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**IN THE YOUTH COURT  
AT MANUKAU**

**CRI-2016-292-000126  
[2016] NZYC 126**

**NEW ZEALAND POLICE**  
Prosecutor

v

**BB**  
Young Person

Hearing	7 July 2016
Appearances:	Sergeant R Spendelow for the Prosecutor A Ulu for the Young Person
Judgment:	7 July 2016

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**MINUTE OF JUDGE G F HIKAKA**

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[1] BB faces a number of old charges and some new ones. His counsel, Mr Ulu has a blend of instructions.

[2] The situation today is that BB was expected to be present at Court in person under his 238(1)(d) remand status for several reasons.

[3] First, for the outcome of custody FGC, second the outcome of substantive FGC on certain charges, and finally, to confirm pleas on a raft of relatively new matters.

[4] An 854 was filed indicating that the Co-ordinator was unable to hold BB's FGC, and further, that he is a flight risk. BB has not been brought to Court. I have been told that BB was angry this morning and the Chief Executive was concerned that he could take off if given the opportunity.

[5] This situation draws attention to a legislative impasse, in some respects, with the Schedule 1 amendment that came into force 1 July 2013. The particular area I refer to relates to the Bail Act s 30(1A), paraphrased, if the hearing is adjourned for the purpose of enabling a family group conference to be held, the defendant must be excused from attending Court if the Youth Justice Co-ordinator notifies the Court in writing that the FGC will not be completed in time.

[6] That needs to be considered along with the situation when the remand is for multiple purposes, as in BB's case.

[7] BB should be here so he can update his lawyer with instructions with respect to the raft of new charges he faces, but obviously the FGC has not been held, and for those charges that it is directed on he is not required to be here.

[8] The Court directed that BB be back in Court today and it appears the Chief Executive has overridden that direction.

[9] That needs to be considered against the background of a time limited jurisdiction, and the difficulty in moving matters forward in a timely fashion with the Court processes are impeded in the way that has occurred today.

[10] I expect that the best interests of BB and the public were foremost in the Chief Executive's mind, but as a result of the decision that was made today not to bring BB, dealing with his Court matters is delayed.

[11] There are a number of alternatives to simply not bringing him to Court. The most obvious would be to accommodate BB in a residence closer to the Court he needs to appear in and where he can speak with his lawyer.

[12] Another possibility is for the Chief Executive, if he chooses to hold a young person in a residence a great distance from the Court he or she is remanded to and where his or her lawyer is based, particularly when the lawyer needs to meet with the young person, is for the Chief Executive to organise travel (and if necessary, accommodation) for that to occur. I anticipate that Chief Executive would fund the lawyer's travel and accommodation expenses.

[13] The most obvious solution would appear to be to move people in BB's situation closer to Court they are due to appear in. In that way there would be no problem progressing proceedings.

[14] Anyway, BB is further remanded under s 238(1)(d) to 21 July 2016 at 4.15 pm in Crossover Court for Youth and Family Court proceedings.

G F Hikaka  
Youth Court Judge