

Common jurisdictions in the Courts and Tribunals

As a court appointed interpreter, you will receive requests for a wide range of courts and tribunals. The below are some of the more common jurisdictions that you may be asked to provide interpreting services for.

Criminal District court

The majority of criminal offences go through the District Court and range from minor to serious offences. Cases in the criminal jurisdiction are heard by a Justice of the Peace, Community Magistrate, or a District Court Judge.

All crimes (offences) are placed into four categories, these are:

- **Category One:** offences for which the defendant can only be fined. These are usually dealt with by a Justice of the Peace or Community Magistrate.
- **Category Two:** offences with maximum penalty of less than two years in prison.
- **Category Three:** offences with a maximum penalty of a prison term of two years or more (excludes category four offences). The defendant has option of either being tried by a Judge alone or jury trial.
- **Category Four:** the most serious offences, including murder, manslaughter, torture, and terrorism offences. These will usually be a jury trial, but a judge alone trial can be ordered in some cases. These offences start out in the District Court but will be transferred to the High Court.

Family court

The Family court deals with a wide range of 'family' relationships, such as adoption, separation, relationship property, and family violence. The Family Court aims to help parties resolve their problems by way of counselling, reconciliation, and mediation.

A Judge can decide about a case in three ways:

- **In-chambers consideration** – this is where the Judge will look at the documents and determine the steps the case needs to go through
- **Case conferences** – this is where the parties meet with the Judge to try and reach an agreement. The Judge will take the lead and ensure all parties have the chance to have their say
- **Hearings** – this is where the Judge will ask questions, examine evidence, applications etc before coming to a decision at the end of a hearing.

Disputes Tribunal

The Disputes Tribunal is a quick and inexpensive way of settling a dispute. This tribunal can only be used for small claims up to \$30,000. Each hearing is run by a Referee who will consider whether it is appropriate to help parties reach a settlement on a case-by-case basis.

The tribunal hears cases involving disputes about car accidents or other vehicle issues, your house or flat, goods or services and business deals.

Civil court:

Cases are brought to the civil court by individuals or organisations and sometimes local or central government to help settle a dispute. These cases are usually about people's rights.

Civil cases can be about:

- disputes over business contract or debts, including solvency
- disputes between neighbours
- contracts
- civil wrongs to people and property, such as negligence and nuisances
- family proceedings
- administrative law matters, such as appeals against decisions made by the immigration service

Immigration cases involving warrant of commitments are also heard in the civil jurisdiction.

Immigration and Protection Tribunal

The Immigration and Protection Tribunal hears and determines appeals concerning:

- decisions about residence class visas
- decisions about the recognition of a person as a refugee or protected person
- liability for deportation
- decisions to stop recognising a person as a refugee or protected person
- decisions to cancel the recognition of a NZ citizen as a refugee or protected person

The tribunal is administered by the Ministry of Justice. This tribunal is chaired by a District Court Judge appointed by the Governor-General on the recommendation of the Attorney-General.

Youth Court

The Youth Court is part of the District Court and deals with criminal offending by children and young people that is too serious to be dealt with by the Police in the community. When a young person commits an offence, they may be directed to the youth court.

The Youth Court deals with all serious offending committed by a young person other than murder and manslaughter. These types of offences will begin in the Youth Court before being transferred to the High Court.

High Court

This is New Zealand's highest court and is also a court of 'general jurisdiction.' This means that there are no limits on the cases the High Court can hear, either in terms of criminal offences it can hear, or the amount of money claimed in a civil case. The High Court can also hear appeals from other courts and tribunals.

Court of Appeal

Is New Zealand's immediate appeal court and second highest court. It hears appeals from civil and criminal cases heard in the high court, appeals from criminal jury trials in the district courts, and leave applications where a second appeal is taken.

Tenancy Tribunal

This is a specialist tribunal that resolves disputes between residential landlords and tenants in claims up to \$100,000. The tribunal also hears matters relating to Unit Title developments such as, disputes about unpaid levies, body corporate decisions and repair and maintenance decisions.

Motor Vehicle Disputes Tribunal

The Motor Vehicle Disputes Tribunal deals with disputes of amounts up to \$100,000. These cases are heard by trained Adjudicator's and technical assessors. An Adjudicator's ruling is legally binding and can be enforced by the court.

Coroners Court

The Coroner's Court is made up of the Chief Coroner and Coroners with support from the coronial services at the Ministry. The role of the Coroner is to find out when, where, and how a death happened. They'll also work out whether anything could have been done differently so that similar deaths can be prevented.

Environment Court

Most of the work in the Environment Court involves the Resource Management Act of 1991, and largely deals with appeals about the contents of regional and district plans and appeals arising out of resource consents. The Environment Court sits in a number of courthouses in different parts of the country.

Employment Court

The Employment Court has the jurisdiction to hear and determine cases relating to employment disputes. These include challenges to determinations of the employment relations authority, questions of interpretation of law, and dispute of strikes and lockouts. This court is also both an appellate court to hear appeals against employment tribunal decisions and a first instance jurisdiction.

Waitangi Tribunal

The Waitangi Tribunal was established in 1975 as part of the Treaty of Waitangi Act 1975 and makes recommendations on claims brought by Māori relating to legislation, policies actions or omissions of the Crown that are alleged to breach the promises made in the Treaty of Waitangi.

Māori Land Court

The role of the Māori Land Court is to provide a court service for owners of Māori land, their whānau and their hapū which not only promotes the retention and use of Māori land but also facilitates the occupation, development, and use of that land.

Human Rights Review Tribunal

This tribunal hears claims relating to breaches to the Human Rights Act 1993, Privacy Act 2020, and the Health and Disability Commissioner Act 1994. Complaints must be made to the respective commissions before matters can be heard before the tribunal.

Alcohol Regulatory and Licensing Authority

This is an independent tribunal that was established by the Sale and Supply of Alcohol Act 2012 and has two functions:

- to consider and determine applications made by licensing inspectors and the police for variation, suspension, or cancellation of liquor licenses and manager's certificates and

- it considers and determines appeals against decisions made by district licensing committees, and appeals against elements of provisional local alcohol policies developed by local councils

Real Estate Agents Disciplinary Authority

The Real Estate Agents Disciplinary Authority deals with matters relating to the licensing and disciplining of real estate agents licensed under the Real Estate Agents Act 2008. The tribunal also makes decisions about complaints referred to it by the Complaints Assessment Committee.

Legal Complaints Review Office

The role of this authority is to promote public confidence in lawyers and conveyancing services, and to protect consumers of such services. The LCRO provides independent oversight of, and reviews decisions made by the Standards Committee of the New Zealand Law Society and the New Zealand Society of Conveyancers.

Accident Compensation Appeals District Court Registry Authority

If someone files a claim with the Accident Compensation Corporation (ACC) and disagrees or is unhappy with the decision they made, they can apply for ACC mediation or an independent review by the Accident Compensation Appeals Authority.

Immigration Advisors complaints and disciplinary Authority

This tribunal hears complaints against licensed immigration advisors. It can also hear appeals against decisions made by the Immigration Advisors Authority.

Lawyers and Conveyancers Disciplinary Tribunal

This tribunal hears and determines disciplinary charges against members of the legal and conveyancing professions. The LCDT can also receive applications regarding suspension, striking off, revocation of orders and restoration of practitioners to the role or register.

Social Security Appeals Authority

The SSAA hears appeals made by beneficiaries about their benefits. This includes decisions made by the Chief Executive of the Ministry of Social Development (MSD) or the Secretary of War Pensions. The appeals occur by way of a rehearing and the authority examines evidence available and on the case.

Taxation Review Authority

If an individual wants to dispute their tax assessment or a decision made by the Inland Revenue Commissioner, they can ask the TRA to review their case. Inland Revenue must be advised about the dissatisfaction before the TRA can review the case.

Weathertight Homes Tribunal

The Weathertight Homes tribunal provides a speedy, cost-effective resolution process for owners of leaky homes. An expert from the Ministry of Business, Innovation and Employment (MBIE) must first determine if a claim is eligible. The tribunal provides independent adjudication services where all parties are treated impartially.