

Sexual Violence Court Pilot - Frequently Asked Questions

Is a sexual violence court a separate court?

It is a list of cases within the District Court, and not a separate court. It covers serious sexual violence allegations, where the defendant denies the charges and elects a jury trial.

How will it differ from other courts?

Pre-trial case management by the judge will be more intensive and pro-active. The judge will have specialised training in sexual violence offending and be able to draw on Best Practice Guidelines. The timeframes for bringing a case to trial should therefore be shorter, reducing some of the uncertainty that people involved in these cases find distressing.

What are the sexual violence offences that will be heard in the pilot court?

The qualifying offences are the more serious allegations, such as those involving rape and other sexual violation, incest, sexual grooming, indecent assault, possession of publications that depict child exploitation, and intimate visual recordings made without consent. The pilot does not extend to sexual violence related to murder or manslaughter offences.

What happens if a defendant is facing other charges which are not sexual in nature?

Charges related in time or circumstance usually will be heard together in one trial. Where a defendant is facing charges concerning both sexual and non-sexual offending, and those charges are to be heard together, all of the charges will be tried jointly in a sexual violence court.

Will the court be less adversarial?

The pilot is working within existing law so will not depart from Bill of Rights principles relating to a fair trial, the presumption of innocence, and the right to present a defence and examine witnesses. Any move to a non-adversarial or inquisitorial system would require fundamental law change.

Will this court be less traumatic for victims?

Quicker resolution of cases through tighter pre-trial management stands to improve the court experience by reducing delay and uncertainty for both complainants and defendants, especially child and vulnerable witnesses. Research tells us that lengthy proceedings may delay recovery when people have to keep fresh in their minds over a long period past distressing experiences.

What is the specialised training for judges?

Judges will attend a training programme before presiding over any trial in a sexual violence court. The programme is designed to further educate judges on the unique dynamics of sexual violence cases as well as practical matters such as techniques for reducing trial delay in such cases. Particular attention will be given to the barriers faced by sexual violence complainants in reporting sexual violence and during a trial, communications assistance and use of expert evidence to assist juries in sexual violence trials.

Why were Auckland and Whangarei chosen for the pilot?

These venues were selected because they represent a mix of urban and provincial caseload, and provide enough volume for a pilot sample.

How much is the pilot costing?

Approximately \$300,000 has been budgeted for the pilot this financial year. Part of the pilot's aim is to evaluate the operational impact and sustainability of the pilot's approach across the whole system, including future costs.