

FAQs

What changes does the Bill contain?

- introduces a presumption that all written judgments will be published online, unless there is a good reason not to
- enables (but not requires) the use of electronic technology in courts and tribunals – e.g. allowing court documents to be filed, held and issued electronically
- introduces a presumption that audio-visual links will be used in criminal procedural matters where statutory criteria are met, and removing unnecessary geographic restrictions on its use
- combines the District Courts into one unified entity – from 59 separately mandated courts
- requires the head judge of each court to publish information about the process by which parties can obtain information about the status of a reserved judgment and the number of judgments that remain outstanding beyond a reasonable time for delivery. A reserved judgment is a case that has been heard but the judgment has yet to be delivered
- requires the judiciary to publish guidance on judges undertaking other employment while holding judicial office
- extends eligibility for appointment as a judge to include lawyers with a New Zealand qualification and appropriate overseas legal experience
- amends the broad right of appeal from the High Court to the Court of Appeal in civil cases to require that leave be obtained before the Court of Appeal considers appeals about certain procedural matters
- establishes a specialist judicial panel for High Court commercial proceedings
- introduces a more efficient process for appointing arbitrators where parties are unable to agree on an appointment.

How does the Bill relate to the court reforms announced earlier in the year?

The Bill captures reforms that the Government announced in April 2013 in response to the Law Commission's Review of the Judicature Act 1908. Those changes included:

- replacing the Judicature Act and Supreme Court Act with a Senior Courts Act
- repealing the District Courts Act and re-enacting it in a more modern form as the District Court Act
- making the processes and criteria for appointing judges more transparent by requiring the judicial selection and recommendation process to be published by the Attorney-General

- enabling specialist panels of judges to be assigned to hear particular types of cases in the High Court
- improving flexibility for the court to limit meritless proceedings, and
- extending the District Court's jurisdiction to allow it to deal with civil cases where the amount in dispute is up to \$350,000, rather than the current threshold of \$200,000.

Why are the changes in the Bill needed?

The changes are necessary to modernise court legislation and related matters. They will help to address concerns that some legislation is outdated, overly complex, and inaccessible, and does not enable the full benefits of technology to be realised. The changes also respond to a desire from court users for more information about the delivery of court judgments and to have commercial cases heard by judges with particular expertise in commercial law.

What changes are being made to increase information about court processes?

The Bill will require the publication of information about the process by which parties can obtain information about the status of reserved judgments (cases that have been heard but the judgment has yet to be delivered), and about the number of judgments outstanding beyond a reasonable time for delivery.

The Bill will also improve public information about the courts. This includes:

- making the processes and criteria for appointing judges more transparent by requiring the judicial recommendation process to be published by the Attorney-General
- requiring the judiciary to publish guidance on principles and processes for determining when it would be inappropriate for a judge to hear a case, and
- requiring the judiciary to publish guidance on activities that are compatible with judicial office.

What changes are being made to increase information about court judgments?

The Bill adds a legislative presumption for the online publication of all written judgments, unless there is good reason not to do so.

This will provide the public with greater access to what happens in courts and the outcomes of cases. This work is an important part of raising the level of public trust and confidence in the courts, and providing access to information for all New Zealand.

What changes are being made to increase the use of technology in courts?

The Bill will introduce a statutory presumption that audio-visual links will be used in criminal procedural matters in which no evidence is going to be called, subject to certain criteria. It will also remove unnecessary geographic restrictions on its use.

This will enable participants in proceedings to appear via video link rather than in person. The reform will help court services to be delivered more quickly, safely, and in a cost effective manner.

What changes are planned to the Environment, Employment, and Māori Land Courts?

The Environment, Employment, and Māori Land Courts will continue as standalone specialist courts.

Some targeted changes to these courts to improve consistency and transparency are included in the Bill, especially in relation to judicial matters. These changes are based on those being made for other courts and include:

- new requirements to publish information about the judicial appointments process, guidance on when it is inappropriate for a judge to hear a case, and guidance on what activities are compatible with judicial office, and
- improved flexibility for the court to limit persons from undertaking further litigation if they have previously brought proceedings that are totally without merit.