



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

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24 November 2021

**MEDIA RELEASE**

The Judges of the Supreme Court have today announced that submissions (together with relevant outlines and chronologies) filed from 1 February 2022 will be published on the Courts of NZ website for all appeal hearings with only limited exceptions. This initiative aims to improve transparency of court processes and advance public understanding of the Court’s work.

The decision to publish in this way follows consultation with the profession and other interested parties. In March this year, the Chief Justice wrote to the profession, and to Law Schools, to outline the proposed change and to request feedback. The Court received responses from the New Zealand Law Society | Te Kāhui Ture o Aotearoa, New Zealand Bar Association, Auckland District Law Society, Criminal Bar Association, New Zealand Bar Association, Defence Lawyers Association, Pacific Lawyers Association and Te Hunga Rōia Māori. The Deans of all six law schools were also consulted.

This input was gratefully received, Chief Justice Winkelmann said today.

“We very much appreciated the thoughtful responses given by members of the profession. Many expressed strong support for the proposal to make written submissions publicly available on the basis that it supports understanding of what is in issue in the proceeding, and through that improves transparency and helps maintain confidence in the administration of justice. I note that it is in line with the practices of other final appellate courts.”

The profession voiced a need for necessary safeguards to be in place, which the Court was also very mindful of, the Chief Justice said.

“Efforts to further strengthen open justice must be consistent with the need to protect suppressed, confidential or sensitive information. We must balance the need for transparency with the interests of parties – including victims and their whānau – and other countervailing interests.”

Taking such views into account, the Court decided to adopt the practice of publishing online copies of written submissions, chronologies and outlines for all appeal hearings unless a contrary direction is given by the Court. That decision is recorded in the new

[“Supreme Court Submissions Practice Note”](#), which comes into effect on 1 February 2022 and applies to all submissions filed from that date. The Practice Note will be reviewed in light of experience later in 2022.

To ensure a proper balance between open justice and other interests, the Practice Note includes the following safeguards:

- Written submissions must not include suppressed material and must contain a certification of suitability for publication.
- Supplementary submissions (which will not be published) may be filed with the Court where there is confidential or sensitive information that counsel would have included in the submission if it were not to be published online.
- Two versions of the submission may be filed — one containing all information including suppressed, confidential or sensitive material and one in which such information is redacted. Only the redacted version will be loaded to the Courts of NZ website.
- For fair trial reasons, the practice will not apply to pre-trial criminal appeals.

It is expected that the publication of these documents will also support law schools with the teaching of law, advocacy and procedure.

Further changes to the way the record of appeal hearings is accessed by the public will be introduced, as the Court seeks to enhance visibility of its processes.

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