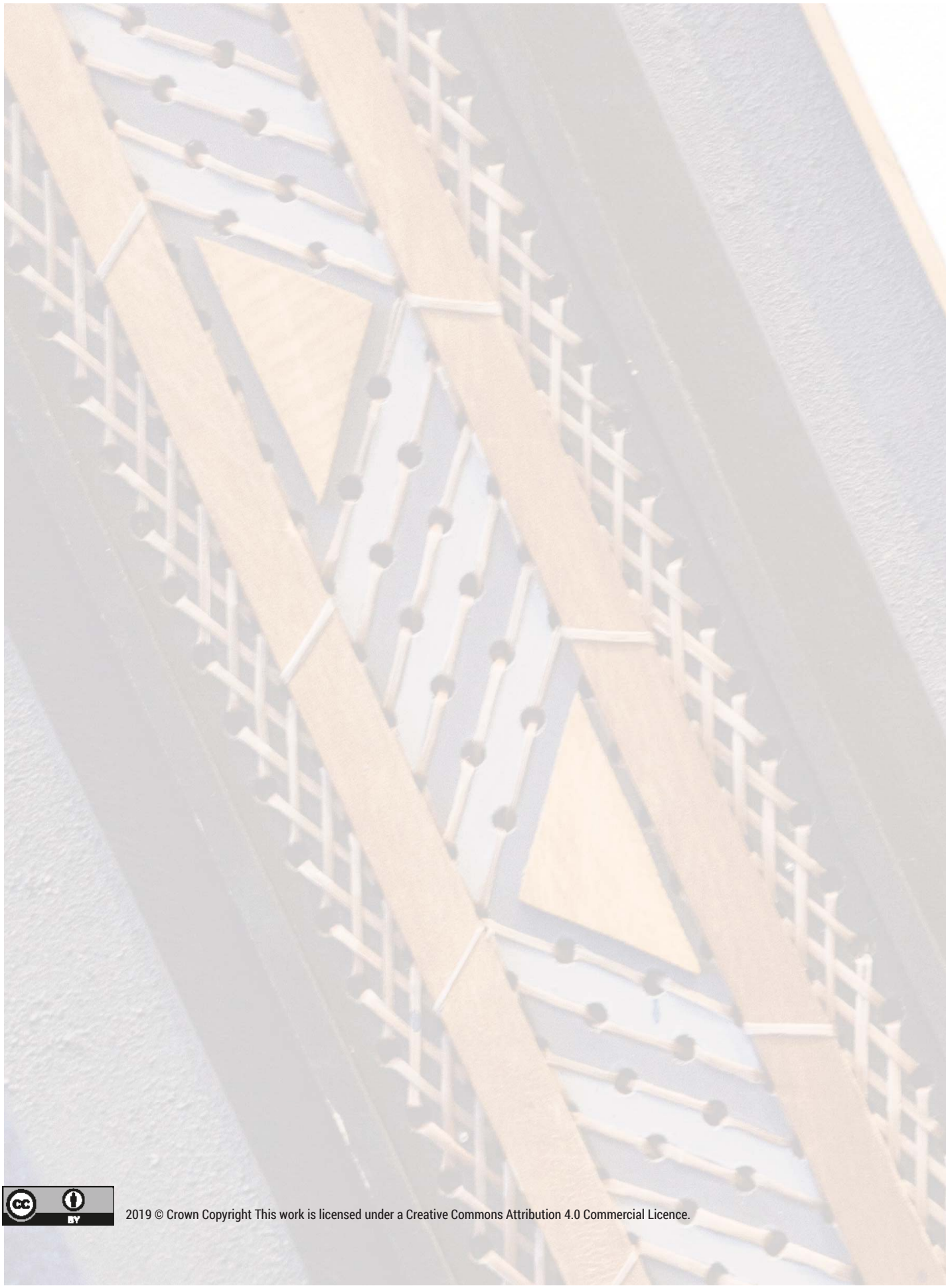
Annual Report 2019

District Court of New Zealand | Te Kōti ā Rohe



IN THIS REPORT

FOREWORD:

Our way of doing things

New Zealand is a young country by international standards but we have developed our unique way of looking at legal issues that is informed by more than just "black letter" law.

The District Court has moved over the years towards innovative solution-focused justice that takes a holistic approach to issues of criminal justice. The annual report is an opportunity to reflect on our way of doing things as well as to present information on the court's wide jurisdiction and progress or otherwise in managing its work.

Last year we highlighted how our Triennial Conference had focused on better meeting the needs of Māori and Pasifika. In 2018-19, judges continued to pursue inclusion and diversity, including through preparation for impending legislative requirements to observe tikanga Māori concepts.

Although the reported data indicates the relentless pressure on Australasia's largest court, we finished the year by settling on a new, empirically based formula for identifying the resources the court needs to function at its best. It will greatly assist the administration of justice and I look forward to reporting on is impact in future.

I commend all those judges and staff who contribute to this dynamic and challenging environment, and I am proud of the work they do.

Judge Jan-Marie Doogue

Chief District Court Judge

**Justice Jan-Marie Doogue was made a Judge of the High Court in August 2019. Judge Heemi Taumaunu was appointed Chief Judge in September 2019, after the timeframe of this report.*

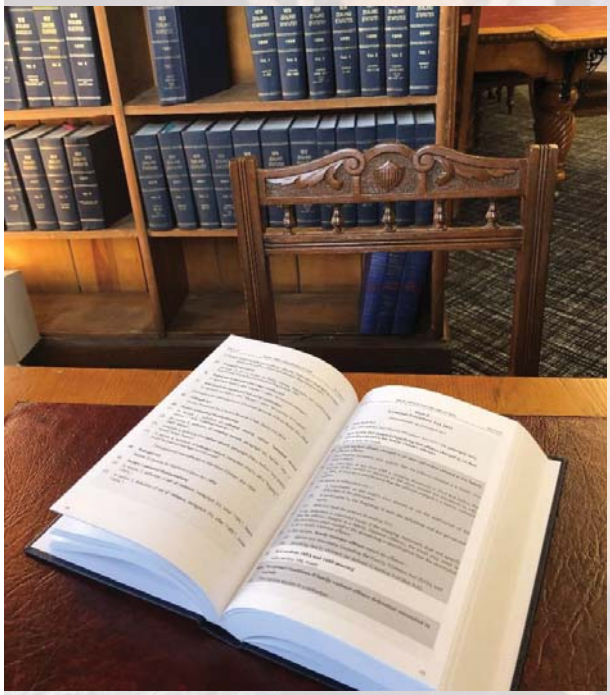
The District Court Jurisdiction

— At the heart of New Zealand's justice system

The District Court is the engine room of New Zealand's justice system. Most people who go to court will only have dealings with the District Court.

It is also sometimes referred to as the people's court. It deals with nearly 200,000 criminal, family, youth and civil matters every year, making it Australasia's biggest court.

In 2019, 159 District Court judges and 18 Community Magistrates were warranted to sit in 58 courthouses and hearing centres around New Zealand.[1]



Most of the court's workload arises in the criminal jurisdiction, where processes are governed by the Criminal Procedure Act 2011. Almost all criminal cases except the most serious such as murder, manslaughter and some treason-related offences are dealt with in the District Court.

New Zealand's criminal jurisdiction involves four categories of offence. Trials of the first two categories are heard in the District Court by a judicial officer sitting alone, but defendants who deny category 3 charges can choose either a jury or judge-alone trial in the District Court. The most serious charges are referred to the High Court.

Criminal trial outcomes and decisions made in the District Court can be appealed to a higher court, while the District Court is the appeal court for various tribunal decisions.

The Role of District Court Judges

All District Court judges are appointed by the Governor-General on the recommendation of the Attorney-General. They are independent of the executive and legislative branches of government, and individually independent from each other.

1. 18 District Court Judges are not available to sit regularly because they are performing other roles such as the Chief Coroner, the Independent Police Conduct Authority and the Children's Commissioner.

Many District Court judges sit in more than one division of the District Court and hold multiple warrants.

The Family Court is the second biggest jurisdiction of the District Court and considers about 60,000 new applications a year. It deals with a wide range of family law issues including adoption, parenting arrangements, abduction, state care, relationship property and estates. The bulk of its workload involves the Care of Children Act 2004 and the Oranga Tamariki Act 1989.

Most of the 54[2] judges holding family warrants also sit in the criminal division of the District Court.

In the criminal jurisdiction, more than 100 District Court judges have warrants to conduct jury trials. Only judges can hear trials for offences punishable by imprisonment. This means that District Court judges deal with the most serious, complex and time-consuming criminal cases within their jurisdiction. Community Magistrates and judicial Justices of the Peace deal with less serious offending.

The Youth Court is a specialist division dealing with criminal offending by children and — until the end of June 2019 — young people aged 12 to 16 years old. (The court's age criteria has since extended to 17 year olds). Its lead legislation is the Oranga Tamariki Act 1989. About 50 District Court judges sit in the Youth Court in addition to their other duties.

The District Court's civil jurisdiction covers disputes up to $350,000, and 44 judges are designated for this work alongside their other responsibilities.

The District Court Leadership

The Chief District Court Judge heads the court and is supported by the Principal Family Court Judge and the Principal Youth Court Judge.

The Chief Judge must ensure the orderly and efficient conduct of the court's business and has statutory authority to determine sessions of the court and to assign judges. This includes managing workloads, overseeing scheduling, professional development and training, and making directions and setting standards for best practice.

The Principal Judges have similar responsibilities in their divisions and discharge those in consultation with the Chief District Court Judge.

The leadership positions are based in Wellington but the Chief District Court Judge, Judge Jan-Marie Doogue, the Principal Family Court Judge, Judge Jacquelyn Moran, and the Principal Youth Court Judge, Judge John Walker, are all sitting judges.

The three judges serve as the public face of their courts and, combined, the incumbents have more than 60 years' experience on the bench.

2. Not all judges holding family warrants are available to exercise the warrant e.g. the Chief District Court Judge.

The Chief District Court Judge, Judge Jan-Marie Doogue (front), the Principal Youth Court Judge, Judge John Walker (left), the Principal Family Court Judge, Judge Jacquelyn Moran (centre right) and National Executive Judge, Judge Lawry Hinton (right).

They work as a cohesive team to best discharge the court's work, respond to resource challenges and to lead their colleagues in adapting to any law changes that affect their jurisdictions.

The leadership also mandates and oversees development of judicially-led initiatives to improve access to justice and enhance opportunities for procedural fairness and restorative, therapeutic and solutions-focused justice.

The Chief and Principal Judges are supported by the National Executive Judge, Judge Lawry Hinton, who is based at the Chief Judge's Chambers in Wellington. His role includes significant legal and policy work. He also sits at various courts around the country on specific assignments and has oversight of Community Magistrates.

Report of the Chief District Court Judge, Judge Jan-Marie Doogue

— Applying knowledge to see the Big Picture

The District Court serves its communities, not only by providing justice in an open, timely and impartial manner, but also by taking a holistic view of the lives of those who are engaged in its processes.

The factors to be taken into account in the fair and effective administration of justice are complex and varied, and involve a quest to understand the dynamics behind offending or family breakdown. Judges are also increasingly aware of the importance of valuing inclusion and diversity in terms of access to justice and decision making. To be able to serve their communities to the highest standard, judges must also constantly receive up-to-date education on new law and on emerging science whether it is medical or technological.

In 2018–2019 three areas stood out in terms of innovation, processes of review to ensure best practice, and for judges to be as well abreast of the law and science as they can be.

Family and sexual violence

Every day District Court judges hear from and speak to victims of crime, offenders and broken families; from people suffering addiction and mental illness; and from defendants and victims alike who are the products of vicious cycles of sexual and family violence.

In order to achieve victim safety, judges need to be armed with as much information as possible. To that end, five years ago the judges and the Ministry of Justice devised a way of drawing together into a single dossier, a "judge's pack" containing vital relevant information to be considered in family violence bail hearings. We started in Porirua and have been slowly rolling the packs out. This year they were extended into the North Shore and Waitakere District Courts. The packs are now used in 11 courts. The packs include, among other things, information on

Chief District Court Judge, Judge Jan-Marie Doogue.

the alleged facts, any criminal history, the views of any victim, and a Police Family Violence Summary describing previous call-outs in relation to family violence episodes involving the defendant.

We also want to be assured that our processes represent empirically informed best practice. Therefore, I have established a Family Violence Governance Group to review the outcomes in our Family Violence Courts and to make any improvements that are necessary to reach the gold standard in every court.

We have continued our improvements in the delivery of our Sexual Violence Court Pilot. The evaluation of the two pilot courts in Auckland and Whāngārei was completed in June. It concluded that they have successfully delivered timeframes to trial that are significantly shorter than in pre-pilot sexual violence jury trials, while adopting practices which reduce risks of revictimistion and retraumatisation. We will continue to strive to review our practices and improve them where necessary.

Responding to multiculturalism

One of the most pressing needs for our courts is to deal with the disadvantaged. In all aspects of our courts, whether in the family or the criminal courts, Māori are over-represented as defendants, victims and families. In all reaches of our court this requires judges to be more culturally responsive. In the criminal court this requires judges to be receptive to the relevance of cultural information about the defendant presented in the reports that are provided to the court.

Cultural information may be relevant in two ways: it may mitigate the defendant's culpability, or it may impact on the relevance of a sentence. Cultural information also helps to "dimensionalise" the defendant. It gives the court necessary "big picture" information to piece together a greater sense of who the defendant is and whether that person's conflict with the law is driven by systemic disadvantage. Additionally, at the time of sentencing, judicial cultural competence may extend to acknowledging the suitability of Māori solutions to Māori offending.

New law and new science

Judges must constantly respond to legislative change. The past year has seen significant such reform for the Family and Youth Courts. Judges have received and will continue to receive significant education about these laws and other relevant matters.

The Oranga Tamariki Act 1989 has been overhauled, incorporating fundamental concepts of tikanga Māori — mana tamaiti, whakapapa and whanaungatanga — and encouraging and assisting children and young

people to participate and express their views in any proceeding.

Those views must be taken into account by Family and Youth Court judges. A judge's written reasons must explain his or her decision and outline the child's views. This is particularly important when the judge makes a decision not in line with the child's views.

The changes also alter the jurisdiction of the courts themselves. Principles governing care and protection proceedings in the Family Court have been reworked, and the powers of Family Court judges in those proceedings to make interim and urgent orders expanded. Similarly, the jurisdiction of the Youth Court widened from 1 July 2019 to include 17 year olds, except those facing charges of murder, manslaughter or other serious offences identified in the Act. These will continue to be dealt with by the adult criminal courts.

We must also respond to developments in scientific understanding. Related to the expansion of the Youth Court's jurisdiction is the increasing awareness of how young people's brain architecture differs from adults. Young adults do not reach psycho-social maturity until around age 25, and that is not accounting for the delaying effect of alcohol and other drugs, mental illness, neurodisability and other trauma. Therefore, young adults may be more impulsive, short-sighted, responsive to immediate rewards and less likely to consider long-term consequences.

An approach that is more cautious and treats all people as though they could be vulnerable in their interaction with the criminal justice is likely to benefit everyone.

"In order to achieve victim safety, judges need to be armed with as much information as possible."

Final Report

This is my last annual report as Chief Judge before I take up a position on the High Court Bench. It has been a privilege to serve the past nearly 25 years as a judge of the District Court, and my eight years as Chief Judge have been a priceless opportunity to harness the diverse strengths and collective wisdom of District Court judges into shaping a unitary modern court. The District Court has nurtured solutions-focused approaches to justice, and in 2019 it has further tested the potential for transformative justice, especially for our most vulnerable New Zealanders. I am constantly impressed by the drive and commitment of individual judges and by the way they champion innovative ways to do right by all manner of people in accordance with our judicial oath. The District Court is in good hands.

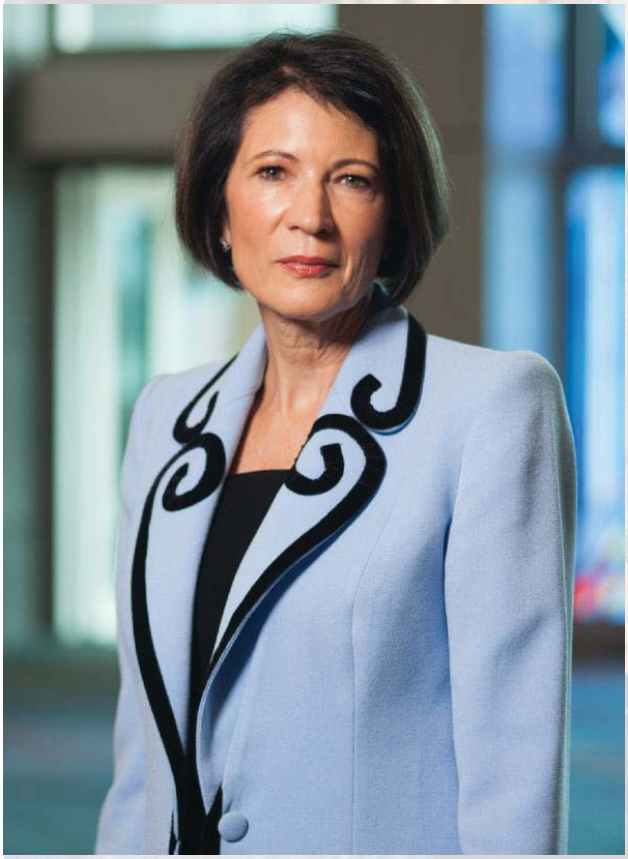
Report of the Principal Family Court Judge, Judge Jacquelyn Moran

— Era of change presents exciting opportunities

This is my first contribution to the District Court Annual Report as Principal Family Court Judge. Issues confronting the Family Court since my appointment in November 2018, particularly legislative change, have made it an extraordinarily busy time. There is no indication this pace will abate.

The Family Court is frequently in the spotlight and the past year has proved no exception. This is not surprising given the court has wide-ranging jurisdiction and determines matters that often affect people very deeply.

Unlike many other proceedings such as criminal trials in the District Court, proceedings in the Family Court are forward-focused. The decisions made, especially in relation to children, can impact on the family or whānau well into the future. Family Court judges are acutely aware of this and by reason of their skill, personality and training are well suited to determine these complex and important matters.



Principal Family Court Judge, Judge Jacquelyn Moran.

Family Court proceedings capture the public's attention because we are all able to relate to the complexities of family relationships and the heightened emotions which follow separation or other family crises. This characterises the nature of Family Court disputes.

In disputes involving the care of children, Family Court judges will, where possible, assist parents and families to reach agreement. If this cannot be achieved, the judge will decide issues relating to the day-to-day care and contact. The judge's paramount consideration is the child's welfare, wellbeing and best interests.

Family Court is also a forum which protects the rights of people who lack capacity, for example,

in relation to personal and property rights. Its work is wide ranging and extends from cradle to grave — protecting the safety of an unborn child through to determining disputes in an estate after a person has died.

There is significant demand for the court's intervention. Over the past 12 months, about 60,000 applications were filed in the Family Court, with 54 Family Court judges nationally to decide them. Despite this significant workload, the court has maintained an ability to deal with defended applications in a relatively short period of time. On average these are finalised within eight months.

Complex matters inevitably take longer as they often require specialist evidence such as psychological reports.

Principal Family Court Judge, Judge Jacquelyn Moran meets with an advisory group of Family Court judges.

Extra judicial resource

This year Parliament passed legislation which raised the cap on the number of full-time District Court judges from 160 to 182.It is intended that a number of these new judges, when appointed, will hold Family Court warrants. This will be welcomed by the Family Court Bench as it will greatly assist the court to hear its large number of cases in a timely manner.

News of the increase in our numbers could not have come at a more opportune time given the major changes 2019 has heralded for the Family Court.

The Independent Panel reviewing the 2014 reforms to the Care of Children Act 2004 reported to the Minister of Justice in May 2019 with over 60 recommendations for transformation of the family justice system, including changes to the Family Court.

If all or many of the recommendations are adopted by Parliament, those involved in care of children proceedings, particularly their day-to-day care or contact arrangements, will have to meet the challenge of significant legislative and procedural change. This will include, among others, the Ministry of Justice, Oranga Tamariki and Family Court lawyers. Family Court judges will also need to meet that challenge and ensure their application of the law reflects both its letter and spirit and meets the welfare and best interests of children.

Amendments to the Oranga Tamariki Act 1989, which came into force on 1 July 2019, will also have a major impact on the court. The changes provide a window of opportunity to improve outcomes for children and whānau involved in care and protection proceedings.

The legislation requires Oranga Tamariki to provide a practical commitment to the Treaty of Waitangi and to develop partnerships with

iwi and hapū. The Family Court will play a key role in ensuring those obligations are met. This will involve working with Māori to develop a process which will support engagement by family, whānau, hapū and iwi in the court process. It is an important aspect of our work and will involve wide-ranging consultation.

Other areas of change include the repeal and replacement of the Domestic Violence Act 1995 with the Family Violence Act 2018 and enactment of the Family Violence Amendment Act 2018 which came into effect on 1 July 2019. Changes alter the way in which protection orders can be applied for, and recognise a broader definition of family violence. The new legislation places greater emphasis on what constitutes coercive and controlling behaviour and recognises that specific behaviours such as ill-treatment of household pets or control over the care of vulnerable people fall within the category of psychological abuse.

"News of the increase in our numbers could not have come at a more opportune time because of the major changes 2019 has heralded for the Family Court"

The Law Commission's final report on reform of the Property (Relationships) Act 1976 was published in July 2019. Family Court judges were involved in the commission's consultation process on reform of the Act, which governs the division of relationship property after couples separate. The report is comprehensive and will undoubtedly signal major and innovative reforms in yet another part of the Family Court's jurisdiction.

With so many legislative and social changes occurring, Family Court judges are involved in significant continuing legal education to ensure their knowledge of all aspects of their work is up to date. The law, and social sciences that inform it, are not static.

Our learning informs our practice and enables us, where appropriate, to review and adapt our processes. Every Family Court judge attends regular seminars focused on contemporary family law issues as well as the triennial Family Court Judges conference which is an invaluable aspect of the judicial curriculum. Preparation is currently underway for the next conference which is to be held in 2020.

The changes facing the court present a significant challenge. However, they are also exciting. They provide an opportunity to make a genuine and positive difference for those who come before the Court.

Judge Heemi Taumaunu addresses a pōwhiri for the formal handover of Principal Family Court Judge Jacquelyn Moran to her Wellington colleagues.

Family Court judges remain committed to enhancing their knowledge and skills and to serving their community. I am proud to be their leader through these exciting times.

Report of the Principal Youth Court Judge, Judge John Walker

— Honouring a duty to remove barriers to engagement

The 2019 year has been a time of change for the Youth Court of New Zealand. On 1 July 2019 significant legislative reform under the Oranga Tamariki Act 1989 came into force and we have spent much time considering how we, as Youth Court judges, can honour and implement those changes to their full potential.

In particular, the Act contains important new considerations of tikanga Māori terminology and principles: mana tamaiti; whakapapa; whanaungatanga. Section 7AA places a duty on the chief executive of Oranga Tamariki to uphold the principles of Te Tiriti o Waitangi. The Act calls on us to do more to ensure the best outcomes for our rangatahi and tamariki.

We need to be thinking about the ways in which important elements of Pasifika Courts and Te Kōti Rangatahi can be brought into all Youth Courts, incorporating rituals of engagement and creating visible links in the courtroom to cultural supports.

The wide range of factors and principles to consider in the exercise of judicial discretion reflects the complex underlying issues of our young people who offend. Factors such as family violence exposure, neurodisability, alcohol and other drug addictions and mental illness frequently play a part.

By the time young people enter the Youth Court, usually on very serious charges, the causes are often well entrenched. They can be difficult to pinpoint and very difficult to address.

"We need to remove the barriers to engagement and participation. The Act emphasises the duty to do this. We have moved beyond simply rearranging the furniture."

Principal Youth Court Judge, Judge John Walker.

The Youth Court is able to tackle these challenges with the expertise of a team: Police Youth Aid, forensic clinicians, youth justice social workers, education officers, lay advocates and youth advocates. With these agencies in the courtroom there is a greater chance of achieving lasting solutions for young people who have found themselves on risky life trajectories.

We need to remove the barriers to engagement and participation. The Act emphasises the duty to do this. We have moved beyond simply rearranging the furniture. Our adjusted courtroom structure is important and promotes the team environment intrinsic to the Youth Court, but we recognise a need to do more than that.

We need to consider and encourage all youth justice professionals to be thinking the same way, ensuring that the child or young person is enabled to fully engage. This includes recognising the importance of inclusiveness in our approach, clarity, simplicity of language and ensuring real understanding by young people and their whānau.

The increased demand on communication assistants throughout the the Youth Court, but also throughout other jurisdictions, reflects an increasing awareness of this.

Last year I noted that a challenge for this year would be to work more effectively to ensure our Youth Courts are a part of the communities they serve. This requires true community engagement at a local level, for each individual court. It means bringing the community into the court and vice versa, granting a greater degree of legitimacy.

Local representation through the multi-agency team is one significant step towards this. It is with much anticipation that we look forward, implementing the new legislation with its full effect as intended by Parliament.

Te Kairangi ā Kōti — The International Framework for Court Excellence

Drive for excellence means taking the pulse of progress

What is an excellent court? We believe it is a court with core values that guarantee justice and equal protection to all who appear in the District Court.

These values mean everyone is treated equally and fairly; judges have integrity and are impartial, independent and competent; and there is a process that creates certainty, is transparent, quick, and easy to access.

How to consistently deliver on those values can be challenging when there is a limit to available resources. In the District Court we use the International Framework of Court Excellence (IFCE) to help us achieve that. It is a quality management system designed to help courts improve performance.

The IFCE includes regular in-depth surveys of judges, community magistrates and Ministry of Justice officials. In 2019 the New Zealand IFCE committee conducted and completed our third assessment. When compiled, the results will identify what gains we have made since the last assessment in 2015. They will identify areas for improvement.

We anticipate the assessment will also show what is working well, and why it is working well. From that we will identify possible ways to make things better in areas needing improvement. The judiciary and Ministry of Justice will work together in the year ahead to try to deliver as many of those changes as possible.

Some examples of gains we have made so far are:

- Developing protocols for the rostering and scheduling of court work, to ensure a more effective way of dealing with the large workload of the court.
- Identifying daily workloads in a way that balances the need to complete as much work as possible with allowing high-quality decision-making.
- Improving strategic planning.
- Producing an annual report containing court performance data and other material relevant to the functioning of the court.
- Building a District Court website, and publishing court decisions online.
- Improving what the community knows about the work of the courts.
- Improving the assistance available to people who represent themselves in court.
- Providing nationally-consistent staff training.
- Creating a strong environment for judges and Ministry of Justice personnel to work together at local, regional and national levels.

There is always room to improve. We are working hard to make it happen.

— Judge Barney Thomas, IFCE committee member

Judicial Performance Measures

District Court judges are committed to reporting 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.

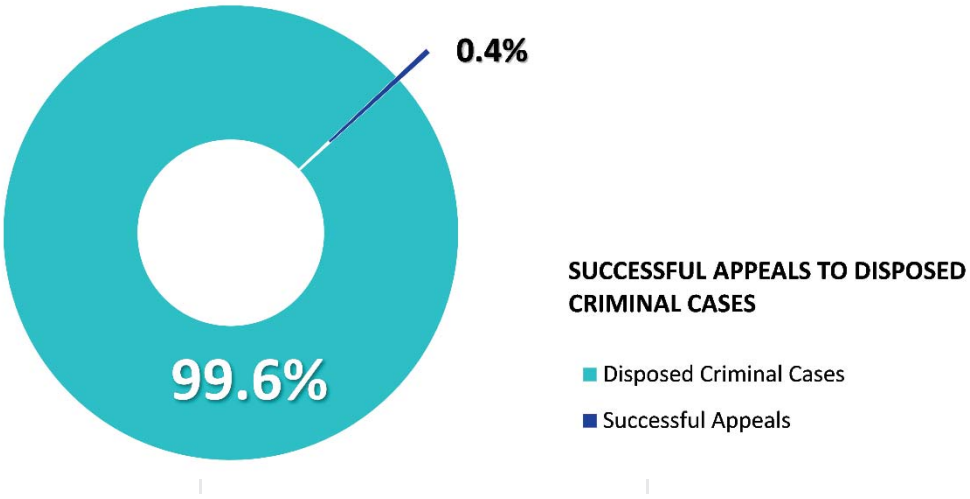
Appeals

Decisions that are successfully appealed to the senior courts are a common measure of judicial performance. In 2018/2019 there were 536 successful appeals from the total 1,611 appeals lodged following District Court decisions (497 were criminal proceedings, 22 Family Court and 17 civil).

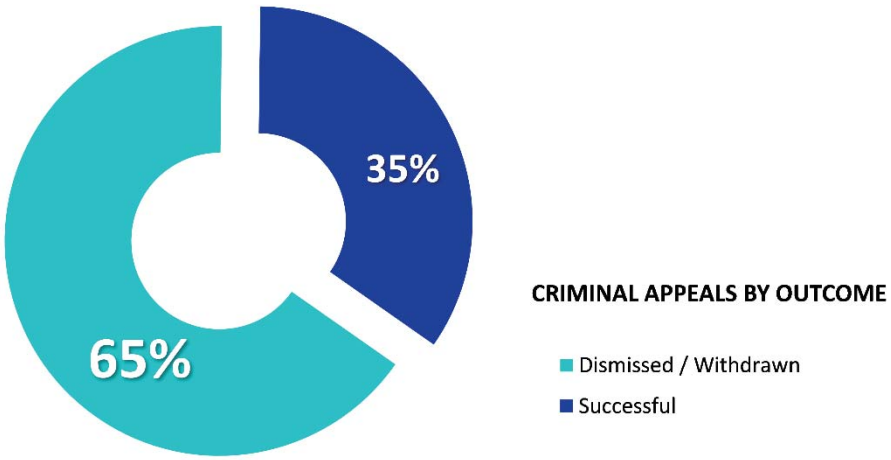
This is against a backdrop of 131,588 matters disposed of across all jurisdictions during this period: 127,219 criminal cases (includes Jury trial and Youth Court); 3,682 defended Family Court applications (where a hearing was held); and 687 defended civil cases. Successful appeals represent 0.4% of this total.

The following charts show the numbers of appeal applications and the outcomes by fiscal year.

Criminal Appeals

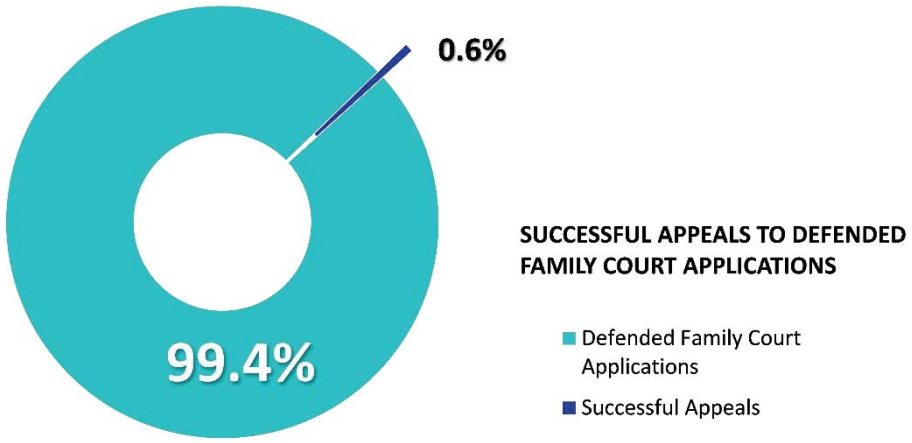


12 Month Period	Disposed Criminal Cases	Successful Appeals
to end June 2019	**127,219 (99.6%)**	**497 (0.4%)**
to end June 2018	131,516 (99.7%)	404 (0.3%)

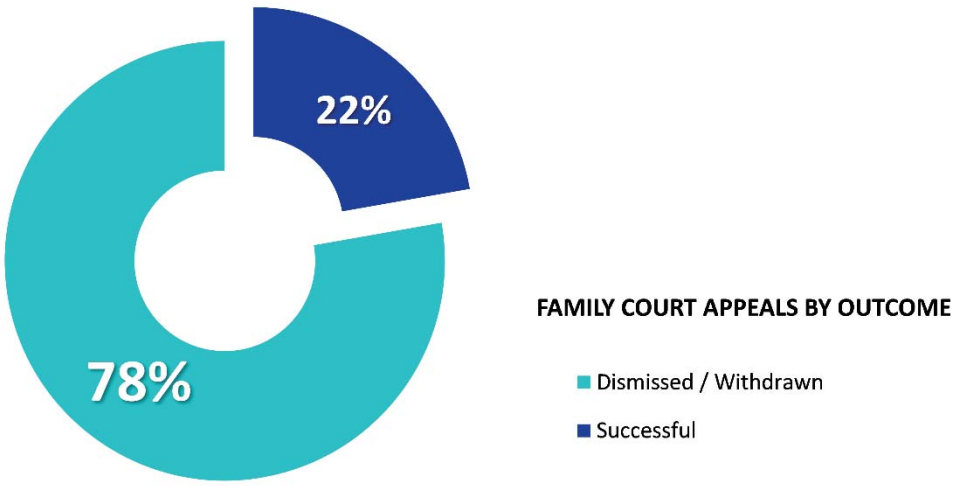


12 Month Period	Total Appeals	Successful	Dismissed / Withdrawn
to end June 2019	**1,439**	**497 (35%)**	**942 (65%)**
to end June 2018	1,394	404 (29%)	990 (71%)

Family Court Appeals

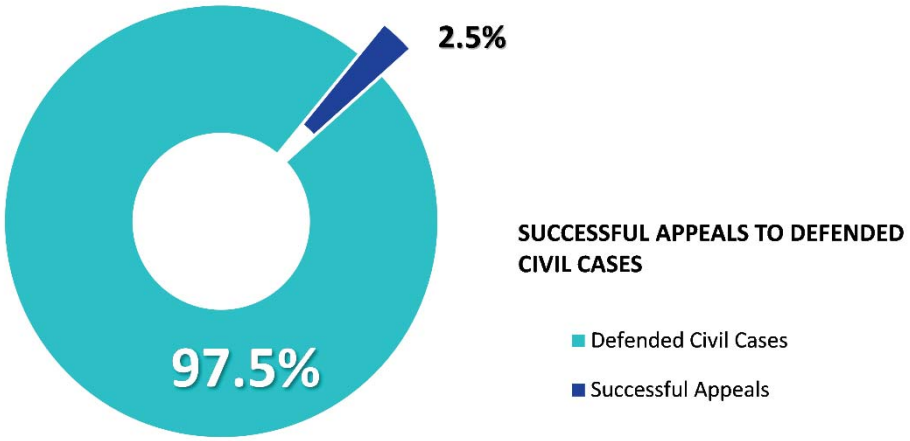


12 Month Period	Defended Family Court Applications	Successful Appeals
to end June 2019	**3,682 (99.4%)**	**22 (0.6%)**
to end June 2018	3,491 (99.6%)	15 (0.4%)

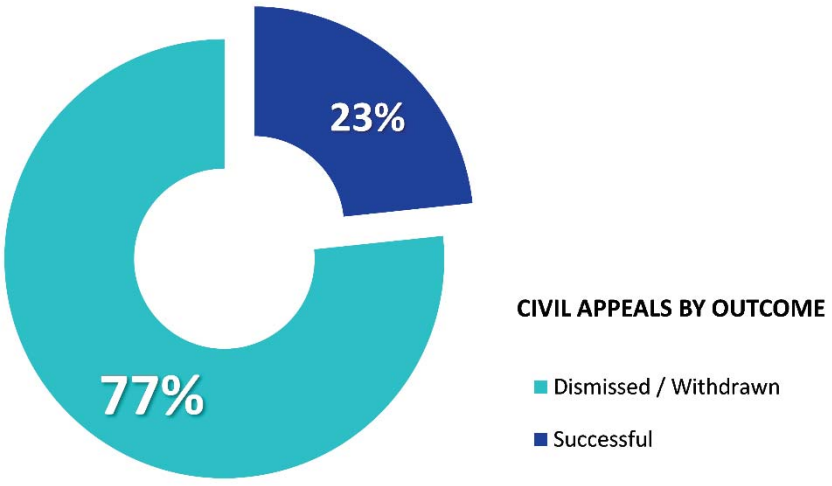


12 Month Period	Total Appeals	Successful	Dismissed / Withdrawn
to end June 2019	**99**	**22 (22%)**	**77 (78%)**
to end June 2018	78	15 (19%)	63 (81%)

Civil Appeals



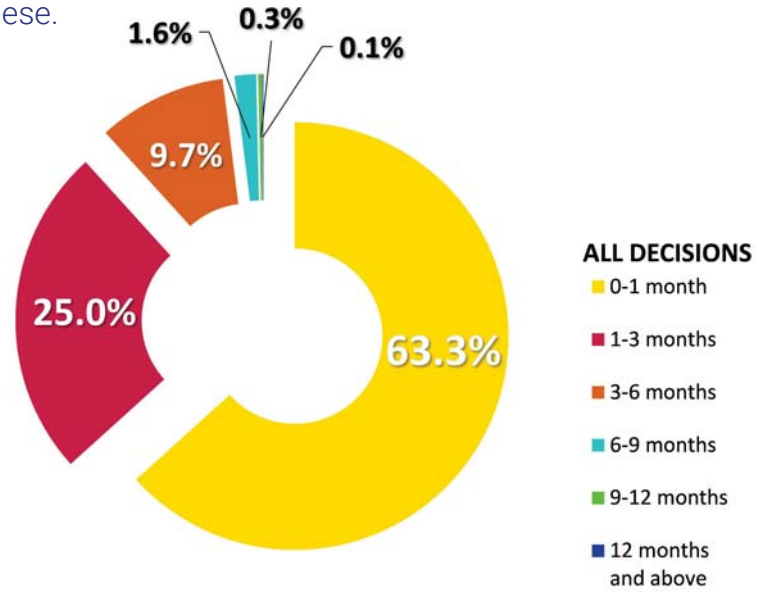
12 Month Period	Defended Civil Cases	Successful Appeals
to end June 2019	**712 (97.5%)**	**17 (2.5%)**
to end June 2018	610 (98%)	13 (2%)



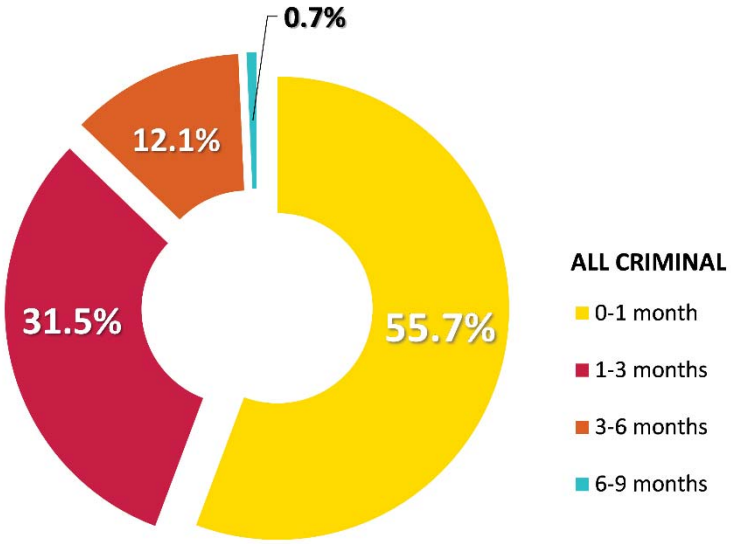
12 Month Period	Total Appeals	Successful	Dismissed / Withdrawn
to end June 2019	**73**	**17 (23%)**	**56 (77%)**
to end June 2018	**69**	**13 (19%)**	**56 (81%)**

Timely Delivery of Judgments

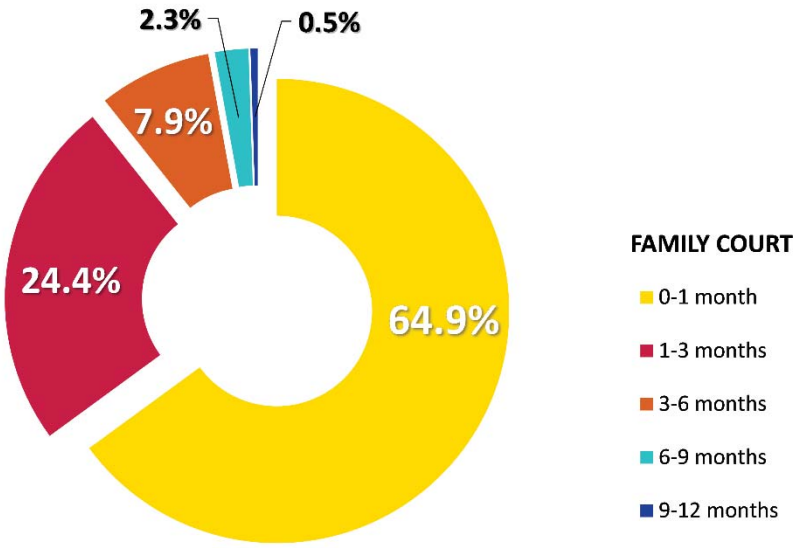
Judges sometimes defer announcing their decisions at the end of a hearing because of the complexity of their work and matters they must consider. These decisions are "reserved" and delivered at a later time, usually in writing. The following charts show the number of reserved decisions and amount of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



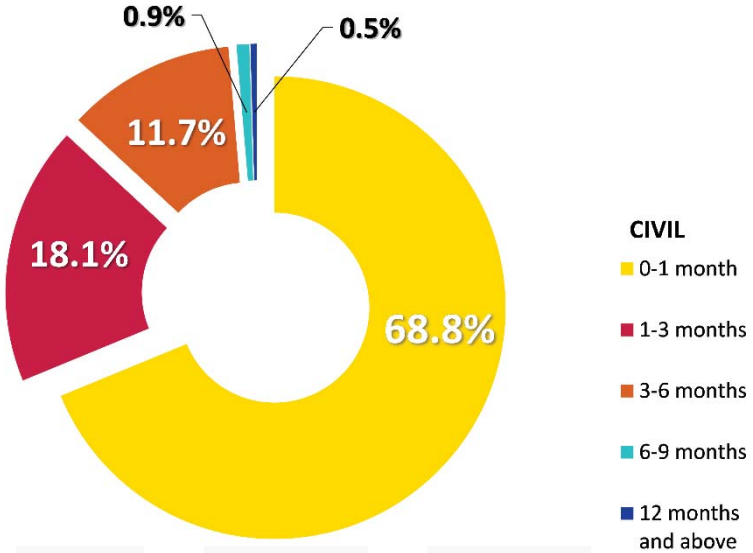
12 Month Period	Total Decisions	0–1 month	1-3 months	3-6 months	6-9 months	9-12 months	12 Months and above
to end June 2019	**1,109**	**702**	**277**	**108**	**18**	**3**	**1**
to end June 2018	1,058	665	280	96	14	2	1



12 Month Period	Total Decisions	0–1 month	1-3 months	3-6 months	6-9 months
to end June 2019	**289**	**161**	**91**	**35**	**2**
to end June 2018	257	147	87	20	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 2019	**599**	**389**	**146**	**47**	**14**	**3**	**-**
to end June 2018	571	369	141	53	5	2	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 2019	**221**	**152**	**40**	**26**	**2**	**-**	**1**
to end June 2018	230	149	52	23	6	-	-

Milestones: Getting the Numbers Right

A new model promises precision in determining judicial resource

The process for determining how many District Court judges are required to ensure the efficient and timely administration of justice made a momentous advance in 2019.

In April, the Secretary for Justice, the Ministry of Justice's Chief Operating Officer and I signed a Memorandum of Understanding agreeing that a Judicial Resource Model (JRM) developed in the Chief District Court Judge's Chambers will form the basis for calculating judicial resources.

The JRM is the culmination of seven years' work to establish a principled and scientific approach to judicial resourcing in the District Court.

Using a combination of factors including the forecast number and — crucially — the complexity of cases coming into the court each year, the JRM can formulate how many judges are needed to effectively dispense justice.

The JRM is also a first for New Zealand and Australasia. There is no comparable model in the region and certainly none that applies this particular advanced methodology to a court as large as the District Court.

Most importantly, at its core, the JRM is about access to justice. It provides a robust basis for applying resource to ensure people with matters before the District Court can be heard in a timely manner and that the court has enough time for each type or stage of proceedings.

"Most importantly, at its core, the Judicial Resource Model is about access to justice"

The JRM's enhanced forecasting capability informed a legislative change in May 2019 that lifted the statutory cap on the maximum number of judges in the District Court from 160 to 182.

This and the accompanied funding for extra judges was a tangible, positive result from the many years of work by all those involved in developing the JRM, particularly National Judicial Resource Advisor Peter Batchelor and Principal Advisor Linley Caudwell (pictured).

I look forward to seeing the results continue to serve justice and the public of New Zealand in years to come.

— Jan-Marie Doogue,
Chief District Court Judge

Family Court Prepares for Care and Protection Reforms

On 1 July 2019, a myriad of significant legislative amendments to the Oranga Tamariki Act 1989 came into force. The changes introduced wide-ranging reforms across the child protection and youth justice framework, and Family Court judges ensured they were prepared.

The Family Court is empowered to determine whether a child or young person needs care and protection, and what measures are necessary to ensure a child or young person is protected from harm. The first and paramount consideration in the court's decision-making is the well-being and best interests of the relevant child or young person.

Sometimes, the decision must be made to place the child in the care of a person who is not the child's parents, or with Oranga Tamariki.

Nga Kapuao O Te Rangamarie*

Tikanga Māori lies at the heart of care and protection matters. From 1 July the concepts of mana tamaiti, whakapapa, and whanaungatanga are specifically included in the legislation to clearly show their significance in all decisions affecting children.

Mana tamaiti is the intrinsic value and inherent dignity derived from the child's whakapapa (genealogy) and their belonging to wider whānau, in accordance with tikanga Māori or the child's cultural equivalent.

Mana tamaiti is protected by recognition of the child's whakapapa and the whanaungatanga responsibilities of their family, whānau, hapū, iwi and family group.

Whanaungatanga relates to a person's kinship rights and obligations. The emphasis in the legislation on whanaungatanga places whānau, hapū and iwi at the forefront of care and protection, and the child at the centre.

Where a child cannot be returned to their immediate family or whānau, there is a strong preference for them to be placed within the wider whānau, hapū or iwi. This means wider whānau will rightly play a fundamental role in care and protection proceedings.

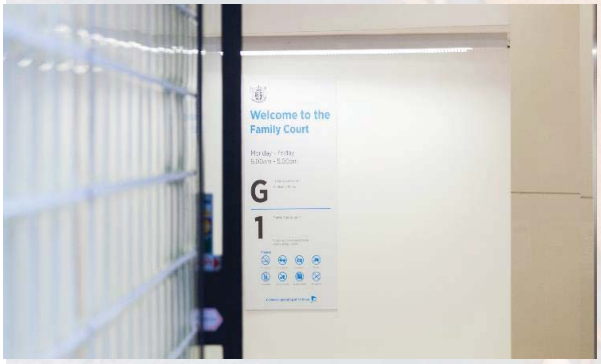
It is imperative that court processes ensure whānau feel comfortable and therefore willing to engage in proceedings. Family, whānau, hapū and iwi must be given the opportunity to be heard and to contribute to the decisions made around the care and protection of their tamariki.

Family Court judges have been proactive in ensuring the legislative intent is fulfilled, and that judges have the skills, resources and cultural competence necessary to implement change in accordance with the Act's purposes and principles.

The judges established a number of initiatives to improve the tools in the judicial "toolkit" in care and protection proceedings.

One of those initiatives is to improve the framework for lay advocates and cultural report writers in anticipation of the increased importance of those roles.

Lay advocates will provide invaluable assistance for family, whānau, hapū and iwi engaging in the court process. Cultural reports will, in many cases, be instrumental in ensuring that the court is cognisant of a child's whakapapa, and the whanaungatanga responsibilities of the child's wider whānau.



Culturally competent judges

It is imperative that Family Court judges are culturally competent. That requires ongoing, targeted education. To that end, in August 2018 all Family Court judges attended a seminar dedicated to the new Act. Education focused on understanding issues of tikanga, as well as enhancing judges' ability to incorporate tikanga into decision-making and thinking.

At the beginning of this year judges met within their regional common rooms to review, refresh and reflect on the legislative changes. Those discussions were enhanced by the tikanga training which every Family Court judge receives through the Institute of Judicial Studies.

This tikanga training is led by experts who have mana in the Māori community, and is held over three days at Te Puea marae in South Auckland. The training aims to ensure that, by the end of their stay at Te Puea, judges have a robust understanding of procedural and substantive tikanga.

"Family Court judges have been proactive in ensuring the legislative intent is fulfilled, and that judges have the skills, resources and cultural competence necessary to implement change in accordance with the Act's purposes and principles"

As Principal Family Court Judge, I am exploring how that education can be supplemented with a tikanga programme that is specific to Family Court judges and, importantly, is focused on matters of care and protection.

Family Court judges use their knowledge to constantly review procedures for determining applications under the Oranga Tamariki Act, change these procedures where appropriate, and ensure Oranga Tamariki fulfils its obligations under s 7AA to provide a practical

commitment to the Treaty of Waitangi and to uphold Parliament's intent.

The Oranga Tamariki Act 1989 provides us with an opportunity to do things differently whānau. It is time to consult widely, especially with Māori, to ascertain what the community believes is necessary to achieve this.

I am optimistic that the court's framework for care and protection proceedings will undergo meaningful transformation over the years to come and that this will have a wide-reaching and positive effect for the children of Aotearoa New Zealand and for future generations.

— Judge Jacquelyn Moran,
Principal Family Court Judge

*** NGA KAPUAO O TE RANGAMARIE**
(on display at Porirua District Court)

With all the trouble in this world in which we live man will always strive for peace thus bringing about a much greater understanding of each other.

The two figures on either side of this taonga depicting the disruptive forces man must face throughout life.

The backgrounds cloudy type structure depicts mans inner most strength which allows him alone to decide the path along which his life will progress.

Central to mans disruptive interferences throughout is the smiling face of harmony tranquility and peace.

A South Pacific Lens on Youth Justice

South Pacific Youth Court judges apply New Zealand lens

A moving opening pōwhiri at Pipitea Marae and a visit to a Lower Hutt boxing academy that helps young people were among the highlights of the 2018 committee meeting of the South Pacific Council for Children and Youth Courts.

The gathering was hosted by Principal Youth Court Judge, John Walker, at the Chief District Court Judge's Chambers in Wellington in October. Heads of Bench from throughout Australia and the South Pacific, as well as child protection experts from UNICEF met over three days to consider major issues relating to the region's youth courts.

The SPCYCC delegates were first welcomed with a pōwhiri at nearby Pipitea Marae.

Hamilton Youth Court Judge Denise Clark (Ngāpuhi) leads delegates on to Pipitea Marae.

The meeting was a valuable opportunity to share ideas, observations and suggestions for the future. Experts in their field gave presentations on young female offending, Fetal Alcohol Spectrum Disorder, communication assistance, Ngā Kōti Rangatahi — Rangatahi Courts and terrorist offending by young people.

The insights provided a good foundation for the discussions which followed.

Council delegates visited the Naenae Boxing Academy in Lower Hutt, established by Billy Graham, a former New Zealand champion in the sport. His foundation works with children and young people to achieve positive impacts in their lives and futures.

While in New Zealand, some delegates also took the opportunity to travel to Christchurch to observe a Rangatahi Court sitting. Those experiences further bolstered discussions around the ways in which their countries and states could help young people who have been in, or are at risk of coming into, conflict with the law.

Principal Youth Court Judge John Walker and Hamilton Youth Court Judge Denise Clark (Ngāpuhi) with Magistrate Elisapeti Langi from Tuvalu.

Judge Walker and delegates visit the Naenae Boxing Academy.

Members of the Ngāti Pōneke Young Māori kapa haka group welcome delegates.

Delegates and support staff following the pōwhiri at Pipitea Marae.

Legacy of the Sexual Violence Court Pilot

Evaluation confirms success of a sexual violence court

The District Court judiciary has taken an active interest in responding to public concerns about the justice response to sexual violence. In 2016, I determined that the District Court would take a lead in addressing some of those concerns by piloting a sexual violence court within existing law after the concept had been floated by the Law Commission.

A comprehensive evaluation of the pilot, which started in Auckland and Whāngārei at the end of 2016, was completed in June 2019.[1]

The evaluation found the pilot to have been a success. In its first two years, pilot cases were proceeding to jury trial about a third faster than previously, and most complainants included in the evaluation felt trials were managed in a way that did not cause them to feel retraumatised by the process.

The pilot covers all serious (Category 3) sexual violence cases to be heard by a jury. It set out to reduce delays and improve the court experience for all participants by applying judge-designed best-practice guidelines for case and trial management, supported by dedicated case managers, alongside enhanced judicial education, as well as associated measures in and around courtrooms to ensure a gentler process.

The evaluation was conducted by Gravitas and the Ministry of Justice and covered the pilot's first two years. It included quantitative analysis of timeframes and qualitative analysis of stakeholder experiences. The latter was gathered through face-to-face interviews and focus groups with a sample of people involved in the trials, including complainants, defence counsel, prosecutors, court staff, victims' advisors and judges.

The evaluation found that:

- Pilot cases progress more efficiently, faster and with fewer delays overall.
- Firm trial dates are being set down much earlier in the process.
- Stakeholders perceive that trial quality has improved, with fewer adjournments and better-quality evidence.

1. The evaluation report was officially released in August 2019.

- Complainants are generally better prepared for attending trial, reducing anxiety.
- Judges are more alert to unacceptable questioning and intervene more frequently.
- Judges are more actively involved with cases from an earlier stage and case review hearings are considerably more thorough and comprehensive.

Establishing the pilot and seeing it through was a major undertaking. It involved significant commitment from the judges involved, court staff, project managers, and Ministry officials plus the goodwill and cooperation of the profession. In early 2016 an advisory group which included representatives of the Criminal Bar and academics to help design the pilot principles was convened, followed by a Governance Board of experienced jury trial judges and Ministry of Justice officials to oversee its operation.

A strong feature of the pilot — and I believe a lasting legacy — is the first-class education programme for all jury trial judges on the complex dynamics of sexual violence which was created by my office.

The evaluation also found unanimous support to roll the pilot model out nationally. Although that is dependent on resources beyond judicial control, the court continues as a permanent feature in the pilot locations, and I am commending the guidelines to all District Court trial judges.

"The success of the pilot is a testament to judges' openness to community concerns and their readiness to drive improvements to court processes where resources allow"

The success of the pilot is a testament to judges' openness to community concerns and their readiness to drive improvements to court processes where resources allow. I am grateful to all the pilot judges for their role in its success, especially Judge Duncan Harvey and now-retired judge Anne Kiernan, whose vision and determination as the original lead judges in Whāngārei and Auckland ensured the pilot began on a sound footing. Judge Russell Collins and Judge Eddie Paul have continued that commitment. The Governance Board has been crucial to the pilot's quality assurance. I therefore thank the wise heads of Judge Geoff Rea, Judge Bruce Davidson and Judge Nevin Dawson plus National Judicial Resource Advisor Peter Batchelor and Ministry officials Clare Cheesman and Wayne Newall. The knowledge of National Jury Scheduling Advisor Kevin Robinson — acquired through his 50 years' service to the New Zealand courts — also contributed to what has been a particularly worthwhile project for enhancing the administration of timely justice.

— Jan-Marie Doogue,
Chief District Court Judge

Meeting the Profession Half Way on Behaviour Change

An alternative path to improving courtroom culture

In 2018, the legal profession's workplace culture and particularly its treatment of women came under the spotlight.

As a result, surveys were conducted by the Criminal Bar Association and the New Zealand Law Society focusing on the workplace environments of lawyers. As part of this process, some dissatisfaction emerged with the mechanism for raising concerns about judges' courtroom manner.

Normally, complaints about judges are made to the Judicial Conduct Commissioner who can do one of three things. The Commissioner can decide to take no further action or dismiss the complaint if it is not of sufficient concern; refer the complaint to the appropriate Head of Bench; or if the conduct is egregious, recommend to the Attorney-General that a Judicial Conduct Panel be appointed to inquire further into the complaint.

Following consultation with the profession, it became clear that the profession sought a "middle ground" complaints process.

There was appetite for a less formal process for advising judges how their conduct is being perceived without escalating an issue to the Judicial Conduct Commissioner. As a result, the Chief Justice and the President of the New Zealand Law Society reached an agreement to provide that middle ground.

"Following consultation with the profession, it became clear that the profession sought a 'middle ground' complaints process"

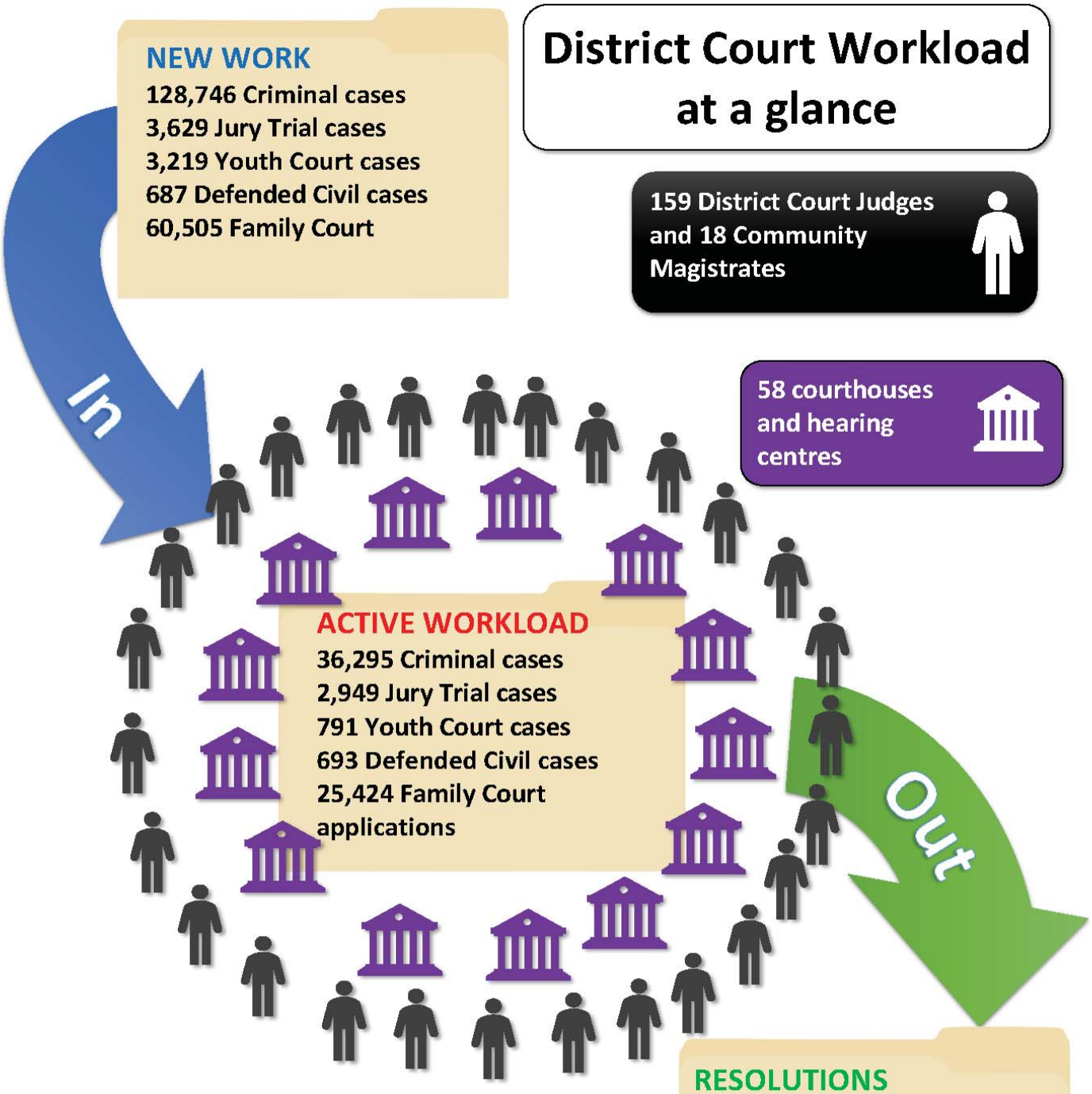
Under this arrangement a lawyer wishing to make a complaint about a District Court judge's behaviour can make it to their local Law Society Branch President, or to the Presidents of the Criminal Bar Association or the New Zealand Bar Association. Any one of these people can refer that complaint either to the local Executive Judge who oversees the administrative affairs of a particular court region or centre, or to the Chief District Court Judge.

Either or both of these judges will then draw the concerns to the attention of the judge in question and convey back to the complainant any response the judge wishes to make. They may also advise and help the judge on altering their behaviour.

Importantly, the local Executive Judge or the Chief Judge will not raise a complaint with a judge which is more appropriately dealt with by the formal complaints process overseen by the Judicial Conduct Commissioner. In those situations the complainant will be encouraged to go down that pathway instead.

— **Jan-Marie Doogue,**
Chief District Court Judge

Role and Statistics



Notes:

NEW WORK are new cases and applications that flow into courts. Jury Trial and Youth Court cases are subsets of criminal cases.
ACTIVE WORKLOAD is the number of cases on hand at the end of the reporting period that have not been resolved.
RESOLUTIONS are disposals of cases and applications.

Total Criminal

Most of the District Court's work occurs in its criminal jurisdiction which, for the purposes of reporting the total level of work, encompasses jury and Youth Court matters.

As with previous years, the number of active cases has increased. This reflects how the District Court's criminal workload has become more complex and serious.

Criminal statistics are recorded by number of cases rather than people because each case may involve several charges or people. It should be noted that the figures quoted relate to case volumes and not the underlying complexity and time taken to deal with cases.

TOTAL CRIMINAL CASES

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
• **New Business**	134,573	136,989	138,735	132,705	128,746
• **Disposals**	134,353	133,470	137,153	131,516	127,219
• **Active Cases**	28,746	31,874	33,038	34,434	36,295

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

- New business decrease by 3,959 cases (-3%)
- Disposals decrease by 4,297 cases (-3%)
- Active cases increase by 1,861 cases (+5%)

Jury Trials

Trial by jury is deeply rooted in history, inherited in New Zealand from the common law of England and Wales. Today, it is reserved for serious crimes.

Defendants have the right to elect a jury trial if charged with an offence punishable by a maximum sentence of two or more years' imprisonment. This right is protected by the New Zealand Bill of Rights Act 1990.

In the District Court in 2019, 106 judges hold jury warrants. They hear more than 90% of the jury trials that occur in New Zealand.

A jury is made up of 12 members of the community. In a jury trial, it is this panel which makes findings of fact, rather than the judge. This means the jury decides whether the defendant is guilty or not guilty.

The jury must reach a decision unanimously or, in certain circumstances, by a majority of 11 to 1. If a jury returns a guilty verdict, the judge will determine the sentence.

National Statistics

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
• New Trial Cases	2,595	3,042	3,267	3,374	3,629
• Disposals	2,195	2,676	2,824	2,936	2,912
• Active Cases	2,004	2,184	2,342	2,534	2,949

Jury trial statistics are recorded by number of cases rather than people because each case may involve several charges or defendants.

It should also be noted that these statistics relate to case volumes and not the underlying complexity or time taken to deal with jury trials. Greater complexity in category 3 cases than has historically been the norm is impacting both the length of time individual cases remain active and the time hearings are taking. The complicating factors include more court events before a case reaches trial or sentencing.

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

- New trial cases increase by 255 cases (+8%)
- Disposals decrease by 24 cases (-1%)
- Active cases increase by 415 cases (+16%)

Family Court

Established under the Family Court Act 1980, the Family Court jurisdiction is wide-ranging, and covers many of the most significant aspects of people's daily lives and personal relationships.

It is the forum for adjudicating disputes on issues that may include: the care of children; guardianship and State care and protection; adoption; surrogacy; property division when partners separate; wills and estates; and the protection of personal and property rights of people lacking capacity such as the vulnerable elderly.

In all, more than 60,000 applications are made to the Family Court each year, making it the second biggest division of the District Court. Its jurisdiction is also constantly evolving, reflecting changes in society.

Care of Children Act

Disputes about care and contact arrangements for children are by far the most common applications, representing more than half of all those made to the court.

In August 2018, the Minister of Justice established an Independent Panel to examine the 2014 Family Court reforms, which had changed the way the court deals with disputes under the Care of Children Act 2004 including parties' access to a judge and the place of lawyers in court. Those changes had significantly impacted the profile of applications, with a swing to the use of urgent "without-notice" applications.

In June 2019, the panel provided over 60 recommendations to the Minister. These include restoring applicants' ability to have a lawyer in court. The recommendations also address the wider family justice process. Overall, they have the potential to produce significant changes to court procedures and processes beyond its Care of Children Act jurisdiction.

"Disputes about care and contact arrangements for children are by far the most common applications, representing more than half of all those made to the court"

Care and Protection

The Family Court's second largest area of work, which also concerns children, is care and protection applications brought under the Oranga Tamariki Act 1989. This Act's purpose is to promote the well-being of children, young persons, and their families, whānau, hapū, iwi and family groups.

Applications arise under the Act when an applicant (usually the Ministry for Children – Oranga Tamariki) has concerns about a child or young person's safety and wellbeing. The court may determine that a child needs care and protection, and can make orders, including about who a child lives with and who will be the guardians. A guardian can decide on issues such as medical treatment and where a child goes to school.

In 2019 the legislation underwent significant change. The revised Act requires Oranga Tamariki to provide a practical commitment to the Treaty of Waitangi. It also places greater emphasis on encouraging family and whānau to engage in and feel comfortable being involved in Family Court proceedings, including the concepts of mana tamaiti (tamariki), whanaungatanga, and whakapapa in relation to the care and protection of children.

Going forward, these proceedings will be focused on assisting and supporting the family, whānau, hapū and iwi to care for their tamariki and prioritise consensual decision-making in relation to a child's care and protection.

Family Violence

The Family Court is also where people come to seek protection orders from violent family members, unless the police have made application to the criminal court.

In 2019 the law relating to family violence also underwent significant reform, including an expansion of the definition of family violence. The changes came into effect on 1 July but required specific judicial education in the months leading up to the law change.

In 2018, the Law Commission undertook a review of the Property (Relationships) Act 1976 and in May 2019 published its comprehensive report on reforming that Act. This suggests further changes to the way the Family Court carries out its jurisdiction in relation to relationship property disputes.

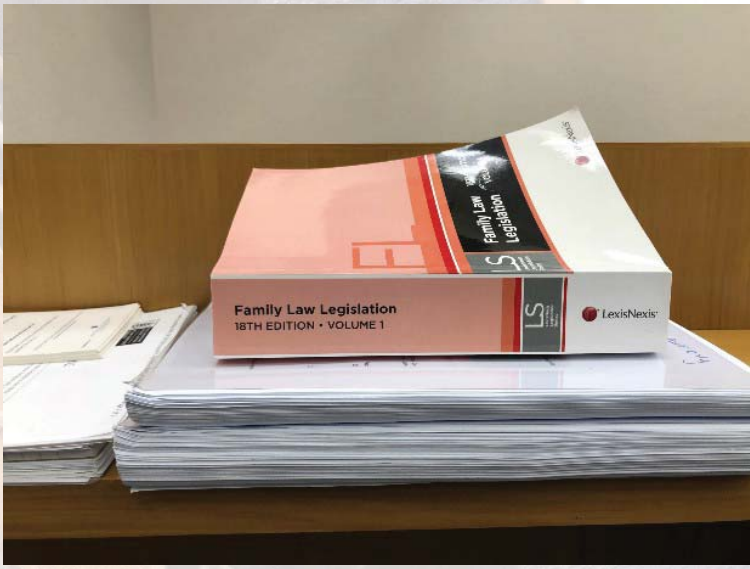
The Hague Convention

Under certain legislation, the Family Court has powers that reach beyond the border, particularly in relation to child abduction. The Convention on the Civil Aspects of International Child Abduction, known as the Hague Convention, is incorporated into New Zealand law through the Care of Children Act 2004. Under this, the Family Court can make orders which determine whether a child wrongfully removed from another country and brought to New Zealand should return to that country or stay here.

The presumption in these cases is that the child should be returned to the country from where they were abducted. The legislation says applications for the return of children must be dealt with speedily. The Principal Family Court Judge, the Chief District Court Judge and Family Court Judge David Smith are part of an international network known as the International Hague Network Judges, which allows judges in countries party to the convention to communicate with each other when child abduction matters arise between the jurisdictions.

Other Responsibilities

A recent new responsibility for the Family Court is determining whether to approve the marriage, civil union, or de facto relationship of a child aged 16 or 17 years old (a "minor"). Until August 2018 this simply required the minor's guardians to consent to the relationship, but in 2018 Parliament amended the Marriage Act, Civil Union Act, and the Care of Children Act, so that a minor seeking to marry, enter a civil union or get consent for a de facto relationship, now needs the consent of a Family Court judge.



Other less well-known aspects of the Family Court's jurisdiction do not necessarily fit within the concept of "family" matters. For example, the court can determine a mental health patient's compulsory treatment status, as well as decide if a person needs to undertake assessment and treatment for a substance addiction.

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

National Statistics

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
• New Business	58,208	59,449	59,507	60,985	60,505
• Disposals	59,700	58,338	57,279	59,472	60,414
• Active Applications	23,346	23,848	25,116	25,946	25,424

Increases in new business and subsequent increases active caseloads prior to the current reporting period were due to implementation of the family justice reforms in 2014. However, for the current reporting period new business levels are slowly returning to normal (or reducing to lower rates after the initial influx of applications).

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

- New business decrease by 480 applications (-1%)
- Disposals increase by 942 applications (+2%)
- Active applications decrease by 522 applications (-2%)

Youth Court

The Youth Court is a specialist division of the District Court, overseen by the Principal Youth Court Judge and involving about 50 designated judges.

Until July 2019 — the period this report covers — the Youth Court dealt with offending by young people aged 14–16 years and, in certain circumstances, with serious offending by children aged 12–13 years. From July 2019, the age criteria widened so that all 17-year olds have their first appearance in the Youth Court but with those facing more serious charges being transferred to an adult court.

Police diversion is an integral part of the New Zealand youth justice system. Only 20–30% of police apprehensions come to the Youth Court. Cases which do progress to the Youth Court are riddled with complexities. The Youth Court is devoted to addressing the most serious offending by young people and part of that is understanding the pathways that have brought them there.

An important feature of the Youth Court process is the Family Group Conference (FGC). Where a young person denies his or her offending, a defended trial will take place. Where the offending is not denied, a FGC will take place after the first appearance.

The FGC enables the young person, his or her family, any victims, Police Youth Aid, the young person's Youth Advocate (lawyer), and other professionals, such as social workers or service providers to come together. The parties at the conference will try to establish a plan to address the offending, consider restorative actions and the underlying causes, provide for the victim's interests and help the young person to take responsibility for their actions.

"Cases which progress to the Youth Court are riddled with complexities. The Youth Court is devoted to addressing the most serious offending by young people and part of that is understanding the pathways that have brought them there"

Following the conclusion of the FGC, the plan will then be put to the Youth Court judge for approval. Often the young person will be required to return to court at regular intervals for their progress with the plan to be monitored. Monitoring is important to ensure the plan remains on track. The judge provides the young person with a consistent authority figure to whom they are accountable.

It is also possible for the monitoring to happen in a kaupapa Māori or Pasifika context. This is done through Ngā Kōti Rangatahi (Rangatahi Courts) or Pasifika Courts.

Should the young person accept the charge, and the FGC concludes that monitoring would best take place on the marae or in a Pasifika hall, proceedings may then occur at those respective venues with the full benefit of cultural input.

Marae protocol is followed, and the young person will be required to deliver their pepeha.

There are now 15 Rangatahi Courts nationwide and two Pasifika Courts. Their development occurred in response to the disproportionate overrepresentation of Māori in the youth justice system, with a goal of reconnecting young Māori before the Youth Court with their whakapapa (heritage) and with positive cultural structures and influences.

National Statistics

Youth Court Orders

If it is not possible for a FGC to agree on a plan, where there is non-compliance with the plan or the offending is particularly serious, the Youth Court may elect to impose one or more specified orders. These are set out in a hierarchy, and the Youth Court must impose the least restrictive option in the circumstances. These include a custodial sentence in a youth justice residence, or conviction and transfer to the District Court for sentencing. In the District Court the full range of adult sentencing options (including imprisonment) will be available.

The Youth Court is closed to the public, however accredited media are entitled to attend and may report the proceedings provided they have the judge's permission.

YOUTH COURT CASES

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
• New Business	3,931	4,321	4,457	3,653	3,219
• Disposals	3,931	4,071	4,421	3,703	3,291
• Active Cases	934	1,095	1,039	918	791

Although the Youth Court is a specialist division of the District Court, its processes, practices and statutory principles are markedly different to those of District Court cases involving adult defendants.

The Youth Court process does not follow the standard criminal process of appearance, conviction and sentence. In the vast majority of cases, sentencing is deferred while a young person carries out a plan formulated in a family group conference. This plan seeks to hold them accountable for the offending, put things right with victims and support them on a positive pathway forward in life.

The Youth Court has seen a consistent downward trend in the number of cases. However, given the complexity of many cases in the Youth Court, greater time is required to be spent dealing with the underlying causes of offending. This is consistent with the principles of the Oranga Tamariki Act 1989.

The Youth Court statistics are recorded by number of cases rather than young people because each case may involve several charges or young people. Some cases may be managed together.

Comparing the current year to the previous year has seen:

- New business decrease by 434 cases (-12%)
- Disposals decrease by 404 cases (-11%)
- Active cases decrease by 127 cases (-14%)

Civil

The District Court includes an extensive civil jurisdiction for resolving disputes between individuals or organisations

People who feel wronged may bring a claim and, if successful, they may be awarded a remedy such as compensation.

The District Court may hear claims up to a value of $350,000. Claims under $15,000 will usually be dealt with by the Disputes Tribunal, a division of the District Court.

Common claims in the District Court include contractual disputes where a party has not performed their obligations under an agreement, and claims in negligence where services have not been provided with a reasonable level of skill.

Most civil cases in the District Court are undisputed, also known as undefended, and are resolved without proceeding to a hearing.

Defended civil cases are disputed matters that are normally resolved by proceeding to a hearing. The following table relates to defended cases.

National Statistics

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
• New Business	818	666	639	895	687
• Disposals	747	788	671	712	687
• Active Cases	581	523	520	695	693

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

- New defended cases decrease by 208 cases (-23%)
- Disposals decrease by 25 cases (-4%)
- Active cases decrease slightly by 2 cases

Community Magistrates

The judicial work of the District Court is undertaken not only by judges, but also by Community Magistrates, who have a vital role in dealing with the court's criminal work in the communities where they serve.

In all we have 18 Community Magistrates who now sit in most regions of the country: Northland; Auckland; Manukau; Waikato; Bay of Plenty; Hawke's Bay; Gisborne; Taranaki; Whanganui; Wellington; Marlborough; Canterbury and Otago.

Community Magistrates are lay judicial officers recruited to represent their communities in the criminal justice system, based on their life skills and experience. This judicial role was designed to increase community involvement in the justice system and to reduce delays and congestion in the courts by freeing up judges to deal with more complex matters.

Community Magistrates have become a vital cog in the administration of justice and are very highly regarded by District Court judges.

"Community Magistrates are lay judicial officers recruited to represent their communities in the criminal justice system, based on their life skills and experience"

Community Magistrates work part-time and have a jurisdiction wider than that of judicial Justices of the Peace. They deal with a wide-ranging body of work which would otherwise be allocated to judges.

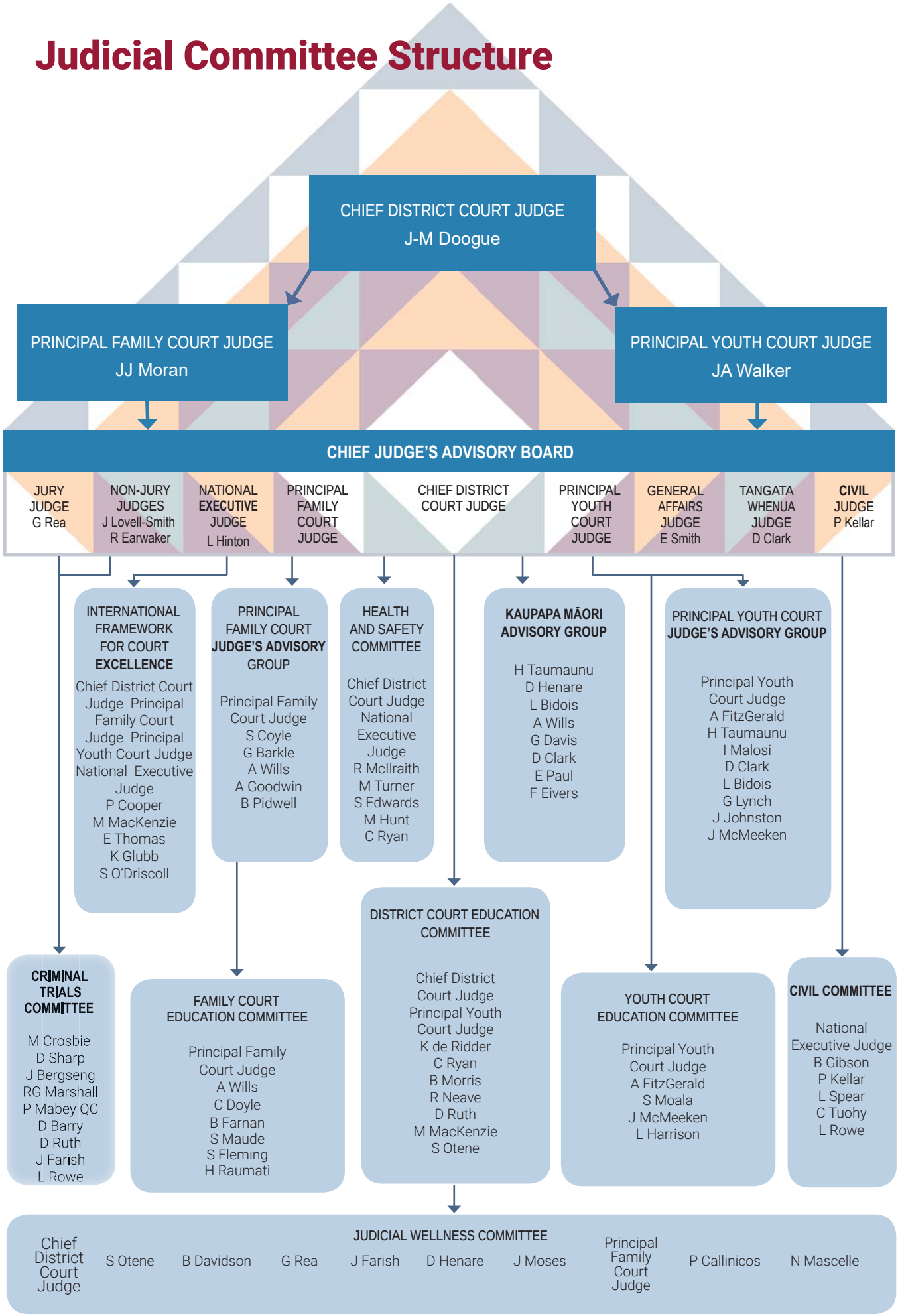
They can sentence offenders for offences punishable by up to three months' imprisonment, though they cannot themselves impose sentences of imprisonment. They may preside over trials for offences carrying a maximum penalty of a fine up to $40,000.

Community Magistrates mainly sit in busy "list" courts dealing with a significant variety of criminal court work. This work may involve: sentencing offenders who plead guilty on the day for various offences; dealing with opposed bail applications; taking pleas and jury trial elections; making and renewing interim suppression or other non-publication orders; and remanding defendants in anticipation of probation, forensic or restorative justice reports and voluntary alcohol, drug or rehabilitative programmes.

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

Community Magistrates Sally O'Brien and Simon Heale who became the first Community Magistrates to be based in Christchurch — in November 2018.

Judicial Committee Structure



Sitting Judges

*indicates retired during year ending 30 June 2019

Judge A Adeane	Napier	Judge A Couch	Christchurch
Judge E Aitken	Auckland	Judge M Courtney	Hastings
Judge G Andrée Wiltens	Manukau	Judge S Coyle	Tauranga
Judge G Barkle	New Plymouth	Judge P Crayton	Whanganui
Judge D Barry	Wellington	Judge M Crosbie	Dunedin
Judge A Becroft	Children's Commissioner	Judge P Cunningham	Auckland
Judge J Bergseng	Manukau	Judge B Davidson	Wellington
Judge L Bidois	Tauranga	Judge G Davis	Whangārei
Judge J Binns	Wellington	Judge N Dawson	Auckland
Judge T Black	Wellington	Judge L de Jong	Auckland
Judge J Borthwick	Christchurch	Judge K de Ridder	Whangārei
Judge J Brandts-Giesen	Invercargill	Judge M Dickey	Auckland
Judge M Burnett	Hamilton	Judge C Doherty	Chair IPCA
Judge D Burns	Auckland	Chief District Court Judge J-M Doogue	Wellington
Judge P Butler*	Wellington	Judge J Down	North Shore
Judge B Callaghan	Christchurch	Judge C Doyle	Wellington
Judge M Callaghan	Invercargill	Judge T Druce	Auckland
Judge P Callinicos	Napier	Judge B Dwyer	Wellington
Judge D Cameron	Tauranga	Judge R Earwaker	Manukau
Judge W Cathcart	Gisborne	Judge S Edwards	Palmerston North
Judge D Clark	Hamilton	Judge F Eivers	Manukau
Judge T Clark	Manukau	Judge J Farish	Christchurch
Judge N Cocurullo	Hamilton	Judge B Farnan	Invercargill
Judge G Collin	Hamilton	Judge C Field*	Auckland
Judge R Collins	Auckland	Judge A FitzGerald	Auckland
Judge P Connell	Hamilton	Judge D Flatley	Dunedin
Judge C Cook	Tauranga	Judge S Fleming	Auckland
Judge P Cooper	Rotorua	Judge G Fraser	Auckland

Judge A Garland	Christchurch	Judge S Lindsay	Christchurch
Judge P Geoghegan	Tauranga	Judge J Lovell-Smith*	Manukau
Judge B Gibson	Auckland	Judge G Lynch	Palmerston North
Judge T Gilbert	Christchurch	Judge P Mabey QC	Tauranga
Judge K Glubb	Waitakere	Judge G MacAskill	Christchurch
Judge A Goodwin	Manukau	Judge M MacKenzie	Rotorua
Judge C Harding	Tauranga	Judge B Mackintosh	Napier
Judge M Harland	Auckland	Judge A Mahon	Manukau
Judge L Harrison	New Plymouth	Judge I Malosi	Manukau
Judge S Harrop	Wellington	Judge A Manuel	Auckland
Judge DG Harvey	Whangārei	Chief Coroner Judge D Marshall	Auckland
Judge J Hassan	Christchurch	Judge R Marshall	Hamilton
Judge W Hastings	Wellington	Judge N Mathers	Auckland
Judge D Henare	Auckland	Judge D Matheson	Whanganui
Judge G Hikaka	New Plymouth	Judge S Maude	North Shore
Judge L Hinton	Wellington	Judge J Maze	Timaru
Judge P Hobbs	Wellington	Judge D McDonald	Whangārei
Judge G Hollister-Jones	Rotorua	Judge C McGuire*	Papakura
Judge M Hunt	Christchurch	Judge I McHardy	Auckland
Judge T Ingram	Tauranga	Judge R McIlraith	Manukau
Judge J Jackson	Christchurch	Judge J McMeeken	Christchurch
Judge J Jelas	Waitakere	Judge D McNaughton	Manukau
Judge A Johns	Manukau	Judge A Menzies	Hamilton
Judge J Johnston	Porirua	Judge I Mill	Wellington
Judge P Kellar	Christchurch	Judge S Moala	Manukau
Judge J Kelly	Wellington	Principal Family Court Judge J Moran	Wellington
Judge K Kelly	Wellington	Judge B Morris	Wellington
Judge L King	Whangārei	Judge J Moses	Manukau
Judge D Kirkpatrick	Auckland	Judge J Moss	Palmerston North
Judge J Large	Palmerston North	Judge J Munro	Rotorua

Judge R Murfitt*	Christchurch	Judge M-B Sharp	Auckland
Principal Environment Court Judge R Neave	Christchurch	Judge A Sinclair	Auckland
Judge L Newhook	Auckland	Judge P Sinclair	North Shore
Judge S O'Driscoll	Christchurch	Judge A Singh	Auckland
Judge M O'Dwyer	Wellington	Judge A Skellern	Manukau
Judge D Orchard	Whangārei	Judge D Smith	Palmerston North
Judge S Otene	Hamilton	Judge E Smith	Christchurch
Judge E Parsons	Auckland	Judge J Smith	Auckland
Judge D Partridge	Waitakere	Judge A Snell	Rotorua
Judge S Patel	North Shore	Judge M Southwick QC*	Manukau
Judge E Paul	Manukau	Judge L Spear	Hamilton
Judge K Phillips*	Dunedin	Judge P Spiller	Hamilton
Judge B Pidwell	Waitakere	Judge C Sygrove*	New Plymouth
Judge H Raumati	Gisborne	Judge H Taumaunu	Auckland
Judge G Rea	Napier	Judge E Thomas	Auckland
Judge R Riddell	Hamilton	Judge C Thompson*	Wellington
Judge M Rogers	Manukau	Judge A Tompkins	Hutt Valley
Judge R Ronayne	Auckland	Judge L Tremewan	Waitakere
Judge L Rowe	Palmerston North	Judge C Tuohy	Wellington
Judge R Russell	Nelson	Judge M Turner	Dunedin
Judge D Ruth	Nelson	Principal Youth Court Judge JA Walker	Wellington
Judge C Ryan	Auckland	Judge A Walsh*	Wellington
Judge L Ryan*	Auckland	Judge N Walsh	Christchurch
Judge N Sainsbury	Waitakere	Judge M Wharepouri	Manukau
Judge D Saunders	Christchurch	Judge A Wills	Rotorua
Judge K Saunders	Hamilton	Judge G Winter	Papakura
Judge D Sharp	Auckland	Judge A Zohrab	Nelson