

**Hon Aupito William Sio**  
Associate Minister of Justice

**Proactive release – Amendments to the District Court Rules 2014, High Court Rules 2016, Court of Appeal (Criminal) Rules 2001, Court of Appeal (Civil) Rules 2005, and Court Martial Appeal Court Rules 2008**

Date of issue: 29 June 2022

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

No.	Document	Comments
1	<b>Amendments to the District Court Rules 2014, High Court Rules 2016, Court of Appeal (Criminal) Rules 2001, Court of Appeal (Civil) Rules 2005, and Court Martial Appeal Court Rules 2008</b> <i>Cabinet paper</i> Office of the Associate Minister of Justice <i>Lodged: 12 05 2022</i>	Released in full
2	<b>Amendments to the District Court Rules 2014, High Court Rules 2016, Court of Appeal (Criminal) Rules 2001, Court of Appeal (Civil) Rules 2005, and Court Martial Appeal Court Rules 2008</b> <i>LEG Minute</i> Cabinet Office <i>Meeting date: 19 05 2022</i>	Released in full
3	<b>Amendments to the District Court Rules 2014, High Court Rules 2016, Court of Appeal (Criminal) Rules 2001, Court of Appeal (Civil) Rules 2005, and Court Martial Appeal Court Rules 2008</b> <i>Cabinet Minute</i> Cabinet Office <i>Meeting date: 23 05 2022</i>	Out of scope redactions

In confidence

Office of the Associate Minister of Justice  
Cabinet Legislation Committee

**Amendments to the District Court Rules 2014, High Court Rules 2016, Court of Appeal (Criminal) Rules 2001, Court of Appeal (Civil) Rules 2005, and Court Martial Appeal Court Rules 2008.**

**Proposal**

1. I seek Cabinet's authorisation for submission to the Executive Council of the Court Rules (Te Kāhui o Matariki Public Holiday) Amendment Rules 2022.

**Background**

2. This paper seeks approval for minor and technical changes to the District Court Rules 2014, High Court Rules 2016, Court of Appeal (Criminal) Rules 2001, Court of Appeal (Civil) Rules 2005, and Court Martial Appeal Court Rules 2008. The changes are in response to the recent passage of the Te Pire mō te Hararei Tūmatanui o te Kāhui o Matariki/Te Kāhui o Matariki Public Holiday Bill and are approved by the Rules Committee (the Committee).

**The Rules Committee**

3. The Committee is a statutory body established under section 155 of the Senior Courts Act 2016. Members of the Committee include the Chief Justice, the Chief High Court Judge, the Chief District Court Judge, the Attorney-General, the Solicitor-General, the Chief Executive of the Ministry of Justice, and selected judges and lawyers. Rules of the Senior Courts and District Court are made by Order in Council, with the concurrence of the Committee.
4. Rule changes are usually initiated in one of two ways: an agency or department will approach the Committee to develop rules in response to a policy initiative agreed by Cabinet; or the Committee will initiate rules changes where it identifies a need. The Committee discusses proposed changes at their quarterly meetings, and will give their concurrence for the amendment to be made when a consensus is reached.
5. The proposed changes do not require any new policy decisions. The amendments have been considered and agreed to by the Committee.

**Proposed Amendment Rules**

6. The Court Rules (Te Kāhui o Matariki Public Holiday) Amendment Rules 2022 makes minor and technical changes to various provisions in the District Court, High Court, Court of Appeal (Criminal), Court of Appeal (Civil), and Court Martial Appeal

Court Rules. The changes add Te Rā Aro ki a Matariki/Matariki Observance Day into the definitions of “working day” and “court holidays” in those rules.

### **Timing and 28-day rule**

7. The Court Rules (Te Kāhui o Matariki Public Holiday) Amendment Rules 2022 will come into force on 23 June 2022. I am not seeking a waiver of the 28-day rule.

### **Compliance**

8. The regulatory changes comply with each of the following:
  - 8.1. the principles of te Tiriti o Waitangi;
  - 8.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 8.3. the principles and guidelines set out in the Privacy Act 2020;
  - 8.4. relevant international standards and obligations; and
  - 8.5. the *Legislation Guidelines* (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
9. This set of Amendment Rules follows the passage of primary legislation (Te Pire mō te Hararei Tūmatanui o te Kāhui o Matariki/Te Kāhui o Matariki Public Holiday Bill), where compliance was also considered.

### **Treaty analysis**

10. As the amendments in this paper are minor and technical, there are no immediate Tiriti implications arising from this Amendment Rules package.

### **Statutory requirements**

11. Section 148 of the Senior Courts Act 2016 requires the concurrence of the Chief Justice and two or more members of the Committee (at least one of whom must be a High Court Judge) to rules regulating the practice and procedure of the Supreme Court, the Court of Appeal, and the High Court.
12. Section 228 of the District Court Act 2016 requires the concurrence of the Chief District Court Judge and two or more members of the Committee (at least one of whom must be a District Court Judge) to rules regulating the practice and procedure of the District Court.
13. I confirm that the above requirements have been met.

### **Regulations Review Committee**

14. There do not appear to be grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives under Standing Order 319.

## **Certification by Parliamentary Counsel**

15. The Parliamentary Counsel Office (PCO) has certified that the legislative instruments are in order for submission to Cabinet.

## **Impact analysis**

16. The Treasury's Regulatory Impact Analysis team has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.
17. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

## **Publicity**

18. The Ministry of Justice will notify relevant stakeholders of the changes being made by these instruments and of the commencement date once Cabinet has approved them.

## **Proactive release**

19. I propose to proactively release this paper, with appropriate redactions, within 30 business days of the decision.

## **Consultation**

20. The following government agencies were consulted on this paper and legislative amendments: Crown Law, Treasury, the Ministry of Business, Innovation, and Employment, Ministry for the Environment, Ministry for Primary Industries, Ministry of Social Development, Department of Conservation, Department of Corrections, Department of Internal Affairs, Inland Revenue Department, New Zealand Police, Department of the Prime Minister and Cabinet, Ministry of Education, and New Zealand Customs Service.

## **Recommendations**

21. I recommend that the Cabinet Legislation Committee:
  1. **note** that, in response to the passage of Te Pire mō te Hararei Tūmatanui o te Kāhui o Matariki/Te Kāhui o Matariki Public Holiday Bill, the Rules Committee has resolved to make minor and technical changes to the District Court Rules 2014, High Court Rules 2016, Court of Appeal (Criminal) Rules 2001, Court of Appeal (Civil) Rules 2005, and Court Martial Appeal Court Rules 2008;
  2. **note** that section 148 of the Senior Courts Act 2016 requires that concurrence of the Chief Justice and two or more members of the Committee (at least one of whom must be a High Court Judge) to rules regulating the practice and procedure of the Supreme Court, the Court of Appeal and the High Court;

3. **note** that section 228 of the District Court Act 2016 requires the concurrence of the Chief District Court Judge and two or more members of the Committee (at least one of whom must be a District Court Judge) to rules regulating the practice and procedure of the District Court;
4. **note** the advice of the Associate Minister of Justice that the concurrence requirements under the Senior Courts Act and District Court Act have been met;
5. **authorise** the submission to the Executive Council of the Court Rules (Te Kāhui o Matariki Public Holiday) Amendment Rules 2022; and
6. **note** that the Amendment Rules package will come into force on 23 June 2022.

Authorised for lodgement

Hon Aupito William Sio  
**Associate Minister of Justice**

Proactive Release



# Cabinet Legislation Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Court Rules (Te Kāhui o Matariki Public Holiday) Amendment Rules 2022

**Portfolio**                      **Justice**

On 19 May 2022, the Cabinet Legislation Committee:

- 1        **noted** that, in response to the passage of Te Pire mō te Hararei Tūmatanui o te Kāhui o Matariki/Te Kāhui o Matariki Public Holiday Bill, the Rules Committee (the Committee) has resolved to make minor and technical changes to the District Court Rules 2014, High Court Rules 2016, Court of Appeal (Criminal) Rules 2001, Court of Appeal (Civil) Rules 2005, and Court Martial Appeal Court Rules 2008;
- 2        **noted** that section 148 of the Senior Courts Act 2016 requires that concurrence of the Chief Justice and two or more members of the Committee (at least one of whom must be a High Court Judge) to rules regulating the practice and procedure of the Supreme Court, the Court of Appeal, and the High Court;
- 3        **noted** that section 228 of the District Court Act 2016 requires the concurrence of the Chief District Court Judge and two or more members of the Committee (at least one of whom must be a District Court Judge) to rules regulating the practice and procedure of the District Court;
- 4        **noted** the advice of the Associate Minister of Justice (Hon Aupito William Sio) that the concurrence requirements under the Senior Courts Act 2016 and District Court Act 2016 have been met;
- 5        **authorised** the submission to the Executive Council of the Court Rules (Te Kāhui o Matariki Public Holiday) Amendment Rules 2022 [PCO 24337/2.0];
- 6        **noted** that the Amendment Rules package will come into force on 23 June 2022.

Rebecca Davies  
Committee Secretary

**Present:**

Hon Chris Hipkins (Chair)  
Hon Andrew Little  
Hon David Parker  
Hon Kris Faafoi  
Hon Jan Tinetti  
Hon Kiri Allan  
Hon Dr David Clark  
Hon Dr Ayesha Verrall  
Hon Aupito William Sio  
Hon Meka Whaitiri  
Keiran McAnulty, MP (Senior Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG

Proactive Release



# Cabinet

## Minute of Decision

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### **Report of the Cabinet Legislation Committee: Period Ended 20 May 2022**

On 23 May 2022, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 20 May 2022:

**Out of scope**



Out of scope

LEG-22-MIN-0083	<b>Court Rules (Te Kāhui o Matariki Public Holiday) Amendment Rules 2022</b> Portfolio: Associate Justice (Hon Auptio William Sio)	CONFIRMED
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Out of scope

Michael Webster  
Secretary of the Cabinet