

1 April 2022

New Zealand Law Society
New Zealand Bar Association
Criminal Bar Association

Auckland District Law Society
Te Hunga Rōia Māori o Aotearoa
Pacific Lawyers Association

South Auckland Bar Association
The Defence Lawyers Association NZ

Tēnā koutou,

Further implementation of the COVID-19 Protection Framework in the courts and tribunals

As you know, the health and safety of everyone who comes to or works in a courthouse or hearing venue is always the Ministry's top priority. Recent Government announcements mean that there are some changes to how our courts and tribunals operate.

Changes to entry requirements

We are currently working to implement judicial changes to Court operating protocols. I understand these are being published on the Courts of New Zealand website as they are revised. However there have been, and will be, changes to entry requirements. They are:

- as of Friday 25 March, there was no need to scan a QR code or complete a record for contract tracing at entry. We are keeping the QR posters in place for those who wish to scan in
- from Tuesday 5 April, a My Vaccine Pass or a negative test will no longer be required to enter our court or tribunal buildings.

What's not changing while we are under Red settings

We are still under Red settings, so at this stage provisions that provide a substantial level of protection against transmission of COVID-19 are retained in the Court protocols:

- Masks will still need to be worn in all courts and tribunals.
- Extensive use of remote hearings will continue, where that is permitted by law, to reduce the need for defendants or other participants to attend court.

There will be no change to all the things the Ministry is doing to keep all participants safe, including the following:

- Surgical masks are available on request for those who do not have them. KN95 masks are available at all courts and tribunals, with jurors being provided with the KN95 masks as a priority.
- Face shields have been sent to courts for duty lawyers to use, and KN95 masks continue to be available.

- Other PPE, such as Perspex screens, will still be in place.
- We continue to maintain the highest standard of cleanliness and hygiene throughout all our buildings. The cleaning regime is based on Ministry of Health recommendations.
- Staggered appearances (also known as time-blocking) will continue to be used where appropriate.
- We will continue to use thermal imaging at court buildings where we have already been using it, and Court Security will continue to ask the standard questions, such whether the person has any COVID symptoms.
- Air quality testing assessments of the ventilation systems in all areas of courts, including interview rooms, are being undertaken. Air purifiers have been installed in all jury retiring rooms and in some other smaller, high use rooms in our courts.

Expanded Rapid Antigen Testing (RAT)

RAT surveillance testing (the jury trial “bubble” model) has been in use across jury trials for all participants from 14 March.

BodyCare (the Ministry’s contracted provider to administer RATs) is currently available in Auckland High Court, Auckland District Court, Manukau District Court, Hamilton High Court, Hamilton District Court, Palmerston North High/District Court, Wellington High Court, Wellington District Court, Christchurch High Court, Christchurch District Court, Nelson High/District Court, Whangarei High/District Court, and Rotorua High/District Court.

We’re extending the hours Bodycare is on site to help with this, as well as expanding the number of sites where Bodycare is available.

For non-Bodycare sites, we aim to have a medical professional on site day 1 to supervise the testing for jury rial bubble testing. For subsequent days, testing should happen away from the court with testing kits provided by the court.

Non-jury trial bubble model

At the request of the judiciary, we are extending the use of the bubble model to non-jury hearings that have a duration of more than one day. Judicial officers may also decide on a case-by-case basis whether testing is done for hearings of more than half a day.

This is a phased expansion, being implemented in the sole High Court registries this week, and then across other sites that have BodyCare in place to supervise the testing from next week. We are working on alternative solutions for remaining sites where BodyCare is not yet available.

Please make sure witnesses you are calling at a hearing know about the requirement to get tested and how to get tested, before they come to court. RATs are available to be collected from the court if they are required.

There is a guidance video on how to take a RAT test for court participants. This is available for anyone to view. <https://www.youtube.com/watch?v=xQI7ze18NA>

Undertaking a RAT is voluntary, so please inform the court/registry if anyone in the bubble is not prepared to take a test before they come to court.

You can get more specific guidance from the court / registry once that court is operating the RAT bubble model.

Shedding

After contracting COVID-19, the body takes a period of time to “shed” COVID-19 from the system, beyond the infectious period. This means a person may return a positive RAT or PCR test after they have completed their required isolation period, recovered from symptoms and are no longer considered infectious.

Everyone in the trial bubble, including recently recovered cases, will continue to be tested with their positive test referred to the presiding judge as per usual (but with the additional information that they are a recently recovered case).

Future changes and Orange settings

In consultation with the judiciary, we have also begun planning for Orange, although there is no indication when a transition to Orange might occur. The next Government announcements regarding COVID-19 response are due on Monday 4 April.

Further information and updates

As you will be aware, the Ministry of Health guidelines are likely to change over time, as circumstances change, and in light of public health advice which continues to evolve. We will continue to provide updates as changes happen.

Details of the requirements at each traffic light setting can be found on the Ministry of Justice website at:

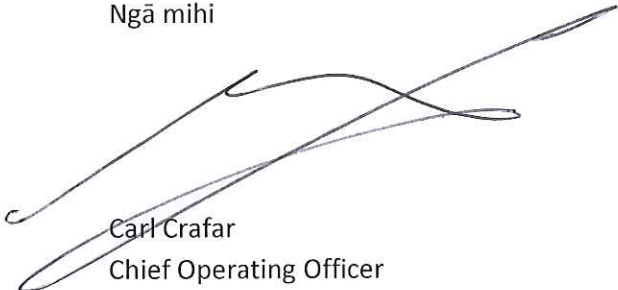
<https://www.justice.govt.nz/covid-19-information/>
<https://www.justice.govt.nz/about/news-and-media/covid-19-news/>

Protocols can be found on the Courts of New Zealand website:

<https://www.courtsofnz.govt.nz/publications/announcements/covid-19/court-protocols/>

As before, please share this with your members.

Ngā mihi



Carl Crafar
Chief Operating Officer