

Departmental Disclosure Statement

Community Magistrates Legislation Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Justice.

The Ministry of Justice certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

25 June 2026.

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Part One: General Policy Statement

This Bill is an omnibus Bill introduced in accordance with Standing Order 267(1)(a). That Standing Order provides that an omnibus Bill to amend more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. The single broad policy implemented by the amendments in this Bill is to expand the jurisdiction of Community Magistrates to free up judicial resource and improve the timeliness of cases in the District Court.

This Bill amends the Bail Act 2000, the Criminal Procedure Act 2011, and the Land Transport Act 1998 to expand the jurisdiction of Community Magistrates so they can undertake additional tasks. The Bill also amends the District Court Act 2016 to require the appointment of a District Court Judge as Principal Community Magistrate to provide judicial oversight of Community Magistrates and support Community Magistrates in managing their expanded jurisdiction. The title of Chief Community Magistrate is changed to Principal Community Magistrate for consistency with other judicial leadership roles in the District Court.

The criminal jurisdiction of the District Court is experiencing delays, which risk eroding the integrity of the justice system. Insufficient judicial resource is a contributing factor to the delays. Community Magistrates were established in the late 1990s to provide additional judicial resource in the District Court and free up Judges to hear more complex matters.

Community Magistrates are currently underutilised. Limits in their jurisdiction result in a significant number of adjournments. If at any point a case requires a decision to be made that is outside Community Magistrates' jurisdiction, it must be adjourned and transferred to a Judge to make the decision. This causes delays and can be a reason to avoid scheduling a case with a Community Magistrate from the beginning.

Expanding the jurisdiction of Community Magistrates will allow them to hear more cases in the District Court with fewer adjournments, freeing up District Court Judges to progress more complex trial work. This will support timely access to justice in the District Court.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO
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Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
Expanding the Jurisdiction of Community Magistrates, Ministry of Justice, 23 July 2025 Available here: https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The Ministry of Justice Regulatory Impact Analysis Quality Assurance Panel has reviewed the RIS prepared by the Ministry of Justice and consider that the information and analysis summarised in the RIS meets the Quality Assurance criteria.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
Refer page 20 – 21 of the RIS (linked in 2.3 above)	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO

(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO
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Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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The Ministry of Justice have considered New Zealand's international obligations and there are no relevant obligations to the policy to be given effect by this Bill.
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Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

The overrepresentation of Māori as victims and defendants in the criminal justice systems means that any change to criminal procedure will inevitably impact Māori in disproportionate measure. This would engage the Crown's obligations of equal protection for Māori under Article Three of the Treaty of Waitangi.
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This Bill is expected to have long-term timeliness benefits, reducing delays so all court participants can have their cases heard more quickly, improving access to justice. Safeguards including maintaining appeal rights and requiring the role of Principal Community Magistrate to be held by a Judge will ensure natural justice is preserved.
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Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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The Bill has been provided for vetting for consistency with the New Zealand Bill of Rights Act 1990 by Crown Law Office.
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Advice provided to the Attorney-General by the Crown Law Office, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/
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Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
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(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	NO
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(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
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Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	NO
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External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
Targeted consultation was undertaken in November 2022 and April 2024 with the following stakeholders: Pau Tikanga and Lead Technician, National Iwi Chairs Forum; Crown Law; Justices of the Peace; Public Defence Service; Chief Victims Advisor; legal professional groups; and the Judiciary.	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO
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Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
<p>The Bill (in particular, clause 22) would provide Community Magistrates with the ability to hear and determine guilt for an increased range of offences, however, the Bill does not change Community Magistrates' sentencing jurisdiction. Community Magistrates will not be able to sentence any person to imprisonment or home detention. Where a Community Magistrate thinks that a sentence of imprisonment or home detention may be appropriate, they must transfer the case to a Judge for sentencing.</p> <p>Clauses 15 to 17 will enable Community Magistrates to make post-guilt bail decisions, but only with the consent of all parties. The defendant must be legally represented, have received legal advice, or declined the opportunity to receive legal advice. If either party does not consent, the matter will go to a Judge for determination. When making post-guilt bail decisions, the defendant must satisfy the Community Magistrate that bail or remand at large should be granted. The Community Magistrate must consider the need to protect the safety of the public and, where appropriate, the need to protect the safety of the victim or victims, as primary considerations.</p> <p>The Bill does not change appeal pathways. Community Magistrates' decisions can currently be appealed to the District Court and the Bill doesn't change this.</p>	

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>Clause 29 of the Bill amends s387 of the Criminal Procedure Act, which empowers the making of regulations, to repeal subsections (1)(k) and (5) of that section. These subsections relate to the making of regulations prescribing the offences that are excluded from Community Magistrates' current jurisdiction in respect of category 1 offences punishable by a fine not exceeding \$40,000. The expansion of Community Magistrates jurisdiction to include all category 1 offences makes these subsections redundant (see clause 25).</p> <p>Clause 8 of the Bill amends s55 of the District Court Act to remove a provision that contemplates that regulations may be made that confer functions on the Chief Community Magistrate. There is no judicial concurrence requirement for these regulations. Given the Bill requires the Chief Community Magistrate to be a District Court Judge, it would be inappropriate for the functions of a judicial officer to be made by the Executive through regulations.</p>	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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