

# Departmental Disclosure Statement

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Judicature (Timeliness) Legislation Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Justice.

The Ministry of Justice certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

13 May 2025.

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## **Part One: General Policy Statement**

The Judicature (Timeliness) Legislation Amendment Bill (the Bill) is an omnibus Bill introduced in accordance with Standing Order 267(1)(a) and amends legislation administered by the Ministry of Justice. The single broad policy of the Bill is to improve timeliness in New Zealand's courts by maximising judicial resources.

The intent is that this will ensure that judicial time is focused on the most critical tasks and decisions (for example, serious criminal matters). The cumulative impact of these proposals will have a significant impact on court timeliness across multiple jurisdictions and enable cases to be progressed more quickly across the system.

The Bill contains amendments to the following Acts:

### **Senior Courts Act 2016**

The Senior Courts Act 2016 is amended to increase the number of High Court Judges that may be appointed by 2, from 55 to 57. The statutory maximum number of Judges has not changed in over 20 years. Providing for additional High Court Judges will allow the High Court to continue to manage disposals within its current time frames through to the 2027/28 financial year.

Other procedural amendments are also made to this Act to minimise the volume of proceedings that abuse the process of the courts. The changes will enable abusive proceedings from vexatious litigants to be disposed of quickly by a single Judge, allowing judicial attention to be focused on legitimate civil proceedings in the senior courts as well as in other courts and tribunals. Furthermore, the changes will ensure that, if a person has filed a civil proceeding that has been struck out for being a plain abuse of process on 2 occasions within 2 years, that person will be automatically restrained, for a 3-year period, from commencing or continuing a civil proceeding without first obtaining leave from the High Court.

### **Criminal Procedure Act 2011**

The Criminal Procedure Act 2011 is amended to increase timeliness by reducing duplication at the pre-trial stage and maximising the use of judicial and court resource. A District Court Judge will be able to direct that pre-trial processes for a defendant facing multiple charges occur in one District Court office, rather than multiple processes across multiple court offices.

This Act is also amended to allow appeals to the Court of Appeal relating to District Court decisions to be heard by a court at the appropriate level. A Court of Appeal Judge will be able to decide whether an appeal from a District Court decision should be referred to the High Court for determination rather than being heard by the Court of Appeal as the first appeal court. The intention is to maximise judicial resources by enabling them to be utilised more appropriately.

### **Coroners Act 2016**

Amendments to the Coroners Act 2006 will improve timeliness in coronial inquiries by allowing judicial attention to be focused on appropriate inquiries. The changes will enable coroners to close an inquiry if new information or a change in circumstances means that it is no longer appropriate to conduct an inquiry.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>NO</b>
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### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
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<b>2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?</b>	<b>NO</b>
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### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>NO</b>
The Ministry for Regulation has determined that the proposals to be given effect by the Bill are exempt from the requirement to provide a regulatory impact statement on the grounds that they have no or only minor economic, social, or environmental impacts.	

### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
(a) the size of the potential costs and benefits?	<b>NO</b>
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	<b>NO</b>

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	<b>NO</b>
(b) the nature and level of regulator effort put into encouraging or securing compliance?	<b>NO</b>

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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We have considered New Zealand's international obligations and there are no relevant obligations to the policy to be given effect by this Bill.
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### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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The Ministry of Justice did not identify any inconsistency with the principles of the Treaty of Waitangi during the development of the Bill and its policy. The amendments are procedural amendments intended to increase courts timeliness. As such they will not have specific implications for Māori as individuals, communities or tribal groupings.
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### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
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The Bill will be vetted for consistency with the New Zealand Bill of Rights Act 1990 by Crown Law Office.
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Advice provided to the Attorney-General by the Crown Law Office, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at <a href="http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/human-rights/bill-of-rights">http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/human-rights/bill-of-rights</a>
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### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
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<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>NO</b>
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<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>YES</b>
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<b>Senior Courts Act 2016</b>
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Clauses 5 and 6 allow a single judge the Court of Appeal or Supreme Court respectively to determine an appeal or application for leave to appeal from a senior court judge's decision to strike out a proceeding or appeal that is plainly an abuse of process of the court.
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<b>Criminal Procedure Act 2011</b>
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Clause 13 introduces the ability for a Court of Appeal judge to direct that a first appeal from a matter relating to a criminal District Court trial should be heard in the High Court rather than the court of appeal. The right of appeal remains in place.
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<b>Coroners Act 2006</b>
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Clause 20 provides a new power for a coroner to close an inquiry they have opened if a change in circumstances or new information means that it is no longer appropriate to complete an inquiry.
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<b>3.4.1. Was the Ministry of Justice consulted about these provisions?</b>	<b>NO</b>
The Ministry of Justice was the lead agency developing the Bill	

### Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>
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### External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
<p>In January and February 2025, the Ministry of Justice undertook targeted, in-confidence consultation on the proposals in the Bill with the judiciary and the New Zealand Law Society. The New Zealand Law Society indicated concerns that changes in court processes could affect individuals' access to the courts in civil cases and may impact fair trial processes. The judiciary has also provided feedback on technical aspects of a draft of the Bill.</p>	

### Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>NO</b>
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## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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### Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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### Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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### Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

### Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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### Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
<p>Clause 7 provides that a person's right to pursue court proceedings is subject to leave of the High Court where that person has had two proceedings struck out as being plainly an abuse of process of the court within two years. This limits a person's right to natural justice and the right to access judicial review of judges' decisions. This is designed to prevent litigants from repeatedly bringing proceedings that are obviously a misuse of court processes, such as proceedings brought with an improper purpose. Access to justice is maintained, because the person subject to such a limitation can still seek leave of the courts to pursue proceedings. The decision whether to grant leave must be consistent with the New Zealand Bill of Rights Act.</p>	

## Powers to make delegated legislation

**4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?**

**NO**

**4.8. Does this Bill create or amend any other powers to make delegated legislation?**

**NO**

## Any other unusual provisions or features

**4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?**

**YES**

Clause 4 increases the number of High Court Judges that may be appointed. Judges' remuneration is set independently by the Remuneration Authority to maintain judicial independence. High Court judges are remunerated through a permanent legislative authority in section 135(1) of the Senior Courts Act 2016. A permanent legislative authority is, in relation to spending public money, an express authority given by or under an Act to spend public money without further authority (see section 2 of the Public Finance Act 1989). A permanent legislative authority has been set up because Parliament wishes to signal a commitment to not interfere with judicial remuneration, to maintain judicial independence. To enable control of the overall budget for judicial remuneration, as judges have security of tenure, Parliament maintains a cap on the full-time equivalent number of permanent judges that can be appointed (the judicial cap). As the Bill increases the judicial cap, this has a long-term impact on the spending of public money.