



The Rules Committee

Te Komiti mō ngā Tikanga Kooti

29 July 2026
Minutes 6/26

Circular 20 of 2026

Minutes of Meeting of 29 June 2026

The meeting called by Agenda 06/26 (C 17 of 2026) 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 Fitzgerald, Chief High Court Judge
Hon Justice Gault, Judge of the High Court
Hon Justice Radich, Chair and 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 Paul David KC, Special Purposes Appointee and New Zealand Bar Association President
Ms Stephanie Grieve KC, New Zealand Law Society Representative and Barrister
Mr Daniel Kalderimis KC, New Zealand Law Society Representative and Barrister

In attendance

Hon David Goddard KC, Te Au Reka Lead
Ms Cathy Pooke, Parliamentary Counsel Office Rules Committee Liaison
Mr Kieron McCarron, Chief Advisor Legal and Policy Supreme Court
Ms Lucy Saunders, Principal Policy Advisor in the Ministry of Justice
Mr Nick Mercer, Senior Policy Advisor in the Ministry of Justice
Mr Quinn Mackay, Secretary to the Rules Committee
Mr Henry Fitzgerald, Clerk to the Rules Committee

Apologies

His Honour Judge Kellar, District Court Judge
Hon Chris Bishop KC MP, Attorney-General

1. Preliminary

The Chair opened the meeting with a karakia.

The Committee considered and approved the minutes of its 13 April 2026 meeting.

The Committee agreed to make alterations to the 24 November 2025 minutes to clarify that the Committee agreed with the Te Au Reka working group that use of the Te Au Reka e-solution should be mandatory for lawyers, with limited exceptions, but they do not plan to require self-represented litigants to use the e-solution. Using the e-solution will be optional for self-represented litigants.

2. Te Au Reka progress update

The Rules Committee:

- Noted that the Ministry has advised the Working Group that detailed technical design work relating to Te Au Reka is now only likely to be completed late this year.
- Noted that, to ensure rules changes can meet the intended Te Au Reka roll out timelines, the Working Group intends to continue progressing rule changes to support Te Au Reka Phase Two on current timelines, using design assumptions where needed to inform rules drafting.
- Noted that, if key settings which may substantively impact on court users change after consultation on exposure drafts of rule changes, the working group will undertake further engagement with those affected before seeking the Rules Committee's concurrence to the amendment rules.
- Noted that the Working Group would seek that the Rules Committee, during its September 2026 meeting, agree to the Working Group releasing exposure drafts of Phase Two Te Au Reka rules changes. The Working Group would then conduct a targeted external consultation on these drafts between October and November 2026. Following the Working Group's analysis of submissions, they will seek the Rules Committee's concurrence to their proposed rules changes at the Committee's first meeting of 2027.

The issue of the Oranga Tamariki Rules 1989

Mr Goddard noted that an outstanding issue is how the Oranga Tamariki Rules 1989 would be dealt with because there are some aspects of those rules (which govern certain types of civil proceedings in the Youth Court) that are incompatible with Te Au Reka. These rules are currently the responsibility of Oranga Tamariki, not the Rules Committee or the Ministry of Justice. Oranga Tamariki has not had the capacity to revisit the Oranga Tamariki Rules comprehensively for a long time. The advice from Oranga Tamariki and the Principal Youth Court Judge is that the Oranga Tamariki Rules have largely fallen into desuetude.

The Ministry and Mr Goddard had a meeting with Oranga Tamariki and the Principal Youth Court Judge (PYCJ). The PYCJ and Oranga Tamariki agreed to having a separate set of Oranga Tamariki e-solution rules, which Ms Saunders and her team will largely develop, as they have the necessary knowledge and

capacity, in consultation with Oranga Tamariki. These e-solution rules will sit on top of the existing Oranga Tamariki Rules until a review and rewrite of the Oranga Tamariki Rules can be undertaken.

The Committee agreed that it is anomalous for the Oranga Tamariki Rules to sit outside the Rules Committee's purview and that, while the Ministry works on bringing the Family Court Rules under the Rules Committee's auspices, it would be sensible to simultaneously bring the Oranga Tamariki Rules under the Rules Committee's jurisdiction.

The Working Group's work processes

The Chief Justice sought confirmation that the Working Group is drafting amendments that are necessary to make current court rules function with Te Au Reka, but it is not grappling with opportunities to restructure rules in a way that would perhaps make them optimal for Te Au Reka. The Working Group agreed to create a document recording its work processes and decision-making criteria, including the principles that there should be no additional barriers to litigants filing their documents and that there be no reallocation of decision-making authority.

3. Interim Family Court Rules Sub-Committee

The Chair provided an oral update. The interim Family Court Rules Sub-Committee is in the process of being formed.

The Chair has been liaising with the Principal Family Court Judge to discuss the Sub-Committee's membership. Several proposed members have been identified, including the Principal Family Court Judge, a Family Court Judge, a Family Court Associate, members of the profession and a PCO representative. The Ministry will suggest a policy representative and an operational representative shortly.

The Ministry would support the Sub-Committee in identifying the elements of the existing Family Court Rules which should not be there because they are, for example, matters of policy rather than court rules. The Sub-Committee will then need to engage in a significant rewriting process of the matters that it and the Ministry identify as properly remaining within the Rules.

The Chair agreed to prepare a briefing and analysis framework that would set out what the Committee seeks to achieve with the rewritten Family Court Rules for the Sub-Committee to use.

The Deputy Secretary confirmed that the plan was for the Sub-Committee to report to the Committee.

4. Progressing the Supreme Court (Costs and Disbursements in Civil Appeals) Amendment Rules 2026 to concurrence

The Committee approved proceeding the Amendment Rules to concurrence. The Chair noted that they would proceed through the concurrence and Order-in-Council process in a package with the Criminal Procedure Amendment Rules 2026. These amend sentencing memoranda timeframes, and the Committee approved them during its 13 April 2026 meeting.

5. Future work programme

The Chair spoke to a list of matters which constitute the Rules Committee's ongoing work programme.

a. Amending court rules to enable Te Au Reka.

b. Amending rules relating to the use of te reo Māori and New Zealand Sign Language in proceedings, the funding of translations into English from these languages, and the funding of translations from English into these languages.

The PCO has prepared draft rules. They are informally with the Minister of Justice for his approval.

c. The prospect of the Rules Committee concurrence process applying to the rules in other specialist jurisdictions.

The current priority is to bring the Family Court Rules within the concurrence process. The Chair has emailed the Chief Employment Court Judge for her thoughts on bringing the Employment Court Regulations 2000 within the concurrence process. The Committee agreed that eventually bringing the Oranga Tamariki Rules within the concurrence process is desirable. The Chair noted that Gault J had in correspondence mentioned that the first instance Court Martial rules are not subject to Rules Committee concurrence, but the rules of the Court Martial Appeal Court are subject to concurrence. The first instance Court Martial rules may also benefit from inclusion in the concurrence process.

The Chair agreed to draft a conceptual framework for making court rules and bring it to the next meeting.

d. Improving the Court of Appeal (Criminal) Rules.

French P said the Committee had progressed the proposed Rules to concurrence but that before the concurrence process was complete the Committee agreed at a meeting to refer the rules to the PCO. The PCO has come back to the Court of Appeal with several questions about the draft Court of Appeal (Criminal) Rules and one of the Court of Appeal's clerks has spotted an issue in the proposed Rules concerning jurisdiction. The President's intention is that the Court will answer the PCO's questions sometime in July. The PCO will subsequently complete the drafting process.

e. Developing a code of conduct for expert evidence relating to tikanga and mātauranga.

Cooke J and the other members of the relevant Sub-Committee are planning to prepare material for the Committee on this topic in time for the Committee's September meeting.

f. Introducing into the Criminal Procedure Rules 2012 a code of conduct for expert witnesses.

The Criminal Practice Committee will consider this matter at its 31 July meeting. It will prepare feedback in time for the Rules Committee's September meeting.

g. Considering whether to introduce pre-action protocols for debt claims in the District Court.

Judge Kellar aims to have papers on this matter for the Committee to consider at its next meeting.

h. Improving the provisions of the Supreme Court Rules 2004 relating to costs.

The Committee agreed earlier during this meeting to progress the Supreme Court (Costs and Disbursements in Civil Appeals) Amendment Rules to concurrence.

i. Updating the Rules Committee's 31 March 2014 Statement of Principles of Civil Justice.

The Chair noted that the Sub-Committee working on this matter now comprises himself, the Chief Justice, Daniel Kalderimis KC and Ms Pooke. He confirmed he would be in touch with this Sub-Committee within the next few weeks.

j. Monitoring the effects of the recent Improving Access to Civil Justice Reforms, including preparing a report for the Committee to consider at its 30 November 2026 meeting.

Fitzgerald J said that the working group that is monitoring the effects of the Improving Access to Civil Justice Reforms has noted a few minor rules that the Committee would ideally progress to concurrence at the end of the year. The Committee could potentially progress such changes as a batch with Te Au Reka rules changes that are due to be ready for concurrence late in the year. Fitzgerald J also noted that the working group will likely not be able to provide a comprehensive report on the reforms' effects until sometime in 2027.

k. Amending court rules to allow for easier registration of court freezing orders on the land register.

Osborne J will likely have material on this topic for the Committee to consider at its September meeting.

l. Ensuring that changes to the Criminal Procedure Rules proceed through the Order-in-Council process.

The changes to the Criminal Procedure Rules concern sentence memoranda timeframes. The Committee agreed to progress them to concurrence at its 13 April 2026 meeting.

These changes will now progress through the Order-in-Council process with the Supreme Court (Costs and Disbursements in Civil Appeals) Amendment Rules.

m. Ongoing discussion about the prospect of increasing the District Court's civil jurisdictional limit.

The Committee agreed to park this matter until the end of the year. The Chair noted that, on the back of the Committee's discussion of this matter during its 13 April 2026 meeting, he had asked High Court Associate Judges how frequently parties bring claims within the District Court's civil jurisdictional limit. The Associate Judges reported that, while it does occur, it is not a frequent occurrence.

n. Maintaining a list of minor rules changes to progress to concurrence as a batch.

There are currently two such changes on the list. Item 9 of the Committee's 13 April 2026 minutes addresses these proposed minor changes to rr 20.79 and 20.81 of the District Court Rules 2014.

6. Creating a standing agenda item updating Committee members on the status of proposed rules changes

Ms Todd noted her concern that it can be difficult for Committee members to keep track of when rules have been made. The Committee agreed to create a standing agenda item under which members would receive an update on the status of proposed rules changes. Such an update would highlight which proposed rules are still progressing through the concurrence or Order-in-Council process, which proposed rules have come into effect and which rules are no longer progressing through the concurrence process. The table could be added to the Rules Committee' public website.

The Chair closed the meeting with a karakia.

Justice Radich
Chair