

**Judicature (Timeliness) Legislation  
Amendment Bill**

**Submissions on behalf of  
The Law Association of New Zealand  
by the  
Public and Administrative Law  
Committee**

## INTRODUCTION

1. The Law Association of New Zealand (“TLANZ”) is an independent membership organisation for the New Zealand legal profession with more than 7,500 members. TLANZ maintains expert law committees that support legal review and policy advocacy on important issues.
2. These submissions are made on behalf of the Public and Administrative Law Committee of TLANZ. The Committee is comprised of barristers and solicitors with broad-ranging experience, including extensive work in the criminal courts.
3. We welcome the opportunity to comment on the Judicature (Timeliness) Legislation Amendment Bill 2025 (“the Bill”) and commend the Ministry for taking meaningful steps to improve timeliness across the justice system.

## EXECUTIVE SUMMARY

4. The Committee supports the Bill’s intent to maximise judicial resource use, reduce delay, and improve consistency. In addition, we take this opportunity to urge the Government to progress a long-overdue complementary reform to the Courts (Remote Participation) Act 2010, aimed at enabling remote sentencing in low-level criminal matters. While this reform falls outside the formal scope of the Bill, it would significantly bolster the Bill’s objectives and is a logical next step.

## SUBMISSIONS

### 5. Support for Reforms Proposed in the Bill

5.1. The Committee supports the following amendments proposed in the Bill:

- **Increase in High Court judicial capacity:** Lifting the statutory cap on High Court Judges from 55 to 57 is a necessary and proportionate response to caseload demands. This will assist in maintaining current disposal rates for complex criminal trials and appellate matters.
- **Consolidation of pre-trial processes (new section 156A CPA):** Allowing District Court Judges to manage multiple matters involving the same defendant in a single registry enhances consistency, reduces duplication, and enables earlier resolution of procedural issues. This is a welcome development.
- **Appeals referral to the High Court (new section 319A CPA):** Granting a single Court of Appeal Judge the ability to remit appropriate appeals to the High Court for first-instance determination ensures that judicial time at each level is directed where most appropriate.

### 6. Implementation Considerations and Safeguards

6.1. While the Committee supports the proposed reforms, we raise the following practical considerations:

#### 6.1.1. Centralisation of Pre-Trial Processes

Pre-trial consolidation under section 156A may disadvantage vulnerable or low-income defendants if required to travel across districts. We recommend that defendant convenience and legal aid travel cost approvals be explicitly considered when making such directions.

#### 6.1.2. Referral of Appeals to the High Court

While efficient, the redirection of appeals from the Court of Appeal to the High Court may be perceived as a downgrading by lay clients. Clear communication to defendants and counsel should accompany such referrals, ideally using standardised language.

#### 6.1.3. Judicial Workload and Infrastructure

The success of these reforms assumes sufficient resourcing within the District and High Courts. Without adequate courtroom space, registry staff, AVL technology, and interpreters, these efficiencies may not be realised in practice.

### 7. Urgent Need for Complementary Reform: Remote Sentencing

7.1. While we acknowledge that the Courts (Remote Participation) Act 2010 is not within the scope of this Bill, the Committee urges the Government to progress a complementary and urgent legislative amendment to that Act ideally in parallel with this reform to permit remote sentencing in low-level, non-custodial criminal matters.

7.2. This was successfully implemented during the COVID-19 pandemic and led to significantly increased cases throughout. Reinstating this practice would prevent unnecessary delays and avoid the issuing of arrest warrants for minor cases involving defendants unable to travel due to distance, health, or relocation overseas.

7.3. These recommendations are not proposed as direct amendments to the current Bill but are submitted to support the advancement of a related legislative reform that would give practical effect to the policy intent behind this Bill.

### 8. Summary of TLANZ's Previous Submissions on Remote Participation

8.1. TLANZ, formerly the Auckland District Law Society (ADLS), has previously submitted comprehensive recommendations for amending the Courts (Remote Participation) Act. These include:

- **Expanding the definition** of a “criminal procedural matter” under section 3 to include taking of pleas;
- **Amending section 8** to allow AVL use for all participants, regardless of custody status, provided that:
  - The participant consents;
  - AVL is available; and
  - The use of AVL is not contrary to the interests of justice.
- **Permitting AVL for sentencing** in both custodial and non-custodial cases, with appropriate safeguards; and

- **Introducing an online application mechanism** to replace the current requirement for memoranda submitted five working days in advance, which frequently results in delay and administrative inefficiency.

8.2. These practical amendments would reflect modern realities, reduce courtroom congestion, and offer consistent access to justice in a digital era.

## 9. Broader Benefits of AVL Use

9.1. Expanded use of AVL also brings broader and longer-term advantages:

- **Environmental sustainability:** Counsel and clients often travel significant distances for routine court events. Allowing remote appearances reduces unnecessary vehicle and air travel and aligns with the Government's climate goals.
- **Access and equity:** Remote sentencing options assist those with financial, medical, or geographic barriers, including people in rural areas and those with caregiving responsibilities.
- **Court efficiency:** Cases can be concluded earlier, particularly where defendants seek resolution and wish to move on. This was a frequent occurrence during the pandemic and remains true today.

## 10. Recommendations

The Committee makes the following recommendations:

- (1) Pass the *Judicature (Timeliness) Legislation Amendment Bill 2025* as drafted;
- (2) Recommend to the Minister of Justice that the **Courts (Remote Participation) Act 2010** be urgently amended through a **parallel or companion Bill** to permit remote sentencing in appropriate cases;
- (3) Implement the previously submitted TLANZ proposals to modernise AVL use in criminal procedure;
- (4) Introduce policy safeguards around pre-trial consolidation and appellate referrals to avoid undue hardship or confusion; and
- (5) Ensure resourcing is in place to match the increased demands on the District and High Courts.

## CONCLUSION

11. The Committee acknowledges and supports the intent behind the *Judicature (Timeliness) Legislation Amendment Bill 2025* and believes it will deliver meaningful improvements in efficiency, access to justice, and fairness.

12. However, for the full benefit of these reforms to be realised—particularly in the criminal jurisdiction—it is essential that the **Courts (Remote Participation) Act 2010** be modernised

to allow for remote sentencing in low-level, non-custodial matters. This is a straightforward, low-cost reform that has already been tested in practice during the COVID-19 pandemic and has proven to significantly reduce delay and increase case throughput.

13. **While we recognise that this Bill does not directly amend the Courts (Remote Participation) Act 2010**, we respectfully urge the Committee to **recommend to the Minister of Justice that such reform be progressed in parallel** as a matter of legislative priority. The goals of the current Bill—timeliness, efficiency, and improved use of judicial resources—would be strongly advanced by amending the Remote Participation Act to reflect modern court practices and technological realities.

14. We remain available for any further consultation and are happy to assist with additional drafting or technical advice should it assist the Committee in considering future or supplementary legislative reform. While we support the Bill and acknowledge the thoughtful intent behind it, we strongly urge the Committee to consider additional avenues to improve the efficiency and responsiveness of our court system, particularly through practical measures that enhance access to justice and increase the rate of case disposal.

#### **ACKNOWLEDGMENTS**

15. We would like to thank the Justice Committee, for the opportunity to make submissions. We would like the opportunity to make oral submissions.

16. If you have any questions or queries please contact the Committee Executive, Gandhya Senanayake at [gandhya.senanayake@thelawassociation.nz](mailto:gandhya.senanayake@thelawassociation.nz).

Ngā mihi



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*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.*