

14 August 2026

Submission to the Committee Secretariat of the Justice Committee on the ***Community Magistrates Legislation Amendment Bill***.

The Justice and Peace Commission of the Catholic Diocese of Auckland greatly welcomes this invitation to submit on the Community Magistrates Legislation Amendment Bill.

As with all our submissions regarding regulation, legislation, policy and lawmaking, we continue with this submission to uphold the Catholic Church's commitment to justice, and by informing a justice system that is grounded in Catholic Social Teaching (CST). Wherein the dignity of every person, the common good, participation in society, Te Tiriti obligations, and a preferential concern for those who are vulnerable are directly and consistently considered when drafting or amending legislation.

We acknowledge the intent of this Bill is to reduce delays in the District Court and improve access to justice through the expanded role of Community Magistrates. With this understanding, we support efforts to improve the timeliness of court proceedings. However, efficiency must not come at the expense of fairness, procedural justice, or the rights of those who are disproportionately affected by the criminal justice system.

We, therefore, critique this Bill against the following principles:

Catholic Social Teaching

- Human dignity
- The common good
- Participation and access to justice
- Preferential option for the vulnerable
- Restorative justice and reconciliation and
- Subsidiarity, where authority is exercised at the most appropriate level.

Te Tiriti o Waitangi

The Crown has obligations to ensure that justice reforms consistently and:

- Gives effect to partnership with Māori

- Protects Māori rights, interests, and tikanga
- Supports equitable outcomes for Māori and
- Enables meaningful Māori participation in justice decision-making.

Impact on Māori

Given the disturbing, significant, and persistent overrepresentation of Māori within the criminal justice system¹, any legislative reform that expands judicial powers must be assessed for its impact on Māori and whānau. We suggest the Committee receive evidence on how the proposed expansion of Community Magistrates' powers may affect Māori. Particularly when considering whether:

- Māori experience equitable outcomes
- Tikanga Māori and Māori perspectives are adequately recognised
- Community Magistrates receive training in Te Tiriti and cultural competency and
- How Māori communities can participate in evaluating the impact of these reforms.

Impact on vulnerable people

We are concerned about possible impacts on:

- Unrepresented defendants
- People with mental health challenges
- People with disabilities or cognitive impairments
- Young adults and
- Those experiencing poverty.

Our concerns are that the expansion of Community Magistrates' powers may disproportionately affect those who already face barriers to justice, including those with disabilities, Māori, Pacific peoples, people with mental health challenges, and unrepresented court users.

¹Ministry of Justice. (2023). *Hāpaitia te Oranga Tangata* | New Zealand Ministry of Justice.
<https://www.justice.govt.nz/justice-sector-policy/key-initiatives/key-initiatives-archive/hapaitia-te-oranga-tangata/>

Māori are 37% of people proceeded against by Police, 45% of people convicted, and 52% of people in prison. This is despite Māori being only approximately 15% of the New Zealand population.

We recommend that the implementation of this Bill ensure:

- Court processes are accessible, easy to understand, and responsive to diverse needs
- Participants have access to appropriate representation, support persons, interpreters, and communication assistance
- Community Magistrates receive training in disability awareness, cultural competency, tikanga Māori, and trauma-informed practice
- Court navigator (Kaiārahi) services and culturally responsive supports are strengthened and that
- Monitoring and reporting assess the impact of these reforms on Māori and other groups who experience inequitable justice outcomes.²

From a Catholic Social Teaching and Te Tiriti o Waitangi perspective, justice must be measured not only by efficiency, but by whether all people, especially those who are vulnerable or marginalised, can participate fully and are treated with dignity and fairness.

Restorative justice opportunities

Justice should seek restoration as well as accountability.³ We encourage stronger links between Community Magistrates and restorative justice programmes, particularly where these can support healing for victims, accountability for offenders, and stronger community relationships.⁴

Reducing unnecessary delays

Long delays can cause harm to victims, defendants, families, and communities. We support efforts to improve the timeliness of court proceedings and ensure that cases are resolved within a reasonable timeframe.⁵

²Te Aka Matua o te Ture | Law Commission. (2024). *He Puka Kaupapa | Second issues paper 52: He arotake i te ture mō ngā huarahi whakatau a ngā pakeke = Review of adult decision-making capacity law* (NZLC IP52). <https://www.lawcom.govt.nz/assets/Publications/IssuesPapers/NZLC-IP52.pdf>

³Community Law. *Ways to stay out of court: Diversion and restorative justice - community law*. <https://communitylaw.org.nz/community-law-manual/chapter-32-the-criminal-courts/ways-to-stay-out-of-court-diversion-and-restorative-justice/>

⁴New Zealand Ministry of Justice. (2019). *How restorative justice works*. <https://www.justice.govt.nz/courts/criminal/charged-with-a-crime/how-restorative-justice-works/>

⁵Nealon, K. (2026, July). *New courts bill to expand community magistrate role*. Inside Government NZ. <https://insidegovernment.co.nz/new-courts-bill-to-expand-community-magistrate-role/>

Manaaki Tāngata | Victim Support. (2026). *The justice system*. Victimsupport.Org.Nz. <https://www.victimsupport.org.nz/practical-information/understanding-justice-system#restorative-justice>

Better use of judicial resources

We support the notion that less complex matters may appropriately be dealt with by Community Magistrates where sufficient training, oversight, and safeguards are in place.⁶

Fairness must not be secondary to efficiency

We understand the primary purpose of this Bill is to improve court efficiency and reduce delays. We do, however, also encourage the Committee to ensure that success measures and indicators include:

- Quality of decision-making
- Procedural fairness
- Litigant understanding and participation and
- Strengthening public confidence in the justice system.⁷

We believe when approached creatively and holistically, fairness in a judicial system, especially within community and district court, can have comprehensive benefits and advantages for all.

Supportive Research

It has been reflected in overseas studies, that local magistrates with administrative authority can build stronger partnerships with local agencies, improve coordination and holistic responses to a range of issues such as youth offending, family violence, and substance abuse. This in turn provides community magistrates with more meaningful roles in court governance: improving function and morale, attracting committed individuals, and ensuring that magistrates feel valued and respected in their profession.⁸

However, we approach any move to localise court administration with a level of caution.

While we welcome the appointment of a Principal Community Magistrate to provide judicial oversight, we are concerned that the Bill does not appear to establish sufficiently explicit national standards, monitoring requirements, or review mechanisms to ensure that expanded Community Magistrate powers are exercised consistently throughout Aotearoa New Zealand. The Committee should consider whether additional safeguards

⁶ Ibid.

⁷ Leisa. (2026, February). *Social Justice and Mental Wellbeing: Why Fairness and Inclusion Matter*. Modern minds. <https://modernminds.com.au/journal/latest/social-justice-and-mental-wellbeing-why-fairness-and-inclusion-matter>

⁸Gibbs, P. (2013, May). *Managing magistrates' courts: Has central control reduced local accountability?* Transform Justice. https://www.transformjustice.org.uk/wp-content/uploads/2023/02/Managing_magistrates_courts.pdf

are needed to promote impartiality, consistency, equitable outcomes for Māori, and public confidence in the administration of justice.

The Bill should therefore include provision for:

- National practice standards for Community Magistrates
- Mandatory training in Te Tiriti o Waitangi, tikanga Māori, cultural competency, and trauma-informed practice
- Collection and publication of outcome data, including impacts on Māori
- Regular independent review of the expanded jurisdiction and
- Clear protocols for judicial oversight and quality assurance.

Summary of Recommendations

We recommend that the Committee:

1. Support the objective of reducing court delays while maintaining strong safeguards for procedural fairness.
2. Require ongoing monitoring and public reporting of the impact of the reforms on Māori and other groups disproportionately represented in the justice system.
3. Ensure Community Magistrates receive training in:
 - Te Tiriti o Waitangi
 - Tikanga Māori
 - Cultural competency
 - Trauma-informed practice and
 - Restorative Justice principles.
4. Strengthen opportunities for restorative justice referrals where appropriate and
5. Require periodic independent review of the expanded jurisdiction of Community Magistrates, including its effect on access to justice and equitable outcomes.

Conclusion

The Justice and Peace Commission recognises that timely justice is important. However, the ultimate test of justice reform is not merely whether cases are processed more quickly, but whether the system upholds human dignity, honours Te Tiriti o Waitangi, protects the vulnerable, and contributes to a fair and restorative society for all.

This Bill should only proceed with safeguards that ensure efficiency is balanced with equity, participation, and justice.

We conclude with the words of our current Pope Leo XIV:

[We are] firmly convinced that the rule of law, crime prevention and criminal justice must advance together in unity. Indeed, the authentic implementation of the rule of law remains indispensable for integral human development. No truly just society can endure unless the law — and not the arbitrary will of individuals — remains sovereign⁹, while no person or group, regardless of power or status, may ever claim the right to violate the dignity and rights of others or of their communities. Therefore, preventing and responding to criminal activities is closely interrelated with the respect for and protection of universal human rights. This requires not only the efforts of law enforcement authorities but also the engagement of society at large, at both the national and the international levels.¹⁰

We have an opportunity to shape better communities by crafting community magistrates' legislation that not only represents, but truly considers and sees, the people it serves.

⁹ Pontifical Council for Justice and Peace. (2004). *Compendium of the social doctrine of the church*. The Holy See. Libreria Editrice Vaticana.

https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html cf. n. 408

¹⁰ Pope Leo XIV. (2026, May 15). *Address of Pope Leo XIV to the Participants in the Interparliamentary Conference on combating organized crime in the OSCE Region*. Libreria Editrice Vaticana. The Holy See. <https://www.vatican.va/content/leo-xiv/en/speeches/2026/may/documents/20260515-conferenza-lotta-criminalita.html>