



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

Memorandum

TO Attorney-General
FROM Chief Justice
DATE 21 April 2026
SUBJECT Courts and the judiciary

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INTRODUCTION

1. Previous Attorneys-General have met monthly with me, and with my predecessor(s). These regular meetings have enabled discussion of appointments and other matters of mutual interest, including legislation affecting the operation of the courts. I propose that we continue this arrangement.
2. I provide this memorandum to set out what I consider as falling within the scope of our shared interests in promoting access to justice and strengthening the rule of law through efficient and effective courts and a well-functioning judiciary. Its content is consistent with the approach I generally take of keeping the Attorney-General informed of issues affecting the operation of the courts, or raising rule of law concerns, even where these require no action or decision from the Attorney-General.

MATTERS REQUIRING EARLY ATTENTION

4. Matters which require early attention are:
 - a. Judicial appointments
 - b. Protecting the implementation of Te Au Reka
 - c. Utilisation of remote participation protocols
 - d. Reliance on acting warranted judges and the statutory cap

Appointments to the courts

Senior courts appointments

5. There are appointments to the senior courts, consequent on appointments and retirements, which require our attention. The retirements in question are as follows:
 - a. appointment of an Auckland Associate Judge, consequent on the appointment of Sussock AJ as a judge of the High Court
 - b. retirement of Miller J in [REDACTED] July 2026
 - c. retirement of Grice J in [REDACTED] September 2026
6. Where the appointment is to the Supreme Court (and indeed to the Court of Appeal) there will typically be consequential appointments – these need to be addressed at the same time. Miller J's replacement could trigger a vacancy in the Court of Appeal, and filling a vacancy in the Court of Appeal could consequently create a vacancy in the High Court. The first two appointments (at a and b above) are relatively urgent as the courts' work is scheduled assuming a full complement of judges.
7. There are two further appointments to be made in the High Court due to the lift in the statutory cap provided for in the Judicature (Timeliness) Legislation Amendment Act 2025. These are not urgent.
8. There is a protocol for judicial appointments to guide us through appointments.¹

District Court appointments

9. There are presently a further 11 appointments to be made to the District Court pending upcoming retirements.² All are to be appointed between May 2026 and February 2027. The previous Attorney-General approved these appointments, but there will be associated paperwork to progress, and announcements of these appointments will need to occur nearer to the time of each warrant commencing.
10. A recruitment process is underway for a Principal Family Court Judge, as Judge Moran's term as Principal Family Court Judge ends in November of this year. The Chief District Court Judge will discuss a recommendation for appointment with you, likely by June.

Protecting the implementation of Te Au Reka

11. Te Au Reka is a flagship modernisation programme which will progressively introduce throughout the courts a digital case and court management system. The main features of the system were described to the Justice Select Committee in August 2023.³
12. Implementing Te Au Reka is in accordance with the Strategy for a Digital Public Service. The Digital Strategy for Courts and Tribunals⁴ identifies four high priority initiatives:

¹ <https://www.crownlaw.govt.nz/assets/Uploads/Judicial-Appointments/Judicial-Appointments-Protocol-November-20258941597.3.pdf>.

² As at 30 April 2026, there will be four new, previously agreed judicial appointments to the District Court.

³ The full powerpoint briefing can be found at [Te-Au-Reka-At-a-glance.pdf](https://www.justice.govt.nz/assets/Uploads/Te-Au-Reka-At-a-glance.pdf) ([justice.govt.nz](https://www.justice.govt.nz)).

⁴ <https://www.courtsofnz.govt.nz/assets/7-Publications/2-Reports/20230329-Digital-Strategy-Report.pdf>.

introducing Te Au Reka; improving remote hearing technology; physical infrastructure; and training and support. Remote participation is addressed further at [18], below.

13. Implementation of Te Au Reka is in three phases, starting with Phase One in the Family Court. Phase Two covers the civil and criminal jurisdictions of the District Court and High Court. Phase Three includes appellate functionality for the District Court, High Court, Court of Appeal and Supreme Court; as well as the Disputes Tribunal, Environment and Coroners Courts; and advanced rostering and scheduling.⁵
14. The judiciary is advised that roll out of Phase One is estimated to begin in late 2026, Phase Two in late 2027, and Phase Three in late 2028.
15. Te Au Reka will enable better processes and more efficiencies throughout the court process. But, in order for implementation to succeed, appropriate support must be given.
16. I understand that cost savings are being required across the Justice Sector. Well-functioning courts are an essential part of a democracy, and fully staffed registries and judicial support are critical to the orderly and efficient conduct of court business.
17. Care must particularly be taken at this time to ensure sufficient resourcing is given to the registries. While Te Au Reka is first implemented, it will be necessary to run both the old and new court and case management systems, and the registries will be primarily responsible for this. I am aware the Secretary for Justice has made representations to the Minister of Justice about this, and he has my full support in that regard.

Utilisation of remote participation protocols

18. Remote participation refers to a proceeding in court where one or more participants takes part using audio-visual or audio technology (or the matter is decided on the papers), rather than appearing in person. The judiciary has led work to support increased use of remote participation.
19. Used well, remote technology has the potential to enhance access to justice, and to support the efficient and timely determination of court proceedings. The courts also see value in properly resourced and supported community hubs to lower barriers to accessing the courts in this way. Very significant use is already made of remote participation in courts. The most significant barrier to still greater use is the availability and quality of infrastructure in the courts and justice sector (AV equipment, and software or platforms).
20. In July 2025, the judiciary released protocols that provide guidance on the use of remote participation in the criminal jurisdictions of the High Court⁶ and District Court.⁷ This followed the release in March 2025 of protocols for the use of remote participation in the civil jurisdictions of the High Court⁸ and District Court⁹, and in the Family Court¹⁰.
21. Implementation of the protocols has been broadly successful with the protocols providing more confidence to court participants and their legal representatives about the circumstances in which remote participation is likely to be used.
22. In the context of any potential restriction on the availability of fuel, utilisation of the protocols will become increasingly important. The protocols are a critical tool to identify which proceedings must be held in person. They can also support increased use of remote proceedings where that is safe and appropriate.

⁵ [Te Au Reka | New Zealand Ministry of Justice](#).

⁶ [Protocol-for-remote-participation-by-the-defendant-in-custody-in-High-Court-criminal-proceedings.pdf](#).

⁷ [Protocol for Remote Participation by the defendant in custody in District Court criminal proceedings](#).

⁸ [Microsoft Word - 25 03 19 Protocol for High Court Civil final](#).

⁹ [Protocol-for-remote-participation-in-District-Court-civil-proceedings-final.pdf](#).

¹⁰ [Protocol-for-remote-participation-in-District-Court-Family-proceedings-final.pdf](#).

23. In New Zealand's Fuel Plan 2026, the Courts are classified as Band A: life-supporting services. The judiciary is working to further define which court proceedings fall within Band A and we are using the protocols to guide this work.

24. We will continue to work with the Ministry of Justice as the situation develops.

Reliance on acting warranted judges

25. The courts rely heavily on acting judges to undertake work. This is due to a low statutory cap on judge numbers addressed further at [31], below.

26. Widespread reliance on acting judges is problematic, and can be, or be seen to be, undermining of judicial independence. That is because the Executive has effective control over the appointment and renewal of appointments. Retired judges, and judges nearing retirement, may be perceived to favour the government in discharging judicial function to seek re-appointment.

27. To address this risk, two sets of Guidelines for the Appointment of Acting Judges in the District Court were previously agreed – between Attorney-General Cullen and Chief District Court Judge Johnson in 2005, then between Attorney-General Finlayson and Chief District Judge Doogue in 2013. These Guidelines, attached at **Appendix 1**, set out careful parameters for use of acting judges, and provide:

- a. "Acting judges should not be used as a means of permanently increasing the level of judicial resource, thereby reducing the number of permanent judges required."¹¹
- b. "Acting judges will be employed to cover judicial shortfalls occasioned by and limited to: sabbatical leave, judicial training, judicial vacancies, overseas secondments, conference attendance, courts martial assistance, illness and bereavements, workload pressures, other judicial absences (inquiries, election recounts, etc.)."¹²

28. The caution expressed in these Guidelines is appropriate but is not being observed. The Court of Appeal and District Court rely on acting judges to do core work to some extent:

- a. The Court of Appeal has had at least one acting judge since 2019.
- b. There are 30 part-time acting judges in the District Court (approximately 18 FTE).

29. Until recently the High Court has also been reliant on acting judges. It currently only has two part-time acting judges in light of the government's agreement to appoint two additional High Court judges.

30. I would like to work with you on refreshed guidelines for the appointment of acting judges to agree and rearticulate the circumstances under which they should be used.

Ongoing resourcing issues for the senior courts and District Court

31. The reason for significant reliance on acting warranted judges is due to the low statutory cap on judge numbers.

32. The passage of the Judicature (Timeliness) Legislation Amendment Act 2025 raised the statutory cap for senior court judges from 55 to 60. While this immediately enables the appointment of two additional judges in the High Court, the further capacity is intended as a contingency and to be used only in limited circumstances.

33. It is worth noting that, prior to this change, the statutory cap on senior court judge numbers was last raised almost 20 years ago. Since then, the general population has risen by 30 per cent from 4.09 million to 5.34 million, and the length of hearings and complexity of matters before the courts have increased substantially. These changes in workload for the High Court and Court of Appeal means it takes longer for matters to be

¹¹ Guidelines for the Appointment of Acting Judges in the District Court, 2013.

¹² Guidelines for the Appointment of Acting Judges in the District Court, 2005.

heard and impacts judgment timeliness. It is causing worrying levels of judicial stress and fatigue.

34. There are also significant calls on judges' time in connection with the important task of procuring and developing Te Au Reka. It calls upon the time of judicial leaders, which inevitably reduces their ability to undertake a full sitting schedule – a significant consideration in small courts such as those within the senior courts.
35. The effective cap for the Court of Appeal was last adjusted in 2016 to 10 judges. Even with acting judges working in that court since 2019, times to hearing and judgment have increased to undesirable levels.¹³
36. The District Court cannot operate without the services of acting judges. The current configuration of permanent and acting judges in the District Court is shown below.

	Permanent judges	Acting warranted judges	Total
All warranted judges	181	30	211
Effective complement	169	30 ¹⁴ (approx. 18 FTE)	199 (approx. 184.05 FTE)

37. The reference to effective complement captures the fact that judges with District Court warrants are working away from that court. They are serving as Environment Court judges, in Tribunal roles, and as the Chief Coroner, by way of example.
38. I continue to raise the statutory cap with the Secretary for Justice. This is a matter which likely falls within the purview of both the Attorney-General and Minister of Justice.

¹³ In November 2025, the median wait time to hearing for civil appeals was 392 days, compared to 309 in November 2019 – an increase of 26 per cent. The median time to judgment for civil appeals has also increased from 58 days in November 2019 to 71 days in November 2025 – an increase of 22 per cent.

¹⁴ Acting warranted judges are part-time – generally about 0.6 FTE.

Courts' approach to artificial intelligence

39. The development of Generative AI (Gen AI) already has implications for the work of the courts. The use of Gen AI technology in the New Zealand legal context is increasing with significant use amongst lawyers. Many judges will have had material placed before them that have been developed using Gen AI tools.¹⁵ Efficiencies from use of Gen AI technology in the courts have potential to improve access to justice, and support quality and timely court decisions. But it is imperative that Gen AI is not used in ways that undermine the rule of law and the integrity of the administration of justice.
40. In 2023, the heads of bench established an Artificial Intelligence Advisory Group (AI Advisory Group), now chaired by Justice Jane Anderson. The AI Advisory Group developed three sets of tailored guidelines for the use of AI in court – for judges and their staff, for lawyers, and for non-lawyers. The guidelines, which are publicly available,¹⁶ cover information on what AI is, risks inherent in its use, situations where it would be inappropriate or unhelpful to use it, and situations when it may be helpful.
41. [REDACTED]
42. The New Zealand judiciary are undertaking limited pilots of three specialist legal AI tools. The pilots are intended to test the benefits, risks and appropriate boundaries for use of AI tools. The AI Advisory Group is monitoring usage throughout the pilots and keeping internal guidance under review. The AI Advisory Group is also keeping a close eye on international developments, including the Victorian Law Reform Commission's Report and the UK Civil Justice Council interim report and consultation document.

Te Ao Mārama

43. Te Ao Mārama is a procedural model of justice, aimed at supporting both fair hearings (by ensuring full participation), and at better long-term outcomes for the community. It is a response to more than four decades of concerted calls for transformative change to the way the District Court conducts its business. Those reports have found that people have left the court feeling that they have not been treated fairly. They perceive they have not been heard, understood or able to meaningfully participate in proceedings that related to them.
44. Te Ao Mārama is built on the court's long tradition of solution-focussed judging dating from 1989 with the introduction of Family Group Conferences in the Youth Court. Te Ao Mārama will affect everyone who participates in the criminal, youth and family jurisdictions (defendants, victims, whānau, judges and so on).
45. No new legislation is required. It will operate within the New Zealand Bill of Rights Act 1990, the Bail Act 2000 and the Sentencing Act 2002. The transformation comes from new behaviours, new information, new services and new processes. For a fuller summary see **Appendix 2**.

Judicial conduct

46. Judges are expected to conform to a high standard of behaviour, both on and off the bench. The Guidelines for Judicial Conduct outline these expectations.¹⁷

¹⁵ In the recent Supreme Court decision of *Jones v Family Court at Whangarei* [2026] NZSC 1, an unrepresented litigant filed submissions which included including false citations. The Court said that reliance on false citations, including the unverified outputs of Gen AI applications, may in serious cases amount to obstruction of justice or contempt.

¹⁶ <https://www.courtsofnz.govt.nz/going-to-court/practice-directions/practice-guidelines/all-benches/guidelines-for-use-of-generative-artificial-intelligence-in-courts-and-tribunals>.

¹⁷ <https://www.courtsofnz.govt.nz/assets/4-About-the-judiciary/judicialconduct/Guidelines-for-Judicial-Conduct-2019.pdf>.

47. The judiciary and the New Zealand Law Society have an informal process for dealing with concerns about judges' conduct in court (available on the Courts of New Zealand website). The judiciary has also established a policy for registry or Ministry of Justice staff members to raise concerns or complain about bullying or harassment by a judge.
48. Another mechanism for dealing with complaints of judicial misconduct is through the independent office of the Judicial Conduct Commissioner, established under the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004. That Act sets out a process for investigating complaints about judicial conduct and for removal of a judge or relevant judicial officer from office for serious misconduct. The Act's processes are designed to ensure that judicial independence and natural justice are protected and observed.
49. However, complaints that have substance will be referred back to the Head of Bench unless the Judicial Conduct Commissioner is satisfied that the conduct might justify consideration of removal. The judiciary also receives complaints directly, where the complainant does not wish to use the Judicial Conduct Commissioner, and sometimes when the conduct is not of sufficient seriousness to warrant referral to the Judicial Conduct Commissioner. The judiciary is not resourced to deal with these matters. This is a matter I am raising with the Secretary of Justice.

Principles guiding decisions about judicial administration

50. The judiciary have been preparing a set of principles to guide decisions about judicial administration. I attach these principles at Appendix 3. The document provides an overview of the courts' role in New Zealand, and identifies principles core to their functioning, to guide decision-making about the courts.
51. The purpose of the principles was to develop a framework for the judiciary to approach choices about the operation of the courts and to assist the Ministry of Justice in the support it provides to the courts. This framework would inform and guide engagement between the judiciary and the Executive and others in relation to decisions affecting the operation of the courts in the future.
52. I shared a copy with the previous Attorney-General in confidence, and I do so again with you. The principles are not public at this stage. I propose to append the principles to my 2026 Annual Report, which is released in 2027, with an explanation that they have guided decision-making in the previous year and will continue to do so.

MATTERS IN TRAIN WITH THE GOVERNMENT OR MINISTRY OF JUSTICE

53. Matters currently in train with the government or Ministry of Justice include:

- a. Rules Committee responsibility for the making of Family Court Rules
- b. Legislative change to improve access to civil justice
- c. Early work on a Justice Systems Stewardship Amendment Bill
- d. Legal Aid Review
- e. Property portfolio

Rules Committee responsibility for the making of Family Court Rules

54. For a number of years, I have brought to the attention of the government the importance of conferring responsibility for the development and maintenance of the Family Court Rules on the Rules Committee.
55. The Rules Committee is currently responsible for the making of civil and criminal rules of court practice and Procedure for the Supreme Court, Court of Appeal, High Court and District Court. In practice the rules are made by Order in Council with judicial concurrence.
56. Although the Family Court is a division of the District Court, the Family Court Rules are not currently the responsibility of the Rules Committee. Family Court Rules are made without judicial concurrence, which is the constitutional expectation where rules of court practice and procedure are involved.
57. It is proposed that an informal subcommittee of the Rules Committee be set up to consider rule proposals for the Family Court in a process that will operate as closely as it can to the existing Rules Committee process. It is clear, however, that until there is agreement by the government to amending legislation, Family Court Rules will continue to be made without judicial concurrence. [REDACTED]

Legislative change to improve access to civil justice

58. In 2019, the Rules Committee began a wide-ranging review of ways to simplify court procedures so civil disputes can be resolved more quickly and efficiently. Its *Improving Access to Civil Justice* report was released in November 2022. It included some recommendations for change beyond the scope of rules, and the responsibility of the Rules Committee. The Committee made these recommendations with the knowledge, and at the request, of the then Attorney-General and Ministers for Courts and Justice. It was the view of the Attorney-General and Minister of Justice that there was no other forum for those matters to be discussed at a national level at the time.
59. To improve affordable and accessible civil justice, the Committee recommended, amongst other things:
- a. creating the role of Principal District Court Civil Judge,
 - b. the appointment of specialist deputy judges (part-time judges appointed from the senior ranks of the profession)
 - c. a strengthened registry, and
 - d. increasing the jurisdiction of the Disputes Tribunal.
60. Each these aims to strengthen and revitalise the District Courts civil jurisdiction.
61. The proposals to create a Principal District Court Civil Judge and specialist judges have not yet progressed. These would require legislative change, but underpin the access to justice objectives in the important area of District Court civil work.

62. The recommendation to increase the jurisdiction of the Disputes Tribunal has been partially implemented through legislative change.¹⁸

Regulatory Systems (Stewardship) Bills

63. The judiciary supports regular courts- or justice-focused Bills that are designed for minor legislative change to improve, repair, maintain and enhance efficiency of the courts and justice system. The Regulatory Systems (Courts) Amendment Bill is waiting for its Committee of the Whole House stage and will, when enacted, make useful (and in some cases necessary) amendments to statutes such as the Senior Courts Act 2016, Coroners Act 2006, Juries Act 1981 and to the powers and jurisdiction of Family Court Associates.
64. The judiciary has in the meantime continued to identify errors, gaps, inconsistencies and opportunities for enhanced efficiency in existing legislation that will be submitted to the government when the next Stewardship Bill is progressed.

Review of the Legal Aid Scheme

65. Legal aid has a critical role in upholding the rule of law and maintaining social cohesion. I view the current state of the scheme as damaging to the overall function of the court. The retreat from legal aid by medium and large firms, and more counsel leaving the criminal and family bars are situations long in the making.
66. The adversarial system is designed on the assumption that parties will be legally represented. Judges see the effect of involuntary self-representation in their courtrooms. Lawyers and judges hear from increasing numbers of litigants who are eligible for legal aid but cannot find a lawyer despite strenuous efforts. Heads of bench receive correspondence from both counsel and those seeking aid about the inability of the system to service the need.
67. I welcomed the Ministry's review of the Legal Aid Scheme and provided comment to the Ministry highlighting the underfunding of legal aid and deficiencies in its administration as key concerns for the sustainability of the justice system. I also noted the decline in the number of senior lawyers undertaking legal aid work, and serious succession issues for the criminal defence bar in some areas.
68. The Ministry has indicated to me that the review has shown the solutions to problems with the legal aid system sit outside the system itself, and a wider approach to the review – involving working closely with the profession – is needed. I agree that working closely with the profession is important. Nevertheless, remuneration rates remain a concern. The very low rates of remuneration are creating workforce shortages that imperil the functionality of the system and undermine attempts to see the system operate more efficiently.

Ongoing problems with property portfolio

69. A legacy of chronic underfunding of the Ministry of Justice's property portfolio means that 63 per cent of current buildings do not achieve a good rating due to insufficient investment in maintenance. This will increase to approximately 73 per cent in ten years' time. Weather tightness is a common issue, resulting in temporary court closures, delayed hearings and impacts on timeliness.
70. Cabinet agreed in October 2024 to rebuild Waitākere District Court, the Rotorua District and High Court, and the Rotorua Māori Land Court using a public-private partnership model. The Waitākere District Court has been operating in a structure originally intended as a temporary measure and is now over two decades overdue for replacement, with weathertightness issues posing serious health and safety risks for all occupants.
71. Limited availability of courtrooms in regions such as Whangārei and Rotorua also affects the High Court's ability to schedule trials. For example, as of December 2025, the

¹⁸ Disputes Tribunal Amendment Act 2025.

Hamilton-Rotorua-Tauranga circuit (HRT) had more active Category 4 (murder) trials on hand than Auckland, with less than half the number of jury capable courtrooms (and cells) available. The High Court is also limited in what it can schedule in Rotorua (a shared circuit court with the District Court) and cannot currently schedule any matters in Tauranga. Time to trial in Whangārei is constrained by similar resourcing shortages as in HRT.

JUDICIAL WELLBEING

72. A healthy and resilient judiciary is a priority for heads of bench. Judicial work is inherently stressful: a high workload, decision-making that impacts people's lives and liberty, exposure to distressing material and high conflict situations – all of which have an impact on mental health and wellbeing.
73. [REDACTED]. The judiciary introduced a wellness programme that includes expanded access to professional support with psychologists. The judiciary also continues to provide wellbeing seminars through Te Kura Kaiwhakawā | the Institute of Judicial Studies. It has been assisted by [REDACTED] and an expert advisor on wellbeing, Professor Ian Lambie ONZM¹⁹ and a cross-court Judicial Wellbeing Steering Group. The professional support service has been well adopted. It includes the opportunity to debrief with a clinical psychologist after a “critical incident”²⁰ occurs.

¹⁹ Registered Clinical Psychologist, Professor of Psychology at the University of Auckland | Waipapa Taumata Rau, and Chief Science Advisor for the Justice Sector.

²⁰ A critical incident is when a party to court case either dies or is seriously injured during the course of proceedings, or soon after proceedings have concluded. This commonly includes death by suicide of a case party, and the assault/murder of one case party by another.

INSTITUTIONAL MATTERS

Judicial leadership of the courts

74. Each head of bench operates under a statutory duty to ensure the orderly and efficient conduct of their court's business.²¹
75. The constitutional principle of separation of powers requires that the courts be independent of the Executive to ensure impartiality in judicial decisions. As well as requiring freedom from interference in individual judicial decisions, the constitutional principle also depends on institutional independence in organising and managing the work of the courts.²²
76. The courts are administered jointly by the judiciary and the Ministry of Justice in accordance with the Statement of Principles settled in November 2018 (reproduced in **Appendix 4**). This mixed model of courts administration is working well and in accordance with the separation of powers.
77. Courts administration requires cooperation between the Ministry and the judiciary at the operating level of all courts. Almost all courts have management committees with the Ministry. The strategic direction for the courts is also set cooperatively between the judiciary and the Ministry. This is undertaken in the Courts Strategic Partnership Group (CSPG), co-chaired by the Secretary for Justice and Chief Justice. CSPG meets quarterly.
78. The administration of the judicial branch is undertaken by committees. The key governance committee is the Heads of Bench Committee which comprises the heads of all the general and specialist courts, the Chief Judge of the Court Martial²³ and the principal judges and Principal Disputes Referee of the Disputes Tribunal. The Committee meets monthly. The heads of bench are listed in **Appendix 5**.
79. Significant committees relevant to your portfolio include:
- the Rules Committee chaired by Justice Paul Radich
 - the Legislation and Law Reform Committee chaired by Justice Matthew Palmer²⁴
 - Te Kura Kaiwhakawā | Institute of Judicial Studies Board chaired by Justice Jason McHerron
 - the Information and Digital Governance Committee, a shared committee with the Ministry of Justice. Its terms of reference cover ICT operational matters and information management principles, policy and practice in the administration of the courts. It is chaired by Justice Sarah Katz and Judge Tim Black.
80. The Statement of Principles confirms that domains of exclusive judicial responsibility include oversight of the scheduling of court sittings, the assignment of judges and judicial officers, and listing of cases and applications. Education of judges is a judicial responsibility. Judges direct and supervise registry staff in relation to the business of the court. Judges also control and supervise the use of IT in the business of the courts, have custody and control of court records and control the measuring of court performance. I list these, as in times of emergency or stress, these areas of exclusive responsibility can be overlooked in Executive decision-making.

²¹ See, for example, [s 92 Senior Courts Act 2016](#) and [s 24 District Court Act 2016](#)

²² Paragraph 1.1 [Principles observed by Judiciary and Ministry of Justice in the Administration of the Courts \(Statement of Principles\)](#)

²³ Judges of all these benches fall under the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004.

²⁴ A list of matters which this Committee considers is found at **Appendix 6**

Tribunals

81. Most civil justice in New Zealand takes place in tribunals. Tribunals are specialist bodies set up to deal with specific types of disputes with the intention that they resolve disputes more quickly, less expensively and with less formality than the courts.
82. Apart from the Disputes Tribunal, which sits within the District Court, tribunals are not part of the formal court system. However, they are the primary means for New Zealanders to seek justice and resolve disputes, with more than 100,000 people each year turning to the tribunals for assistance.
83. New Zealanders are more likely to access civil justice through tribunals than through the courts. More than 50 tribunals exist in New Zealand, providing a forum for resolution for a wide range of issues, from motor vehicle disputes to issues with superannuation. I have called for the structural reforms to tribunals that have been recommended by the Law Commission to be put into effect. These reforms would provide tribunals with the institutional structure to ensure independent and effective decision making – a critical requirement for the rule of law, given the nature and extent of the work before them.

Relationships between the judiciary, executive and legislature

84. In addition to the formal relationship between the Attorney-General and Chief Justice, as head of the judicial branch the Chief Justice also meets with Ministers and Members of Parliament.
85. It has become customary for the Chief Justice to meet with the Ministers of Justice and the Minister for Courts several times a year and to meet with the Prime Minister once a year.
86. As to Members of Parliament, this relationship is developing. In 2022, and again earlier this month, after discussion with the then Attorney-General, I met with the Shadow Attorney-General and National Party Justice spokesperson at their request to discuss issues covered in my most recent Annual Report. My office advised your office of this recent engagement as, given the timing of your predecessor's departure, it was not practical for me to advise you myself.

Remuneration Authority coverage

87. In 2022, Remuneration Authority coverage was extended to cover more judicial officers.²⁵ This development has enabled the affected courts and tribunals to recruit well-qualified individuals as vacancies arise. Tribunals which remain under the Cabinet Fees Framework report they face recruitment difficulties with some posts left unfilled. A list of Tribunals which fall under the Remuneration Authority and those which fall under the Cabinet Fees Framework is attached in **Appendix 7**. While ultimately a decision for the Minister of Justice, my recommendation is that all tribunal members exercising independent decision-making powers should fall under the Remuneration Authority.

Annual reporting by the courts

88. The judiciary prepares a variety of annual reports. I issue an all-courts calendar-year end report which I will provide to you prior to publication.²⁶ In the general courts, the High Court produces a calendar-year end report and the District Court produces a financial year-end report.²⁷ My report is distributed widely including to members of the Executive and Legislature: the Prime Minister, the Ministers of Justice and for Courts, the Justice Select Committee chair and party leaders represented in the House of Representatives. In

²⁵ [Remuneration Authority Legislation Act 2022 No 74, Public Act 4 Schedule 4 amended – New Zealand Legislation](#)

²⁶ [Chief Justice's 2024 Annual Report – Courts of New Zealand](#)

²⁷ [High Court Annual Report 2023.pdf](#); [District Court Annual Reports | The District Court of New Zealand](#)

2026, the release of the 2025 report will be accompanied by a media conference which I will hold.²⁸

Dual administration of courts

89. Te Kooti Whenua Māori, the Environment Court and the Employment Court are administered by two departments: the Ministry of Justice and another department of state (Te Puni Kōkiri, the Ministry for the Environment and the Ministry of Business, Innovation and Employment respectively). Their heads of bench have examples of how this leads to inefficiencies in the operation of those courts and occasions when the non-Justice administering department has demonstrated a lack of understanding of the role and purpose of the court.
90. One way to address weaknesses in the dual administration framework might be to consider a trilateral Memorandum of Understanding between the Chief Judge of the court and Chief Executives of both departments which describes each department's role in relation to the purpose and needs of each court. This is a matter for the courts to pursue with the Secretary for Justice in the first instance.

²⁸ The Annual Report was released on 6 August. Due to the proximity to the General Election, no media conference was held.

INTERNATIONAL CONNECTIONS AND REGIONAL COOPERATION

91. The courts have a number of international connections. I am a member of the Australasian Council of Chief Justices which meets twice a year. As Chief Justice, I meet regularly with the Chief Justices of nations within the region, including Pacific Chief Justices and the Chief Justice of Singapore. The New Zealand judiciary has a developing relationship with the Singaporean judiciary, sharing knowledge and work as we address the many issues confronting judiciary internationally.
92. The Pacific Justice Sector Programme (PJSP), which operates as part of my office, provides leadership development, training, tools, and support for judicial officers, court staff, and legal advocates across 15 Pacific nations. Funded by the Ministry of Foreign Affairs (MFAT), the PJSP was established in 2021 and builds on decades of earlier programmes. It is a New Zealand partnership with fifteen Pacific Island jurisdictions across Melanesia, Micronesia and Polynesia, focused on strengthening capacity and capability across all levels of Pacific judicial systems to promote accessible, fair, efficient, and sustainable justice. Through the PJSP I meet regularly with my Pacific counterparts, such as at the annual Pacific Chief Justices' Leadership Forum.
93. In February 2025, I hosted the Pacific Judicial Conference in Auckland. The theme for the conference was "Strengthening the Institution of the Judiciary – Kia tū pakari ai te whare whakawa." It focused on maintaining the judiciary's strength and legitimacy in a world where institutional trust is increasingly questioned. Attendees included Chief Justices and judges from Pacific Island nations, the Chief Justices of Singapore and Australia, Australian state judges, and members of the U.S. Ninth Circuit Court of Appeals, all sharing a connection to the Pacific.
94. Judges, Ministry staff and members of the profession form part of the Australasian Institute of Judicial Administration. Court of Appeal Judge Justice Susan Thomas represents the New Zealand judiciary and serves as Vice-President on the Board and member of Council.
95. New Zealand judges (serving and retired) sit throughout much of the Pacific.
 - a. Four New Zealanders hold the office of Chief Justice. I am the Chief Justice of Tokelau and Deputy Chief Judge Craig Coxhead of the Māori Land Court is Chief Justice of Niue. Retired judges of the High Court Hon Patrick Keane and Hon Paul Heath KC are the Chief Justices of the Cook Islands and Pitcairn Islands respectively.
 - b. Ten serving judges sit in the Cook Islands, Niue, Pitcairn and Vanuatu courts. A District Court judge is seconded to Vanuatu on a full-time basis at present.
 - c. Approximately 30 retired judges sit in the Cook Islands, Kiribati, Pitcairn Island, Samoa, Solomon Islands, Tonga and Vanuatu. Until 2023, institutional support for these judges was limited, including inadequate records of appointments, insufficient administrative support for hearings and decision-making, and a lack of education on local law. In 2023, MFAT introduced pre-appointment briefings and enhanced consular support. My office assisted by connecting judges with potential nominees, and members of the Pacific Chief Justices' Leadership Forum will oversee the education packs.
 - d. Since 2023, retired New Zealand judges have begun to sit again in Fiji. This had not occurred since 2007, following the 2006 coup d'état.
96. I am yet to visit Tokelau given the general difficulty of access (a previously planned trip could not proceed because of the sinking of the HMNZS Manawanui). I hope to make that journey later this year, with the support of MFAT.

97. You, the Solicitor-General and I have roles in the Permanent Court of Arbitration and when appointments are proposed to be made to the International Court of Justice. MFAT provides secretarial support as required.

BRIEF OVERVIEW OF EACH COURT

Judiciary and courts at a glance (April 2026)

	Court	Number of judges	Number of acting judges	Home registries	Circuit locations	Notes
Senior Courts	Supreme Court	6	1	Wellington	The court sits in Auckland and Christchurch once each a year	
	Court of Appeal	10	1	Wellington	The court sits regularly in Auckland. It sits in Christchurch twice a year, and occasionally in Dunedin	
	High Court	41 judges 8 Associate Judges	2 judges 1 Associate Judge	Auckland, Wellington Christchurch	15 combined courthouses nationwide	
District Court	District Court	181 FTE	30 acting warranted judges. These judges sit part-time	24 locations nationwide	45 courthouses and 13 hearing centres nationwide	A number of District Court judges hold warrants but do not sit regularly in the District Court
		166 FTE (available sitting complement)	The effective FTE of acting warranted judges is 18			From May there will be 21 Community Magistrates, plus a new Chief Community Magistrate
	Family Court	63 judges	7 acting warranted Family Court judges			
	Youth Court	71 judges	5 acting warranted Youth Court judges			The District Court is also supported by Judicial Justices of the Peace (JJs)
Specialist Courts	Māori Land Court and Māori Appellate Court	14 judges	1	Whangārei, Hamilton, Rotorua, Gisborne, Hastings, Whanganui and Christchurch	Also sits in other locations including District Courts and non-Ministry of Justice venues within each of its seven districts	There are 13 Family Court Associates Also has information offices in Auckland and Wellington
	Environment Court	9 judges 12 Commissioners 3 Deputy Commissioners	13 Alternate Judges made up of retired Environment Court judges and judges from other courts	Auckland, Wellington and Christchurch	Other locations nationwide as required (usually as close as possible to the land in question)	Environment Court judges also hold District Court warrants

	Court	Number of judges	Number of acting judges	Home registries	Circuit locations	Notes
<i>Military Justice system</i>	Employment Court	5 judges	1	Auckland, Wellington and Christchurch	Other locations nationwide as required	
	Coroners Court	22 coroners 7 Relief Coroners 8 Associate Coroners	0	Whangārei, Auckland, Hamilton, Rotorua, Hastings, Palmerston North, Wellington, Christchurch and Dunedin.	Raoul Islands, Chatham Islands and Ross Dependency	Also has National Initial Investigation Office (NIIO) based in Auckland
	Court Martial and Summary Appeal Court	11 judges		Wellington	Sits at military bases and other locations world-wide as required	Ten of these judges are also District Court judges
	Court Martial Appeal Court	3 appointed judges		Wellington (High Court)	May sit at any location world-wide as required	All High Court judges are also judges of this court. The Chief High Court Judge is the head of bench

Supreme Court | Te Kōti Mana Nui

98. There are six permanent judges of the Supreme Court. In addition, there is one acting judge – Justice Susan Glazebrook, who retired from the Court in February – and Justice Mark O'Regan. Justice Forrie Miller will retire in June. Justice Francis Cooke was welcomed to the bench in February.
99. In 2025, the Court delivered 24 appeal judgments dealing with 33 substantive appeals (eight criminal appeals, 25 civil appeals). The Court delivered 125 leave judgments, dealing with 170 leave applications. The Court granted 15 criminal and nine civil applications, and dismissed 84 criminal and 62 civil applications.

Court of Appeal | Te Kōti Pira

100. The Court of Appeal's workload reached an historic high in 2025 in both civil and criminal jurisdictions. It is a court operating under great pressure.
101. The Court currently has 10 permanent judges and one acting judge, Justice David Collins. In 2025 there were two additional acting judges (Justice Anne Hinton and Justice Mark Woolford). Having the two additional judges led to a significant improvement in disposal rates compared to 2024 (an increase of 79 disposals or 7.5% increase).
102. The Judicature (Timeliness) Legislation Amendment Act 2025 passed in late 2025. This allows a single Court of Appeal Judge to remit a first criminal appeal from the District Court to be determined in the High Court. The majority of first appeals from the District Court are heard by divisional courts comprising one Court of Appeal Judge and two High Court Judges. The remitting of these first appeals to the High Court necessarily affects the distribution of workload between both courts. If a sufficient number of first appeals from the District Court are remitted to the High Court for determination, the number of divisional weeks, and High Court Judges assigned to them, will be reduced.

High Court | Te Kōti Matua

103. The High Court is a very busy court which is also operating under pressure. Although time to trial for criminal trials has returned to pre-pandemic levels in some centres, it remains of concern in others for reasons that include resource constraints and property issues (see below). Hearing duration per matter is considerably longer than previously – currently sitting at an average of 17 days per hearing, around four days longer than the average five years ago.
104. Active Category 4 trials remain at high levels, making up around 80 per cent of active criminal trials as at the end of 2025. This trend is largely driven by an increase in the number of murder cases. It continues to restrain the High Court's ability to take many "protocol" cases from the District Court. It is likely that the requirement for all "third strike" trials and sentencings to be heard in the High Court will increase the number of Category 3 cases in the Court.
105. The High Court is also managing record levels of criminal appeals, which must be dealt with promptly, and which directs resource away from other work. The appeal pathway changes described in [101] above commenced on 13 April 2026.
106. Timeliness in the civil jurisdiction also remains a concern, though initiatives such as the Commercial List in the High Court at Auckland and the introduction of the new High Court Rules are aimed at addressing this.
107. In some parts of the country, there is a lack of appropriate courtrooms in which to hold criminal jury trials. This is a particular problem in the Hamilton-Rotorua-Tauranga

circuit, which had a (comparatively) high level of Category 4 trials on hand, but with a small number of jury-enabled courtrooms in which to conduct those trials.²⁹

District Court | Te Kōti-ā-Rohe

108. The District Court has nearly a million court events each year. In the 12 months to 31 December 2025, across all jurisdictions, 190,863 new cases came into the Court and it disposed of 197,603 cases.
109. The Court is led by Chief District Court Judge Heemi Taumaunu, Principal Family Court Judge Jacquelyn Moran, Principal Youth Court Judge Ida Malosi and National Executive Judge James Johnston. Their overarching priorities are timely access to justice, improving the quality of justice delivered, supporting the design and implementation of a new digital case management system, and judicial wellbeing.
110. The District Court is successfully addressing issues in the system that hinder progress of cases and contribute to backlogs. Since February 2024, the criminal backlog has decreased by 30 per cent nationally, including a 51 per cent decrease in the worst affected region, Auckland Metro. At its peak, around 2022, almost 9,000 cases were in backlog; by the end of 2025, the figure was just over 5,500. Nationally, 84 per cent of criminal cases are disposed of within timely access to justice thresholds, a three-point improvement since February 2024.
111. Timely access to justice is a central feature of Te Ao Mārama, the judicially led District Court initiative to improve the quality of justice in the court and ensure all participants, including victims and families, can understand and better take part in the cases that relate to them. Te Ao Mārama recognises that every court appearance must, wherever possible, make meaningful progress in a case. The initiative should reduce unnecessary adjournments.
112. A further focus of the court is preparing for Te Au Reka (see [11], above).

Family Court | Te Kōti Whānau

113. The Family Court hears matters relating to more than 30 statutes. It deals with more than 60,000 applications a year. New business has risen consistently in the past three years, with 63,748 new cases in 2025. The number of cases disposed of has also risen consistently – 64,062 in 2025, with a 9 per cent reduction in backlog cases.
114. There are now 13 Family Court Associates – a role introduced in 2024. Family Court Associates are judicial officers, who focus on early intervention and resolution of Care of Children Act issues, enabling judges to hear family violence and care and protection applications. As a result, people are not having to wait as long for their first substantive court event.

Youth Court | Te Kōti Taiohi

115. The Youth Court deals primarily with young people aged 14 to 17 years at the time of their alleged offending. In certain cases, the Youth Court also deals with serious charges against children aged 12 to 13 years. Some serious charges involving young people aged 17 are transferred to the adult criminal division of the District Court. Any child or young person charged with murder or manslaughter is dealt with by the High Court.
116. The Oranga Tamariki Act 1989, under which the Youth Court operates, establishes the wellbeing and best interests of the child or young person as the court's primary consideration, balanced with the public interest (including public safety), the interests of

²⁹ There is no jury enabled courtroom available to the High Court in Tauranga, meaning all Tauranga trials must be conducted in either Rotorua or Hamilton. There is only one courtroom available to the High Court in Rotorua, and only two jury-enabled courtrooms available to the High Court in Hamilton. Whangārei, where there is only one courtroom available to the High Court, is another centre in which courtroom availability affects timeliness of jury trials.

any victim(s), and accountability. The Act also says the court must impose the least restrictive outcome adequate in the circumstances.

117. In line with the last stipulation, police deal with three quarters of youth justice cases through warnings or alternative actions in the community. The Youth Court sees only the cases that are too serious for police to manage.
118. Not all Youth Court proceedings take place in a traditional courtroom. Te Kōti Rangatahi | Rangatahi Court and Pasifika Court hearings are held at marae or community venues and Māori or Pasifika customs and cultural practices are used.
119. As of 31 December 2025, there were 846 active cases before the Youth Court, down 25 (3 per cent) from the end of 2024 and a further drop from the post-pandemic high of 1,126 in September 2023. In 2025, the Court disposed of 3,713 cases, with 3,803 new cases entering it during the year.

Civil division

120. The District Court resolves disputes between individuals and/or organisations. A person who feels they have been wronged may bring a claim and, if successful, be awarded a remedy such as compensation.
121. There were 15,969 new civil cases in 2025, down from 29,149 the year before. The Court disposed of 20,969 cases and ended the year with 9,741 active cases.

Disputes Tribunal

122. The Disputes Tribunal is a division of the District Court. Earlier this year legislation was passed to double its jurisdictional limit from \$30,000 to \$60,000. Hearings are conducted in a less formal manner than a court and are held in almost every District Court location.

Māori Land Court and Waitangi Tribunal | Te Kooti Whenua Māori

Particular features

123. The Chief Judge of the Māori Land Court is responsible for the leadership the Māori Land Court, the Māori Appellate Court and the Waitangi Tribunal. The legislation for both jurisdictions is administered by Te Puni Kōkiri.
124. The Court has seen a steady rise in applications since the enactment of Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020. In addition, the introduction of the Court's new digital platform discussed below resulted in some delay processing applications.
125. The 2020 Amendment Act introduced significant changes to the Court's jurisdiction, including making tikanga-based mediation available to all Māori landowners seeking to resolve disputes between one another without requiring court adjudication. Those changes resulted in a review and promulgation of the new Māori Land Court Amendment Rules 2026, and a new mediation service has been authorised by a recent Order in Council.
126. A new digital system for accessing Māori land information and case managing Māori Land Court applications, Pātaka Whenua, was developed alongside the legislative amendments to the court's legislation. This system, which can be seen as a precursor to Te Au Reka (digital case and court management system) currently being developed for the general courts, went live on 29 May 2023. Since that date judges and court staff have been working to embed the system in their management of court applications, and to ensure that it informs and assists Māori landowners in understanding their land and bringing cases to Court. A number of necessary enhancements to improve the system and the service it provides to landowners (as well as to judges and court staff) have been completed and a small number of remaining issues are still to be addressed.

Waitangi Tribunal

127. In the Waitangi Tribunal, there are two major streams of work. The Tribunal's hearing programme has focused on completing the hearing of district-based Treaty claims. The Tribunal has completed inquiry into over 31 districts. By 2030 the last five historical inquiries will be complete and the Tribunal would have reported on over 91 per cent of Aotearoa's land area. The remaining land area has been covered by direct negotiations between the Crown and Māori.
128. In the second stream, the Tribunal is progressing kaupapa inquiries into Treaty claims concerning Crown policy and actions that are alleged to have affected Māori nationally. These claims concern issues such as Crown policies affecting Māori military veterans and mana wāhine, and the provision of health services and housing to Māori.
129. There are currently 22 Waitangi Tribunal inquiries in hearing or preparation for hearing (comprising five district inquiries, 13 kaupapa inquiries, one urgent inquiry, two inquiries into remedies for well-founded claims, and a 'standing panel' inquiry into outstanding historical claims awaiting hearing).
130. On 2 July 2025 the Waitangi Tribunal issued its Strategic Direction 2025-2035 setting out how the Tribunal would prioritise and complete its inquiry into the claims before it. This document was informed by a report prepared by an independent review group appointed in 2024 to review and seek feedback from all Tribunal stakeholders on the Tribunal's strategic direction.
131. The Waitangi Tribunal publishes annual reports outlining progress in inquiring into the claims before it, with the most recent report published in December 2025.

Employment Court of New Zealand | Te Kōti Take Mahi o Aotearoa

Jurisdiction

132. The Court has exclusive jurisdiction to hear and determine proceedings founded on an employment agreement. In many respects it is a court of final instance – with very limited exceptions, parties require leave to appeal against a judgment of the Court to the Court of Appeal. Parties may not appeal a question relating to the Court's construction of an individual or collective employment agreement. The Employment Court has both an appellate jurisdiction to hear appeals against the Employment Relations Authority (called challenges), questions of law (and other matters) removed from the Authority, declarations of employment status, matters of contractual interpretation, judicial review applications, applications for search, freezing and compliance orders, and injunctions in respect of strikes and lockouts.

Current state

133. The workload and flow of the Court has increased over the last year and looks set to increase further as recent (significant) amendments flow through to it (including in respect of who is, and who is not, an employee and accordingly able to access the minimum entitlements under employment legislation; and the new income threshold for pursuing employment rights and changes to the remedies that are available, including in cases of contribution and serious misconduct). The Employment Court has continued to deal with significant cases involving the status of workers entitled to employee protection; the correct interpretation and application of various provisions of the Holidays Act 2003; employer obligations in respect of health and safety; an upswing in compliance actions and applications for freezing and search orders; and an increase in cases involving the exploitation of workers, particularly migrant workers, and minimum code breaches more generally. Litigation relating to the Gloriavale Christian Community and caregivers of severely disabled children remains before the Court, and has engaged the Court of Appeal and Supreme Court.

Tripartite relationship

134. The Chief Judge has regular tripartite meetings with the Council of Trade Unions (previously Richard Wagstaff) and Business New Zealand (Paul McKay), to build an understanding of what issues employees, unions and employers face. A programme of workplace visits is commencing this year, with judges visiting workplaces within New Zealand. The Council of Trade Unions and Business NZ are working with the Court to identify relevant workplaces and to facilitate the visits. The Chief Judge also regularly meets with practitioner groups and often speaks publicly about employer and employee rights and obligations and the dispute resolution framework provided for under the Employment Relations Act.

Access to justice and quality of non-legal advocates

135. Self-representation by litigants (both employees and employers) often presents challenges. It is not uncommon for litigants to have very limited financial resources by the time they get to the Court, having been through mediation and the Employment Relations Authority. The Court is in the process of building its online resources to help litigants-in-person navigate the adversarial system. The professional standards of some advocates (who are permitted to appear in the Court under the Employment Relations Act and who are unregulated) remains an issue.

Coroners Court | Te Kōti Kaitirotiro Matewhawhati

Complement and workload

136. Increases in the coronial complement occurred following Budget 2022 and the Coroners Amendment Act 2023 (which created the associate coroner role). The increased bench of 37 has allowed the Court to address the backlog of cases, and the consequent delays experienced by whānau. Coroners spend less time on national duty and are more able to progress existing files. The appointment of the first tranche of new associate and relief coroners in October 2023, as well as the introduction of clinical advisors, implementation of a backlog reduction strategy and updated death reporting methods, are all contributing to a reduction of active matters before the Court.
137. As of February 2026:
- Case closures remain high at 4,412, a 9 per cent increase from one year ago. Since October 2023, there have been 732 more closures per year (+20 per cent) by the Coroners Court.
 - New cases continue to decrease. Three thousand three hundred and ninety-two new cases have entered the Court in the last year. This is 93 fewer (-3 per cent) than this time last year.
 - Active cases decrease when more cases exit the Court than enter it. From January 2024, case closures have exceeded new cases. The Court now has 4,460 active cases, 1,020 fewer (-19 per cent) than one year ago.
138. Some inquiries take longer due to complexity, and dependence on other investigations and agencies.
139. The Coroners Court is the only court that operates 24 hours a day, seven days a week, with a coroner and associate coroner always rostered on duty.

Recruitment and retention

140. The previous Attorney-General approved an extension of 18 months to seven relief warrants to allow the Ministry of Justice to explore the possibility of extending the statutory cap of permanent coroners to reduce the need for fixed-term warrants.
141. Coroners continue to be attracted to opportunities within the District Court due to the better remuneration and terms and conditions.

Access to justice issues

142. Families are frequently the only unrepresented parties in court when a matter progresses to inquest, making it difficult for them to participate meaningfully. Unlike comparable Australian jurisdictions, the Court does not have staff dedicated to support families to navigate the coronial process, or to ensure cultural needs are identified and accommodated to the greatest extent possible.

Property

143. The Ministry of Justice has been unable to provide suitable accommodation for coroners in several centres. Associate coroners share chambers. Shared accommodation exacerbates the stress of the intense and difficult work of coroners. The distressing content they are required to view and discuss also requires a private space.
144. The Coroners Court also has difficulty scheduling inquests, due to the availability of courtrooms.

Environment Court | Te Kōti Taiao

145. The Environment Court is established under the Resource Management Act 1991 (RMA) principally to hear appeals from decisions under that Act and others, such as appeals about the contents of regional and district plans and appeals arising out of applications for resource consents. The RMA also confers jurisdiction on the Environment Court to hear enforcement proceedings.
146. The Court will be affected by substantive and procedural changes to planning and environment law as set out in the Planning Bill and the Natural and Built Environment Bill which are currently before Parliament.
147. The Court has no backlog of cases, and has not had for some years, owing in part to the successful use of alternative dispute resolution methods and remote hearing procedures where appropriate.

Court Martial | Te Kōti Whakawā Kaimahi o Te Ope Kātua

148. The Court Martial has jurisdiction to hear charges alleging offences against both military and criminal law committed anywhere in the world. Its powers of punishment are equivalent to those of the High Court but include unique sentences, such as detention in the Services Corrective Establishment or dismissal from His Majesty's Service. The Court Martial has adopted the principles of Te Ao Mārama in its proceedings. Appeals from the Court Martial are heard by the Court Martial Appeal Court, which is part of the civilian courts system, and above that by leave to the Court of Appeal or Supreme Court.
149. Less serious offending is tried before disciplinary officers (who are not judicial officers). Appeals against the findings, punishment, or orders of disciplinary officers are heard in another military court – the Summary Appeal Court | Te Kōti Whakawā Pira Whakaraupapa Kaimahi o Te Ope Kātua. All Judges of the Court Martial are also Judges of the Summary Appeal Court. Cases are heard by a single judge sitting alone. There is no further right of appeal from the Summary Appeal Court.

APPENDICES

Appendix 1 – Guidelines for the Appointment of Acting Judges in the District Court, 2005, 2013

GUIDELINES FOR THE APPOINTMENT OF ACTING JUDGES IN THE DISTRICT COURT INTRODUCTION

1. The purpose of these guidelines is to:
 - Assist the Attorney-General and the Chief District Court Judge to make informed and principled decisions on the appointment of acting Judges in the District Court.
 - Outline the circumstances where the appointment of an acting Judge may be necessary.
 - Uphold the integrity and independence of acting Judges.

PRINCIPLES

2. In agreeing these guidelines the following principles have been applied:
 - *The appointment of acting Judges should not compromise judicial independence.*
 - *Acting Judges should not be used as a means of permanently increasing the level of judicial resource, thereby reducing the number of permanent Judges required.*

APPLICATION

3. These guidelines apply to all acting District Court Judge appointments made after the date of these guidelines.

GUIDELINES

Circumstances

4. Acting Judges may be appointed to cover the need for additional judicial resource occasioned by, and limited to the following temporary circumstances:
 - Annual and sabbatical leave
 - Judicial training
 - Overseas secondments
 - Conference attendance
 - Courts martial assistance
 - Illness and bereavements
 - Short-term workload pressures
 - Appointments to statutory positions that must be filled by a current judge
 - Other judicial absences (inquiries, election recounts, etc.)

Appointment and reappointment process

5. The Attorney-General and Chief District Court Judge will meet annually to review workload trends against available judicial resource. No acting warrants will be issued if sufficient judicial resource exists for the conduct of the business of the court.
6. However, if during the course of the year, there is a sudden or unforeseen shortfall in judicial capacity through the occurrence of one or more of the circumstances listed in paragraph 4, the Chief District Court Judge may seek an additional meeting with the Attorney-General to make a case for the short-term appointment of an acting Judge(s) to cover the temporary need for judicial resource to conduct the business of the court.
7. If, following either the annual review or a meeting due to a sudden shortfall and the receipt of any advice, the Attorney-General agrees that additional judicial resource is required, the Chief Judge will write a letter to the Attorney-General containing the following information:
 - The circumstances for which the acting Judge is required (see paragraph 4)
 - The name and age of the proposed acting Judge (see paragraph 8)
 - The jurisdiction in which the acting Judge will sit
 - The term of the proposed warrant
 - The number and jurisdictions of current acting Judges (see paragraph 9).

In addition, for a current or past acting Judge:

- The length of time the acting Judge has held a warrant (see paragraph 10)
 - The term of any current warrant
 - The locations and jurisdictions in which the acting Judge has sat or is currently sitting
8. No person will be appointed as an acting Judge who has attained the age of [72], and no warrant will be issued for a term which extends beyond the date when the acting Judge will attain the age of [72].
 9. Acting warrants will be approved for no more than five full-time judge equivalents, but in no event may more than [10] acting Judges hold office at any time.
 10. No acting Judge will be appointed for a term which, when combined with previous terms, exceeds [5] years in total.

Hon Christopher
Finlayson QC Attorney-
General

Judge Jan-Marie Doogue Chief District Court
Judge

GUIDELINES FOR THE APPOINTMENT OF ACTING JUDGES IN THE DISTRICT COURT

Introduction

1. The purpose of these guidelines is to:
 - Assist the Attorney-General and the Chief District Court Judge to determine the optimum number of acting judges in the District Court.
 - Outline the circumstances where the appointment of an acting judge is desirable and falls within the existing statutory framework.
 - Provide for appropriate protocols to uphold the integrity, independence and professionalism of acting judges.

Principles

2. In agreeing to these guidelines the following principles have been applied:
 - The appointment of acting judges should not compromise judicial independence, so that acting judges should not be used to reduce the number of required permanent judicial officers.
 - Equally, the appointment of acting judges should not be used as a means of permanently increasing the level of judicial services provided by the Courts.

Application

3. These guidelines apply to District Court Judges first appointed as acting judges in August 2005 or thereafter, and to their subsequent reappointment.

Guidelines

Circumstances

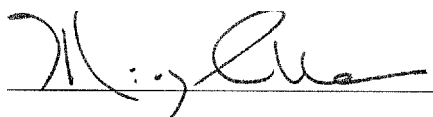
4. Acting judges will be employed to cover judicial shortfalls occasioned by, and limited to:
 - Sabbatical leave
 - Judicial training
 - Judicial vacancies
 - Overseas secondments
 - Conference attendance
 - Courts martial assistance
 - Illness and bereavements
 - Workload pressures
 - Other judicial absences (inquiries, election recounts etc).

5. Acting judges will sit in such jurisdictions and at such times as the Chief District Court Judge may from time to time direct.

Appointment and reappointment process

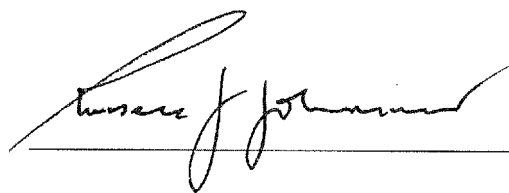
6. The Chief Judge will seek the approval of the Attorney-General in writing.
7. Four months' notice is required unless there are exceptional circumstances, for example, in the event of a sudden or unforeseen reduction in judicial capacity through illness, accident or other circumstances.
8. In seeking the reappointment of an acting judge, the Chief Judge's request to the Attorney-General will include the following information:
 - The acting judge's age
 - The jurisdiction in which the acting judge sits
 - The length of time the acting judge has held an acting warrant
 - The term of the current warrant
 - The term of the proposed warrant
 - The locations in which the acting judge has been sitting
 - The number and jurisdictions of current acting judges.
9. Judges who retire under the age of 68 years will be appointed as acting judges for successive terms of up to two years, up to the age of 68 years, subject to the exercise of the Attorney-General's discretion based on the considerations set out below.
10. Retired judges aged 68 years or older will be appointed as acting judges for successive terms of up to two years until reaching the age of 72 years, and not thereafter except in cases of system need and then for a term not exceeding 12 months, subject to the exercise of the Attorney-General's discretion based on the considerations set out below.
11. Appointments will be declined in the event that a ground for non-renewal is made out, at the discretion of the Attorney-General after consultation with the Chief Judge, on one or more of the following bases:
 - Sufficient numbers exist
 - Misconduct not necessarily amounting to misconduct justifying removal
 - Incapacity
 - Persistent failure to comply with sitting requirements
 - Sustained failure to observe standards reasonably expected in the office.
12. In the exercise of his /her discretion the Attorney-General will take into account recommendations from the Chief Judge, observations from the New Zealand Law Society or other comment that may be tendered to him/her.

13. A Judge applying for an acting warrant may expect a decision three months before retirement date, or warrant expiry date.



Attorney-General

Chief District Court Judge



Date: Date: 6/8/5.

9/8/05.

Appendix 2 – Te Ao Mārama: enhancing justice for all

Te Ao Mārama is the new operating model being developed for the District Court which responds to longstanding calls for transformative change to the administration of justice.

It builds on a long tradition of solution-focused judging in the District Court. In the past, specialist courts within that Court have provided wrap-around support for people going through the court process to ensure that they can participate fully in hearings and have enabled defendants to access support in order to address the root causes of their offending. Currently, solution-focused courts are only supported to operate in particular areas – for example, the Young Adult List Courts in Porirua, Gisborne and Hamilton, the Matariki Court in Kaikohe, the Court of Special Circumstances in Wellington, and the Alcohol and Other Drug Treatment Courts in Auckland, Waitākere and Hamilton. This leads to postcode justice.

The best practice from these courts is being drawn upon for Te Ao Mārama to promote principles of restoration and healing and to enhance community wellbeing. The changed operating model will be inclusive of all people affected by the business of the Court, regardless of culture, language, ethnicity, means or abilities. That said, Te Ao Mārama needs to be effective for Māori given the disproportionate representation of Māori in the criminal justice, care and protection, and family violence jurisdictions of the District Court.

Te Ao Mārama was announced in Hamilton and Gisborne in 2021, followed by Kaitiaki in 2022. The plan for ongoing implementation for other courts is below.

Te Ao Mārama operates within the existing frameworks of the law, including the New Zealand Bill of Rights Act and the Sentencing and Bail Acts. It does not compromise the independent roles of the judiciary, state agencies or community groups. However, it does call for new behaviours, new information, new services and new processes.

The model for Te Ao Mārama is being progressively implemented in the family, criminal and youth jurisdictions. Relevant justice agencies have been encouraged to work together with local community providers and local iwi. In the Family Court, the primary focus will be on care and protection and family violence proceedings. In youth and adult criminal proceedings, the primary focus will be on a defendant's early appearances (including bail and sentencing).

Te Ao Mārama has the potential to help address two pressing problems – high rates of recidivism and overrepresentation of Māori in the criminal and family justice systems. It can do this by addressing the root causes of the offending, and by using community, including whānau, hapū and iwi, to help the defendant and other parties to reintegrate through structures that protect against reoffending and family dysfunction.

There are two main focuses in the criminal jurisdiction:

- Creating hearing environments and processes that support engagement and comprehension for the people who are the subject of the proceeding. This can be as simple as using plain language or ensuring that communication assistance is available for those who are neurologically or linguistically impaired.
- Utilising the court process as an opportunity to address the conflict or the harm that underlies the court proceeding. This is sometimes referred to as therapeutic justice – where the court facilitates community engagement and government support for defendants to address the causes of offending.

Appendix 3 – Principles Guiding Decisions about Judicial Administration



REDACTED.

To be released with the 2026 Annual Report.





















Appendix 4 - Principles observed by Judiciary and Ministry of Justice in the Administration of the Courts (29 November 2018)

1. Purpose of statement

1.1 The constitutional principle of separation of powers requires that the courts be independent of the Executive to ensure impartiality in judicial decisions. As well as requiring freedom from interference in individual judicial decisions, the constitutional principle also depends on institutional independence in organising and managing the work of the courts.

1.2 The legislation under which the courts of New Zealand operate places on the judiciary the responsibility for the orderly and efficient conduct of the business of the courts. One of the purposes of the legislation is to improve the transparency of court arrangements “in a manner consistent with judicial independence”.

1.3 The judiciary is responsible for the work of the courts, but is supported by the Ministry of Justice, a department of the Executive government. The Secretary for Justice (through the Minister for Courts) is accountable to Parliament for the expenditure of the public funds needed to administer justice in the courts.

1.4 The judiciary and the Ministry of Justice therefore share responsibility for delivering justice through the courts. Both have interests in developing and maintaining a system of justice that is just, fair, accessible, modern, and effective, and which delivers timely, impartial, and open justice. The effective and efficient functioning of courts is assisted by the Ministry and the judges maintaining a constructive relationship involving open communication and respect for their respective responsibilities and institutional constraints.

1.5 The purpose of this statement of principles is to recognise the respective separate responsibilities of the judiciary and the Ministry, and responsibilities that are shared between the judiciary and the Ministry.

2. The roles of the Ministry and the judiciary

2.1. The Secretary for Justice, as Chief Executive of the Ministry of Justice, is responsible to the Minister for Courts. The Minister is responsible to Parliament for the proper use of the public resources used to support and run the courts, and for ensuring that sufficient resources are available to provide an accessible and effective justice system. The Secretary for Justice is formally responsible under the State Sector Act 1988 for employing staff who support the judiciary, including the Registry staff of the courts. Registrars, Deputy Registrars and other officers may be appointed under the State Sector Act 1988 to support the conduct of the business of each court, but act under judicial direction in doing so.

2.2. The Chief Justice is head of the judiciary in New Zealand and is also ultimately responsible under the Senior Courts Act 2016 for the orderly and efficient conduct of the Senior Courts’ business. The Chief Judge of the District Court is ultimately responsible under the District Court Act 2016 for the orderly and efficient conduct of the business of the District Court. The Chief Judges of the Employment Court and Māori Land Court, and the Principal Judge of the Environment Court similarly have statutory responsibilities for the orderly and expeditious discharge of the business of their courts.

2.3. In conducting the business of the courts, it is necessary for the judiciary to engage with the Ministry of Justice on matters of overlapping responsibility, including in the assessment of need and in the provision of facilities and resources to support the courts. Where the engagement is in relation to matters affecting all courts, the Chief Justice and the Secretary for Justice need to lead the engagement. This statement addresses the basis for the necessary engagement to ensure that it does not compromise the constitutional principle of judicial independence and is similarly respectful of the Executive’s different statutory and constitutional responsibilities.

3. Judicial responsibilities

3.1. The judiciary's responsibilities in relation to conducting the business of the courts include:

- a) the scheduling of sittings of the court, the assignment of judges and judicial officers, and the listing of cases and applications (including those for alternative dispute resolution);
- b) the use to be made of courts and their precincts;
- c) the direction and supervision of Registry staff in relation to the business of the court;
- d) the selection and supervision of immediate judicial support staff such as personal assistants, clerks and other similar staff (subject to paragraph 4.2(d));
- e) the management of staff to support the Chief Justice and heads of bench;
- f) the provision of judicial education and training;
- g) the control and supervision of the use of information technology for the business of the court;
- h) the custody and control of court records, whether or not held electronically, and control over access to them;
- i) measuring court performance.

4. Ministry of Justice responsibility for court support

4.1. The Secretary for Justice is solely responsible for decisions on all matters of expenditure of public money. The Secretary is accountable to the responsible Minister for the financial management, financial performance, and financial sustainability of the department.

4.2. Ministry of Justice responsibilities in relation to the business of the courts include:

- a) providing the judiciary with support to enable heads of bench to discharge their responsibility for the orderly and efficient conduct of court business, including those responsibilities in paragraph 3 above;
- b) supporting the judiciary in improving access to justice and best practice in the courts;
- c) the provision, maintenance and operation of technology and buildings for the operation of the courts;
- d) discharging its responsibilities with respect to staff in accordance with the State Sector Act 1988;
- e) the maintenance of court registries;
- f) ensuring security and safety in court buildings;
- g) measuring and reporting on the use of the resources for which it is responsible;
- h) supporting the offices of the Chief Justice and the offices of the heads of the other courts to enable them to discharge their responsibilities.

5. Shared responsibilities

- 5.1. Because the work of the courts draws on public resources, it is necessary for the judiciary and the Ministry of Justice to cooperate so that those resources are used efficiently and effectively.
- 5.2. The Secretary for Justice is responsible for ensuring there is appropriate and timely consultation through the Chief Justice about how its responsibilities for court administration will be provided, including the structuring of staff support and other resources required. Such consultation also includes the design and provision of appropriate court facilities and information technology strategies and initiatives.
- 5.3. The Secretary for Justice will consult the Chief Justice annually about the operating budgets for the courts.
- 5.4. The Secretary for Justice and the judiciary will cooperate in the collection and sharing of information necessary to assist each in their functions consistently with the principle of judicial independence and executive accountability for the expenditure of public funds.
- 5.5. The maintenance of court records is a shared responsibility between the Secretary for Justice and the Chief Justice. The judiciary has the responsibility for the custody and control of records of court proceedings and associated court administration, whether or not held electronically, and control over access to them (subject to any legislative requirements and any policies developed by the judiciary). The Ministry is responsible for the collection and storage of records relating to the use of Ministry resources, including the archiving of court and judicial records on the basis agreed between the Chief Justice and the Secretary for Justice from time to time.

6. Standing committees for engagement between the Ministry and the judiciary

Following enactment of the 2016 legislation and restructuring of responsibilities for operations in the Ministry of Justice, restructuring of the processes of engagement is necessary. Courts administration requires cooperation between the Ministry and the judiciary at the operating level for the Senior Courts, District Court and specialist courts. It is also necessary to ensure that strategic direction for the courts be set by cooperation between the judiciary and the Ministry. The Chief Justice and the Secretary for Justice are to agree on a new structure for engagement between the Ministry and the judiciary at both the operational and at a strategic level (through separate joint committees for the Senior Courts, District Court and specialist courts) and it is agreed that any such means of engagement will be kept under review.

Appendix 5 – Heads of Bench Committee members

The membership includes all statutory heads of bench (as per the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004), plus the Supreme Court senior puisne judge (who may be required to perform the duties of Acting Chief Justice at short notice), along with the heads of the District Court divisions: the Principal Judges of the Family Court and Youth Court and the Principal Disputes Tribunal Referee.



Helen Winkelmann
Chief Justice and
head of the judiciary



Sally Fitzgerald
Chief High Court Judge



Christine French
President of the Court of Appeal



Jackie Moran
Principal Family Court Judge



Heemi Taumaunu
Chief District Court Judge



Janet Robertshawe
Principal Disputes Referee



Ida Malosi
Principal Youth Court Judge



Christina Inglis
Chief Judge of the Employment
Court



Caren Fox
Chief Māori Land Court Judge
and Chairperson of the Waitangi
Tribunal



Anna Tutton
Chief Coroner



David Kirkpatrick
Chief Environment Court Judge



Kevin Riordan
Chief Judge of the Court
Martial and Judge Advocate
General of the Armed Forces

Appendix 6 – Matters considered by the Legislation and Law Reform Committee

It is a well-established convention that the judiciary should not interfere, or be seen to seek to interfere, with executive policy-making or parliamentary law-making. It is consistent with that convention for the judiciary to comment on proposed legislation affecting the operation of the courts, the independence of the judiciary, the rule of law, or the administration of justice. The Chief Justice and heads of bench receive advice from the cross-court Legislation and Law Reform Committee about Bills and other law reform proposals on which it may be appropriate for the judiciary to comment. Matters that the committee considers, and may bring to the attention of the Chief Justice, include:

- restrictions on accessing the courts, including in particular restrictions on judicial review;
- provisions affecting access to justice, including matters such as legal aid and court fees;
- changes to any existing role, function, jurisdiction, or power of all courts of general and specialised jurisdiction, including proposals for new roles, functions, jurisdiction or powers of these courts;
- measures with implications for the inherent jurisdiction of the High Court;
- measures affecting the scope and enforcement of the law of contempt;
- proposals affecting the reporting of or commentary on court proceedings;
- proposals affecting court procedure, including proposals for separate rules of procedure for a court;
- proposals involving the disclosure of court record information;
- proposals affecting the role and powers of court registrars;
- creation of new offences and penalties and use of the civil jurisdiction to enforce criminal penalties;
- creation of new powers of arrest and detention;
- proposals affecting the law of evidence, including self-incrimination and privilege;
- creation of new powers of investigation, including compulsory provision or sharing of information;
- implications for the courts of changes in sentencing laws, without comment on government policy motivating proposed changes;
- proposals involving the status and terms and conditions of appointment of judges;
- proposals with implications for fundamental rights and freedoms or the rule of law;
- proposals that would extend a court's workload and require additional resources; and
- proposals concerning cross-border legal co-operation, and in particular cross-border judicial cooperation.

The Ministry of Justice proactively consults with the Legislation and Law Reform Committee in relation to proposed courts legislation and related policy issues. The committee also engages with other government departments that are responsible for law reform proposals affecting the operations of the courts and related issues.

The Chief Justice will on occasion make a submission to a Select Committee on a Bill where it is appropriate to do so, consistent with the conventions above.

Appendix 7 – Differing remuneration arrangements between tribunals

Tribunal members paid under the Remuneration Authority:

Tribunal	Role
Tenancy Tribunal	All members
Disputes Tribunal	All members
Immigration and Protection Tribunal	All members
Employment Relations Authority	All members
Motor Vehicle Disputes Tribunal	All members
Sports Tribunal	All members
Human Rights Review Tribunal	Chairperson and Deputies
Victim's Special Claims Tribunal	Chairperson
Weathertight Homes Tribunal	Chairperson
Alcohol Regulatory and Licensing Authority	Chairperson
Land Valuation Tribunal	Chairpersons

Tribunal members paid under the Cabinet Fees Framework:

Tribunal	Role
Alcohol Regulatory and Licensing Authority	Members
Canterbury Earthquake Insurance Tribunal	Chairperson and Members
Copyright Tribunal	Chairperson and Members
Customs Appeal Authority	Chairperson
Human Rights Review Tribunal	Members
Immigration Advisors Complaints and Disciplinary Tribunal	Chairperson
Land Valuation Tribunal	Registered Valuers
Lawyers and Conveyancers Disciplinary Tribunal	Chairperson and members
Legal Aid Tribunal	Chairperson and members
Legal Aid Review Authority	Chairperson
Legal Complaints Review Officer	Legal Complaints Review Officer and Deputy
Licensing Authority of Secondhand Dealers and Pawnbrokers	The Authority
Motor Vehicle Disputes Tribunal	Assessors
Private Security Personnel Licensing Authority	Chairperson and Deputy
Real Estate Agents Disciplinary Tribunal	Chair, Deputy and Members
Social Security Appeal Authority	Chair and Members
Student Allowance Appeal Authority	The Authority
Taxation Review Authority	Chairperson
Trans-Tasman Occupations Tribunal	Chairperson and Members
Weathertight Homes Tribunal	Members