

The Future Operation of the Courts and Justice Services

Draft Long-term Insights Briefing for Public Consultation

Ministry of Justice

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Foreword from the Secretary for Justice

Welcome to the consultation draft of the second Ministry of Justice Long-term Insights Briefing. The topic for this Briefing is the future operation of the courts and justice services.

Long-term Insights Briefings encourage public servants to think about the future and to talk with communities about what matters most for our long-term wellbeing. They require us to develop and share insights on trends, risks, and opportunities that may affect New Zealand. Most people have little to no involvement with the court system in the course of their lives. It's a complicated system and we don't have perfect data about what's going on in it. We have tried to explain in this document how the court system works, and how it has been performing over the last 10-20 years. The purpose of this document isn't to make recommendations, but rather to explore current and upcoming issues.

It is important to emphasise that the courts operate independently. This is because the courts are made up of judges. The principle of the separation of powers requires that the courts be independent of the Executive (the government) to ensure that judges' decisions are impartial. The Judiciary is responsible for the work of the courts, while the Ministry of Justice is responsible for supporting the Judiciary in running the courts. The Ministry also works closely with the Judiciary to steward the court system. While we are consulting the public on these issues, we would need to work with the Judiciary on any areas of focus that came out of this process.

New Zealand society and economy have changed a lot in recent decades, and it is important that the courts and justice services continue to evolve too. Access to justice is an important principle underpinning the court system; in the future, there may be multiple ways to access justice.

We see many opportunities to modernise the court system in the next 20 years. We are keen to explore these opportunities and want to hear what you think of them. The purpose of this consultation draft is to lay out the challenges facing the system and to seek your feedback on the opportunities we have identified for improving it. I would like to thank all those who offered us feedback on our choice of topic for this Long-term Insights Briefing, and who have already given their time to talk to us about these issues.

Andrew Kibblewhite
Pou Whakarae mō te Ture
Secretary for Justice

Executive Summary

A well-functioning court system is critical to New Zealand's social and economic wellbeing. The environment that the courts and justice services operate in has changed significantly in the last few decades, however, and will continue to change rapidly. In particular, the pace of technological development and the declining trust in institutions are becoming increasingly important context.

The court system is one part of the much larger justice system. The court system's workload is demand driven. Population growth and socio-economic conditions both affect this workload, as do government justice policies and Police prosecution practices. The amount of business the court system deals with has been growing slowly but steadily in recent decades, particularly in the parts of the system that deal with civil cases. This growth has been putting pressure on its operations and workforce. Various measures have been put in place to manage that growth, but balancing the cost of running the court system with access to justice remains a challenge.

The people and organisations we heard from in developing this Briefing mostly felt that the courts run pretty well, but they are concerned about barriers to accessing justice. They are worried about the cost of lawyers and of travelling to court, and they feel that the system is not working well for everyone. In particular, they are worried that the system isn't working well for disadvantaged groups.

The early stages of consultation on this Briefing have identified some opportunities for improving the operation of the courts and justice services. The Ministry agrees that many of these opportunities are worth exploring. Some are straightforward areas where we just need to keep innovating or working to embed change that everyone agrees is useful. Using digital technology to help with administrative tasks is one example.

Other opportunities highlighted through this process are strategic choices for decision-makers. These choices are:

- whether we should find ways to address unmet legal need
- whether we should undertake structural reform of the court system
- whether we should substantially increase assistance with navigation in the courts
- whether we should consider more ambitious use of AI
- whether there should be greater use of remote participation
- whether we should more actively shape the future workforce for the court system.

These are fundamental considerations for the future operation of the courts and justice services. They are not easy issues to decide, and they will need close attention and discussion between the Judiciary and the Executive going forward.

If you are pressed for time, an outline of the key points in this Briefing is available as a standalone document.

Introduction

The process we're following

The Public Service Act of 2020 requires that government agencies consult the public on the choice of topic for their Long-term Insights Briefing. We published a consultation document on our proposed topic in December 2024: *The Future of Courts and Justice Services*, alongside Crown Law. We received 54 submissions on our proposed topic and many of these helpfully contained a lot of comment. We analysed these submissions to draw out the ideas people had for making the courts and justice services better.

We also talked to people who work in or on the courts and justice services about what might improve things. In particular, we held three workshops with judges, representatives from the legal profession, organisations that work with court users, the National Iwi Chairs Forum, advocates, academics, Ministry employees and others. At these workshops, we talked about the role of the courts, how far existing initiatives would get us, and what more needed to be done.

We heard a very wide set of perspectives on how the courts and justice services are operating. Some people did not think so, but the majority view was that New Zealand's courts and justice services work fairly effectively. There are widespread concerns, however, about the timeliness of justice and that parts of the court system are under-resourced and over-burdened. We heard from a range of people and organisations that some population groups are not always well-served by the court system. Women, children, Māori, people on low incomes and disabled people were the groups most often mentioned. There are also widespread concerns that many people are not able to access the courts and justice services, for a range of reasons.

We gathered the relevant data, research and evaluation findings held by the Ministry of Justice. This material has informed the discussion of trends relating to the courts and justice services in this Briefing, as well as the discussion of what more could usefully be done.

We applied a range of analytical tools in developing this Briefing:

- scanning existing data, research and futures thinking to identify enduring challenges for the court system and options to address them
- the use of long-term future scenarios to determine key risks and opportunities, and where change is most desirable
- 'back-casting', which is a technique for identifying a desired future and then working backward to identify the necessary steps to achieve it.

We are now at the point of consulting on our draft Briefing, as required by the Public Service Act. As well as seeking public submissions and talking to our stakeholders, we will engage separately with the Judiciary on this draft thinking.

The scope of this Briefing

Some people we heard from wanted our Briefing to discuss what could be described as constitutional issues, such as increasing checks and balances on judges' power, or whether we should have a separate justice system for Māori. These matters are bigger questions than we intended to cover and would be appropriate for quite different sorts of processes (such as a referral to the Law Commission or a Royal Commission of Inquiry, or consideration by Parliament).

After consultation on our proposed topic, we therefore refined our topic to: ***The Future Operation of the Courts and Justice Services***. This revised topic was intended to make clear that constitutional issues were out of scope for this Briefing, as were key principles such as the rule of law or open justice.

Similarly, we are aware that **the court system sits within the wider justice and social sectors**. To keep the scope manageable, this Briefing does not attempt to cover the interplay of the courts with the practices of agencies like Police or Corrections. Nor does it engage with the social drivers of crime, although these are all important contextual matters.

Lastly, because we wanted to keep it short and clear, **this Briefing comments on the court system at an overarching level**. We have not attempted a detailed analysis of the issues facing the component parts of the court system. We have, however, noted throughout the Briefing where particular courts or mechanisms are affected more or differently by specific issues or ideas.

Our approach is not the only one possible

This Briefing process has generated hundreds of ideas about how to improve the courts and justice services, from fundamental things to small tweaks. It has been necessary to distil all those ideas down, so we could produce a short Briefing that can be understood by people who are not experts on the court system.

Other ways to think about the future of the courts and justice services are of course possible. We hope that gathering and publishing this trend data will allow people who might want to take a different approach to these matters to have the benefit of it for their own work.

What is the court system for?

The court system is the place where formal justice is done. When people think of the court system, they often think about the system for holding people accountable for breaking the law – criminal justice. The court system has many more faces and is much more fundamental to our nation than that, however.

A well-functioning court system helps us live together peacefully and underpins a strong economy. The court system helps people sort out all kinds of differences and disputes. These vary from complex family matters, disagreements over rent or retaining walls, employment complaints, multi-million-dollar commercial contract disputes, all the way through to weighty constitutional matters. Every day, in many different ways, the court system is helping people to work through their problems. Much of this work goes on in the less visible civil justice part of the system.

New Zealand's system of government is built around the 'separation of powers', meaning that power is held in balance between the three branches of government.

These parties are the Executive (what we usually think of as 'the government' and 'government agencies'), Parliament (where new laws are passed and the performance of the Executive is scrutinised), and the Judiciary (the judges, or 'the courts').¹ This constitutional arrangement creates a helpful three-way tension that promotes the rule of law and protects people's rights. The separation of powers ensures that those who make the rules aren't the same people who apply them.²

Laws passed by Parliament are unlikely to anticipate every scenario where laws may apply. **The Judiciary works independently to interpret and apply the law to specific facts in cases that come before it.** In doing so, the Judiciary is able to point out gaps and inconsistencies in our laws and highlight shifts and changes that are going on in society. In playing its role of interpreting and applying the law, the court system intersects with all the regulatory systems.

The Judiciary has another role in making law, through the development of the common law. Common law, often called 'judge-made law,' is built up through precedent. Judges determine which rulings in previous, similar cases are relevant to the case before them.

Equally importantly, as the third branch of government, the Judiciary acts as a check and balance on the exercise of power by the Executive. This is a critical constitutional role. People can ask the Judiciary to review decisions made by the government or government agencies to ensure they are lawful. Known as 'judicial review', this is an important way for people to hold the Executive to account and guard against any abuse of power.

It is the role of the courts to ensure that the processes of justice operate fairly and transparently, particularly when they involve the use of the coercive powers of the state over people's liberty, family and property.

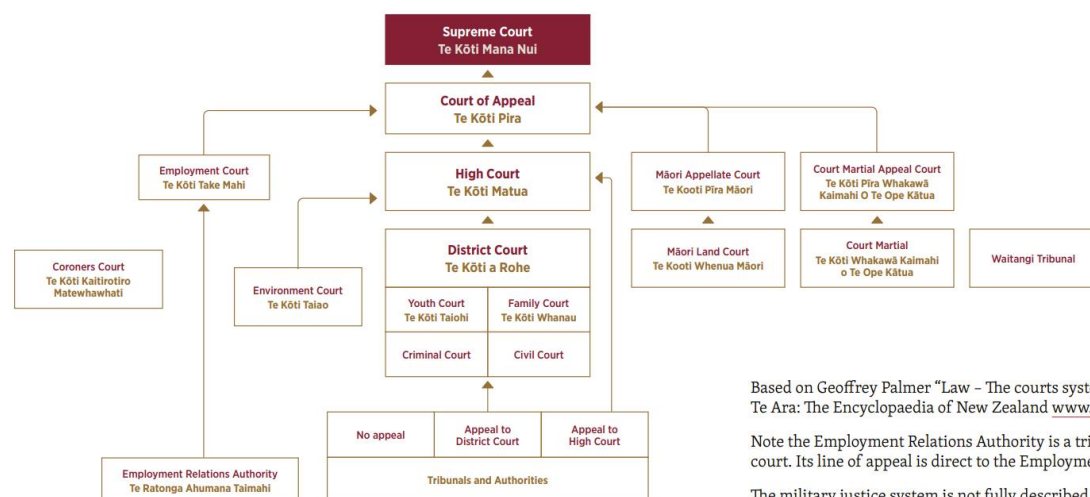
How the court system is organised

While originally modelled on the British court system, New Zealand's court system has evolved to reflect our own history and social context. We have gradually replaced parts of the British system as our system matured (such as the establishment of the New Zealand Supreme Court in place of the Privy Council). This is a strength of our system, and we can expect further evolution over time.

The system as it is configured now was largely developed through the 20th Century. It consists of four main levels of courts across 57 different locations, and more than 100 tribunals and authorities:

¹ 'The Judiciary' and 'the courts' are both used to describe the judicial branch of government.

² Legislation Design and Advisory Committee. 2021. *Legislation Guidelines: 2021 Edition*. Wellington: Parliamentary Counsel Office, p.24.



Beneath the court system sits a further layer, known as alternative dispute resolution. This is made up of various processes that can help people sort out disagreements, such as negotiation, mediation, and arbitration. These processes are more flexible and generally less expensive for users than the court system. While tribunals are sometimes included in the concept of alternative dispute resolution, we have treated tribunals as being part of the broader court system for the purposes of this Briefing.

The substantial workforce that makes the court system run includes:

The following map shows the location of the courts around the country:

Courts of New Zealand



Source: Ministry of Justice

The Judiciary has authority over its own process. This means that the judges determine the way business is conducted in the courts. Some of this process has been put into legislation, meaning that the day-to-day operations of the courts are governed by a range of laws. The operation of the court system is also supported by the Executive, through the Ministry of Justice. A Statement of Principles records the respective responsibilities of the Judiciary and the Ministry in administering the courts.³ These principles include close engagement on the strategic direction of the courts and on how resources are managed to ensure effective and efficient operations.

Although the Judiciary and the Ministry belong to two separate branches of government, the working relationship is necessarily close. The Ministry supplies and maintains the buildings and IT systems necessary for the operation of the courts, and employs the staff who support the Judiciary, including the court registry staff.

The Ministry's role also includes administering funding for (or in some cases directly providing) justice services. 'Justice services' covers a wide range of things, including community law centres, Victim Support, the Public Trust, Parenting through Separation courses, Family Dispute Resolution, family violence programmes, restorative justice, and Whānau Protect (a service for victims of family violence). The Ministry also supports the wider justice system by administering funding for the Public Defence Service and legal aid lawyers: these are also justice services.

The court system operates within the wider justice sector, which includes the New Zealand Police, the Department of Corrections, Oranga Tamariki, the Crown Law Office and the Serious Fraud Office. Policy and practice changes in these organisations can have significant flow-on effects for the court system, and vice versa.

Implications for this process

In keeping with its independent status as a separate branch of government, the Judiciary determines the way business is conducted in the courts. The Ministry provides the Judiciary with operational support in running the courts. We also have a wider stewardship role over the justice system. This means, for example, that we advise the government of the day on policy and financial matters relevant to the court system.

The unique nature of this relationship between the judges and the Ministry requires careful management, in order to protect judicial independence. The Ministry is not free to make changes to the operation of the courts. We must work with the Judiciary and the government of the day on establishing the future direction for the courts.

³ Courts of New Zealand. 2018. *The Statement of Principles: Principles observed by Judiciary and Ministry of Justice in the Administration of the Court*. Wellington: Courts of New Zealand, pp.1-4.

System complexity

The court system is not user-friendly.

New Zealand's court system is complex, both in terms of pathways and legislative frameworks. Over time, specialist courts and dispute resolution pathways have been developed as a way of providing more targeted and accessible justice. Since 2010, there has been a further increase in court initiatives aimed at specific population groups, such as the New Beginnings and Special Circumstances Courts, providing services for homeless people in Auckland and Wellington, the Alcohol and Other Drug Treatment Courts, the Young Adult List, and the Matariki Court in Northland (a precursor to the Te Ao Mārama programme, which we will discuss below).

In addition, the pace of legislative change is increasing. Overhauling older laws and legal frameworks is challenging and takes time, compared with passing smaller amendments, or creating new laws. New Zealand now has an intricate landscape of laws and regulations administered by a range of agencies.

We heard quite a lot about how difficult it is to understand and navigate the court system as a result. Through submissions on this Briefing, users, advocates, and legal professionals reported difficulty navigating the system and called for simplification, clearer guidance, and greater in-person support for users.

Legal information is available but largely provided by the private and non-government sectors, either through legal information companies or through community law centres and the Citizens Advice Bureau. Digital exclusion remains a barrier, however. The Citizen's Advice Bureau reported that over a three-month period in 2019, for example, 10% of its clients were recorded as digitally excluded.⁴

The data we hold are more suggestive than conclusive as to whether the complexity of the system is directly resulting in people not accessing justice. The 2024 Legal Needs Survey showed a third of respondents had experienced a legal issue in the past year, and 22% of those issues were resolved by 'giving up'.⁵ People are also inclined to want to resolve their legal issues outside the court system and are looking for access to legal services and processes that enable this.⁶

⁴ Citizens Advice Bureau. 2020. *Face to Face with Digital Exclusions*. Wellington: Citizen Advice Bureau, p.11.

⁵ Ministry of Justice. 2024. *Access to Justice: 2023 Legal Needs Survey*. Wellington: Ministry of Justice, pp.28, 73.

⁶ Toy-Cronin, B. and Stewart, K. 2022. *Expressed legal need in Aotearoa: From problems to solutions*. Dunedin: Civil Justice Centre, University of Otago, p.2.

Geographic barriers

While coverage of justice services is generally good, we recognise that access is not always consistent and local responsiveness needs ongoing attention.

Outside of urban and provincial centres, court participants either need to travel or to rely on remote participation,⁷ which isn't a suitable solution for every case. Some specialist courts (such as Alcohol and Drug Treatment) are also not nationally accessible. We received feedback that access to justice services is uneven across the country, with particular concern about support for people in rural areas.

Setting aside legal aid (which we discuss below) and mental health assessments purchased from the health system, we believe we are more-or-less achieving national coverage of justice services. For the most part, we are confident that family violence and restorative justice services are reaching isolated communities through a mix of outreach, in-person and flexible delivery models. We do acknowledge that coverage is not always perfect, and we continue to look for opportunities to strengthen local access and responsiveness where needed.

There is good national coverage of community law centre services, with 21 regionally based community law centres and three law centres that operate nationally: Aotearoa Disability Law, Youth Law Aotearoa, and the Ngāi Tahu Māori Law Centre. We are conscious that the type of assistance people can get varies, however, depending on the capacity of each community law centre. This is, in part, mitigated by pro-bono arrangements with local private law firms or through Te Ara Ture, the national pro-bono clearing house (which helps match socio-economically disadvantaged people who have legal problems with a volunteer lawyer). Community law centres also support rural and isolated communities through outreach services and phone and email queries.

Victim Support is based in most Police stations across the country. The Public Trust also has national coverage, although its funding is capped and targeted at its most vulnerable clients only.

Feedback from providers, communities, and informal networks continues to play a vital role in identifying service gaps and emerging needs. We actively monitor referral flows, assessments, and programme completions, and maintain close relationships with providers through contract management. Temporary gaps are often identified through discrepancies in the uptake of referrals, regional variation in case volumes, or delivery constraints reported by providers.

We broadly consider that justice services are moving in the right direction, particularly with efforts to move toward trauma-informed, culturally responsive, and outcomes-focused service delivery. There is also an increasing focus on prevention rather than just responding

⁷ Remote participation means the use of audio-visual technology or phones, rather than in-person participation. It can also refer to matters being decided on the basis of paperwork, without personal appearances.

to an incident after the event, although we are not at this point treating prevention and healing as core outcomes. With more resourcing, these shifts could probably be sped up.

At the same time, we continue to hear from communities and the sector that some services could be more flexible, locally led or sustainably funded, especially for populations with complex or persistent needs. We accept it is hard to build reliable, comprehensive national provision without sustainable funding. There is more work to do to put people and families at the centre of the system, so that justice, health, social and education services are coordinated around individual and family needs. We also see more scope for input into design by those communities with the greatest stake in justice services.

Trends that impact the courts

This section looks at some trends in New Zealand and around the world that we think will be important for the court system in the next 20 years.

Population changes

Current projections for New Zealand estimate that before 2040 the population will exceed six million people, possibly rising to seven million by 2060. The population in 20 years will be, on average, much older. New Zealand's birth rate is projected to continue its downward trend.⁸

Other than 'European or other', all ethnic populations in New Zealand are projected to grow by 2048, with the highest rates of growth in the Middle Eastern, Latin American, and African group and Indian ethnic group.⁹ The court system and justice services are going to have to respond to an increasing number of users with their ethnic origins in other cultures and languages.

Māori and Pacific populations will continue to have a much younger age structure than the total New Zealand or 'European or Other' population. By 2048, the median age for Māori will be around 35 years, and around 32 years for Pacific peoples. For 'European' New Zealanders, the median age will be around 48 years.¹⁰

Youth offending has decreased significantly overall in the past decade. Based on current dynamics, however, we should expect that **there will continue to be a comparatively high number of male, disproportionately Māori and Pacific, young people entering the criminal justice system.**¹¹ There are several things driving this and unless they are effectively addressed, there is no real prospect of this pattern fundamentally changing.¹²

⁸ Stats NZ. 2025. *National population projections: 2024 (base) – 2078*. Wellington: Stats NZ.

⁹ Stats NZ. 2025. *National ethnic population projections: 2023 (base) – 2048*. Wellington: Stats NZ.

¹⁰ Stats NZ. 2025. *National ethnic population projections: 2023 (base) – 2048*. Wellington: Stats NZ.

¹¹ Ministry of Justice. 2024. *Youth Justice Indicators Summary Report: December 2024*. Wellington: Ministry of Justice, pp.7-8.

¹² For analysis of the drivers of child offending based on Stats NZ's Integrated Data Infrastructure, and of its flow through to into youth offending, see Reil, J., Lambie, I., Becroft, A. & Allen, R. 2022. *How we fail children who offend and what to do about it: 'A breakdown across the whole system'. Research and recommendations*. Auckland: The Michael and Suzanne Borrin Foundation, the New Zealand Law Foundation & the University of Auckland, p.25.

We can also expect more people entering the system to have a disability or experience mental health and addiction issues. The ageing population will mean a higher number of disabled people in New Zealand (in 2023 for example, 35% of adults aged 65 years and older had a disability). Data is limited, but we know that disabled people are overrepresented as both victims and offenders in the criminal justice system. The New Zealand Crime and Victims Survey signals that disabled people are more likely to be victimised than non-disabled people (40% compared with 30%).¹³ Offenders also have disproportionate rates of intellectual disability or disorders,¹⁴ and face health and addiction issues.¹⁵ The courts must continue improving accessibility for the disabled and mentally unwell people who use them.

Types and volumes of cases

Population changes will also impact the types of issues and volume of cases that enter the system.

The ageing population is likely to drive an increase in requests for people to manage property or personal affairs, and coronial work. Crimes involving older people are also likely to increase.¹⁶ The court system may need to give greater consideration to accessibility in its process design and infrastructure planning, to account for age and increasing rates of disability.

This graph shows where the bulk of the work fell last year across the major courts that deal with criminal and civil matters:

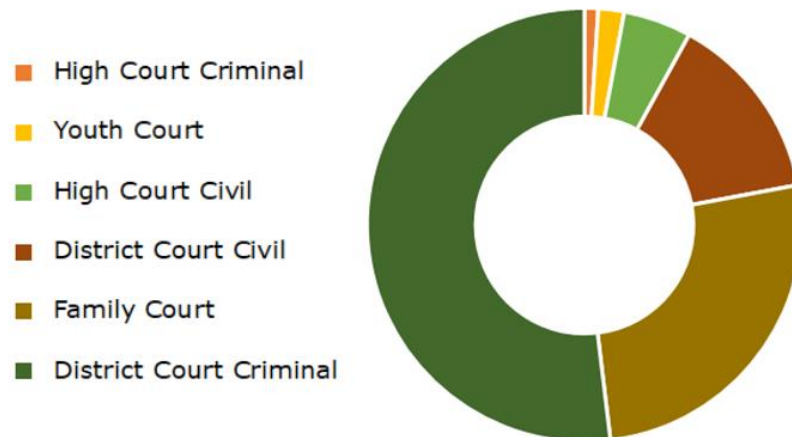
¹³ Ministry of Justice. *5 years of insights on crime and victimisation in Aotearoa*. Wellington: Ministry of Justice, p.7.

¹⁴ Lambie, I. 2020. *What were they thinking? A discussion paper on brain and behaviour in relation to the justice system in New Zealand*. Auckland: Office of the Prime Minister's Chief Science Advisor, pp.5-6.

¹⁵ Government Inquiry into Mental Health and Addiction. 2018. *He Ara Oranga*. Wellington: Government Inquiry into Mental Health and Addiction, p.28.

¹⁶ Mitra, R., Abedin, M.T. & Sen, K.K. 2023. *Does an Ageing Population Affect Crime Rates in the United States?* Soc Indic Res 170, pp.825–845.

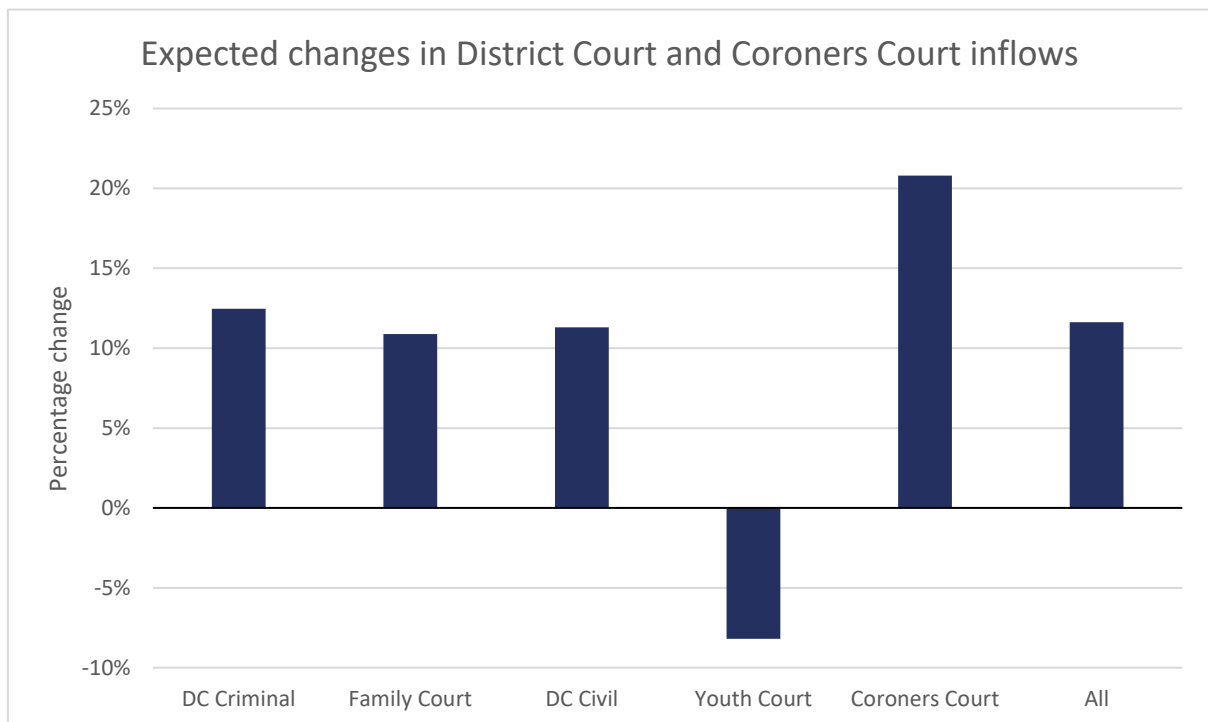
Inflow in 2024, by jurisdiction



Source: Ministry of Justice

The graph below indicates the expected percentage growth of District and Coroners Court cases or applications in the next 20 years. These projections are based on standard population projections. They don't take into account population sub-groups, or the possible future impact of policy or operational initiatives.

The graph shows a projected increase in most types of cases or applications, but a decline in Youth Court applications as a result of the falling birthrate. While coronial cases show the biggest increase in terms of percentages, the projected number of coronial cases will only be an increase of 1,031 cases in the next 20 years (to 5,986 by 2044). By comparison, District Court criminal cases are expected to increase by 13,419 in the same period (to 121,131 by 2044).



Source: Ministry of Justice

As these projections are based on general population changes, they do not shed light on specific groups who are disproportionately represented in the justice system. The recent Legal Needs Survey indicated that 10% of the population are experiencing three-quarters of legal issues, with disabled people, LGBTQIA+, Māori and Pacific peoples particularly affected.¹⁷

These projections also cannot account for factors that history tells us matter a lot. These include the performance of the economy, unknown future policy changes that would affect flows of court business, and the impact of more community services and better rehabilitation and therapeutic services.

Disability and health barriers

People participating in court processes will have more diverse and complex needs over time and face more barriers to accessing justice.

People with learning disabilities and significant mental health conditions may be particularly vulnerable to barriers of information and understanding about how the court system works. The final report of the Royal Commission of Inquiry into Abuse in State Care has illustrated this in detail. Disabled people are overrepresented in both victim and offender statistics, yet court information, processes and physical spaces still do not sufficiently address their specific needs.

Young disabled people, for example, are more likely to agree to things they do not understand and less likely to understand the consequences of their decisions, or decisions made about them.¹⁸ As many as 50–75% of youth offenders meet diagnostic criteria for at least one mental health disorder, and at least 20% identify as having a learning disability.¹⁹ Serious drug use is also a contributing factor.²⁰ Work will need to continue towards developing more effective and sustainable therapeutic pathways.

We're also aware there are significant delays around the availability and delivery of court-ordered mental health assessments. This is due in part to increased demand for mental health assessments within the court system, compounded by the limited availability of qualified mental health professionals to do assessments.

¹⁷ Ministry of Justice. 2024. *Access to Justice: 2023 Legal Needs Survey*. Wellington: Ministry of Justice, p.10.

¹⁸ Lambie, I. 2020. *What were they thinking? A discussion paper on brain and behaviour in relation to the justice system in New Zealand*. Auckland: Office of the Prime Minister's Chief Science Advisor, pp.5-6.

¹⁹ Lambie, I. 2018. *It's never too early, never too late: A discussion paper on preventing youth offending in New Zealand*. Auckland: Office of the Prime Minister's Chief Science Advisor, pp.18-19.

²⁰ Bowman J. 2017. *Methamphetamine use disorders among New Zealand prisoners*. Wellington: The New Zealand Corrections Journal, pp.18-22: this study using 2015 data found that almost two-thirds of offenders aged 17-24 had used stimulants in the past year.

Societal and cultural barriers

To maintain trust and accessibility, the court system must adapt to New Zealand's multicultural society and actively address misinformation and threats to social cohesion.

Cultural factors were frequently raised in submissions. Some people advocated for greater inclusion of Māori culture in courts, more community involvement, and better support for minority groups. A few people wanted no focus on cultural responsiveness and for all efforts to go into improving efficiency. We know that Māori, Pacific peoples, and ethnic communities can find engaging with the legal system to be an alienating experience.²¹ Further research is also being undertaken to understand whether cultural dynamics affect the willingness of some groups to settle proceedings.²²

Court processes can be seen as intimidating and not meeting the needs of the community. Through our consultation process, we heard from court users and their advocates that jargon, lengthy procedures, and traumatic experiences put people off engaging, particularly as witnesses in criminal proceedings. While our 2025 Court User Survey indicates general satisfaction with services and facilities at court (82%), disabled and Māori respondents in particular were less satisfied (73% and 77% respectively).²³

Victim-survivors of crime can face significant challenges. Court processes are seen by some victim-survivors as confusing and intimidating, with constant delays and re-traumatisation. Many feel the court system is unsafe (psychologically, emotionally, and sometimes physically) and that it does not support recovery from trauma or provide reasonable assistance with costs. Stress, delays and other factors can contribute to a volatile court environment and to safety issues: we know that future court design needs to take this better into account. We also acknowledge that information for victim-survivors is often patchy when they participate in criminal justice processes, as they are not parties to the case.

Some people we heard from took issue with the Family Court's legislative framework and practices, particularly around trauma-informed approaches, coercive control, and institutional bias against women. A few people also expressed concern that the Family Court was biased against men.

Young people in the criminal justice system face compounding challenges. **Dysfunctional** and violent home environments are a contributing factor for youth offending, with abused and neglected children significantly more likely to become child and youth

²¹ The Rules Committee. 2022. *Improving Access to Civil Justice*. Wellington: Rules Committee, p.8.

²² See for example Chen, M. 2025. *Considering possible settlement: Asian parties in court*. New Zealand Law Journal 149.

²³ Ministry of Justice. *Court User Survey 2025 Results*. Wellington: Ministry of Justice, p.3.

offenders.²⁴ Most children and young people referred for youth justice family group conferences had prior care and protection concerns with Oranga Tamariki.²⁵ One in seven children in New Zealand live in violent homes.²⁶ We acknowledge that many youth offenders are also victim-survivors, and that ‘crossover children’ involved in both child welfare and youth justice systems require more effective support.²⁷

We may need to consider new approaches to address the lack of trust in or misinformation about the court system. As would be expected, perceptions of the fairness and effectiveness of the court system vary. Most people have no personal experience of the court system, which contributes to a general lack of understanding about what it’s for and how it works.

In a recent survey, only 43% of respondents thought the courts make fair decisions most or all the time, while 28% of respondents thought that fairness only happened occasionally. Younger people, women and people on low incomes were comparatively sceptical about court fairness.²⁸ The General Social Survey shows an increase in trust of the courts from 2014 – 2018 (rising to 6.9 out of 10), but that trust had declined to 6.4 out of 10 in 2023.²⁹ New survey data shows concern among some groups, particularly Māori and people involved

²⁴ Reil, J., Lambie, I., Becroft, A. & Allen, R. 2022. *How we fail children who offend and what to do about it: ‘A breakdown across the whole system’*. Research and recommendations. Auckland: The Michael and Suzanne Borrin Foundation, the New Zealand Law Foundation & the University of Auckland, pp.6-7.

²⁵ Ministry of Justice. 2024. *Youth Justice Indicators Summary Report*. Wellington: Ministry of Justice, pp.19-20.

²⁶ Executive Board for the Elimination of Family Violence and Sexual Violence. 2022. *Analysis: Children and young people*. Wellington: Executive Board for the Elimination of Family Violence and Sexual Violence, p.3.

²⁷ Crossover children is a description for those who have criminal charges before the Youth Court as well as care and protection proceedings before the Family Court. On victim-offender overlap, see Fortune, C, Bowe, S., Heffernan, R. 2025. *Victim-Offender Overlap: Investigating the Relationship between Victimisation and Perpetration of Violence in Aotearoa*. Wellington: Victoria University of Wellington.

²⁸ The Helen Clark Foundation. 2025. *Social Cohesion in New Zealand*. Auckland: The Helen Clark Foundation, p.23. In the most recent New Zealand Crime and Victims Survey, while most people surveyed (78%) had some trust in the justice system, less than half (45%) had high trust in it and victims even less trust. The proportion of Māori and LGBTQIA+ adults with high trust in the justice system was significantly lower than the New Zealand average (at 32% and 35% respectively). See Ministry of Justice. 2025. *Public perceptions of the justice system. Results drawn from Cycle 7 (2024) of the New Zealand Crime and Victims Survey*. Wellington: Ministry of Justice, pp.i-ii.

²⁹ Stats NZ. 2024. *2023 General Social Survey: “New Zealanders’ trust in key institutions declines”*. Wellington: Stats NZ.

in criminal proceedings, that court staff cannot be trusted with their personal information.³⁰ Decreasing trust in institutions may well be a factor in rising self-representation, as we were told, but we do not have the data to illustrate this.

Global trends, including misinformation, rising inequality, and polarisation also risk eroding trust in institutions and social cohesion.³¹ The independence and jurisdiction of the courts is being called into question, and if these trends continue, we will see greater social division, increased victimisation, and a further decline in trust and confidence in the court system. This will add an extra layer to distrust by those in our society who continue to feel the court system simply doesn't work for them. It was noted during consultation that polarisation seems to be affecting some people's ability to compromise and accept they may be wrong, working against early resolution of issues and cases.

Timely access to justice

When we talk about timely justice, we mean the ability to respond to and manage cases both efficiently and effectively within the court system, ensuring people are dealt with fairly and as quickly as possible.

What have we heard?

The court system in New Zealand, as elsewhere, has long struggled with ensuring timely access to justice. The system we inherited values principles of justice and correctness in decision-making over cost and speed, so this is to some degree to be expected. In recent years, timely justice challenges have also been exacerbated by a series of natural events (weather incidents, the COVID-19 pandemic).

Almost everyone we heard from agreed that timely access to justice must be a continued focus for the court system. There was also general agreement that – with appropriate safeguards – the system should promote early resolution of legal problems. If done well, this was viewed as being easiest on the wellbeing of those involved, as well as most efficient for the court system.

We heard calls for more resourcing of the courts themselves, and for the professional functions they rely on (such as psychologists). We also heard that some of the financial, process and sentencing incentives in the system work against early resolution and need rethinking. A number of people told us that self-representation was rising sharply and that was slowing down court business, because people who represent themselves often don't understand the law, get court process wrong and don't organise their evidence and arguments in a way that is easy for judges or other decision-makers to engage with.

³⁰ Ministry of Justice. *Court User Survey 2025 Results*. Wellington: Ministry of Justice, p.18.

³¹ See the discussion of factors that can affect social cohesion in Gluckman P., Bardsley A., Spoonley P., Royal C., Simon-Kumar N. and Chen A. 2021. *Sustaining Aotearoa New Zealand as a cohesive society*. Auckland: The University of Auckland, pp.14-15.

What does the evidence say?

Most criminal cases are heard in the District Court, but cases in the High Court are more serious and often more complex. The 20-year data shows that **the overall number of criminal charges and convictions has been decreasing over the last 20 years**. The total number of people convicted in 2024 was only two-thirds the total of 20 years ago. Almost all categories of criminal offence have reduced, except for a small increase in sexual assaults and related offences, and weapons offences.³²

New civil cases in both the High Court and District Court are increasing, as are applications to the Disputes Tribunal. Some of this appears to be the result of economic conditions, showing up as an increased number of insolvencies, and contract disputes.

A scan across two other jurisdictions, the Family Court and the Coroners Court, shows a similar picture, with an overall increase in active cases or applications over the long term. Recent efforts to get on top of this growth are starting to have a positive effect.

In almost all jurisdictions, the disposal of cases almost keeps pace with the number of new cases or applications coming into the system – but not quite.³³ This means that increases in active cases or applications are occurring gradually over time. We also see in the data the susceptibility of the court system to sudden shocks or events, such as the COVID-19 pandemic.

The system is finely balanced. External forces such as natural events, or changes to policy or resourcing can lead to a sudden increase in cases or applications, increased process delays, or changes to the composition of cases coming into the system.

We are not clear what's going on with self-representation. Preliminary court data indicates a possible decline in self-representation for criminal cases, but an increase in civil cases. This data, however, is not robust. Additionally, we do not know what is driving the apparent increase in civil self-representation. Some focused research would be helpful here.

³² Ministry of Justice. *Charges by ANSOC 1992/95 – 2020/23*. Unpublished document. This work is based on the Australia New Zealand Standard Offence Classifications (ANZSOC), a statistical framework that includes the categories of homicide, sexual assaults, fraud, personal offences, household offences, property damage, drugs, weapons, public order, offences against justice procedures, and miscellaneous offences.

³³ Disposals are cases or applications that are no longer active or waiting in the system. Generally, these cases have been resolved, but cases that are removed from the system for legal or administrative reasons are also recorded as disposals.

Outlined below is some high-level trend information on what has been happening in the criminal and civil jurisdictions, particularly in the High Court and District Court.³⁴

We do not have good data for the civil jurisdiction, so you will see some of the commentary on what has been happening with civil cases is less confident.

We also give a sense of what's been going on in three other important areas of the system: the Family Court, the Coroners Court, and the Disputes Tribunal. The Family Court and Coroners Court have been chosen because recent trends there show how sensitive the system is to changes in resource levels. Of the tribunals, the Disputes Tribunal has been chosen because together with the District and High Courts, it is the engine room of civil justice.

A fuller version of this narrative can be found in the companion document to this Briefing, *Medium to long-term court system trends by jurisdiction*.

Criminal: the High Court

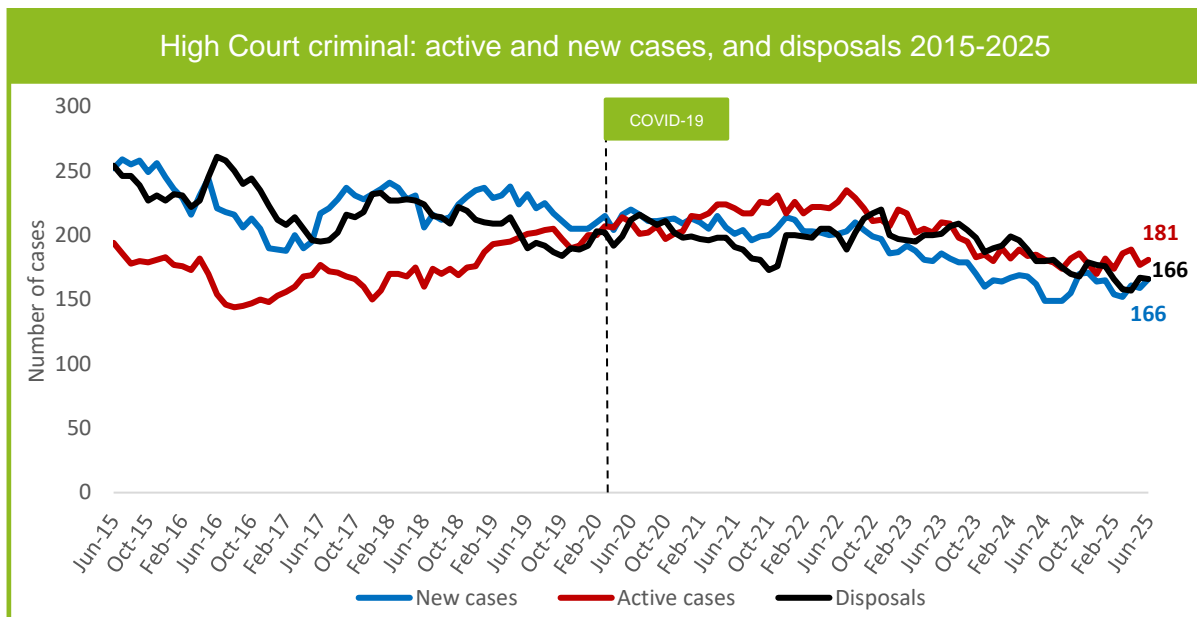
Key Points

- There are slightly fewer active criminal cases compared to ten years ago, but the estimated time needed to complete a case has increased.
- The average number of hearing days required for a jury trial in the High Court has increased significantly in recent years.
- A greater proportion of active cases are now Category 4 (the most serious, such as homicides).
- Despite significant efforts, COVID-19 caused delays to scheduling jury trial hearings, causing the average age of active cases to increase.

Active cases (cases awaiting trial or sentencing) in the High Court have declined somewhat over the past 10 years, as shown by the graph below. Active cases did increase from mid-2020 to peak at 235 cases by July 2022, as COVID-19 impacted on jury trials despite best efforts to accommodate them safely. Over that whole ten-year period, however, the rolling average number of active criminal cases has reduced by 7% to sit at 181 cases as of June 2025.

Both the number of new cases coming into the system and the number of disposals have reduced (to sit at 166 for both categories as of June 2025).

³⁴ Trend information by jurisdiction is drawn from: Ministry of Justice. *Court timeliness 2015-2025*. Unpublished document. In this section, data referring to active cases or applications is measured at month-end. Numbers for new cases, applications or disposals are rolling totals drawn from the previous 12-month period. For aged cases or aged applications, the figure used is a rolling total of the age of cases or applications counted at that time, expressed as an average.



Source: Ministry of Justice

The composition of cases has changed over the last 10 years, with a greater proportion of cases being Category 4, and the average time to hear a High Court case increasing from 14 to almost 18 days. Category 4 cases grew by 101% from 2015 to 2025, and now make up 80% of the active caseload, compared to 37% 10 years ago. Category 3 cases in the High Court declined by 70% in the same period.³⁵

A range of factors are thought to be contributing to the longer timeframes, including more complex needs on the part of defendants, and more time needed before and during trials due to the impacts of advancing technology, forensics, and specialist reports. A rise in multi-defendant trials is also likely to be a factor. In some centres, a lack of suitable courtrooms for holding jury trials is a problem.

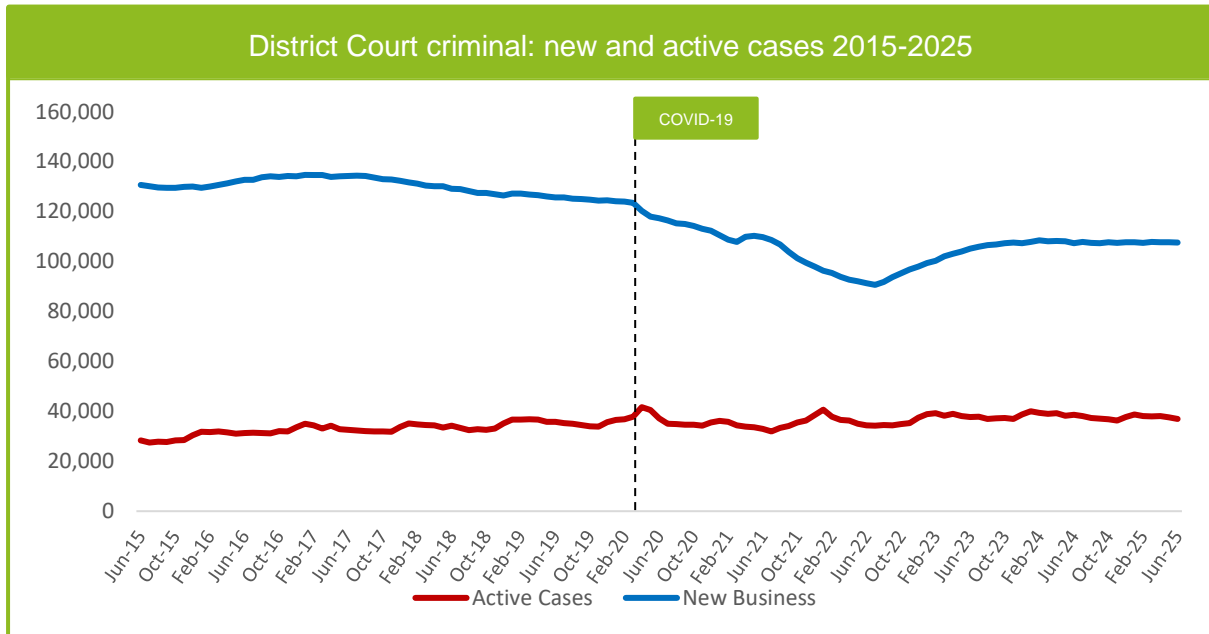
Criminal: the District Court

Key Points

- Overall, the number of new cases entering the system has declined in the past 10 years.
- There are, however, more active criminal cases in the District Court now compared to 10 years ago, and the composition of cases has changed.
- The number of events (steps within the process) required to dispose of a case has increased, creating delays and backlogs.
- The drivers of these additional events included more people electing jury trials, later guilty pleas, and an increase in adjournments.
- The Timely Justice Action Plan, overseen by the Judiciary and led by the Court's Central Registry, is showing promise at improving timeliness and addressing backlogs.

³⁵ The drop in Category 3 cases during this period can be traced in part to the removal of the Three Strikes legislation, as previously some Category 3 cases were required under this legislation to be heard in the High Court. With the Three Strikes regime being reinstated in June 2025, we expect Category 3 cases to increase again in the High Court.

While the number of active criminal cases has reduced in the High Court, the opposite has happened for the District Court. Over the past 10 years to 2025, active criminal cases in the District Court increased by 31% - from 28,312 to 36,998.



Source: Ministry of Justice

The net increase in active cases is due to a higher proportion of serious cases and an increased number of events per case. COVID-19 caused delays but both new cases and disposals have increased since the pandemic.

We have seen a significant change in the composition of criminal cases in the District Court, with Category 3 cases increasing to 63% of the overall workload and average events per case increasing by 44%. There are several factors contributing to the increase in both the number and length of active cases:

- **More defendants electing jury trials**, requiring more time and resource compared to judge-alone trials. Jury trial election rates increased from 25% in June 2015 to a peak of 35% in January 2022, to sit at 34% by 30 June 2025.
- **Defendants pleading guilty later in the court process**, resulting in more events and more resources being required. When pleas are entered earlier, this requires fewer case events and less administration, and cases are dealt with more quickly. The proportion of pleas entered in the earliest stage (the admin stage) has decreased from 79% in June 2015 to 66% in 30 June 2025, while the proportion of pleas entered in the review stage increased from 14% to 25%, and from 6% to 9% in the trial stage over the same period.
- **More court events were adjourned** due to parties not being ready to proceed. Case review hearing adjournment rates have increased from 18% in June 2015 to 20% in 30 June 2025. Hearing adjournment rates for judge-alone trials have remained reasonably steady at 31% across the same period.
- **Additional days between events have increased** due to insufficient resources to administer the workload requirements.

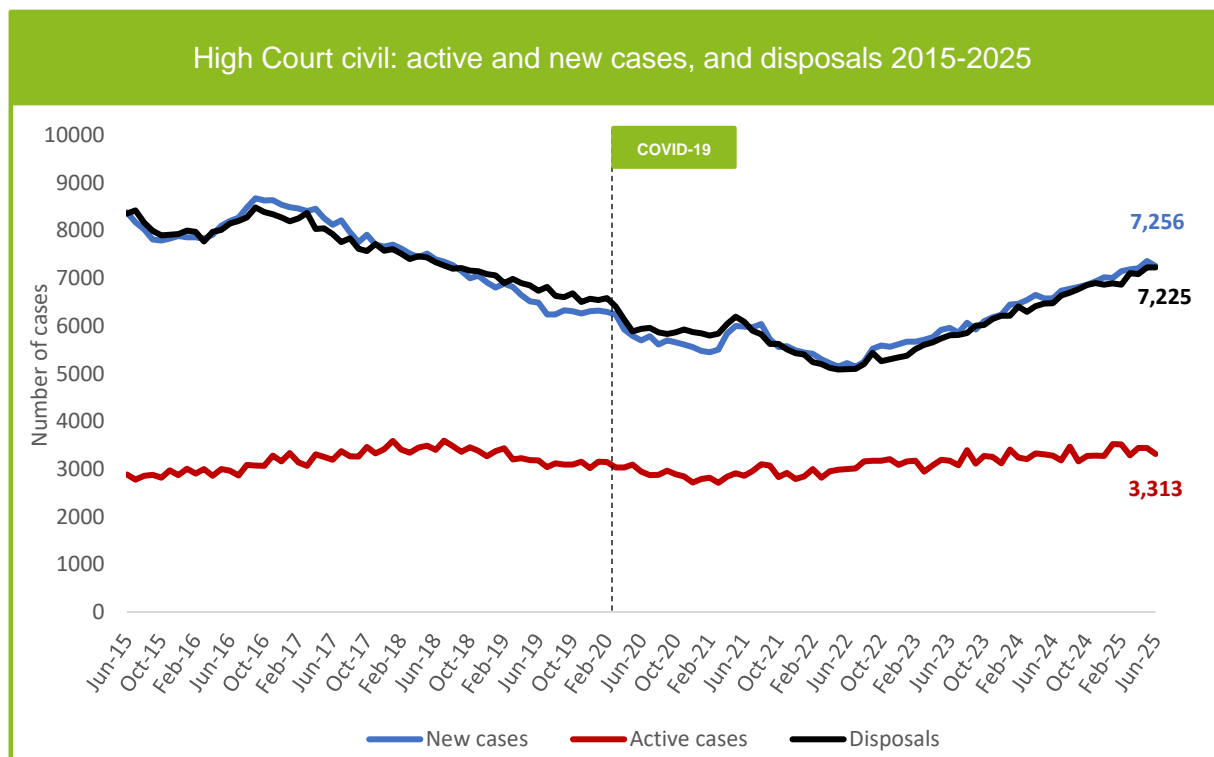
Efforts have been made to get on top of this growth. The Timely Justice Action Plan started in Auckland (the busiest area for the District Court) and is now being rolled out nationwide. It is getting results and showing that progress can be made on timely access to justice.

Civil: the High Court

Key Points

- New civil cases in the High Court had been declining up to July 2022, but have increased steadily since then.
- Over the past 10 years disposals have largely kept pace with new cases.
- Overall, the number of active cases has remained reasonably static over the past 10 years.
- The increase in both new cases and disposals appears mostly driven by insolvency.

Active civil cases in the High Court have risen gradually over the past 10 years, and as of June 2024 sat at 3,313 cases (an increase of 15% over 10 years). New cases and disposals have largely kept pace with one another, as shown in the graph below – and both were declining until July 2022. Since then, the number of new cases has regularly exceeded the number of disposals.



Source: Ministry of Justice

The number of new cases is high, compared to the number of active cases. The effect of this inflow of new business on active cases has been reduced, however, by the high volume of cases disposed of without a defended hearing (such as insolvency and general proceedings cases).

The increase in the volume of civil cases overall has been driven mostly by insolvency cases. From June 2022 to June 2025 new insolvency applications increased by 121% to 2,229, while the disposal of insolvency cases in the same period increased by 117% to 2,231.

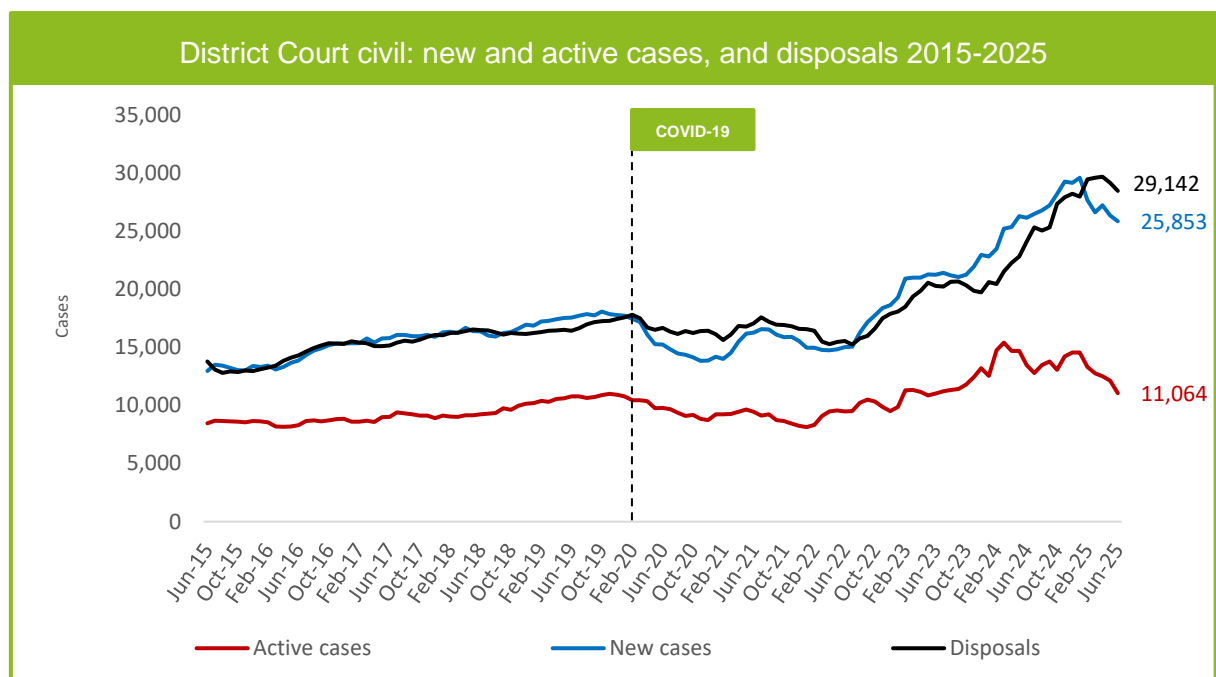
Civil: the District Court

Key Points

- Over the last 10 years to 2024, active civil cases in the District Court have increased.
- Most of that increase has been in the period 2022-2024.
- The significant reduction in average case age in the past year is attributed to the work of the Judiciary and the Court's Central Registry, targeting and disposing of approximately 2,000 cases.

Over the last 10 years, active civil cases in the District Court increased by 30% to a total of 11,064 cases at the end of June 2025. Most of that growth occurred in the period 2022-2024. Since peaking in March 2024, however, active cases have decreased by 20% through to June 2025.

In the period June 2022 through to June 2025, new cases grew by 72% to sit at 25,835 cases. In the same period the disposal of cases increased by 83%, to sit at 28,462 cases.



Source: Ministry of Justice

As of December 2024, the average age of an active case was 207 days, the lowest since November 2018. Since then, the average age has increased slightly and as of June 2025 it sat at 233 days.

The recent significant reduction in the age of cases has been attributed to the Judiciary and the Court's Central Registry targeting and disposing of 2,000 cases. A case management approach was taken to address aged cases in the Auckland metro area, which saw the average age of active cases reduce by 103 days. This was in addition to other case

management initiatives, some of which are mentioned later in this briefing. Active cases managed by the Central Registry account for 91% of the District Court's active caseload.

What's been happening in the Family Court

Family Court applications have increased modestly over the last 10 years, and the composition of active cases and applications has shifted. Family violence, mental health, property, and protection of personal and property rights applications have all increased in volume,³⁶ while Care of Children Act applications, Oranga Tamariki applications, and family proceedings have all declined. Protection of personal or property rights applications show the highest rate of growth, having doubled in the past 10 years.

Active applications in the Court increased from 22,738 in 2015 to 27,088 in 2025 (an increase of 21%). New applications into the system have been fairly stable in the same period, up moderately from 58,829 in December 2015 to sit at 63,146 by June 2025.

This Court's work is also becoming more complex. While the number of applications under the Care of Children Act has not increased, for example, the time taken to resolve them has, because of the increasing complexity.

Among other efforts to improve timely access to justice in the Family Court, new Family Court Associates were introduced in April 2024 in Auckland and Christchurch. These new roles are intended to reduce delays and free up judges' time to focus on hearings and complex matters. Since May 2025, 13 Associates have been working across 17 locations nationwide, making decisions at early stages of proceedings.

More time is needed to understand the effect of Family Court Associates but results to date indicate these new judicial officers are having a positive impact on workflows. Data at the end of June 2025 provides some preliminary outcomes:

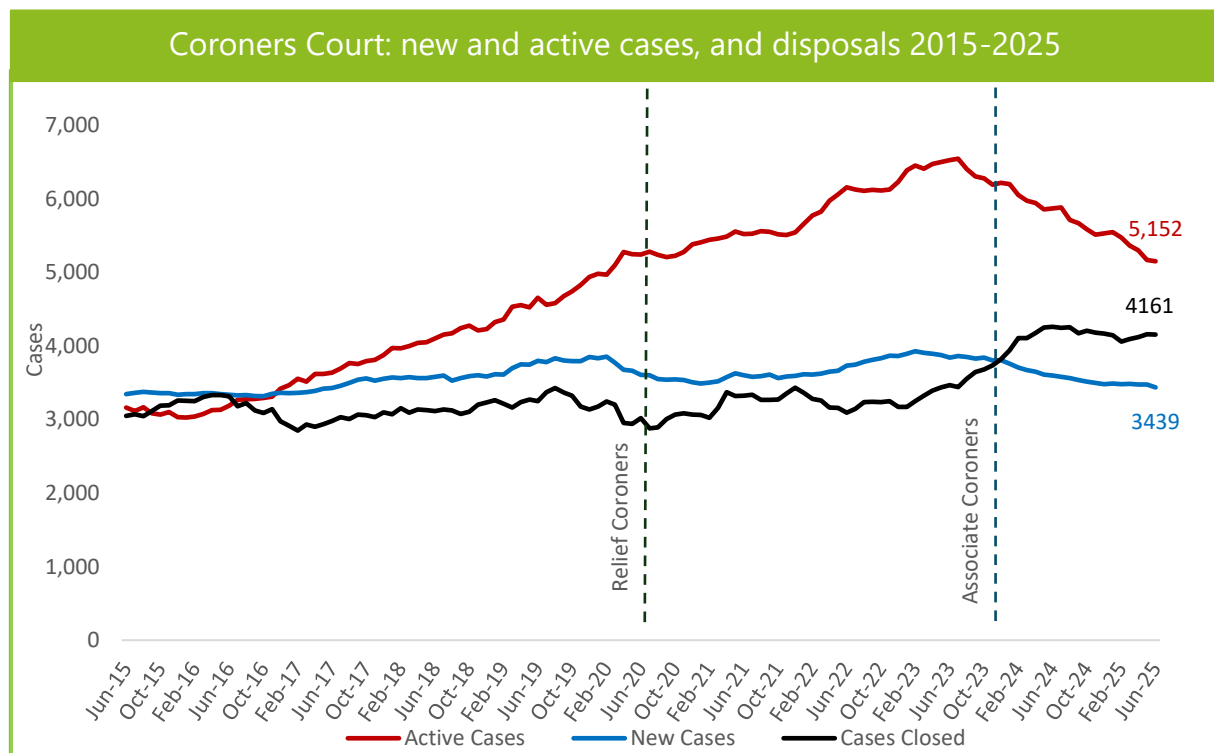
- Judges are on average spending 77% of their time on judge-only issues, compared with 71% before the introduction of Family Court Associates.
- Settlement conferences increased nationally by 43% compared to the same period last year, to 2,186. Family Court Associates completed around half of these.
- Disposals in the courts where the first set of Family Court Associates were based have increased by 4%, or 977 in the year to June 2025, compared to May 2024 before the introduction of Family Court Associates.

What's been happening in the Coroners Court

Active cases in the Coroners Court have increased in the past 10 years, peaking at 6,544 cases in July 2023, but have since reduced significantly.

³⁶ 'Property applications' refers to issues related to property in relationships, while 'the protection of property and personal rights' relates to the capacity of people to manage their own personal or property affairs.

More recently in the 12 months to June 2025, the number of active cases decreased by 12% to 5,152 – back to levels last seen in late 2021. The number of cases closed between June 2023 and June 2025 increased by 20%, to sit at 4,161 in June 2025.



Source: Ministry of Justice

New cases coming into the system also decreased by 10% for the period June 2023 to June 2025, to sit at 3,439. This is a result of initiatives put in place to reduce the number of natural cause deaths being reported to the Coroner.

The increased closure of cases is the result of concerted efforts across the Coroners Court system. These efforts include better case management, the expansion of judicial resourcing (the addition of more permanent and relief Coroners and then new Associate Coroners enabled by a law change in 2023), a new team of Clinical Advisors, improved case progression, and an increased focus on reducing backlog in the second half of 2023.

What's been happening in the Disputes Tribunal

Active cases in the Disputes Tribunal have increased gradually in the last 10 years, but recently disposals have been increasing at a faster rate than new applications.

Over the 10 years to June 2025, the Disputes Tribunal caseload increased 26% to 4,029 active applications (with most of the increase occurring from mid-2022 to mid-2023). Much of this increase is due to efforts to raise awareness of the Tribunal and to improve its accessibility for users. Business and consumer contract applications have increased significantly since December 2021.

More recently, reflecting Tribunal efforts and increased resources, disposals have exceeded new applications. Through to June 2025 the Tribunal received 13,724 new applications and disposed of 13,875 applications.

How do timely justice challenges affect the court system?

Issues around timely access to justice affect the system in a number of ways. **A court system that is perceived as experiencing lengthy delays may reduce trust in the system and deter people from pursuing justice.** Delays can affect outcomes (for example, complainants and applicants choosing to withdraw rather than wait, or witnesses' memories becoming less clear over time). There is also the added stress and trauma for victim-survivors and families if cases are delayed and the process is extended. Delays can materially increase cost for parties and for the system itself. There are other impacts for the court system as a whole, with pressure on the Judiciary, court staff, and facilities, plus flow-on effects for other parts of the system such as legal services, Police and Corrections.

We have learned quite a lot about what causes delays in the court system in the last five years, and what we can do to address delays. In the future, timeliness should be less problematic than it has been recently, as court processes and information management get more efficient.³⁷ Some of the factors contributing to delays are more fundamental, however, and responses to those factors will need ongoing discussions between the Judiciary and the Executive.

The cost of running the court system and justice services

In New Zealand, the Executive manages funding for the court system, associated fine and penalty collections and justice services. Changes in funding are approved by Parliament through the annual Budget process. The Executive has a constitutionally significant responsibility to ensure that sufficient resources are available to ensure an accessible and effective justice system.

The cost of running the courts and justice services was about \$1.6 billion in operating funding in the 2024/25 Financial Year.³⁸ **Over the past five years, funding for the courts and justice services more broadly has increased by 41%.** The largest costs of this human-centred (and primarily in-person) system are:

- \$692 million for the day-to-day running of the courts, including funding for Ministry employees (contributing 16% of the overall 41% increase)

³⁷ Note that the picture is complex, however, so we may have more information on this in our final Long-term Insights Briefing.

³⁸ Based on figures for the 2024/25 Financial Year, excluding Crown Entities and other non-court-related spend. This also does not include the cost of Crown and Police prosecutors, which are covered in Vote Attorney-General and Vote Police respectively.

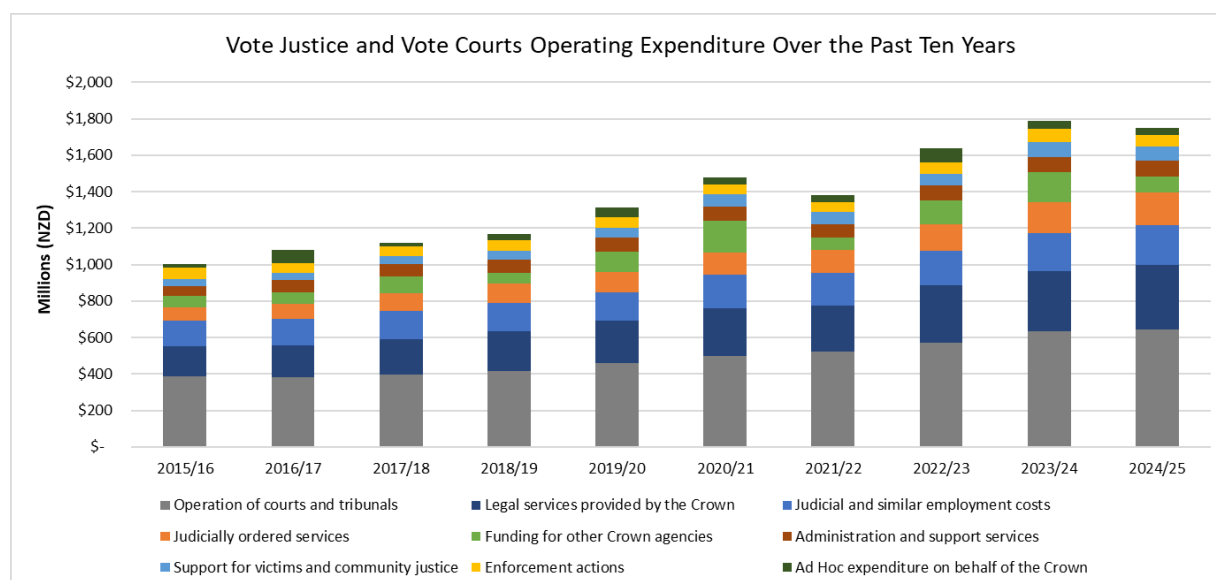
- \$368 million for legal services (10.4% of the overall increase), which includes \$305 million for legal aid and \$46 million for the Public Defence Service
- \$191 million for remuneration for judges and other judicial officers (6% of the overall increase)
- \$179 million for judicially ordered services (6% of the overall increase). This includes technical experts to support judges' decision-making (such as mental health assessments), and court-ordered services (like psychologists and court appointed lawyers)
- \$70 million for community-based assistance or resolution services (2% of the overall increase).

We also manage a portfolio of court buildings with a replacement value of around \$8 billion.

Several factors have contributed to the recent cost increases:

- general inflation and market-driven pricing (this includes costs for maintaining assets and contracting service providers)
- policy settings that determine inflows into the courts and how they are dealt with, and investment in technology and infrastructure (such as Te Au Reka)
- expanding the legal aid scheme to make it fairer and more accessible, so more people who need legal representation can access it
- responses to changes in the types of cases, including backlogs and more serious and complex cases (as outlined in earlier in the Briefing).

This graph outlines these changes, and we provide a bit more detail on some of the key increases:

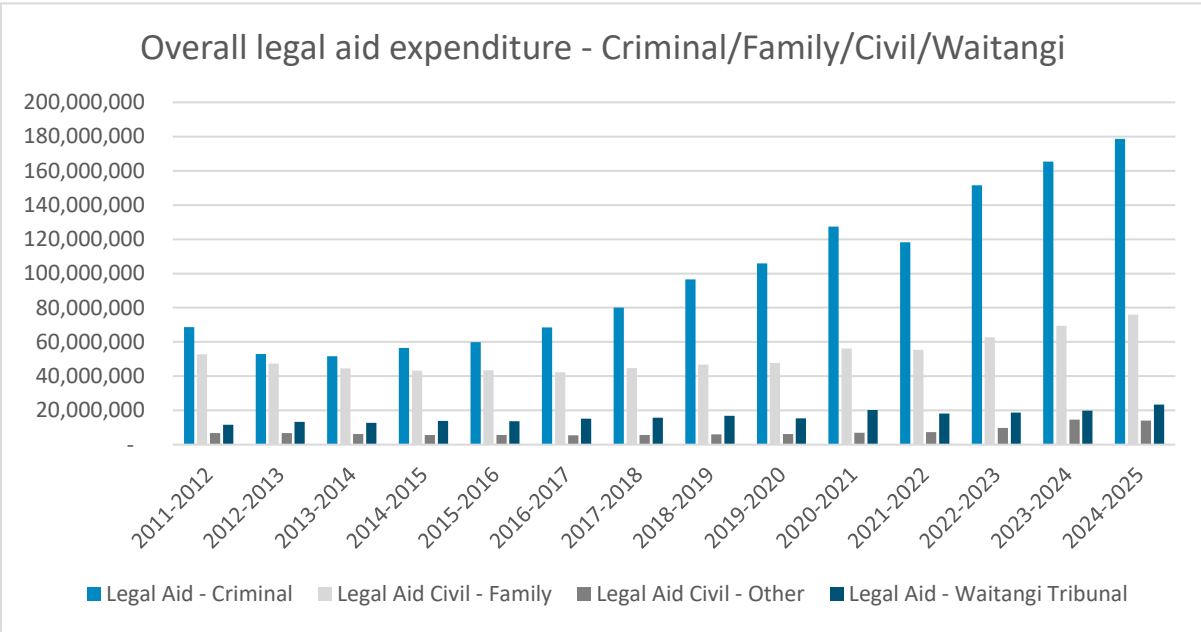


Source: Ministry of Justice.

The significant increase in the costs of judicially ordered services has largely been driven by volume and price changes over time. These services include lawyer for the child, supervised contact, and interpreters. They also include third party and specialist reports (including alcohol and other drugs, and mental health reports). We heard concerns during

consultation about the length and complexity of these reports and the length of time some of them are taking to prepare.

Legal aid costs have increased significantly, with most funding allocated to criminal cases. These cost increases are due to longer and more complex cases, adjustments to eligibility, and adjustments to remuneration for legal aid lawyers. While criminal cases make up the great majority of legal aid grants (62,014 in 2024), civil cases have the highest growth in applications granted (from 952 grants in 2016 to 2,478 grants in 2024).³⁹ **Increased funding in the Public Defence Service, which also provides criminal legal aid defence services,** was similarly driven by demand and adjustments to remuneration.



Source: Ministry of Justice

The Ministry has also incurred cost to implement initiatives to address timeliness and improve the experience and safety of those in the system. This includes decisions to increase security staff in the courts, or to provide more navigational support, such as Kaiārahi, Family Court Associates and victim advisors. There have also been personnel increases to deliver significant initiatives, such as Te Au Reka and Te Ao Mārama, or to address specific backlogs, such as the Associate Coroners. Most court staff are also covered by collective bargaining, which is negotiated every couple of years. We anticipate that staffing levels will need to be maintained or slightly reduce over time based on current policy settings.

While there have been substantial funding injections in recent years, they haven't turned the tide on the growth in costs. Some of these investments are starting to bear fruit, and we expect to see further efficiencies flow from them in coming years. Far-reaching action will be required, however, to fundamentally affect the affordability of the court system.

As with other sectors, there has been historical underinvestment in court infrastructure and many buildings need significant maintenance and renewal. In the last three years, the Ministry has significantly lifted performance across its property portfolio

³⁹ Ministry of Justice. *Legal aid data table, total grants and expenditure*. Unpublished document.

– increasing investment, improving the condition of assets, and speeding up project delivery. We have a clear investment pipeline, supported by a comprehensive 30-year property plan, which outlines the scale and timing of the investment needed to maintain and modernise the courts property portfolio. Our planning demonstrates, however, that while we are fully reinvesting available depreciation funding, this is not sufficient to meet future demand, address ageing infrastructure, or reduce risk across the network. We are exploring alternative delivery and funding models – but the financial challenge remains considerable.

While there are cost recovery mechanisms and fees, these have only a minimal effect on covering the overall costs of the court system. Legal aid is recoverable, meaning it is treated as a loan, but many recipients – especially in criminal cases – do not repay it. New legal aid debt is established each year, and only a small percentage of it is collected.⁴⁰ Since 2011, on average \$17 million has been recovered per year.

We collected about \$33 million in fees in 2024. Fee settings need to be carefully calibrated to ensure they maintain appropriate access to justice and reflect the public and private benefits. People convicted of a crime are usually expected to pay court costs of up to \$148 on each charge, an offender levy of \$50, plus any fees relating to accessing certain documents. A new civil fees framework was established in 2012 to streamline the fee structure, and fees were recently increased to reflect inflation.

Financial barriers and unmet legal need

The cost of participating in court processes may be preventing people with genuine need from entering the system.

A key barrier cited in the submissions we received and our workshops is cost. Many people do not recognise the legal nature of their problems or understand the options available to respond to them. They require help to understand their issue or some legal advice. There are free legal advisory services available nationwide that will help people understand their options, but to progress a case, most people require a lawyer. Engaging a lawyer, however, is unaffordable for many people, particularly for protracted legal processes. There are also indirect costs to using the court system that aren't funded (such as travel, taking time off work and childcare), which can be prohibitive for people on low incomes. We know from the Legal Needs Survey that people of low incomes are disproportionately likely to experience legal problems.

There is a general affordability problem with accessing civil justice. In a recent review of ways to improve access to civil justice, submitters (including academics, individual lawyers, professional bodies, and community organisations) agreed that litigation 'has long

⁴⁰ Ministry of Justice. 2025. *Triennial Review of Legal Aid Discussion Document*. Wellington: Ministry of Justice, p.8.

been perceived as beyond the financial reach of most New Zealanders'.⁴¹ Several reasons were cited for this, including the sheer expense of obtaining legal representation.⁴²

The 'justice gap' between the jurisdictions of the Disputes Tribunal and the District Court for civil disputes will soon get smaller. Lower value claims can be heard by the Disputes Tribunal at a lower cost to the applicant. The value of claims the Disputes Tribunal can hear is currently up to \$30,000. An amendment bill is before Parliament to increase this to \$60,000. This should decrease the 'justice gap' for claimants who wish to raise mid-value civil claims – claims that are larger than the Dispute Tribunal's jurisdiction, but not large enough to be economically viable in the District Court.⁴³ The impact of this amendment will need to be monitored to understand what further 'gap' remains in practice. Further thought also needs to be given to the costs incurred by successful claimants who have to chase payments that the Disputes Tribunal has decided are owed to them.

Fees are a useful tool to keep vexatious and ill-advised claims to a minimum. Fee levels, however, particularly in the civil jurisdiction, can influence people's decision to access justice. To an extent, this is by design, reflecting the private benefit that comes from undertaking court proceedings. Some courts and tribunals offer fee waivers for those who apply and meet the criteria, but for those who don't know to apply for or who don't qualify for waivers, fees remain another cost of entering the system that may be prohibitive for some people.⁴⁴ There are also currently no regulations to enable fee waivers for some courts (for example, the Employment court).

Legal aid

The legal aid system is not universally understood and is less known, for example, among young people, ethnic communities, and tenants.⁴⁵ Nevertheless, there continues to be increasing demand for legal aid, particularly for civil issues.

The overall impact of the funding settings for legal aid is that many applicants will not qualify for legal aid, and nor will they necessarily be able to find a lawyer if they do meet legal aid requirements. Legal aid decisions are based on financial thresholds and the specific nature of the case. For civil legal aid eligibility, the threshold is an annual income of

⁴¹ Rules Committee. 2022. *Improving Access to Civil Justice*. Wellington: Rules Committee, p.6.

⁴² One submitter noted that the average charge-out rate for employed lawyers rose by 8.4% from 2015-2016, while the median weekly income rose by only 3.4% over that same time (Rules Committee. 2022. *Improving Access to Civil Justice*. Wellington: Rules Committee, p.7).

⁴³ The upper limit at which claims in the District Court become viable is not clear. Submitters to the Rules Committee estimated between \$100,000 and \$500,000.

⁴⁴ For a discussion of the role court fees play in civil justice accessibility, see Winkelmann J. 2014. *Access to Justice - Who needs lawyers?* Online: Courts of New Zealand.

⁴⁵ Ministry of Justice. 2018. *Legal needs among low income New Zealanders*. Wellington: Colmar Brunton, pp.13-14.

\$28,444 or less for a single applicant, well below the minimum wage salary equivalent of \$40,566. Some exceptions can be made to these thresholds in special circumstances. Legal aid is also provided on an “all or nothing” basis. Co-payments, where people would pay a portion of their legal costs alongside legal aid, are not part of our current funding model.

Funding settings for legal aid are also disincentivising lawyers from choosing to work in public defence and Family Court. A Law Society survey in 2024 indicated that overhead costs for legal aid providers were 39.8% higher than non-legal aid providers, likely due to additional processes and requirements. Increases in legal aid rates have not kept up with these rising costs over time.⁴⁶ Research in 2021 indicated that 25% of legal aid lawyers said they would do less legal aid work in the next 12 months, despite high job satisfaction. Of these, 58% said this was due to inadequate remuneration. Half of all legal aid lawyers said that on average they were not paid for 48% of the hours they worked in their last legal aid case.⁴⁷

We heard through submissions that it is proving difficult to service demand for legal aid in certain regions, particularly in rural areas. We were told that justice services such as community law centres, which are generally only meant to advise people that they have a legal issue and what they can do about it, are increasingly providing direct legal support to plug this gap. It was also suggested that legal aid funding settings may have created an unintended incentive to prolong cases and increase the number of steps, in order to maximise remuneration.

People working in the court system told us that because of these funding settings, people were increasingly representing themselves in court. They told us that this was contributing to court delays because people struggle to organise their arguments and evidence. Other people, with serious issues to sort out, were giving up on pursuing them, feeling the court system is unaffordable. Some submitters talked of the ‘David and Goliath’ position of individuals trying to sort out civil disputes with big companies, whose deep pockets can drag out processes until the applicant’s funds are exhausted.

It is difficult to determine the scale of unmet need due to unaffordability, given that justice sector data does not capture issues that don’t make their way into the court system. Survey information, however, can provide some insights here.

The 2024 Legal Needs Survey showed a third of respondents had experienced a legal issue in the last year.⁴⁸ Of those, 35% of people said their issues were resolved by agreement, which is a good thing, but 22% gave up on getting resolutions for their issues. Only 6% of issues involved either an application to a court or tribunal, or the use of a professional

⁴⁶ KPMG. 2024. *Benchmarking costs of law practice in New Zealand*. Wellington: New Zealand Law Society pp.4-5.

⁴⁷ Kantar Public. 2021. *Access to Justice Research 2021: Prepared for the New Zealand Law Society*. Wellington: Colmar Brunton, p.5.

⁴⁸ Ministry of Justice. 2024. *Access to Justice: 2023 Legal Needs Survey*. Wellington: Ministry of Justice, p.8.

mediator or arbitrator,⁴⁹ leaving a potentially wide gap of unresolved (or unsatisfactorily resolved) issues. Of people who had considered applying to a court or tribunal but had chosen not to, 21% felt that the costs or resources they would need to put into the application would not be worth it. A further 10% felt it would be too stressful or would affect their mental health.⁵⁰

Research into why many women do not pursue family violence claims in the Family Court also sheds some light. Of 612 violence and abuse survivors surveyed by the Backbone Collective in 2017, 116 did not use the Family Court. Efforts to understand why not found the most common reasons were fear of their abuser's reaction, fear that they and their children would not be safer, and that they could not afford legal fees.⁵¹

⁴⁹ Ministry of Justice. 2024. *Access to Justice: 2023 Legal Needs Survey*. Wellington: Ministry of Justice, p.73.

⁵⁰ Ministry of Justice. 2024. *Access to Justice: 2023 Legal Needs Survey*. Wellington: Ministry of Justice, p.79.

⁵¹ The Backbone Collective. 2017. *Out of the Frying Pan and into the Fire: Women's Experiences of the New Zealand Family Court*. Online: The Backbone Collective, p.8.

Other trends that will affect the courts

Technological advancements

Remote participation via audiovisual technology is widely used within the court system. The digitisation of court records is underway. **We can expect new and emerging technologies to have a significant impact on the way courts operate in the next 20 years.** New uses for AI, in particular, are being developed faster than we can predict.

Court-specific AI tools are being piloted across the world,⁵² and we are already exploring the use of AI tools to improve administrative processes and system navigation (including speech-to-text conversion for court transcripts and easier access to online information). Given how fast AI is developing, it is likely that in coming years we will see the development of AI tools aimed at tailoring support services to specific users, and possibly even facilitating lower-level dispute resolution. We can barely imagine what AI will make possible over a 20-year timespan.

Given the rapid pace of change and increased use of new technologies in the court system, digital exclusion is likely to be ongoing for some court system users. The 2023 Access to Justice survey noted that 96% of respondents could easily access the internet, but 4% could not.⁵³ Vulnerable groups experience lower access to the internet: 12% of households with annual incomes of less than \$30,000, 13% of disabled respondents, and 18% of those over 75 years said they don't have easy access. The court system will therefore need to continue planning and maintaining access for digitally excluded people for some time to come.

Technological change is creating new threats to the operation of the courts, including misinformation, manipulation of evidence, and privacy breaches. It will become harder and harder to discern real from fake, leading to potential miscarriages of justice. The court system will need to respond to the increasing use of technology that directly challenges the veracity and safety of information.

The types of evidence the court system needs to deal with are also becoming more complex, and the sheer volume of evidence is increasing, driven by electronic material. DNA analysis, CCTV footage and mobile phone tracking are major contributors to this but the increasing use of technology in crime is another. Financial cybercrime, and

⁵² The European Council's Resource Centre on Cyberjustice and Artificial Intelligence captures existing international tools and systems. A range of legal technology providers also offer AI services.

⁵³ Ministry of Justice. 2024. *Access to Justice: 2023 Legal Needs Survey*. Wellington: Ministry of Justice, pp.140-141.

predation through AI-generated deep fakes are examples of technology providing new variants on existing crimes such as theft, exploitation, and extortion. The greater use of technology drives more complexity in cases and the need for technical experts to provide support. New Zealand is not alone in these challenges. In the United Kingdom, for example, new forms of evidence have contributed to longer trials, with jury trials in particular now taking twice as long as in 2000.⁵⁴

Crown Law's parallel Long-term Insights Briefing looks at some of these challenges in more depth for Crown prosecutions.

Climate change, natural events, and global pandemics

Previous insights briefings have highlighted New Zealand's diverse risk profile as a small, natural hazard-prone country,⁵⁵ and in recent history we have experienced significant impacts on court operations due to natural disasters and COVID-19.

Court system data for the period from 2020–2023 show the effects of COVID-19 on the courts, with a significant drop in cases, followed by a general increase across the board as the system sought to deal with the backlog in cases.⁵⁶ Jury trials were especially affected, due to the need for juries to work in close proximity. Many operational and technological changes made in response to COVID-19 have proven useful enough to keep, however, especially improvements to remote participation.⁵⁷

The extreme weather events of early 2023 also disrupted court work in Auckland, Northland and on the East Coast. Jury trials were suspended in some hard-hit places and work had to be reallocated to other courts to manage the delays.

As the likelihood of these events increases, due to global warming and other factors, we will need to consider how the design of court infrastructure and service delivery can incorporate a higher degree of resilience.

⁵⁴ Leveson, J. 2025. *Independent Review of the Criminal Courts: Part 1*. Online: UK Ministry of Justice, pp.5, 27, drawing on UK Ministry of Justice statistics.

⁵⁵ Security Intelligence Board. 2023. *Let's talk about our national security: National Security Long Term Insights Briefing*. Wellington: Department of Prime Minister and Cabinet.

⁵⁶ Ministry of Justice. *Court Timeliness 2019-2024*. Unpublished document.

⁵⁷ Courts of New Zealand. 2023. *Chief Justice's 2023 Annual Report*. Wellington: Courts of New Zealand, pp.39, 64-65.

What great would look like

The Ministry is working towards three outcomes for justice in New Zealand. These are a justice system that:

- is trusted and legitimate
- is accessible and effective
- contributes to a safe and prosperous society.

Our short-term priorities may change, but these are the enduring outcomes we are seeking for the system.

For the court system, as well as these enduring outcomes, we are looking to achieve some specific things:

- a court system that can be easily navigated and that provides appropriate pathways depending on people's needs and the inherent risk in their issues
- a court system that delivers timely access to justice for its users
- a court system that delivers justice efficiently and more affordably for the user
- a court system that is safe for all participants
- a court system that is resilient to demographic and technological changes and to unforeseen shocks.

These things need to be delivered in a way that doesn't compromise core judicial expectations of the court system, such as fair justice.

When we workshopped long-term future scenarios in the development of this Briefing, **we found little disagreement about what an improved court system would look like.**

Essentially, pretty much everyone we spoke to wanted to see a system that is efficient, easy to use, affordable, fair, safe, and resilient.

The challenge is how to get there.

Some significant initiatives that will help

Te Au Reka: a platform for change

Te Au Reka is a new digital process and case flow management system, which moves the court system away from many of the current manual, paper-based processes. It will automate some of the courts' case flow and digitise records, which will provide a faster and more efficient means of searching and managing case files over time. Te Au Reka is being developed in three phases, starting with the Family Court. This will be followed by two further phases covering the rest of the District Court and the High Court, then the Supreme Court, Court of Appeal, the appeal function for the District Court and High Court, the Environment Court, Coroners Court and the Disputes Tribunal.

We expect Te Au Reka to be a big step forward in strengthening the capability of the court system. Moving many manual court processes onto a digital platform should increase both efficiency and productivity, simply by removing much of the manual handling. Te Au Reka will support better case management, judicial decision-making, and day-to-day court and tribunal management. It will also enable many future process and technology-based innovations that are not currently possible. Once Te Au Reka is successfully embedded in the court process, there will be opportunities to introduce more sophisticated approaches to our work. We anticipate additional workflow automation, for example. Court records will be much easier to search, and we will be able to analyse them for trends and patterns. In turn, that might allow us to develop better tools, like navigation tools for users.

Timely access to justice initiatives

In addition to Te Au Reka, the Judiciary and the Ministry have other work underway that seeks to improve timely justice and the efficiency of the courts. Some of these initiatives include:

- **The Timely Justice Action Plan:** this action plan seeks to speed up the progress of criminal cases in the District Court, with an initial focus on the Auckland region, where backlogs were acute. It includes the Chief District Court Judge's 2024 Timely Access to Justice Protocol, which sets the standard that 90% of criminal cases should be disposed of within category-based timely justice thresholds. Timely Justice Action Plan initiatives are now being implemented around the country. Since the action plan was launched in February 2024, we have been seeing improved timeliness and reduced backlogs, particularly in the Auckland metro area where a number of initiatives were piloted first.
- **Remote Participation:** a first principles review of the Courts (Remote Participation) Act 2010 is underway. This considers the requirements for a modern, fit-for-purpose remote participation regime.

- **Civil procedure reform in the High Court:** the Rules Committee has updated High Court civil procedure to provide a streamlined and faster pre-trial process, with the aim of reducing the costs of civil proceedings to the parties and providing more timely access to justice. These changes will be implemented from the start of 2026.
- **Auckland Commercial List:** a commercial list will be introduced later this year in the Auckland High Court, also with the aim of speeding up civil cases.

Also relevant here is the **development of new courthouses in Tauranga, Whanganui and Papakura**. The design of these new facilities aims to increase flexibility, in order to better serve current and future needs, and to better meet safety concerns. The Chief Victims Advisor is involved in the design for these developments.

Experiments with AI are showing promise

Based on the success of recent pilots, in the short term, the Ministry intends to **incorporate the use of AI and automation tools into our day-to-day administrative processes** where they are proven to deliver efficiencies, support fair and equitable access to justice, and offer the best value for money.

The Ministry undertook several short AI pilots in the past year that trialled tools to:

- search our website
- summarise tribunal decisions
- draft emails and reports, and undertake searches
- use a chatbot to automate self-service IT requests
- assist helpdesk workers with knowledge base searches.

We learned from these pilots that, where the technology meets specific business need, **readily available AI tools can be incorporated into business-as-usual activities** to speed up some administrative court tasks and allow staff to focus on more complex work. We will of course need to consider the relative costs and benefits of AI tools over other options, and what is needed to ensure successful implementation, including upskilling of the court workforce.

Te Au Reka lays the groundwork for introducing AI and other digital technologies over time, so its successful implementation needs to remain our priority in the short to medium term.

These initiatives will help manage system costs

Initiatives we currently have underway around timely access to justice, and a move towards greater digitisation and automation (starting with Te Au Reka) will help to lower operational costs and improve efficiency over time. Some of these initiatives are well-advanced and having a positive impact already on the current timely access to justice and volume issues in the court system.

Te Ao Mārama: bringing the District Court closer to the community

Te Ao Mārama – Enhancing Justice for All is **a significant programme led by the Judiciary that partners with iwi and communities** to provide wraparound services, and to ensure that participants better understand and take part in judicial proceedings. This approach is expected to improve outcomes and reduce users' confusion about court processes. With its connection through to the community, and its wraparound support for those in the system, Te Ao Mārama should also deliver dividends for improved trust and confidence in the courts.

Te Ao Mārama will reduce some of the complexity in the system by bringing a more consistent framework to the District Court, reducing the diversity of specialist courts and standardising some of the general guidance. The programme is being implemented initially in eight District Court locations.

We have some live work on affordability for users

The Ministry is undertaking **a review of legal aid**. The aim of this review is to ensure the legal aid scheme is efficient and sustainable, while also promoting access to justice. The review will look into the sustainability of the scheme, including eligibility, workforce issues and cost allocation. This work should improve affordability for court system users.

The Ministry is also pursuing ways to enable the resolution of cases outside of court - where appropriate - which should enable more cost-effective dispute resolution. For instance, the Ministry is working on a new business dispute resolution process, to provide businesses with a quicker way to resolve disputes. Around four in 10 businesses surveyed in 2023 had experienced at least one issue or dispute over the past year (the most common being consumer debt or late payments, and customer complaints).⁵⁸ The new proposal is for an adjudication process like the one used in the construction industry under the Construction Contracts Act 2002.

And some work underway that will help with system complexity

We are starting to tackle the legislative framework, in small ways. The Ministry is identifying areas in legislation where procedural requirements seem excessive and could be simplified. This now forms part of our ongoing stewardship work on how courts and tribunals function. A number of these types of changes are included in the Regulatory Systems (Courts) Amendment Bill, the Regulatory Systems (Tribunals) Amendment Bill, and the Judicature (Timeliness) Legislation Amendment Bill, which are working their way through the legislative process.

⁵⁸ Ministry of Justice. 2024. *Access to Justice: 2023 Business Survey*. Wellington: Ministry of Justice, p.6.

Experimental approaches are live in dealing with family violence cases. A pilot has recently been run in the Christchurch Family Court and another is underway in the Manukau Family Court, which aim to address the complexity added by family violence to other Family Court and/or criminal proceedings. The pilots focus on the complexity of issues that court users are dealing with, but also how the different courts communicate and share information about current cases, and the information available to court users to navigate court processes.

What other big things might help?

This section looks at six big strategic choices for decision-makers on how the court system could operate in future.

Option 1: We could try to find ways to address unmet need

Although we can't quantify it precisely, the combination of cost, system complexity, and barriers suggests there is considerable unmet legal need in New Zealand, especially for civil issues.

Affordability is a key issue here. Although very costly to the state, the legal aid scheme is available only to people with very low incomes. For everyone else – unless they are quite wealthy – the cost of taking any protracted legal issue to court is unlikely to be affordable.

It would be possible to change this picture through a reconfigured legal aid scheme and considering co-pay arrangements. Increasing funding for legal advisory services in the community would also help, given legal aid is limited to proceedings that are either in progress or likely to progress to court. Work would need to include a deep dive into the remaining 'justice gap' between the District Court and Disputes Tribunal. It could also usefully include a look at ways to ensure compensation awarded by the Tribunal is paid.

Improving access to justice promotes better social outcomes. It is not equitable or good for social cohesion for justice to be out of reach for a significant part of the population. Expanding access, however, means more capacity would be needed in the system to handle this extra work – and the system is under strain as it is. A push to address unmet need would need to be pursued in parallel with court system reforms, with a view to expanding capacity in the lower levels of the system, and – in particular – expanding alternative dispute resolution.

Option 2: We could undertake structural reform to the court system

We heard during consultation that there had been **a lot of innovation in the system in recent decades**, but that the time had probably come to start rationalising experimental approaches and initiatives and focusing on what will most effectively deliver justice. There were also calls to consolidate the multiple laws and regulations that provide the architecture for the court system, and to build more futureproofing into them (reducing the need for review when, for example, a new technology emerges).

There was a lot of support for expanding the cheaper, easier-to-use pathways to justice, the tribunals and alternative dispute resolution. People did, however, want these pathways to be more consistent and to hold sufficient weight (so that people can, for example, collect money owing to them after a decision). We heard calls to rethink the alternative dispute resolution framework at quite a fundamental level, and to consider bringing tribunals into a more coherent structure with the courts. There was also support for exploring new, low-key community-level interventions, where people could get local help to sort out their problems. A key concern for advocates in any redesign was ensuring that no pathway led to further trauma or coercion.

Some level of complexity and specialisation is always going to be a feature of the court system. The design of system settings and operational policy, however, could help to shape the future level of support users might need. Some direction-setting choices would need to be considered:

- what legal issues really need to go before a court, what could go to a tribunal, what could go to an alternative dispute resolution process, and what could be managed outside of the court system entirely
- whether there is appropriate capacity at each level of the system to deal with that work
- whether to build on the approach of Te Ao Mārama and work to bring the court system closer to the community
- how much effort (and money) should go into simplifying the court system, and how much into helping users to navigate the system.

The court system could be simpler. In an ideal world, the court system would resemble a pyramid, with the most serious and complex cases at the top, followed by a reducing scale of case or complexity applied across other layers:

- The top of a pyramid would comprise the most expert adjudicators (judges). Their time would be dedicated to the most complex and precedent-setting matters
- Below them, forming a broader layer, would be other judicial officers handling more straightforward matters that were still appropriate for court consideration
- The next, even broader, layer would be the tribunals, handling matters that don't need to go to court⁵⁹
- Finally, there would be other forms of dispute resolution available to help those who need a bit of support to sort out their problems.

This would be in keeping with the broad design principle for public services, that the most expensive or intensive interventions are targeted where they are most needed.

New Zealand's court system currently looks a bit like this, but not all work is in the right place and there isn't adequate capacity at all levels. Thought has been given in recent years to ways to improve matters. The thresholds for what issues need to be considered by the courts have been adjusted, for example, to try to push some less complex work down through the system. A range of judicial officers like Family Court Associates has

⁵⁹ This is a broad-brush categorisation. In reality, some tribunal personnel are judges or other judicial officers, so there is some blurring across the layers.

also been introduced to free up judges' time for complex matters. These new judicial officers have been introduced largely to deal with problems in particular jurisdictions, however. There is scope to consider how they fit together to support the system.

There are opportunities to go further, including through review of the legislative framework that governs the court system. It could be worth undertaking a first principles review of this legislative framework, consolidating the various statutes as appropriate.

The tribunals need reform. We have a large number of specialised tribunals in New Zealand. Some have little active business, while others are struggling with their workloads. The Law Commission has proposed simplifying the structure of the tribunals.⁶⁰ To date, only limited aspects of the Law Commission's suggestions have been progressed. It may be worth revisiting, given the increasing tribunal workload.

Tribunals could also cover more cases that overlap the mandate of two or more tribunals through greater use of cross-warranting tribunal members. This would mean decision-makers could move more flexibly between tribunals, making better use of their expertise and availability. Cases would not have to be referred between tribunals for different aspects to be heard, making for a more user-centred experience.

There are also opportunities to increase the use of alternative dispute resolution. In the criminal jurisdiction, New Zealand is already a world leader in alternative resolution approaches at the pre-court stage, which aim to address broader social and health issues to prevent reoffending.⁶¹ Increasing community-based alternative dispute resolution would support the early resolution of civil issues in a quick and relatively affordable way. Other countries have been experimenting, for example, with the South African model of specialist community-based paralegals. These people, embedded in their communities, help to resolve a wide range of local issues, often using a combination of mediation and restorative justice.⁶² There is scope for more of these models in New Zealand and some community call for them.

Some more administrative issues can be taken care of by central and local government agencies, although with appeal pathways into the court system where appropriate. Child support payments are a good example – they used to be decided by a court but are now managed at an administrative level. There may be other types of court business that could similarly be sent out to government agencies in the first instance, such as probate applications.

⁶⁰ New Zealand Law Commission. 2008. *Tribunal Reform: Study Paper*. Wellington: New Zealand Law Commission.

⁶¹ For example, youth justice family group conferences, or pre-sentencing restorative justice conferences, which involve the victims, offenders and sometimes community representatives. Te Pae Oranga is another example: a partnership approach between NZ Police and iwi/Māori. It involves panels of local community leaders working on alternative resolutions for people who have committed low level offences, with the aim of preventing reoffending.

⁶² Open Government Partnership. 2019. *Institutionalizing Community Paralegals: The South African Experience*. Online: Open Government Partnership; see also Canadian Forum on Civil Justice. 2022. *Community-Based Justice*. Canada: Slaw.

Work to simplify the court system would be significant new work. It could be tackled at any time, but space would have to be created in the policy agenda to accommodate it.

Option 3: We could substantially increase navigation assistance

Even a simpler system would still need navigation assistance. Community law centres and the Citizens Advice Bureau are the most widespread navigational supports in the system, and many lawyers also provide some pro bono support. We heard during consultation that demand is outstripping supply, however, and navigation support is currently relying heavily on a voluntary workforce.

We have taken some steps to meet this growing demand. To assist Family Court users, for example, the Ministry established in 2021 the role of Kaiārahi or Family Court navigators. This was done in response to the 2019 Te Korowai Ture ā-Whānau report, which outlined the barriers whānau face when attempting to engage with and participate in Family Court proceedings. In the year to June 2025, Kaiārahi supported around 37,400 people to navigate the Family Court process, offering a free service that helps people understand Family Court proceedings and how they can access services. We now have around 50 kaiārahi roles around the country.

In-person navigators can work responsively with individuals and families, making them a popular option with users. **We could continue to add navigation staff in different parts of the court system**, including basing some as floating helpers in courthouses. This is a relatively expensive option, however, especially at scale, and relies on attracting and retaining appropriately skilled and knowledgeable people.

There are other options available to increase navigation support. A relatively simple thing would be to improve the information we provide about how the system works. For example, the Ministry recently overhauled the resources and information provided on its website on the care of children. This project incorporated feedback from users to improve the accessibility and usability of this information. Work has also been undertaken to remove legal jargon and make greater use of plain language in court summons. We could do more of this sort of work.

Several significant initiatives are underway that are focused on supporting people to navigate the courts (Kaiārahi, Te Ao Mārama, the Family Violence pilots). The development of any future options should build on the lessons learned from these initiatives, as well as ongoing user feedback and insights into people's needs over time. It would also be important, as technology develops, to regularly reconsider the balance of in-person and digital support services.

AI will become increasingly useful over time in helping people to navigate the court system, including through chatbots or virtual assistants, translation services, and developing court applications. Success here will require that AI draws from information that is accurate and relevant to the New Zealand context, that it doesn't introduce or accentuate bias, and that it serves the users. Exploring the use of AI tools for navigation will need to consider courts users' appetite, and the digital divide. These technologies are starting to be used in

courts internationally, so we can learn from others and undertake our own trials as the technology matures and becomes more affordable.⁶³

Option 4: We could look at more ambitious uses for AI

Agentic tools (AI agents) could take current virtual assistants and chatbots a step further by autonomously completing tasks, solving problems or providing support, and these tools have the ability to work together. This is still an emerging technology. Based on where it is heading, however, it is possible that in coming years AI agents could be used to provide a common level of legal representation, or possibly even automated decision-making for lower-level disputes outside the courts. (The Judiciary would need to be responsible for determining any use of AI in court decisions. As outlined in the Statement of Principles, the Judiciary is responsible for the work of the courts and for the control and supervision of how information technology is used for the business of the court.) These are not yet viable options, and there would be ethical and legal considerations to work through.

We are aware that public opinion is mixed on the use of AI by the state, so consideration of social acceptability will need to form part of any decision-making on AI. **We need to ensure that use of AI does not exacerbate bias or inequities in the justice system.** Depending on what source material AI draws on, it may make biased decisions. In addition, not all court users have access to, or are skilled in, the use of technology. We would also need to consider the legality of AI-generated outputs and where responsibility lies for AI's accuracy, if it goes as far as advising and generating legal documents for participants.

The security and financial implications of using AI would also need to be factored into any future decision-making. The Ministry would be guided in any experimentation it undertakes by the government's standards and guidance on the safe and responsible use of AI in the public sector. These reflect OECD principles and international best practice and emphasise the need for human oversight. UNESCO has also recently published guidance for the use of AI systems specifically in courts and tribunals.⁶⁴

We intend to monitor the development of these tools over time, and remain open-minded about their potential to address demand for affordable justice services and decision-making.

⁶³ The European Council's Resource Centre on Cyberjustice and Artificial Intelligence captures information and assistance services being used internationally to support court users.

⁶⁴ Gutiérrez, J. 2024. *Draft guidelines for the use of AI systems in courts and tribunals*. Online: UNESCO.

Option 5: Greater use could be made of remote participation

Remote participation is a term used for people taking part in court proceedings without being physically present. Both remote and in-person participation can have advantages and disadvantages for participants, and for the people running the courts. Remote participation isn't something new for the system. Audiovisual links have been operating in courts for some time, and these are just a form of remote participation. Much of the business of the tribunals is already conducted remotely.

The use of remote participation in court is guided by protocols recently issued by the Judiciary.⁶⁵ These protocols cover civil and criminal hearings, including when the defendant is in custody, and remote viewing by complainants and victims. A companion document sets out key objectives and principles that guide decision-making around remote participation in court proceedings.⁶⁶ These documents focus on remote participation as something that can support and enhance the administration of justice as a fundamentally human process. They stress the responsibility of the presiding judicial officer to decide in each instance whether remote participation should be used.

The law governing remote participation and the infrastructure that supports it are both being reviewed, with a view to increasing the appropriate use of remote participation, in order to improve access and efficiency. Policy and operational settings around remote participation will need ongoing review over the next twenty years, however. New technological advances and an improving evidence base on court users' experiences and preferences mean the best balance between physical and virtual provision will continue to evolve.

The balance struck between in-person and remote participation is of critical importance for the future operating model of the court system. By 'operating model', we mean how work flows through the court system. Although it has limitations, remote participation allows for some efficiencies, such as flexibly deploying capacity in one part of the system to relieve pressure on other parts. Once Te Au Reka and remote participation technology are both available, a judge in Dunedin will be able to preside over a case in Rotorua through remote participation, with the relevant files accessible online.

One of the most important ways that increased remote participation will affect the court system is through its impact on the 'footprint' of the courts and justice services. As the use of remote participation increases, it will be possible to review and refine the network of court buildings that provide a physical place for justice to be done. Most of these buildings are 40 to 50-years old, or more. They're expensive to maintain and aren't well-configured for a modern court system, the needs of victim-survivors or disabled people.

⁶⁵ This set of protocols is available on the Courts of New Zealand website.

⁶⁶ Courts of New Zealand. 2025. *Objectives and principles for the use of remote participation in court proceedings*. Wellington: Courts of New Zealand.

We could see changes to court system infrastructure and operations, with a shift towards the provision of private, secure booths and meeting spaces, or even mobile courts to reach remote locations or operate following natural disasters. Increased use of remote participation will allow us to look at adjusting operating hours to better suit modern society's needs by, for example, implementing night or weekend courts. Providers of justice services will also be looking over the next 20 years at what services they want to offer virtually and what is best offered in person. Contracting provisions will need to accommodate these changes, and we may have opportunities to further reconfigure our property footprint in response.

Greater use of remote participation would require reliable technology, which isn't always available now in courts, or in the Police and Corrections facilities they interface with. Greater use of remote participation would not, however, be reliant on the implementation of Te Au Reka. Moving to an electronic case flow management system will in time remove the need for physical court records to be couriered around the country, however. This will allow virtual sessions to be scheduled and held more quickly.

Option 6: We could more actively shape the future workforce for the court system

Various workforce concerns came up in our discussions of how resilient the court system is. These spanned across the system:

- There were concerns that legal aid settings (and other factors, such as a lack of suitable placements for junior lawyers in the regions) have resulted in lawyers withdrawing in large numbers from legal aid work. This withdrawal is contributing to concerns about access to justice.
- Arrangements for tribunal members and some other judicial officers were raised, with appointment processes, professional development opportunities and reporting lines all being flagged as needing a rethink.
- We heard from a few people what they valued when working with the staff who support the courts and tribunals. Authoritative knowledge of processes, a helpful attitude and relevant cultural competencies were mentioned.
- Justice service providers are having trouble finding appropriately skilled staff in some areas.
- There were concerns about the resilience of students coming through our law schools, whether they were getting a deep enough understanding of the court system to work in the courts, and what this means for the future of the court system workforce.

Consideration could be given to whether the future court system workforce should be left to develop organically in response to system settings, or whether more intervention is warranted to shape that workforce. The private sector character of the law firms that make up a substantial part of the court system workforce has led to a relatively hands-off approach. This has, however, led to some quite serious risks to the sustainability and equity of the system.

Despite the heavy private sector involvement, there is significant public good in having a sustainable court system workforce. There is also precedent for more intervention by the state in similar partially private workforces (such as health or education). A holistic look at whether the settings are right for a sustainable and appropriately skilled court system workforce could be useful. This would need to look, among other things, at education and training, funding structures and career pathways. At a minimum, we can see a strong case for a system approach to future digital capability needs.

Consultation questions

We are releasing this draft of our Long-term Insights Briefing to get your views on it before we finalise it. We would be interested in your feedback on the following questions:

1. Given our focus on the future operation of the courts and justice services, do you think that we are looking at the right things in this Briefing? Is anything important missing?
2. Do you agree that these six strategic choices are the most important ones for us to be thinking about?
 - whether we should find ways to address unmet legal need
 - whether we should undertake structural reform of the court system
 - whether we should substantially increase assistance with navigation in the courts
 - whether we should consider more ambitious use of AI
 - whether there should be greater use of remote participation
 - whether we should more actively shape the future workforce for the court system.
3. If you don't agree, what do you think are the most important things we should focus on, over the next 20 years?

You can make a submission through the Ministry's website, by using the survey on the Consultation page. Alternatively, you can email your submission to LTIB@justice.govt.nz. Submissions need to be received by 9 November.

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