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Submission to the Government Administration Select Committee on the Judicature Amendment Bill (No3)

The National Council of Women (NCWNZ) is an umbrella organisation representing 40 nationally organised societies. It has 32 Branches spread throughout the country to which women from some 150 societies are affiliated. The Council's function is to serve women, the family and the community at local, regional and international level through research, study, discussion and action.

NCWNZ has eleven Standing Committees; each has a particular brief on topics and issues. Members of the Justice and Law Reform Standing Committee considered this Bill. The Corresponding Members of the Standing Committee were surveyed and their answers form the basis of this submission.

General Comments

NCWNZ has made submissions on judiciary related matters on many occasions. Recent consensus of the membership is that the New Zealand Courts should be able to determine our own cases because of our unique political, social and economic background. In 2003 NCWNZ surveyed members again on the question of the establishment of a second-tier appellate Court in New Zealand, i.e. a Supreme Court. A slight majority gave cautious support to the concept and for the public policy objective of that Bill "to enhance access to justice for all New Zealanders."

General policy statement

This Bill is designed to alleviate the workload facing the Court of Appeal, and to increase access to the final appellate court in New Zealand. The Bill aims to achieve this by:

- increasing judicial resources;
- ensuring more effective use of judicial resources;
- removing a residual barrier to accessing the Supreme Court.

Members of the NCWNZ Standing Committee on Justice and Law Reform were supportive of these amendments to the Supreme Court Act 2003 removing many of the provisions that limited the opportunities for appeals on certain decisions of the inferior courts, such as District Court. The Judicature Act 1908 provided that a decision of the High Court on appeal from an inferior court is final. There is limited exception to this: a party may seek leave to appeal to the Court of Appeal. If the Court of Appeal allows the appeal, the Court of Appeal's decision is substituted for the High Court's decision and is final.

Part 1

Procedures and constitution of Court of Appeal

Clause 3 amends section 57 of the Judicature Act 1908 (the principal Act). It increases the maximum number of permanent Court of Appeal Judges that may be appointed from 7 to 9 (including the President).





Clause 5 amends section 59 of the principal Act. The amendment to section 59 makes it clear that Court of Appeal judgments may be delivered in any manner and by any number of judges as provided for in rules made under section 51C. NCWNZ supports these clauses.

Additional Matters

In previous matters relating to the Courts and its procedures, our members have shown concern about costs incurred by parties involved with any Court and its proceedings - both capital and operational costs. If the true costs are largely borne by the litigant, many individuals will be excluded from accessing the higher Courts. Costs will also be borne by the taxpayer with the appointment of additional Judges to the Appeal Court.

Conclusion

NCWNZ continues to take an interest in all matters concerning Law and the Judiciary, which will benefit the citizens of New Zealand. The members surveyed were in support of this Amendment but NCWNZ was unable to consult the membership more widely. Any changes for improvement would be supported and we look forward to commenting in future on any legislative matters.

Christine Low
National President

Joan Howse
Convener, Justice and Law Reform Committee