



The Rules Committee

Te Komiti mō ngā Tikanga Kooti

17 December 2025
Minutes 11/2025

Circular 54 of 2025

Minutes of Meeting of 24 November 2025

The meeting called by Agenda 11/25 (C41 of 2025) convened at 10.00 am on Microsoft Teams facility.

Present

Rt Hon Dame Helen Winkelmann GNZM, Chief Justice of New Zealand
Hon Justice French, Special Purposes Appointee and President of the Court of Appeal
Hon Justice Cooke, Chair and Judge of the Court of Appeal
Hon Justice Fitzgerald, Chief High Court Judge
Hon Justice Gault, Judge of the High Court
Hon Justice Radich, Judge of the High Court
His Honour Judge Taumaunu, Chief District Court Judge
Ms Alison Todd, Senior Crown Counsel as Representative of the Solicitor-General
Ms Caroline Greaney, Deputy Secretary (Policy) in the Ministry of Justice and representative of the Secretary of Justice
Mr Daniel Kalderimis KC, New Zealand Law Society Representative and Barrister
Ms Stephanie Grieve KC, New Zealand Law Society Representative and Barrister

In attendance

Hon Justice Mander, Judge of the High Court and Chair of the Criminal Rules Sub-committee
Hon David Goddard KC, former Judge of the Court of Appeal and expert assisting in Te Au Reka
Ms Cathy Pooke, Parliamentary Counsel Office Rules Committee Liaison
Ms Georgia Barclay, Clerk to the Rules Committee
Mr Kieron McCarron, Chief Advisor Legal and Policy Supreme Court
Mr Quinn Mackay, Secretary to the Rules Committee
Ms Andrea King, Group Manager at Ministry of Justice and member of Access to Justice committee
Ms Annabella Anders, Policy Advisor for Victims and Harm Reduction, Ministry of Justice
Ms Lison Harris, Policy Manager for Victims and Harm Reduction, Ministry of Justice
Ms Lucy Saunders, Principal Policy Advisor, Courts and Justice Services Policy at Ministry of Justice
Mr Nick Mercer, Senior Policy Advisor, Courts System Policy at Ministry of Justice

Apologies

Hon Judith Collins KC MP, Attorney-General
His Honour Judge Kellar, District Court Judge
Mr Paul David KC, Special Purposes Appointee and New Zealand Bar Association President

1. Preliminary

The Committee approved the minutes of its meeting of 6 October 2025.

2. Te Au Reka

The Committee agreed with the Te Au Reka working group that:

- Use of the e-solution should be mandatory, with limited exceptions. Anything else would not deliver the same level of benefit and would burden registries by allowing multiple pathways for filing.
- No further consultation is needed on whether the e-solution should be mandatory, given that consultation has been undertaken previously in relation to the Family Court rules and that the proposed mandatory process will mirror established compulsory processes, such as Landonline.
- The planned exceptions to mandatory use will allow other litigants to continue to exclusively use the e-solution: for example, a self-represented litigant unable to access the e-solution will be able to file a document in person at a court registry, at which time a registrar will scan the document and upload it to the e-solution so that other court users may access it through the e-solution.
- A basic transitional provision, requiring the e-solution to be used in all new proceedings filed after the commencement date of Te Au Reka, is preferable to a drawn-out transition that would place additional burden on registries.
- There will be a short, separate facilitative part of the High Court Rules and other relevant rules that provides an overview of the e-solution: for example, that the e-solution is mandatory. Where feasible, rules that are affected by the e-solution will be amended to also reference the e-solution.
- The Committee will review the rules relating to Te Au Reka in several years' time to consider whether, in light of experience, they remain fit for purpose.

The working group confirmed that it intended to issue further drafting instructions to PCO in March 2026 with the goal of carrying out consultation in July and August 2026. It also confirmed that it is looking at rules outside of the Rules Committees' jurisdiction. It was agreed the working group would provide a further update at the April 2026 meeting.

3. Criminal Rules Sub-committee

(a) Name suppression for complainants in sexual cases

The Committee agreed that proposed amendments to the Criminal Procedure Rules — recommended by the Criminal Rules Sub-committee to facilitate complainants being able to apply to lift their own name suppression or automatic suppression applying to a defendant — should proceed to concurrence.

The Committee agreed that the question of whether separate amendments will be required to facilitate the other substantial change enacted by the Victims of Sexual Violence (Strengthening Legal Protections) Legislation Act 2025 — whereby victims can in effect veto a defendant’s name suppression — was a matter still to be addressed.

(b) Timeframes for sentencing submissions

The Committee agreed that proposed amendments to the Criminal Procedure Rules relating to due dates for sentencing submissions should proceed to concurrence. The amendments were recommended by both the Criminal Practice Committee and the Criminal Rules Sub-committee; and would bring forward the due dates for sentencing submissions such that submissions would be due 10 working days before a sentencing hearing for the prosecutor, and either 5 or 6 working days before the hearing for the defence. The Committee agreed that the due date for defence would be checked with representatives of the defence bar on the Criminal Practice Sub-committee occurring later that week prior to concurrence.

4. Family Court Rules Sub-committee

The Committee noted that Principal Family Court Judge Moran has received two proposals for representatives of the family law section for membership in the (currently informal) family court rules sub-committee. It was agreed that the Judge and Ministry of Justice would bring a formal proposal about membership of the sub-committee at the Committee’s April 2026 meeting.

5. Access to Civil Justice

The Committee approved of proposals by the Access to Civil Justice working group about preparation for and monitoring of the new regime. The working group will collect various additional statistics with the aim of being able to assess whether the new regime results in earlier settlement of cases, fewer interlocutory disputes, shorter trials, and earlier allocation of hearing dates. The Committee agreed that it would be useful to receive a report from the working group on the effectiveness of the new rules in late 2026 or early 2027, that would be available to the public and the profession.

The Committee noted reports that feedback on the seminar on upcoming rules changes, and on the changes themselves, has been positive.

6. Te reo Māori and sign language in courts

It was recorded that the Ministry is still in the process of briefing the Minister on proposed amendments relating to this matter. It was agreed that there will be a further update in April 2026.

7. Updating daily recovery rates for costs

The Committee agreed to proceed to concurrence with amendments that would increase costs in the District Court and High Court by around 37.8%, in line with the increase in the Producer Price Index for legal services since the last time the Committee updated rates in 2018. It confirmed the

Committee's existing practice of avoiding transitional provisions for changes to costs, given the established position that new rules applying to costs only apply to steps taken on or after commencement.

8. Supreme Court costs

The Committee approved in principle proposals by Justice Kós that would formalise the Supreme Court's costs practice in the Supreme Court Rules. The proposal would tie daily rates in the Supreme Court to the daily rates for complex proceedings in the High Court, to ensure that daily rates in the Supreme Court would remain up to date as daily rates in the High Court are adjusted.

The Committee instructed PCO to draft rules in accordance with the proposal, subject to confirmation from Justice Kós on whether the proposed rules intended to leave no provision for costs in relation to interlocutory matters heard on the papers.

9. Improving the Operation of the Land Transfer Act 2017

The Committee considered proposals from the Deputy Registrar-General of Land, inviting the Committee to: explore whether there is scope to amend the District Court and High Court Rules to enable registration of freezing orders where they affect interests in land under the Land Transfer Act 2017; and update the District Court and High Court Rules to remove unnecessary references to the old Land Transfer Act 1952.

The Committee noted that the Registrar of Land would have power under the Land Transfer Act to amend the register in the way sought, should the proposed changes be made —under s 21(1)(d).

The Committee agreed to hear from a judge nominated by Justice Fitzgerald before considering the matter further.

10. Other matters

It was recorded that Justice Cooke would step down as chair of the Committee after the April 2026 meeting, to be replaced by Justice Radich.

The Ministry of Justice confirmed its plans for when the rules approved by the Committee would proceed through the concurrence process.

The Committee endorsed Justice Cooke's expression of appreciation and thanks to the outgoing clerk to the Committee, Ms Georgia Barclay.

Justice Francis Cooke
Chair