

Alignment of sentencing preparation timeframes

Alignment of Rules, policy, and process to best practice

Summary

The alignment of sentencing preparation timeframes in the District Court is intended to provide all parties with sufficient time to prepare and consider submissions. This is essential to ensuring that sentencing hearings can proceed at the earliest opportunity and supports efforts to reduce delays and backlogs. The current timeframes are not fit for purpose and create pressure on the prosecutors, defence counsel, registries and judges when delays occur.

The sentencing preparation timeframes are primarily set out in the Criminal Procedure Rules 2012 (Rules) and the Memorandum of Understanding: Pre-sentence reports in the District Court (MOU).

The overall timeframes are as follows:

- **12 working days** before sentencing: the PAC report, prosecution submissions, and victim impact statement are filed.
- **Six working days** before sentencing: defence submissions are filed, and the registry completes preparation of the sentencing file.
- **Five working days** before sentencing: the completed sentencing file is provided to the judicial officer for consideration.

The amended sentencing preparation timeframes commence on 14 September 2026 and apply to any sentencing matters that are set down on or after that date.

Sentencing hearings which were set down before 14 September 2026 will continue to be managed under the existing timeframes.

For example, if a defendant pleads guilty on 14 September and a sentencing hearing is set down that day the new timeframes apply, however if a defendant pleads guilty on 13 September and their sentencing hearing is set down that day the existing timeframes apply.

Pre-sentence reports in the District Court

The previous *Memorandum of Understanding: Pre-sentence reports in the District Court* was signed in 2014 and is now outdated and does not reflect best practice at the sentencing stage. It defines pre-sentence (provision of advice or PAC) report due dates based on when a guilty plea was entered or guilt was established. It does not include provisions for completing stand-down PAC reports for same-day or same-week sentencing hearings.

Local-level agreements have contributed to national inconsistencies in the filing of PAC reports. These inconsistencies can affect sentencing preparation and may result in reports not being available early enough for parties to consider or being outdated by the time of sentencing, increasing the risk of adjournments.

In consultation with key stakeholders, the updated MOU sets the PAC report due date 12 days before the sentencing hearing. This will help ensure the information before the court is current at the time of sentencing. The updated MOU is signed by the Chief Executives of the Ministry of Justice and Corrections, the Chief Executive of Crown Law and Solicitor-General, and the Commissioner of New Zealand Police.

Criminal Procedure Rules 2012

Criminal Procedure Rules 2012 rule 5A.4: filing of sentencing memoranda, has been amended to align with the sentencing hearing preparation timeframes. The amendment requires sentencing memoranda to be filed earlier, giving defence counsel and the judiciary sufficient time to consider the submissions alongside the PAC report. The amendments are as follows:

- (1) the prosecutor must file sentencing memoranda no later than 12 working days before the sentencing hearing (a change from the previous requirement of five working days), and;
- (2) the defendant must file sentencing memoranda no later than six working days before the sentencing hearing (a change from the previous requirement of three working days).

Rule 5A.5A(2) is amended to align with rule 5A.4 by requiring the prosecutor to use best endeavours to ensure that the victim impact statement is filed at least 12 working days before the sentencing hearing.

Although the proposed Rule amendments require submissions to be filed earlier, they will provide additional time for the defence and the judiciary to consider the prosecutor's submissions. This will allow a further four working days for the defence and two working days for the judiciary. The additional time is expected to alleviate pressure on defence counsel, particularly where prosecutor submissions are filed late, and provide flexibility for any slippage in the timetable.

*Note individual judges still retain the discretion to alter dates for submissions in particular cases where delays may arise for legitimate reasons (e.g. prosecutors requiring the PAC report to complete submissions).

Court preparation

Current local arrangements and delays in meeting filing timeframes can result in the judiciary beginning their consideration of sentencing matters before all required submissions and reports have been filed. In these circumstances, the Registry often needs to extend preparation time to accommodate late-filed material.

To allow sufficient time to consider submissions and pre-sentence reports, the judiciary requires sentencing files at least five working days before the sentencing hearing. The Registry also needs sufficient time to receive, process, and prepare documents to meet this requirement. The amendment of the Rules and the updated MOU support this by ensuring reports and submissions are filed six working days before the sentencing hearing, giving the Registry one day to finishing preparing the sentencing file and provide it to the judiciary five working days before the sentencing hearing.