

5 December 2023

Hon Nicole McKee  
Minister of Courts

By email: [nicole.mckee@parliament.govt.nz](mailto:nicole.mckee@parliament.govt.nz)

Tēnā koe Minister

I am writing on behalf of the New Zealand Law Society Te Kāhui Ture o Aotearoa (Law Society), to congratulate you on your appointment as Minister for Courts.

The Law Society's members, alongside their clients, are regular users of the courts. We are committed to working with you and officials to ensure New Zealand's courts meet the needs of all court users, and facilitate the administration of justice for all parties.

## Background

The Law Society is an independent statutory body constituted under the Lawyers and Conveyancers Act 2006 (the Act) to regulate and represent the legal profession. We regulate just over 16,000 practising lawyers and represent over 98% of lawyers.

### **The Law Society's role in law reform and advocacy**

The Law Society has a statutory function to 'assist and promote, for the purpose of upholding the rule of law and facilitating the administration of justice in New Zealand, the reform of the law.' This is a regulatory function carried out in the interests of the public.

The Law Society is consistently called upon to ensure workable legislation by providing reasoned and impartial submissions on law reform proposals. Law Society submissions also represent the public interest on matters such as access to justice, the administration of justice, constitutional protections, and the rule of law. We also act as an impartial intervenor in leading court cases of general and public importance in the higher courts.

## The Courthouse Committee

To carry out this work,<sup>1</sup> the Law Society has over 170 volunteer lawyers, sitting on 17 committees, who contribute to submissions on bills, policy papers, working groups and the like. The **Courthouse Committee**<sup>2</sup> is one of these and is comprised of nine members who undertake court work, spread across the country.

These members participate in a wide variety of projects including the Courthouse Design Committee, consultations on local courthouse design, and alongside our local branches receive information from local lawyers about courthouse issues. We work closely and productively with

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<sup>1</sup> Further information about the breadth of our law reform and advocacy work can be found on our [website](#).

<sup>2</sup> Further information about the Courthouse Committee and its members, can be found [here](#).

the Ministry of Justice and the courts to address these concerns, acknowledging there are often budgetary constraints and/or challenges posed by the design of older courthouses.

## Our key priorities

Safe and functional courthouses are essential to the administration of justice and the clearing of case backlogs across the country.

There have been significant challenges over the past few years, including the impact of COVID-19, safety incidents, damage to courthouses from severe weather events, and the availability of funding to improve or simply maintain buildings.

### Health and Safety

The health and safety of court users has been a primary focus of the Law Society for some time, amplified by multiple security events within the past year, the identification of black mould and dampness, and poorly designed courthouses in which the public, victims, and defendants are forced into small, shared spaces, sometimes at great risk.

Earlier this year, we engaged with representatives across the country to obtain feedback on lawyers' health and safety concerns in respect of each courthouse in New Zealand. This information, which included requests such as greater visibility into meeting rooms and increased presence of security in certain areas, was provided to the Ministry of Justice. We are meeting regularly with officials to identify where and when action can be taken to remediate issues.

### Condition of courthouses & consultation on changes

It is widely accepted that greater investment in courthouses is needed, both for maintenance and improvement (and, in some areas, the construction of new facilities). Many of our courthouses are in very poor condition, and some of our busiest courtrooms are not fit for the public, defendants, lawyers, or judges.

Where changes are proposed, it is essential that local stakeholders are consulted. We often hear concerns from lawyers and our branches, who learn about proposals via the media. As frequent court users with specific requirements, their early feedback and engagement can help to ensure a fit-for-purpose courthouse, the efficient use of funds and resources, and reduce resistance and concern amongst the community. The Law Society is well placed to contribute to, and assist with, consultation. In addition to providing representatives for working groups (or similar), we can facilitate communication with local lawyers or more widely, as required.

## Future engagement

For your information, we **enclose** a copy of our Briefing to the Incoming Minister of Justice.

We are also available to discuss any of the above, and other areas of mutual interest, should that be of assistance. In the first instance, please feel free to contact Bronwyn Jones, General Manager Policy, Courts and Government ([bronwyn.jones@lawsociety.org.nz](mailto:bronwyn.jones@lawsociety.org.nz)).

Nāku noa, nā



Frazer Barton  
**President**

cc: Carl Crafar, COO, Ministry of Justice