



NEW ZEALAND

Affiliated with the International Federation of Business & Professional Women

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**Ministry of Justice
Programme Director
Wellington**

Submission on Discussion Document on proposed new Operating Model for District Courts in Auckland

THE aims of BPW NZ (The New Zealand Federation of Business and Professional Women) include linking professional and businesswomen throughout the world and to promote the ongoing advancement of women thru support and lobbying for change. We work for equal opportunities and status for all women in economic, civil and political life and the removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

Our International organisation supports UNWomen, CEDAW and other United Nations committees and conventions.

In 2010 we passed a resolution as follows:

Policy #18.13 Access to Court Facilities

“THAT the New Zealand Federation of Business and Professional Women urges the Minister of Justice to establish satellite courts in all areas where distance or lack of public transport prevents local residents from having affordable, timely access to court services.”

Part of the rationale for this resolution was based around the difficulty many women experience in travelling to court, especially when they are relying on Public transport, the difficulty in obtaining child care whilst travelling to court, the costs incurred when travelling any distance and the time it takes (sometimes over an hour) to arrive on time for their court appearance.

CEDAW Article 15, Clause 2 states – Parties shall accord to women, in civil matters, a legal capacity identical to that of men and **the same opportunities to exercise that capacity**. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them **equally in all stages of procedure** in courts and tribunals.

The Ministry of Justice is committed to delivering first class justice services which include a fairer, more credible and cost effective justice system **with improved access** to and delivery of court services, particularly services for children, youth and family.

BPW NZ is very concerned that this proposal will infringe both the requirements of CEDAW and the Ministry's own stated policy. By making access harder for Women and their families, the proposed operating model means they will not have the same resources as men, and contravenes both CEDAW Article 15 (refer above) and the Ministry of Justice's own statement (refer above) .

The District courts were established to serve the districts and make court services accessible to families and the Family Court is an integral part of the District Court and local communities.

BPW NZ is also very concerned that travelling, often reliant on public transport (and/or the notorious Auckland traffic gridlocks), will place extra stress on families, who are already under stress because of the situation that has

caused them to have to attend court. The extra travel (costs and time, juggling time off work and child care) also creates further potential for Domestic Violence, which is already one of the highest in the OECD.

It seems there is an anomaly in the logic in transferring the long term cases to Auckland Family court when in 2010 Waitakere Family Court processed 5341 applications with one full time judge and a casual judge, while in the same time Auckland courts managed 6650 applications with five full time judges. Surely this indicates that the Waitakere court is very efficient in its processing. Perhaps the Auckland court does need to have its systems looked at but not at the expense of Waitakere.

It seems also that with the “amalgamation” of the courts that a number of jobs will be eliminated, and other employees will have an increased work load. Efficiency is the supposed reason for the proposal. By efficiency do the proposals actually mean cost cutting?

BPW NZ sees a several very real human costs in the proposal,

- The Families that are affected by extra stress in planning, finance and travel.
- .The possible loss of jobs resulting in less income tax for the government and more expenditure for the government because of having to pay out unemployment benefits
 - OR
- If staff are transferred from Waitakere to the Auckland court, will overcrowding become a problem? Do the Auckland premises have the capacity to absorb the number of staff that will be transferred? Also the transferred staff will incur extra costs in both time and money in travelling into the Central City.
- Stress on the existing infrastructures due to the location of the Auckland Court facilities
- Stress on families whose income has decreased through their loss of employment if redundancies occur
- Stress on staff at the Auckland court because of the increased workload, causing longer hours, loss of productivity and longer processing time.
- The possible loss of lawyers in the Waitakere area because files will now be held at the Auckland court and it will make more sense to many lawyers to have offices closer to where they can access the files. This is dependent on the number of cases being transferred to Auckland.
- An increase of disbursements will be transferred to the client, increasing the services fees
- The increase in overheads for lawyers through the transfer of officers to the city will include an increase in their fees again limiting those who could access professional services.

The wait for the cases being heard and resolved will exponentially increase if the already high workload of Waitakere Family court is moved to the Auckland court. BPW NZ suggest a judge or judges going to Waitakere from Auckland to hear the cases is more timely and cost effective, as this is the movement of one person only not many.

Yours Sincerely

Noeline Reisch
Vice President Issues
BPW NZ