



The Courts

The justice system can be a complex and confusing place for victims of crime. It's important to understand that the criminal justice system – specifically that the courts are part of a system that's concerned primarily with following a process that does not always translate into what the victim might view as “justice”.

There are seven types of courts that deal with different matters. These are; Youth Court, Family Court, District Court, Disputes Tribunal, Coroner's Court, The Supreme Court and The Court of Appeal. The Courts Fact sheet provides a summary what cases each court deals with, and how. Each court except the Disputes Tribunal is presided over by a judge.

District Court...

Conducts criminal and civil cases. These cases will sometimes be heard by jury, at other times the case will be heard by the judge alone. It is the defense, representing the offender, that chooses whether the case will be heard by a jury or by the judge alone. Defendants will usually be represented by a lawyer. This court is open to the public; however, the judge has the power to close the court. For example, the court is always closed when a victim of sexual violence is giving evidence. There are different ways evidence can be given. In some instances, the witness can be screened off so that the offender cannot see them or in certain cases, with children for example, evidence can be given by video. An open court can be reported in the media unless a suppression order has been given.

High Court...

is for serious criminal cases, major civil cases and appeals from the Family Court. Criminal trials are usually conducted by a judge and a jury. Most cases are open to the public and covered by the media. This court is formal in its process and run by legal personnel. Judges in this court are known as “Justice”.

Coroner's Court...

is where the circumstances of a particular death are examined if the death has been violent, unnatural, without a known cause or a suicide. A coroner's enquiry will also be held if the deceased was being held in custody. The Coroner presides over this court and can order post-mortem examinations as well as calling upon witnesses to give evidence.

Family Court...

sorts out disputes for things like marriage dissolution, custody, access, and other child welfare issues. Lawyers may be present and Counsel for the Child can be appointed by the court to look after the interests of children. This court also intervenes in cases of domestic violence and can issue protection orders. This court does not deal with Breach of protection orders – that's dealt with by the District Court. This court is informal and private, members of the public or media are seldom allowed.

Youth Court...

deals with cases for people aged between 14 to 17 years who have been charged with a criminal offence. This court oversees the Family Group Conference (FGC) process (See FGC fact sheet). This court is presided over by a judge and the offender will have an advocate appointed to represent their interests. This court is semi-formal and closed to the public. Limited media access is allowed; however, they may not report anything which identifies the offender.

Disputes Tribunal...

is where civil disagreements can be resolved involving sums up to \$15,000. There are no lawyers or judges present and disputes are heard by a court appointed referee. Decisions are legally binding.

The Court of Appeal...

is located in Wellington and hears cases from the High Court and District Court. Appeals can only be lodged by the prosecution or the defense and where grounds for a hearing can be made. This is a hearing about the process the trial followed not a re-trial of the case itself. This is a very formal court with three judges (sometimes five for complex cases) presiding. Judges are titled “Justice” in this setting.

The Supreme Court...

is located in Wellington and replaces the Privy Court based in London. This court hears appeals from the Court of Appeal. Like the Court of Appeal it is an examination of the court rules – not a re-trying of the case itself. It is generally rare for cases to get to this court.

