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Chief Justice of New Zealand

In reply please quote: H7B/16

10 March 2004

Mr Tim Barnett,
Chairperson,
Justice and Electoral Committee,
Parliament House,
WELLINGTON, 1.

Dear Mr Barnett,

JUDICIAL MATTERS BILL

Thank you for your letter of 8 March 2004.

I have confirmed with Ms Strange that one or more representatives of the Judges will attend your Committee at its invitation at 7.30 pm today. Sir Kenneth Keith, who was substantially responsible for drafting our submission will certainly be present. I am endeavouring to re-schedule some commitments to enable me to attend also.

Although we are happy to supply any appropriate information the Committee would like to have and to explain anything in the written submission which is unclear, we do not think it appropriate to discuss matters not covered in the submission or outside the scope of the present Bill. The reason for that is that our submission was settled after considerable discussion among the Judges. It represents a view from which anyone attending the Committee could not properly depart or supplement with comments on additional matters without further reference back. I mention this because your letter indicates that the Committee is interested in matters to do with the current complaint process and the question of sanctions short of dismissal. They are not the subject of the Bill and they are topics upon which the Judges have not expressed views, other than the submission summarised at

paragraphs 7-11 of the written submission, that no sanctions short of removal are appropriate and that a statutory complaints mechanism is not necessary.

On the specific query contained in your letter about the possible double counting of complaints received by the Ministry of Justice, Crown Law and the Judiciary, I advise that we have no knowledge of complaints received by other agencies and there is no means of checking whether some result in complaints to the Judiciary. It seems likely that there is overlap, given the fact that the other agencies refer complainants to the system of complaints operated under the 1999 protocol by the Judiciary. It is not clear whether all complaints received by the Ministry or Crown Law are properly about judicial conduct, as opposed to judicial decisions, so some caution in how the figures are treated is probably wise.

If you have any other specific pieces of information you would like, it would assist us if you could let me have details of them so that we can get the information together.

Yours sincerely,



Sian Elias
CHIEF JUSTICE