



Family Law Section Bulletin 530 - 21 May 2021

On Monday, 3 May 2021 a bench and bar forum was held at the Auckland District Court.

At the forum Marilyn Wilson from the Auckland Family Case Management team provided an update on the processing of applications and the earliest available dates for court events.

His Honour Judge de Jong then spoke and acknowledged family lawyers are currently under a lot of pressure due to the volume of work, particularly those lawyers who undertake family legal aid work.

His Honour then addressed six matters:

1. All Family Court Judges in New Zealand would be attending a three-day conference during the week of 10 May 2021.
2. His Honour recently attended a meeting with the manager of the Family Court navigators. There will be 14 Family Court navigators starting on 14 June 2021 in the Auckland area. This year, the navigators will be in training and will be connecting with community groups in the Auckland area. There will be three navigators at Auckland Family Court, three navigators at Manukau Family Court, two navigators at Waitakere Family Court and two navigators at North Shore Family Court. There will be 50 Family Court navigators throughout the country.
3. His Honour noted the importance of counsel's own wellness in order to serve our clients. His Honour invited each lawyer to reflect on what is realistic in terms of our

own workloads because this in turn impacts on a lawyer's ability to meet timetabling directions. It also impacts on the progression of matters before the court if adjournments are sought at the last minute.

4. In respect of long cause hearings, His Honour noted that the judges have spoken about the importance of the last conference before a matter is allocated a long cause fixture teleconference. At the last conference, judges will be insisting on clarification of issues, the number of witnesses required for cross examination as well as other procedural matters required to be addressed in progressing the matter to hearing. Therefore joint memoranda filed for the final conference (before the matter is transferred to centralised fixtures) need to address these issues. If they do not, the conference may not be adjourned because the judge may wish to speak to counsel about these procedural matters. When a matter has been allocated a long cause fixture, the registry appreciate being advised that there are a settlement discussions taking place. This information should be passed through to Jeen Eveni - email [Jeen.Eveni@justice.govt.nz](mailto:Jeen.Eveni@justice.govt.nz)
5. His Honour noted that in respect of PPPR Act matters, section 11 of the Act sets out the requirements for property administration and the jurisdictional thresholds for when orders can be made under this section. His Honour noted that if a subject person has assets over \$5,000 or has an income of more than \$20,000 per annum (which is less than the current national superannuation paid to those over 65), orders under section 11 will not be able to be made and the appointment of a property manager will be required.
6. His Honour noted an increase in the number of requests for property proceedings being adjourned when a section 21 agreement has been executed by the parties. His Honour noted that the court will not be adjourning proceedings for months/years and counsel should be aware of the enforcement provisions in the Property (Relationships) Act 1976 (section 21L).

His Honour Judge McHardy then addressed the forum on the decision of *CE v TT v IT-W* relating to special guardianship. A copy of the decision is [attached](#). Counsel are encouraged to read this decision if they undertake work for clients involved in proceedings under the Oranga Tamariki Act.

Finally, Her Honour Judge Manuel discussed the issues of drug and alcohol use by parents in proceedings concerning children. Counsel are encouraged to frame their submissions based on the evidence before the court and the requirement for the court to consider safety issues pursuant to section 5(a) of the Care of Children Act 2004.

Regards,

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