

SUBMISSION TO PARLIAMENT

# ACCESS TO JUSTICE

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# I INTRODUCTION

I believe that our current access to justice system needs change. Justice is a complex concept in which our society relies on. We can view the surrounding ideas of justice through many lenses. Although one's interpretation of ethics and morals will be different from others, we depend on our social norm in New Zealand for a social view of right and wrong. Many factors contribute to the efficiency of our governmental system, such as deterrence, enforcement and political regime. These key ideas and the courts are interrelated. The courts are the place where the rights of the people are delivered. Access to the courts is a basic right. However, the current situation of court accessibility in New Zealand does not uphold the social and political norms of this nation.

In this submission, I will discuss my thoughts in a total of eleven sections. Part I will introduce and present the overview of my submission. Part II will explain the current situation of the courts. Part III will discuss justice and equality as they are connected concepts. Part IV will explore the idea of deterrence in relation to the courts and our lives as well as its importance in our society. Part V will discuss the enforcement of law as it is a major contributing factor to the regulation of our country. Part VI will review New Zealand's political regime in terms of its system and beliefs. Part VII will delve into human rights and our approach to the respecting of human rights. Part VIII will conclude my main argument as I summarise parts II to VII. Part IX will look at counter arguments and the possible outcomes of a law change. Part X will discuss what I would like to see in the new law change. Finally, Part XI will conclude my submission.

## II PRESENT COURT SYSTEM

### *A. What are the Courts?*

The courts are an institution in which resolves the disputes of the people. It is a just place. The people rely on the courts during situations involving the intricate ideas of justice and morality. Whether it be a civil or criminal case, the courts accommodates these instances. The courts also signify justice and fairness in our society. The courts have many roles. Not only does it deliver justice to the people, but also plays a large role in the regulation of our nation. As to be discussed, concepts such as deterrence and law enforcement are a fundamental part of the courts. The courts can be viewed as a sanctuary and a safe place for the people to go to.

### ***B. The Current Price***

Although the courts are a crucial place, the fees involved in a court case are significant and may be off putting. Going to the courts for a civil case can go up to \$500,000 [*Appendix 4*]. The cost of going to the courts are different on a case by case basis. Nonetheless, the common knowledge is that going to the courts is costly. A year 10 student, Safra Wolfarth said on the morning of the 29<sup>th</sup> of July while discussing the ideas of the courts, “I wouldn’t go to court .... because it’s not worth it and lawyers are so expensive”. Hiring a lawyer costs an average of \$292.70 an hour [*Appendix 4*]. While lawyers may be expensive, the additional costs are hefty. Such as the \$900 fee for a hearing per half day in District court, forces many people to settle and to never reach the courts. Thus, the costs required to go to the courts are unaffordable.

### ***C. Overall***

The courts are an essential part of our society and important to the regulation of our nation. Furthermore, the courts have a symbolic role that represents the beliefs of the people and our social norms. However, the current price on the courts is costly. The fees for the courts and the fees for being represented makes the courts out of reach for many people.

## **III JUSTICE AND EQUALITY**

### ***A. Explanation of Justice***

I am a 14-year-old high school student attending Westlake Girls High School. I was born and raised on the North Shore, and I would be described as an average high school student who likes to spend time with my family more than my friends. As this average high school student, I would define justice as fairness. Justice and fairness are interdependent concepts that exist together. Fairness, then, is based on two concepts, equality and ethics.

### ***B. Equality and Ethics***

Equality is a principle subsist on equal treatment of everyone. Inherently, the democratic and capitalistic world we reside in puts us in a situation where we cannot be treated equally. However, there still are some venues and situations that compulsorily gives everyone an equal chance. An example of such a situation can be found in New Zealand’s education system and the courts.

Ethics, on the other hand, is a more inherent morality that humans are born with and nurtured into. As seen from the well-known novel, *Matilda*, some of us are born with the notion of right and wrong. Since a child, I knew the act of stealing was immoral. It was simply not right to deprive others to their possession of goods. We also develop the concept of ethics through nurture. I learnt from my parents and teachers that hitting someone was not okay. Through this mixture of nature and nurture, we are born and raised into the norm of righteousness that resides in New Zealand. Of course, what may be right in New Zealand may not be considered moral in Syria. It would not be okay in Syria to pinch someone in their arm when there is a yellow car coming nearby. However, as a New Zealander, there is a norm of what constitutes morality and ethics. We all abide by these social codes that are considered okay not only by the law but also by the culture that presides.

I was in year 8 and my class went on an Easter egg hunt at school. We gathered in pairs and we hid one another's eggs around the school grounds. Everyone got one egg to hunt. After we found our eggs, we sat in class waiting for the next instructions. The teacher asked for the day's date and our classmate, Stella, told her the date. The teacher got excited and awarded her with another chocolate egg. Everyone wanted the egg, wrapped in gold and marshmallow filling, of course, we were outraged. Especially because she was the teacher's pet. She was smart, she had a much appreciated Canadian accent and she was from a wealthy family.

I understand the teacher has favourites. It is inevitable for the teacher to like one student more than the other and that is okay. Nonetheless, it is not okay when the students are aware of this favouritism. Absolute equality is impossible in the current New Zealand society. Similarly, favouritism is impossible to regulate in school. Because all students do not share the qualities of being intelligent, being from a certain country or being part of a rich family, they are not treated equally. Favouritism is unfair because it puts other students at a disadvantage as a result of not having the same privileges as others. Some may think anyone could have received the egg if they told the date. However, the class did not believe they had an equal chance of being rewarded the bonus egg and for this reason, the situation is unfair. The girl who got the extra egg had a morale booster. Thus, a hierarchy by a separation between herself and the rest of the class was created. The forming of a hierarchy is inequality because it goes against the ideas of equality that school supposedly upholds. School is about equal chance. When others are treated in a different way or believe themselves to be superior to the rest of their classmates, the concept of school is compromised. Unfairness and inequality clearly exist in school especially through the construction of a hierarchy through favouritism.

When I look back at this situation, I can see that unfairness in school is similar to unfairness in the courts. I can draw the connections here. The teacher's pet is the people privileged enough to go to the courts. The teacher is the courts and the rest of the students are the population. In New Zealand, we

have a system that provides an equal chance, including an equal chance to education and an equal chance to be heard in front of a judge. Hence, schools and the courts are both based on this idea. The right to education and the right to trial are fundamental rights that our regime is based on. Our regime is a parliamentary democracy where the opinions of the majority are reflected through the representatives. They speak for the citizens. As the people, we have the right to vote and to be represented. While every person equally has this right, if the right to vote was not free, it diminishes the concept of democracy as to be discussed. Similar to the current situation with the courts.

Our rights branch from two aspects of our society, social norm and political system. Our system is a compromise of different wants and needs by people through a mechanism of voting. Through such a mechanism, we are able to set a social standard and socially acceptable range of behaviours. We chose this system and we promised to abide by the rules this system manifests on us. These ideas of equality become prominent in these examples. However, the courts are not currently reflecting these concepts. The parallels of unfairness in a familiar environment such as school and a less recognisable place like the courts are evident as both concepts are founded upon the notion of equal chance.

### ***C. Morality in School***

The idea of morality and ethics is what I believe to be right and wrong. Though my views of these concepts may differ from others', the basic values that we have are similar. Morality is influenced by one's beliefs, core principals and external forces such as school and rules. My take on ethics shapes me to who I am and it is one of the major contributing aspects to our lives.

On Wednesday, my social studies class played a game. We were playing a variation of human rights themed Pictionary in groups. One teammate had to go to the teacher where she would show the students a right and they would run to their team and draw their interpretation of it on a small whiteboard. After the team got it right, they would run-up to the teacher to receive a point. The fastest would get the most points. The teacher told us this game was of honesty as we needed to be truthful about how our team progressed. My team cheated.

Cheating is immoral. It is not following the rules and it is unfair because one would get an advantage over everyone else playing the game as a result of stealing other's ideas. Similarly, stealing is unethical because it is taking something that is not rightfully yours. Generally speaking, we earn what we have, but stealing is stripping one of their belongings without putting in one's own labour. The act of cheating and stealing is practised because it is a convenient short cut. However, it is unfair because you are doing something that is deemed wrongful in our society. If you are not caught, you are rewarded

equally or more than the other teams participating in the game who put in the effort while following regulations.

The idea of following rules comes from both my upbringing and my inherent idea of ethics. Although the requirements of the game were unwritten, I knew that not following them was unethical. I knew this because ever since I was little, my mum would tell me not to cheat. She explained that there are practices where you cannot deprive others of their hard work and take what is not yours. These practices apply to not only games but also to our daily lives. When we played a sport, our coaches and teachers explained the rules and they expected all the students to follow these rules. When we did not, we would be told off. I was nurtured into thinking that cheating was immoral. On the other hand, I cheated in a game of busted on the playground and before I was told off by the teacher, I felt guilty. I did not need anyone to remind me or teach me that this was wrong because I simply just knew. Due to the strong emotions I felt towards my immoral actions, I remember the experience and I still feel guilty about it today. Nonetheless, these traits where I believe that something is right or wrong is also by nature. When I was little, my brother and I used to fight and it was natural for me to tell my mum about what happened when I felt guilty or wronged. When we do something wrong, we feel guilty and seek access to some form of justice.

Regarding incidents that concern morals, I seek justice. However, by putting a price on the courts, it is stealing the right of access to justice. This fundamental right to the courts is similar to the right to property. A boy in year three stole my pencil, I told the teacher and he was told to return my stationery. If it is not morally right to steal one's property, it is not right to steal one's right to the courts. If I could not go to the teacher, I would have never gotten my pencil back and would have been denied my belongings.

Even so, nurture plays a big part in how I view justice. In primary school, every afternoon on a Monday, we had a whole school assembly. We were always told that whenever we had the common squabble among friends during morning tea or lunch, we must find a duty teacher to talk to. In these situations, we were taught that we needed to seek justice in matters of right or wrong. Everyone believes in this system and it is encouraged by not only our teachers but also our parents to ask to see an adjudicator without bias. Students have always been taught to do this. However, our legal system is not acting accordingly. Justice is a fundamental right that we must not be denied, and it is morally incorrect for us to be stolen of our right to the courts.

#### ***D. Interviews***

My high school peers also believe that having a high price on the courts is not justice. I think that putting a price tag on a human right jeopardises the idea of equal chance that New Zealand stands



for. Moreover, people who are denied their access to the courts seem as though they are not worthy of human rights and that should never be the case when we claim to be a free nation. Ishani Soni-Singh in year 10 on the 24th of June, said that “It’s not justice because it’s saying your problems aren’t big enough for them to actually matter to the system” [Appendix 1]. As students, justice is evident in our daily lives. We practice justice at school. Detentions are given following one’s immoral behaviour as an implementation of a justice system.

The concept of fairness, ethics and equality have been mentioned by several people. There are certain actions and behaviours that come naturally to us. This includes what we define and judge as right or wrong. It is a complex idea to think about why something is not morally right. Responses from Year 10 students, Sophie Draper, referring to the price on the courts, “It’s not equal. It’s just not fair. I think it’s just wrong. I think the person wanting to go to court shouldn’t have to pay such a big amount of money just to get justice.” [Appendix 1] and Seyara Kodagoda, “it’s not fair. It’s not okay to steal” [Appendix 1]. Similarly, Sienna Blake said, “If you stole something from me, of course I’d want it back”. These notions of morality come very natural to us. The high price on going to the courts is simply not right as it belittles the morals and values that we believe in. Not only have we been taught these standards, but we also have an inherent knowledge of these concepts.

On the other hand, some students were able to explain why they thought a price on court was unjust. Mia Crawford said, “If you’re the victim, you shouldn’t be the one having to pay” and Sophia Santayana stated, “A person who does something wrong shouldn’t be left unscratched. Compared to going to court, there will be consequences. It’s not worth spending that much money for court if you’re only going to get that much back.” Tayla Caldwell also added, “You would probably want that money for other things.” Furthermore, Aya Al-shaikhli said that “a lot of people don’t have that kind of money”, which contributed the idea that the price to court was too expensive. The opinions of these students evidently shows that the situation of access to court is unjust and costly.

Access to the courts and justice is a fundamental human right. Another year 10 student, Annabelle Larson, on the 24th of June said, “It shouldn’t cost that much money for a court case. Lots of people can’t afford that. If someone wants to speak up, it shouldn’t be so expensive. Aren’t human rights free?” [Appendix 1]. Every human has the right to have human rights regardless of their circumstances, but by putting a price tag on justice, it is stripping people of their human rights.

Through nature and nurture, we seek justice in situations that concern ethics and morals. A year 9 student, Emily Sullivan said that “There needs to be something for people to go to when there is a problem” [Appendix 1]. Stealing access to justice results in people having nowhere to go to when there is an issue. As I have been taught all my life, I want the security of knowing that I can go to authority when I feel as though I need to.

### ***E. Overall***

Justice and equality is the foundation of our society including our social norm, political system and law. Despite the fact that absolute equality can never be achieved, equality plays a large part in our democracy here in New Zealand. The same goes for justice. Stealing people's right to justice is immoral and goes against New Zealand's social norm of equal chance. Thus, every individual in any circumstance should have the fundamental right of access to the courts.

## **IV DETERRENCE**

### ***A. Explanation of Deterrence***

Deterrence is an act of discouraging wrongful behaviours to prevent further engagement in wrongful conduct. The idea of deterrence is that there will be an unwanted consequence to one's actions if they are considered immoral by the system, authority or adjudicator. The existence of a consequence leads to the thought that an immoral behaviour will not be worth the consequence that may follow. Such examples are fines or imprisonment. People want to avoid these situations. Thus, they are deterred from committing wrongful behaviours. Deterrence is an intricate concept that must balance assertiveness and violence. These factors are unique to each state as they regulate in different ways. The extent of deterrence depends on our social norm and the works of the people. For these reasons, deterrence is crucial to the regulation of our society.

Deterrence plays a large role not only in our governmental system but also in our everyday lives. Without proper deterrence, more people will engage in violations of the rules. Deterrence is the unwanted result of one's actions. Without having to own up to one's behaviour, it creates a shield for those doing wrong as there is no need to take responsibility.

In business class at school, there is a group of girls. One could consider them to be troublemakers and they leave the class at a very specific time during the lesson. It is clear that they are meeting with their friends rather than 'going to the bathroom' or 'getting a drink'. They are skipping class and it can be agreed that wagging is a wrongful act. However, the teacher does not deter them and so, the girls continue to leave class. To this day, they skip lessons. At the start of the year, they did it once a couple of periods, but nowadays, they wag every lesson.

Without proper deterrence, these girls do not know what is right. The first day, they would have known that their actions were wrong and felt guilt. Yet the continuous delivery of ignorant oversight by the teacher has evidently led to the deprival of these girls' guilt. As a result, the teacher's behaviour is almost a silent encouragement for the rest of the class. The absence of deterrence urges other students to take the same course of action. Thus, deterrence and enforcement are significant when someone needs to be prevented from committing a certain act.

### ***B. Role of the Courts***

The courts are perceived as the space that delivers the rights of the people. For example, one would go to the courts to get their right to property back. By providing the rights to the people, the courts offer justice. While this may be true, the courts are also deterring the people from misconduct that are codified in the law. The deterrence is evident as most people would not want to go to the courts as a consequence of one's wrong doing. The courts order the people with their authoritative power. As they resolve disputes, the courts make a formal and final decision. The courts offer a fair trial with no bias. The power of the courts and the finality of the decisions suggest the idea that one who commits a wrongful act would be punished.

Jake, a classmate in my intermediate school, was caught smoking in the bathroom. He was a troublemaker. There were constant rumours regarding his naughty deeds and his routine presence in the principal's office. After the smoking incident, he was reprimanded and we students assumed that it was one of the contributing factors that led to his expected expulsion. Our class dreaded this time because we knew that the teacher was going to lecture us about wrongful behaviour and tell us not to smoke in the bathroom. No one in school ever behaved the same way as Jake. By the punishment upon him by the courts, it deterred the students from engaging in this kind of act. This incident shows how the role of adjudicators played a major role in the perception of the students. If Jake did not get into trouble, the lack of deterrence could have encouraged this kind of behaviour.

In another situation, Jake started a fight with one of the other students. The whole school knew of the fight but there was no punishment that followed his actions because the teachers did not uncover this incident. After this event, Jake started more fights. Therefore, this shows without deterrence established, people will pursue immoral deeds.

### ***C. Access to the Courts and Deterrence***

The courts play a significant role in averting people from executing certain acts. However, if individuals cannot go to the courts, there is no discouragement of unacceptable practices. People will

continue to carry out wrongful actions. The authority of the courts is deterrence. Once going to the courts, a form of deterrence will be issued to prevent immoral conducts to occur again. If one's access to the courts is denied, another cannot be prevented from performing wrongful actions. This means that no access to the courts is equivalent to no deterrence. Thus, there must be access to the courts for deterrence to be effectively implemented.

It was my first year of school and I could not speak English very well. I was playing tag with a group of girls. They were not abiding by the rules that we had set before the game. We agreed that we could not hide in the school buildings, but I found them hiding in one of the bathrooms. I thought this was unfair and I wanted to tell one of the duty teachers like we were always told to do. However, I could not talk to the teacher because of the language barrier. My access to the courts and justice was denied. Every round, the girls continued to not follow the rules. I felt the injustice done on me which was frustrating. I could not understand the situation because even though there was a form of the courts, I could not go see justice, my teacher. Because my access to justice was denied and the girls were not deterred, they continued to engage in menacing conduct. The absence of deterrence led to the breaking of rules by other students. The lack of measures taken in this situation was prompting others to not follow the rules in the game. Furthermore, those students may have not known that this was wrongful behaviour. The role of the courts is to deliver the rights of the people and to deter them from committing certain acts. However, if one cannot go see the courts, the role of the courts is diminished.

#### ***D. Overall***

Deterrence plays a key role in the execution of our law. It is the act of dissuading people to engage in wrongful conduct which could include consequences to one's actions. As deterrence prevents people from carrying out wrongful behaviours, deterrence is important to the role of the courts. The courts not only deliver justice to the people, but it is also a major form of deterrence in our society. However, if one cannot go to the courts, there will be no deterrence and other parties will continue to commit to unethical practices. Therefore, all people should have access to the courts in order to deter improper deeds and win justice.

## **V ENFORCEMENT OF LAW**

#### ***A. Explanation of Enforcement***

The enforcement of the law is applying the rules into the lives of the people. Law enforcement is when rules come into effect and prompt the idea that people will have consequences if the law is not

followed. Enforcement is important because without the implementation of the law, there is no point in making these set of rules. Law is the rules made by the society and these codify social and political norms. Regulations are a compromise and a collection of opinions that have been met at a middle ground. We need rules so that we have an idea of what is right and wrong and so that we are aware that there will be consequences when we carry out a wrongful deed. The purpose of enforcement is to ensure that the law is executed and therefore followed. The enforcement of law is the expectation that citizens will comply with these set of rules. The authority of the courts ensure people comply as a form of enforcement. If the law was not mandatory for one to follow, there may be some good Samaritans who follow good moral standards. However, most people would not abide by all of the rules if it is not enforced as to be seen below. Through such ignorance of rules, the values that come natural to us in our daily lives, may not exist as law enforcement establishes the foundation of our beliefs.

I conducted a survey asking 32 people of all age groups, race and gender whether they will follow the rules if they were not enforced. Majority of the responses read ‘no’. Five people said that they would continue to follow rules if it was not enforced, while twenty seven people said they would not follow the law if it was not enforced [Appendix 3]. One of the respondents, Cheyenne Datuin, said on the 10th of July, “if I’m being totally honest, no, I wouldn’t follow rules if they were not enforced” [Appendix 2]. However, many of the respondents said that they would not commit serious crimes, “if it was parking a little less than a meter from a driveway, I might not abide by that rule.” [Appendix 2] said a teacher on the same afternoon. Furthermore, many high school students said, “it depends on what rule”. The students said that they would continue to follow rules regarding safety, however, “other rules” would not be followed. Examples of “other rules” were given, such as walking on wet grass and not using the proper entrance of a supermarket. It is evident that if my sample was to represent the rest of the population, the majority of the people would not follow the law if it was not enforced.

The data I have collected clearly shows that most people would not follow rules if they were not enforced. There is over 5 times as many people who answered ‘no’ compared to ‘yes’. Therefore, there is no point in having rules if they were not enforced as most people would not follow them. Enforcement is crucial in law. Without the implementation of rules, the concept, norms and values that these rules uphold are undermined. Although the inherent ideas of morals and ethics may exist, the logistics and the systematic regulation of our country will erode. Through this survey, I can see that a society without enforcement will lead to the deterioration of civilisation concerning the compliance of the people.

### ***B. The Courts and Enforcement***

The courts plays an important role in law enforcement. Similar to how one would go to the manager of a store if one saw another stealing, people go to the courts in order to get their rights enforced. Thus, when there is no access to the courts, it is the same as no enforcement of the law in our system. We have the law so that people are aware of social and political norms. Furthermore, when there is no enforcement, the people would not need to abide by the rules. Hence, many people may not know the rules. The foundations of our society, the trust we have for human civilisation would be broken and there will be no deterrence. Trust is the belief and reliance on our society that it can offer us content and fulfilment through its systems. Our values, promises and the system that we relied on would not exist if there was no law enforcement.

I was in year 4 and it was my first year of clarinet lessons. I would go to the music centre every week after school and a class of second-year clarinet students had their lesson after mine. Justin, a second-year clarinet student always made fun of how chubby I was and teased me. Yet, I was too embarrassed to tell the clarinet teacher as he was not very approachable. As a result, Justin continued to mock me. Similar to what I have experienced, many people cannot go to the courts. I was too embarrassed, however, many more people cannot go to the courts because of their financial situation. There was no enforcement of our moral codes. Justice was never delivered and there was no deterrence. For a whole year, I endured Justin's hurtful comments. Even though his actions were designated as wrongful behaviour, no enforcement meant that these designations were worthless. When there is no enforcement, there is no law and there is no moral promise. Because I could not go to an adjudicator, I never had justice and the lack of deterrence and enforcement led to the breaking of moral codes.

### ***C. Overall***

The enforcement of the law is significant to our society and to our system. Implementation is one of the fundamental notions as the contents of the law are ineffective if it is not applied to the people. The courts are a part of law enforcement. If there is no access to the courts, there will be no law enforcement. Thus, in order for the law to be enforced, all people should have the right to the courts.

## **VI NEW ZEALAND'S POLITICAL REGIME**

### ***A. Explanation of New Zealand's Political Regime***

New Zealand's political regime is a parliamentary democracy and constitutional monarchy [Appendix 4]. As we have adopted multiple governmental systems, our electoral system is quite distinct. A democratic nation, such as New Zealand deems elections as important. We hold a general election

every three years. We run on the Mixed Member Proportional (MMP) system [Appendix 4] where voters get two votes. One vote is dedicated to the political party called the party vote. The other is the electorate vote for who will be the Member of Parliament to represent one's electorate. New Zealand's parliament has a total of 120 seats [Appendix 4]. The party vote determines which party will obtain the most seats and therefore become the government. As indicated by the name, the MMP system is proportional. Thus, if a party gains thirty per cent of the votes, the party will have around thirty per cent of the seats in parliament.

### ***B. Explanation of Compromise***

Democracy and our MMP system is in itself a compromise as only the majority vote is represented in parliament. The individual opinions of every person cannot be heard by parliament in our current governmental system. Thus, compromise is the idea that the voices of most the population can be heard through our MMP electoral system.

In the example of the flag referendum in 2015 and 2016, the proposed flag change was denied [Appendix 4]. The reason our flag did not change was that the people did not vote for the modification of our flag. Due to the system of democracy, the power was to the people and it was their decision to make. Although there were individuals who voted for the change, the majority was against and thus, the proposal was rejected due to the compromise that democracy carried.

Our present government is a Labour-led coalition where the Labour, NZ First and Green Parties make up our government. Through this alliance, the first year of University was made free for students due to the NZ First's policies. This compromise was made among the three parties as we are a democratic nation where the people's views are considered important. Therefore, by compromise as a result of our system, we are able to meet different opinions at a middle ground.

### ***C. Compromise and the Courts***

Compromise and the courts are both interrelated. New Zealanders made the compromise that when there is a dispute, one should go to the courts. Democracy is the system based on the idea that the general public can take part in important decision making regarding the state. However, the current situation where people cannot afford to go to the courts contradicts the idea of democracy. The people did not agree to have a price on the courts because it defies our core beliefs as a nation. Through such defiance, our system is being undermined. This is because the foundation of democracy is a compromise among the people to come to an agreement. Yet, by putting a price on the courts and therefore justice,

this goes against the voices of the people. Moreover, it is ignoring the views of the public. The cost on justice was not voted upon. Hence not on the grounds of democracy.

#### ***D. Overall***

The political regime New Zealand stands upon is unique in many ways. While we still show traces of our monarchy through constitutional monarchy, New Zealand is also a parliamentary democracy. This means that we have embraced the concepts of democracy. We think highly of the views of the people and the idea of justice is a familiar notion in New Zealand. However, the price of seeing justice has never been compromised or voted upon. Thereby, the barrier made between the people and the courts is not democratic.

## **VII HUMAN RIGHTS**

#### ***A. Explanation of Human Rights***

Every human is entitled to human rights. After the tragedies of World War Two, representatives found a need to list rights and freedoms for all people to enjoy. World War Two took its toll on the world and to prevent such events to take place again, the Universal declaration of Human Rights document listed these rights that would be universal, inalienable, indivisible and interdependent [Appendix 4]. Circumstance nor identity changes the right to exercise freedoms as to be explained. On a daily basis, one exercises the rights and freedoms that they have.

These rights are codified in New Zealand's law through the Bill of Rights Act (**BORA**) based on the Universal Declaration of Human Rights document. As a democratic nation, the rights of the people are important to the regulation of the country and wellbeing of citizens. Human rights are the foundation of our law and therefore every citizen has the right to protect rights. In New Zealand, the people are fortunate enough to be free to exercise their rights.

#### ***B. Universal Declaration of Human Rights***

The Universal Declaration of Human Rights is a universal document signed and agreed by nearly 200 states. It is a transcription of 30 basic human rights that all humans are granted. New Zealand is among the 192 countries to have signed the record [Appendix 4]. Although the document is not a piece of the legislature nor is it legally binding, we have adopted many of the rights into BORA.



In the preamble of the Universal Declaration of Human Rights, Article 6 discusses the right to the courts [*Appendix 4*]. The key idea is that everyone has this right to be recognised before the law regardless of their circumstances. However, there is no right to see the courts as it is discriminative. The implicit denial is clear when one must have up to \$500,000 to access the courts [*Appendix 4*]. The courts are separating the people by class and financial situation, thereby article 6 is denied.

Furthermore, Article 7 reviews all people are free from discrimination from the law [*Appendix 4*]. If one needs \$500,000 to stand before a judge, there is no freedom from inequity. The courts are essentially discriminating against the people based on their socio-economic status. The law is not allowing the underprivileged access to the courts. The present courts are only catering to a specific group within society, thus Article 7 is denied.

### **C. BORA**

BORA is a part of New Zealand's unwritten constitution that establishes the basic human rights and fundamental freedoms that any person subject to the country's law is entitled to. A constitution describes the power vested in each aspect of society. This is important because it is a formal publication and allows people to exercise their rights by law, through an official document. Sections 19, 25 and 27 of BORA discuss the rights regarding discrimination, the courts and justice.

Section 19 addresses the freedom from discrimination despite all withstanding circumstances [*Appendix 4*]. Each individual has the right to be free from unfairness. However, if one does not have the money to pay the fees to the courts, they are denied their access to the courts. Not only is this notion unjust, but it is also the exclusion of particular groups in our society. This exclusion is classified as discrimination according to BORA. Therefore, Section 19 is denied.

Additionally, Section 25 inscribes the minimum standards of criminal procedure regarding the right to a fair court and the right to be trialled [*Appendix 4*]. Fairness and equality are two interrelated concepts. If there is equality in the courts, fairness is also in the courts. However, it is not fair if the court is not available to all the people. Due to the high price on the courts, the fairness in the courts is undermined. Hence, Section 25 is denied.

Furthermore, Section 27 approaches the right to justice and the right to the courts [*Appendix 4*]. Every person has the right for their proceedings to be heard before the courts and to seek an adjudicator in cases concerning justice. However, this freedom is denied if there is a price on the courts. The people are unable to access justice and are stripped of this fundamental right. Therefore, Section 27 is denied.

### ***D. Denial of Basic Human Rights***

We have these fundamental human rights codified in law, that supposedly give us freedom before the law. However, we are being denied our rights when we have codified them in our constitution. These are our rules, we voted for them and we made them, yet we have continued to not abide by these rules. Basic human rights are what our nation stands for and therefore, we need the freedom to see justice so that we can follow our law.

## **VIII OVERALL**

Equality, deterrence, enforcement, political regime and human rights are significant aspects of our society. The courts in itself can be viewed as justice. However, with the current course of action regarding the fees to access the courts, the people will not be able to feel justice if they cannot do as little as reach the courts. This is morally incorrect. The courts have a crucial role in law and it is the deterrence of wrongful acts and the enforcement of the law itself. The people need to be able to see the courts in order for the courts to execute these notions. However, without this action, there will be more room for misconduct. Furthermore, our political regime is based on the grounds of democracy, and we believe that people are entitled to human rights. All people under the subject of our law are equal before the courts, however, these basic human rights are being denied. It is in our law to allow all persons access to courts without discrimination including their financial status. As we can see, without the courts and without the people seeing the courts, our system is undermined. Hence, we are able to see people need access to the courts.

## **IX COUNTER-ARGUMENTS**

### ***A. Current System is Working***

New Zealand can be viewed as an ethical nation with no corruption. The Corruption Perception Index (CPI) of 2019 stated that New Zealand was ranked first among 180 countries [Appendix 4] to be free of corruption. Furthermore, the number of crime charges have decreased in the past 10 years by 36% [Appendix 4]. It is evident that New Zealand has established an effective system. With such high achievements as a nation, the ideas that we uphold, are recognised. Since 2010, our CPI score has been high, ranging from 87 to 95 out of 100 [Appendix 4]. Thus, change may not be required.

Nonetheless, law change is crucial to the further development of a country. Through the altering and amendment of the law, the law itself can change with the evolving world around. It is a social norm to keep up with the times. If the law does not change, it may become overwhelmed and there is a possibility that the law cannot keep up. The process of the law changing and making takes time. There are debates and voting. It is a fundamental aspect of our parliament. The constant questioning and criticism give room for the government to improve constantly in order for the nation to move forward. There are multiple examples where the law had to change in order to match the adjusting times. In the example of the 2011 ban of all synthetic cannabis products [Appendix 4]. The lead up to this law was the slight altering of the chemical formula of synthetic cannabis every time a specific formula was banned. Thus, the law had to change to keep up with the adapting market of synthetic cannabis as it abused the gaps in law. The development of law is crucial to the morality of our government and needs to change with this particular change of time regarding access to the courts.

### ***B. Frivolous and Vexatious Claims***

If the people have the opportunity to access the courts with more ease after the possible law change, they may go to the courts too often. Thus, there may be an increase in the number of vexatious or frivolous claims. By nature, we tend to take advantage of our resources, especially ones that are not difficult to obtain. For example, I went to the courts, my mum, over someone who had stolen a single biscuit from me. However, if everyone goes to the courts for one small stolen biscuit, this undermines our legal system. These superficial claims have the potential to waste much of the court's precious time and money. As a result, more important claims cannot be seen. Trivial claims may act as a threshold or a major obstacle for attending to serious matters in the courts. This could become a major issue as individuals who need justice are not able to have it due to such claims. Furthermore, richer upper-class citizens may have more opportunity to bully other citizens. Therefore, the courts may be at risk of subversion.

To counter the issue of vexatious and frivolous claims, a system can be set in place. We can make another new law to ensure that insubstantial claims do not come to the courts. A system that reviews each case going to the courts for frivolous or vexatious claims can be effective in preventing such situations occurring. Additionally, suing someone is a stressful process as it usually takes one to two years before one can go to the courts [Appendix 4]. This procedure is a way to prevent trivial cases from entering the courts. Most people judge their own cases and most likely not go to the courts over a biscuit. I know that I will not go through a one to two year process over a cookie. Even to this present time, there are vexatious claims. These cases are anomalies and even with or without the law change, the existence of frivolous claims will continue to subsist. In this current situation, we need a system and we need a law. We do not need a monetary threshold. Some may believe that there will be a rise in the

number of richer people bullying the poorer sector of society. Nonetheless, the people who are willing to bully others will go to the courts regardless of the fee to the courts. This will not be majorly affected by a potential law change. Thus, frivolous and vexatious claims can be prevented by a new proposed law.

### ***C. Possibility of Degrading the Courts***

A major issue that could arise as a result of the law change is the possibility of degrading the courts. Now, the courts are viewed as a serious, an important and a just place. Safra Wohlfarth, a year 10 student said, “the courts are cool” and Seyara Kodagoda said, “the courts are really serious .... The courts are precious”. Another student Tayla Cadwell added that the courts “look cool in shows and that, but if I had to go to court, I would be a bit scared.” When people, as well as myself, imagine the courts, we think of the Supreme Court and its authority. However, if the courts become more accessible, it may encourage people to be immature in the courts. The powerful aura of the courts that much of the public believe in may dissipate. I began to degrade my mum’s authority when I sought justice over a single biscuit. If I was to go once more for my Fruit Burst that a friend ate, I would be demeaning her jurisdiction once more. Similarly, if more people go to the courts, it could overwhelm the courts with unnecessary claims. Thus, if the courts becomes more accessible, the courts could be degraded.

Regardless that there is a possibility of degrading the courts, the courts will still be the courts and the law will still be the law. This law change does not change the fact that people must abide by the law. There are people who do not even consider the courts often, such as year 10 student Sienna Blake who said, “I don’t really have an opinion on the courts”. However, under the Act, Contempt of the Court, the courts have the power to condemn anyone who is being inappropriate in the courts. Through this, people must pay a fine or go to prison for behaviour that may degrade the courts. There is an existing law that deals with such cases. Furthermore, if the courts open its doors, it signifies peace and acceptance. This act could be viewed as wholesome and humane. Rather than degrading the authority, it could help the courts gain respect. In our democratic nation, we deem such embrace as important. Therefore, even with a law change, the courts will not be degraded.

### ***D. Financial Aspects***

It is difficult to ignore the finances that will be involved in such a law change. Changing the law is very expensive. For example, the flag referendum cost \$26 million [*Appendix 4*] and many people criticized the plan. Not only does the law regarding fees to the courts need to be changed, but also complementary laws must be made. Such as the law concerning the checking system for vexatious claims. Moreover, implementing the law costs even more than actually amending it. One would ask the

question where the government would find such amount of money. Majority of the funds would come from taxpayers and this could ensue an economic argument. Thus, changing the law for access to the courts could be devastating for not only the economy but also the relation amongst the people.

Despite the costs included in this law change, it will benefit the people who really need it. The reason the flag referendum was not passed was that most of the population did not vote for it. It was not a humanitarian cause. However, the law regarding access to the courts separates people from justice. It divides people from a basic human right. The finances for the law change comes from taxpayers. The tax that goes towards building roads can come later, people need justice now. Roads are important to the development of our nation. Nonetheless, the foundation of our society must be firm and it must be our priority. Our nation should stand firm in the core values that we uphold. Our foundation needs to be strong in order for the later developments to be effective and worthwhile. These precious funds can go towards our priority cause. Justice needs to be accessible by all.

I had a favourite pencil. I let a classmate borrow it for a lesson. Over the course of an hour, he began to chew the top of my special pencil little by little until, by the end of the class, half of my pencil was gone. Similar to how I can never have my pencil back because it was at that moment that I could, people are not able to have justice because they needed it at another time. Justice is a matter of now. We cannot turn back the consequences.

Improving the quality of life for the citizens of New Zealand is worth more than what it will cost to change and implement this new law. Law has always been a balancing act and a compromise. For example, the freedom of expression and the right to quiet enjoyment can be conflicting. One has the right to protest, however, in order to allow other citizens the right to quiet enjoyment, the compromise was made that people have the right to report any excessive noise when necessary. It is evident that compromise is integrated into our law and we make changes that are worth the cost. By making the courts more attainable, there will be a better balance of power to the people. As a democracy, we should not be idolizing the government nor should we be worshipping the courts. The concept of the right to the courts should be compromised as we balance the degradation of the courts and the right to justice. Although financial aspects of the law change are intimidating, many people will benefit from this change as we go through another process of compromise.

## **X PROPOSAL FOR LAW CHANGE**

Access to the courts is a fundamental right. All human rights are free. Thus, I believe that the courts should be free. Many people are forced to settle and to give up because the courts are out of reach.

The courts should not be a faraway dream or one's wild west. I believe the courts need to embrace the people's worries with open arms. This new law change, I believe will earn the courts a new kind of respect as they will finally signify the true core values of our society in Aotearoa.

## **XI CONCLUSION**

Access to justice is crucial to the regulation of our society. The idea of the courts and the concepts in which it supports is part of New Zealand's social and political norm. It is evident that equality is not established in the courts currently. Morality and ethics come from both nature and nurture. The people expect our system to reflect such ideas. Furthermore, the courts is a form of deterrence and enforcement. Therefore, every person must have access to the courts in order for the courts to fully execute their roles. In our political regime, the purposes of the courts are significant. Where we live in a society that deems the rights of the people important, there are bound to be disputes that the courts must attend to.

However, these rights are being denied with the price on the courts. With the counter-arguments presented, it is clear that the current system is not working effectively. In the cases of frivolous and vexatious claims, a system can be put into place in order to prevent such instances occurring. Through a law change, there was the argument of degrading the courts. Nonetheless, there are laws that exist to deter inappropriate behaviour in the courts. Moreover, this new openness from the courts could in fact win the favour and respect of the people. The financial aspects of this new law change could be significant, but it will be worth the cost. People have the potential to benefit from this law change. Not only is a fee to the courts inhumane, but it also goes against what we stand for in New Zealand. Thus, we are in need of this law change.

## APPENDIX

### Appendix 1

*Table 1 showing interviews of students*

#	Name	Date	Time	Quote(s)
1	Emily Sullivan	24/06/20	8:00 am	There needs to be something for people to go to when there is a problem.
2	Anthea Tok	24/06/20	8:00 am	That's kinda dumb though
3	Hana Tani	24/06/20	8:00 am	It's kinda dumb. I think it's stupid
4	Bethany Papic	24/06/20	8:00 am	I'm disappointed
5	Ema Nakayama	24/06/20	9:37 am	It's really annoying. I feel bad for the people who experience that kind of injustice. I feel like if people knew about this there would be more crimes.
6	Lana Idais	24/06/20	9:43 am	It's kinda unfair. They should be given a voice— a right to speak and get what is their's back.
7	Annabelle Larsen	24/06/20	9:47 am	It shouldn't cost that much money for a court case. Lots of people can't afford that. If someone wants to speak up, it shouldn't be so expensive. Aren't human rights free?
8	Ishani Soni-Singh	24/06/20	9:50 am	Why? That's so rude. It's not justice because it's saying your problems aren't big enough for them to actually matter to the 'system'.
9	Emma du Preez	25/06/20	8:51 am	I think that you should go to court if you've stolen money or done something wrong. Even if it's as little as ten dollars.
10	Safra Wohlfarth	28/07/2020	8:47 pm	The courts are cool. I kinda want to go to court. It's a place where they bring justice. When someone does something, they should get punished for it. That's kinda sad. I wouldn't want to court even if someone stole a lot of money from me because it's not worth it. And lawyers are so expensive.

11	Seyara Kodagoda	29/07/2020	10:15 am	The courts are really serious. The rules are supposed to be followed correctly through the courts. The courts are precious. It is not justice because it's not fair. It's not okay to steal. It's simply not fair to the other person because they earned their own money.
12	Sophie Draper	29 July 2020	10:15 am	It's not equal. It's just not fair. I think it's just wrong. I think the person wanting to go to court shouldn't have to pay such a big amount of money just to get justice.
13	Aya Al-shaikhli	31 July 2020	8:48 am	The courts are scary because it determines whether you're guilty or not. If you go to prison or not. There is a lot of pressure on you. No, it's not justice. That's unfair because a lot of people don't have that kind of money
14	Mia Crawford	31 July 2020	8:51 am	I think it depends, yes and no I guess. No, it's not justice. It's unfair. If you're the victim, you shouldn't be the one having to pay. That's unfair.
15	Sophia Santayana	31 July 2020	8:59 am	I think the courts are serious. Usually, there's a problem for someone to go to court. No, it's not fair or justice. A person who does something wrong shouldn't be left unscratched. Compared to going to court, there will be consequences. It's not worth spending that much money for court if you're only going to get that much back.
16	Sienna Blake	31 July 2020	9:06 am	I don't really have an opinion on the courts. No, I don't think it's fair. If you stole something from me, of course I'll want it back.
17	Tayla Caldwell	31 July 2020	9:06 am	They look cool in shows and that, but if I had to go to court, I'd be a bit scared. You would probably want that money for other things



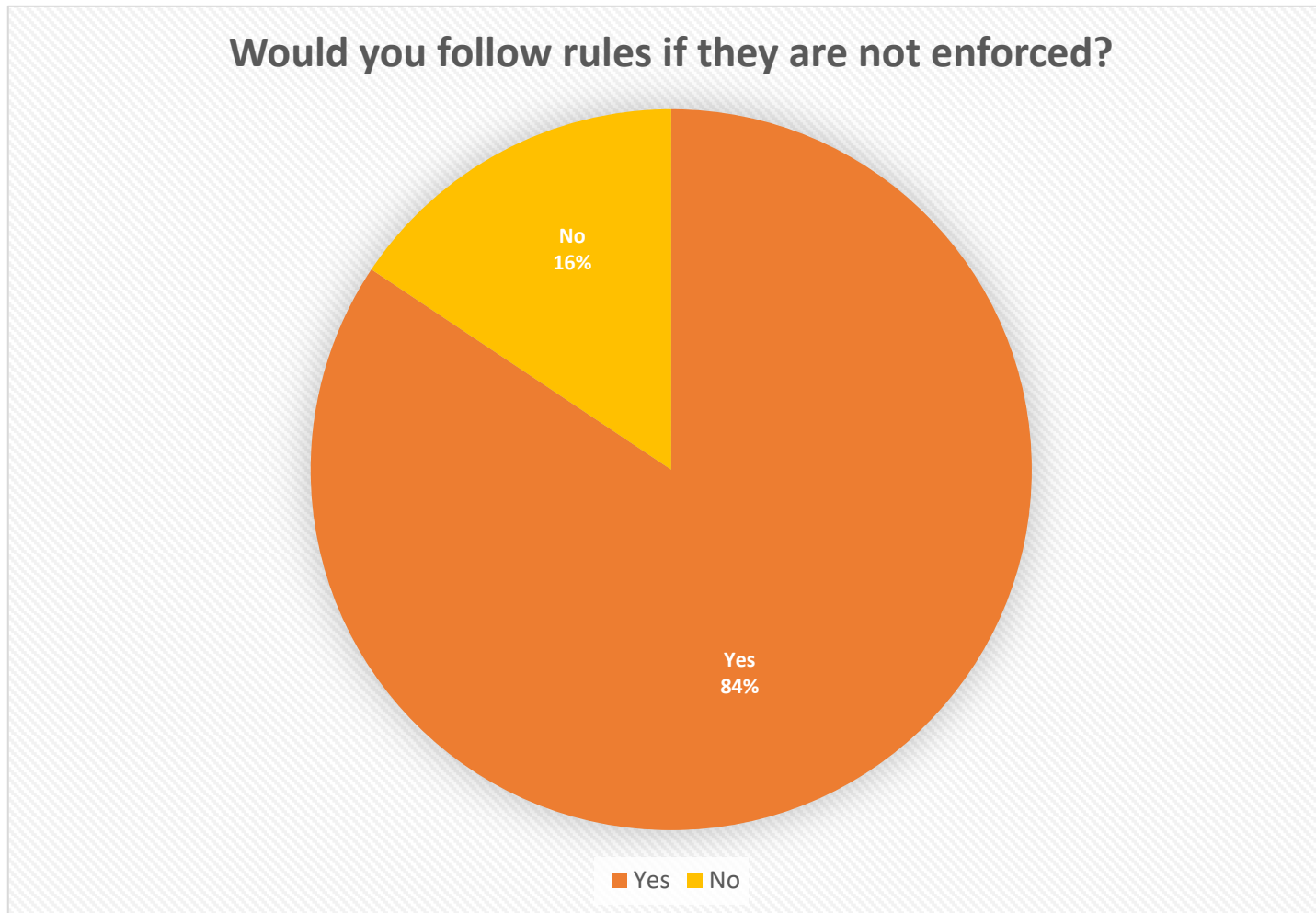
## Appendix 2

**Table 2 showing interviews of non-students**

#	Name	Occupation	Date	Time	Quote(s)
1	n/a	Teacher	9 July 2020	4:48 pm	It would depend on what law I am breaking. If it was speeding, I wouldn't do it because I am putting life on the line but if it was parking a little less than a meter from a driveway, I might not abide by that rule.
2	Cheyenne Datuin	Business Analyst at Freedom/Visa	10 July 2020	2:50 pm	<p>If I'm being totally honest, no, I wouldn't follow rules if they were not enforced</p> <p>Crimes and rules that have less negative effects on society are easier to punish and to penalise people for them. Examples are how if you drive into the bus lane in Newmarket, it's like an eighty dollar fine. That is crazy. But if you commit a violent crime, chances are that you get a very low sentence if it goes to court at all because it's much more difficult for people to recognise why issues like that happen in society. And I don't think the answer is to be like heavier crimes carry heavier penalties, it has to be like why do these crimes exist in a small country like this. Because bad things will always happen but I think in a country like New Zealand, we could do better with the criminal justice system. There are more tangible things to make it better just like in those Scandinavian societies. That's my opinion.</p>

### Appendix 3

*Graph 1 showing surveyed data on law enforcement*



## Appendix 4

**Table 3 showing sources**

#	Document	Source	Author	Date Published	Date Retrieved	Quote	Pg. #
1	Charge-out rates information released	<a href="https://www.law.society.org.nz/lawtalk/lawtalk-archives/issue-893/charge-out-rates-information-released#:~:text=The%20average%20charge%20Dout%20rate,in%20a%20February%202015%20survey.">https://www.law.society.org.nz/lawtalk/lawtalk-archives/issue-893/charge-out-rates-information-released#:~:text=The%20average%20charge%20Dout%20rate,in%20a%20February%202015%20survey.</a>	New Zealand Law Society	28 July 2016	1 August 2020	The average charge-out rate for lawyers who are law firm employees is \$292.70 an hour (exclusive of GST and disbursements), according to a New Zealand Law Society survey carried out early June. This was up on the average charge-out rate of \$270/hour in a February 2015 survey.	2
2	District Courts Fees Regulations 2009	<a href="http://www.legislation.govt.nz/regulation/public/2009/0318/latest/DLM2438104.html">http://www.legislation.govt.nz/regulation/public/2009/0318/latest/DLM2438104.html</a>	Parliamentary Council Office	1 July 2013	1 August 2020	Hearing fee for each half-day or part of a half-day after the first half-day 900	2
3	What is New Zealand's system of government?	<a href="https://elections.nz/democracy-in-nz/what-is-new-zealands-system-of-government/">https://elections.nz/democracy-in-nz/what-is-new-zealands-system-of-government/</a>	Electoral Commission	n/a	26 July 2020	In a representative democracy, you vote for the people you want to represent you on issues that matter to you. During general elections, voters elect MPs to pass laws and govern the country on their behalf. [...] New Zealand has an unwritten constitution and is a constitutional monarchy. That means that the Queen of New Zealand, Queen Elizabeth II, is our Head of State.	12

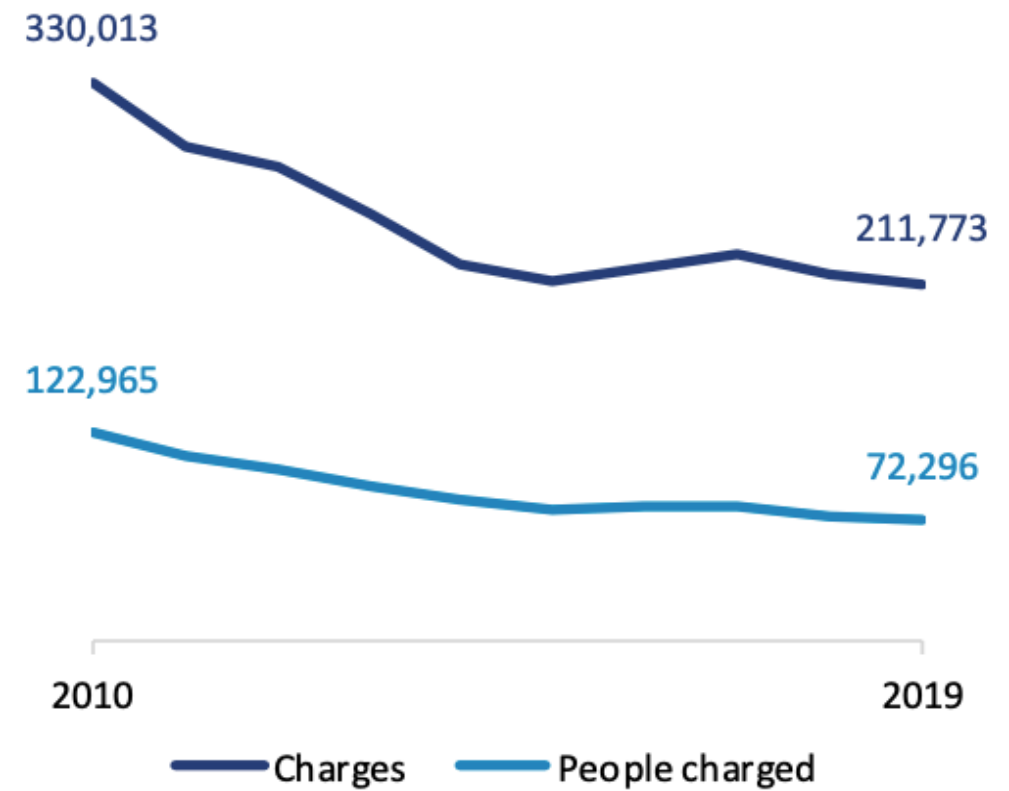
						<p>The Queen’s representative in New Zealand is the Governor-General. The Queen and Governor-General are politically neutral and do not get involved in elections.</p> <p>The Governor-General carries out a mixture of constitutional, ceremonial and community duties. [...] Because MMP is a proportional system, the number of votes a political party gets largely reflects the number of seats they get in Parliament.</p> <p>The political party or group of parties with the most seats in the House becomes the government. Under MMP, coalitions or agreements between two or more political parties are usually needed to form a government.</p>	
4	What is MMP?	<a href="https://elections.nz/democracy-in-nz/what-is-mmp/">https://elections.nz/democracy-in-nz/what-is-mmp/</a>	Electoral Commission	n/a	26 July 2020	<p>Parliament has 120 seats for its members of Parliament (MPs). During an election, political parties try to win as many seats in Parliament as they can.</p> <p>[...]Under MMP, you get two votes — a party vote and an electorate vote. [...]When you vote for a party, you help to choose how many seats in Parliament each party gets.</p> <p>The party vote largely decides the total number of seats each political party gets. Parties with a bigger share of the party vote get more seats in Parliament. Parties also try to win as many electorate seats as possible. [...]When you vote for a candidate, you help to choose who represents the electorate you live in. This is called your electorate vote. The candidate with the most votes wins, and becomes an MP. [...]Usually no party gets enough votes to govern alone. Parties often need to come to an agreement with other parties to form a government or pass legislation.</p> <p>Some types of possible agreements are:</p> <ul style="list-style-type: none"> <li>• coalitions — when two or more parties join together to form a government</li> </ul> <p>Confidence and supply agreements — when one party agrees to support another on certain issues and laws that are voted on in Parliament</p>	12
5	John Key's flag has cost	<a href="https://www.nzherald.co.nz/nz/n">https://www.nzherald.co.nz/nz/n</a>	NZ Herald	24 March 2016	15 July 2020	<p>His pet project has cost New Zealand \$26 million - money we could have spent on doctors, teachers, police, healthy homes.</p>	13, 18

	New Zealand \$26m	<a href="https://www.ews/article.cfm?c_id=1&amp;objectid=11611452">ews/article.cfm?c_id=1&amp;objectid=11611452</a>	Andrew Little				
6	Universal Declaration of Human Rights (Preamble)	<a href="https://www.un.org/en/universal-declaration-human-rights/">https://www.un.org/en/universal-declaration-human-rights/</a>	United Nations	10 December 1948	16 July 2020	Article 6 Everyone has the right to recognition everywhere as a person before the law.	14
7	Universal Declaration of Human Rights (Preamble)	<a href="https://www.un.org/en/universal-declaration-human-rights/">https://www.un.org/en/universal-declaration-human-rights/</a>	United Nations	10 December 1948	16 July 2020	Article 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination	14
8	What are Human Rights?	<a href="https://www.youthforhumanrights.org/what-are-human-rights/universal-declaration-of-human-rights/introduction.html">https://www.youthforhumanrights.org/what-are-human-rights/universal-declaration-of-human-rights/introduction.html</a>	Youth for Human Rights	n/a	26 July 2020	The United Nations (UN) came into being in 1945, shortly after the end of World War II.  The stated purpose of the UN is to bring peace to all nations of the world. After World War II, a committee of persons headed by Mrs. Eleanor Roosevelt, the wife of US President Franklin D. Roosevelt, wrote a special document which “declares” the rights that everyone in the entire world should have—the Universal Declaration of Human Rights. Today there are 192 member states of the UN, all of whom have signed on in agreement with the Universal Declaration of Human Rights.	14
9	Alternative Models of Civil Justice	<a href="https://www.courtsfnz.govt.nz/assets/4-About-the-judiciary/rules_committee/access-to-civil-justice-consultation/agendaitem2-a-c40of2019-access-to-justice-08-19-alternativemodel">https://www.courtsfnz.govt.nz/assets/4-About-the-judiciary/rules_committee/access-to-civil-justice-consultation/agendaitem2-a-c40of2019-access-to-justice-08-19-alternativemodel</a>	Courts of New Zealand	29 August 2019	26 July 2020	Moving in the other direction, a Primary Civil Court would be established to have concurrent jurisdiction with the High Court for civil cases where amounts of up to \$500,000 were in dispute (\$681,977.53 in Q2 2019 based on CPI adjustment).	14

		<a href="#">sofciviljustice.pdf</a>					
10	NZBORA Section 19	<a href="http://www.legislation.govt.nz/act/public/1990/01/09/latest/DLM225519.html">http://www.legislation.govt.nz/act/public/1990/01/09/latest/DLM225519.html</a>	New Zealand Legislation	1 July 2013	16 July 2020	<b>Freedom from discrimination</b>  (1) Everyone has the right to freedom from discrimination on the grounds of discrimination in the <a href="#">Human Rights Act 1993</a> . (2) Measures taken in good faith for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination that is unlawful by virtue of <a href="#">Part 2</a> of the Human Rights Act 1993 do not constitute discrimination.	15
11	NZBORA Section 25	<a href="http://www.legislation.govt.nz/act/public/1990/01/09/latest/DLM225527.html">http://www.legislation.govt.nz/act/public/1990/01/09/latest/DLM225527.html</a>	New Zealand Legislation	1 July 2013	16 July 2020	<b>Minimum standards of criminal procedure</b> Everyone who is charged with an offence has, in relation to the determination of the charge, the following minimum rights:  (a) the right to a fair and public hearing by an independent and impartial court: (b) the right to be tried without undue delay: (c) the right to be presumed innocent until proved guilty according to law: (d) the right not to be compelled to be a witness or to confess guilt: (e) the right to be present at the trial and to present a defence: (f) the right to examine the witnesses for the prosecution and to obtain the attendance and examination of witnesses for the defence under the same conditions as the prosecution: (g) the right, if convicted of an offence in respect of which the penalty has been varied between the commission of the offence and sentencing, to the benefit of the lesser penalty: (h) the right, if convicted of the offence, to appeal according to law to a higher court against the conviction or against the sentence or against both: (i) the right, in the case of a child, to be dealt with in a manner that takes account of the child's age.	15
12	NZBORA Section 27	<a href="http://www.legislation.govt.nz/act/public/1990/01/09/latest/DLM225529.html">http://www.legislation.govt.nz/act/public/1990/01/09/latest/DLM225529.html</a>	New Zealand Legislation	1 July 2013	16 July 2020	<b>Right to justice</b> (1) Every person has the right to the observance of the principles of natural justice by any tribunal or other public authority which has the power to make a determination in respect of that person's rights, obligations, or interests protected or recognised by law. (2) Every person whose rights, obligations, or interests protected or recognised by law have been affected by a determination of any tribunal or other public authority has the right to apply, in accordance with law, for judicial review of that determination.	15

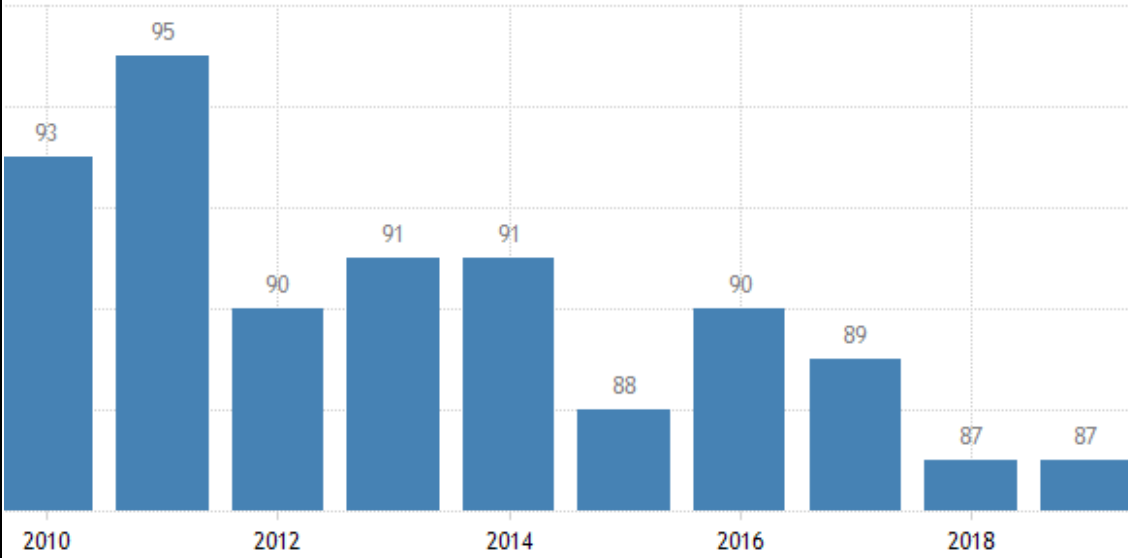
						(3)Every person has the right to bring civil proceedings against, and to defend civil proceedings brought by, the Crown, and to have those proceedings heard, according to law, in the same way as civil proceedings between individuals.	
13	Justice Statistics Data Tables	<a href="https://www.justice.govt.nz/assets/Documents/Publications/2vhv6-Justice-Statistics-data-tables-notes-and-trends-dec2019-v1.0.pdf">https://www.justice.govt.nz/assets/Documents/Publications/2vhv6-Justice-Statistics-data-tables-notes-and-trends-dec2019-v1.0.pdf</a>	Ministry of Justice	17 March 2020	16 July 2020	In 2019, there were 211,773 charges finalised in court (for children, young people and adults). The number of charges decreased by 2% from 2018 and by 36% from 2010 (Figure 1).	16

**Figure 1: The number of charges and people charged has decreased over the last 10 years**





14	Corruption Perceptions Index	<a href="https://www.transparency.org.nz/corruption-perceptions-index/">https://www.transparency.org.nz/corruption-perceptions-index/</a>	Transparency International	2019	30 July 2020	<div><h1>CORRUPTION PERCEPTIONS INDEX 2019</h1><p>The perceived levels of public sector corruption in 180 countries/territories around the world.</p><p>SCORE COUNTRY/TERRITORY RANK</p><table><tr><td>87</td><td>Denmark</td><td>1</td><td>67</td><td>Chile</td><td>26</td><td>53</td></tr><tr><td>87</td><td>New Zealand</td><td>1</td><td>66</td><td>Seychelles</td><td>27</td><td>53</td></tr><tr><td>86</td><td>Finland</td><td>3</td><td>65</td><td>Taiwan</td><td>28</td><td>53</td></tr><tr><td></td><td></td><td></td><td>64</td><td>Bahamas</td><td>29</td><td>53</td></tr><tr><td>85</td><td>Singapore</td><td>4</td><td>62</td><td>Barbados</td><td>30</td><td>52</td></tr><tr><td>85</td><td>Sweden</td><td>4</td><td>62</td><td>Portugal</td><td>30</td><td>52</td></tr><tr><td>85</td><td>Switzerland</td><td>4</td><td>62</td><td>Qatar</td><td>30</td><td>52</td></tr><tr><td>84</td><td>Norway</td><td>7</td><td>62</td><td>Spain</td><td>30</td><td>50</td></tr><tr><td>82</td><td>Netherlands</td><td>8</td><td>61</td><td>Botswana</td><td>34</td><td>48</td></tr><tr><td>80</td><td>Germany</td><td>9</td><td>60</td><td>Brunei Darussalam</td><td>35</td><td>48</td></tr><tr><td>80</td><td>Luxembourg</td><td>9</td><td></td><td></td><td></td><td>48</td></tr></table></div>	87	Denmark	1	67	Chile	26	53	87	New Zealand	1	66	Seychelles	27	53	86	Finland	3	65	Taiwan	28	53				64	Bahamas	29	53	85	Singapore	4	62	Barbados	30	52	85	Sweden	4	62	Portugal	30	52	85	Switzerland	4	62	Qatar	30	52	84	Norway	7	62	Spain	30	50	82	Netherlands	8	61	Botswana	34	48	80	Germany	9	60	Brunei Darussalam	35	48	80	Luxembourg	9				48	16
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15	New Zealand Corruption Index	<a href="https://tradingeconomics.com/new-zealand/corruption-index">https://tradingeconomics.com/new-zealand/corruption-index</a>	Trading Economics	July 2020	30 July 2020	 <p>SOURCE: TRADINGECONOMICS.COM   TRANSPARENCY INTERNATIONAL</p>	16
16	All Synthetic Cannabis products to be banned	<a href="https://www.beehive.govt.nz/release/all-synthetic-cannabis-products-be-banned">https://www.beehive.govt.nz/release/all-synthetic-cannabis-products-be-banned</a>	Beehive New Zealand Government  Peter Dunne	2 August 2011	27 July 2020	<p>Notices will be prepared to cover all 43 synthetic cannabis products currently on the market as soon as the law is in place, and have them removed from sale. Any new products will be dealt with as they arrive, Mr Dunne said. [...]“These products change frequently, and new ones are put on the market with a different ingredient or two. We will basically be able to capture them all.</p>	17
17	A preliminary study on civil case progression times in NZ	<a href="https://www.lawfoundation.org.nz/?p=1119#:~:text=The%20majority%20of%20cases%20in,an%20average%20of%20608%20days).">https://www.lawfoundation.org.nz/?p=1119#:~:text=The%20majority%20of%20cases%20in,an%20average%20of%20608%20days).</a>	New Zealand Law Foundation  Lynda Hagen	24 May 2011	27 July 2020	<p>The majority of cases in the High Court are resolved relatively quickly (84% of these types of cases last year were resolved in an average of 252 days); However, there is a subset of cases (those that proceed and are allocated hearing dates) that can take a considerable time to progress (an average of 608 days)</p>	17