich Papakura Judge G Winter Hamilton Judge D Blair Judge Denise Clark Judge S Clark Judge N Cocurullo Judge G Collin Judge P Crayton Judge B Crowley Judge J Down

Judge N Grimes Judge G Marshall Judge R Paul Judge K Saunders Judge L Spear\* Tauranga Judge L Bidois Judge D Cameron Judge C Cook Judge S Coyle Judge P Geoghegan Judge C Harding Judge T Ingram Judge B Lawson Judge P Mabey KC\* Rotorua Judge N Broek Judge P Cooper\* Judge G Hollister-Jones



#### Whanganui

Judge I Carter Judge D Matheson

Palmerston North Judge K Broughton Judge S Edwards Judge J Krebs Judge J Moss Judge B Northwood Judge L Rowe Masterton Judge B Morris Porirua Judge J Johnston **Chief District Court Judge's Chambers** Chief Judge H Taumaunu -Chief District Court Judge Judge J Moran – Principal Family Court Judge Judge J Walker – Principal Youth Court Judge Judge I Malosi – National Executive Judge Judge L Hinton – Consultant To the Chief Judge Wellington

Judge A Becroft Judge J Binns Judge T Black Judge B Davidson Judge S Harrop Judge P Hobbs Judge J Kelly Judge K Kelly Judge A McLeod Judge C Montague Judge A Nicholls Judge M O'Dwyer Judge N Sainsbury Judge A Tompkins Hutt Valley Judge M Mika Nelson Judge G Barkle Judge J Reilly Judge R Russell Judge A Zohrab Christchurch Judge B Callaghan\* Judge M Callaghan Judge A Couch Judge M Crosbie

Judge M Duggan Judge J Farish Judge A Garland Judge T Gilbert Judge J Hambleton Judge Q Hix Judge M Hunt Judge P Kellar Judge S Lindsay Judge G Lynch Judge T McKenzie Judge J McMeeken Judge R Neave Judge S O'Driscoll Judge P Shearer Judge N Walsh\* Timaru Judge D Dravitzki Judge J Maze Dunedin Judge D Flatley Judge D Robinson Judge E Smith

Judge M Turner

### Invercargill Judge C Doyle Judge B Farnan Judge R Walker Environment Court Judge J Borthwick Judge M Dickey Judge J Hassan Judge D Kirkpatrick – Chief Environment Court Judge Judge J Smith Judge P Stevens, KC **Immigration and Protection** Tribunal Judge P Spiller\* – Chair Judge M Treadwell – Chair **Independent Police Complaints Authority Chair** Judge C Doherty – Chair Office Of The Children's Commissioner Judge F Eivers **Chief Coroner** Judge D Marshall\* Kiribati Judge W Hastings

Acting-Warranted Judges at 30 June 2022 Judge J Brandts-Giesen Judge B Callaghan Judge P Connell – Alcohol Regulatory & Licensing Authority Chair Judge P Cooper Judge N Dawson Judge K de Ridder Judge T Druce Judge B Dwyer Judge P Grace Judge D Harvey Judge L Hinton Judge J Large Judge J Lovell-Smith Judge P Mabey KC Judge D McDonald Judge C McGuire Judge I McHardy Judge A Menzies Judge I Mill Judge J Munro Judge L Newhook

Judge K Phillips Judge P Recordon Judge D Ruth Judge L Ryan Judge A Singh Judge D Smith Judge M Southwick KC Judge R Spear Judge P Spiller Judge C Sygrove Judge C Thompson Judge C Tuohy Judge A Walsh

# Community Magistrates at 30 June 2022

CM T Bourke – Auckland CM S Cole – Tauranga CM S Cooper – Tauranga CM B Corcoran – Wellington CM S Heale – Dunedin CM J Holmes – Auckland CM L Jensen – Tauranga CM P King – North Shore CM L Lemalu – Manukau CM N Mascelle – Hamilton CM L Nathan – Auckland CM S O'Brien – Christchurch CM J Sihamu – Manukau









District Court of New Zealand **Te Kōti-ā-Rohe o Aotearo**a

