



Timely Access to Justice

Judicial Protocol Ref#01
Chief District Court Judge – June 2024

Nothing in this protocol is intended to reduce fair trial rights, the right to natural justice, or rights under the New Zealand Bill of Rights Act 1990.

Introduction

1. When people experience delay in cases proceeding through the District Court there is a human toll. For many, their lives will remain on hold until their case is finished. In order to enhance the quality of justice that is currently delivered in the District Court, the Te Ao Mārama best practice framework was published in December 2023. It clearly recognises that ***timely access to justice is essential for the delivery of quality justice.***
2. Many people are currently experiencing unsatisfactory delays in criminal, family and civil cases proceeding through the District Court. Everyone involved in the justice sector – judges, lawyers, police, Corrections, victim advisors, court staff and everyone else who works in the justice sector – wishes to reduce delays and improve timely access to justice for all people waiting for their cases to be heard in the District Court.

Background

3. The Chief District Court Judge has a statutory duty to ensure the orderly and efficient conduct of the business of the District Court. This duty includes addressing delays and backlogs in the District Court.



4. Work to improve timely access to justice has been ongoing for many years (well before COVID-19). This protocol represents a next step in the effort to improve access to timely justice in the District Court for all who are waiting for their cases to be heard and determined.
5. The performance of the wider justice sector significantly contributes to the overall performance of the District Court. Accordingly, it is well understood and accepted by the relevant leaders of the justice sector that improving timely access to justice in the District Court can only be achieved by a coordinated justice sector-wide effort (provided that such an approach continues to observe proper constitutional boundaries).
6. To guide that effort, the Chief District Court Judge hereby establishes a timely access to justice standard and category-based timeliness thresholds for criminal cases in the District Court. The timely access to justice standard and thresholds are set at levels that encourage improved court and justice sector performance. Where the standard and thresholds are not met, it is envisaged there will be ongoing court and justice sector conversations that are realistic, constructive and forward-looking about the reasons for delay and the steps to be taken to reduce them.

Timely Access to Justice Thresholds

7. The Chief District Court Judge hereby establishes Timely Access to Justice Thresholds (“**thresholds**”) for all District Court criminal cases as follows:
 - Category 1 – six months.
 - Category 2 – nine months.
 - Category 3 judge alone trials – nine months.
 - Category 3 jury trials – 15 months.
8. The thresholds represent reasonable timeframes for most cases to progress from first appearance to final disposition within each category. They are intended to encourage a concentrated focus on reducing delays in the District Court. They seek to strike a balance between aspirational objectives and operational realities. They reflect the length of time it

takes for a criminal case to proceed through each stage, including a not guilty plea through to trial, and for fair trial rights to be upheld.

9. Not all cases will be disposed of within the timeliness threshold for their category. There will always be circumstances where the timeframes are exceeded for acceptable reasons. That is why the overall standard is 90%, not 100%.

Timely Access to Justice Standard – 90%

10. The Chief District Court Judge hereby establishes a Timely Access to Justice Standard ("**the 90% standard**") that is set at 90% of all District Court criminal cases. In doing so, the District Court and wider justice sector are strongly encouraged to make appropriate improvements to ensure 90% of all District Court criminal cases are heard and determined within the relevant timeframes established by the thresholds.
11. Currently, 81% of all District Court criminal cases are heard and determined within the relevant thresholds. It will therefore take some time before the District Court and wider justice sector can design and implement appropriate improvements to reach the 90% standard.
12. The leaders of the wider justice sector have agreed to support the District Court to reach the 90% standard by June 2027. It is acknowledged this will not be easy. Numerous challenges and disruptions will inevitably arise and some have already been identified, for example potential disruptions in 2026 and 2027 caused by the introduction of Te Au Reka (the new digital caseload management system) in the criminal jurisdiction of the District Court.
13. The District Court and wider justice sector will learn from the steps put in place and will make adjustments over time. Accordingly, this protocol is to be regarded as a living document and will be amended by the Chief District Court Judge from time to time as the need arises.
14. In coming months and years, this protocol will expand to include family, youth and civil jurisdictions of the District Court.

15. The Te Ao Mārama Best Practice Framework provides guidance for the judicial monitoring of pre-sentence plans at pages 47–48. Those cases that are subject to pre-sentence judicial monitoring will be measured separately once there is capacity to do so.



HM Taumaunu

Chief District Court Judge

June 2024