

PE1458/P

Dr Kennedy Graham MP Email of 15 October 2013

My apologies for not being able to respond earlier.

My answers are as follows:

1. My motivation for the bill was to seek to ensure that judges are assisted through institutional means, rather than relying purely on personal discretion & judgement, in determining whether they should handle a case or not. The bill would protect them from accusations or insinuations that their judgement was poor. And it would promote transparency for public confidence in the judiciary. The genesis was an unfortunate case in New Zealand in which a respected judge ended up resigning through dispute over the appropriateness of his handling a case, *per se*. I think that the same broad principle is applicable to all comparable jurisdictions, although I recognise that some do have registers and others do not.

2. The deadline was extended (twice now) to allow the Government sufficient time to develop their reform of the NZ Judicature Act 1908. The Government plans to strengthen the law of recusal here, and this is relevant to my bill. If the reformed law meets the same broad objective of my bill, then I would be prepared to allow it to be effectively subsumed within it.

My bill has attracted considerable attention. Not least from the judiciary itself. It occasioned a separate report by the NZ Law Commission (the only time such a report has been undertaken on a member's bill). The Chief Justice and the President of Court of Appeal testified before the Select Committee on the bill. It would be fair to say that the judiciary are not overly-enamoured at the prospect of such a register.

Dr Kennedy Graham