

Hon Rino Tirikatene, Minister for Courts

Briefing to Incoming Minister 1 February 2023

Date	1 February 2023			
Action sought				Timeframe
Note the contents of this briefing and that we are available to meet with you at your earliest convenience				
Contacts for telephone discussion (if required)				
Name	Position	Telephone		First contact
		(work)	(a/h)	
Andrew Kibblewhite	Secretary for Justice	s9(2)(a)		<input checked="" type="checkbox"/>

Minister's office to complete

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Referred to: _____		
<input type="checkbox"/> Seen	<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Not seen by Minister
<i>Minister's office's comments</i>		

In confidence

Purpose

1. I would like to congratulate you on your appointment as Minister for Courts and welcome you to the Courts portfolio. This briefing provides an initial overview of:
 - 1.1. your role and responsibilities as Minister for Courts
 - 1.2. major programmes underway in the Courts
 - 1.3. the Courts policy and legislative work programme
 - 1.4. your upcoming briefings and decisions
 - 1.5. your key relationships
 - 1.6. Aotearoa New Zealand's courts and tribunals system, and
 - 1.7. Te Tāhū o te Ture (the Ministry of Justice) and how we can support you.
2. We will provide more information on current projects and priorities through specific follow-up briefings.

Key messages

3. As the Minister for Courts, you have responsibility for the administrative and other services necessary to operate Aotearoa New Zealand's courts and tribunals and support independent judicial decision-making. Most people experience our services in person, in our buildings, and interacting with our staff.
4. Aotearoa New Zealand's courts are under pressure, with increasing numbers of more serious cases entering the District Court and more court events (and judge time) being required to resolve them. This pressure has been exacerbated by the impact of the COVID-19 pandemic on jury trials, which are the most complex matters to progress. Our people have maintained safe public access to courts and tribunals and continued to deliver justice services through challenging circumstances. The Ministry is prioritising both operational and policy work to address pressures in the courts.
5. A significant work programme is also underway to transform how we deliver justice services and ensure better outcomes for people who participate in the system. Transformation will come from working with local communities, Māori, the judiciary and others in the sector. It involves revitalising our court infrastructure, digitisation of our case management system, the co-design and collaborative delivery of justice services, and other new ways of working.

Your role and responsibilities

6. As the Minister for Courts, you are responsible for providing, through the Ministry of Justice, the administrative and other services necessary to:
 - 6.1. operate Aotearoa New Zealand's courts and tribunals
 - 6.2. support independent judicial decision making

- 6.3. oversee the collection of court fines and reparations
- 6.4. assist victims of crime
- 6.5. serve court documents, and
- 6.6. enforce civil judgment orders.

We have some major programmes underway in the courts

Improving court performance

- 7. Court timeliness remains an issue in the long-term. There have been three main drivers for increased court delays: people pleading guilty later in the criminal court process, more adjournments of court events to a later date as parties are not prepared to proceed at their court event, and more people electing jury trials which generally take longer to resolve.
- 8. In 2015, 59% of all guilty pleas for Category 3 cases (more serious offending) occurred in the first stage of the court process; this had fallen to 48% as of 2022. As at December 2022, the average number of court events required to dispose of a Category 3 jury case is 13.3, up from 12.9 in December 2021 and 11.4 in December 2017. Later guilty pleas and increased numbers of court events mean more court and judicial time is needed for each case, creating pressure in the system. Court pressures have also been exacerbated by the COVID-19 restrictions, particularly in the Auckland courts and for jury trials – both of which have a large impact on overall system resourcing.
- 9. In the last quarter of 2022, prosecutions filed in court have started to return towards pre-COVID-19 levels. Compared to the same quarter last year Police proceedings were 12% higher while charges in court were 21% higher.

The Criminal Process Improvement Programme aims to reduce unnecessary delays

- 10. The Criminal Process Improvement Programme (CPIP) was established in late 2020 to improve systems and processes to reduce unnecessary court events.
- 11. CPIP's objective is to establish best practice to increase meaningful court events in the criminal justice system that will improve the timeliness of cases and reduce the average time (days) to disposal, the number of events that do not proceed on the day, the average number of events for a case from start to end, and the number of days in custody spent waiting for an outcome. The Ministry is working with the judiciary, Crown solicitors, Police, defence counsel and the Department of Corrections to trial and implement these improvements. Budget 2022 allocated \$5.3 million to Vote Courts for CPIP over four years.

Government funding for additional judges has helped address the immediate impact of COVID-19

- 12. Government funding from recent Budgets has enabled the appointment of five District Court judges, four acting High Court judges, one acting Court of Appeal Judge, and around 40 fulltime support staff to assist in reducing the COVID-19-related caseload. This funding expires in 2025/26. By the end of 2021/22 we had fewer court cases than we had

at the start of the pandemic, though we are still dealing with the trend of increasing numbers of serious cases.

We are addressing delays in the coronial system

13. An operational and legislative work programme is underway to improve the coronial system. Since 2014, Coroners have not been able to keep pace with the number of cases being accepted into the coronial jurisdiction, which has resulted in an increasing active caseload and an increase in the average time taken to conclude coronial investigations.
14. The Ministry has a work programme underway to improve timeliness of coronial processes, improve the coronial experience for families and reduce the time it takes to complete coronial cases, bringing earlier closure for victims' families. Workstreams include reducing the number of natural causes deaths entering the coronial system, operationalising tikanga practice, improving our case management and increasing the capability of the Case Management System, and the Coroners Amendment Bill (see paragraphs 34-37).
15. In Budget 2022, the Ministry received \$30.031 million to appoint four new permanent coroners and support staff as well as establishing new Associate Coroner and Clinical Advisor positions (the Associate Coroner position is being established in the Coroners Amendment Bill). This will ensure that bereaved families and whānau receive the coroner's findings sooner, reduce the number of cases unnecessarily coming into the coronial jurisdiction, and reduce and maintain the coronial caseload at a sustainable level.

Te Ao Mārama

16. Te Ao Mārama is a judicially-led kaupapa that is strongly supported by the Ministry of Justice. It aims to improve the experience for all people who participate in the court system, including victims and whānau by taking best practice approaches from solution-focused and therapeutic courts and integrating these across all District Court sites. Mai i te pō ki te Ao Mārama is a metaphor for the act of leaving darkness and misunderstanding behind to enter a new world of light and understanding.
17. The courts do not consistently meet the needs of participants (victims, defendants, and their whānau). Many people find court processes confusing and alienating, disempowering, and re-traumatising. Budget 2022 included funding of \$47.440 million, held in tagged contingency to design and implement Te Ao Mārama in a small number of District Court sites.
18. Te Ao Mārama will focus on the criminal jurisdiction and care and protection, care of children and family violence proceedings in the Family Court. You have responsibility for supporting the implementation of the new model.

Te Au Reka

19. Over the next few years, the Ministry, in partnership with the judiciary, will be digitising many of the processes of New Zealand's courts and tribunals, starting with implementation in the Family Court and proofs of concept in the District Court criminal and

High Court civil jurisdictions, and expanding over time. This work, when complete, will make it easier for all New Zealanders to interact with the courts and tribunals.

20. The Ministry is procuring a new digital case management solution, called Te Au Reka, a phrase used in a Tairāwhiti karakia for opening a new meeting house, meaning ‘the sweet flow’. Te Au Reka represents a case management system that enables court processes to flow seamlessly from beginning to end. You are one of three joint Ministers (in addition to the Minister of Justice and Minister of Finance) responsible for the delivery of Te Au Reka.
21. Te Au Reka will support modern and effective case management, judicial decision making, and court and tribunal management, and will enable all users to engage with a modern court that is trusted, safe and responsive. It will enable the active progression of cases through the courts, reducing the harm and the time it takes to reach resolution.
22. Cabinet approved the detailed business case for Te Au Reka in December 2021. Funding was secured in Budget 2022, with funding for the project and whole of life costs established in tagged contingency. In August 2022, the former Minister for Courts, the Minister of Finance and Minister of Justice (as Joint Ministers) approved the funding for the procurement phase which is currently underway.
23. The Request for Proposals (RFPs) closed in December 2022. The Ministry is pleased with the responses and is currently evaluating them. Presentations from the long-listed vendors will take place in March 2023, followed by an induction stage for short-listed vendors and final offers in June 2023. s9(2)(f)(iv)

We are working to improve victims’ experiences in court

24. The Ministry and wider justice sector are working to deliver better outcomes for victims. Over 2021/22, the Ministry’s support for victims of crime included:
 - 24.1. funding Victim Support to deliver support services to victims, including specialised support and navigation services to whānau of homicide victims
 - 24.2. assisting family violence victims with safety planning through the Safety Services programme and to feel safer in their homes through the Whānau Protect programme
 - 24.3. providing access to a network of specialist victim advisors across all courts, including a dedicated subgroup of victim advisors for victims of sexual violence, and
 - 24.4. improving the Ministry’s workforce capability to understand and respond to victims’ justice needs through new victim-focused family violence and sexual violence training and service design tools, such as the Victims Framework.

25. Upcoming work for victims includes:
- 25.1. participating in the justice sector's development of a sector-wide end-to-end process for justice sector agencies' responses to victims participating in the criminal justice system, and the eventual implementation of agreed processes
 - 25.2. s9(2)(f)(iv)
 - 25.3. supporting the growth, realisation and implementation of Te Ao Mārama, and
 - 25.4. implementation of the Sexual Violence Legislation Act 2021 (which fully entered into force in December 2022), which will begin having an impact on sexual violence trials during the first half of this year. The Act addresses a range of issues that will lead to an improved experience for some of the most vulnerable participants in the courts.

Managing one of the largest property portfolios in the public sector

- 26. A large part of justice service delivery hinges on the sites where courts and tribunals operate. The configuration of a building, the state it is in, and the services that can be operated out of it, say much to participants about how they are viewed by the justice system.
- 27. The Ministry has one of the largest property portfolios in the public sector, valued at approximately \$1.5 billion with around 100 buildings across the country. The courts operate from 73 sites, of which 40 are owned and 33 are leased. A number of the leased sites are leased following Treaty settlements.
- 28. Approximately 20% of the buildings are over 100 years old and a further 19% over 50 years. In January 2023, 31% of the entire portfolio was assessed as being in poor or very poor condition.
- 29. The Ministry is facing a range of challenges across the property portfolio, from aging infrastructure and services, weather tightness issues, earthquake strengthening requirements, and buildings that no longer support the provision of good quality justice services (e.g. some do not provide safe separation between victims and defendants).
- 30. The Ministry published its 'Property Capital Plan 2020-2030' in 2020. We are currently developing several investment option scenarios to respond to changing circumstances since the plan's release. Existing funding will not be sufficient to address these challenges.
- 31. Two new court builds in Tauranga and Whanganui are in the design phase, with the Tauranga Moana Innovative Court detailed business case currently being finalised for Ministerial consideration.
- 32. In 2021 Cabinet approved over \$150 million for Tauranga and over \$50 million for Whanganui. The new Whanganui court is being funded from the Ministry's balance sheet. Tauranga is being funded from a tagged contingency set up in Budget 2020 and the

Ministry's balance sheet. The Minister of Justice will need to take a paper to Cabinet mid-year which will cover the Tauranga detailed business case and provide an update on the cost of Whanganui before the project moves into construction.

Courts' policy and legislative priorities

33. The Ministry's policy work programme is focused on delivering the Government's priorities before this year's election. The work programme is tightly subscribed and agreed with the Minister of Justice. Some courts-related policy and legislative work is being led by the Minister of Justice but will be important to the Courts portfolio. You will need to work closely with the Minister of Justice on courts-related policy priorities.

Coroners Amendment Bill

34. As Minister for Courts, you are responsible for leading the Coroners Amendment Bill, currently before Parliament. This Bill aims to reduce the distress caused to grieving families and whānau from the length of time they spend waiting to receive coronial findings and help ensure the public interest in the proper and timely understanding of the causes and circumstances of deaths is well-served.
35. The amendments to the Coroners Act 2006 will:
- 35.1. reduce the time it takes for certain types of cases to move through the coronial process; and
 - 35.2. free up more of Coroners' time to work on reducing the number of active coronial cases.
36. The Bill establishes a new judicial role known as an 'Associate Coroner'. Associate Coroners will be able to exercise all of the functions, powers and duties of a Coroner, except for holding inquests and deciding that an inquest is necessary.
37. The Justice Committee reported back on the Bill on 15 December 2022. It is currently awaiting its second reading. We will provide you with material to support the passage of the Bill through its remaining stages in the House.

Other courts-related policy priorities

38. **s9(2)(f)(iv)**
[REDACTED]
[REDACTED] This complements the operational initiatives discussed at paragraphs 10-12. You will receive copies of our advice to the Minister of Justice on these issues.
39. The Minister of Justice is also leading work on:
- 39.1. Modernising the Evidence Regulations 2007: these update the regime for dealing with Police video evidence and support amendments in the Sexual Violence Legislation Act 2021, which entered into force in December 2022. **s9(2)(f)(iv)** **[REDACTED]**

s9(2)(f)(iv)

39.2. Family Court (Family Court Associates) Legislation Bill: this seeks to enable faster resolution of disputes in the Family Court by establishing a new role, the Family Court Associate. Family Court Associates will free up judges to progress cases by taking on some of their administrative workload, and decisions at early stages of proceedings. The new role was recommended by the 2019 independent panel examining the 2014 family justice reforms in its report Te Korowai Ture ā-Whānau. The Justice Committee reported the Bill back to Parliament on 16 December 2022 and it is awaiting its second reading.

39.3. s9(2)(f)(iv)

Other issues for you to be aware of

40. Larger potentially transformative work is underway in other forums including the Royal Commission of Inquiry into abuse in care, the Waitangi Tribunal's kaupapa inquiry into the justice system and upcoming kaupapa inquiry into constitutional arrangements. These inquiries present opportunities to build understanding of the need for change at a systems level and will need to be considered in due course.
41. Three hearings for Te Tūāpapa o te Tika, the second stage of the Justice kaupapa inquiry, will be held in Gisborne, Ōtaki and Northland in May 2023, which will inform and extend the Waitangi Tribunal's understanding of the principles of tikanga and justice as well as how the inquiry should best run to conform with tikanga.
42. There are also two significant hearings taking place in 2023, the masjidain attack coronial inquest, commencing on 15 May and running until 9 June, and the Whakaari/ White Island criminal trial, commencing on 10 July, which is expected to take approximately 16 weeks. Both hearings are complex and will take a significant amount of time to progress as well as being of high public interest.
43. We will keep you updated on these matters and work with you where they engage your responsibilities as Minister for Courts.

Upcoming briefings and decisions

44. The table below sets out the key areas on which we will brief you and seek decisions in the period up to the end of April 2023.

Topic	Description of advice	Priority and timing
s9(2)(f)(iv)		

Your key relationships

45. As Minister for Courts, you have key relationships with other members of the executive and with the judiciary.

Minister of Justice

46. The Minister of Justice has overall responsibility for the justice system and joint responsibility for the policy and law that provides how the courts and tribunals operate. The Minister of Justice also makes some quasi-judicial appointments, such as for tribunals.
47. The Justice portfolio supports New Zealand's constitutional and democratic institutions. The Minister of Justice is responsible for the laws that shape our justice system and our constitutional arrangements. The portfolio supports and promotes the fundamental values, principles and institutions that regulate relationships between individual citizens, between citizens and the state, and between the different branches of government (the executive, Parliament, and the judiciary).
48. The two portfolios share responsibility for key legislation relating to the courts and tribunals. Generally, the Justice portfolio has taken responsibility for major policy or constitutional amendments while the Courts portfolio has taken responsibility for procedural or operational amendments. The legislation for which you share responsibility is set out in Appendix A.

Attorney-General

49. Your role involves working closely with the Attorney-General, who is the senior law officer of the Crown with principal responsibility for the Government's administration of the law. The Attorney-General makes judicial appointments to the main courts (on advice from the Secretary for Justice for the District, Family and Youth Court appointments, and the Solicitor-General for appointments to the senior courts).

The judiciary

50. You work with the judiciary to ensure you are each able to meet your responsibilities for the courts of Aotearoa New Zealand and the expectations of the community.
51. A fundamental constitutional principle in Aotearoa New Zealand is the 'separation of powers' and the independence of each of the three branches of government: the legislature (Parliament), the executive (Ministers of the Crown and government departments), and the judiciary. Each of these branches has a distinct role and acts as a check on the others. While Parliament is responsible for making laws and the executive for administering them, the judiciary is responsible for interpreting the law and for independently and impartially conducting trials and resolving disputes in accordance with the law.
52. It is a constitutional convention in Aotearoa New Zealand that the executive cannot direct the judiciary and that the legislature can only direct it through legislation. An independent judiciary gives people confidence that when they appear before the courts, their cases will be decided in accordance with the law and without any influence from the executive, Parliament or anyone else.
53. There is much to be gained from partnering with the judiciary to achieve common goals, such as improving the efficiency of the court system, as is appropriate while maintaining the constitutional convention of judicial independence.

Justice sector ministers

54. Your role involves working with other justice sector ministers on strategic opportunities such as criminal justice transformation, building Māori-Crown relationships and improving system performance. No single minister or agency can progress these opportunities alone.
55. The other justice sector ministers are the Ministers of Justice, Police and Corrections, the Minister for Children, the Minister responsible for the Serious Fraud Office, and the Attorney-General. You and other justice sector ministers will regularly receive updates from the Justice Sector Leadership Board (see paragraphs 89-90 below) on justice sector performance.

Aotearoa New Zealand's courts and tribunals system

56. A diagram of the court system is included in Appendix B.

Heads of Bench

57. The Heads of Bench are:
- 57.1. Chief Justice of New Zealand: The Right Honourable Dame Helen Winkelmann (GNZM)
 - 57.2. President of the Court of Appeal: The Honourable Justice Mark Cooper
 - 57.3. Chief High Court Judge: The Honourable Justice Susan Thomas
 - 57.4. Chief District Court Judge: Judge Heemi Taumaunu
 - 57.5. Principal Family Court Judge: Judge Jackie Moran
 - 57.6. Principal Youth Court Judge: Judge Ida Malosi
 - 57.7. Chief Employment Court Judge: Judge Christina Inglis
 - 57.8. Chief Environment Court Judge: Judge David Kirkpatrick
 - 57.9. Chief Māori Land Court Judge and Chair of the Waitangi Tribunal: Judge Wilson Isaac
 - 57.10. Chief Coroner: Judge Anna Tutton.

Appropriations

58. You are responsible for the Vote Courts appropriation, which includes Ministry services that support the work of courts, tribunals and other authorities, professional and administrative services provided to or directed by courts and coroners, judicial salaries, and the collection and enforcement of fines and civil debts.
59. The Minister of Justice is responsible for the Vote Justice appropriation, which includes justice policy advice and sector leadership, the Public Defence Service and administration of legal aid services, funding for Justice crown entities and community law centres, and justice support services and programmes. It also includes funding for services provided to other ministers by Te Puna Aonui and Te Arawhiti.
60. Vote Justice also includes capital expenditure for the purchase or development of assets by and for the Ministry of Justice, including court property and ICT (including Te Au Reka). Operating expenditure for these forms part of the Vote Courts appropriation. The operating expenditure associated with the capital rests with those who use the assets across both Vote Courts and Justice. There are strong links between policy reforms and investment needed for courts infrastructure.

61. The Vote Courts appropriation totals nearly \$952 million for the 2022/23 financial year covering the following:
- 61.1. a total of nearly \$561 million for services from the Ministry of Justice that support the work of courts, tribunals and other authorities
 - 61.2. a total of nearly \$169 million for salaries and allowances for Judges, Coroners and Community Magistrates as set under legislation
 - 61.3. nearly \$147 million for professional and administrative services provided to or directed by courts and coroners, including costs that are required by legislation
 - 61.4. over \$55 million for the collection and enforcement of fines and civil debts services by the Ministry of Justice
 - 61.5. nearly \$20 million for tribunal related fees and expenses, and
 - 61.6. \$490,000 to support associated activities, including the Justice of the Peace Association.
62. Over \$116 million of court-imposed fines, offender levies, contributions towards lawyer for child costs, and penalties are expected to be received for the 2022/23 financial year.

We are part of the Justice Budget cluster, with very limited funding available for Budget 2023

63. The Justice Cluster is one of two pilots that began in Budget 2022 to enable more efficient and effective inter-agency investment beyond an annual Budget cycle, with the aim of delivering improved and enduring wellbeing outcomes for New Zealanders. The Justice Cluster consists of five agencies: the Ministry of Justice, New Zealand Police, the Department of Corrections, the Serious Fraud Office, and the Crown Law Office. These agencies share responsibility for the criminal justice system, courts, and the wider Justice sector.
64. As Minister for Courts you will be called to attend Cluster Ministers meetings and to agree the make-up of any Budget initiatives and the reallocation of any underspends. Budget 2022 provided the Justice Cluster with a three-year funding envelope with only limited opportunities for bids to be submitted in Budget 2023. We will brief you separately on Budget 2023.

Introducing Te Tāhū o te Ture – the Ministry of Justice

65. The Ministry is unique in Aotearoa New Zealand in that we are the only agency working across all three arms of government – as well as working for the legislature and executive, we provide support to the judiciary.
66. The Ministry has over 4,000 people and is active in 58 towns and cities across Aotearoa New Zealand. We lead and support an integrated justice sector through strong sector knowledge and governance, shared goals and identifying solutions to improve justice sector outcomes. We recognise the need to work together across the justice sector to make Aotearoa New Zealand safer, and to deliver justice services that are fair and

accessible for all New Zealanders. Collaboration between the judiciary, the Ministry, Māori, service providers, sector partners, local communities and the legal profession is needed to achieve this.

67. The Ministry of Justice supports the Minister of Justice, Minister for Courts and the Attorney General to carry out their responsibilities and delivers a range of court and justice services to New Zealanders. Further detail on the Ministry's roles and functions is provided in Appendix C.

How we can support you

68. We will work with your office to establish ways we can best support you. We can provide support through:
- 68.1. **Regular meetings:** The Secretary for Justice and the Ministry's Strategic Leadership Team (SLT) can meet with you weekly and as necessary.
 - 68.2. **Weekly report:** You may wish to receive a weekly report or fortnightly report to support your meeting with the Secretary for Justice and SLT. This report can include items of interest, a round-up of future briefings and Cabinet papers, and a list of papers currently with your office.
 - 68.3. **Briefings on specific issues:** We can advise you on matters to assist decision-making and assist you in preparing for meetings.
 - 68.4. **Communications:** We will work with your office on responding to media queries, drafting replies to correspondence, and answering requests for information under the Official Information Act 1982.
 - 68.5. **Material for the Estimates Examination:** We can support you in your appearance before the Justice Committee for the Vote Courts Estimates Review, by providing you with written responses and briefing material for oral questions.
 - 68.6. **Regular Performance Reporting:** We can provide you with quarterly reports, which update you on work on your priorities, as well as on our operational performance and major initiatives.

Your key contacts at the Ministry of Justice

Strategic Leadership Team

Contact	Title	Contact details
Andrew Kibblewhite	Secretary for Justice	Andrew.Kibblewhite@justice.govt.nz s9(2)(a)
Carl Crafar	Chief Operating Officer – Operations and Service Delivery	Carl.Crafar@justice.govt.nz s9(2)(a)
Rajesh Chhana	Deputy Secretary – Policy	Rajesh.Chhana@justice.govt.nz s9(2)(a)
Anouk Alexander	Deputy Secretary – Strategy, Governance and Finance	Anouk.Alexander@justice.govt.nz s9(2)(a)
Tina Wakefield	Deputy Secretary – Corporate and Digital Services	Tina.Wakefield@justice.govt.nz s9(2)(a)
Marcus Akuhata-Brown	Pou Whakitere – Deputy Secretary – Ātea a Rangi	Marcus.Akuhata-Brown@justice.govt.nz s9(2)(a)
Victoria McLaughlin	Deputy Secretary, Te Au Reka	Victoria.McLaughlin@justice.govt.nz s9(2)(a)

Other key contacts

Contact	Title	Contact details
Erin Judge	Executive Director, Sector Directorate	Erin.Judge@justice.govt.nz s9(2)(a)
Emma Powell	Chief Executive, Te Puna Aonui	Emma.Powell@tepunaaonui.govt.nz s9(2)(a)

Recommendations

69. We recommend that you:

1. **Note** the contents of this briefing and that we are available to meet with you at your earliest convenience.



Andrew Kibblewhite
Pou Whakarae mō te ture
Secretary for Justice

APPROVED SEEN NOT AGREED

Hon Rino Tirikatene
Minister for Courts

Date / /

Attachments: Appendix A: Legislation in the Courts Portfolio
Appendix B: Structure of Aotearoa New Zealand's courts and tribunals
Appendix C: About Te Tāhū o te Ture – the Ministry of Justice

Appendix A: Legislation in the Courts portfolio

These Acts are jointly administered under both the Justice and Courts portfolios:

Admiralty Act 1973

Contract and Commercial Law Act 2007 (Part 2 and Part 5, subpart 5)¹

Coroners Act 2006

Costs in Criminal Cases Act 1967

Courts (Remote Participation) Act 2010

Courts Security Act 1999

Crimes Act 1961

Criminal Procedure Act 2011

Declaratory Judgments Act 1908

Deeds Registration Act 1908

Disputes Tribunals Act 1988

District Court Act 2016

Electronic Courts and Tribunals Act 2016

Family Court Act 1980

Family Proceedings Act 1980

Inferior Courts Procedure Act 1909

International Crimes and International Criminal Court Act 2000²

Interest on Money Claims Act 2016

Judicial Review Procedure Act 2016

Juries Act 1981

Reciprocal Enforcement of Judgments Act 1934

Senior Courts Act 2016

Sentencing Act 2002³

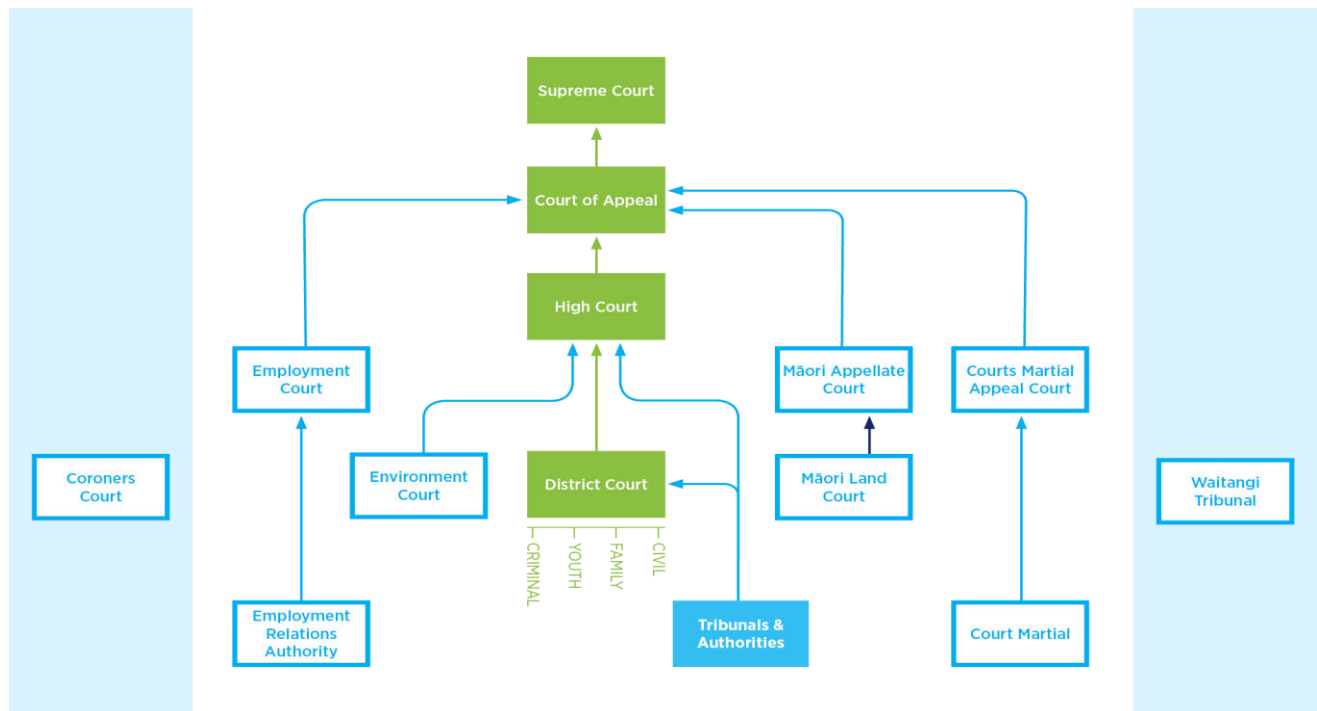
Summary Proceedings Act 1957

¹ Administered jointly with the Ministry of Business, Innovation and Employment.

² Administered jointly with the Ministry of Foreign Affairs and Trade

³ Administered jointly with Ara Poutama Aotearoa Department of Corrections.

Appendix B: Structure of Aotearoa New Zealand's Courts and Tribunals



District Court criminal cases – some criminal cases may have a right of appeal directly to the Court of Appeal, instead of the High Court

The courts, tribunals and authorities shown here are administered by the Ministry except the Employment Relations Authority (run by the Ministry of Business, Innovation and Employment) and the Court Martial (run by the New Zealand Defence Force).

Tribunals & Authorities

No line of appeal

- Criminal Justice Assistance Reimbursement Scheme
- Legal Complaints Review Officer
- Review Authority (Legal Aid Providers)
- Student Allowance Appeal Authority
- Waitangi Tribunal

Appeals to District Court

- Disputes Tribunal (on very limited grounds)
- Immigration Advisors Complaints and Disciplinary Tribunal
- Motor Vehicle Disputes Tribunal
- Private Security Personnel Licensing Authority
- Tenancy Tribunal
- Weathertight Homes Tribunal (for less than \$350,000)

Appeals to Employment Court

- Employment Relations Authority

Appeals to High Court

- Accident Compensation Appeal Authority*
- Alcohol Regulatory and Licensing Authority
- Copyright Tribunal*
- Customs Appeal Authority*
- Human Rights Review Tribunal
- Immigration and Protection Tribunal*
- Land Valuation Tribunal
- Lawyers and Conveyancers Disciplinary Tribunal
- Legal Aid Tribunal*
- Real Estate Agents Disciplinary Tribunal
- Social Security Appeal Authority*
- Taiapure-Local Fisheries Tribunal*
- Taxation Review Authority
- Trans-Tasman Occupations Tribunal*
- Victims' Special Claims Tribunal*
- Weathertight Homes Tribunal (for more than \$350,000)

*only on points of law

Appendix C: About Te Tāhū o te Ture – the Ministry of Justice

70. Te Tāhū o te Ture is the Māori name for the Ministry of Justice. This name was bestowed to the Ministry by respected kaumātua Tā John Clarke. The name touches on the connection between the ridge pole that supports a whare and the role the Ministry plays in supporting democracy and the rule of law in Aotearoa.

70.1. Tāhū: is the ridge pole that is the main support structure of a whareniui.

70.2. Ture: is the law.

Supporting the courts and tribunals

71. Our key operational role is to support the judiciary and courts and tribunals. We provide registry and administrative services necessary to support the judicial administration of the court system and to support judicial decision-making. Administrative support includes providing court security staff in the registries, transcription services, finance, ICT, human resources and funding for continuing legal education and development for judges. We also support 29 tribunals, authorities and committees.

72. We also:

72.1. administer the legal aid system. In 2021/22, we processed 70,131 applications for legal aid

72.2. operate the Public Defence Service, Aotearoa New Zealand's largest criminal law practice with over 200 criminal defence lawyers in 10 offices across the country

72.3. collect fines, reparations, infringements, and civil and legal aid debt. We collected over \$165.5 million in fines in 2021/22

72.4. carry out criminal conviction history checks, processing 443,794 in 2021/22

72.5. contract with providers to deliver a variety of programmes and services that support directions given by the judiciary, such as family violence services, restorative justice and victim support, and

72.6. provide funding for community law centres which provide free legal services and law-related education to New Zealanders.

Working alongside the judiciary

73. Like you, we need to work closely with the judiciary. The preservation of judicial independence also underpins the Ministry's engagement with the judiciary, so that the courts are, and are seen to be, separate from and independent of the executive.
74. Employees, such as court registrars who exercise quasi-judicial functions, do so as officers of the court. The Ministry does not direct employees when they are exercising these functions. We seek judicial input into operational changes that affect the courts, for example improvements to court processes and service design.

75. Our engagement with the judiciary is informed by the *Principles observed by Judiciary and Ministry of Justice in the Administration of the Courts* (29 November 2018). The principles state that both the judiciary and the Ministry have interests in developing and maintaining a system of justice that is just, fair, accessible, and modern, which delivers timely, impartial, and open justice. The principles set out the separate responsibilities of the judiciary and the Ministry for delivering justice through the courts, and the responsibilities that are shared, including:
- 75.1. the judiciary's responsibilities in conducting the business of the courts
 - 75.2. the Ministry's role in supporting the operation and financial management of the courts
 - 75.3. the judiciary and the Ministry's shared obligation to ensure the use of public resources to run the courts is done efficiently and effectively.
76. The shared principles underpin the Courts Strategic Partnership Group (CSPG), which is the key strategic forum for engagement between the judiciary and the Ministry, and consists of the heads of bench and the Ministry's Strategic Leadership Team.

Upholding our public service responsibilities

77. The Public Service Act 2020 modernised the legislative framework for the public service, including by setting out the public service's core values, strengthening the Māori-Crown relationship and increasing the flexibility of public sector organisations.
78. The Secretary for Justice's key responsibilities under the Act include:
- 78.1. promoting and fostering an inclusive workplace
 - 78.2. ensuring the Ministry upholds the principles of the public service
 - 78.3. supporting the Crown in its relationships with Māori under Te Tiriti o Waitangi by developing and maintaining the Ministry's capability to engage with and understand Māori perspectives
 - 78.4. ensuring the operation of employment policy which aligns with the principles of being a good employer.
79. The Act also reinforces the importance of stewardship, a key component of our day-to-day work. The Secretary for Justice must proactively promote stewardship of the legislation the Ministry administers. To be an effective steward, we must maintain a long-term view and consider how the decisions made today will impact the next five years, the next ten years, and future generations.

Improving Justice Outcomes for Māori

80. We recognise we need to significantly lift our te ao Māori capability to support the critical shifts needed for the Ministry to effectively partner with Māori, understand the impact of the justice system on Māori, and ultimately improve justice outcomes for Māori (as victims,

offenders and whānau). We are supporting this capability build through a range of Ministry-specific initiatives.

81. We are currently refreshing Te Haerenga, the Ministry's Māori strategy, which was launched in 2018. One of the deliverables from the Te Herenga refresh will be a te ao Māori capability framework for the Ministry of Justice. This will consider what initiatives are already underway (such as those identified below – Te Kokenga, Kōkiri and Te Ngira Kāpehu), where the gaps are, and how to bring these all together into a new te ao Māori capability framework that includes three dimensions of capability:
- People: Te reo me ōna tikanga, Te Tiriti o Waitangi understanding and application, individual capability that enables perspectives of and impacts on Māori communities to inform advice.
 - Processes and systems: that exist within the Ministry that set the environment conditions and parameters for our staff and the users of the justice system.
 - Policies: that actively enable, affirm, and elevate the place of mātauranga Māori in the work on, of, and with the Ministry.
82. Te Kokenga, our multi-year programme of lifting our capability to partner and engage with Māori, was launched in September 2020. As part of Te Kokenga, we also introduced the Kōkiri framework. This provides a structured te ao Māori, te reo Māori and tikanga Māori learning and development pathway tailored to the capability levels of individual staff.
83. Te Ngira Kāpehu is an approach to improving the three dimensions of te ao Māori capability (people, processes and systems, and policies) business group by business group. This approach complements initiatives focused on staff improving their capability at an individual level. Te Ngira Kāpehu will be piloted with the Ministry's Policy Group, followed by implementation across all business groups over time.

We host and collaborate with other agencies

Te Arawhiti: The Office for Māori Crown Relations

84. Te Arawhiti is a departmental agency. This means it operates autonomously within the Ministry of Justice, which is its host agency. Te Arawhiti and the Ministry of Justice have a shared services arrangement, whereby the Ministry of Justice provides corporate services (eg finance and payroll) to Te Arawhiti.
85. The Minister for Māori Crown Relations is responsible for Te Arawhiti.

Te Puna Aonui: the Executive Board for the Elimination of Family Violence and Sexual Violence

86. Te Puna Aonui is an Interdepartmental Executive Board responsible for leading collective action to deliver Te Aorerekura, the National Strategy to Eliminate Family Violence and Sexual Violence. Te Puna Aonui is hosted by the Ministry of Justice.
87. Te Puna Aonui reports to the Minister for the Prevention of Family Violence and Sexual Violence.

Justice Sector Leadership Board

88. The Ministry leads the justice sector through the Secretary for Justice's role as Chair of the Justice Sector Leadership Board. The Board is a vehicle for collaboration, collective decision-making, and direction setting for a whole-of-sector approach to the system. The Ministry also chairs national and local cross-sector forums to ensure joined up investment, operations and communications.
89. We also share our data, evidence, and what we've learned to increase collaboration and integration across the justice system. These shared insights help us make better decisions, increase transparency, and improve our services.