



**CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND  
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE O AOTEAROA  
Judge Heemi Taumaunu**

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**Address to the annual conference of the Royal Federation of Justices' Associations,  
Friday 26 February 2021, James Cook Hotel, Wellington**

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Tēnā koutou katoa

It is always a good sign when you are invited back, so I was very happy to accept your invitation to address your annual conference again. Thank you.

For most of us, the past 12 months have been tumultuous in ways no one could have predicted at the time of last year's conference.

But we have come through it - so far at least - and the District Court has managed to adapt swiftly to ensure that, as an essential service, the administration of justice on behalf of our communities has continued throughout New Zealand's various pandemic response levels.

Remarkably, in spite of the serious disruptions to the court, the District Court also managed to make great strides in advancing a shared vision for the court which I outlined to you last year.

I am more than glad to report that the vision is coming to life. It takes the name, Te Ao Mārama, and it is a concept unique to Aotearoa New Zealand. It will require goodwill and commitment from all judicial officers to deliver on its promise, and I am confident everyone will play their part including JPs.

Before I go into more detail of what lies ahead, I would like to first acknowledge the contribution of your president Gary Nicholls and national manager Tony Pugh for the cohesion they bring to the federation. In the past 18 months year I have come to appreciate just how big a task it is to oversee a nationwide service.

When recovering from the upheaval of a pandemic and trying to roll out a new vision for the court, it helps a great deal that there are now more judges on the bench. Since I spoke to you

last, the District Court bench has been going through a period of renewal in terms of judicial resource, and the judicial ranks have swelled somewhat.

Among you own ranks, some 13 new Judicial Justices completed their training in 2020, and a further 25 have started this year's course, which I understand is a record.

I cannot overstate the important role our 220 Judicial JPs, along with Community Magistrates, play in supporting the efficient and orderly conduct of the business of the District Court, Australasia's biggest court.

It was particularly appreciated that JPs were more than ready and willing to step back into the frontline when the courts moved to Alert Level 3 last year after the nationwide lockdown.

And without the more than 6000 JPs we have more generally, everyday New Zealanders would find it difficult to transact some of the most fundamental tasks and obligations that the law and citizenship require from time to time. Just as District Court judges and court managers discovered during the lockdown restrictions, I understand that JPs too have found that previously untried technology can help to maintain services, and sometimes in a more accessible way for the public.

The experience underscores the importance of being open to change and different ways of doing things, and that crisis can be a great teacher and innovator.

Your judicial numbers have been impacted in recent times by adherence to a retirement age of 75 for judicial justices. I acknowledge that this has not been universally welcome, but it is my statutory function to ensure the orderly conduct of the court, and the age rule I have instituted brings judicial JPs into line with the retirement ages for Judges and Community Magistrates. It is a consistent approach and encourages renewal.

I want to thank those JPs who have retired for their selfless service to New Zealand. The role requires considerable sacrifice of personal time and is unrewarded in monetary terms. It represents community service at its purist, and the true rewards of that are often priceless.

Last year I mentioned the proud and ancient history of your office. It is a role that has certainly changed with the times, and will no doubt undergo further change as the needs of society evolves.

In this context, I wish to speak to you now about the Te Ao Mārama model in the District Court that I announced late last year. Because your function as JPs is firmly embedded within your communities and you are tapped into community concerns and wishes, I believe it is an exciting time to be part of the justice system; a time to assist the delivery of meaningful change which promises to enhance access to justice.

Modern day Aotearoa / New Zealand communities are vibrant, diverse, multi-lingual, and multicultural communities with two founding cultures that are all bound together by a spirit of partnership based on the Treaty of Waitangi. However, as you know, over the past four decades there have been repeated calls for transformative change to the justice system. These calls for change indicate that a significant number of people in our communities are leaving the justice system feeling unseen, unheard, and with unresolved needs.

Te Ao Mārama means the world of light or a more enlightened world. A Te Ao Mārama vision for modern-day Aotearoa/New Zealand imagines a collective journey towards a more enlightened nation. Although some parts of our society may consider that they have already reached their own version of Te Ao Mārama, significant parts of our society would consider that they have yet to do so. In the justice sector this has been confirmed by repeated, consistent and longstanding calls for transformative change to the way that justice is administered in Aotearoa/New Zealand. A Te Ao Mārama vision for the justice sector imagines a collective journey towards a more enlightened system of justice.

The Te Ao Mārama vision for the District Court is that it will strive to become an increasingly enlightened court where all people may seek justice, regardless of their means or abilities, their ethnicity, language or culture, and who they are or where they are from.

The vision is intended to be inclusive of all people who are affected by the business of the court and is intended to reflect the modern-day needs of Aotearoa/New Zealand.

I stressed that administering justice fairly and equitably is as much about understanding the people who come before us as it is about understanding the law; and how in turn the people need to understand the court and its processes.

To varying degrees from court to court, in practice for the District Court this increasingly enlightened world, may look, sound and feel different for court participants from the current court experience - all the while working within existing legal frameworks.

It entails developing court procedures, language, surroundings and community relationships to ensure they are more inclusive and better address the needs of all those who come to court, and that they reflect the growing diversity of Aotearoa New Zealand and the partnership of its two founding cultures.

The vision seeks to enhance access to justice for all people and implementation of the vision will focus on:

- ensuring that all people who appear in mainstream courts, regardless of whether they are defendants, victims, complainants, witnesses, parties or support people, are provided opportunities to benefit from best practice lessons established in specialist courts;
- inviting the strength and support provided by local iwi and local communities into the court;
- restoration and rehabilitation for all people affected by the business of the court.

The implementation of the vision will be guided by the following principles:

- Providing equitable treatment to all people by recognising that people come from different starting points.
- Increasing procedural fairness by ensuring that all people who enter the court are seen, heard, understood and able to meaningfully participate.
- Enhancing substantive fairness by ensuring that judicial officers are provided with the best information to enable well informed decisions to be made.
- Enhancing the connections between the Court and the community thereby enhancing respect for the rule of law.

We know how to do this because in some of our courts we are already doing it, but Te Ao Mārama represents a comprehensive response.

It draws on best practice developed by specialist courts which take a solutions-focused approach and is intended to identify and address the underlying drivers of offending.

Te Ao Mārama also intends to draw on the strength and wisdom of iwi and community input. As JPs you will relate to this approach because you *are* the community.

Te Ao Mārama also aims to infuse tikanga and te reo into court proceedings. This recognises the importance of creating a court environment that looks and feels unmistakably like Aotearoa New Zealand and both its founding cultures.

We know that a one-size fits all approach is unlikely to succeed. Therefore, the Te Ao Mārama model will be different from place to place, because it will be tailored to reflect the needs of the community that each court serves.

Te Ao Mārama will be launched in Hamilton, incorporating the opening of the new Alcohol and Other Drug Treatment Court there.

## **Conclusion**

The successful introduction of the Te Ao Mārama model will require a cultural shift. The focus will be centred on the people who are affected by the business of the court, understanding their whakapapa, their upbringing and the circumstances that have led them into the justice system. Stakeholders in the court will be encouraged to understand the rationale for the move towards a collaborative, solution-focused approach.

The Te Ao Mārama model will help us refocus on the essential purpose of courts and all judicial officers, which is ultimately to serve our communities.

This conference has chosen the theme, “Alive with Opportunity”. I invite you to consider how you can each contribute to improving the climate in our courtrooms so people feel they are heard and understood. Regard it as an opportunity rather than a task.

And for further discussion perhaps consider this extract from *He Whaipanga Hou, The Māori and the Criminal Justice System: A New Perspective* (1988): in which the author argues that people respect legal institutions which they consider fair and which they have helped shape.

*“They accept sanctions at law which they believe to be just and which relate to their personal and cultural beliefs.*

*“The perception of fairness is shaped by the systems established to enforce and apply the law, and a sense of justice flows as the end result of the processes which those systems impose on an alleged offender.”*

And with those thoughts I wish you a successful and productive conference and hope that you leave this forum reinvigorated for performing the vital role you play for the people of Aotearoa New Zealand.

Nō reira, tīhei mauri ora ki te whai ao, tīhei mauri ora ki te ao mārama. Whanō, whana, tau mai te mauri, haumī e, hui e, tāiki e! Tēnā koutou katoa.



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