Centre for Justice Innovation

Problem-Solving Courts in New Zealand

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Introduction

On 7 August 2025, the UK Ministry of Justice announced its intention to expand Intensive Supervision Courts ("ISCs"). ISCs address the underlying causes of criminal offending and provide "enhanced community-based sentences" to divert those at risk of facing custodial sentences.[a] To this end, the Ministry circulated an Expression of Interest to gauge interest across England and Wales for potential new ISCs. With the Sentencing Bill receiving Royal Assent on 22 January 2026- becoming the Sentencing Act 2026- this ISC expansion is being realised, with the new sites due to be announced shortly.

We are pleased to have supported the Ministry of Justice throughout the Expression of Interest process. We worked with all successful areas during the development of their proposals, supporting them to deepen their understanding of existing ISC and wider problem-solving court models, and supporting local partnerships to consider how these nationally defined models could be implemented in their local context. Alongside this process – and to potentially spark some inspiration in how these run going forwards – the Centre for Justice Innovation has commissioned this report, which examines the experience of problem-solving courts in New Zealand.

New Zealand has various problem-solving courts which address common drivers of offending, such as substance use, mental health, homelessness, family violence, and youth. This report surveys these problem-solving courts and outlines how their best practices features are now being integrated into the mainstream courts.

This report adopts the following structure:

- **Part One** outlines the historical, political, and legal context in which problem-solving courts developed and continue to operate in New Zealand.
- **Part Two** surveys the various problem-solving courts in New Zealand, examining how (and why) they emerged, how they were established, how they currently operate, and how they have performed.
- **Part Three** reviews the new model for the District Court of New Zealand, called Te Ao Mārama, which seeks to integrate the best practice features from these problem-solving courts into the mainstream courts.

a Ministry of Justice, *Intensive Supervision Courts: Expression of Interest Guidance* (August 2025).

Preface

This report provides an overview of problem-solving courts in New Zealand. It examines how and why they were established, how they currently operate, and how their best practice features are being integrated into the mainstream courts.

The author of this report is Oliver Fredrickson, a New Zealand-qualified lawyer who completed a fellowship at the Centre for Justice Innovation in mid-2025 with financial support from the Michael & Suzanne Borrin Foundation.

Best efforts have been made to ensure that this report is accurate and up-to-date. However, as it relies primarily on open-source material, there remains a possibility that some information is now outdated. In that case, all errors belong to the author.

1. New Zealand in Context

This report is about problem-solving courts in New Zealand. To properly understand these problem-solving courts, however, one must understand the historical, societal, and legal context in which they operate.

This section begins with a brief history of New Zealand. This is important, as New Zealand's historical context was instrumental in the development of the problem-solving courts that exist today. The section then concludes with an overview of the New Zealand legal system.

1.1 History and Its Consequences

The first waka[1] arrived on the shores of New Zealand sometime between 950-1250AD. As the centuries passed, the indigenous population, later termed Māori, organised itself in a clearly defined social structure. The system of law that emerged has come to be known as "tikanga Māori".[2]

Professor Sir Hirini Moko Mead describes tikanga Māori in the following way:[3]

> *Tikanga embodies a set of beliefs and practices associated with procedures to be followed in conducting the affairs of a group or an individual. These procedures are established by precedents through time, are held to be ritually correct, are validated by usually more than one generation and are always subject to what a group or an individual is able to do ...*

Tikanga was designed for small, kin-based communities.[4] At the heart of these communities was the whānau (family) which included grandparents, parents, children, grandchildren, cousins, and those more distantly related.[5] Several whānau would join together as a collective unit, known as a hapū (sub-tribe). Hapū joined together along genealogical lines to form an iwi (tribe).[6]

In October 1769, Captain James Cook and his crew arrived in Tūranga-nui on the east coast of the North Island.[7] He brought with him a vastly different conception of law and its underlying values, primarily motivated by concepts of autonomy, liberty, and personal property.[8]

Over the subsequent decades, British settlors and missionaries came to New Zealand in ever-increasing numbers. Friction quickly developed between the settlors and local Māori communities. In 1835, a collection of Māori leaders signed the Declaration of Independence of New Zealand | He Whakaputanga o te Rangatiratanga o Nu Tireni in which they asserted sovereignty over modern day New Zealand. But friction continued. This culminated with the signing of the Treaty of Waitangi | Te Tiriti of Waitangi on 6 February 1840.

The Treaty of Waitangi was signed by William Hobson, as consul for the British Crown, and several hundred Māori chiefs.[9] There are two versions of the document, one in English and the other in Te Reo Māori.[10] The two versions have fundamental and irreconcilable differences. In the Māori version, the signing chiefs permitted the Crown to assert "governance" over British subjects whereas, in the English version, the Māori chiefs appeared to cede "sovereignty".[11] Almost all Māori chiefs signed the Māori version.[12]

When the Treaty of Waitangi was signed in 1840, Māori owned almost all the land in New Zealand.[13] Fifty years later, it was a little more than a third.[14] In the space of one generation, Māori were transformed from landowners into wage labourers with no capital base.[15]

By the turn of the century, Māori were considered to be a dying race.[16] Land confiscations led to armed conflict which decimated the Māori population, as did diseases introduced by settlors.[17] The Māori language was banned in schools[18] and certain Māori practices were proscribed by statute.[19] This desecration of Māori institutions enabled the creation of a legal system which solely adopted English philosophy and processes.[20]

After World War II, New Zealand set about rebuilding its economic base. Many Māori, who had traditionally lived communally in rural areas, migrated to urban centres in search of work. The social and economic consequences of this migration were catastrophic. In these urban centres, the official government policy was to promote the assimilation of Māori into the dominant settlor colonial culture.[21] As a result, the Māori language and culture became lost to much of the younger generation.

From the 1960's onwards, Māori were disproportionately placed into State care,[22] apprehended by police,[23] convicted of criminal offences,[24] and sentenced to prison.[25] Staggeringly, 40% of the Māori males in this generation served a prison sentence before they were 35 years old.[26]

1.2 Calls for Transformative Change

In the late 1980's, a series of reports were published in New Zealand which criticised the justice system and made calls for transformative change.[27]

The depth and breadth of this criticism was considerable and spanned across all facets of the justice system. The bulk of the criticism, however, was targeted the criminal jurisdiction, which was said to prioritise punishment over rehabilitation and fail to identify – much less address – the underlying causes of criminal offending.[28] The criminal justice system particularly failed Māori, as it was almost entirely monolingual and monocultural, having adopted the British colonial legal system and largely ignoring Māori customs and values.

Overall, individuals of all ethnicities reported that they were leaving the justice system feeling that they had not been seen, heard, or understood.[29] Transformative change was required.

1.3 The Justice System's Response

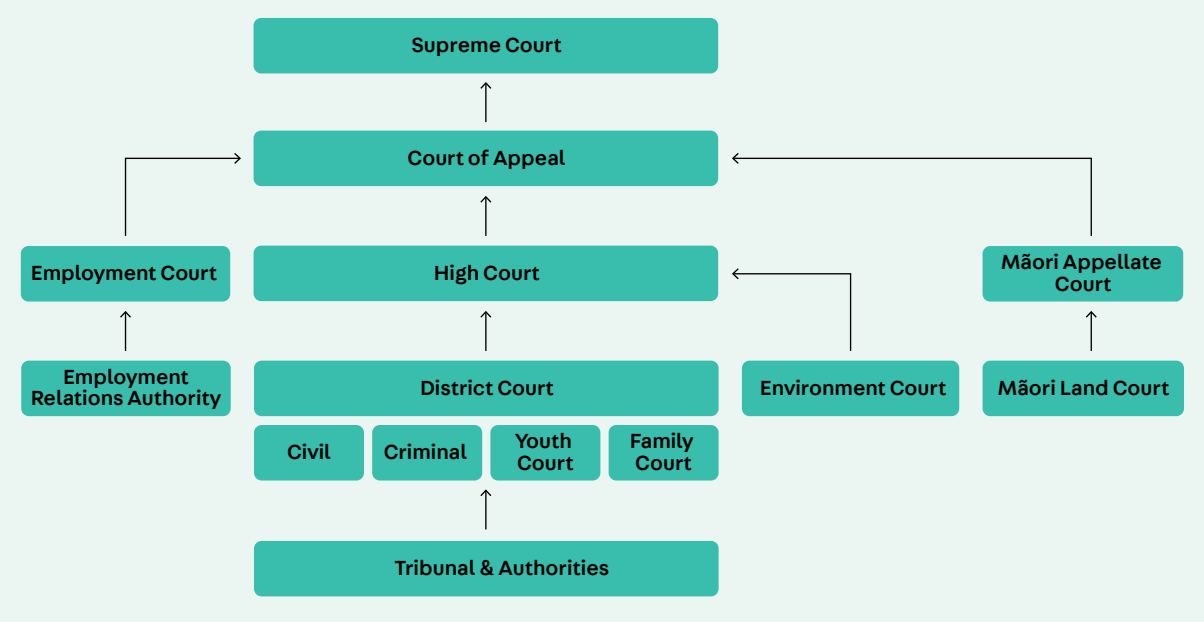
The justice system's response was incremental rather than transformative. From the early 2000's, a collection of problem-solving courts began sprouting across the country. How this happened and how these courts continue to operate is outlined in Part Two of this report.

On the whole, these problem-solving courts have proved successful and improved substantive and procedural outcomes for participants, victims, and their families. Despite their virtues, however, problem-solving courts are not a silver bullet and remain unavailable to many court users. Indeed, the overwhelming majority of court users cannot access a problem-solving court and instead appear in the 'mainstream' court.

For this reason, the Chief Judge of the District Court has recently announced a new model for the District Court of New Zealand which seeks to integrate the best practice features from these problem-solving courts into the mainstream courts. This model, called Te Ao Mārama, is discussed in Part Three of this report.

1.4 New Zealand's Legal System – An Overview

New Zealand has a common law legal system with courts structed in the following way:



1.2.1 District Court

The District Court of New Zealand has four divisions of jurisdiction: Civil, Criminal, Youth Court, and Family Court. Because of its jurisdictional breadth, the vast majority of cases in New Zealand are heard by the District Court. By overall caseload, it is the busiest court in Australasia.[30]

The District Court judiciary has 182 permanent full-time Judges, all of whom have a 'general warrant' to preside over civil and criminal cases. Some District Court Judges will hold additional warrants to preside over specialised matters such as jury trials and cases within the Family Court or Youth Court.

The District Court is also supported by 12 Community Magistrates, who may deal with offences punishable by a fine of up to NZD$40,000 (approx. £18,000) and may sentence offenders who plead guilty to an offence punishable by up to three months' imprisonment.[31]

1.2.2 Family Court

The Family Court hears a broad range of cases, including care and protection of children, adoption, relationship property, wills, family violence, and child support.[32] Wherever possible, the Family Court aims to help people resolve their own problems through counselling, conciliation, and mediation.[33]

The Family Court is assisted by Family Court Navigators (Kaiārahi), who support parties by providing information and guidance about the Family Court process. Kaiārahi also help parties access out-of-court support services.

1.2.3 Youth Court

The Youth Court deals with young people between 14 and 18 years old who are charged with a criminal offence other than murder, manslaughter, and traffic offences.[34] The Youth Court operates in a less formal manner than the mainstream District Court and adopts a "solution-focussed" approach.[35]

In the Youth Court, if a young person admits or is found to be responsible for the offending, they will attend a Family Group Conference ("**FGC**").[36] An FGC brings together the young offender, their family, and other key people, such as the victim and support service providers. At the FGC, all participants can:[37]

- hear and discuss relevant information;
- consider any care, protection or wellbeing concerns; and
- work together to make decisions and recommendations and formulate a plan that supports the wellbeing of children, their family, any victims, and addresses accountability and public safety.

At the FGC, the young person, their family, the victim, a youth justice coordinator, members of the police, and any other relevant professionals meet to discuss the offending and a possible plan to address it. The young person will report back to the Youth Court with this plan. The Youth Court Judge will nearly always approve the plan and then oversee that the young person completes it.

Once the young person has completed their plan, the Court can grant a discharge[38] or impose a sanction, such as reparation, community work, supervision, or a period in a youth residence facility.[39]

1.2.4 Criminal Legal System in New Zealand

The substantive criminal law in New Zealand is codified into various statutes, most significantly the Crimes Act 1961, Summary Offences Act 1981, and the Misuse of Drugs Act 1975. There are no surviving criminal common law offences in New Zealand.

The procedure for criminal proceedings is governed by the Criminal Procedure Act 2011 ("**the CPA**") and Criminal Procedure Rules 2012. Under the CPA, there are four categories of criminal offences:[40]

- **Category 1 offences** are those punishable by a fine or other penalties, but not by a community-based sentence or a term of imprisonment. This includes offences such as: Careless Driving, Public Urination, and Fighting in a Public Place.
- **Category 2 offences** are those where the maximum penalty is a community-based sentence or a term of imprisonment of less than 2 years. This includes offences such as: Common Assault, Reckless Driving, and Wilful Damage.
- **Category 3 offences** are those punishable by 2 years or more imprisonment (except for offences listed in Schedule 1 to the CPA). This includes offences such as: Rape, Arson, and Possession of a Class A Drug.
- **Category 4 offences** are those listed in Schedule 1 to the CPA, which includes offences such as: Murder, Manslaughter, Treason, and Piracy. All category 4 offences are punishable by a substantial term of imprisonment.

The District Court has jurisdiction to hear all Category 1, 2, and 3 offences.[41] Category 4 offences are heard in the High Court.[42] At the end of 2024, the District Court had 37,686 active criminal cases, comprising approximately 95% of all criminal cases in New Zealand.

In New Zealand, every person charged with an offence for which the penalty is two years or more imprisonment (i.e. Category 3 or 4 offences) may elect to be tried by a jury.[43] If an individual is charged with a Category 3 offence, they may instead elect a Judge-Alone Trial, in which a District Court Judge hears the evidence and determines the verdict.[44]

If a defendant is found or pleads guilty to an offence, the court may adjourn criminal proceedings before sentencing for one of the following purposes:[45]

(a) to enable inquiries to be made or to determine the most suitable method of dealing with the case;

(b) to enable a restorative justice process to occur, or to be completed;

(c) to enable a restorative justice agreement to be fulfilled;

(d) to enable a rehabilitation programme or course of action to be undertaken;

(e) to determine whether to impose an instrument forfeiture order and, if so, the terms of that order; or

(f) to enable the court to take account of the offender's response to any process, agreement, programme, or course of action referred to in paragraph (b), (c), or (d).

This provision is often used by problem-solving courts, as it allows the court to adjourn the sentencing process to enable the defendant to receive treatment or access to support services.

A variety of sentences are available in New Zealand, including imprisonment, home detention, community detention, intensive supervision, supervision, community work, reparation, or a fine. In appropriate cases, the court may also discharge the defendant without conviction.[46]

2. Problem Solving Courts in New Zealand

In the past 20 years, there has been a proliferation of problem-solving courts in New Zealand. As outlined above, these courts emerged as a response to sustained calls for transformative change to the justice system in New Zealand.

These problem-solving courts often developed organically as a local response to local issues. Some received funding from the central government, others from local government, and others still received no funding at all. Most courts operate in their own way, which depends on factors such as resourcing, judicial personnel, courthouse facilities, and community engagement. These idiosyncrasies reflect the "local solutions to local problems" ethos to which many problem-solving courts subscribe.

For the purpose of this report, the problem-solving courts in New Zealand can be placed into the following categories:

- Diversionary Panels
- Intensive Supervision Courts
- Drug Courts
- Youth-Focussed Courts
- Family Violence Courts
- Mental Health Courts

This section surveys each of the problem-solving courts in New Zealand and outlines how they were established, how they currently operate and, where possible, how they have performed.

2.1 Diversionary Panels

Diversionary panels are not strictly problem-solving courts. In fact, the defining feature of diversionary panels is that the case does not come into the court system at all.

Nevertheless, diversionary panels have been included in this Report as they are an important and successful problem-solving initiative within the criminal justice system of New Zealand.

2.1.1 Te Pae Oranga

In the first two decades of the 21st century, the prison muster in New Zealand continued to grow despite historically low crime rates. Responding to this, the New Zealand Police developed the following alternatives to prosecution:

- **Diversion:** Police can resolve an offence without full prosecution and conviction through 'diversion', which can involve the formulation of a diversion plan to identify underlying causes of offending. However, the person is still charged with a criminal offence and is made to attend court. In addition, the process is not restorative, does not involve victims, and lacks Māori cultural elements.[47]

- **Warnings:** Police can give formal written warnings for some offences instead pursuing prosecution. Like diversion, this process is not restorative, does not involve victims, and lacks Māori cultural elements. Moreover, a review in 2013 found that non-Māori were almost twice as likely to receive a warning than Māori.[48]

In 2014, Police partnered with Māori community service providers and the Ministry of Justice to create a new alternative response to criminal offending. This response was originally named Iwi Community Panels.[49] A pilot of Iwi Community Panels was launched in three locations: Tairāwhiti/Gisborne, Manukau, and Waihwhteū/Lower Hutt.[50]

To commemorate this new initiative, it was gifted the name Te Pae Oranga, which means to talk, listen, and become well.

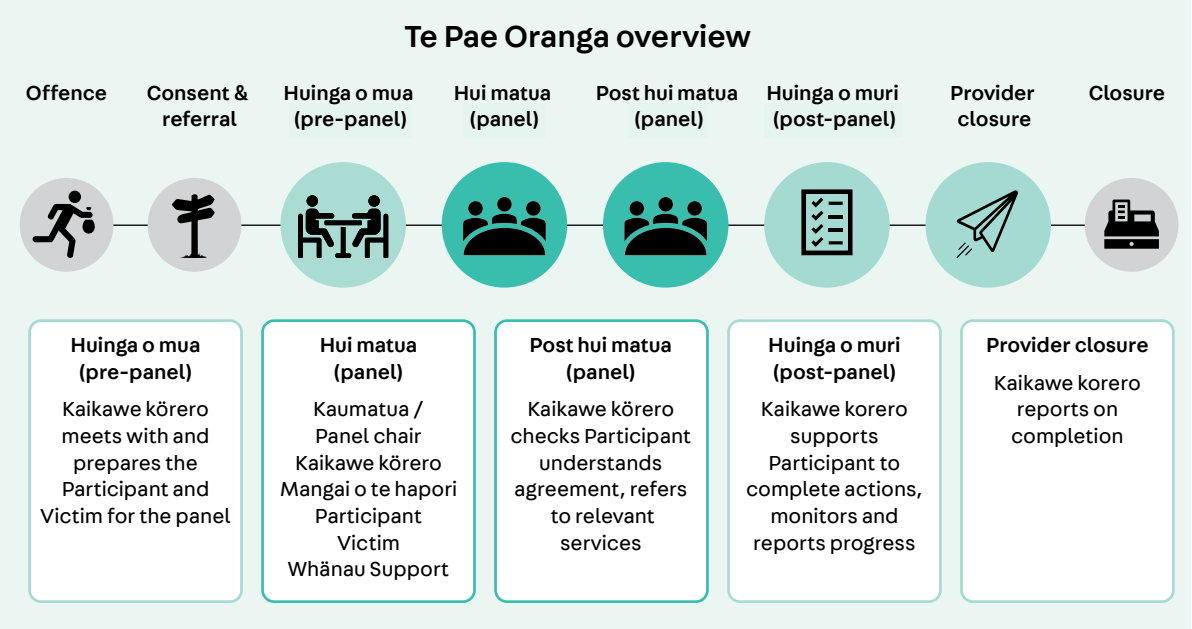
How it works

Te Pae Oranga is an out-of-court resolution that Police utilise for eligible offences by adult-aged offenders. It is available to individuals from any ethnicity.[51]

Te Pae Oranga is underpinned by Māori values. It uses tikanga Māori justice concepts and restorative justice practices to hold offenders to account, offer meaningful resolution for victims, address underlying problems, and improve wellbeing.[52]

Eligibility for Te Pae Oranga
An individual will be eligible to participate in the Te Pae Oranga process if they face an offence with a maximum sentence of six months' imprisonment (with some exclusions).[53] Offences outside this criteria may be considered with supervisor approval.[54]

Process for Te Pae Oranga
When the Police refer a person to Te Pae Oranga, they are contacted by the service provider and the process begins. The process is illustrated in the diagram below:



The three phases of Te Pa Oranga are:[55]

- **Pre-panel phase (Huinga o Mua):** A trained facilitator meets with the participant to understand what happened, assess their needs, identify any underlying problems, and prepare them for the panel meeting. If there is a victim of the offending who has agreed to take part, the facilitator meets with them to provide support.

- **Panel meeting (Hui Matua)**: At the panel meeting, the participant, facilitator, and Police meet with a panel of trained community members. Victims and impacted whānau/family may attend. The offence and the harm caused is discussed. The victim's voice is heard in person or via a written statement. A plan is developed with the participant to make amends and address underlying problems. Examples might include attending a drug or alcohol programme, getting a drivers licence, securing employment or training, paying reparation for damage, and apologising to victims.

- **Post-panel phase (Huinga o Muri):** After the panel, follow-up meetings are held with the participant to provide ongoing support and ensure they complete the activities in their plan.

Opening of Te Pae Oranga at Waikari Marae. Source: NZ Herald

If the participant successfully completes the Te Pae Oranga process, the Police close the matter with no prosecution.[56]

Evaluation

Te Pae Oranga has undergone two evaluations.[57]

Between January 2015 and March 2024 there were 25,445 referrals to Te Pae Oranga. The most common offences were unlicensed driving, careless driving, shoplifting, wilful damage, and common assault. Of this group, 56% attended the panel meetings and completed their plan.

The introduction of Te Pae Oranga has impacted the way Police are resolving offences:

As the diagram shows, with Te Pae Oranga now available as a response, prosecution is being used proportionally less (75% of all offences, compared to just under 80% in 2013). In 2023 alone, Te Pae Oranga was used to resolve 2.6% of offences – via approximately 5,700 referrals.[58] As a result, more people have been diverted from the criminal justice system and received help for underlying problems.

Rates of re-offending by those who attended Te Pae Oranga were significantly lower than a comparison group identified using nearest neighbour propensity matching.[59] This reduction was most significant amongst Māori. Using the New Zealand Crime Harm Index, the interim-trial evaluation found the overall level of harm caused by Te Pae Oranga participants' reoffending reduced by 22.5%.[60]

The full post-trial evaluation found that participants who attended Te Pae Oranga had statistically significant better results on all four re-conviction outcomes in the 12 months following the Te Pae Oranga referral:[61]

- **Fewer re-convicted for a repeat offence:** 37.4% of Te Pae Oranga participants compared to 43.6% of the control group.
- **Less harm**: Te Pae Oranga participants who reoffended incurred less harm to communities (harm score 10.06) than matched controls (harm score 17.00).
- **Fewer convictions overall for Te Pae Oranga participants**: 0.85 compared to matched controls (1.11) in the year following intervention.
- **Longer time to reoffend**: Te Pae Oranga participants took an average of 274.94 days before reoffending, compared to their matched controls 254.73 days.

Another success was that, unlike the Police use of warnings, Te Pae Oranga has been used more for Māori (45% of referrals) than for other ethnicities – 28% NZ European, 8% Pacifica, 2% Indian, 2% Asian, 15% unknown or other.

2.1.2 Te Pae Oranga Whānau

Family harm offences were initially excluded from the eligibility criteria for Te Pae Oranga.[62] However, a small number of cases involving family violence were approved as exemptions. These were successful and lead to calls that Te Pae Oranga should be expanded to include family harm cases.[63]

Te Pae Oranga providers advised Police that any response would need to be whānau-centric (family-centric) and culturally sensitive. The providers wanted to support and strengthen the family unit, hold the offender to account, support the victim, and address the underlying problems.[64]

A variation of Te Pae Oranga was thereby developed and piloted for family harm cases.[65] The revised programme was designed in partnership with iwi, Māori service providers and family harm experts from Police and the family violence sector. It was named Te Pae Oranga Whānau – whānau being the Māori word for family.

How it works

Te Pae Oranga Whānau is specifically tailored to family harm cases. Support service providers are given comprehensive family harm training and at least one panel member is required to be an endorsed family harm specialist.

Eligibility for Te Pae Oranga Whānau
The Police select cases for referral on a case-by-case basis, weighing the public interest to prosecute. In addition to Police assessment, each case is assessed by the local Multi-Agency Family Harm Table[66] which provides a particular focus on victim safety.

Process for Te Pae Oranga Whānau
Te Pae Oranga Whānau involves the same three phases as the standard Te Pae Oranga, with the following adaptations:[67]

- **Pre-panel phase (Huinga o Mua):** Before the panel, more time is spent working with all affected parties, with a strong emphasis on supporting victims and family members.
- **Panel Meeting (Huia Matua):** The panel meeting includes the usual elements for participant accountability and actions, but also identifies supports and services for the victim and impacted family.
- **Post-panel phase (Huinga o Muri):** The post-panel runs for a longer duration to support participants, victims, and family as they complete actions and receive support.

Evaluation

Between November 2022 and January 2024, there were 282 referrals to Te Pae Oranga Whānau. By the end of this period, 175 of those cases had been completed and 107 cases remained in progress.[68] Of this group, 73% of participants had attended the panel meeting and completed their action plan. This rate of successful completion (73%) and the rate of victim participation (62%) was much higher than for standard Te Pae Oranga (56% and less than 10% respectively).[69]

Māori were the largest group referred, comprising 48% of referrals, followed by NZ European 20%, Samoan 6%, Tongan 6%, other Pasifika 8%, Indian 4%, and unknown or other ethnicities 8%.[70]

Initial findings based on data from South Auckland showed a large reduction in subsequent family harm incidents reported to Police. Of the 127 participants who successfully completed Te Pae Oranga Whānau in this region, only 20% had further family harm incidents reported, and only one subsequently had charges laid for a family harm matter.[71]

One participant described his experience with Te Pae Oranga Whānau in the following way:[72]

> *"We're doing a lot better from where we were. [Te Pae Oranga Whānau] has given me different tools to deal with stuff … given me a different outlook on everything that has happened. I'm just happy with everything I was able to learn … Pretty appreciative to the cap that introduced me to all of this. I've seen her the other day in town and I even thanked her.*

2.2 Intensive Supervision Courts

Some problem-solving courts in New Zealand do not have one single focus. Instead, they aim to address the underlying causes of criminal offending, whatever those may be. These courts do not have an overarching name within New Zealand but, for present purposes, can be described as Intensive Supervision Courts.

The four Intensive Supervision Courts discussed in this section were established independently and operate in different regions around the country. Two are based in major cities; the other two in small regional towns. Although they operate in their own unique ways, they each embrace the principles of therapeutic justice and share many common best practice features.

2.2.1 Te Kooti Matariki | Matariki Court

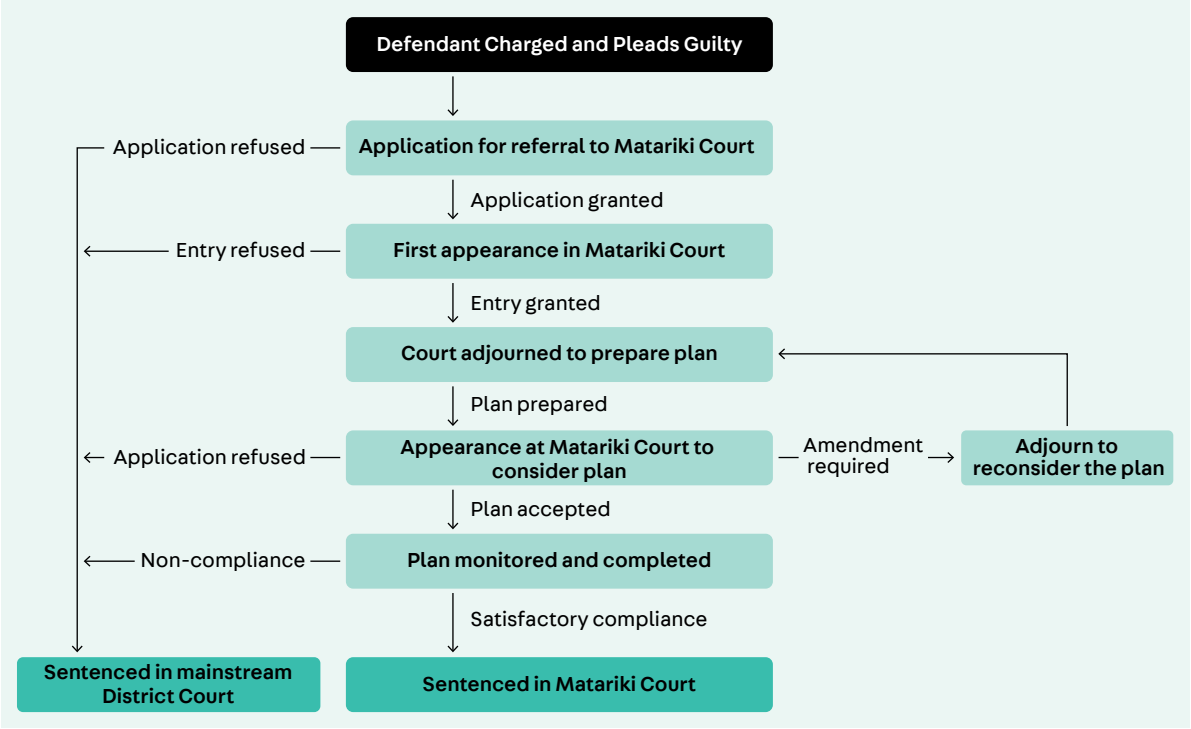
The Matariki Court is based in Kaikohe, a small rural town in the Far North of New Zealand. In 2012, Judge Greg Davis, of the local Ngāpuhi iwi, established the Matariki Court to address the high rate of Māori imprisonment within the community.[73]

The Matariki Court aims to find an alternative way to help disrupt the cycle of behaviour that continues to bring the same people through the justice system.

How it works:

In the Matariki Court, criminal cases are adjourned after the defendant has pleaded guilty to an offence. A personalised treatment plan is prepared and monitored within the Matariki Court until it has been completed. The participant will then be sentenced.

The full process is outlined in the diagram below:



Admission into the Matariki Court
Individuals facing charges in the Kaikohe District Court can be referred to the Matariki Court by a Judge, lawyer, the police, or members of their own family.[74] Once they have been referred, the potential participant will complete a screening exercise with the Kairuruku,[75] who is a well-known and well-respected member of the community.[76]

The Kairuruku will determine whether the participant meets the following eligibility criteria for the Matariki Court:[77]

- the charges must have been filed in Kaikohe District Court;
- the participant must live within the Kaikohe District Court catchment area;
- the participant must have plead guilty to the offending; and
- the participant must be committed to changing their behaviour and addressing the underlying causes of their offending.

Assessment and creation of personalised plan
If the Kairuruku considers that an individual is appropriate for the Matariki Court, the participant will have an assessment with Te Mana o Ngāpuhi Kowhao Rau, the lead community service provider. Te Mana o Ngāpuhi Kowhao Rau are a community-based non-governmental organisation who are not aligned with the Court.[78]

Te Mana o Ngāpuhi Kowhao Rau meet with the participant and prepare a personalised plan which seeks to identify and address the underlying causes of their offending.[79] Te Mana o Ngāpuhi Kowhao Rau draw on their own resources within the community to develop and implement these plans.

The participant's personalised plan is then presented to the Court for consideration. Sometimes it is rejected and requires amending, but it is usually accepted.[80]

Discussing the importance of Te Mana o Ngāpuhi Kowhao Rau, Judge Davis has commented that:[81]

> *What often comes out of the early engagement between an offender and Te Mana o Ngāpuhi Kowhao Rau is a realisation that often not only is the offender's life in chaos, so too is their whānau (family's) lives. It is common for programs to be developed that look at an offender's specific issues, but also the wider whānau issues.*

> *A wholistic approach incorporating the taha tinana (physical health), taha wairua (spiritual health), taha hinengaro (mental health), and taha whanau (family health) is followed by Te Mana o Ngāpuhi Kowharau.*

Hearings of the Matariki Court
The Matariki Court is held on one Monday each month.[82] The Court hears six cases per day, with each case taking around 45 minutes.[83] At these hearings, the Judge monitors the participant's progress with their personalised plan and will often seek input from Te Mana o Ngāpuhi Kowhao Rau.

Each participant has approximately of 6-8 appearances in the Matariki Court before they are sentenced, during which time they work with Te Mana o Ngāpuhi Kowhao Rau to complete their personalised plan.[84] The average time between charges being laid and sentencing is around 10-12 months.[85]

Matariki Court sittings begin with a traditional Māori welcome ceremony, adapted to suit the modern-day court setting.[86] Present in the court are the Judge, Court Registry Officer, lawyer, police prosecutor, mental health professional, Kairuruku, kaumātua (elder), and support people for the participant and victim.

The courtroom configuration is altered so that all parties sit at the same level around a circular table, with the participant often sitting next to the Judge.[87] Counsel and family members are all invited into the body of the court. Discussions are free-flowing between the Judge, the participant, and their family.[88] The Judge uses plain language and, where appropriate te reo Māori, to make proceedings easy to understand for defendants, victims, and other family or whānau members in the court.[89]

Graduation from the Matariki Court
If the participant completes their personalised plan, they will be sentenced in the Matariki Court. The Judge will take the participant's rehabilitative progress into account at sentencing.

Evaluations

In 2018, an independent evaluation was completed on Te Mana o Ngāpuhi Kowhao Rau's provision of support services in the Matariki Court.[90]

All stakeholders – the Judge, Kairuruku, lawyers, Police, Probation Services, court participants, and their families – all concurred that Te Mana o Ngāpuhi Kowhao Rau's support provision was appropriate and effective in engaging court participants and their family members. This was found to be key to the success of the Matariki Court.[91]

In particular, the way that Te Mana o Ngāpuhi Kowhao Rau reconnected court participants with their family and community was instrumental to their success. This also had a positive impact on the family members, who are often experiencing the same underlying causes of offending.[92]

The only reported shortcoming was a lack of funding and resourcing.[93]

2.2.2 Te Kooti o Timatanga | The New Beginnings Court

The New Beginnings Court was established in 2010.[94] It aims to respond to recidivist low-level criminal offending in Auckland City Centre by connecting participants with social and health support services.[95]

How it works:

Since its inception, the New Beginnings Court has described itself as a "*solution-focussed court that attempts to deal with multiple issues of homelessness, mental impairment, and drug dependency*".[96]

Admission into the New Beginnings Court
To be eligible for the New Beginnings Court, the potential participant must generally:[97]

- have committed on-going, low-level, offending within Auckland's inner city;
- be 17 years or over;
- be homeless and/or have no fixed address;
- be affected by mental health concerns, intellectual disability, chronic alcohol and/or substance abuse issues; and
- plead guilty or not contest the charges.

Following an individual's arrest, the duty lawyer will interview them and complete an initial eligibility screening. If this screening indicates that the individual may be eligible for the New Beginnings Court, they will complete an assessment with the Programme Manager to determine whether they meet the eligibility criteria.[98]

As potential participants are usually well known to social services, information about their mental health and alcohol/substance use is often readily available. If any concerns emerge, a more intensive screening or assessment is carried out by a mental health clinician or alcohol and addiction services.

Participation in the New Beginnings Court is entirely voluntary and a participant may withdraw at any time.[99]

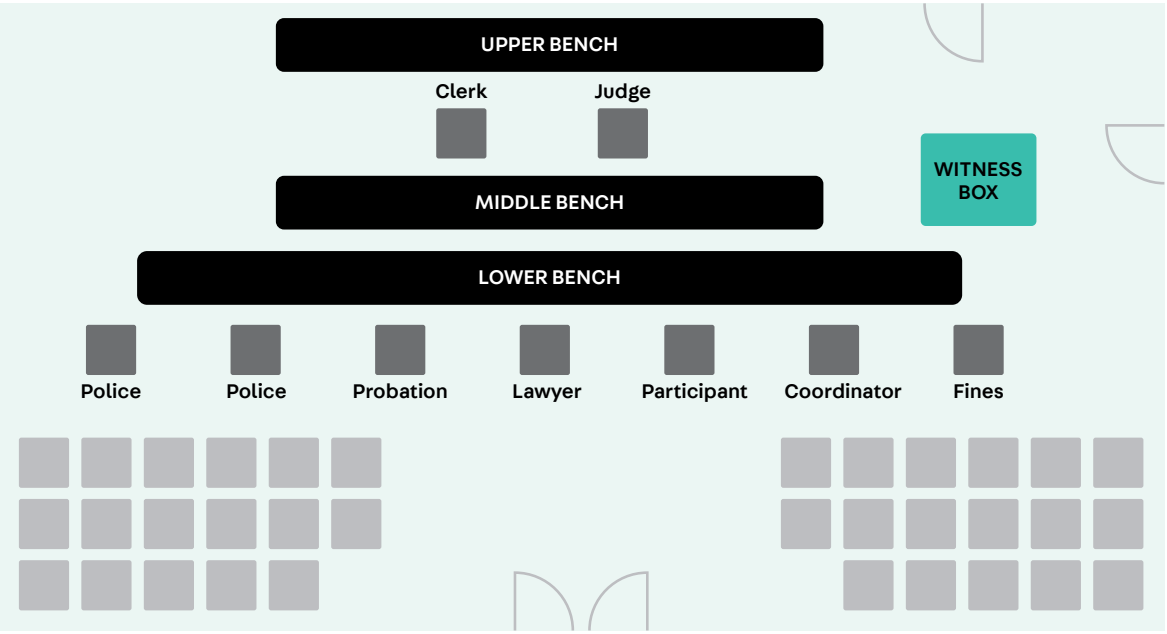
Creation of personalised plan
If the participant is considered eligible for the New Beginnings Court, a therapeutic plan is prepared to address any homelessness, mental health, addiction, or intellectual impairment.[100] After this plan had been prepared, the Programme Manager liaises with the appropriate support services and makes any necessary referrals.

The Programme Manager is essential to the success of the New Beginnings Court.[101] They oversee the treatment plans and work with the participants to ensure the plans are implemented.

If appropriate in the particular case, a restorative justice meeting will be held before the initial New Beginnings Court hearing to bring together a plan to address the victims' issues, accountability and options for resolving outstanding fines.[102]

Once those steps have been taken, the personalised plan is considered by the Judge and, if acceptable, it will be approved. In the event of a dispute about the person's suitability for the New Beginnings Court or any aspect of a plan, the Judge will hear submissions and rule on the matter.[103] Individuals deemed eligible and suitable are then accepted into the New Beginnings Court, which will monitor the participant's compliance their personalised plan and the delivery of services to be provided.[104]

Hearings of the New Beginnings Court
The New Beginnings Court operates for one half-day each month.[105] At these hearings, the Judge oversees the participant's progress with their plan and monitors the provision of support services.



The approach of the New Beginnings Court is non-adversarial and based on principles of therapeutic jurisprudence. It is less formal than traditional courts and uses an alternative courtroom layout, as illustrated in the diagram below:[106]

Once a participant has been accepted into the New Beginnings Court, there will be unbroken continuity of judicial personnel.[107] The Judge uses plain language and speaks directly to the participant. As one participant commented:[108]

> *"The judge talks to you like an actual person, asks what you're achieving. It's more hands on.*
>
> **Court participant**

Unlike defendants in the mainstream criminal courts, participants in the New Beginnings Court are actively involved in the process and provide input into the design and implementation of their personalised plan.

Graduation from the New Beginnings Court

Once the participant completes their personalised plan, they will graduate from the New Beginnings Court and be sentenced. The rehabilitative progress they have made will carry significant mitigatory weight.

At the graduation ceremony, the participants receive a pounamu[109] and certificate.

Photo of Judge Tony FitzGerald, the New Beginnings Court Coordinator, and a participant following graduation. Source: SALT Magazine.

Evaluation

An evaluation of the New Beginnings Court was undertaken by the Auckland Homeless Taskforce. The evaluation covered all 21 court participants enrolled in the New Beginnings Court during the first year of the court.[110]

The evaluation found that:

- **Arrest:**[111]
  - The number of people arrested fell by 26% during participation and by 42% in the six months following the programme. One participant said: "*It's the longest I've stayed out of jail in 30 years. It's kept me out of trouble*".
  - The total number of arrests amongst participants dropped by 66% during participation, which was sustained in the six months after their participation.
- **Prison:**[112]
  - Bed nights in prison reduced by 78% during participation and 60% in the six months following participation.
- **Health**:[113]
  - Participants reported living a healthier lifestyle and having higher self-regard.
  - Emergency department visits reduced by 16% during participation and 57% in the six months following participation.
- **Housing**:[114]
  - The number of participants known to be rough-sleeping decreased from sixteen to six.
  - The number of Housing New Zealand tenancies increased from zero to six (total bed nights from Housing New Zealand increased from zero to 1185).
- **Social support**:[115]
  - Participants reported better relationships and more frequents contact with their family.

The evaluation suggested that the participants' progress had been largely sustained, at least in the six months following graduation.[116] Participants highlighted the value of keeping in contact with the New Beginnings Court after graduation and receiving on-going support, if required.

Participants commented on the positive attitude of the New Beginnings Court team, which promoted wellbeing and positive mental health improvements. Participants said that they:[117]

- felt more involved in the proceedings than in the mainstream District Court;
- better understood the process;
- found the approach of the New Beginnings Court friendlier and more engaging;
- found the court to be more culturally welcoming to participants;
- felt that having other people care about them and see their potential had allowed them to see their own potential;

- felt that the compulsory aspects of the programme only worked because the New Beginnings Court helped cultivate a much more positive attitude amongst the participants than traditional court processes; and
- felt that overall the approach appears to promote confidence in the court system.

2.2.3 Special Circumstances Court

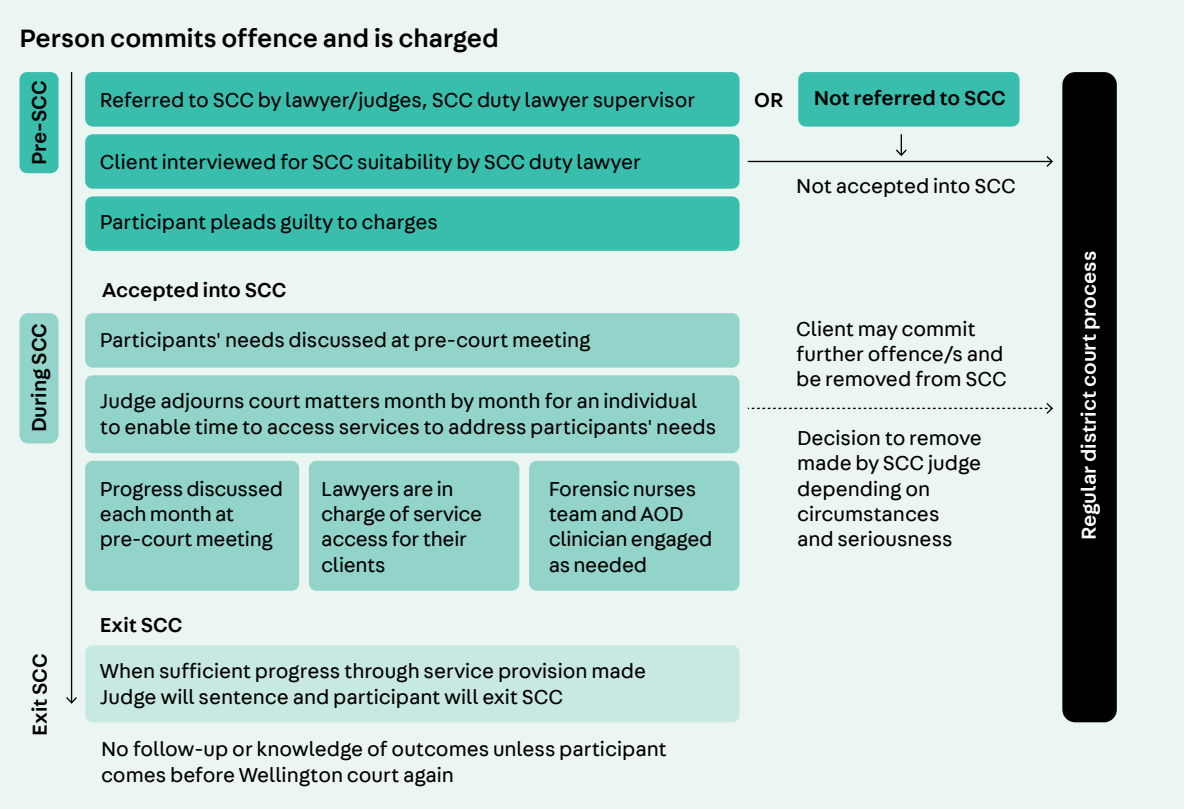
The Special Circumstances Court was established in March 2012 by Judge Susan Thomas.[118] It aims to interrupt the cycle of criminal offending committed by people with complex life problems by addressing the underlying causes of offending, such as homelessness, mental health issues, or drug and alcohol use.[119]

A secondary aim of the Special Circumstances Court is to bring the community into the courtroom through collaboration with those working in the legal system and the community.[120] The Special Circumstances Court strives to give participants a different experience in the justice system where they:[121]

- are respected as a person;
- are treated with courtesy;
- have relevant services engaged with them;
- have an opportunity to speak and be heard; and
- have their individual needs considered within the system.

How it works

The Special Circumstances Court sits within the criminal jurisdiction of the Wellington District Court and follows the process outlined in the diagram below:



Eligibility for the Special Circumstances Court
To be eligible for the Special Circumstances Court, a potential participant must have:[122]

- committed low-level offending;
- pleaded guilty;
- an identifiable need (such as addiction, mental health problems, lack of accommodation, income support etc);
- expressed a desire for help with an identified need; and
- a motivation to change.

Roles within the Special Circumstances Court
The Special Circumstances Court relies on an interdisciplinary team, which includes the following:[123]

Party	Role
Judge	• Oversee the Court • Monitor progress of participants • Interact directly with participants • Sentencing
Duty Solicitor (Wellington and Hutt Valley District Courts)	• Coordinator of Court • Oversee running of Court • Assess potential participants for inclusion and identify needs • Main decision maker for Court
Lawyers (Public Defence Service and private practice)	• Refer potential clients to Duty Solicitor • Represent and advocate for client • Connect to services and others • Connect to family
Police Prosecutor	• Represent community interests • Put the facts before the court to make appropriate decisions for participants • Bring any issues in preceding month (e.g. bail breaches before the court)
Forensic Team	• Provide expertise on mental health issues • Feedback on treatment and follow-up of participants
Alcohol and Other Drug Clinician (Salvation Army funded)	• Identify those who need help with addiction issues • Provide expertise on addiction issues • Clinical assessment for Bridge programmes
Probation Officer	• Provide sentencing expertise and advice • Dialogue with judge in pre-court meeting
Bail Support (Corrections)	• Identify support available in community • Help link participants to resources • Assess bail addresses
Service Providers (NGO)	• 'Go-to people' for lawyers to access a network of services • Identify those needs services through Court • Provide the 'wrap around' process and be a navigator • Occasional referral of potential participants
Welfare Advocacy Project – approximately nine volunteer law students from Victoria University	• Team leader provides support to Duty Solicitor to run Court • Notes for files • Advocacy welfare service on Court days • Some follow-up with participants

Hearings of the Special Circumstances Court
The Special Circumstances Court sits one day each month. Between each hearing, participants work with support service providers (e.g. drug and alcohol assessors, housing services, or counselling) to address the underlying causes of their offending.[124]

In the courtroom, the Judge speaks with the participant about their progress to date, monitors attendance at meetings or appointments, and provides positive recognition of achievements.[125]

The participant's family members are encouraged to attend Special Circumstances Court hearings and remain closely involved in the process.

Graduation from the Special Circumstances Court
Once the Judge is satisfied that a participant has completed their personalised plan, they are sentenced in the usual way.[126] Their progress made in the Special Circumstances Court is considered a significant mitigatory factor.

The Special Circumstances Court aims to give the participants a positive foundation from which they can avoid re-entering the criminal justice system.

Evaluation

An evaluation of the Special Circumstances Court was published in March 2020.

This found that, of the 140 participants, who had exited Special Circumstances Court in the relevant period, 75% had reduced their offending and 45% had not re-offended at all. The total number of offences committed by this group was significantly fewer than the number of offences they had committed in the 12 months prior to entering the Special Circumstances Court.

For participants who did reoffend, the average number of offences decreased from 7.83 offences per participant pre-Special Circumstances Court to 5.68 offences per participant for the year following exiting the Court. As one member of the Special Circumstances Court interdisciplinary team commented:

> *The goal isn't always perfection, the fact that he is employed, housed and only had one charge this year is great.*
>
> (**SCC Management**)

Almost all participants and family members said that they had positive experiences working with the judges and lawyers in the Special Circumstances Court. Many participants contrasted this with Judges and lawyers in the mainstream courts, where they were often treated like a "number or a file". In the Special Circumstances Court, participants were treated with respect and kindness and were given the opportunity to speak in court:[127]

> *I like how the judge interacts with the people... because it makes me feel like an actual human. They seem really caring. They do care about what's happening. So, I like that part of it. I didn't feel stressed at all because it was so casual.*
>
> (**SCC participant**)

Participants also described being connected to a range of services and support, which help them obtain driver's licences, personal identification cards, medical appointments, Work and Income NZ entitlements, job training, housing, counselling, and therapy.[128] Participants were overwhelmingly positive about the support they received from service providers who helped them with housing and other issues.[129]

The evaluation outlined the following outcomes:[130]

Health status	• Positive outcomes through engagement with mental health services. • Engaged with alcohol and other drug services; reduction or no use of alcohol and other drugs as a result. • More recognition of negative mindset and deterioration of mental state (e.g. triggers).
Housing	• Some participants reconnected and moved in with their whānau. • Participants continued to engage with Downtown Community Ministry and accessed support for housing. • Some participants felt they had a safe and stable environment to live in.
Subjective wellbeing	• Some participants felt like they had certainty about decisions in their life. • Participants were gaining hope and feeling valued (through engagement with judges, services, and personal progress). • Some had a positive shift in their mindset and an increased awareness of coping strategies.
Social connections	• Reconnecting with family, support networks, and their communities. • Supervised access with their children or in Family Court process. • Setting goals to (reengage with children and wider family).
Civic engagement and governance	• Participants are aware of services to which they are entitled. • Reductions of offending for some.
Income and earnings	• Some participants are volunteering and increasing their chances of gaining employment. • Some are opening bank accounts and accessing Work and Income benefits.
Education and skills	• Some participants have attended short courses around tikanga Māori and te reo Māori. • Participants are attending self-development courses and education.
Cultural identity	• Some participants reconnected with their marae and attended tikanga Māori and te reo Māori courses.
Other	• Potential reduction in offending because of their personal development while in the Special Circumstances Court.

Photo from graduation of the Special Circumstances Court

2.2.4 Personal Individual Needs Court

The Personal Individual Needs Court ("PINC") is based in Wairarapa, a region in the lower North Island of New Zealand.

How it works

The PINC targets low-level recidivist offenders with underlying drivers of offending. To this end, it works alongside a designated community organisation which helps the participant with matters such as housing, alcohol and drug dependence, counselling, and benefits.[131]

After the individual has plead guilty in the mainstream District Court, the matter is adjourned and the case is referred to the PINC. The participant and the community organisation come together to develop a personalised plan. At subsequent hearings in the PINC, the Judge monitors the participant's progress with the plan and provides encouragement along the way.[132]

The PINC sits one afternoon a month and adopts a holistic team approach. Before each hearing, the whole team – which includes the Judge, lawyers, Probation, Police and some of the support service providers – meet to discuss how the participants are progressing.[133]

Once the participant has completed their plan, they are sentenced within the PINC. They will receive mitigatory credit for any rehabilitative progress they have made during their time in the PINC.

Evaluation

There has not yet been an independent evaluation of the PINC.

2.3 Drug Courts

As in many countries, much of New Zealand's criminal offending is linked to alcohol and drug use. One study reported that 89.4% of individuals in New Zealand's prisons had experienced a lifetime diagnosis of substance abuse or dependence.[134] Another found that 90% of offenders were alcohol or drug affected in the period leading up to their offending.[135]

New Zealand was comparatively slow to develop a drug court. However, in November 2012, following a recommendation by the Law Commission, the Alcohol and Other Drug Treatment ("**AODT Court**") was eventually established.[136]

2.3.1 Te Whare Whakapiki Wairua | Alcohol and Other Drug Treatment Court

The AODT Court was established as a joint initiative between the judiciary, government agencies, and community stakeholders.[137] It first began as a five-year pilot across two District Court sites — Waitakere and Auckland – both of which have since been made permanent. A third AODT Court was established in Hamilton District Court in 2021.

How it works

The AODT Court aims to provide an alternative to imprisonment for people whose offending is driven by alcohol and/or drug substance use.[138] The AODT Court has adopted international best practice principles and adapted them to make the court appropriate for New Zealand.[139] All three AODT Courts follow the same process.

Eligibility for the AODT Court
To be eligible for the AODT Court, the potential participant must:[140]

- be aged 17 years or over;
- be a New Zealand citizen or permanent resident;
- be likely to have an alcohol and/or other drug substance use disorder driving their offending;
- have resolved all active charges or is currently in the process of doing so;
- have a ROC*ROI[141] (Risk of Re-conviction x Risk of Re-imprisonment) score that is considered generally within the range of 0.5 - 0.9;[142]
- reside in the catchment area of the court at which the charges have been laid; and
- be willing to take part in the AODT Court and able to attend programme sessions, which could include residential treatment, and attend alcohol and other drug testing, and other requirements.

Roles within the AODT Court
The AODT Court has a strong interdisciplinary team which includes:[143]

- **Clinical Manager**: Appointed and employed by the lead treatment provider, Odyssey Auckland. The Clinical Manager maintains clinical oversight over the treatment services and the treatment staff, including peer support workers, case managers and case coordinators.
- **Case Managers**: Employed by Odyssey, Case Managers are responsible for coordinating the treatment programmes tailored for participants to address their alcohol and other drug issues, and also provide a support recovery programme. Case Managers report participants' progress to the AODT Court. They also facilitate communication between the AODT Court, the treatment provider, and the participant. Case Managers also provide testing reports and deal with positive tests.
- **Peer Support Workers**: Also employed by Odyssey, Peer Support Workers have lived experience and are responsible for engaging and supporting participants in their treatment pathway during their time in the AODT Court. The Peers provide reports to the Case Managers to give a full picture of each participant's recovery.
- **AODT Court Coordinator**: This role was initially administrative but has evolved to include many tasks to manage relationships and the flow of information between external stakeholders and the AODT Court team.
- **Pou Oranga** (**Māori adviser**): Gives advice on how to engage with Māori participants and also ensure that the kaupapa Māori aspects are included in the AODT Court process and treatment plan.
- **Court Registry Officer**: Responsible for providing judicial support and case progression.
- **Community Officer**: Attends pre-court meetings and Determination Hearings, facilitates graduates' transition to the Probation Service, and manages the intensive supervision sentences of graduates.
- **Police Prosecution**: Police prosecutors working in the AODT Court tend to be more experienced than other prosecutors, especially with matters involving alcohol and other drug use.
- **Defence Counsel**: There are a designated pool of AODT Court defence counsel to ensure that they are familiar with the court process.

Before each sitting of the AODT Court, the full interdisciplinary team meet to consider reports and share information about the participants appearing on that day. This team focuses on consistent collaboration and establishing open lines of communication to ensure timely responses to issues.

Referral to AODT Court
Potential participants are referred to the AODT Court by Judges or defence lawyers in the mainstream District Court. In the first instance, the potential participant undertakes a specialist assessment to confirm alcohol and other drug dependency.[144]

The suitability of the potential participant is then assessed at a pre-Court meeting, where the victim's views are heard. The AODT Court Judge will make the final decision at a 'Determination Hearing'.[145]

Once the individual consents to participate, they will officially enter the AODT Court. Great care is taken to ensure that potential participants know what the AODT Court involves, their obligations, and the consequences if those obligations are breached.[146]

Process of AODT Court
Participants in the AODT Court complete three phases, each of which lasts approximately six months:[147]

- **Phase 1:** Participants settle into the AODT Court programme and start their recovery journey. During this period they engage in alcohol and other drug treatment, either a residential or community-based programme.

- **Phase 2:** Participants continue their treatment plan and receive support as they attend other programmes tailored to their particular needs, such as counselling, stopping violence, parenting, road safety, or literacy. They are held to account for their offending by attending restorative justice (where agreed to by victims) and completing voluntary community service work.

- **Phase 3:** Participants complete their treatment plan and develop an ongoing maintenance plan with their Case Manager. Participants begin reintegrating into the community by finding suitable work or study, accommodation and positive activities that will support them in their life after leaving the AODT Court programme.

AODT Court participants are expected to complete the three phases in 12-18 months. Progression between phases requires a written letter from the participant requesting the move to the next stage.[148]

Each stage has different expectations of the participant. In phase one, the participant attends the AODT Court fortnightly. This increases to once every four-to-eight weeks in phase three.[149] There are also graduated incentives and sanctions to motivate participants.[150]

During their time in the AODT Court, participants are expected to:[151]

- appear at the AODT Court as directed;

- comply with their bail conditions and other requirements of the AODT Court;

- show a willingness to take part in treatment and other supports offered by the AODT Court;

- be drug tested and/or wear an alcohol-monitoring bracelet as required by the AODT Court;

- be honest and open with the AODT Court; and

- behave in a way that brings mana to themselves and to the AODT Court (mana is a Māori concept meaning integrity, authority, or status).

All participants in the AODT Court are required to undergo regular and random alcohol and other drug testing through all phases.

Hearings in the AODT Court

In the AODT Court, the presiding Judge adopts a therapeutic approach and communicates directly with participants, who are encouraged to provide updates about their progress. Through these interactions, the Judge builds a strong relationship with the participant. As one stakeholder commented:[152]

> *[The participants'] relationship with the judge here is fundamentally different, and it is vital to the working of the court. I've seen the way they talk about the judge and their respect and the expectation she has of them, and their response to that, is fundamental to how the court works.... they have so much respect for her, they don't want to disappoint her.*

> The AODT Court also embraces and integrates tikanga Māori practices into its day-to-day operation. The Pou Oranga (Māori Cultural Advisor) has developed a Cultural Framework for the AODT Court, which explains that the court is based on a Māori world-view and mirrors the domains of the courtroom with the meeting house on a marae.[153]

Photo from hearing of the Alcohol and Other Drug Court. Source: NZ Herald

Exiting the AODT Court

Participants may exit the AODT Court in three ways:[154]

- **Graduation**: A participant who meets all requirements will take part in a graduation event at the AODT Court and are invited to participate in a celebration at a marae (Māori greeting house) or other suitable community venue. Following graduation, the participant will be sentenced to a community-based sentence.[155] In appropriate cases, this sentence can also include continued oversight from probation officers to monitor recovery progress and ensure compliance with sentence conditions (such as ongoing drug testing), as well as further oversight from the Judge.
- **Withdrawal**: A participant may choose to voluntarily withdraw from the AODT Court at any time.
- **Termination**: A participant may exit the AODT Court through termination for reasons such as: further serious offending, deliberate failure to comply with plan, violence or threatening behaviour within the treatment setting or Court, expulsion from a treatment facility due to a serious breach of rules, or acting in a manner which convinces the AODT Court that continued participation is untenable.

If a participant withdraws or is terminated, they are remanded to a District Court sentencing list, where they will be sentenced in the normal manner. Their Case Manager will prepare a report summarising their progress (if any) within the AODT Court. This will be supplied to the sentencing Judge and any progress will be considered as a mitigating factor in sentencing.[156]

Evaluation

The AODT Court has been the subject of several evaluations.[157]

An evaluation published in 2016 was positive about its efficacy, noting that:[158]

> *... [t]he consensus amongst stakeholders, participants and whānau is that the AODT Court is resulting in transformational change for graduated participants and their whānau.*

A further evaluation published in 2017 found that AODT Court participants were 54% less likely to reoffend in 12 months and 58% less likely to be re-imprisoned compared with a sample group of offenders.[159] Graduates of the AODT Court had a 62% lower rate of reoffending and a 71% lower rate of imprisonment.[160]

The most recent evaluation, published in 2019, again reported positive outcomes. It found that, within two years after graduating from the Court, participants were:[161]

- were 23% less likely to reoffend for any offence;
- were 24% less likely to reoffend for offences excluding breaches;
- were 35% less likely to reoffend for a serious offence;
- were 25% less likely to be imprisoned because of their reoffending; and
- committed 42% fewer new offences per 100 offenders.

This evaluation also found that participants who graduated from the AODT Court experienced improved relationships with family, improved health, and increased education, training and work opportunities.[162]

Regarding cost-benefit, this evaluation found that the AODT Court was a "cost-neutral intervention", leaning towards a small-to-moderate positive return on investment relative to the mainstream court process. However, it was acknowledged that this calculus failed to incorporate many potential benefits which were unable to be costed.[163]

A study completed in 2022 estimated that, for NZD$1 spent in the AODT Court, it returned an estimated NZD$2 in social value. This was calculated based on a range of outcomes, including reduced offending and victimisation, and improved employment, mental and physical health for participants.[164]

2.4 Youth Courts

Research indicates that the human brain does not fully develop until the age of 25.[165] Until then, a young person's executive function, cognitive skill, and emotional regulation remains underdeveloped. Therefore, by virtue of their age alone, young adults require a different approach to effectively engage in the court process.

Research also indicates that a large proportion of young adults in the court system have some form of neurodiversity, such as: Autism Spectrum Disorder, Acquired Brain Injury, Traumatic Brain Injury, Dyslexia, Foetal Alcohol Spectrum Disorder, Attention Deficit Hyperactivity Disorder, Communication Disorders, and Intellectual Disabilities.[166]

The Youth Court was first established in 1989. It was the New Zealand's first problem-solving court and was revolutionary in its solution-focussed approach. As outlined later in this section, the Rangatahi Courts and Pasifika Courts followed in 2008 and 2010 respectively.

In 2020, the Young Adult List Court was piloted in the Porirua District Court. Although it operates within the adult criminal jurisdiction, it extends many of the Youth Court's best practices features to young adults aged between 18 and 25 years old.

2.4.1 Ngā Kooti Rangatahi | Rangatahi Courts

Rangatahi Courts[167] were established in 2007 to reduce offending by Māori youth by providing the best possible rehabilitative response and involving family and community in the youth justice process.[168]

Rangatahi Courts are a judicially-led initiative at which hearings to monitor plans prepared at a Family Group Conference ("**FGC**") are held on a marae (Māori meeting house).[169] They aim to reconnect young offenders with their culture, improve their compliance with FGC plans, and reduce their risk of reoffending.

As of September 2025, there are 16 Rangatahi Courts across the country.

How it works

Rangatahi Courts take place within the Youth Court jurisdiction. They offer young people an exit from the 'justice highway' by providing a more culturally appropriate response to offending and promoting better engagement with the youth justice process.[170]

Eligibility for the Rangatahi Court
Although Rangatahi Courts embrace tikanga Māori processes, they are available to any young person charged with an offence in the Youth Court, regardless of their race or ethnicity.[171]

Process for entering the Rangatahi Courts
After a charge has been admitted or proven in the Youth Court, an FGC will take place, at which a plan will be formulated. If the participants at the FGC agree, the plan can stipulate that its progress will be monitored in the Rangatahi Court.

A victim who attends the FGC is entitled to participate in the decision as to whether or not the FGC plan should be monitored in the Rangatahi Court. A young person will not be referred to the Rangatahi Court if the victim opposes the referral.[172]

Participants being welcomed onto the marae for a Rangatahi Court hearing. Source: Oranga Tamariki

If the victim consents to the young person being referred to the Rangatahi Court, they are invited to attend the subsequent hearings.[173]

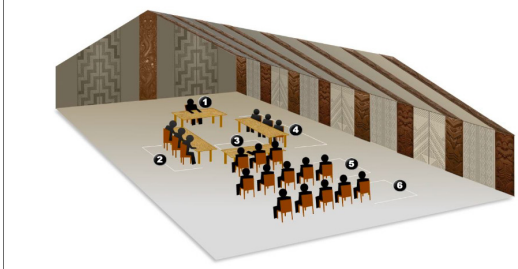
Hearings of the Rangatahi Court

Rangatahi Court hearings are held at a marae. The procedure of the Rangatahi Courts around the country are similar, but not identical, which reflects the unique customs at different marae and within local communities.

Sittings of the Rangatahi Court begin with a traditional pōwhiri welcoming process. This includes a karanga (calling the visitors onto the marae), whaikōrero (speeches), and kai (morning tea).[174]

Once the visitors have been welcomed onto the marae, the speeches begin. Speakers are invited from the visitors and representatives of the tangata whenua (custodians of the marae). After the speeches, all participants will share morning tea. This provides an opportunity for the parties involved in the hearing to meet with the young person and also each other.[175]

Figure 4- Key Roles and Typical Layout of the Te Kooti Rangatahi



1. Judge | 2. Kaumātua | 3. Whānau support person/ Rangatahi / Youth advocate| 4. Court Taker/CYF Supervisor /Police Prosecutor| 5-6 Whānau/Lay Advocate / Service Provider|

Hearing of the Rangatahi Court. Source: E-Tangata

Then follows the formal court process. Individual cases are heard within the wharenui (main meeting house), which is reflected in the diagram below:[176]

At the beginning of each hearing, the young person is invited by the Judge to stand up and present their pepeha in te reo Māori.[177] Pepeha is a traditional Māori oral recitation given by a person when introducing themselves. Connection is very important in Māori culture – between people, families, and the environment. Through their pepeha, the young person explains to the kaumātua (elder) and others at the hearing who they are and where they are from. The young person is also asked to introduce the family members attending with them and the professionals in attendance.[178]

Following this, the court process is conducted in largely the same way as in the Youth Court.[179] The Judge requests the young person and youth justice professionals (e.g. youth advocate, lay advocate, supporting service providers, police and youth justice co-ordinator) to provide an update on the young person's progress with the agreed FGC plan. As the Judge deems appropriate, they will also ask some or all of the stakeholders for feedback on the feasibility proposed next steps for the young person.[180]

The Judge then sums up the progress (or otherwise) that the young person has made since their previous hearing. At the conclusion of each hearing, the Judge invites the kaumātua (elder) to address the young person. After being addressed by kaumātua (elder), the young person, their whānau, and support people are invited to farewell the Judge, kaumātua and attending youth justice professionals before leaving the room.[181]

At the completion of the day's hearing the attending kaumātua (elder) is invited to close the court sitting with a karakia (traditional Māori prayer/incantation).[182]

Evaluation

An evaluation of the Rangatahi Courts was published in December 2012.[183] This found a high level of attendance amongst young people and their families, specifically fathers. One Judge commented that:[184]

> *I see whānau at Ngā Kooti Rangatahi that you would never see in the Youth Court. I've seen fathers at the marae that I never knew existed.*

Young participants reported that they were treated with respect throughout the Rangatahi Court process and that they felt comfortable and welcomed by the marae community.[185] This experience on the marae also exposed the young people to te reo and tikanga Māori, which enhanced their cultural connection and improved their confidence and self-esteem. As one social-worker described:[186]

> *It's tougher coming here – it's not a soft option. You can see the fear and terror. You can feel it…that tension and the fear and anxiety….. but when they do it [their pepeha] it's incredible you can see the relief, pride, their self-esteem goes up hugely. They get really positive feedback. The kaumātua and nannies can link in with their whakapapa and tell them about stories that are in their blood.*

The evaluation found that young people who participated in the Rangatahi Court felt engaged in the monitoring process and took responsibility for their offending and its impact.[187] Family members also felt welcome, respected, engaged, and perceived the monitoring process as legitimate.

A further evaluation of the Rangatahi Courts, published in 2014, found that participants committed 14% fewer offences and were 11% less likely to commit new offences.[188]

The Rangatahi Courts have received several awards, including: the Australasian Institute of Judicial Administration Award (AIJA) for Excellence in Judicial Administration, the Institute of Public Administration New Zealand Excellence Award for Crown-Māori Relationships, and the Veillard-Cybulski Award, an international award which recognises innovative work with children and families in difficulty.[189]

2.4.2 Pasifika Courts

The Pasifika Courts were established in 2010 as a judicial response to the disproportionate over-representation of offenders with Pacific Island heritage in the youth justice system. The aims of the Pasifika Courts are to:[190]

- reconnect young offenders with their culture;
- encourage young offenders to engage in the youth justice process; and
- encourage involvement of family and community in the youth justice process.

The first Pasifika Court opened in Mangere and the second in Avondale.[191]

How it works

The Pasifika Courts operate within the Youth Court jurisdiction.

Admission into the Pasifika Courts
All youth offenders first appear in the mainstream Youth Court. If they admit the charge or it is subsequently proved, a personalised plan will be formulated at the Family Group Conference ("**FGC**"). This can provide for judicial monitoring in the Pasifika Courts.

Photo from hearing of Pasifika Court. Source: Ministry of Justice.

Process of the Pasifika Courts
The Pasifika Courts largely follows the mainstream youth justice process. However, the monitoring of participant's progress with their personalised plan will occur in the Pasifika Court before the same Judge.

Hearings of the Pasifika Courts
Hearings of the Pasifika Courts are held in a local church or community centre. Judges and court staff are dressed in traditional Pacific Island attire and the room is decorated with artworks, mats and floral cloth. The floor is covered with a 'tapa' – a traditional mat that bears the signatures of young people who have completed their plan successfully. This creates a warm atmosphere in the Pasifika Court with a sense of reverence and respect.[192]

Pasifika Court hearings open with a prayer and a formal Pacific Island greeting by an elder towards the young person, their families, and support persons.[193] The elder is generally the same Pacific Island ethnicity as the young person. This assumes greater significance in the Pasifika Court, as respect for elders is a core fundamental value of Pasifika culture.

Judges in the Pasifika Courts are selected due to their training, experience, and understanding of different cultural perspectives and values.[194] The Judges sit at the same level as the participant and welcome the presence of others in the courtroom. Family members are embraced and thanked for their participation in the process. They also are encouraged to speak about their experiences with the system.

During the hearing, the Judge invites the young person and their family to contribute. After the discussion, a decision is made about way forward, the elder gives a word of encouragement, a closing prayer is said, and the Judge closes hearing.[195]

Evaluation

The Ministry of Justice has conducted reoffending analysis in respect of Pasifika Court participants. This found that young people who appeared in a Pasifika Court had a "significantly lower reoffending rate" than a matched comparison group of young people who had only been through the Youth Court.[196]

2.4.3 Young Adult List Court

The Young Adult List Court ("**YAL Court**") is a judicially-led initiative that adapts the mainstream criminal processes for young adults between 18 and 25 years old appearing in the District Court.

The YAL Court recognises the unique neurological position of young adults and the barriers that can prevent them from effectively participating in the court process. The overriding objective of the YAL Court is to enhance procedural fairness by:[197]

- supporting young adults, victims, family and supporters to properly engage and participate with the court process;
- supporting young adults, victims, family and supporters to understand the implications of each stage of the criminal process;
- giving young adults the opportunity to be referred to the right interventions; and
- ensuring victims are treated with respect, compassion, and feel safe and supported throughout the court process.

The YAL Court was first launched in the Hamilton District Court and has now been expanded to the Gisborne District Court.[198]

How it works

The YAL Court separates individuals aged 18-25 years from older defendants appearing in the mainstream District Court and revises the court process to recognise special characteristics that could limit executive functioning (e.g. thinking, memory and focus).

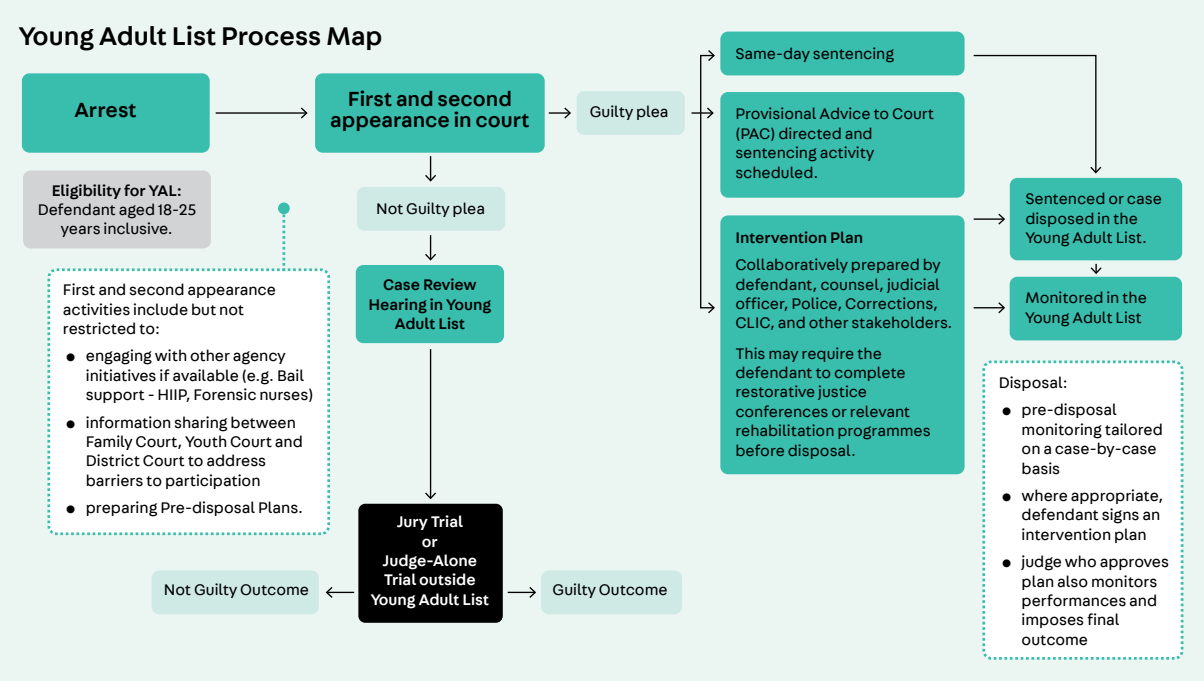
Eligibility of the YAL Court
The YAL Court adopts the following eligibility criteria:[199]

- the participant must be aged 18 to 25 years old at the time the charges are filed;
- the charges must have been filed *after* the date the YAL court began operating at the particular court;
- the charges must be category 2 and/or category 3 offences (see section 1.2.4 above regarding the categorisation of offences in New Zealand); and
- the case must be heard at the District Court where the charges were filed or the District Court where the participant resides.

The YAL Court will hear all procedural and substantive hearings up until the trial.[200] At this point, the matter will be transferred out of the YAL Court and the trial will take place in the mainstream District Court.

Process of the YAL Court

The YAL Court process is outlined below:[201]



Roles in the YAL Court

A core component of the YAL Court is its strong interdisciplinary team, which supports young adults towards restorative and rehabilitation pathways. This includes:[202]

- **Alcohol and Other Drug Clinician**: Works with the young adult to assess the extent that drugs and alcohol have affected their lives and provides treatment and/or referrals to a range of services they may require.
- **Bail Support Officer**: Conducts a needs assessment with the young adult and then provides a bail information report about how needs would be met if the young adult were to receive bail. If bail is granted, the young adult can opt into the Bail Support Service and have a Bail Support Officer work with them in the community. They will support the young adult to address unmet needs and support them to comply with their conditions.
- **Community Link in Courts**: Provides wraparound support to young adults and links them to community services, such as Work and Income to access benefits and New Zealand Transport Association to get a driver's licence.
- **Court Registry Officer:** Provides judicial support, performs the role of registrar in the courtroom, verifies that participants meet the eligibility criteria for the YAL Court, and schedules further appearances.
- **Court Victim Advisor:** Responsible for ensuring victims understand the progress of the case through the court system, advises victim what other services entitlements.
- **Duty Lawyer/Defence Counsel:** Provides legal advice and representation to participants appearing in the YAL Court, helps participants fill out their legal aid application, and carries out required Intervention Plan tasks.
- **Forensic Court Liaison Nurse:** Meets with young adults who may have mental health concerns. After speaking with the young adult, the Forensic Nurse will make suggestions to the court to have the young adult's needs met. These suggestions could include referring to a Community Mental Health Team or Alcohol/Drug Service.

- **Māori, Pacific and Ethnic Services**: Works with young adults and victims to provide advice and support. They provide cultural advice to the court about a young adult and work to improve police relationships with Māori, Pacific and Ethnic people.
- **Probation Officer:** Responsible for preparing probation report and recommendations for the court to inform sentencing. Works closely with the young adult and programme facilitators.
- **Prosecutor:** Responsible for progressing the prosecution's case, informs the court of the victims' views, and provides updates on how the participate is complying with their conditions.

Intervention Plans
As part of the YAL Court, some participants will prepare an 'Intervention Plan', which is intended to help address underlying causes of the offending. The young adult will decide if they want an Intervention Plan and what activities it should include. Common activities include participation in programmes such as stopping violence, driver's licensing education, alcohol and drug programmes, or counselling.[203]

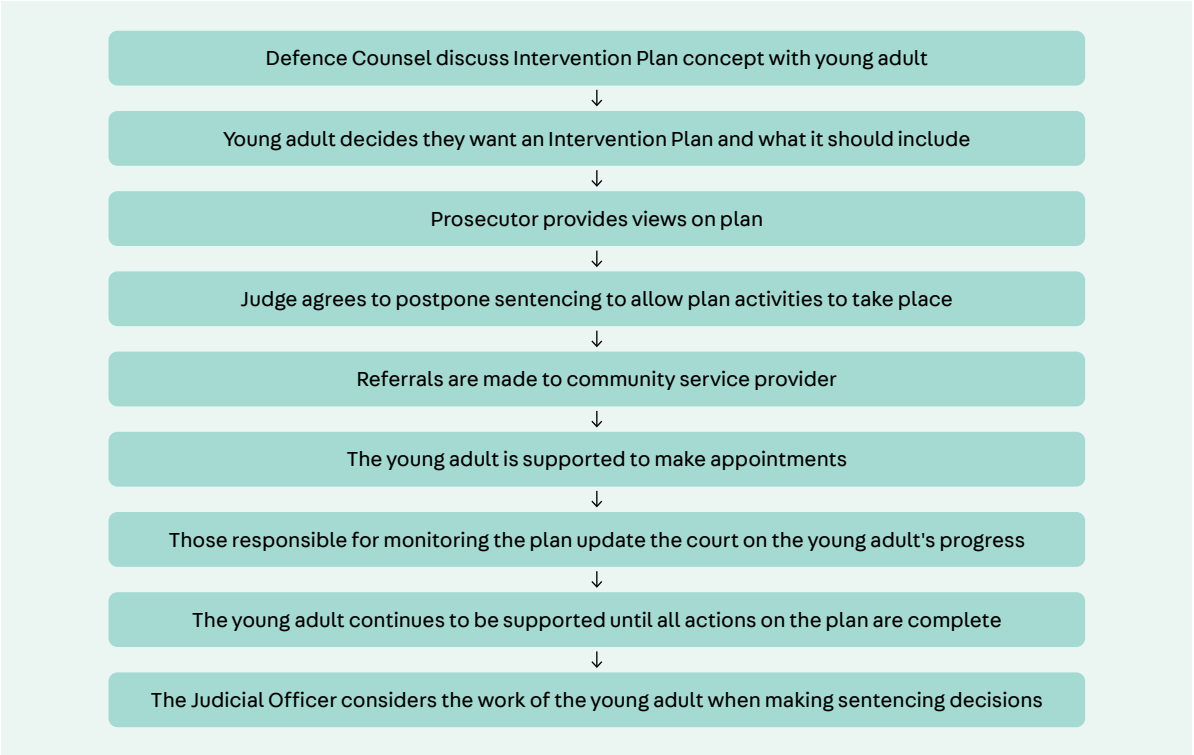
The YAL Court National Guidance states that an Intervention Plan is most likely to benefit a young adult if its successful completion is likely to:[204]

- support an application for Discharge Without Conviction[205] or the charge being withdrawn, particularly for first time offenders;
- provide enough mitigation for the young adult to receive a community-based sentence instead of a term of imprisonment; or
- address the underlying causes of offending.

An Intervention Plan is unlikely to benefit a young adult:[206]

- if the charges can be more appropriately dealt with via diversion or Te Pae Oranga;
- if it is unlikely to address the causes of the young adult's offending, e.g., where they are not committed to change or relevant services are not available; or
- where the young adult prefers not to receive a plan or would prefer to be sentenced on the same day.

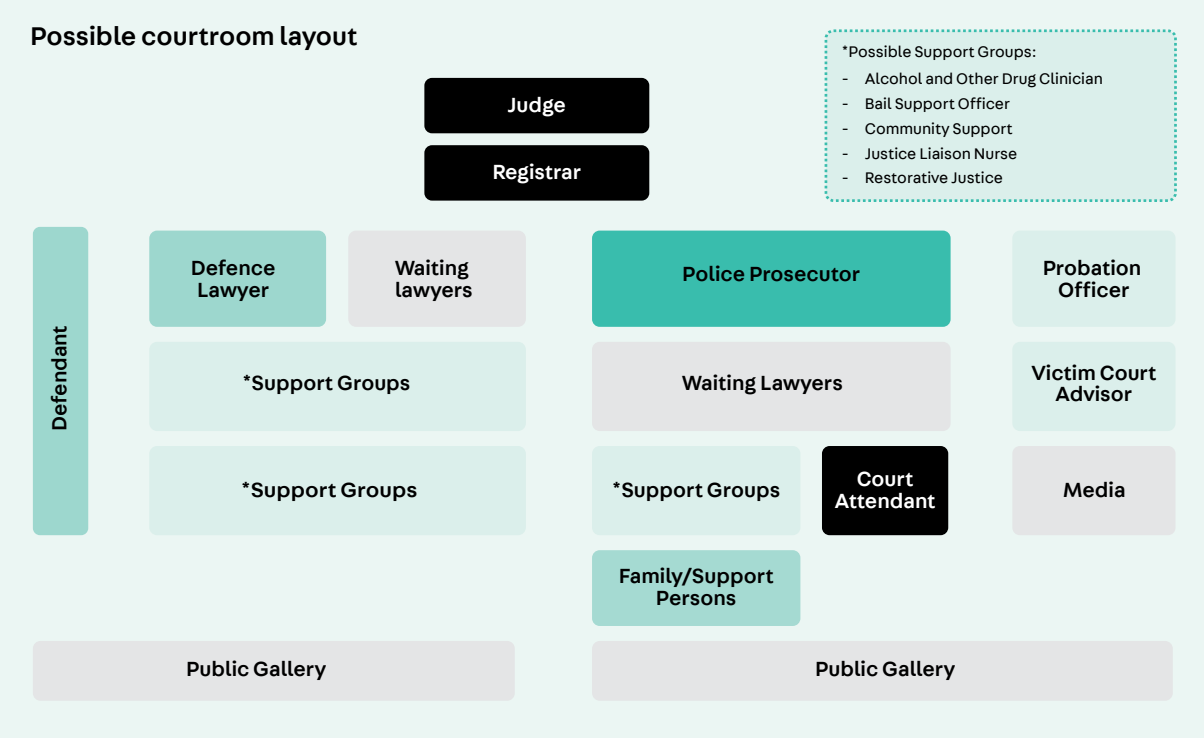
If the participant wishes to prepare an Intervention Plan, the following process will be followed:[207]



The YAL Court National Guidance provides template Intervention Plans to assist participants and their defence counsel.

Hearings of the YAL Court
The YAL Court adopts an alternative courtroom layout to enhance procedural fairness. Whilst the precise layout will depend on the particular courtroom, it is a minimum requirement that defence counsel stand beside the young adult they are representing. Where the participant is not in custody, the Judge may allow them to sit outside the dock, either seated or standing next to counsel.[208]

An example of an alternative courtroom layout for the YAL Court is:[209]



Every person within the YAL Court is alert to the special needs and characteristics of the young adults.[210]

Judges, lawyers, and members of the interdisciplinary team are all encouraged to use plain language. An education package providing advice on this topic has been prepared for individuals appearing in the YAL Court.

An information booklet using plain language has also been produced for participants. This provides an information sheet, frequently asked questions, and a glossary of commonly used words in the YAL Court. This can be available in OpenDyslexic font upon request.[211]

Evaluation

In July 2021, an independent panel published an evaluation of the Porirua District Court YAL Court.[212] This involved interviews with 30 defendants from Porirua District Court YAL Court and 25 defendants from a comparison court of comparable size.

The evaluation found that:

- **Hearing the Judge**: All YAL Court participants said they could clearly hear the Judge, compared to around 75% of defendants in the comparison court.[213]
- **Understanding the Judge**: Around 80% of the YAL Court participants said they could understand what the Judge was saying, compared to 33% of comparison court participants.[214]

- **Treated with respect**: All YAL Court participants said that the Judge had shown them respect or, at the very least, not been disrespectful, compared to only 50% in the comparison court. Participants in the YAL Court also relayed that they had appreciated their YAL Court Judge's caring attitude and guidance.[215]

- **Referral to an intervention**: Participants in the YAL Court were more likely than their comparison counterparts to be referred to an intervention focusing on the underlying causes of their offending. The referrals made for YAL Court participants were also a better fit for their needs.[216]

Over half of 30 YAL Court participants had previously experienced the District Court. Of these, all preferred their experience of YAL Court.[217]

For most of YAL Court participants, the court experience was a '*big eye opener*' – 96% of those interviewed thought their experience of the YAL Court had made them think more deeply about their future and make some changes.[218] Only about 50% of comparison participants thought this.

The most common behavioural changes mentioned were stopping or reducing their alcohol, drug consumption, and not driving under the influence. Other positive changes included being in full-time work, not associating with the 'wrong crowd', getting into a routine, driving more safely, working towards their full driving licence, learning how to manage their anger, and attending self-improvement courses.[219]

2.5 Family Violence Courts

New Zealand has the highest rate of family harm in the OECD. Family harm is responsible for approximately 40% of Police time and 17% of Police priority call outs.[220]

The first Family Violence Court was established in New Zealand in 2001. There are now eight such courts in the following locations: Whangārei, Auckland, Waitākere, Manukau, Porirua, Hutt Valley, Palmerston North, and Masterton.

A new type of family violence court – the Family Harm Intervention Court – was established in Gisborne in 2018.

2.5.1 Family Violence Courts

Family Violence Courts were developed as response to the unacceptably high prevalence of family violence in New Zealand. They were introduced as a judicially-led initiative to provide a specialist, more holistic and therapeutic response to family violence.

The key objectives of the Family Violence Courts are:

- promoting victim safety;
- making sure that those affected receive the right support and information;
- getting offenders to take responsibility for their actions;
- reducing the time it takes for family violence cases to be heard or disposed;
- recognising cultural needs of Māori and other ethnic communities, and responding to them appropriately;
- reducing reoffending and/or severity of offending; and
- influencing positive cognitive behavioural change in defendants.

How they work

Each Family Violence Court has been adapted to meet the needs and constraints of its local community, but all are expected to follow the 'FV National Operating Guidelines'.[221]

Hearings of the Family Violence Courts
Family Violence Courts sit within the criminal jurisdiction of the District Court. They are held at a regular time and have a dedicated team of people working to support and help those going through the court process, including judges, police prosecutors, community probation officers, court staff (including Victim Advisors), and a variety of community support services.

Cases involving both family violence and other criminal charges will, unless a Judge direct otherwise, be scheduled together in Family Violence Court and will remain there.[222]

Information sharing between jurisdictions
At the first appearance, the Court Registry Officer is responsible for collating and providing a Family Violence Bail Report pack to the presiding judicial officer. This contains the necessary information for the judicial officer to make an informed decision about bail. It includes the defendant's criminal history, bail history, the summary of facts, information from the Family Court (where appropriate), and the victim's views.[223]

Process of the Family Violence Courts
If the defendant enters a not guilty plea in the Family Violence Court, the Judge can recommend that the attend a pre-sentence non-violence programme. Compliance with the non-violence programme is taken into account at sentencing.[224]

Evaluation

An evaluation of the eight active Family Violence Courts was completed in 2021.

The evaluation found that Family Violence Courts often had insufficient resources to implement processes as intended. Within the eight courts, there was limited family violence training provided to staff and many courts are overwhelmed by the volume of cases which limit the capacity to provide a therapeutic court process.[225]

The evaluation also found that Family Violence Courts:

- **Had a significant, positive effect on rates of family violence reoffending, including a similar effect on rates for Māori defendants:** Rates of reoffending were lower for defendants who appeared before the Family Violence Courts compared to comparison courts (average reductions ranging from 19-21%).

- **Reduced the rate of other violent and non-violent reoffending:** Defendants in Family Violence Courts were significantly less likely to reoffend with a new violent and non-violent offence than defendants in comparison Courts.

However, this evaluation also found that the Family Violence Courts did not reduce the time it took to progress family cases. It also identified several unintended negative outcomes, including victims feeling invalidated by the process, particularly when the victim had not been involved in the court proceedings.[226] Other unintended outcomes found include an increased likelihood of bail breaches, given the lengthy court process, and the disruption to people's lives, including employment, as a result of the lengthy court process.

2.5.2 Family Harm Intervention Court

The Family Harm Intervention Court is based at Gisborne District Court, which falls within the Te Tairāwhiti region of New Zealand.

The Family Harm Intervention Court was established in 2018 by Judge Haamiora Raumati.[227] It aims to provide a holistic response to family harm cases and address the underlying causes of such offending.

How it works

Cases are referred to the Family Harm Intervention Court after a guilty plea has been entered, but before the defendant has been sentenced.[228] Judges sitting in the mainstream criminal court identify cases they believe might be appropriate for the Family Harm Intervention Court.[229]

Admission into the Family Harm Intervention Court
If the participant wishes to be admitted into Family Harm Intervention Court, they will meet with a representative from Whangaia Ngā Pa Harakeke, a community support service provider, who will prepare a written report. This report will provide an overview of the participant's circumstances and opine whether the case should be accepted into the Family Harm Intervention Court.[230]

Following the assessment with Whangaia Ngā Pa Harakeke, the potential participant will make a first appearance in the Family Harm Intervention Court.[231] At this hearing, the Judge will decide whether to accept the case. This will depend on the type of charges, the report by Whangaia Ngā Pa Harakeke, and the motivation of the potential participant.

The case will not be accepted if the defendant is in custody, living outside of Gisborne, or likely to receive a sentence of imprisonment.[232]

Preparing the personalised plan
If the participant is accepted into the Family Harm Intervention Court, the report prepared by Whangaia Ngā Pa Harakeke will inform what referrals to support services will be appropriate.

It will also determine a "case lead", which can be any of the support service providers attending the court.[233] The case lead is then responsible for developing and executing the personalised plan during their time in the Family Harm Intervention Court.[234]

Hearings of the Family Harm Intervention Court
The Family Harm Intervention Court sits one morning every fortnight. Approximately 13 cases are heard in each session.[235]

Stakeholders from a range of local agencies regularly appear in court, including Police, Oranga Tamariki (Ministry for Children), Department of Corrections, and local support service providers.[236] These stakeholders sit at the table in the courtroom with the Judge, the defendant, the victim and their supporters.

These stakeholders also regularly liaise outside of court hearings to ensure that the required information is available at each hearing. For example, defence counsel will liaise directly with police and victim advisors to obtain views on bail variations prior to a hearing.[237]

All individuals typically sit in a circle at a table in the centre of the room.[238] The Judge uses plain language to ensure that participants, victims, and other family members can understand the proceedings.[239]

Tikanga Māori is incorporated to the processes of the Family Harm Intervention Court and the Judge regularly incorporates te reo Māori into speech with participants.[240] Everyone present in the court is encouraged and welcomed to be involved in the court process.[241]

Victims' voices are heard through the Victim Advisor who sits in the court. The Judge will typically speak directly with the victim if they are in court and the victim will always be consulted prior to variations of bail or sentencing conditions.[242]

Graduation from Family Harm Intervention Court
Participants who successfully complete their personalised plan are typically sentenced within the Family Harm Intervention Court. Sentences ordinarily include discharge without conviction, conviction and discharge, or suspended sentences. The Judge also commonly converts fines to community work to help defendants clear their debt.[243]

Evaluation

There has not yet been an independent evaluation of the Family Harm Intervention Court.

2.6 Mental Health Courts

Poor mental health is a well-established driver of criminal offending. Indeed, one recent study found that approximately 69% of prisoners in New Zealand and Australia had a lifetime prevalence of mental illness.[244]

2.6.1 CP(MIP) Court

The Criminal Procedure (Mentally Impaired Persons) Act 2003 ("**CP(MIP) Act**") governs the procedure for determining whether a defendant is unfit to stand trial or legally 'insane'.

In March 2020, the NZ Ministry of Justice and two Auckland-based District Court Judges commenced an initiative dedicating regular court sittings to defendants where issues of fitness to stand trial or insanity had been raised. This initiative was named the Criminal Procedure (Mentally Impaired Persons) Court ("**CP(MIP) Court**").

The goals of the CP(MIP) Court are to:[245]

- reduce delays for people who come under the CP(MIP) Act;
- improve consistency of judicial approaches to these cases;
- ensure Court Liaise Nurse availability for face-to-face triage assessments and thereafter to provide advice to the Court; and
- improve the timeliness of formal expert advice to the court from Psychiatrists and Psychologists.

How it works

The CP(MIP) Court is a designated list within the Auckland District Court which deals solely with cases involving issues of fitness to stand trial or insanity. By listing these cases together, all court staff are aware that the participant has mental health considerations and can make the necessary adjustments and accommodations.

Admission into the CP(MIP) Court
Cases are referred to the CP(MIP) Court from one of three 'feeder' courts in the Auckland region: North Shore District Court, Waitakere District Court, and Auckland District Court. All defendants whose fitness to stand trial or insanity is queried in one of these courts are referred to the CP(MIP) Court.

Hearings of the CP(MIP) Court

CP(MIP) Court sittings occur fortnightly and 8-15 cases are typically heard at each sitting.[246] All participants are screened by a Forensic Court Liaise nurse, who prepares a written triage report for the Judge.[247] Sittings can include a range of matters throughout the court process, such as call overs,[248] review hearings, fitness hearings, involvement hearings, and disposition hearings.[249]

Participants are not required to stand in the dock and are instead invited to remain beside counsel. This allows them to stay closer to their family and other support persons.[250]

Judges use plain language and actively involve the participants in the proceedings. Throughout each hearing, the Judge asks the participants if they have any questions or would like to say anything.[251]

The CP(MIP) Court also embraces Te Ao Māori by including kaupapa Māori procedures and practices and supporting participants to preserve and enhance their mana.[252]

Evaluation

Over the first year of operation, 134 participants were referred to the CP(MIP) Court, of which 64% cases ultimately disposed through the court.[253] An evaluation undertaken by the Ministry of Justice indicated that a reduction in delay in progressing files was attributable to the therapeutic environment of the court.[254]

The evaluation also observed that, by ensuring counsel were aware of their client's mental health issues at an early stage in proceedings, the time leading to trial could be productively used to proactively explore and address concerns about fitness to stand trial.[255]

3. Te Ao Mārama – A New Model for the District Court of New Zealand

For several decades, commentators across New Zealand have called for transformative change to the justice system. As described in Part Two, the predominant response has, thus far, been the establishment of the problem-solving courts. Although these courts improve substantive and procedural outcomes for those who come before them, they are located unevenly around the country and address only discrete issues. As a result, the overwhelming majority of defendants are unable to access them.[256]

Despite the successes of these problem-solving courts, the calls for transformative change have continued unabated. Indeed, a report published in 2019 lamented that: "*the true essence and kōrero [speech] of these reports published more than 30 years ago have not been fully understood or accepted by those in power*".[257]

These reports paint a grim picture of a 'justice highway' in New Zealand. This highway begins with children who are uplifted from their families and placed into state care. From there, they move into the Youth Court, then the adult criminal courts, and finally the "ever revolving door of adult prison".[258] statistics support this. In New Zealand, any child that has transitioned from state care to the youth justice system is 107 times more likely to be sentenced to a term of imprisonment before reaching the age of 21 than the general public.[259]

These calls for transformative change remain loudest amongst Māori. Although currently representing 17% of the total population, Māori make up:

- 38% of police arrests[260]
- 42% of people convicted of criminal offences[261]
- 52.6% of the current prison population muster[262]
- 65% of young people in youth justice system[263]
- 68% of all children in state care[264]
- 81% of young people in youth justice custody[265]

Across all ethnicities, however, there remains a strong view that, 30 years on from the seminal reports, people are still leaving the justice system feeling that they had not been seen, heard, or understood.

3.1 Te Ao Mārama – Enhancing Justice of All

On 11 November 2020, Chief District Court Judge Heemi Taumaunu delivered the annual Norris Ward McKinnon lecture. In doing so, he addressed these calls for transformative change and outlined the new vision for the District Court called "Te Ao Mārama – Enhancing Justice for All".[266]

Derived from the Māori proverb "*mai te pō ki te ao mārama*" meaning "*the transition from night to the enlightened world*", Te Ao Mārama responds to these calls for transformative change by incorporating best practices developed in problem-solving courts into the mainstream District Court. In the words of Chief Judge Taumaunu, the vision of Te Ao Mārama is that:[267]

> *... the District Court is to be a place where everyone – whether they are defendants, witnesses, complainants, victims, parties, or whānau – can come to seek justice, regardless of their means or abilities and regardless of their culture or ethnicity, and regardless of who they are or where they are from.*

Whilst recognising that problem-solving courts are "centres for excellence for best practice" in New Zealand, Chief Judge Taumaunu observed that these courts addressed discrete issues and represented a small percentage of cases in the District Court. A broader and more integrated response was required.[268]

Te Ao Mārama builds on the foundation created by problem-solving courts and identifies the follow best practice features which can be incorporated into the mainstream courts:[269]

- active and involved judging;
- addressing drivers of offending;
- improving the quality of information available to judges;
- toning down formalities;
- infusing te reo and tikanga Māori;
- increasing community involvement;
- consistency of judicial personnel; and
- enhancing interagency coordination.

Te Ao Mārama was first launched at the Hamilton District Court in June 2021. It has since been rolled out to the following locations: Kaitāia, Kaikohe, Whangārei, Tauranga, Gisborne, Napier and Hastings.

3.2 Te Ao Mārama Best Practice Framework

In December 2023, the Te Ao Mārama Best Practice Framework ("**the Framework**") was released, which outlines how Te Ao Mārama will operate in practice across the around the country.[270]

The Framework sets the standard for best practices and processes in the mainstream District Court. It also encourages judicial officers, court staff, lawyers, regional justice agencies, and local communities to identify how these best practices can be implemented in their local court.

The Framework outlines eight best practices which have been developed over decades of problem-solving courts in New Zealand. It is envisaged that these best practices will now be employed in all District Courts around the country:[271]

1. **Enhance connection with local communities:** Community-based organisations bring the strength of the community into the courtroom. They also provide a valuable source of knowledge and services. Judicial officers are encouraged to welcome relevant service providers into the District Court so they can offer wrap-around services to court users.

2. **Improve quality of information judicial officers receive:** Better information helps judicial officers make better decisions. An information-sharing protocol will be developed to provide judicial officers with access to relevant and legally obtainable reports and information from other jurisdictions within the District Court.

3. **Improve processes for victims and complaints:** Te Ao Mārama seeks to ensure that all court participants are seen, heard, understood, and able to meaningfully participate in the proceedings. All victims and their families should be treated with courtesy, compassion, and respect. In particular, victims of sexual and family violence should be able to meaningfully express their views on:

    - the nature of the harm alleged to have been suffered;
    - the underlying causes;
    - the impact caused to themselves, children and wider whānau;
    - the supports they need in the court process;
    - the supports they need to recover; and
    - any other matter relevant to keeping victims safe from violence, particularly sexual and family violence, and preventing the defendant from inflicting violence in the future.

4. **Encourage people to feel heard in the courtroom:** When judicial officers actively listen to defendants, their family, complainants, victims, and parties to proceedings, those individuals are more likely to feel they have received a fair hearing. Judicial officers and court staff can do this by:

    - Establishing eye contact and other non-verbal cues, where they would be well-received, with complainants, victims and parties to proceedings and acknowledging their presence in court.
    - Greeting court users by their preferred name, pronouncing their name correctly, using the correct pronouns, acknowledging them and their family respectfully, and continuing to refer back to them.
    - Providing participants with the opportunity to tell their side of the story and voice their perspective, where this can be done without prejudicing their fair trial rights.

5. **Establish alternative courtroom layouts:** Alternative courtroom layouts have been used effectively in problem-solving courts to help parties to feel more involved. Examples of alternative layouts are:

    - Boardroom-style table formation (as in the Matariki Court and Alcohol and Other Drug Treatment Court).
    - ‘Horseshoe’-style formation (as in the Rangatahi Court).
    - Judge sitting at the registrar’s bench (as in the New Beginnings Court).
    - Any other formation the judicial officer believes would facilitate meaningful participation.

    The design and use of alternative courtroom layouts will require a risk assessment to ensure the safety of all participants, including defendants, complainants, victims, court staff, service providers, lawyers and family members during the proceedings of the case.

6. **Use plain language:** Using plain language in court helps participants and members of the public understand what is happening and being said. This allows people to meaningfully participate in proceedings that relate to them. If legal jargon must be used, an explanation of the term should be provided.

7. **Tone down formalities:** Although the solemnity of the court must be maintained, formalities can be a barrier to participation. Under Te Ao Mārama, judicial officers can agree with court staff, lawyers, relevant justice sector agencies and service providers on appropriate ways to tone-down formalities.

8. Adopt solution-focused judging approaches: A solution-focused judging approach asks questions such as: "What has caused this person to come to court?" and "What has happened to this person to bring them to this point in their life?". Once those questions have been answered, a response can be developed to address those causes. Solution-focused judging supports the use of pre-sentence plans in the criminal jurisdiction. The Framework provides specific guidance in relation to solution-focused judging in the various jurisdictions of the District Court.

Experience in problem-solving courts demonstrates the benefits that arise from listing cases of a certain type together. By doing so, the court can make the necessary accommodations and ensure that the necessary support service providers are in the courtroom to support the court users. Under the Framework, the following court lists and processes will be designed and implemented in each District Court:

- Criminal jurisdiction:
  - Young Adult List
  - Family Violence List
  - Adult List

- Youth jurisdiction:
  - Rangatahi Court
  - Pasifika Court

- Family jurisdiction:
  - Care and Protection List
  - Family Violence List

In addition, the following court lists and processes, inspired by the various problem-solving courts discussed in Part Two, may be implemented, depending on the resources and demands of the particular court:

- Matariki List
- Criminal Procedure (Mentally Impaired Persons) List
- Alcohol and Other Drug Treatment Court
- Special Circumstances Court
- New Beginnings Court
- Personal Individual Needs Court
- Family Violence Intervention Court

3.3 Provision of Wrap-Around Services

An essential feature of Te Ao Mārama is providing court users with wrap-around support services in order to address underlying causes of offending. This will be achieved by developing connections between the court and local support-service providers.

This process is already underway. As one example, Tai Timu Tai Pari is a service to support victims of family violence and help family violence offenders to address their harmful behaviour. The service is now in full operation in Whangārei District Court as part of Te Ao Mārama. Tai Timu Tai Pari is the first wraparound support service to be developed and implemented as part of Te Ao Mārama.

3.4 The future ahead

Te Ao Mārama continues to be rolled out around the country. Although the District Court leadership will oversee this process, it will be largely driven at the local level. Since its inception, one of the touchstones of Te Ao Mārama is that it encourages "local solutions for local problems". In this vein, judges, court staff, lawyers, and communities are encouraged to work together to decide how to incorporate Te Ao Mārama into their local courts.

Although it is a judicially-lead initiative, the development and implementation of Te Ao Mārama has received financial support from the central government. For example, the Alcohol and Other Drug Treatment in Hamilton was established with funding from the central government. In the 2022 Budget, Te Ao Mārama received NZD$47.4 million over four years for design and delivery. However, in the most recent Budget, the newly-elected National Government withdrew NZD$32.1m of this funding.

The Government has advised that an evaluation of Te Ao Mārama is due to be completed in 2026 and decisions on funding and expansion will be made following this evaluation.

Endnotes

1. A waka is a Māori canoe. These were historically used to navigate the Pacific Islands.
2. In his seminal article, Sir Joe Williams (Ngati Pūkenga) describes tikanga as the "first law of New Zealand". See: Sir Joseph Williams "Lex Aotearoa: An Heroic Attempt to Map the Māori Dimension in Modern New Zealand" 21 Waikato Law Review (2013) 1-34.
3. Hirini Moko Mead "The Nature of Tikanga" (paper presented to Mai I te Ata Hapara Conference, Te Wānanga o Raukawa, Otaki, 11-13 August 2000) at 3-4, cited in Law Commission *Māori Custom and Values in New Zealand Law* (NZLC SP9, 2001) at [72].
4. Sir Joseph Williams (2013), above n 2, at 3.
5. Judge Greg Davis "Presentation by Judge Greg Davis From District Court of New Zealand to an ISRCL Webinar Canada" (May 2020) at 4-5.
6. Judge Greg Davis (2020), above n 5, at 5.
7. Anne Salmond "Back to the future: first encounters in Te Tai Rawhiti" (2012) 42(2) Journal of the Royal Society of New Zealand 69-77 at 69.
8. Sir Joseph Williams (2013), above n 2, at 5.
9. Matthew Palmer and Dean Knight *The Constitution of New Zealand: A Contextual Analysis* (2022, Hart Publishing) at 26.
10. Te Reo Māori is the Māori language.
11. Matthew Palmer and Dean Knight (2022), above n 9, at 27.
12. Matthew Palmer and Dean Knight (2022), above n 9, at 27.
13. Heemi Taumaunu "Calls for Transformative Change and the District Court Response" (2021) 29 Waikato Law Review 115-140 at 119.
14. Ministry of Culture and Heritage "Native Land Court" (September 2020) New Zealand History <nzhistory.govt.nz> .
15. Sir Joseph Williams, Justice of the New Zealand Supreme Court "Build a Bridge and Get Over It: The Role of Colonial Dispossession in Contemporary Indigenous Offending and What We Should Do About It" (Sir Robin Cooke Lecture, Victoria University, Wellington, 4 December 2019).
16. Jane Stafford and Mark Williams *Maoriland: Literature 1872-1914* (Victoria University Pres, Wellington, 2006) at 110. Between 1769 and 1880, the Māori population fell from approximately 100,000/150,000 to 40,000. See:
17. Chief Judge Heemi Taumaunu (2021), above n 13, at 119.
18. Waitangi Tribunal *Report of The Waitangi Tribunal on the Te Reo Māori Claim* (Wai 11, 1993) at 3.2.8.
19. See: Tohunga Suppression Act 1907.
20. Valamaine Toki "Indigenous Courts" (2020) Oxford Research Encyclopedia of Criminology See: https://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-655.
21. Richard Hill "Māori Urban Migration and the Assertion of Indigeneity in Aotearoa/New Zealand, 1945-975" (2012) 14(2) Interventions International Journal of Postcolonial Studies 256-278 at 257.
22. In the 1970's, 7% of all Māori boys were removed from their families and placed in Social Welfare-run Boys' Homes. See: Sir Joseph Williams (2013), above n 2, at 13.
23. Catherine Savage and others "Hāhā-uri, hāhā-tea: Māori involvement in State care 1950–1999" (2021) Ihi Research at p 181.
24. Sir Joseph Williams (2013), above n 2, at 14.
25. Between 1950 and 1970, the number of Māori prisoners received into prisons doubled, relative to all prisoners, see: Greg Newbold *The problem of prisons: corrections reform in New Zealand since 1840* (Dunmore, Wellington, 2007) at p 55-56.
26. Sir Joseph Williams (2013), above n 2, at 14.
27. John Rangihau *Puao-te-Ata-tu: The Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare* (Māori Advisory Committee, September 1988); Moana Jackson *The Māori and the Criminal Justice System A New Perspective: He Whaipaanga Hou* (Department of Justice, Study Series 18, November 1988); Clinton Roper *Te Ara Hou: The New Way* (Ministerial Committee of Inquiry into Prisons System, 1989).
28. Chief Judge Heemi Taumaunu (2021), above n 13, at 130.
29. Chief Judge Heemi Taumaunu (2021), above n 13, at 121.
30. Each year, the District Court deals with approximately 200,000 criminal, family, youth, and civil matters. See: https://www.districtcourts.govt.nz.
31. Criminal Procedure Act 2011, s 356.
32. Family Court Act 1980.
33. District Court of New Zealand "About the Family Court" (2025). See: https://www.districtcourts.govt.nz/family-court/family-jurisdiction.
34. Oranga Tamariki Act 1989. Most children and young people who face allegations of criminal offending will not come to the Youth Court, but will be subject to police alternative action and diversion – unless their alleged offending is particularly serious or repetitive.
35. Chief Judge Heemi Taumaunu (2021), above n 13, at 125.
36. Family Group Conferences were introduced in 1989, signalling a new direction in policy in the Youth Court, focussing on diversion and family-led decision making. See:
37. Oranga Tamariki "About Family Group Conferencing" (2025), available at: https://practice.orangatamariki.govt.nz/our-work/interventions/family-group-conferencing/about-family-group-conferencing.
38. Oranga Tamariki Act 1989, s 282.
39. Oranga Tamariki Act 1989, s 283.
40. Criminal Procedure Act 2011, s 6.
41. Criminal Procedure Act 2011, s 6.
42. In some cases, the trial for a Category 2 or 3 offence will be transferred to the High Court pursuant to the Court of Trial Protocol (see: https://www.courtsofnz.govt.nz/assets/5-The-Courts/high-court/legislation/20211012-Court-of-Trial-Protocol.pdf).
43. In other words, all Category 3 or Category 4 offences. This is enshrined in s 24(e) of the New Zealand Bill of Rights Act 1990.
44. Criminal Procedure Act 2011, s 50.
45. Sentencing Act 2002, s 25.
46. Pursuant to s 106 of the Sentencing Act 2002. This will be appropriate where the consequences of conviction are out of all proportion to the gravity of the offending.
47. New Zealand Police "Te Pae Oranga Iwi Community Panels in Aotearoa New Zealand" (2024) at 6.
48. New Zealand Police (2024), above n 47, at 6.
49. New Zealand Police (2024), above n 47, at 7.
50. New Zealand Police (2024), above n 47, at 7.
51. New Zealand Police (2024), above n 47, at 7.
52. New Zealand Police (2024), above n 47, at 3.
53. New Zealand Police (2024), above n 47, at 7.
54. New Zealand Police (2024), above n 47, at 7.
55. New Zealand Police (2024), above n 47, at 8.
56. New Zealand Police (2024), above n 47, at 8.

57. New Zealand Police (2024), above n 47, at 8. These include: Post-pilot (three sites; 2016/2017), interim-trial (four sites; 2019), post-trial (15 sites; 2021); Evaluations utilised mixed-methods analyses (Police data and case study methodology) and matched-control designs. The 2021 post-trial evaluation had a sample size of 2,994 participants.
58. New Zealand Police (2024), above n 47, at 8.
59. Darren Walton "The effectiveness of Iwi Panels for reducing reoffending" (2017) New Zealand Police.
60. Darren Walton, Samara Martin, and Judy Li "Iwi community justice panels reduce harm from re-offending" (2020) 15(1) New Zealand Journal of Social Sciences 75-92; Darren Walton and Sophie Curtis-Ham "The New Zealand crime harm index: quantifying harm using sentencing data" (2017) 12(4) Policing: A Journal of Policy and Practice 455–467.
61. Evidence-Based Policing, NZ Police "Te Pae Oranga Assessment Report 2021 – Section 3: Te Pae Oranga Outcome Evaluation: 2018-2019 Cohort" (2021).
62. New Zealand Police (2024), above n 47, at 11.
63. New Zealand Police (2024), above n 47, at 11.
64. New Zealand Police (2024), above n 47, at 12.
65. New Zealand Police (2024), above n 47, at 12-13
66. Multi-Agency Family Harm Tables operate in each Police district. They bring together Police and family violence related government agency representatives and service providers to review reported family harm incidents and enable joined-up support for at-risk families.
67. New Zealand Police (2024), above n 47, at 13.
68. New Zealand Police (2024), above n 47, at 13.
69. New Zealand Police (2024), above n 47, at 13.
70. New Zealand Police (2024), above n 47, at 13.
71. New Zealand Police (2024), above n 47, at 13.
72. New Zealand Police (2024), above n 47, at 13.
73. Judge Greg Davis "Presentation by Judge Greg Davis From District Court of New Zealand to an ISRCL Webinar Canada" (May 2020) at 16.
74. Allen + Clarke "Evaluation of Family Violence Courts" (5 March 2021)
75. Judge Greg Davis, (2020) above n 73, at [17]-[18].
76. Allen + Clarke (2021), above n 74, at 32.
77. Matariki Court Information Leaflet.
78. Judge Greg Davis, (2020) above n 73, at 16.
79. Judge Greg Davis, (2020) above n 73, at 16.
80. Judge Greg Davis, (2020) above n 73, at 16.
81. Judge Greg Davis, (2020) above n 73, at 16-17.
82. Allen + Clarke (2021), above n 74, at 32.
83. Allen + Clarke (2021), above n 74, at 32.
84. Allen + Clarke (2021), above n 74, at 32.
85. Allen + Clarke (2021), above n 74, at 32.
86. Judge Greg Davis, (2020) above n 73, at 17.
87. Judge Greg Davis, (2020) above n 73, at 17.
88. Judge Greg Davis, (2020) above n 73, at 17.
89. Allen + Clarke (2021), above n 74, at 32.
90. T&T Consulting Limited "Te Mana o Ngāpuhi Kōwhao Rau Trust evaluation" (March 2018), released under the Official Information Act 1992.
91. T&T Consulting Limited, above n 90, at 40.
92. T&T Consulting Limited, above n 90, at 40.
93. T&T Consulting Limited, above n 90, at 59.
94. The Te Reo Māori name is "Te Kooti o Timatanga Hou".
95. Point Research Ltd "A Report on the Progress of Te Kooti O Timatanga Hou – The Court of New Beginnings" (25 September 2012) at 4.
96. Katey Thom "New Zealand's Solution-Focused Movement: Development, Current Practices and Future Possibilities" in Warren Brookbanks (ed) *Therapeutic Jurisprudence: New Zealand Perspectives* (Thomson Reuters, Wellington, 2015) at p 336.
97. Point Research Ltd (2012), above n 95, at 12.
98. Point Research Ltd (2012), above n 95, at 33.
99. Point Research Ltd (2012), above n 95, at 19.
100. Point Research Ltd (2012), above n 95, at 12.
101. Point Research Ltd (2012), above n 95, at 33.
102. Point Research Ltd (2012), above n 95, at 55.
103. Point Research Ltd (2012), above n 95, at 56.
104. Point Research Ltd (2012), above n 95, at 56.
105. Point Research Ltd (2012), above n 95, at 12.
106. Point Research Ltd (2012), above n 95, at 56.
107. Point Research Ltd (2012), above n 95, at 56.
108. Point Research Ltd (2012), above n 95, at 31.
109. Pounamu is used to describe several types of green-hued stone found in the South Island of New Zealand. It is highly valued as a taonga (treasure) because of its rarity and due to the important role it plays in Māori culture.
110. Point Research Ltd (2012), above n 95, at 13. Of the remaining six, four did not meet the criteria and the other two had an assessment pending.
111. Point Research Ltd (2012), above n 95, at 17.
112. Point Research Ltd (2012), above n 95, at 47.
113. Point Research Ltd (2012), above n 95, at 21.
114. Point Research Ltd (2012), above n 95, at 24.-25.
115. Point Research Ltd (2012), above n 95, at 27-28.
116. Point Research Ltd (2012), above n 95, at 5.
117. Point Research Ltd (2012), above n 95, at 29.
118. Now Justice Susan Thomas, Judge of the Court of Appeal.
119. Maltest International "Evaluation Report: Evaluation of the Special Circumstances Court, Wellington" (March 2020) at 18.
120. Maltest International (2020), above n 119, at 18.
121. Maltest International (2020), above n 119, at 19.
122. Maltest International (2020), above n 119, at 21.
123. Maltest International (2020), above n 119, at 19.
124. Maltest International (2020), above n 119, at 22.
125. Maltest International (2020), above n 119, at 22.
126. Maltest International (2020), above n 119, at 22.
127. Maltest International (2020), above n 119, at 29.
128. Maltest International (2020), above n 119, at 40-41.
129. Maltest International (2020), above n 119, at 40.
130. Maltest International (2020), above n 119, at 50.
131. Judge Barbara Morris "Problem solving court: a community approach that works" (District Court of New Zealand, 2025) available at: https://www.districtcourts.govt.nz/about-the-courts/judges-explain-some-of-their-wok/problem-solving-court-a-community-approach-that-works.
132. Judge Barbara Morris (2025), above n 131.
133. Judge Barbara Morris (2025), above n 131.
134. Department of Corrections "National Study of Psychiatric Morbidity in NZ Prisons" (1999).

135. Department of Corrections "About Time: Turning People away from a life of crime and reducing re-offending" (Report from the Department of Corrections to the Minister for Corrections, May 2001) at 50.
136. The Te Reo Māori name for the court is Te Whare Whakapiki Wairua, which translates to: "*The House that Lifts the Spirit*".
137. At the governance level, the AODT Court is overseen by a national multi-agency Steering Group based in Wellington. The Operations Support Team within the Ministry of Justice supports the day-to-day operation of the AODT Court. See: Litmus Consulting "Final Process Evaluation for the Alcohol and Other Drug Treatment Court" (17 August 2016).
138. Ministry of Justice "Alcohol and Other Drug Treatment Court" (accessed 1 August 2025), see: https://www.justice.govt.nz/courts/criminal/specialist-courts/alcohol-and-other-drug-treatment-court/#:~:text=The%20AODT%20Court%20is%20designed,programmes%20and%20rehabilitation%20support%20services.
139. See: Shannon Carey, Juliette Mackin, and Michaela Finigan "What works? The ten key components of drug Court: research-based best practices" (2012) 8(1) Drug Court Review 6-42.
140. Ministry of Justice (2025), above n 138. Moreover, potential participants may not be accepted into the AODT Court if: (1) they have serious mental or medical health issues that may prevent their successful participation; (2) their only active charges are breaches of a sentence or court order; or (3) they are currently facing charges relating to sexual violence, serious violence, arson, or Category 4-related offending (or have previously been convicted of one of those types of offending).
141. ROC*ROI is a risk assessment tool used by the Department of Corrections to express the likelihood that a person will be both reconvicted in the future and be sentenced to a term of imprisonment for that offence.
142. An exception to this includes where the potential participant is being charged with their third or subsequent drink driving offence in the aggravated form. Such individuals can still be considered.
143. Ministry of Justice "Alcohol and Other Drug Treatment Court Outcomes Evaluation 2018-19: Summary Evaluation Report" (June 2019).
144. Litmus Consulting (2016), above n 137, at 19.
145. Litmus Consulting (2016), above n 137, at 19.
146. Litmus Consulting (2016), above n 137, at 32.
147. Ministry of Justice (2019), above n 143, at 8.
148. Ministry of Justice (2019), above n 143, at 8.
149. Ministry of Justice (2019), above n 143, at 8.
150. Ministry of Justice (2019), above n 143, at 8.
151. Ministry of Justice (2019), above n 143, at 8.
152. Litmus Consulting (2016), above n 137, at 39.
153. Litmus Consulting (2016), above n 137, at 61.
154. Ministry of Justice (2019), above n 143, at 8.
155. In some cases, the participant will receive a "Discharge Without Conviction", which acknowledges that the participant committed the offence but is equivalent to an acquittal. It will be appropriate in cases where the consequences of a conviction are out of all proportion to the gravity of the offence (see: Sentencing Act 2002, s 106).
156. Ministry of Justice, above n 7, at 13.
157. See: Litmus Consulting (2016), above n 137; Ministry of Justice (2019), above n 143. Unlike the official evaluations, two unpublished and non-peer-reviewed university dissertations have criticised the efficacy and legitimacy of the AODT Court, see: Cailtlin Sargison "A Sobering Inquiry: How New Zealand's Alcohol and Other Drug Treatment Court has Removed Fundamental Legal Protections From Drug and Alcohol Dependent Participants" (LLB(Hons) Dissertation, Otago University, 2018); Governing Addiction: The Alcohol and Other Drug Treatment Court in New Zealand (PhD Dissertation, Victoria University, 2020).
158. Litmus Consulting (2016), above n 137, at 110.
159. Katey Thom "Exploring Te Whare Whakapiki Wairua/The Alcohol and Other Drug Treatment Court Pilot: Theory, Practice and Known Outcomes" [2017] NZ Criminal Law Review 180-193 at p 190.
160. Katey Thom (2017), above n 159, at 190.
161. Ministry of Justice (2019), above n 143, at 22.
162. Ministry of Justice (2019), above n 143, at 37-40.
163. Ministry of Justice (2019), above n 143, at 29.
164. ImpactLab "Te Whare Whakapiki Wairua | The Alcohol and Other Drug Treatment Court: ImpactLab GoodMeasure Report" (October 2022).
165. Ministry of Justice "Young Adult List – National Operating Guidelines" (2024) at 8.
166. Ministry of Justice (2024), above n 165, at 9-10. See: Ian Lambie *What were they thinking? A discussion paper on brain and behaviour in relation to the justice system in New Zealand* (2020) Auckland, New Zealand, Office of the Prime Minister's Chief Science Advisor).
167. The full name in Te Reo Māori is "Ngā Kooti Rangatahi". Rangatahi means youth in Te Reo Māori.
168. The concept of Rangatahi Courts | Ngā Kooti Rangatahi was developed by Judge Heemi Taumaunu and was informed by the experience of the Koori Courts in Australia.
169. A marae is a Māori meeting ground, usually comprising a wharenui (meeting house), a marae ātea (an open space in front), and a wharekai (a dining hall and cooking area).
170. Chief Judge Taumaunu "Remarks on Tikanga and the District Court" 4(3) Amicus Curie (2023) 630-634; District Court of New Zealand "Te Ao Mārama Best Practice Frameworks" at [90].
171. District Court of New Zealand "Te Ao Mārama Best Practice Framework" (December 2023) at [90].
172. Kaipuke Consultants "Evaluation of the Early Outcomes of Ngā Kooti Rangatahi" (2012) at p 20.
173. Kaipuke Consultants (2012), above n 172, at 20.
174. Kaipuke Consultants (2012), above n 172, at 22.
175. Kaipuke Consultants (2012), above n 172, at 22.
176. Kaipuke Consultants (2012), above n 172, at 68.
177. Kaipuke Consultants (2012), above n 172, at 22.
178. Kaipuke Consultants (2012), above n 172, at 23.
179. Kaipuke Consultants (2012), above n 172, at 22.
180. Kaipuke Consultants (2012), above n 172, at 22.
181. Kaipuke Consultants (2012), above n 172, at 23.
182. Kaipuke Consultants (2012), above n 172, at 23.
183. Kaipuke Consultants (2012), above n 172, at 30.
184. Kaipuke Consultants (2012), above n 172, at 30-31.
185. Kaipuke Consultants (2012), above n 172, at 33.
186. Kaipuke Consultants (2012), above n 172, at 33.
187. Kaipuke Consultants (2012), above n 172, at 37.
188. Ministry of Justice "Reoffending analysis for Rangatahi and Pasifika Court participants 2010-2012" (December 2014), released under the Official Information Act 1992.
189. Judge Jan-Marie Doogue, Chief Judge of the District Court of New Zealand "Award Honours Pioneering Judge Behind Rangatahi Court" (January 2017). See: https://districtcourts.govt.nz/assets/Uploads/Statement-re-Veillard-Cybulski-Award.pdf.
190. Lagi Tuimavave "The Pasifika Youth Court: A Discussion of the Features and Whether They Can Be Transferred" (LLM Dissertation, Victoria University, 2017).

191. Lagi Tuimavave (2017), above n 190, at 16.
192. Lagi Tuimavave (2017), above n 190, at 16.
193. Julia Ioane, Ian Lambie and Teuila Percival "A review of the literature on Pacific Island youth offending in New Zealand" (2013) Aggression and Violent Behaviour 18(4) 426-433 at 428.
194. Lagi Tuimavave (2017), above n 190, at 13.
195. Lagi Tuimavave (2017), above n 190, at 14.
196. Ministry of Justice "Reoffending analysis for Rangatahi and Pasifika Court participants (2010-2012) (December 2014), released under the Official Information Act 1992.
197. Ministry of Justice "Young Adult List – National Operating Guidelines" (2024) at 5.
198. Ministry of Justice, above n 197, at 1.
199. Ministry of Justice, above n 1, at p 5.
200. A 'trial call over' is an administrative hearing which provides the Judge with an opportunity to deal with procedural issues and to make sure the case is ready to proceed to trial.
201. Ministry of Justice (2024), above n 197, at 4.
202. Ministry of Justice (2024), above n 197, at 23-24.
203. Ministry of Justice (2024), above n 197, at 29.
204. Ministry of Justice (2024), above n 197, at 29.
205. A "Discharge Without Conviction" acknowledges that the participant committed the offence but is equivalent to an acquittal. It will be appropriate in cases where the consequences of a conviction are out of all proportion to the gravity of the offence (see: Sentencing Act 2002, s 106).
206. Ministry of Justice (2024), above n 197, at 29.
207. Ministry of Justice (2024), above n 197, at 31.
208. Ministry of Justice (2024), above n 197, at 18.
209. Ministry of Justice (2024), above n 197, at 19.
210. Ministry of Justice (2024), above n 197, at 21.
211. Ministry of Justice (2024), above n 197, at 21.
212. Artemis Research "Formative and Short-term Outcome Evaluation of the Porirua District Court Young Adult List Court Initiative" (July 2021).
213. Artemis Research (2021), above n 212, at 5.
214. Artemis Research (2021), above n 212, at 5.
215. Artemis Research (2021), above n 212, at 7.
216. Artemis Research (2021), above n 212, at 8.
217. Artemis Research (2021), above n 212, at 8.
218. Artemis Research (2021), above n 212, at 8.
219. Artemis Research (2021), above n 212, at 9.
220. New Zealand Police "Family Harm Policy and Procedures" (24 August 2022) at https://policepolicy.nz/policies/family-harm-policy-and-procedures/u-puhbo/family-harm-policy-and-procedures-240822.pdf.
221. Ministry of Justice "Family Violence Court – National Operating Guidelines" (February 2022), released under the Official Information Act 1992.
222. Ministry of Justice (2022), above n 221, at 8.
223. Ministry of Justice (2022), above n 221, at 11.
224. Ministry of Justice (2022), above n 221, at 15.
225. Allen + Clarke "Evaluation of Family Violence Courts: Final Report" (March 2021) at 7.
226. Allen + Clarke (2021), above n 217, at 10.
227. Heemi Taumaunu "Mai te pō ki te ao mārama | the transition from night to the enlightened world: Calls for transformative change and the District Court response" (2021) 29 Waikato Law Review 115-140.
228. Allen + Clarke (2021), above n 226, at 34.
229. Allen + Clarke (2021), above n 226, at 34.
230. Allen + Clarke (2021), above n 226, at 34.
231. Allen + Clarke (2021), above n 226, at 34.
232. Allen + Clarke (2021), above n 226, at 34.
233. Allen + Clarke (2021), above n 226, at 35.
234. Allen + Clarke (2021), above n 226, at 35.
235. Allen + Clarke (2021), above n 226, at 34.
236. Allen + Clarke (2021), above n 226, at 34.
237. Allen + Clarke (2021), above n 226, at 35.
238. Allen + Clarke (2021), above n 226, at 35.
239. Allen + Clarke (2021), above n 226, at 34.
240. Allen + Clarke (2021), above n 226, at 35.
241. Allen + Clarke (2021), above n 226, at 35.
242. Allen + Clarke (2021), above n 226, at 35.
243. Allen + Clarke (2021), above n 226, at 35.
244. Natalia Yee and others "Prevalence of mental illness among Australian and New Zealand people in prison: A systemic review and meta-analysis of studies published over five decades" (2024) 58(12) Aust NZ J Psychiatry 1034-1046.
245. Jeremy Skipworth and Warren Brookbanks "New justice system responses to mentally impaired defendants in New Zealand" Psychiatry, Psychology and Law 29(4) (2022) 549-562.
246. Jeremy Skipworth and Warren Brookbanks (2022), above n 245, at 553.
247. Jeremy Skipworth and Warren Brookbanks (2022), above n 245, at 553.
248. A 'call over' is an administrative hearing similar to a "mention hearing" in England and Wales.
249. Jeremy Skipworth and Warren Brookbanks (2022), above n 245, at 553.
250. Jeremy Skipworth and Warren Brookbanks (2022), above n 245, at 553.
251. Jeremy Skipworth and Warren Brookbanks (2022), above n 245, at 553.
252. Jeremy Skipworth and Warren Brookbanks (2022), above n 245, at 553. Mana is a Māori concept that encompasses a person's inherent qualities, achievements, and the respect they command.
253. Jeremy Skipworth and Warren Brookbanks (2022), above n 245, at 553.
254. Jeremy Skipworth and Warren Brookbanks (2022), above n 245, at 553.
255. Jeremy Skipworth and Warren Brookbanks (2022), above n 245, at 553.
256. Heemi Taumaunu "Calls for Transformative Change and the District Court Response" (2021) 29 Waikato Law Review 115-140 at 130.
257. Hui Māori Participants *Ināia Tonu Nei* (Te Uepū Hāpai I te Ora — The Safe and Effective Justice Advisory Group, July 2019) at 9.
258. Heemi Taumaunu, Chief District Court Judge, "Te Ao Mārama – the vision for the District Court" (Launch of the Centre for Justice Innovation, Victoria University, Wellington, 2 May 2023).
259. Heemi Taumaunu "Remarks on Tikanga in the District Court" (2023) 4(3) Amicus Curie 630-634 at 631.
260. Te Uepū Hāpai I Te Ora | Safe and Effective Justice Advisory Group "Turuki! Turuki! Move Together!" (2019) at 46.
261. Te Uepū Hāpai I Te Ora | Safe and Effective Justice Advisory Group (2019), above n 260, at 46.
262. Ara Poutama Aotearoa | Department of Corrections "Prison Facts and Statistics – March 2025" (March 2025), see: https://www.corrections.govt.nz/resources/statistics/quarterly_prison_statistics/prison_facts_and_statistics_-_march_2025

263. Oranga Tamariki | Ministry for Children "Pūrongo Ā Tau Annual Report 2023/24", see: https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Corporate-reports/Annual-Report/Annual-Report-2023-2024.pdf.
264. Oranga Tamariki | Ministry for Children, above n 255, see: https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Corporate-reports/Annual-Report/Annual-Report-2023-2024.pdf
265. Oranga Tamariki | Ministry for Children https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/YJ-custody-updated-trends-and-outlook/Youth-justice-custody-updated-trends-and-outlook-forecast-to-30-June-2025.pdf
266. Heemi Taumaunu "Te Ao Mārama – Enhancing Justice for All: Two Years On – An Update on Progress in the District Court of New Zealand" (2022) 28 AULR 1-9.
267. Press Release – 11 November 2020.
268. Chief Judge Heemi Taumaunu (2021), above n 256, at 130.
269. Chief Judge Heemi Taumaunu (2021), above n 256, at 131-132.
270. District Court of New Zealand "Te Ao Mārama Best Practice Framework" (December 2023).
271. District Court of New Zealand (2023), above n 270, at 6-10.

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With thanks to the wonderful team at the UK Centre for Justice Innovation, the Michael and Suzanne Borrin Foundation, Principal Youth Court Judge Ida Malosi, and Chief Judge of the District Court Heemi Taumaunu.