

**Proposal for Court Rule changes to enable Te Au Reka:
Phase 2 – District Court and High Court**

Submissions by The Law Association of New Zealand



20 August 2025

Te Au Reka (Phase 2) Consultation
National Office
Ministry of Justice
SX 10088
Wellington

By email: TeAuRekaPolicy@justice.govt.nz

Tēnā koutou,

The Law Association of New Zealand – Proposals for Court Rule changes to enable Te Au Reka to be implemented in the District Court and High Court

The Law Association of New Zealand (TLANZ) is an independent membership organisation for the New Zealand legal profession with more than 8,000 members across the country. As part of fulfilling its representative function, TLANZ maintains expert law committees that support legal review and policy advocacy on important issues.

TLANZ welcomes the opportunity to contribute to the Ministry of Justice's Te Au Reka consultation (Phase 2), and while it believes that the digitisation of court processes will bring benefits, there should also be checks and balances in place to ensure successful transition and operation of the process.

This submission is in response to the Ministry's engagement paper and has been structured to address the twelve questions therein. TLANZ's submissions are informed by input from a number of its specialist law committees, which are comprised of experienced law practitioners who work within and alongside the court system on a regular basis.

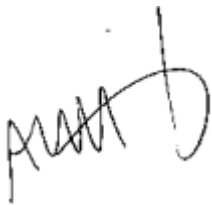
TLANZ thanks the Ministry of Justice for the opportunity to engage with this important consultation.

We are available to discuss our submissions, if required. Should clarification be needed regarding any matters raised, please contact Dan Conway, Head of Legal, at: daniel.conway@tlanz.nz

ACKNOWLEDGMENTS

TLANZ acknowledges the valuable contributions to its submission by the following TLANZ Committees: [Public & Administrative Law](#), [Technology & Law](#), [Mental Health & Disability Law](#), [Health & Safety Law](#) and [Criminal Law](#).

Ngā mihi



Tony Herring

President, The Law Association of New Zealand



The views represented in this submission are not necessarily representative of the views of all TLANZ members but are those of individual TLANZ members or TLANZ committees who have responded to the consultation.

Submissions have been prepared on behalf of The Law Association of New Zealand (TLANZ) by its following Committees:

- Public and Administrative Law Committee
- Technology and Law Committee
- Criminal Law Committee
- Mental Health and Disability Law Committee
- Health and Safety Law Committee

General Comment:

TLANZ's Committees note that the District Court and High Court rules are stricter than those of the Family Court, which offers greater flexibility for lay litigants. They support reforms that align rules more closely with the Family Court model, noting that the proposed structure, plain language, and user-friendly features will improve accessibility and efficiency.

However, concerns remain about reliance on technology, which may disadvantage those without adequate access or skills, and about the adjustment burden on smaller practices.

1. Section 1: New mandatory obligation

Requirement for lawyers and most prosecutors to use Te Au Reka to provide information to, and receive information from, the court.

1.1. Question 1: Do you have any comments on the new mandatory obligation for lawyers to use Te Au Reka?

1.1.1. The Committees have considered the proposal to make the use of the Te Au Reka system mandatory for lawyers, Crown prosecutors, Police prosecutors, and most other prosecuting agencies. While the stated objectives of the proposal include flexibility to support co-existence between Te Au Reka, existing electronic systems, and paper-based processes, there is limited explanation for the rationale behind imposing a mandatory obligation. The Committees' comments below highlight several points requiring clarification, together with potential implications for different categories of users, including regulatory agencies, private prosecutors, and litigants in person.

1.1.2. Health and Safety Law Committee

1.1.2.1. The Health and Safety Law Committee has raised two specific questions regarding the proposed mandatory obligation to use *Te Au Reka*.

- (i) Regulatory Agency Filing: While the proposal explicitly provides for Police prosecutors to use the system, it does not appear to extend to other

regulatory agencies responsible for filing prosecution charges. During the COVID-19 period, such filings were permitted electronically by email. However, the courts now appear less willing to accept this practice.

The Committee queries whether consideration has been given to extending the system to allow regulatory agencies—beyond the Police—to file charges electronically through *Te Au Reka* or an equivalent mechanism.

- (ii) Crown Proceedings: The Committee also seeks clarification as to whether the Crown will have the ability to file proceedings electronically, and if so, whether such filings might occur outside of *Te Au Reka*. This is particularly relevant given the scope of rule-making powers under the Criminal Procedure Rules 2012, which already provide a framework for electronic filing and service of documents.

1.1.3. Mental Health and Disability Law Committee

1.1.3.1. The Mental Health and Disability Law Committee considers that the proposed mandatory requirement may give rise to difficulties where genuine user errors or technical issues occur, distinct from circumstances where *Te Au Reka* is unavailable system-wide. The Committee considers that flexibility should be provided to ensure that such situations, particularly in the early stages of implementation, can be treated as exceptions to the strict filing obligation.

1.1.3.2. In addition, the Committee seeks clarification on the expected timeframe within which the Family Court will address applications for exemption under rule 17H of the Family Court (E-solution) Amendment Rules 2024. That provision empowers the Court to grant exemptions to lawyers from mandatory use of the electronic system where appropriate. The Committee emphasises the importance of certainty and timeliness in the processing of such applications, especially for vulnerable parties and practitioners dealing with complex mental health or disability issues.

1.1.4. Public and Administrative Law Committee:

1.1.4.1. The Public and Administrative Law Committee supports use of *Te Au Reka* in principle only if the rationale is made clear, access for all relevant users (including self-represented litigants and private prosecutors) is guaranteed, and rule drafting removes ambiguity.

1.1.4.2. Concerns and Recommendations:

i. Lack of rationale

- The discussion document provides no substantive explanation for imposing a mandatory obligation on lawyers and most prosecutors to use *Te Au Reka*.
- Without clear justification, mandating use risks being perceived as arbitrary.

ii. Inconsistent objectives

- One stated objective is to allow coexistence between paper-based systems, existing electronic systems, and Te Au Reka.
- This undermines the mandatory nature of the obligation and creates uncertainty as to when paper-based filing will still be permitted.

iii. Access for non-lawyer participants

- Te Au Reka's objective of enhancing access to justice could be undermined if in-person litigants or private prosecutors cannot initially access or navigate the system.
- Appendix 1 contains sensible design proposals for organisational access (e.g., law firms) but no mechanism for litigants in person to obtain credentials.
- The Rules should expressly provide for Te Au Reka access rights and credentialing procedures for self-represented parties and private prosecutors.

iv. Rules drafting clarity

- The access proposals are said not to form part of the Rules, yet the statement at page 6 on mandatory obligations implies rule changes will be needed.
- If the Rules are amended to require mandatory use, they must also clearly permit access for parties and private prosecutors.

1.1.5. Technology and Law Committee

1.1.5.1. The TLANZ Technology and Law Committee notes that, under the proposal, lawyers practising in the District Court and High Court, including Crown prosecutors, Police prosecutors, and other prosecuting agencies, will be required to use Te Au Reka to provide and receive information from the court. This obligation applies to all information that is required or enabled to be provided through court rules or other legislation, although informal communications (such as telephone calls with registry staff) may continue where appropriate.

1.1.5.2. The Committee observes that the mandatory obligation is subject to only three exceptions:

- (i) Where a lawyer or prosecutor has been granted an exemption;
- (ii) When Te Au Reka is offline, in accordance with the business continuity provisions (see section 3.3 of the consultation paper); or
- (iii) Temporarily, until Phase 3 of the rollout, for most appeals that remain outside the scope of Phase 2 (see section 3.1 of the consultation paper)

- 1.1.5.3. Unless one of these circumstances applies, documents provided by email or in paper form will not be accepted for filing. This represents a significant departure from the current framework under rule 2.3 of the Criminal Procedure Rules 2012 (which permits filing by a range of methods, including paper) and rule 5.1A of the District Court Rules 2014 (which sets out general filing requirements). Similarly, the High Court Rules 2016 currently allow for multiple methods of filing under Part 5, Subpart 1.
- 1.1.5.4. The Committee further notes that, under section 26 of the Criminal Procedure Act 2011, individuals or organisations may bring private prosecutions. Where the prosecutor is a lawyer, the mandatory requirement to use Te Au Reka will apply. Where the prosecutor is not a lawyer, use of the system will remain optional. In either case, all private prosecutions submitted electronically will continue to be subject to Registrar review before being accepted.
- 1.1.5.5. The Committee also notes that a further exemption is available on application to a judge, aligning with the approach under the Family Court (E-solution) Amendment Rules 2024, in particular rules 17G-17H, which impose a strict obligation on lawyers while allowing judicial discretion to grant exemptions. The Committee supports this alignment, considering that consistency with the Family Court model is desirable unless there is a compelling reason to diverge.

1.2. Question 2: Are there any scenarios, aside from those listed above, that an exemption should be available for?

1.2.1. *Public and Administrative Law Committee:*

1.2.1.1. The TLANZ Public and Administrative Law Committee considers that no further exemptions are warranted, provided there is a valid rationale for mandatory use. However, safeguards and clear processes are required.

1.2.1.2. Details:

i. *Exemption scope:*

- The objective is to standardise digital processes; exemptions should remain minimal.
- The limited circumstances currently listed appear reasonable and sufficiently restrictive.

ii. *Access issues:* A transparent process should exist for self-represented litigants and private prosecutors to obtain Te Au Reka credentials to avoid inadvertent exclusion.

- iii. *Decision-making safeguards:* Given the mandatory nature of Te Au Reka, applications for exemption should be determined only by a Justice, Judge, or Associate Judge to avoid arbitrary or inconsistent decisions.

2. Section 2: New ways of achieving existing procedural requirements

Transmission of information to and from the court

2.1. Question 3: Do you have any comments about the way in which filing information with the court is proposed to be enabled through Te Au Reka, and in particular how this will work in the context of the relevant rules?

2.1.1. Public and Administrative Law Committee:

2.1.1.1. The Committee supports digital filing but recommends clarifying file format standards, modernising “place of filing” rules, and ensuring flexibility where online form completion is not appropriate.

2.1.1.2. Details:

- i. *Nature of process:* Filing via Te Au Reka is simply a mechanised alternative to filing hard copy. The digital format should not alter the legal effect of the act of filing.
- ii. *File format flexibility:* There should be provision for filing in common formats (e.g., PDF) where online forms are unsuitable or unavailable.
- iii. *Place of filing rules:*
 - “Proper registry” rules were designed for physical documents and have diminished relevance in a digital environment.
 - If location is retained as a filing requirement, it should be linked to the registry with the closest connection to the offence or cause of action.
 - Given increased use of AVL and remote hearings, the court location could appropriately be set at judicial discretion at a later stage.
- iv. *Charging documents:* Proposals may require charging documents to specify court and registry names to meet statutory requirements (s.14 CPA and CPR).
- v. *Affidavits, briefs, and statements:* The proposals are satisfactory but should expressly permit filing of these documents in PDF where an online utility cannot accommodate them.

2.2. Question 4: Do you have any comments about the way in which service is proposed to be enabled through Te Au Reka, and in particular how this will work in the context of the relevant rules?

2.2.1. Public and Administrative Law Committee:

2.2.1.1. The Committee supports electronic service only where there is a verified, specific address for service, with integrated proof-of-service capability.

2.2.1.2. Details:

- i. *Importance of service:* Personal service of initiating documents must remain unless the party has expressly provided an electronic address for the specific proceedings.
- ii. *Verification requirement:*
 - Te Au Reka should provide inbuilt verification that documents were sent and received, not rely solely on third-party tools.
 - Third-party services such as RPost (<https://rpost.com/>) illustrate the type of confirmation process that should be integrated.
- iii. *Rule drafting approach:* The Family Court's centralised approach to e-solution rule changes is preferable to scattering amendments across multiple instruments.

2.3. Enabling digital signatures and other endorsement or authentication

2.3.1. Public and Administrative Law Committee:

2.3.1.1. The TLANZ Public and Administrative Law Committee supports enabling digital signatures. Proven pandemic-era processes can be integrated.

2.3.1.2. Details:

- Signature verification methods used during COVID-19 can be embedded in Te Au Reka.
- Te Au Reka should also provide for electronic authentication of orders and judgments, making it a one-stop authentication hub.
- This aligns with Family Court Rules' existing authentication provisions.

2.4. Storage of court information and court record

2.4.1. Public and Administrative Law Committee:

2.4.1.1. The Committee supports the proposed approach with caveats: retention, archiving, and backup must be robust.

2.4.1.2. Storage and backup:

- Te Au Reka will be the central repository; originals may be destroyed once incorporated.
- There must be secure, regularly tested backup systems to ensure continuity in the event of outages.

2.4.2. *Technology and Law Committee*

2.4.2.1. The Technology and Law Committee is of the view that this appears to align with the process already implemented in the Family Court and already implemented storage security.

2.5. Access to information relating to proceedings

2.5.1. *Public and Administrative Law Committee:*

2.5.1.1. Again the Committee supports the proposed approach but with caveats; retention, archiving, and backup must be robust.

2.5.1.2. *Access and retention:*

- Six months' post-conclusion access is too short for courts of record.
- Digital files should be archived indefinitely with searchable and readable access for practitioners, researchers, and the public (subject to existing access rules).
- Any guidelines by the Chief District Court Judge/Chief High Court Judge should focus on preservation, not destruction.

2.5.2. *Technology and Law Committee*

2.5.2.1. The Technology and Law Committee is of the view that the process suggested appears to be sufficient. Application to information records is bound in normal statutory requirements under the Lawyers and Conveyancers Act for file retention, and the prescribed timetables appear to be more than sufficient.

2.6. Question 5: Do you agree with the proposed approach to information access through Te Au Reka? If not, why not, and what would you propose instead?

2.6.1. The TLANZ Public and Administrative Law Committee agrees with the general approach, subject to the enhanced archiving provisions outlined above.

2.7. Question 6: Do you agree with the proposed periods for access to information through Te Au Reka? If not, why not, and what access period would you propose instead?

2.7.1. Public and Administrative Law Committee

2.7.1.1. It is the position of the Public and Administrative Law Committee that access should remain “live” for the proposed period, then move to an immediately accessible archive, not encrypted or effectively inaccessible.

2.7.2. Technology and Law Committee

2.7.2.1. The Technology and Law Committee proposes the process suggested appears to be sufficient. Application to information records is bound in normal statutory requirements under the Lawyers and Conveyancers Act for file retention.

2.7.2.2. The Committee considers that the proposed timeframes are consistent with these obligations and are more than sufficient for practitioners’ needs.

2.8. Adjusting rules which anticipate hard copy court documents rather than digital information

2.8.1. Public and Administrative Law Committee

2.8.1.1. The Public and Administrative Law Committee notes that digital stamps can replace physical endorsements (e.g., proof of service).

2.8.2. Technology and Law Committee

2.8.2.1. The Technology and Law Committee considers that further detail is required before substantive comment can be provided. In particular, clarity is needed on:

- The proposed mechanism for applying digital endorsements within *Te Au Reka*;
- How equivalence between digital and physical authentication will be codified in the District Court Rules 2014 and High Court Rules 2016; and
- Whether transitional provisions will preserve the validity of existing hard copy practices until the digital system is fully operational.

2.8.2.2. The Committee reserves its position pending receipt of additional information from the Rules Committee or the Ministry of Justice on these matters.

2.9. Matters relating to privacy and security information

2.9.1. Public and Administrative Law Committee

2.9.1.1. The Public and Administrative Law Committee notes privacy/anonymisation is achievable by coding within *Te Au Reka*; no rules changes needed unless access rights are affected.

2.9.2. The Technology and Law Committee

2.9.2.1. The Technology and Law Committee is of the view that existing primary legislation, particularly the Privacy Act 2020, together with relevant provisions of the Family Court (E-solution) Rules 2024 and existing statutory safeguards, already provides sufficient protections for privacy and data security.

2.9.2.2. Drawing on the Family Court trial experience, the Committee observes that the application of the Privacy Act and related legislation has not disrupted the functioning of electronic processes. Accordingly, the Committee does not consider that additional amendments to DCR or HCR are necessary to address privacy or security issues.

2.10. Matters relating to jointly prepared documents

2.10.1. Public & Administrative Law Committee

2.10.1.1. The Committee notes that the jointly prepared documents should be supported as a coding function.

2.10.2. Technology and Law Committee

2.10.3. The Technology and Law Committee supports the concept of enabling collaborative drafting within Te Au Reka but raises important concerns about functionality and reliability. Past experience with collaboration software has highlighted risks, including browser-based failures and changes in access rights following system updates. These issues may result in documents not being properly saved or preserved.

2.10.4. Accordingly, the Committee proposes that:

- Te Au Reka should allow jointly prepared documents to be filed in the ordinary way by upload, where the drafting has taken place outside the platform; and,
- The in-platform collaboration feature should be made available, but must not be mandatory, given the ongoing risks of technical failures inherent in collaborative software.

2.10.5. This dual approach would safeguard against data loss while still promoting innovation in digital case management.

2.11. Discovery and disclosure

2.11.1. Public and Administrative Law Committee

2.11.1.1. The Public and Administrative Law Committee notes that civil and criminal disclosure occurs outside Te Au Reka; only the filing of document bundles is relevant.

2.11.2. *Technology and Law Committee*

2.11.2.1. The Technology and Law Committee agrees with this approach. In its view, limiting Te Au Reka to the filing of document bundles is appropriate, proportionate, and consistent with the current rules governing discovery and disclosure. Attempting to incorporate the entire disclosure process within Te Au Reka would risk unnecessary complication and could duplicate existing legal and procedural frameworks.

2.12. Common bundles

2.12.1. *Public and Administrative Law Committee*

2.12.1.1. The Public and Administrative Law Committee considers that functionality must be prioritised; PDF format should remain supported.

2.12.2. *Technology and Law Committee*

2.12.2.1. The Technology and Law Committee notes that the courts have already been moving toward the use of digital bundles for some time, and the proposed functionality within Te Au Reka appears consistent with that trajectory. The Committee's primary concern lies with the reliability of third-party software—particularly web browsers—that may alter functionality without warning, potentially affecting access to or the integrity of bundles.

2.12.2.2. Accordingly, the Committee proposes that a fallback option should remain available. As long as practitioners and the courts are able to revert to a standard format (such as PDF uploads) if technical issues arise, the Committee sees no objection to the initiative.

2.13. Summons and warrants

2.13.1. *Public and Administrative Law Committee*

2.13.1.1. The Committee notes that summons and warrants ought to be retained within the system. Te Au Reka should store these documents even if their issue/service is outside the system.

2.14. Question 7: Do you have any comments about the way in which we have proposed Te Au Reka will work in any of the areas listed?

2.14.1. *Public and Administrative Law Committee:*

2.14.1.1. The Committee considers that a functional test should be applied. If a process is unique to hard copy and cannot be replicated digitally, the hard copy should be retained; otherwise, move to a digital solution.

2.15. Question 8: Are there other aspects of how Te Au Reka is likely to operate which we should consider, in terms of impact on civil and criminal proceedings in the District and High Courts?

2.15.1. *Public and Administrative Law Committee:*

2.15.1.1. None apparent beyond the matters already addressed.

2.16. Question 9: Are there any other specific rules within the DCRs, HCRs or CPRs that may need changes to enable implementation of Te Au Reka?

2.16.1. *Public and Administrative Law Committee:*

2.16.2. None apparent beyond the matters already addressed.

3. Section 3: Rules changes needed to allow for specific aspects of Te Au Reka design and implementation

3.1. Phase 2 scope considerations which may require rule changes

3.1.1. *Public and Administrative Law Committee:*

3.1.1.1. General Position:

- Use the Family Court “one-stop shop” model for rule amendments to improve clarity.
- Ensure transition rules are clear and accessible.

3.1.1.2. There will need to be transition rules to manage the move from phase 2 to phase 3.

3.1.2. *Technology and Law Committee:*

3.1.2.1. The Committee observes that appeals from the High Court to the Court of Appeal are part of Phase 3, while other appeals are not included in the system at all. This leads to complications and unnecessary administrative costs. It is the Committee’s view that phase 3 should also implement the highlighted sections in the table below. In this way, there is no need for lawyers to have two separate approaches to the

processes, creating greater efficiency and less chance for error. It also seems to be inconsistent to have all other appeals available except two.

example s219(1)(a) of the Criminal Procedure Act 2011)	
Appeal from any tribunal (body set up under statute to determine disputes) to the District or High Court	Out of scope. This means that none of the filing of the appeal nor the subsequent procedural steps taken in the appeal itself can be carried out through Te Au Reka.
Appeal from District Court (including Youth Court) to High Court	Out of scope. This means that none of the filing of the appeal nor the subsequent procedural steps taken in the appeal itself can be carried out through Te Au Reka.
Appeal from High Court to the Court of Appeal	Out of scope (implementation of Te Au Reka in the Court of Appeal will occur as part of phase 3, at the same time as all appeals functionality is enabled)

3.1.2.2. For the avoidance of doubt, judicial review proceedings, being High Court Civil proceedings, are in scope of Phase 2. Criminal prosecutions under the Resource Management Act 1991, in scope Criminal prosecutions under the Resource Management Act 1991 (RMA), are heard in the District Court by District Court Judges who are also Environment Court Judges and are managed by the relevant District Court criminal registries. RMA prosecutions heard in the District Court will be in scope for Phase 2.

3.2. Effective Timing

3.2.1. The TLANZ Committees propose that information filed, notified, served or otherwise transmitted by the court or a court participant using Te Au Reka (or an electronic address) after 5:00 pm on a working day will be deemed to be received at 9:00 am on the next working day. This aligns with the proposed settings for the Family Court.

3.2.2. *Public and Administrative Law Committee*

3.2.2.1. The Public and Administrative Law Committee supports the deeming rule that transmissions after 5:00 pm are received at 9:00 am the next working day, which aligns with the Family Court approach.

3.2.3. *Technology and Law Committee*

3.2.3.1. The Committee notes that as there is no limitation on access or location, existing filing rules would continue to apply. For example, a document filed after 5:00 pm on Friday would be considered filed on the following Monday. The Committee sees no reason why these standard rules should not continue.

3.3. Business continuity

3.3.1. Public and Administrative Law Committee

3.3.1.1. The TLANZ Public and Administrative Law Committee considers that emergency provisions must be clearly structured, published, and regularly tested.

3.3.2. Technology and Law Committee

3.3.3. The Technology and Law Committee deems that the proposal is consistent with the approach for the Family Court implementation.

3.4. Commencement

3.4.1. TLANZ Committees have no specific comment to make on the proposed commencement provisions.

3.5. Transitional approach

3.5.1. Technology and Law Committee

3.5.1.1. The Technology and Law Committee is of the view that transitional savings are essential for the rollout of Te Au Reka, particularly to support the upskilling of lawyers who may not yet be digitally confident. The Committee considers that the approach outlined in section 3.4 of the consultation paper provides sufficient safeguards for the transition period.

3.5.1.2. The Committee recommends, however, that the Judge-direction approach should be retained beyond the implementation phase. This would ensure that, where the Court identifies that a party may encounter genuine difficulty with electronic processes, a Judge retains the discretion to permit reversion to a paper-based process. This is consistent with current practice in digital filing, where judicial discretion provides a necessary safeguard for fairness and accessibility.

3.6. Question 10: Are there any other transitional matters you think may arise during the implementation of Te Au Reka?

3.6.1. Public and Administrative Law Committee

3.6.1.1. It is the view of the Committee that parallel systems must run during transition. Practitioners can adapt sooner, but self-represented litigants may need a longer adjustment period.

3.7. Question 11: Do you have any comments about the way in which we have proposed Te Au Reka will work in any of the design and implementation areas listed in section 3?

3.7.1. The TLANZ Committees have no comments in response to this question.

4. Section 4: Rule changes needed to enable Te Au Reka in the Youth Court

4.1. Question 12: Do you have any comments about the way in which current court rules which apply to Youth Court procedure may need to change to enable Te Au Reka?

4.1.1. Public and Administrative Law Committee:

4.1.1.1. The Committee supports digital integration in principle, but the Youth Court's unique purpose and participant needs a customised approach to implementation.

4.1.1.2. Details and recommendations:

i. Holistic, family-centred approach

- Youth justice emphasises whānau/family involvement, restorative justice, and culturally appropriate solutions.
- Te Au Reka must allow for in-person engagement when digital interaction would undermine these objectives.
- Consider installing digital support kiosks or staffed stations within Youth Court venues to help whānau and youth navigate the system.

ii. Addressing socio-economic barriers

- Many Youth Court participants and their families have limited access to technology or reliable internet.
- Rules should preserve alternative filing and service options to avoid disadvantaging those without digital capability.
- Implementation should be paired with outreach, guidance, and education tailored to youth and whānau.

iii. Security and privacy

- Youth Court matters are subject to strict statutory confidentiality.
- Te Au Reka should include granular access permissions so that only authorised individuals (e.g., counsel, presiding judge, court staff) can view Youth Court material.
- A comprehensive audit log of all access should be mandatory, with immediate notification in the event of unauthorised access.

iv. Business continuity for vulnerable cohorts

- Disruptions to Youth Court proceedings could delay urgent decisions affecting a young person's rehabilitation or safety.
- Contingency protocols should ensure that urgent applications (e.g., bail, family group conference orders) can proceed if Te Au Reka is unavailable.

5. Appendix 1

5.1. This appears to be consistent with similar technology across jurisdictions. It is important that access be available to authorised personnel, and safeguards be implemented for security. Otherwise, the approach appears sound.

6. Additional Comments from the Public and Administrative Law Committee:

6.1. Security of case files and access controls

6.1.1. Clarification is needed on who can access files within Te Au Reka and whether there will be a secure, auditable record of all access activity.

6.1.2. Safeguards should prevent any unauthorised viewing of unrelated cases by practitioners or court staff.

6.1.3. The access permissions framework should be publicly documented and strictly enforced.

6.2. Request for demonstration

6.2.1. Page 4 of the discussion document refers to opportunities to meet and discuss proposals. A live demonstration of Te Au Reka in operation should be arranged to show how it integrates with current court processes.

6.3. Business continuity in extreme scenarios

6.3.1. While ordinary outages already disrupt proceedings, prolonged or large-scale disruptions (e.g., severe weather, earthquakes) require clear contingency plans. Plans should include temporary reversion to paper-based filing and service, and they should be tested periodically.

6.4. Data breach risks

6.4.1. Incidents such as the ADHB data breach demonstrate the real risks to centralised systems.

6.4.2. More information is needed on breach prevention measures, encryption protocols, and incident response procedures.

6.4.3. Given the sensitivity of court records, a mandatory immediate breach notification policy should be in place.

END