

25 August 2023

Section 9(2)(a)

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Our ref: OIA 106181

Tēnā koe Section 9(2)(a)

Official Information Act request

Further to our letter on 18 August 2023, I am now writing with all the information the Ministry of Justice (the Ministry) can provide in response to the questions you asked in your email of 21 July 2023. You asked the Ministry to:

1. *State what the earliest date you could receive a high court jury trial in the Whangārei High Court*
2. *State what the earliest date you could receive a district court jury trial in the Whangarei District Court*
3. *State what the average time is to get to high court trial in New Zealand*
4. *State what the average time to get to district court trial in New Zealand*
5. *State reasons as to why the delays are so long to get to high court trial in Whangarei in particular, and*
6. *If the reasons [for the delays are] because there is a lack of high court justices to hear cases?*

In response to questions 1 and 2, the Chief High Court Judge is responsible for ensuring the High Court operates efficiently (which includes scheduling hearings), as per section 92 of the Senior Courts Act 2016. The Chief District Court Judge is responsible for the same in the District Court, in accordance with section 24 of the District Court Act 2016. Because the Official Information Act 1982 (the Act) excludes court and judicial information under section 2(6)(a), I am refusing your request under section 18(g)(i) of the Act, as the information requested is not held by the Ministry or believed to be held by any other agency subject to the Act.

In response to questions 3 and 4, the average time to get a High Court or District Court trial heard is judicial information because it relates to scheduling and rostering. As above, this means I am refusing your request under section 18(g)(i) of the Act, because the information requested is not held by the Ministry or believed to be held by any other agency subject to the Act. Also, the Ministry does not report on average timeframes to get a High Court or District Court trial heard.

In response to questions 5 and 6, the Ministry can provide some general information about the operation of Whangārei Court and trials in general.

The Whangārei Courthouse is a busy combined court which hears both High Court and District Court criminal and civil cases. The District Court also hears matters in the Family Court, Youth

Court and specialist tribunals. The High Court always has matters scheduled in Whangārei, but due to the dynamic nature of scheduling, it can be hard (especially in a smaller site) to find space for trials and hearings which are expected to take weeks or months. The Ministry is exploring options to manage the current space constraints in Whangārei. A lack of High Court Judges is not considered a contributing reason for delays at Whangārei court.

In general, the High Court allocates criminal trial dates on the first available date for the location and expected duration of the trial. Courtroom availability is limited across the country and there has been a growth in lengthy High Court criminal and civil cases which has impacted the time for trials to get to hearing. The earliest available date for a criminal trial or civil hearing is influenced by the likely length of the trial or hearing, the availability of counsel and other involved parties, as well as courtrooms, court staff and judges. The seriousness and complexity of the cases heard in the High Court often means prosecution and defence lawyers require a minimum of 12 months to prepare for trial.

The High Court conducts as much business as it can, but longer trials with multiple defendants and long civil hearings were particularly impacted by COVID-19, which flowed through to the increased time to hearing for these matters. Additionally, a trial may also not be able to proceed on the first scheduled date for a variety of reasons, such as disclosure issues, late addition of other defendants, or the need for new counsel to be assigned. Any of these reasons may mean a new trial date is required, and as a result, the available hearing time for any new trials is reduced.

If you require any further information, please contact Media and Social Media Manager Joe Locke at media@justice.govt.nz.

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at info@ombudsman.parliament.nz.

Nāku noa, nā



Donella Gawith

Group Manager, Senior Courts