



*The*  
**DISTRICT COURTS**  
NEW ZEALAND

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# FOREWORD



In New Zealand we enjoy a first rate court system which operates in a principled and disciplined way. While not institutionally independent in the sense that it relies on the Ministry of Justice for logistical support, the judiciary's independence in decision making and the ethos that the Judges will run their own affairs untrammelled by the whims of the Government of the day, are well ingrained and untouchable.

But, notwithstanding their inheritance of the long history of justice since the Magna Carta, ignorance of what the courts actually do in New Zealand is widespread.

To correct that knowledge gap this little booklet sets to give information and insight into New Zealand's largest volume jurisdictions – the District Courts. And so here may be found descriptions of the work done, a smattering of workload statistics, some photographs, some light description of courthouses, ancient and modern, and schedules of who is who and where and how courthouses may be contacted.

Courts are often criticised for keeping things secret. In reality justice thrives on openness. Sometimes it must be protected from exploitation which will damage the process, but Judges know that the light shone by public scrutiny is Justitia's shield.

I hope that this little booklet will make a small contribution to that cause.

A handwritten signature in blue ink that reads "Russell J. Johnson". The signature is fluid and cursive.

**Russell Johnson**  
CHIEF DISTRICT COURT JUDGE



# GOVERNANCE

## GOVERNANCE OF THE DISTRICT COURT

The District Courts are constituted by Section 3 of the District Courts Act 1947 which grandly states:

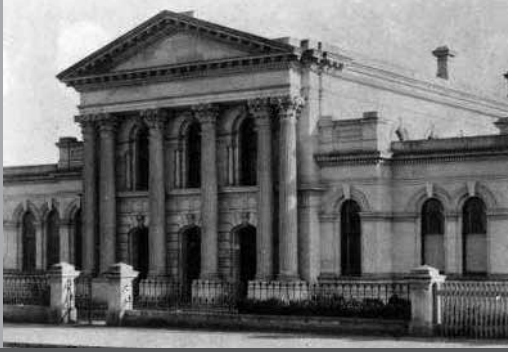
- “(1) There shall continue to be within New Zealand Courts of record, possessing civil and criminal jurisdiction, henceforth to be called District Courts.”

The reference to continuance relates to the cessation of the Magistrates Court in 1980 as a Court as a result of District Courts Amendment Act 1979, and their replacement by District Courts with greater jurisdiction. This Act also took over the Magistrates Courts Act 1947 and renamed it, accounting for the apparent date of the Act being more than 30 years older than the Courts. Magistrates became Judges, and more Judges were appointed. The civil jurisdiction was increased to \$200,000 and jury trial jurisdiction was granted to the District Courts. Now, the District Courts conduct around 2,700 jury trials a year, which is approximately 80% of all jury trials in New Zealand. Taking into account its summary crime jurisdiction, it passes 99% of the sentences ordered by New Zealand Courts. Each year the District Courts handle 180,000 criminal charges against citizens.

The District Courts were created with several separate divisions. In addition to criminal and civil there is the Family Court (created in 1981), the Youth Court (created in 1989), and the Disputes Tribunal which is also a fully constituted division of the District Court.

Being a Court created by statute, the authority and powers of the Court are as prescribed by statute. In the various sections of this document dealing with jurisdiction, the applicable statutes will be mentioned. It also operates according to the principles of natural justice and judicial precedent which have been evolved by Higher Courts over the years, and Judges have limited inherent powers reserved to them to control their own processes. Statutory jurisdiction to operate the laws of contempt is also given to District Court Judges.





The Oamaru District Court  
*circa 1880.*



## THE HISTORY OF THE DISTRICT COURT

In the immediate years following the British colonisation of New Zealand a large number of courts with similar jurisdictions to today's District Court, both civil and criminal, were established. The first courts of note were provided for by the District Courts Act of 1858. These Courts were presided over by District Judges and by Lay Judges. Another tier below was subsequently created by the Resident Magistrates' Act 1867. Over time the jurisdiction of the Magistrates created under the Resident Magistrates' Act was widened, reducing the use of the District Courts, until they were ultimately abolished by Parliament in 1909.

The Magistrates Courts Act of 1893 consolidated the legislation that related to these courts. In the 1940s the Law Revision Committee undertook a review of the legislation governing the Courts and in 1947 the current District Courts Act was passed as the Magistrates Courts Act. In the 1970s a further review was undertaken, this time by the Royal Commission on the Courts, and in 1978 the title of the Act was amended to become the District Courts Act 1947. Magistrates Courts became District Courts and Stipendiary Magistrates became District Court Judges.

In 1980 the District Court's criminal jurisdiction was enlarged to include some indictable offences, and in 1981 the Family Court became a division of the District Court. In 1989 the Children, Young Persons and Their Families Act created the Youth Court as a division of the District Court.

## THE ROLE OF THE DISTRICT COURT

Like all New Zealand courts, the District Courts are part of the third arm of Government (the Parliament, the Executive, and the Judiciary). Like other courts, the District Court is independent in its decision making processes, which means that the government will not interfere with its decisions or the way the Judges go about making them. The courts do not have full institutional independence, relying as they do on the Ministry of Justice for logistical support. But Governments do not interfere with how Judges organise themselves or their judicial education.

The Chief Justice of New Zealand is recognised as the Head of the Judiciary in New Zealand. Her normal administrative role particularly applies to the Higher Courts (Supreme Court, Court of Appeal and High Court) but her counsel and advice is respected by all Judges.

The actual statutory responsibility for the District Court Judges lies with the Chief District Court Judge (section 9(1) District Courts Act) who is responsible for "ensuring the orderly and expeditious discharge of the business of the District Courts throughout New Zealand". The Chief Judge is also required to consult with the leaders of the divisional jurisdictions of the District Court about matters which particularly pertain to their specialist divisions. They are the Principal Family Court Judge and the Principal Youth Court Judge. There are some limited consultative responsibilities with the Principal Environment Court Judge to do with appointment or deployment of the Judges in that Court, although in all other respects the Environment Court is a Court constituted separately from the District Court.

The District Court, and its divisions, is known as a court of "First Instance", most usually understood as a Trial Court. Its appeals go to other courts depending on the jurisdictions, and later explained.

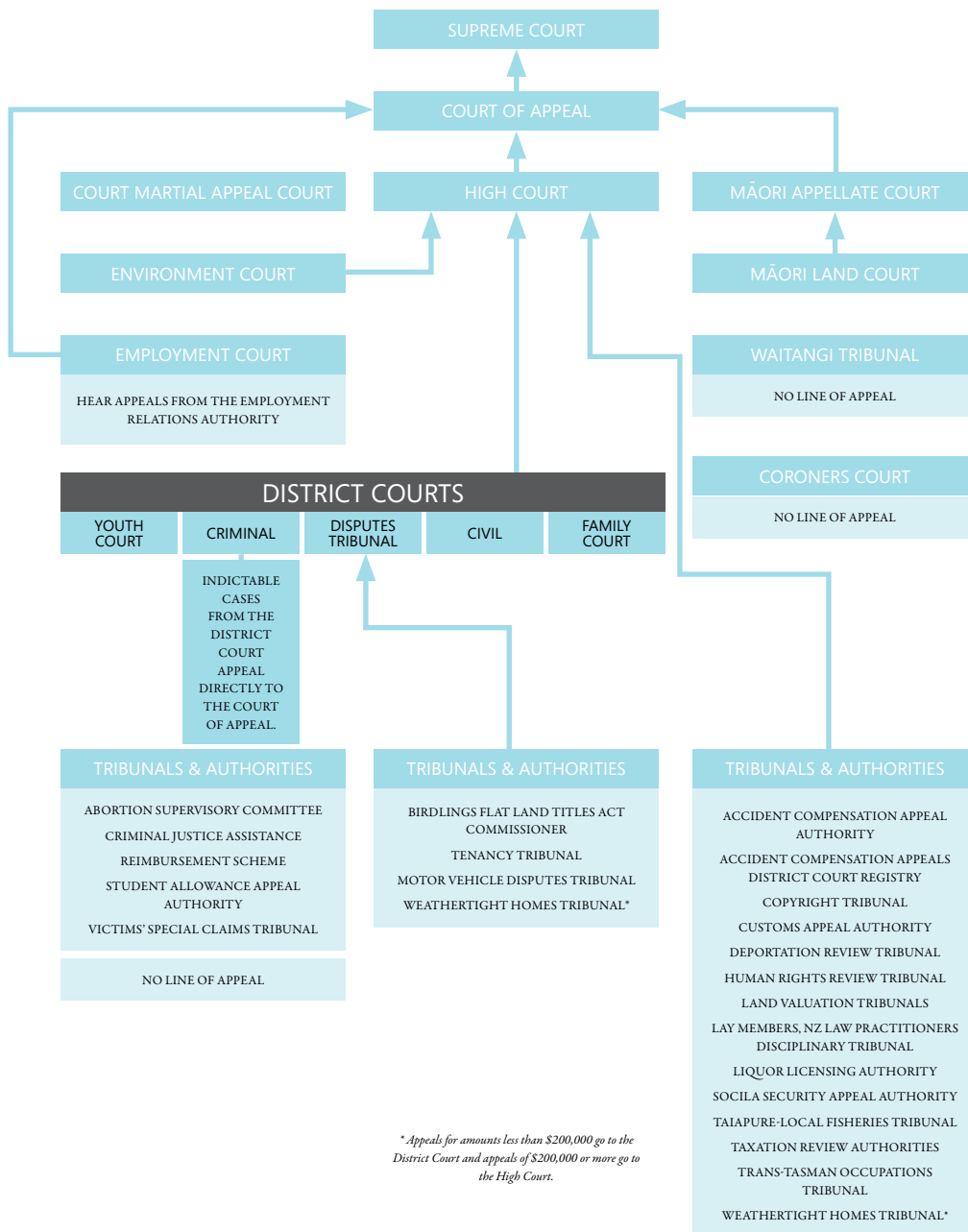


Sitting on the jury in a District Court.

## OUR COURT SYSTEM

Courts resolve disputes between the state and individuals, or between individuals, through either the criminal justice system or the civil justice system.

### OVERVIEW OF COURTS, TRIBUNALS AND OTHER AUTHORITIES AND THE APPEAL PROCESSES IN PLACE.



\* Appeals for amounts less than \$200,000 go to the District Court and appeals of \$200,000 or more go to the High Court.



Secretary for Justice  
– **Belinda Clark**.



## STRUCTURE OF THE DISTRICT COURT

Of course, the people who work in the District Courts consist of more than Judges. There is also the staff.

The CEO of the Courts is the Secretary for Justice, but as the leader of a Ministry with multiple responsibilities she delegates operational leadership of all the Courts to the Deputy Secretary (Operations). The District Courts have a General Manager situated in Wellington, and he has both Headquarters staff, including National Jurisdiction Managers, and four Regional Managers responsible for regional clusters of Courts.

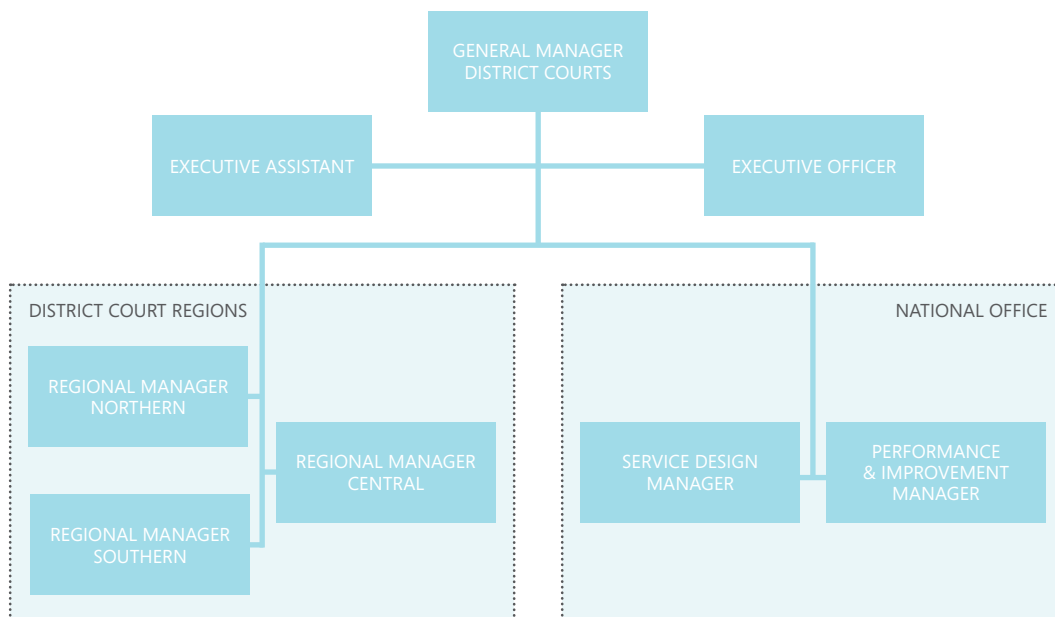
There are 1,184 staff employed in the District Courts registries, regional offices and National Office.

Approximately 600 of these staff also hold the statutory delegation of Registrars or Deputy Registrars of the District Court.

There are 66 courthouses in New Zealand where jurisdiction of the District Court is exercised. Some of them are shared with the High Court which periodically comes calling on circuit. Seventeen of the Courts have resident Judges, and the remainder are visited on regular circuits. For a full list of these courts see page 42.

For administrative purposes the District Court registries and the services they deliver, are grouped into four regions with the Court Registry Managers reporting to a Regional Manager, who in turn reports to the General Manager, District Courts.

### DISTRICT COURTS MANAGEMENT TEAM

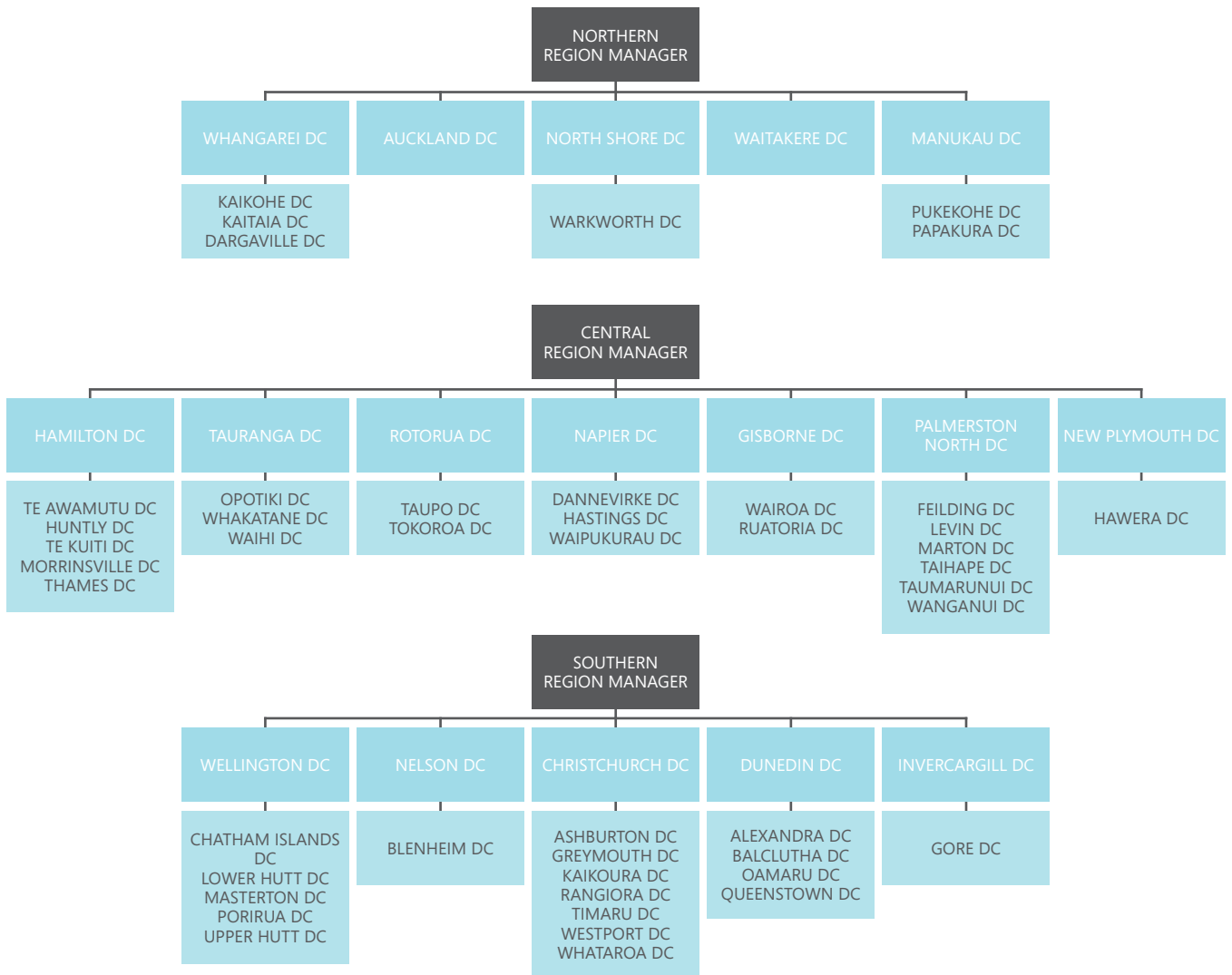


The Judges also maintain an organisational structure with an Executive Judge as the regional counterpart of each Regional Manager, Jurisdictional Administrative Judges as counterparts to the Jurisdictional Managers, and Courthouse Liaison Judges for each courthouse.



District Court Security.

The District Court registry management clusters for each of the regions are as set out below;





> **THIS PAGE:** The Number 1 Courtroom, Oamaru District Court.





> **THIS PAGE:** Courtroom, Greymouth District Court.





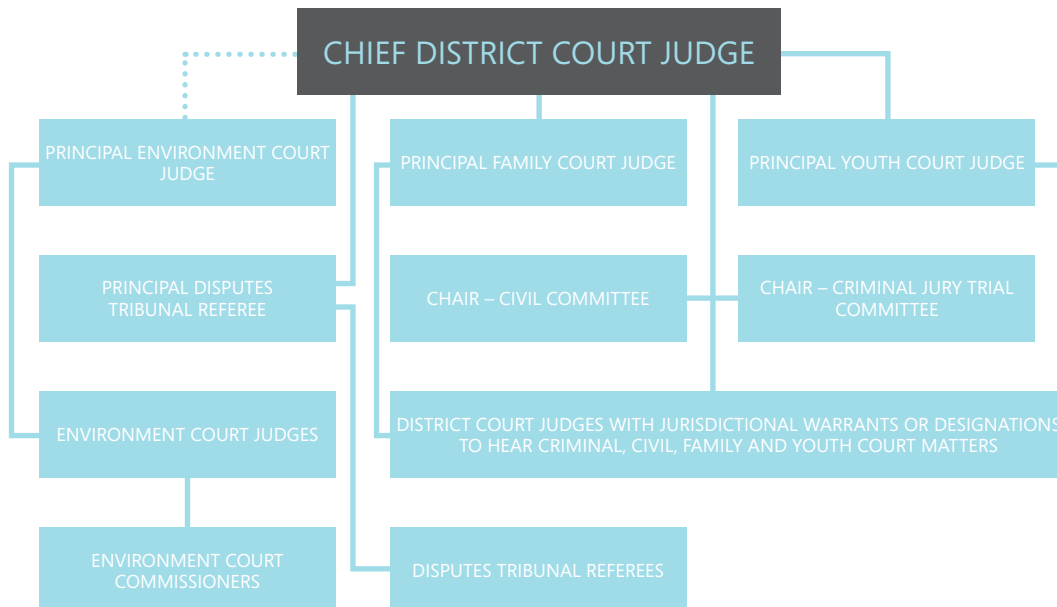
# THE JUDICIARY

## THE JUDICIARY

There are 138 permanent Judges of the District Courts of New Zealand appointed by the Governor-General. All of them have the authority to exercise the summary criminal and civil jurisdiction of the District Courts. Forty-three exercise the jurisdiction of the Family Court and are known as Family Court Judges. The Family Court is a division of the District Courts. Most of the remainder have jury trial jurisdiction or Youth Court jurisdiction, and seven are Judges of the Environment Court which is a separately constituted Court though its Bench is populated by District Court Judges.

The Chief Judge of the District Court is the Head of all the District Court Benches, but the day to day leadership of the Judges of the Family Court is the responsibility of the Principal Family Court Judge, and in the Youth Court likewise, the Principal Youth Court Judge, they share chambers located in Wellington. The Environment Court is headed by a Principal Environment Court Judge. The Principal Disputes Tribunal Referee heads the Disputes Tribunal.

## LEADERSHIP





Judge Chris Tuohy  
seconded to the  
Supreme Court  
of Vanuatu.



## APPOINTMENTS

A minimum qualification for appointment to the District Court as a Judge is that the candidate must have held a practising certificate as a barrister or solicitor for at least seven years, and have good character. In practice Judges are appointed only after many more years of practice as a lawyer.

Judges are selected for appointment by the Attorney-General after considering recommendations from an interview panel, usually consisting of the Chief Judge or another senior Judge, or both, together with a high ranking official of the Ministry of Justice. The confidential papers relating to each candidate are kept by the Judicial Appointments Unit within the Ministry.

## PROFILE OF THE BENCH

At mid 2008 the profile of the Judges included 95 men and 35 women of whom most were European or Pakeha. There were six Māori Judges, two Samoan Judges, one of Chinese origin and one of Indian ethnicity. The ambition of the Court is for a Bench which reflects our current society, as merit allows.

## ACTING JUDGES

The District Courts are fortunate to be able to deploy a number of retired Judges on an as needed basis when workloads or absences of Judges on leave or for illness requires. This enables the work of the Court to continue unabated. At mid 2007 there were 39 acting Judges of whom four are employed solely in the work of the Parole Board which is an ancillary responsibility for certain Judges, two in the Environment Court, seven in the Family Court and twenty-five in criminal or civil litigation divisions of the Court.

## REMUNERATION

Judges are remunerated by awards of the Remuneration Authority which considers salary and certain allowances, and superannuation entitlements each year. These are published in determinations issued by the Authority.

## PART-TIME JUDGES

This expression refers to permanent full-time Judges who have been granted permission by the Attorney-General to work part-time for a certain period. Their remuneration and leave entitlements are adjusted accordingly. This is a new feature of Judges' employment arrangements, and has yet to evolve to its potential.

## AUXILIARY JUDICIARY IN THE DISTRICT COURT

There are other kinds of Judicial Officer who also exercise a limited jurisdiction within the District Court.

### (i) Justices of the Peace

Approximately 400 of the 8,000 Justices of the Peace nation-wide exercise a part-time voluntary unpaid jurisdiction in the District Courts. Typically these cases include minor traffic offences, bail hearings, remands after initial arrest, and the preliminary hearings in criminal cases destined for jury trial, known as depositions. Justices of the Peace attend to thousands of hours of hearings.

### (ii) Community Magistrates

This is a small group of Community Magistrates drawn from the ranks of Justices of the Peace or the community. They are paid a daily rate. Community Magistrates have a sentencing jurisdiction up to but not including home detention or imprisonment. As the Community Magistrates scheme develops there is potential for an enhancement of efficient use of Judge's court sitting times.



A Judge in chambers  
instructing his research counsel.



### (iii) Disputes Tribunal Referees

The Disputes Tribunal is a division of the District Court in which 59 Referees hear and determine civil disputes up to \$15,000 in value, or \$20,000 by consent of both parties. The Referees are often legally qualified, and are authorised to decide cases on the “substantial merits and justice of the case”, and are not bound to legal technicalities.

## JUDICIAL EDUCATION

Since the formation of the Institute of Judicial Studies in 1998, judicial education has moved from the ad-hoc provision of seminars to pro-active education. A core curriculum has been developed, including delivery of a large number of programmes covering a wide breadth of topics and the provision of Bench Books for Judges. The main focus has been to provide for the needs of Judges in the first five years of their judicial career, but developments underway are turning attention also to the education needs of mid-career and end-career Judges.

The District Courts are represented on the Institute of Judicial Studies Governing Board. The Board has seven broad areas of activity, viz;

- programmes for new Judges;
- programmes for Judges from all Benches, focused on judicial skills and knowledge;
- programmes focused on specialist skills and knowledge for individual Benches;
- publications;
- assistance to Tribunals and quasi-Judicial Officers;
- assistance to conference programmes.

Most Judges have taken opportunities to spend time on marae and some have seized the opportunity to brush up on te Reo.

Judges are entitled to a total of 25 working days over their first two years to attend judicial educational programmes, reducing to 10 days per year for subsequent years.

Judges sometimes receive opportunities to participate in overseas specialist conferences, sometimes as speakers.

## AID TO THE PACIFIC

Through arrangements made by NZAID (New Zealand Ministry of Foreign Affairs and Trade) and AUSAID, District Court Judges sometimes provide direct judicial assistance to the Pacific region. While retired Court of Appeal and High Court Judges sit on Appellate Courts in the Pacific, District Court Judges have often been appointed Trial Judges for specific periods in Samoa, Tonga and Vanuatu. Indeed, in Vanuatu a semi-permanent secondment operates, so that in 2006 Judge Chris Tuohy commenced a two year stint as a Judge of the Supreme Court of Vanuatu, relieving Judge Pat Treston who had occupied the role for the three previous years.

Independent of NZAID, but of that character, was the help rendered to the British Government at the request of the Governor of Pitcairn Islands (also Britain’s High Commissioner to Wellington), when a Chief Justice and two puisne Judges of the Pitcairn Supreme Court were appointed from the New Zealand District Court Bench in 2001 for trials a few years later.

Aid is also provided by Judges in specialist seminars and training to Judges and lawyers across the Pacific as far as Palau and Marshall Islands.



The Supreme Court  
of Pitcairn.

## OTHER LEGAL ROLES

District Court Judges are sometimes Judges of the Court Martial of New Zealand, members of Tribunals such as Police Complaints, Liquor Licensing, Taxation Review Authority and one Family Court Judge has chaired a committee at The Hague engaged in the production of an International Convention on family law topics.

## JUDGES IN THE COMMUNITY

Like other citizens, Judges in their spare time take part in school or PTA committees, school boards of trustees, and various trusteeships of all kinds in the community. Some are or have been on sports judiciary of many codes, in church organisations, or theatre, musical and arts administration. Some have a history as accomplished sports people. Some engage in prison reform activities.

## DEPLOYMENT OF JUDGES

Where and when Judges sit is the business of the Chief District Court Judge, guided where appropriate by the Principal Family Court Judge, the Principal Youth Court Judge or the Principal Environment Court Judge.

In practice the Chief Judge delegates to six regional Executive Judges the task of allocating Judges to work in the main court circuits. The Executive Judges have staff assistance for this task from their respective Judicial Resource Managers.

Because the District Courts of New Zealand is a unified organisation of courthouses sitting in different districts, Judges are allocated as resident Judges in 17 local courthouses. From there they deploy according to a circuit across a number of subsidiary courthouses in their region. Sometimes Judges sit in other regions, and that gives the judiciary the ability to deal with workload “hotspots” which might develop.



> **THIS PAGE:** The Greymouth District Court.





> **THIS PAGE:** The Oamaru District Court.





# CRIMINAL JUSTICE

## CRIMINAL JUSTICE IN THE DISTRICT COURT

The criminal justice processes account for the largest part of the District Courts activity. Approximately 200,000 alleged summary offences and 2,700 jury trials are heard in District Courts throughout New Zealand each year. In addition, 8,000 others are dealt with in the Youth Court, which is discussed in the youth justice chapter.

### TYPES OF CRIMINAL PROCESS

Criminal cases are streamed down hearing channels depending on their type, so crime alleged against children and young people in the 14-16 year old age group are heard by District Court Judges who are specially designated for youth work. Minor traffic cases are heard by Justices of the Peace. Summary crime, which is the greatest type in volume, is heard before Community Magistrates who may sentence to most non-custodial sentences, or by District Court Judges who in this jurisdiction may sentence up to five years imprisonment. Indictable crime, that is generally crime which proceeds to a jury trial or where there is a plea of guilty before trial, is heard before District Court Judges who are warranted to hear jury trials.

Indictable crime is a jurisdiction shared with the High Court. In general terms the District Court hears all the indictable charges which attract up to 10 years imprisonment, but shares jurisdiction with the High Court for all crime which has a higher penalty, short of life imprisonment. So for instance, rape allegations attract a maximum of 20 years imprisonment and the District Court shares this jurisdiction with the High Court. A High Court Judge decides which court hears what cases in this band. Currently 96% of this group of

trials (known as middle band) are heard in the District Court. The High Court has exclusive jurisdiction for the few types of charges which attract life imprisonment as their maximum penalty.

Appeals from the summary jurisdiction are to the High Court. Appeals on indictable crime go to the Court of Appeal.

### BAIL

In New Zealand every citizen is presumed to be innocent until proven guilty. When they are charged, or arrested, alleged offenders are allowed to be free in the community without restriction if they are not liable to imprisonment, or where they are liable to imprisonment if guilty and the Police do not give them bail, they may apply to a court for bail. The Judge will make a decision based on criteria contained in the Bail Act 2000. There are rights of appeal. Bail may be granted on conditions which restrict a defendant's freedom prior to appearing. The most extreme form of restriction while on bail is to be fitted with a bracelet for electronic monitoring, which is suitable for some people on the margins of being remanded in custody.



The Law Library,  
Dunedin District Court.

## SUMMARY CRIME

Traffic prosecutions before Justices of the Peace, or summary prosecutions before Judges or Community Magistrates, are conducted by the Police Prosecution Service – mainly by Police Sergeants, but also through the non-sworn members of the Police who are lawyers.

Alleged offenders may defend themselves or utilise the services of a duty solicitor on their first appearance, apply for a legal aid lawyer, or hire their own lawyer. Processes follow rules which are contained in the Summary Proceedings Act 1957 or by Judges' practice notes, all of which are required to comply with minimum trial standards and rights guaranteed by the New Zealand Bill of Rights Act 1990.

Most prosecutions are dealt with in the summary jurisdiction before a Judge alone. These include not only Police prosecutions but also prosecutions brought by government departments for breach of various regulatory laws such as fisheries, taxation, customs, health and safety, maritime, immigration etc.

## MODERN DEVELOPMENTS WITHIN THE SUMMARY JURISDICTION

While law and legal practice often seems to linger at a conservative distance behind modern social movements, it nevertheless is capable of changing both its substance and its ways. Usually this is done through legislation. One outstanding example of how legislation has brought change to criminal procedure is the family group conference system described in the chapter on youth justice.

But other changes can happen where the judiciary and the community interact to make improvements to process and the quality of outcome.

## RESTORATIVE JUSTICE

The District Courts have played a leading role in the development of restorative justice in New Zealand and internationally. The process started here in 1994 when Judge Fred McElrea proposed to a National District Court Judges Conference the development of community group conferences for adults, along similar lines to family group conferences for young people.

Since 1995 referrals to community group conferences have occurred in several parts of the country and this led to support from the Prime Minister's Crime Prevention Unit. Following the entry of a guilty plea and with the consent of victim and offender, referrals were made to trained volunteer facilitators. The report of the conference is supplied to the Court and may be taken into account in sentencing. Different sentencing options (or a deferral of sentence) also enabled victim/offender agreements to be implemented in whole or in part.

Matters were put on a more official basis in 2000 when the Department for Courts obtained ministerial support for a pilot operating in four District Courts. Independent evaluations of this pilot showed that restorative justice provided a much greater sense of justice for victims, held offenders accountable in a direct and personal way, and achieved some reduction in reoffending despite a decreased use of imprisonment. Similar conclusions have been reached overseas where restorative conferencing has been used.

The positive experience of the pilot led to the recognition of restorative justice principles and practices in the Sentencing Act 2002, with related provisions in the Parole Act and Victims' Rights Act. Officials are now required to encourage meetings in suitable cases and the Courts must take into account the outcome of restorative conferences.



Important initiatives were undertaken to improve the training of facilitators, develop best practice manuals, and encourage a professional association of practitioners. All of this has enabled Judges to have confidence in the professionalism of restorative conferencing. Recently we saw the launch in 2006 of the restorative justice centre at AUT University, Auckland, with judicial involvement.

While elsewhere the use of restorative justice has been closely circumscribed – eg limited to minor offences, or to young people – New Zealand has applied it to serious offending for nearly all types of offenders. Conferences are occurring both pre- and post-sentence, even in homicide cases. The greater the hurt the greater the need for healing and rebuilding.

Growing experience with restorative justice has shown that a restorative conference can be much more than a mitigating factor in sentencing. More importantly it is a means by which victims can be given a meaningful voice and have many of their needs met. It can also provide alternative ways in which to achieve the traditional sentencing objectives of deterrence, denunciation or rehabilitation. It does not do away with the need for punishment, or for prisons, but it reduces society's reliance on punitive measures and offers a more satisfying form of justice.

## THERAPEUTIC JUSTICE

Therapeutic justice is an ideal which has connections with restorative justice and which is also catching on in the western world, and which has found application in New Zealand. It operates on a basis similar to the health systems. In appropriate cases the best solution is to try to solve the causes of criminal behaviour rather than punish them. If you remove the cause you may remove the crime. A punished criminal, on the other hand, lives to commit crime another day, so to speak. So in its simplest form therapeutic justice has employed the authority and process of the Court as an adjunct to the delivery of treatment or interventions by others to deal with an underlying cause of offending. The process involves the use of an inter-disciplinary team approach, regular monitoring of engagement by an offender, and having the same Judge deal with the offender to ensure consistency.

Examples of therapeutic justice in New Zealand are the Youth Drug Court in Christchurch, the Intensive Monitoring Group for serious young offenders with complex needs in the Youth Court in Auckland, and the Family Violence Court.



## FAMILY VIOLENCE COURTS

At mid 2010 there were eight of these Courts operating – Whangarei, Waitakere, Manukau, Auckland, Masterton, Palmerston North, Lower Hutt and Porirua. Waitakere provided the model.

At its simplest, a Family Violence Court brings together like cases to be heard in the same session so all the necessary Court and community services can be in attendance. They seek to complete disposition of the cases in a few weeks (as against months for other matters) to the advantage of justice, families and victims. They seek to remedy the problems giving rise to family violence by education or other help where appropriate, but holding offenders accountable is important and in deserving cases imprisonment may be the result. First and foremost however they employ streamlined approaches to achieve accountability, safety and conditions for family repair.

## INDICTABLE CRIME

This is the name for more serious crime. Criminal charges can join the indictable procedure if a defendant elects trial by jury (available for any case where the maximum penalty is more than three months imprisonment) or the Police lay a charge “indictably”, meaning that it must be heard by a jury if defended, or sentenced by a jury warranted Judge if a plea or verdict of guilty is entered.

The initial stages of an indictable charge involve “committal proceedings” which always take place in the District Court. Ordinarily committal for trial is automatic upon the prosecution filing formal written statements from their witnesses. However there is provision to seek a “committal hearing”, at which witnesses can be orally examined and a Judge, Community Magistrate or Justice of the Peace will decide if there is a case to answer. If the evidence

is deemed to be insufficient then the defendant is discharged. If deemed sufficient the defendant is committed for trial. The defendant is committed for trial in either the High Court or District Court according to a ranking of offences in legislation.

The Police usually act as prosecution up until committal for trial unless the matter is very serious in which case the Crown Solicitor’s office will act as prosecution. At trial the Crown Solicitor’s office acts as prosecution.

## JURY TRIAL

Access to trial by jury has long been regarded as an important safety valve for human rights and freedoms in democratic countries. That is no different in New Zealand and its origins can be seen in the Magna Carta and the Bill of Rights of medieval England, part of our law by colonisation (now superseded or explained by our laws).

Twelve people are selected at random from the electoral roll of the district in which the trial is to be held. They are sworn to do justice and hear the case and after all the evidence is in, counsels’ addresses are heard and the Judge’s directions on the law have been given they retire to deliberate on the facts and their verdicts. They are not asked for reasons and their verdict cannot be enquired into, except on appeal, which usually considers the correctness of directions of law given to the jury. Since an amendment in June 2009 to the Juries Act 1980, juries can return majority verdicts (being a verdict which all but one juror agrees with) when certain statutory prerequisites are met.

Most trials heard in New Zealand are heard in the District Court.

The Greymouth District Court  
on dusk.



## SENTENCING

Every offence has a prescribed maximum penalty which includes all sentences in the hierarchy below the maximum. So a prescribed maximum of, say, seven years imprisonment includes also the whole range of non-custodial sentences as sentencing options.

Maximum sentences are found in the Acts of Parliament which prescribe the offences, usually the Crimes Act 1961, Misuse of Drugs Act 1975, Summary Offences Act 1981, Land Transport Act 1988, or the myriad of other specialist statutes which contain regulatory offences.

Defendants are entitled to legal representation if they are liable to imprisonment and invariably a probation report will be obtained by the sentencing Judge before sentence. If reparation is an issue a reparation report may be obtained and the Court can access a range of other specialist reports if necessary about psychological or psychiatric issues. Victims' views may be put forward by a victim impact statement provided through Police or by a victim in person or with the assistance of the Court employed victims' advisor.

Sentences are administered by the Corrections Department. Parole matters are decided by the New Zealand Parole Board which is independent of the Corrections Department and of the Courts.

## HIERARCHY OF SENTENCES

- Imprisonment
- Home detention
- Community detention (electronic monitoring)
- Intensive supervision
- Community work
- Supervision
- Fines
- Reparations orders
- Convict and discharge
- Come up if called upon
- Discharge without conviction
- Non-association order



## CASELOAD 2004-2009

<b>Jurisdiction</b>	<b>Total</b> Calendar Year	<b>Total</b> Calendar Year	<b>Total</b> Calendar Year	<b>Total</b> Calendar Year	<b>Total</b> Calendar Year	<b>Total</b> Calendar Year	<b>Change</b> Increase/ Decrease	<b>Change</b> Increase/ Decrease
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2004-05</b>	<b>2005-06</b>
<b>Jury</b>								
Heard	1,412	1,509	1,504	1,523	1,422	1,292	97	-5
Disposed	2,237	2,342	2,381	2,414	2,614	2,548	105	39
<b>Summary</b>								
Heard	16,343	16,642	16,334	17,000	18,779	18,680	299	-308
Disposed	154,226	147,628	152,068	164,812	201,621	210,055	-6598	4,440
<b>Youth</b>								
Heard	424	438	564	598	492	428	14	126
Disposed	5,867	5,904	6,210	6,348	7,501	6,612	37	306
<b>Family</b>								
Heard	5,604	6,246	6,183	5,793	6,554	7,181	642	-63
Disposed	65,972	65,655	62,843	62,716	64,545	64,118	-317	-2,812
<b>Family – Dissolutions</b>								
Heard		40	58	58	47	60	40	18
Disposed		10,153	10,342	9,989	9,553	9,030	10153	189
<b>Civil</b>								
<b>Defended</b>								
Heard	353	326	334	301	272	309	-27	8
Disposed	1,856	1,887	1,841	1,789	1,512	1,705	31	-46
<b>Civil</b>								
<b>Undefended</b>								
Heard		475	139	72	98	142	475	-336
Disposed		29,992	27,963	27,080	27,162	26,904	29,992	-2,029
<b>Disputes Tribunal</b>								
Heard	17,884	17,204	16,776	17,554	16,635	16,177	-680	-428
Disposed	21,402	20,658	20,228	21,200	19,951	18,962	-744	-430



## CASELOAD 2004-2009

Jurisdiction	Change	Change	Change	% Change	% Change	% Change	% Change	% Change
	Increase/ Decrease	Increase/ Decrease	Increase/ Decrease	Increase/ Decrease	Increase/ Decrease	Increase/ Decrease	Increase/ Decrease	Increase/ Decrease
<b>Jury</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Heard	19	-99	-130	6.9%	-0.3%	1.3%	-6.5%	-9.1%
Disposed	33	-83	-66	4.7%	1.7%	1.4%	-3.1%	-2.5%
<b>Summary</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Heard	666	1,777	-99	1.8%	-1.9%	4.1%	10.5%	-0.5%
Disposed	12744	14,811	8,434	-4.3%	3.0%	8.4%	7.9%	4.2%
<b>Youth</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Heard	34	-104	-64	3.3%	28.8%	6.0%	-17.4%	-13.0%
Disposed	138	-305	-889	0.6%	5.2%	2.2%	-3.9%	-11.9%
<b>Family</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Heard	-390	645	627	11.5%	-1.0%	-6.3%	10.9%	9.6%
Disposed	-127	255	-427	-0.5%	-4.3%	-0.2%	0.4%	-0.7%
<b>Family – Dissolutions</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Heard	0	-11	13		45.0%	0.0%	-19.0%	27.7%
Disposed	-353	-436	-523		1.9%	-3.4%	-4.4%	-5.5%
<b>Civil</b>								
<b>Defended</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Heard	-33	-10	37	-7.6%	2.5%	-9.9%	-3.5%	13.6%
Disposed	-52	-290	193	1.7%	-2.4%	-2.8%	-16.1%	12.8%
<b>Civil</b>								
<b>Undefended</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Heard	-67	25	44		-70.7%	-48.2%	34.2%	44.9%
Disposed	-883	-1,144	-258		-6.8%	-3.2%	-4.0%	-0.9%
<b>Disputes</b>								
<b>Tribunal</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Heard	778	-910	-458	-3.8%	-2.5%	4.6%	-5.2%	-2.8%
Disposed	972	-1,222	-989	-3.5%	-2.1%	4.8%	-5.8%	-5.0%



The Number 1 Courtroom,  
Dunedin District Court.

## NOTES ON THE CASELOAD STATISTICS

Since some of the information has already been published, the existing numbers from earlier years have been retained

### DISTRICT COURT JURY TRIAL CASES

"Heard" includes cases where the jury delivered a verdict on all charges put to it, cases where the jury was unable to agree on one or more charges, cases where a mistrial was declared, and cases determined by guilty plea and/or dismissal either during the trial or on the morning a trial was scheduled to begin.

"Disposals" include cases determined before a trial (by guilty plea or dismissal), at a trial (by verdict, mistrial, hung jury, guilty plea or dismissal) and merged cases. Transfers between courts are excluded, and cases put on hold in the court as the result of a warrant to arrest having been issued are also excluded.

Note that jury trial disposals mean that cases may be counted more than once, for instance where a jury trial proceeds and a mistrial or hung jury occurs and a retrial proceeds subsequently.

### DISTRICT COURT CRIMINAL SUMMARY AND YOUTH COURT CRIMINAL SUMMARY CASES

"Heard" includes all cases disposed of on the day a defended hearing was due to begin or as a result of such a hearing.

"Disposals" include cases determined by the court, by guilty plea or admission, by withdrawal, and merged cases. Transfers between courts are excluded, and cases put on hold in the court as the result of a warrant to arrest having been issued are also excluded.

### FAMILY COURT SUBSTANTIVE APPLICATIONS

"Substantive applications" comprise applications grouped under the following case types: adoption, alcohol & drugs, child support, Children, Young Persons, and their Families (CYPF), dissolution/marriage, domestic violence, estates, family proceedings, guardianship (care of children), Hague Convention, mental health, protection of personal and property rights (PPPR), relationship property and miscellaneous. Substantive applications exclude

applications made under the Family Court Rules, registrations under the Joint Family Homes Act and section 9 requests for counselling under the Family Proceedings Act.

Dissolution applications comprise four application types under s37 of the Family Proceedings Act 1980 – applications for dissolution of marriage or dissolution of civil union, filed either singly or jointly.

"Heard" includes disposals of all substantive applications where a short and/or long cause hearing was held.

Disposals include substantive applications determined by the Court (at a hearing or on the papers) and withdrawn or settled by the parties. Transfers between courts are excluded.

### DISTRICT COURT CIVIL CASES

Heard includes all cases disposed of on the day a substantive hearing was due to begin or as a result of such a hearing.

Disposals include cases determined by the court (at a hearing or on the papers), withdrawn or settled by the parties, and transferred to a Disputes Tribunal. Other transfers are excluded.

In addition, undefended disposals also include cases where a statement of defence has been filed (as they are then referred to as defended cases). This means that the total number of cases disposed is usually less than the sum of the defended and undefended disposals, because defended cases may be counted as disposed twice.

### DISPUTES TRIBUNAL CLAIMS

Heard includes all claims disposed of as the result of a hearing.

Disposals include all claims withdrawn or settled before or at a hearing, cases decided by a referee and cases transferred to the District Court civil jurisdiction or to another location.



# YOUTH JUSTICE

## THE YOUTH COURT – A SUMMARY

In 1989, New Zealand enacted legislation, The Children, Young Persons and Their Families Act 1989 (CYPF Act), which enshrined new objectives and principles for youth justice, and established the Youth Court, part of an innovative system for responding to young people who offend.

Since then, this system has been hailed as a groundbreaking example of restorative justice, both because of its objectives and principles, and because of its use of family group conferences for making decisions about the outcomes for young people who engage in more serious offending.

The Youth Court is a specialist division of the District Court. The Principal Youth Court Judge manages a roster of Youth Court Judges who are District Court Judges with specialist designations as Youth Court Judges, and who spend approximately 10% of their time hearing Youth Court matters. Most Youth Courts sit once a week, although in the smaller provincial areas it may be once a fortnight.

### OBJECTIVES AND PRINCIPLES

The founding objective of the legislation which created the Youth Court is to promote the wellbeing of children, young persons, and their families and family groups. The CYPF Act seeks to empower families and communities, with input from professionals, to make decisions about the best ways to respond to criminal offending by children and young people.

The system emphasises diversion from the criminal justice system, accountability, and the opportunity for involvement in the rehabilitation and reintegration of young offenders. Support for the young person's family and the needs of the victims are also taken into account.

The Act was probably unprecedented in the English-speaking world when it was passed, and there is no doubt that some of these objectives and principles were unique at that time.

### JURISDICTION

The Youth Court only deals with criminal offending by young people aged 14, 15 and 16 years old. However, most young offenders have not committed serious offences and wherever possible they are diverted away from actually appearing in Court, and are dealt with by Police in their local community. Up to 80% of all youth offenders come into this category and most do not re-offend. These rates of diversion are an under recognised and integral part of the youth justice system.

A young person can only be charged in the Youth Court if they have been arrested or when a family group conference has been held and it is decided that a charge should be laid.

Youth Court proceedings are closed to the public. However, reporters are permitted to attend but they cannot publish without the permission of the Judge.

The Youth Court hears all kinds of criminal cases, except murder and manslaughter, or when a young person chooses to have a jury trial. Even these cases begin with depositions in the Youth Court, with the Judge deciding if the case should proceed.

### YOUTH JUSTICE PROCESSES/FAMILY GROUP CONFERENCES

At the heart of the system lies the family group conference (FGC) which enables those involved in the life of the young person and the victims of offending to be involved in decisions that aim to ensure accountability, repair harm, and prevent re-offending. Evaluation has shown that the system is largely successful in achieving its goals and, when the goals



Principal Youth Court  
Judge – **Andrew Becroft**.  
*Appointed 2001.*



are met, in reducing re-offending and promoting the wellbeing of young people who have offended.

The FGC is a mix of Māori and western approaches. In Māori custom and law the concept of wrongdoing was based on notions that responsibility was collective rather than individual and that redress was due not just to any victim but also to the victim's family. The reasons for offending were felt to lie not in the individual but in a lack of balance in the offender's social and family environment. The causes of this imbalance, therefore, had to be addressed in a collective way and, in particular, the imbalance between the offender and the victim's family had to be restored through mediation. It is intended that responsibility be given to families, whānau, hapū, iwi and family groups to respond to their child's offending, and to deal with it without involving social workers.

While not a purely Māori model, the CYPF Act owes much to concerns by Māori about previous methods of deciding on the fate of young Māori offenders.

The FGC forms the basis of decision-making in the Youth Court. The two most common situations where a FGC will be held are: if a young person has not been arrested but the Police nevertheless wish to lay charges in Court (a "pre-charge FGC"); and a "court-ordered FGC" where a young person has been arrested and appears in the Youth Court, and does not deny the charge. Relatively few charges in the Youth Court are denied.

The FGC is made up of the young person, his or her youth advocate or lawyer, members of the family, whānau or family group and whoever they invite, the victim(s) and supporters (or sometimes representative of the victim(s)), the Police, the youth justice co-ordinator (YJC) who convenes and runs the conference, in some cases a CYFS social worker, and any other person invited by the conference.

The legislation gives FGCs a wide range of specific decision-making options. Beyond those options though, the Act sets no limitations on the imagination and ideas that flow from the group of people who wish to produce constructive solutions to the problems of the young person's behaviour. This is, in many ways, the strength of the system.

The Youth Court retains an important supervisory and monitoring role in respect of agreed FGC plans. All plans arising out of court-ordered FGCs must be approved by the Youth Court. FGCs have enormous scope to consider a wide variety of potential options for dealing with a young offender. These may include the young person voluntarily completing an agreed plan, which may result in an absolute discharge, or one of a series of formal Youth Court orders, or even conviction and transfer to the District Court for sentence in the case of very serious offending.

FGCs are a more inclusive and restorative forum for decision-making. They should not, however, be considered a soft-option for young offenders, who find the process emotionally gruelling and confrontational.





FGCs have been known to unanimously decide that a custodial sentence is appropriate.

The FGC process is sometimes described as New Zealand's gift to the world, and is considered the jewel in the crown of the New Zealand youth justice system. As a result of its significant success, a similar process is currently being piloted in adult criminal courts in New Zealand, and has been introduced as part of many youth justice systems around the world.

### PARTICIPANTS

A Youth Court hearing involves:

- a District Court Judge specially chosen for their understanding of youth and cultural issues;
- the young person;
- the young person's family;
- a youth advocate who is a lawyer appointed by the Court to help the young person and is provided free of charge;
- the prosecution (usually the Police);
- a youth justice co-ordinator, who is in charge of organising and facilitating any family group conferences;
- a CYFS social worker;
- the court taker.

Youth Court hearings are not open to the public. While there are restrictions on the kinds of information that may be reported, the media are welcome to publish details about Youth Court proceedings, with leave of the presiding Youth Court Judge.

A Youth Court sitting in Wellington.





## SPECIALIST YOUTH COURTS

The Youth Court has led the way in New Zealand by developing court models that use ideas of therapeutic justice within specialist courts to address specific needs of offenders, families, and victims. These include the Marae-based Youth Monitoring Courts in Gisborne and Manurewa, the Auckland City Youth Court Intensive Monitoring Group, and the well-established Youth Drug Court in Christchurch.

## MARAE-BASED MONITORING COURTS

Despite making up approximately 14% of the New Zealand population, Māori account for approximately 50% of those appearing in the New Zealand Youth Court, and up to 90% in some areas such as the Bay of Plenty and the North Island East Coast. This is an over-representation that can't be allowed to continue, and must be positively addressed.

Youth Liaison Judge Heemi Taumaunu has started a specialised Youth Court. Its aim is to address youth offending within the cultural setting of a marae in an attempt to tackle the current disproportionate numbers of Māori recidivist youth offenders, and Māori youth offenders sentenced to imprisonment and supervision with residence. This is the first time that a New Zealand court has systematically conducted criminal cases on a marae.

The first Marae Youth Monitoring Court sat in Gisborne at Te Poho-o-Rawiri marae in mid 2008. Other Marae Youth Monitoring Courts are proposed for Manurewa and Hamilton.

Each Court sitting begins with a powhiri at 8.30am followed by Court commencing at 9.00am. All young people appearing on that day are required to attend the powhiri with their whānau, youth advocate, and lay advocate. The Court is conducted inside the wharenui and commences with a karakia. Each individual case commences with a mihi. Each young person is dealt with on an individual basis and when each case is called, a kaumatua gives a special speech of welcome. The kaumatua sits next to the judge and assists in the court process. The young person is encouraged to respond to the welcome by saying a mihi. This is aimed at re-establishing the young person in their identity as Māori. The young person and his or her family are invited to participate fully in the hearing, as are all the other professionals.

The purpose of the marae court is, amongst other things, to seek solutions to Māori over-representation in youth justice numbers by actively involving whānau, hapū and iwi, and to use Māori language, culture and protocols as part of the Court process. The project represents an attempt to incorporate Māori tikanga with the law. It is not designed to abandon the law and start a tikanga-based court. The court does not have the ability to do that.



The process prior to transfer to the marae is the same as for the normal Youth Court. The charge is “not denied” or “proved” in the normal manner in the Youth Court. A family group conference (FGC) is convened and held in the normal manner and then the FGC plan is approved. The FGC discusses whether the subsequent monitoring of the FGC plan should take place at the marae. If so, and the Youth Court accepts the plan, the Court may order that subsequent hearings of the case take place on the marae. The marae hearings are designed to monitor the young person’s performance of the FGC plan and to sentence the young person when the FGC plan is completed. The marae process is open to anyone who opts into it, and where the Court approves. There is no mandatory requirement for young people to be dealt with on the marae.

A Marae Youth Monitoring Court team is made up of justice, social work, education and health professionals, as well as community workers and local elders.

Marae Youth Monitoring Court founding Judge Heemi Taumaunu says he hopes that by assisting the young people to establish their sense of belonging and identity, their risk of re-offending will reduce.

Anecdotally, the marae-based Youth Court is successful in terms of the change in attitude of the young people and their whānau to more positive feelings for the Court and the other parties. Also the marae community, the participants from all the government agencies, legal counsel, Māori elders and community people associated with the Marae Youth Court have been very positive about the initiative and the positive contribution it will make for the community.

## AUCKLAND CITY YOUTH COURT INTENSIVE MONITORING GROUP (IMG)

Initiated by Judge Tony Fitzgerald, the IMG is a specialised, problem-solving Youth Court that sits in Auckland every second Monday. It works with high-risk young offenders who have a mental health and/or drug and alcohol component to their behaviour. It is a joint project of the Auckland Central Youth Court, the Regional Youth Forensic Service (RYFS), Child, Youth and Family, the Police, the Ministry of Education, Youth Horizons Trust and Odyssey House.

Like the Youth Drug Court, on which the IMG was modelled, a vital aspect of the Court is the high level of cooperation within the multi-disciplinary team, chaired by the Judge. Judge Fitzgerald pioneered this initiative, developed support for the project, and put together the multi-disciplinary team. All of this was done in his own time.

The process of offering a young person the chance to have their case dealt with in the IMG starts with a forensic screen assessment or a s333 report, in which a young person is assessed by the Regional Youth Forensic Service of the Auckland District Health Board (RYFS). If they are assessed as having moderate to severe mental health concerns, and have a medium to high risk of reoffending, they are eligible for acceptance into the IMG.



An FGC plan is prepared for the young person, which includes the means of addressing the victim's needs and concerns, accountability issues, the young person's treatment plan and other relevant matters, for example educational and cultural reports.

The IMG Judge will continue to be involved with the young person throughout the course of their FGC plan, and if the young person fails to commit to the process the case will return to the usual Youth Court process.

Anecdotal evidence suggests that young offenders who have participated in the IMG process pay their reparation and do their community work faster, and develop a more positive attitude toward employment and training.

### THE CHRISTCHURCH YOUTH DRUG COURT

The Youth Drug Court (YDC) is operating in the Christchurch Youth Court. It commenced on 14 March 2002, which makes it the longest running specialist Youth Court. The development of the YDC drew on experiences with drug courts in the USA, Australia and Ireland. His Honour Judge John Walker was the architect of the YDC, and the Court is now led by Her Honour Judge Jane McMeeken.

The specialist purpose of the YDC is to enhance the treatment of young persons who are repeat offenders and who have a serious drug dependency which is contributing to their offending. Alcohol is included within the term "drug".

Therapeutic jurisprudence is the underlying philosophy of the YDC. Therapeutic jurisprudence is the use of the Court and the sanctions available to it in conjunction with treatment programmes to effect a reduction in reoffending. The proponents of therapeutic jurisprudence regard it as an important dimension in the law involving an interdisciplinary approach. It is

a new role for a Judge attempting to change behaviour and acting in a preventative way by intervention. In exercising therapeutic jurisprudence the authority of the Judge is of considerable importance in the process, providing sanction for failure to engage in the treatment, and providing praise and reinforcement where progress is made.

Consistency of Judge is an important therapeutic factor in the YDC. Consistency means that each time the young person appears in Court he or she is faced with the same Judge. Not only does this mean that the Judge builds up a detailed knowledge of that person's case, it enables a relationship to be established between the Judge and the young person, which enhances the treatment process. The fact that a single Judge is monitoring performance, reviewing the case on a regular basis and is clearly knowledgeable about the circumstances surrounding the young person does not go unnoticed by the young person. It is usually the first time when a person in authority has demonstrated such an interest. The positive recognition of progress and the responses to failures are effective tools employed by the Judge.

The YDC process involves ongoing and regular monitoring by the Court. The young person is usually remanded, at least in the early stages of a treatment programme, for a period of two weeks, to come back to the YDC for review of progress. These two-weekly remands reflect the intensity of the monitoring process. On each occasion that the young person comes to Court the same Drug Court Team is present and the same Judge.



On the day of each remand the Drug Court Team meets in the morning to discuss each of the cases that are to be considered in the YDC. The young person's youth advocate is invited to this meeting, but the young person is not present. In the course of that meeting full details of the progress of the treatment plan are discussed, any changes to the treatment plan considered, and the result is that when the young person appears in court everybody in the team has full knowledge of everything that has occurred. There are no arguments concerning treatment, funding issues or placement issues and there can be full concentration on the treatment needs of the young person at that point.

Evaluation of the YDC has shown a decline in the drug and alcohol abuse and offending levels of participants, with around two thirds of young offenders surveyed having a lower level of offending, and 23% having no further charges at all against them.

## YOUTH OFFENDERS

Most youth offenders do not commit serious crimes. As a generalisation, about 80% of youth offenders commit about 20% of all offences. Only the most serious youth offenders are dealt with in court.

Only about 5% can be considered serious 'hard-core' offenders. Of these, over 80% are male, and up to 70% are addicted to drugs or alcohol, or have a drug or alcohol problem, and are not enrolled at school.

At least 50% of serious youth offenders are Maori, and in areas of high Maori populations, these numbers can be as high as 90%.

Many have psychological, behavioural, and learning difficulties, and, initially at least, display little remorse or empathy with their victims.



## YOUTH OFFENDING STATISTICS

For the past 10 years, 14 to 16 year olds have been consistently responsible for 22% of criminal offending in New Zealand, most of which is not serious.

Police apprehension rates for young people during this time have been relatively stable. However there has been a noticeable and worrying increase in apprehension rates for serious assaults since 2005 as there has been for all age groups within the population.

New Zealand leads the world in diverting youth offenders away from court. Less than 20% of youth offending is dealt with in court. 76% of offenders are dealt with by police diversion schemes devised and operated by specialist police officers. Another 8% are resolved by pre-charge family group conferences without the need for a court appearance.

The overall number of charges, and the overall numbers of youth offenders dealt with by the Youth Court has been relatively stable in the last 5 years.

For more information see the Youth Court website at [www.youthcourt.govt.nz](http://www.youthcourt.govt.nz) or through the Courts of New Zealand website [www.courtsfnz.govt.nz](http://www.courtsfnz.govt.nz).



> **THIS PAGE:** The Dunedin District Court.





> **THIS PAGE:** The Main Courtroom, Queenstown District Court.





# CIVIL JURISDICTION

## CIVIL JURISDICTION

The District Court doesn't only deal with criminal matters. If two or more private citizens cannot resolve a dispute they can file a civil claim with the Court, have a hearing and the Judge will decide the matter for them.

Civil claims usually involve arguments over money or property. This incorporates anything from disputes between neighbours about which trees they can cut down to commercial transactions involving millions of dollars. One party may say that the other party failed to do something that they had promised they would do (repay a debt for example), or that they did it but not to the agreed standard. Other examples include the amount charged for work done, damage to or loss of property. However, not all civil claims are commercial in nature. One party might seek damages to compensate for harm or hurt caused to them by the actions of the other, for example breach of privacy or human rights guaranteed by law.

The District Court deals with about 1,800 defended civil claims per year and tens of thousands of cases (usually of a debt collecting nature) which are not defended. While this is a fraction of the number of criminal cases that pass through the District Court on an annual basis there are several reasons for this. Civil matters are often resolved before they reach the Court, because the parties have "settled" (come to their own agreement) or a Judge might stop the case proceeding at a preliminary stage by "striking out" the claim. If the defendant has been notified that a claim has been lodged with the Court but does not respond then the plaintiff can be awarded judgment in their absence.

The District Court Rules 2009 brought a philosophical sea change in the way civil cases are dealt with in the District Court. The core philosophy of the new Rules puts access to justice ahead of competing

considerations, both by reducing the cost of getting a dispute to the point at which meaningful settlement negotiations can occur, and by making that process accessible to lay litigants. The new Rules take settlement as the basic objective, the process being designed to enhance the prospects of settlement at an early stage. The full scale witness action trial, with its attendant expense and delay, has been procedurally relegated to its economically justifiable place, namely the very last resort. More information on the new procedure is available at [www.justice.govt.nz/courts/civil](http://www.justice.govt.nz/courts/civil).

## DISPUTES TRIBUNAL

There has also been a large shift in workload from the District Court to the Disputes Tribunal. The Disputes Tribunal is a division of the District Court. The Disputes Tribunal used to be known as the Small Claims Tribunal. The Tribunal hears claims of up to \$15,000 (or where all parties agree, to \$20,000). The most common kinds of cases heard by the Tribunal are those based on agreements to supply goods or services and motor vehicle accident claims. Lawyers cannot represent parties and the filing fees are low. Cases are usually heard and disposed of within three months of lodging of the claim.

In the Tribunal, the presiding judicial officer (called a Referee) may assist the parties to reach an agreed settlement. If this is not appropriate, the Referee makes a decision based on the merits and justice of the case and has regard to the law. The order of the Tribunal becomes an order of the District Court and can be enforced accordingly. There is limited appeal to the District Court on the basis that proceedings were conducted unfairly and this affected the outcome. The overall aim of the Tribunal is quick, inexpensive, effective justice.



## DISTRICT COURT

When the amount claimed is more than \$15,000 (or by consent up to \$20,000) then it has to be heard in a Court. The District Court can hear claims for up to \$200,000, but claims for higher amounts must be heard in the High Court.

Civil cases proceed through the court according to streams along which they are travelling for compliance under a timetable set out in the District Courts Practice Notes, which can be obtained from your local courthouse.

Before a case goes to a hearing a Judge may convene a settlement conference to discuss with the parties the possibility of settlement of the dispute, if the parties request it. This enables the contestants to confront each other in an environment regulated by a Judge, and to finally agree on a settlement. Such a process is often sought by the parties because it can save money, nervous energy, time, and the parties are able to have an influence on the eventual outcome. What is said at such meetings is confidential and cannot be used as evidence at the hearing if the dispute is unfortunately not capable of settlement.

The person who brings the claim is called the plaintiff, and the person it is brought against is called the defendant. The plaintiff files a statement of claim with the Court, setting out what is sought and why (on what grounds). The defendant has the opportunity to reply in a statement of defence. Statements of claim and statements of defence are often accompanied by affidavits of evidence sworn by witnesses. If the matter goes to a hearing before a Judge, each side can call witnesses and make oral submissions. The Judge will then consider the evidence and reach a conclusion. The plaintiff has the burden of proving their claim on the balance of probabilities. This means that after weighing up the competing facts and law the Judge concludes that the plaintiff's case is more probable than not. This is a lower standard than is required in a criminal case, where the prosecution has to prove the guilt of the defendant beyond reasonable doubt.

Rights of appeal are to the High Court.



# FAMILY COURT

## THE FAMILY COURT

The Family Court was established by the Family Courts Act 1980. The Court's jurisdiction is largely outlined in s11 of that Act, in conjunction with a number of other statutes that confer jurisdiction on the Court:

### SECTION 11 OF THE FAMILY COURTS ACT

- Marriage Act 1955
- Adoption Act 1955
- Care of Children Act 2004
- Domestic Actions Act 1975
- Property (Relationships) Act 1976
- Family Proceedings Act 1980
- Child Support Act 1991
- Children, Young Persons, and Their Families Act 1989
- Law Reform (Testamentary Promises) Act 1949
- Family Protection Act 1955
- Civil Union Act 2004
- Wills Act 2007.

### OTHER ENACTMENTS

- Protection of Personal and Property Rights Act 1988
- Mental Health (Compulsory Assessment and Treatment) Act 1992
- Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003
- Births, Deaths, Marriages and Relationships Registration Act 1995
- Alcoholism and Drug Addiction Act 1966
- Domestic Violence Act 1995.

The Court deals with over 87,000 applications each year, many of which involve children. The Court handles cases involving private childcare and guardianship disputes, adoption, paternity, child abduction, and care and protection where there are concerns of abuse or neglect. 33% of the applications are private childcare disputes under the Care of Children Act 2004. Care and protection cases make up nearly 15%.

In relation to property, the Court deals with relationship property disputes, estates and testamentary promises, maintenance, and child support appeals from decisions of the Commissioner of Inland Revenue. Unlike in the civil jurisdiction of the District Court, there is no financial ceiling on the amount of property for which the Court can determine applications.

The Court has jurisdiction over several areas of health and disability legislation. These include mental health and the compulsory care and rehabilitation of people with an intellectual disability that have been charged with, or convicted of a criminal offence. The Court also deals with powers to act on behalf of others where individuals do not have the capacity to manage their own affairs. This includes enduring powers of attorney, and the management of care or property. The Court's primary objectives are to make the least restrictive intervention into the person's life, and to enable the person to exercise and develop capacity as much as is possible.

A significant part of the Court's work, around 10%, involves responding to domestic violence under the Domestic Violence Act 1995. The Act aims to protect victims of domestic violence through protection orders, and stop further violence by requiring the offender to attend a stopping violence programme. There are also programmes available for victims. The Family Court and the District Court work side by side against domestic violence, with the criminal jurisdiction of the



Principal Family Court  
Judge – **Peter Boshier**.

District Court responsible for breaches of protection orders. A number of specialised domestic violence courts have been established to target family violence.

Parties are encouraged to resolve childcare disputes by agreement as much as possible. Most applications are resolved through conciliation, using the counselling and mediation services of the Court. Only where conciliation has been unsuccessful or where the situation is urgent (for example if there have been allegations of violence) will the case go before the Court for determination. Only 5% of Court orders under the Care of Children Act 2004 result from a defended hearing.

Counselling is undertaken away from the Court premises and is conducted by an experienced counsellor. Parties generally attend together but if circumstances require, separate counselling can be arranged. The goal is to reach a mutually beneficial solution. This allows the parties to have control over the outcome, rather than being forced to abide by a Court order. It is the most efficient way to reach resolution in terms of time and costs, tends to be less stressful than a Court hearing, and the outcomes are often the most enduring and successful. If the parties wish, an agreement can be formalised by a Court order made with consent, to make sure that it is abided by in the future and to give a means of resolution if it is not. Consent orders make up almost 68% of all final parenting orders for day to day care under the Care of Children Act.

Mediation conferences are presently run by a Family Court Judge, although legislation passed by Parliament in September 2008 will see the introduction of non-judge led mediation in the future. While more formal than counselling, the conferences are less formal than a hearing, and again the parties are encouraged to reach their own solution. The Judge provides some

guidance, such as focusing on upholding the children's welfare and best interests, and ensuring all of the issues are considered, but any outcome must be reached with the agreement of the parties. Agreements can simply be written down, or issued as consent orders.

### COUNSELLING FOR CHILDREN

The legislation which was passed by Parliament in September 2008 also promises to introduce counselling for children to the Family Court in the future. This will have three aspects to it. The first will allow children to attend counselling if they will be attending mediation regarding some aspect of their care or guardianship. The second will allow children to attend counselling if their carers or guardians are undertaking counselling in relation to a parenting or guardianship dispute and it is felt the child's input would be useful. Thirdly, counselling will be available where the child is in "exceptional need" of accepting the terms of a court order or in adjusting to any changes resulting from the terms of an order.



A Family Court sitting in Dunedin.



### LESS ADVERSARIAL HEARINGS

Between November 2006 and November 2008, the Court piloted a new approach to resolving cases under the Care of Children Act. It was based on a less adversarial approach and was designed to limit the damage caused to children and their parents from long and expensive conflicts. The pilot operated in Auckland, Tauranga, Rotorua, Palmerston North, Wellington and Dunedin. The evaluation has now been completed and the Court will decide on what form it wishes less adversarial hearings to take, once the evaluation has been considered. In early 2009 a similar approach, called the Early Intervention Process was introduced in the Christchurch Family Court.

### PARENTING THROUGH SEPARATION

There is a free information programme for parents called Parenting Through Separation. This programme aims to help parents separate in a child-friendly way. Parents attend meetings with the programme leader and other parents, and are given DVDs for both parents and children. The information centres on how separation affects children, strategies for dealing with children and ex-partners, and how the Family Court works.



## WORK LOAD

Every year, the Ministry of Justice publishes very comprehensive statistics on the Family Court. By way of summary, the Court receives about 87,000 new applications each year and a summary of the subject matter of those applications and the percentage of total work load that they occupy are set out in the table below.

Alcohol & Drugs	89	0.1%
Adoption	499	0.6%
Child Support	377	0.4%
Children, Young Persons, & Their Families Act	12,274	14%
Dissolution	10,223	11.7%
Domestic Violence	8,327	9.5%
Estates	468	0.5%
Family Proceedings	1,199	1.4%
Guardianship	28,931	33.0%
Hague Convention on the Civil Aspects of International Child Abduction	222	0.2%
Mental Health	5,853	6.7%
Miscellaneous	89	0.1%
Protection of Personal and Property Rights Act	2,707	3.1%
Property	2,747	3.1%
Requests	13,703	15.6%

The Family Court has a comprehensive website with further information about the Court, recent decisions and publications, and advice on making applications.

The address is [www.justice.govt.nz/family](http://www.justice.govt.nz/family).



> **THIS PAGE:** A Judges view – Blenheim District Court.





# A GLIMPSE OF COURTHOUSES

In this section we take a look at a selection of courthouses historical and modern, majestic and humble. Some courthouses survive as operating examples of typical facilities of yesteryear. Some are proud reminders of early New Zealand architecture. Others are the product of modern design and equipment. What follows are views both inside and out of some of the courthouses in which the many dedicated staff of the Ministry of Justice work, and where justice is delivered in the District Court.

## Whataroa Court

The Whataroa Court is probably the most isolated Court in New Zealand, situated 150 kilometres south of Greymouth and 404 kilometres north of Queenstown, the next closest courts. Whataroa is a small rural town predominantly serving agriculture and sawmilling needs. Immediately to the south is Franz Josef which has over the recent years grown considerably with tourism its major industry.

The court house is part of the West Coast circuit served by the Christchurch District Court Judges. A Judge will make the two hour trip down from Greymouth, usually returning on the same day when it is in use. These days the Court is in operation three to four times a year. Its continuing use, reflects the need to provide access to justice in an area of relatively few people but where the logistics of travel demand a judicial presence from time to time.

The court house was originally built in 1939 and has been in constant use since that time, although records held by the New Zealand Archives indicate a judicial presence in the area from 1936 onwards. Presumably prior to the court's erection temporary accommodation was used by visiting Magistrates.

The inside of the court itself resembles an old fashioned schoolroom. The Judge at the front of the room, the dock positioned about three to four metres to the right

of the Judge, the witness box a similar distance to the left. Counsel and prosecution face each other across the one table in the body of the court room, while the general public, if they can fit in, sit on the one bench at the back.

Security is provided by one, one metre high, wooden railing cleverly and strategically placed three quarters of the way back in the court. It is difficult to jump over such an obstacle when wearing gumboots or jandals (the footwear of choice for most appearing at Whataroa).

On court day, the court crier, cum local police constable, ensures the defendant when called is present. There is no sound system at Whataroa. Ensuring the presence of the defendant, usually requires the police constable to wander out of the court and identify the defendant who will be in the general vicinity. This is not a difficult task because he has usually arrested each of those to appear. It is difficult not to get caught for most offences in Whataroa given its size and the presence of the local police constable who lives next door to the court.

The constable also provides morning tea/lunch, usually enjoyed after the end of the court session. There are few defended hearings at Whataroa. Issues of judicial independence are somewhat tempered by the availability of home-made scones (with cream and



Kaitaia District Court.



jam), soup and other refreshments. Whitebait has been known to also adorn the table.

The police, all of them, which usually includes a large proportion of the South Westland Police Force, probation, the lawyers, press, court staff and any legitimate one-off attendees, jostle with the judge for food access. The unwritten rule is that the work of the court is not mentioned or at least is not mentioned within the hearing of the judge.

Like all West Coast courts it has its own urban myths, normally surrounding the local police constable, although a recent addition from the 1990s involves one of the Christchurch District Court Judges. The

Judge attending was faced with a dilemma. On arrival he found the court was still locked, the local policeman having been called away urgently. It was decided that justice must be seen to be done and, therefore, that the Judge must force entry to the court. With the assistance of court staff he was hoisted up the back wall where he was able to force entry through a back window and climb in, to the delight of the assembled multitude of defendants yet to appear. It is the only known example of a Judge breaking and entering his/her own court.

Whataroa is a precious jewel in the crown of the West Coast circuit.





## The Warkworth Courthouse: A mystery and a memoir



A Judge writes.... 'So reads the plaque set beneath the front gable of this modest little wooden building. Has it been in use as a courthouse since 1880? The jury is out on that one. There was certainly a constable's dwelling on the site at that early date and it may be that it was in that more humble capacity that the building first served. In truth I have been unable to ascertain the date upon which a Court first sat here – save to say that it was about the date shown above that a police court was known to have been first convened in the town. Perhaps my research has not been sufficiently assiduous. Perhaps, if its origins are more humble than the plaque suggests, I don't really want to know.

'My first personal acquaintance with this historical little venue was when I went there one day as a schoolboy to observe the wheels of justice in motion. My companion and I in our short trousers were startled by the local constable bellowing out the name of the next defendant

and enquiring in none too delicate terms whether either of us was the said suspect.

'A few years later I darkened the door again when, as a very newly fledged lawyer, I made my first ever court appearance there in 1966. At that time I suspect not much had changed physically about the place since 1880, nor indeed in the administration and clerical arrangements prevailing. The sole charge local constable served the offices of both Registrar and prosecutor, and no one seemed unduly troubled by the perception of a conflict of interest in this arrangement. The presiding Magistrate and his clerk attended from Auckland, and proceedings were run on the military and authoritarian lines common at the time and which I had observed in action as a boy some years previously.

'At the end of the day's proceedings the presiding Magistrate, Mr M C Astley SM, bade the press and members of the public to remain as he said: 'I have

Taihape District Court.



something to say'. There followed a caustic diatribe about the deficiencies of the building; the lack of public space; interview rooms; office facilities; lavatories etc. etc. His Worship indicated that he would not be sitting in Warkworth again until these things were remedied.

'The New Zealand Herald obliged the next day with a suitably prominent report of his concerns, but the powers that be in Wellington were evidently unmoved, since it was many years before the present additions to the old building comprising new court offices, Family Court and public amenities made their appearance sometime in the early 80s.

'Still, within the courtroom the aura of 1880 prevails. Apart from the little sloping kauri Bench, the little kauri dock and witness box on either side of it which raise the standing occupants to a higher level than a seated Judge, there is little to distinguish the plain wooden room with its old-fashioned match lining and double hung windows from a church hall or similar edifice of the 19th century.

'Few of the historical courthouses formerly in use in the north remain in more or less original state. The old courthouse at Mangonui survives as a museum

and gallery, but the former Maungataroto courthouse has been made over into a residence. In Dargaville and Kaikohe the old buildings have been renovated or replaced altogether. Small as they were, most of these old buildings had some modest pretensions to the dignity of their purpose by way of architectural decorations, mouldings and panelling. These are features which are wholly absent from the Warkworth building, a fact which may indeed lend strength to the rumour that it was originally built for a more humble domestic purpose and is an early, perhaps the earliest example, of the departmental genius for improvisation of courthouse accommodation that persists to this very day.

'Nevertheless, the sense of history when one sits in the Warkworth Courthouse as a Judge, as it has been my privilege to do in later life, is quite compelling.

'The sense of history and of mystery still prevails.'



## Modern Art – North Shore District Court Brett Graham, Ngati Koroki Kahukura “Escape” 2002



Brett Graham lectures at Te Toi Hou, Elam School of Fine Arts.

The sculpture resembles both outrigger canoe and spaceship, a recurring theme in his work. Space exploration and the habitation of planets in the future have precedents in ocean voyaging and the colonisation of pacific islands by Polynesian adventurers. The sculpture is about migrations, journeys and humanities' ability to adapt to new places, both past and present. The form of “Escape” came originally from a double



Brett Graham was born in 1967 in Auckland, New Zealand. He graduated with a Bachelor of Fine Arts from Elam School of Fine Arts, University of Auckland in 1988. In 1991 he graduated with a Master of Fine Arts from the University of Hawaii, Honolulu.

Brett has exhibited widely throughout New Zealand and has also in Japan, Switzerland, Australia and the United States. Brett Graham is included in many public and private collections and has a number of public commissions throughout the country.



coconut husk seen in the Bishop Museum. It is a resilient buoyant shape that traverses the Pacific Ocean until reaching landfall, where it takes seed. On the one hand, the work acts as diversion, an escape for patrons preoccupied with courthouse business, yet on the other serves as a metaphor for the purpose of the law, “to give justice wings”.



Auckland District Court.



## A Day in a Large Courthouse

*“Hark the hour of ten is sounding breathing hope and fear, for today in this arena Edwin, sued by Angelina, shortly will appear.”*

– OPENING LINES FROM ‘*TRIAL BY JURY*’ BY GILBERT AND SULLIVAN.

The business of the court is deadly serious, but light opera, like *Trial by Jury*, truly captures the sense of anticipation and, yes, fear, which prevails as a big courthouse in any of our major cities prepares for its day.

Upstairs in their chambers, Judges are perusing the day’s files, signing off typed judgments from the past, checking emails and generally bracing for a long day of concentration in the courtroom. At quarter to ten they will gather for a cup of tea, a yarn or the exchange of advice before the clerk comes to fetch them at two minutes to 10am.

In the mid levels of the court, staff are going through their daily frenzy of mustering and ordering thousands of papers, directing lost customers, preparing their court lists and trying to find out which chambers their Judge occupies.

On the courtroom floors, police, defendants, witnesses, supporters, forensic nurses, Salvation Army officers, lawyers, spectators, and news reporters are amassing for the day’s events and revelations. Closed circuit cameras dolefully watch for miscreants applying graffiti to the walls or furniture, security officers walk about attempting to give the appearance there are three times as many in number than reality, stressed lawyers hunt for lost clients, and some just sit; waiting, hurt or afraid.

Down at the entranceway the security officers confiscate knives, scissors, as if it were an airport. In the cells in the basement, keys jingle, bolts clang, voices protest, lawyers question accused through grills.

Hark the hour of ten is sounding...

Lifts whoosh, doors open, and in a dozen or two courtrooms clerks call out “please stand for His/Her Honour Judge Bloggs”. Bowing, sitting, cases called, introductions. Several Family Courts, several jury courts, a Youth Court, more than a few summary courts and the police list court are underway. All with different routines, different atmospherics, different law. The emotion of the Family Court, the slow deliberate set piece play of the jury court, or the marketplace movement in the list court – all have life breathed into them at the magic hour of ten am and all proceed with their unpredictable stories within a predictable framework toward a decision.

At the end emotion is drained, rationality emerges, justice is done.

And at the end, after the litigants are gone, tired staff and Judges set off home. Someone locks up. The day is done.



# OTHER COURT USERS

## THE MEDIA IN COURT

Freedom of the media to report court proceedings is a fundamental part of New Zealand's justice system. The media ensures that the public are aware that justice is seen to be done, and raises public awareness of the courts, given that most New Zealanders learn about our legal system through media reports of court proceedings.

Apart from Parliament, the courts are unique among public organisations because of the right of the media to be present. If you attend a District Court court proceeding, particularly criminal cases, you will often see members of the press gallery sitting at benches in the court taking notes. The media do not have a complete free rein though, as sometimes the presiding Judge will make suppression orders about different aspects of a trial – including key facts or the name of victims or the accused. The presiding Judge has the power to control the Court proceedings and does this to ensure that a trial is fair and impartial. Another example of a Judge's powers to control proceedings is the presence of television cameras in Court – this is only allowed after a Judge has given permission and the Judge often makes stipulations as to what the cameras can and cannot record.

The Family Court and the Youth Court have different rules for the media than the District Court. In the Family Court, the media may attend hearings under the Care of Children Act 2004 as of right. However, in order to protect the parties' privacy, reports of the proceedings must not contain the names of the parties or the children, or any other details likely to lead to their identification. In other Family Court proceedings the media are not generally allowed to attend.

Youth Court proceedings are not open to the public, but media can attend though there are restrictions on what the media can publish, including the name of the young person, the names of their parents or guardians, the name of the school the young person attends or attended, and any other information that could lead to the identification of the young person.

The Ministry of Justice publishes a handbook "Media Guide for Reporting the Courts" which is available on the internet at

<http://www.justice.govt.nz/media>.



## POLICE IN COURT

Police lay most of the criminal charges heard in court, and conduct summary prosecution through the Police Prosecution Service (PPS). The PPS has a separate hierarchy structure from operational police, but needs to work closely with officers in charge of the particular cases.

Police will be seen regularly in courthouses as prosecutors, or staffing the cells and docks of list courts, or as witnesses. The police also operate a police diversion scheme which allows many minor or first offenders to make amends without incurring a conviction.

## COURT SECURITY OFFICERS

The Ministry of Justice employs a number of security officers who are available in busy courts and in any court with a perceived security risk. They may man electronic surveillance at court entrance ways, or monitor public behaviour in courthouses. They acquire their authority from the Court Security Act 1999.

## FRIENDS AT COURT

Friends at Court is an organisation of volunteers who wear an identification badge and dispense helpful advice to the lost or puzzled.

Salvation Army officers and also members of other ministries, such as inner city missions, are usually at court ready, willing and able to help people down on their luck with good advice and community support.

## VICTIM SUPPORT

These people are angels of mercy who provide victims with advice and are able to direct them to suitable counselling. They are supported by government grant, but are volunteers in the main, and they are usually given accommodation by police. Victim Support often supply victim impact statements for the use of the Judge and often provide support to victims in court.



## VICTIM ADVISORS

Victim advisors are court staff especially appointed to provide advice, usually about process, but it may be more extensive, to court users and written reports to Judges on victims' views about bail and sentencing. As court employees they are bound to be non-partisan and give matter of fact advice.

## FORENSIC NURSES

Forensic nurses are employees of the health sector who attend court to conduct on the spot assessments for the purposes of mental health legislation, and advice to Judges about the need for, or availability of placements within the health system for affected defendants. Their work is usually the preliminary to a more extensive professional assessment of the individual concerned.

## LAWYERS

Lawyers are the mainstay of the adversarial system. They are professionals who practice in the courts and who have rights of audience before any Judge on any matter within the framework of the law and process. They are bound by ethical rules, including keeping their clients' confidences. Lawyers are private practitioners, independent of the court, except by adherence to well understood behavioural etiquette.

Litigants and people charged with offences may engage a lawyer either privately at their own expense, or if they qualify, by applying for legal aid.

## LEGAL AID

The Legal Services Agency runs the legal aid system which will pay a fee for a lawyer to conduct a case for a person granted legal aid. The rules for qualifying can be obtained from the Legal Services Agency.

## MCKENZIE FRIENDS

This is an expression to describe someone who is not a lawyer but a supporter of a person who decides to run their own case in court. It is entirely up to the Judge whether the McKenzie Friend will be allowed ("McKenzie Friend" is so called because of the name of the first case in which it occurred) and the McKenzie Friend will only be allowed to give whispered advice to the litigant. The McKenzie Friend will not be allowed speaking rights before the Judge.



## INTERPRETERS

Interpreters will be available by application to the registry office of the particular courthouse. They are not court staff members but are paid a fee by the Ministry of Justice. Good notice should be given of the need for an interpreter because experience has shown that sometimes in the over 100 different languages so far experienced in court, interpreters for some languages are hard to track down.

## OFFICIAL LANGUAGES

English, Māori and New Zealand Sign Language are official languages in New Zealand and may be used as of right. However, where a language is required for a hearing good notice should be given, especially for a defended hearing, so proper arrangements can be made.



# APPENDICES

## DISTRICT COURTHOUSES

Courts	Physical Address	Postal Address	Telephone No	Fax No
Alexandra	Kelman Street ALEXANDRA	DX ZX10312	03 440 0060	03 440 0061
Ashburton	Baring Square West ASHBURTON	DX WX10605	03 307 9060	03 307 9070
Auckland	65-69 Albert St AUCKLAND	DX CX10024	09 916 9000	09 916 9047 09 916 9013 Civil/ Tribunal 09 916 9010 Criminal 09 916 9046 Family
Balclutha	1 Paisley St BALCLUTHA	DX YX10155	03 419 0070	03 419 0073
Blenheim	58 Alfred St BLENHEIM	DX WX10502	03 520 9250	03 520 9251
Chatham Islands	Waitangi-Tuku Rd CHATHAM ISLANDS	Private Bag	03 305 0336	03 305 0410
Christchurch	282 Durham St CHRISTCHURCH	DX WX10021	03 962 4000	03 962 4233 03 962 4303 Family 03 962 4301 Criminal 03 962 4259 Civil
Dannevirke	5-7 Gordon St DANNIVIRKE	DX PX10066	06 374 4530	06 374 4531
Dargaville	45 Hokianga Rd DARGAVILLE	DX AX10085	09 439 3160	09 439 3161
Dunedin	41 Lower Stuart Street DUNEDIN	DX YX10176	03 471 5100	03 471 5195 03 471 5176 Criminal 03 471 5178 Family
Feilding	Cnr Kimbolton Rd & Stratford St FEILDING	DX PX10062	06 323 0040	06 323 0045
Gisborne	Customhouse St GISBORNE  Family/Civil: 2F Quay Point Building Reads Quay GISBORNE	DX PX10091	06 869 0350	06 869 0351 06 869 0341 Family



## DISTRICT COURTHOUSES

Courts	Physical Address	Postal Address	Telephone No	Fax No
Gore	6 Hokonui Drive GORE	DX YX10143	03 209 0030	03 209 0031
Greymouth	Cnr Herbert/ Guinness/Tarapuhi Sts GREYMOOUTH	DX WX10403	03 769 9062	03 769 9131
Hamilton	Anglesea St HAMILTON	DX GX10076	07 957 7700	
Hastings	Railway Rd HASTINGS	DX MX10008	06 974 7330	
Hawera	64-68 Princes St HAWERA	DX NX10042	06 278 2080	
Huntly	4-6 Glasgow St HUNTLY	DX GX10161	07 828 2010	
Invercargill	33 Don Street INVERCARGILL	DX YX10218	03 211 0650	
Kaikohe	Station Rd KAIKOHE	DX AX10011	09 401 5020	
Kaikoura	Kallarney St KAIKOURA	DX WX11161	03 319 5439	
Kaitaia	Redan Rd KAITAIA	DX AX10023	09 408 9060	
Levin	9 Bristol St LEVIN	DX PX10104	06 366 0400	
Lower Hutt	Laings Rd LOWER HUTT	DX SX10057	04 914 3140	
Manukau	30 Wiri Station Rd MANUKAU	DX EX11008	09 916 2600	
Marton	23-27 Stewart St MARTON	DX PX10047	06 327 0040	
Masterton	Dixon St MASTERTON	DX PX10022	06 370 0230	
Morrinsville	31 Moorehouse St MORRINSVILLE	DX GX10127	07 889 8300	
Napier	Hastings St NAPIER	DX MX10101	06 974 6000	
Nelson	200 Bridge St NELSON	DX WX10725	03 989 2500	



## DISTRICT COURTHOUSES

Courts	Physical Address	Postal Address	Telephone No	Fax No
New Plymouth	Robe St NEW PLYMOUTH	DX NX10061	06 968 6500	
North Shore	Cnr Don McKinnon & Corinthian Drive ALBANY	DX BX10644	09 916 5720 09 916 5848 Family	
Oamaru	88 Thames St OAMARU	DX WX10671	03 433 0210	
Opotiki	Church St OPOTIKI	DX JX10562	07 315 5210	
Palmerston North	436-464 Main St PALMERSTON NTH.	DX PX10031	06 952 6200	
Papakura	Cnr Great South Rd & Woods St PAPAKURA	DX EX10945	09 916 9440	
Porirua	4 Hagley Street PORIRUA	DX SX10018	04 914 3260	
Pukekohe	Stadium Drive PUKEKOHE	DX EX11019	09 237 0140	
Queenstown	36 Stanley St QUEENSTOWN	DX ZX10316	03 441 0200	
Rangiora	Percival St RANGIORA	DX WX11161	03 311 8060	
Rotorua	Cnr Arawa & Tutanekai Sts ROTORUA	DX JX10550	07 921 7400	
Ruatoria		DX PX10091	06 869 0350	
Taihape	10 Tui St TAIHAPE	DX PA85002	06 388 1751	
Taumarunui	Miriama St TAUMARUNUI	DX GX10170	07 896 0010	
Taupo	Story Place TAUPO	DX PX10105	07 376 0300	
Tauranga	Level 2 Harrington House Harrington St TAURANGA	DX HX11034	07 928 7200	
Te Awamutu	53 Roche Street TE AWAMUTU	DX GX10086	07 872 0180	
Te Kuiti	Queen St TE KUITI	DX GX10032	07 878 0030	



## DISTRICT COURTHOUSES

Courts	Physical Address	Postal Address	Telephone No	Fax No
Thames	Queen St THAMES	DX GX10162	07 868 0050	
Timaru	12-14 North St TIMARU	DX WX10639	03 687 9290	
Tokoroa	Bridge St TOKOROA	DX GX10171	07 885 0060	
Upper Hutt	76 Main St UPPER HUTT	DX SX10128	04 914 3380	
Waihi	Kenny St WAIHI	DX HX11058	07 863 3170	
Waipukurau	Cnr St Joseph & River Tce WAIPUKURAU	DX MX10095	06 858 6942	
Wairoa	Queen St WAIROA	DX PX10108	06 838 9020	
Waitakere	9-11 Ratanui St HENDERSON	DX CX10251	09 916 5230	
Whanganui	Market Place WHANGANUI	DX PX10280	06 349 0740	
Warkworth	Elizabeth St WARKWORTH	DX BX10644	09 425 8540	
Wellington	43-49 Ballance St WELLINGTON	DX SX11166	04 918 8000	
Westport	11 Wakefield St WESTPORT	DX WX10421	03 788 9010	
Whakatane	Pyne St WHAKATANE	DX JX10575	07 306 0200	
Whangarei	105-109 Bank St WHANGAREI	DX AX10087	09 983 5460	
Whataroa	43 Scally Road WHATAROA	DX WX10403		



## JUDGES IN THEIR COURTHOUSES

DISTRICT COURT JUDGE		APPOINTMENT DATE	WARRANT	LOCATION
Johnson	His Honour Chief District Court Judge RJ	18.01.93	Jury	Chief Judge's Chambers
Boshier	His Honour Principal Family Court Judge PF	08.04.88	Family/ Youth	Chief Judge's Chambers
Becroft	His Honour Principal Youth Court Judge AJ	29.05.96	Jury/Youth/Family	Chief Judge's Chambers
Aitken	Her Honour Judge EM	05.02.07	Jury	Auckland
Adams	His Honour Judge JG	26.05.95	Family	Waitakere
Adeane	His Honour Judge AJ	16.12.93	Jury	Napier
Andrée Wiltens	His Honour Judge GA	09.11.07	Jury	Manukau
Atkins	His Honour Judge LH, QC	16.12.97	Jury	Palmerston North
Barry	His Honour Judge DRW	12.01.05	Jury	Wellington
Beattie	His Honour Judge MJ	30.08.91	General/ACC	Auckland
Behrens	His Honour Judge MJ, QC	12.02.04	Jury	Wellington
Bidois	His Honour Judge LM	05.07.02	Jury/Youth	Tauranga
Binns	Her Honour JA	08.08.08	Jury/Family	Palmerston North
Blackie	His Honour Judge CS	18.12.98	Jury	Manukau
Borthwick	His Honour Judge JE	11.10.88	Environment	Christchurch
Bouchier	Her Honour Judge AMJ	01.07.88	Jury	Auckland
Broadmore	His Honour Judge TJ	14.10.05	General	Wellington
Brown	His Honour Judge DR	27.01.92	Family/Youth	Hamilton
Burnett	Her Honour Judge MLSF	31.01.97	Jury	Hamilton
Burns	His Honour Judge DA	15.03.05	Family	Auckland
Butler	His Honour Judge PJ	22.05.03	Jury/Youth	Wellington
Callaghan	His Honour Judge BP	07.07.94	Jury/Youth	Christchurch



## JUDGES IN THEIR COURTHOUSES

DISTRICT COURT JUDGE		APPOINTMENT DATE	WARRANT	LOCATION
Callinicos	His Honour Judge PJ	22.11.02	Family/Youth	Whanganui
Clark	Her Honour Judge DC	02.10.01	Jury/Youth	Hamilton
Cocurullo	His Honour Judge ND	12.02.07	Family/Youth	Hamilton
Connell	His Honour Judge PR	12.04.00	Jury/Youth	Hamilton
Cooper	His Honour Judge PW	27.01.95	Jury/Youth	Rotorua
Couch	His Honour Judge AA	03.06.05	General	Christchurch
Coyle	His Honour Judge SJ	15.5.09	Family	Dunedin
Crosbie	His Honour Judge MA	12.10.01	Jury	Christchurch
Cunningham	Her Honour Judge PA	02.03.07	Jury	Auckland
Davidson	His Honour Judge B	17.01.03	Jury	Wellington
Dawson	His Honour Judge NR	24.11.03	Jury	Palmerston North
de Jong	His Honour Judge L	18.05.06	Family	Auckland
de Ridder	His Honour Judge KB	05.08.05	Jury/Youth	Whangarei
Doherty	His Honour Judge CJ	08.04.97	Jury	Christchurch
Doogue	Her Honour Judge JM	21.07.94	Family	Auckland
Druce	His Honour Judge TH	27.03.03	Family/Youth	Whangarei
Dwyer	His Honour Judge BP	01.09.06	Environment	Wellington
Eivers	Her Honour Judge FJ	30.11.09	Family	Manukau
Ellis	His Honour Judge GF	08.07.91	Family	Wellington
Epati	His Honour Judge A'e'au S	22.02.02	Jury	Manukau
Farish	Her Honour Judge JA	10.08.07	Jury	Christchurch
Field	His Honour Judge CJ	07.02.97	Jury	Auckland
Fitzgerald	His Honour Judge AJ	10.05.99	Family/Youth	Auckland
Flatley	His Honour Judge D	08.12.05	Family	Invercargill



## JUDGES IN THEIR COURTHOUSES

DISTRICT COURT JUDGE		APPOINTMENT DATE	WARRANT	LOCATION
Fleming	Her Honour Judge SJ	17.03.00	Family	Auckland
Fraser	His Honour Judge GA	22.01.98	Family/Youth	Palmerston North
Garland	His Honour Judge AD	21.03.05	Jury	Palmerston North
Geoghegan	His Honour Judge JP	07.02.03	Family/Youth	Tauranga
Gibson	His Honour Judge BA	17.02.10	Jury	Manukau
Gittos	His Honour Judge JP	25.03.94	Jury	Auckland
Grace	His Honour Judge PR	29.11.95	Family/Youth	Wellington
Harding	His Honour Judge CJ	04.04.96	Jury/Youth	Tauranga
Harland	Her Honour Judge M	28.05.07	Environment	Hamilton
Harrop	His Honour Judge SM	08.02.07	Jury	Wellington
Harvey	His Honour Judge DJ	16.01.89	Jury/Youth	Manukau
Harvey	His Honour Judge DG	28.02.06	Jury	Whangarei
Hikaka	His Honour Judge GF	15.11.04	Family/Youth	Manukau
Hinton	His Honour Judge LI	11.12.07	Jury	North Shore
Hubble	His Honour Judge GV	05.02.96	Jury	Auckland
linglis	Her Honour Judge CC	21.05.10	Jury	Manukau
Ingram	His Honour Judge TR	11.01.05	Jury	Tauranga
Jackson	His Honour Judge JR	01.11.96	Environment	Christchurch
Johns	Her Honour Judge AJ	12.07.05	Jury	Manukau
Johnston	Her Honour Judge J	23.01.98	Family	Wellington
Joyce	His Honour Judge GR, QC	15.10.93	Jury	Auckland
Kellar	His Honour Judge PR	05.04.07	Jury	Dunedin
Kelly	Her Honour Judge JM	18.09.03	Jury	Wellington
Kiernan	Her Honour Judge AE	05.11.02	Jury	Auckland
Lovell-Smith	Her Honour Judge JH	03.03.94	Jury/Youth	Manukau
Lynch	His Honour Judge GM	31.10.08	Jury	Palmerston North
MacAskill	His Honour Judge GS	04.11.97	Jury	Christchurch



## JUDGES IN THEIR COURTHOUSES

DISTRICT COURT JUDGE		APPOINTMENT DATE	WARRANT	LOCATION
MacKenzie	Her Honour Judge MA	16.01.08	Family/Youth	Rotorua
Mackintosh	Her Honour Judge BM	30.01.03	Jury/Youth	Napier
Malosi	Her Honour Judge IM	28.08.02	Family/Youth	Manukau
Marshall	His Honour Judge G	23.04.10	Jury	Hamilton
Mather	His Honour Judge DG	26.02.97	Family	Waitakere
Mathers	Her Honour Judge NJ	09.06.00	Jury	Auckland
Maude	His Honour Judge SJ	18.01.08	Family	Whangarei
Maze	Her Honour Judge JE	01.10.01	Jury	Hamilton
McAuslan	Her Honour Judge SEC	06.04.95	Jury	Papakura
McDonald	His Honour Judge DJ	29.04.05	Jury	Whangarei
McGuire	His Honour Judge CJ	19.12.97	Jury	Rotorua
McHardy	His Honour Judge IA	04.10.05	Family	Auckland
McMeeken	Her Honour Judge JA	27.08.99	Family/Youth	Christchurch
McNaughton	His Honour DJ	08.08.08	Jury	North Shore
Mill	His Honour Judge IG	15.01.98	Family/Jury/Youth	Wellington
Moran	Her Honour Judge JJ	05.09.03	Family	Christchurch
Moran	His Honour Judge PA	18.06.90	Jury/Youth	Christchurch
Morris	Her Honour Judge BA	20.06.00	Jury	North Shore
Moses	His Honour Judge JC	01.03.10	Jury	Manukau
Moss	Her Honour Judge JF	02.06.95	Family/Youth	Wellington
Munro	Her Honour Judge J	11.07.07	Family/Youth	Rotorua
Murfitt	His Honour Judge RJ	19.04.04	Family/Youth	New Plymouth
Neave	His Honour Judge RE	07.11.07	Jury	Christchurch
Newhook	His Honour Judge LJ	17.08.01	Environment	Auckland
O'Driscoll	His Honour Judge SJ	29.05.03	Jury/Youth	Dunedin



## JUDGES IN THEIR COURTHOUSES

DISTRICT COURT JUDGE		APPOINTMENT DATE	WARRANT	LOCATION
O'Dwyer	Her Honour Judge MNE	01.11.02	Family/Youth	Dunedin
Paul	His Honour Judge EP	01.02.08	Jury	Auckland
Perkins	His Honour Judge ME	31.08.99	Jury/Youth	Auckland
Phillips	His Honour Judge KJ	20.02.06	Jury/Youth	Invercargill
Radford	His Honour Judge MR	31.10.06	Jury	Whanganui
Rea	His Honour Judge GA	09.05.95	Jury/Youth	Napier
Recordon	His Honour Judge PJ	28.08.03	Jury/Youth	Waitakere
Riddell	Her Honour Judge RH	02.02.06	Family	Hamilton
Roberts	His Honour Judge AC	03.04.07	Jury	New Plymouth
Rogers	Her Honour Judge ML	02.09.05	Family	Manukau
Rollo	His Honour Judge PS	14.07.00	Jury/Youth	Tauranga
Ross	His Honour Judge GM	27.08.93	General/Youth	Palmerston North
Russell	His Honour Judge RJ	30.01.08	Family/Youth	Nelson
Ryan	His Honour Judge LJ	03.04.96	Family/Youth	North Shore
Saunders	His Honour Judge DJL	03.12.93	Jury	Christchurch
Sharp	Her Honour Judge ME	03.11.95	Jury	Auckland
Sinclair	Her Honour Judge AA	19.12.07	Jury	Auckland
Singh	His Honour Judge AS	04.11.02	Jury	Manukau
Smith	His Honour Judge JA	14.07.00	Environment	Christchurch
Smith	Her Honour Judge E	18.11.04	Family	Christchurch
Somerville	His Honour Judge CP	09.05.96	Family	Christchurch
Somerville	Her Honour Judge AE	02.03.01	Family	Tauranga



## JUDGES IN THEIR COURTHOUSES

DISTRICT COURT JUDGE		APPOINTMENT DATE	WARRANT	LOCATION
Spear	His Honour Judge RLB	20.04.95	Jury	Hamilton
Spiller	His Honour Judge PR	07.08.09	Jury	Wellington
Strettell	His Honour Judge JJD	26.11.90	Family/Youth	Christchurch
Taumaunu	His Honour Judge HM	15.01.04	Jury/Youth	Waitakere
Thomas	Her Honour Judge SE	23.03.05	Jury	Wellington
Thompson	His Honour Judge CJ	26.06.92	Environment	Wellington
Tompkins	His Honour Judge AIM	30.04.97	Jury	Hamilton
Tremewan	Her Honour Judge L	10.01.05	Jury/Youth	Waitakere
Tuohy	His Honour Judge CN	26.09.97	Jury	Wellington
Ullrich	Her Honour Judge VH, QC	02.05.03	Family	Wellington
von Dadelszen	His Honour Judge P	27.11.87	Family/Youth	Napier
Wade	His Honour Judge R	30.11.05	Jury	Auckland
Walker	Her Honour Judge JH	27.01.05	Family	North Shore
Walker	His Honour Judge JA	16.12.94	Jury/Youth	Wellington
Walsh	His Honour Judge NA	23.07.99	Family/Youth	Christchurch
Walsh	His Honour Judge AP	14.11.96	Family/Youth	Wellington
Weir	His Honour Judge JJ	14.04.00	Jury	Rotorua
Whiting	His Honour Judge RG	26.06.97	Environment	Auckland
Wills	Her Honour Judge A	24.05.10	Family	Tauranga
Wilson	His Honour Judge D, QC	29.08.03	Jury	Auckland
Winter	His Honour Judge G	30.04.10	Jury	Manukau
Wolff	His Honour Judge RP	02.02.95	Jury	Hamilton
Zohrab	His Honour Judge AA	21.04.05	Jury/Youth	Nelson



> **THIS PAGE:** The Number 1 Courtroom, The Blenheim District Court.





MINISTRY OF  
**JUSTICE**  
*Tāhū o te Ture*

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