



The Rules Committee

Te Komiti mō ngā Tikanga Kooti

10 June 2026

Criminal Rules Minutes 06/26

Circular 10 of 2026

Minutes of the Criminal Rules Sub-Committee meeting held on 8 June 2026

The meeting was held at 9:00am using the Microsoft Teams facility.

In Attendance

Hon Justice Mander, Chair and Judge of the High Court
His Honour Judge Johnston, National Executive Judge of the District Court
Mr Joshua Chin, Criminal Manager Christchurch High Court
Ms Zannah Johnston, Crown Law
Ms Julie-Anne Kincade KC

Hon David Goddard KC, Te Au Reka Lead
Ms Megan Noyce, Acting General Manager, Courts and Justice Service Policy
Ms Sophie Klinger, Chief Advisor, Policy
Ms Lucy Saunders, Principal Policy Advisor
Mr Nick Mercer, Senior Policy Advisor in the Ministry of Justice
Ra Greensill, Manager in Te Au Reka Process Design
Ms Cathy Pooke, Parliamentary Counsel Office
Mr Ross Carter, Parliamentary Counsel Office
Mr Henry Fitzgerald, Clerk to the Rules Committee

Apologies

Ms Clare Cheesman, Manager, Justice Services, Auckland District Court Criminal
Ms Fiona Guy Kidd KC

1. Preliminary

The Sub-committee confirmed the minutes of its 30 March 2026 meeting.

2. Update on Te Au Reka Working Group's planned changes to the Criminal Procedure Rules

The Sub-Committee considered a 27 May 2026 memorandum from the Ministry on proposed changes to the Criminal Procedure Rules 2012 to support Te Au Reka's implementation alongside the Parliamentary Counsel Office's draft of the Criminal Procedure (E-solution) Amendment Rules 2026.

David Goddard KC provided an oral update. Our court systems are still heavily paper-based, and we are further behind in digitisation than all other jurisdictions to which we regularly compare ourselves. The Chief Justice has said digitisation has the potential to be transformative for the courts if executed properly. It will enable judicial officers, judicial staff and court participants to engage with proceedings more flexibly by enabling the submission and receipt of documents any place, anytime and anywhere. An important feature of Te Au Reka will be the requirement for lawyers (and, in criminal proceedings, public prosecutors) to provide and receive documents digitally through the e-solution instead of via paper in person. It is important that court rules reflect this mandatory requirement. Mr Goddard confirmed that Te Au Reka-related rules changes will not change what documents a given court participant must provide or is entitled to receive. It will only change how they must or can provide or receive documents. He stressed how important it is to the Te Au Reka Programme and to the Te Au Reka Rules Working Group to consult widely on the proposed changes to ensure they will be useful to judicial officers, judicial staff and court participants.

Nick Mercer and Lucy Saunders addressed the points in the memo, including that the roll out of Te Au Reka is beginning in the Family Court, and that the roll out for first instance proceedings in the District Court and the High Court is expected to occur in the latter part of 2027. They noted that the Working Group would welcome the Sub-Committee's advice around any changes the Working Group proposed to criminal procedure rules. There will be an exposure draft process in the latter part of this year in which the Working Group will seek feedback on proposed changes from a wide range of stakeholders, including the Criminal Rules Sub-Committee. The Working Group will draw on this feedback before proposing draft rules changes for the Rules Committee to proceed to concurrence in the early part of next year.

Julie-Anne Kincade KC said it would be helpful if she could share with a few named lawyers the memo and draft rules changes the Working Group had shared with the Sub-Committee. Doing so would enable more people with experience of how criminal rules operate in practice to contribute their views and would be consistent with the principle of consulting widely. Ms Saunders said sharing these two documents with some named lawyers could be helpful, but she noted there would be some formalities to complete to enable this sharing. Mr Goddard was supportive of sharing the two documents with a group of named lawyers to support effective engagement with the legal profession.

Judge Johnston asked about what would inform a judge's consideration of whether to exempt someone from the requirement to provide and receive documents through Te Au Reka. Mr Goddard replied that there may be a need for practice notes from heads of bench, noting that it is the expectation of the Te Au Reka Programme and of the Working Group's that exceptions to mandatory Te Au Reka use would be very limited.

The Chair asked how the Sub-Committee could provide greatest value to the Working Group. Mr Goddard answered that the Working Group was keen to draw upon the Sub-Committee's experience in criminal practice by encouraging the Sub-Committee to highlight any problems they see proposed rules as potentially causing in a criminal context. An example was that perhaps sensitive applications for criminal search warrants should remain in paper form rather than in digital form on Te Au Reka. Ra Greensill added that the Te Au Reka programme has both a civil judicial reference group and a criminal judicial reference group. The Ministry's Te Au Reka Design team meets with each of these reference

groups fortnightly to update them on Te Au Reka's progress. The Sub-Committee will be able to provide insight on proposed criminal rules changes in addition to the broader remit of the criminal judicial reference group.

Ms Kincade raised a question about the scope of a draft rule, which the Working Group noted. Mr Goddard and Ross Carter stressed that the Working Group is keen to hear any feedback on proposed rules changes, no matter how small the suggestion seems.

The Sub-Committee:

- noted the Rules Committee has agreed in-principle to amend the Criminal Procedure Rules to support the implementation of Te Au Reka;
- noted the Working Group will consult with the Sub-Committee prior to seeking the Rules Committee's agreement to releasing an exposure draft of amendments for consultation and final decisions on amendments; and
- agreed to make Te Au Reka a standing agenda item for subsequent meetings and would look forward to receiving further information from the Te Au Reka Working Group and the Ministry on proposed rules changes.

Justice Cameron Mander

Chair