

# **MEDIA RELEASE**

**Delivering Justice for All**  
**A vision for New Zealand courts and tribunals**

## LAW COMMISSION PROPOSES MORE ACCESSIBLE COURT SYSTEM

The Law Commission is recommending significant changes to the court system, which it says has become an impenetrable maze to many New Zealanders.

The report, *Delivering Justice for All: A vision for New Zealand Courts and Tribunals*, was tabled in Parliament today (Tuesday 16 March).

The Commission makes 160 recommendations aimed at improving the way the court system works. It is the final part of a three-stage review, which has focussed on the daily reality for those using and working in the court system.

“The current court system does not serve New Zealanders equally well. For many people it is an unnecessarily difficult experience. Our reforms are aimed at simplifying the system and making it more accessible,” says Law Commission President Justice Bruce Robertson.

“The court system has to do better at maintaining the confidence of New Zealanders from all communities.”

Initiatives to redistribute the heavy workload of the District Court are at the centre of the Commission’s recommendations. There are considerable shortcomings in the way the court system deals with its ‘high volume’ criminal workload, namely preliminary appearances for all criminal offences, and less serious criminal cases such as drink driving, shop lifting and other theft, minor fraud and damage to property.

The Commission recommends that the structure, culture and process around the high volume part of the District Court’s jurisdiction be significantly changed and reorganised as a new court called the Community Court.

“This is where most New Zealanders encounter the court system, yet there are serious deficiencies in the way they are treated.”

The Community Court and eight other courts would collectively be named the Primary Courts. The full list of Primary Courts would be:

- Community Court
- Primary Civil Court
- Primary Criminal Court
- Family Court
- Youth Court
- Environment Court
- Employment Court
- Maori Land Court
- Coroners’ Court

The name District Court would effectively disappear from the system's terminology.

“The Community Court would be free to develop a working style that will give effect to the concept of “People’s Court”, emphasised by the 1978 Royal Commission on the Courts when it called for the District Court to replace the Magistrates’ Court,” says Justice Robertson.

“This is not a new layer in the court system. It is however a new area of specialisation aimed at ensuring each individual gets the attention they deserve.”

“The way this work is done is critical to the level of public confidence and respect New Zealanders have for our court system. High volume cases need judges not only with sufficient practical legal experience but also the time to deliver appropriate decisions. More and more people are unrepresented and inadequately represented which means judicial officers need a robust knowledge of the law and the confidence and experience to be flexible within the law,” says Justice Robertson.

The Report highlights areas requiring action including:

- Making legal information and initial advice more available
- Providing principled frameworks for cases dealt with outside the court by infringements, police diversion, restorative justice and mediation
- Reorganising ‘first instance’ courts into a primary courts structure, with specifically warranted judges
- Creating as a primary court, the Community Court, to deal with the work that currently represents the less serious and highest volume, of the District Court’s caseload
- Reinforcing the pivotal constitutional role of the High Court
- The creation of uniform appeal rights
- The creation of an umbrella framework for the operation and administration of tribunals.

“During this review, the court system was compared to a house with a series of owners over the years, who had added, altered or redecorated it. Consequently, as you move from room to room you find an array of different styles and colours. There is now a pressing need to renovate the house to make it work better.”

“If we are to turn rhetoric about every one being equal before the law into reality we must be prepared to make the necessary changes to ensure the system delivers justice for all,” says Justice Robertson.

**ENDS**