



CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE
Judge Heemi Taumaunu

25 March 2020

DISTRICT COURT SITTINGS DURING THE ALERT LEVEL 4 PERIOD

The District Court will sit during the Alert Level 4 period to deal with priority proceedings as the need arises. For this purpose, there will be District Court Judges and Ministry of Justice staff available.

Priority Proceedings

Selection of priority proceedings are guided by these over-arching principles:

- Liberty of the individual;
- Protection of the at-risk or vulnerable, including children;
- The national and community safety interest;
- Facilitating and promoting public order.

Accredited news media will continue to have access to the court in order to report court proceedings, to ensure continued open and transparent justice.

In all priority proceedings, participation by counsel will be conducted remotely to the extent that is possible. All counsel are permitted to appear by AVL or telephone. If AVL facilities or telephone links are not available for counsel, the Duty Solicitor (or Duty Youth Advocate or Assigned Youth Advocate in Youth Court) must attend in person.

If facilities for the defendant to appear by AVL are not available, the defendant will appear in person.

In the Family Court, counsel are to appear by telephone or AVL, and if facilities are not available, in person.

In civil cases, counsel can appear by telephone.

Priority proceedings during Alert Level 4 will include:

Family

Those with statutory timeframes such as applications for Compulsory Treatment Orders, IDCCR, Protection Orders or interim custody/care and protection orders; those involving vulnerable parties such as welfare guardianship or property orders

under the Protection of Personal and Property Rights Act; those arising out of social dysfunction and family harm.

Where a hearing is directed, in almost all cases conferences and hearings will be conducted remotely.

Criminal

All those involving defendants who are currently in custody and due to appear during the Alert Level 4 period.

The appearance of all defendants in custody is to be via AVL if that facility is available.

Alcohol and Other Drug Treatment Court

Attendance will be by way of telephone conferences only. Where a participant is in custody awaiting entry into treatment any further remand in custody by consent is to be dealt with by telephone. In any other case the matter is to be listed before a Judge dealing with custody hearings.

Youth Court

Work in the Youth Court affecting the liberty of the young people involved. While it is the Youth Court position that the use of AVL is generally inappropriate when dealing with young people, in the context of the pandemic, the best interests of the young persons in custody are best served by a hearing proceeding in that way.

Those young people who are in police custody following arrest will be brought to the court unless AVL facilities are available in Police cells.

All other cases will be adjourned on the papers for one month from the current hearing date without appearance.

Civil

Injunction applications that merit urgent attention.

Some Harmful Digital Communication applications and Restraining Order applications and Tenancy Tribunal Appeals may be in the same category.

Generally, priority proceedings will include matters considered to be of such significant national or community importance that the immediate attention of the District Court is warranted. This category may include proceedings taken by or that arise out of actions taken by public officials during the Alert Level 4 period.

Availability of Judges

District Court Judges will be available and committed to facilitating the best delivery of justice that is practicable in relation to all priority proceedings.

Only District Court Judges will sit during the Alert Level 4 period, and Community Magistrates and Judicial JPs are stood down.

Courts will sit for the priority proceedings during normal hours Mon – Friday from 10am to 5pm and on Saturdays from 10am until the conclusion of business. The matters to be dealt with will be published in the usual way, subject to all applicable legal requirements.

The operation of each court will be subject to over-riding Ministry of Health Level 4 Alert requirements and, in any event, subject to the direction of the presiding District Court Judge on the day.

Judges will only attend court in person if rostered to do work, otherwise they will be available to work remotely from home.

In the larger metropolitan courts, Judges rostered to attend court in person will work in small contained teams to reduce the risk of community spread.

Youth matters will be “centralised” where practicable and considered appropriate, provided the Principal Youth Court Judge agrees.

Only Ministry of Justice staff who are supporting priority proceedings are permitted to attend court in person.

Counsel at priority proceedings are permitted to attend court in person only if they are unable to take part in the proceedings remotely.

Proceedings that are not priority proceedings

During the period that Alert Level 4 restrictions apply, the registry will administratively adjourn all matters that are not priority proceedings.

Defendants whose cases are not priority proceedings are excused from attending court during the Alert Level 4 period. Their cases will be adjourned to the next available date and the registry will advise each defendant of that date.

Defendants who are unsure about when to next appear are advised to speak to their lawyers or ring the Ministry of Justice Contact Centre (0800 COURTS or 0800 268 787). If any party or counsel opposes an administrative adjournment they should advise the registry.

Key points

- The District Court will sit during the Alert Level 4 period to deal with priority proceedings as the need arises.
- Accredited news media will continue to have access to the court in order to report court proceedings to ensure continued open and transparent justice.
- Only District Court Judges will sit during the Alert Level 4 period; Community Magistrates and Judicial JPs are stood down.

- Only Judges who are rostered to preside over priority proceedings are permitted to attend court in person.
- Only MOJ staff who are supporting priority proceedings are permitted to attend court in person.
- In all priority proceedings, participation by counsel will be conducted remotely to the extent that is possible. All counsel are permitted to appear by AVL or telephone. If AVL facilities or telephone links are not available for counsel, the Duty Solicitor (or Duty Youth Advocate or Assigned Youth Advocate in Youth Court) must attend in person.
- If facilities for the defendant to appear by AVL are not available, the defendant will appear in person.
- In the Family Court, counsel are to appear by telephone or AVL, and if facilities are not available, in person.
- In civil cases, counsel can appear by telephone.
- All Judges not rostered to attend court in person will otherwise remain available every day to work remotely as required.
- In large metropolitan courts, Judges will work in small teams to aid physical distancing and avoid community spread.
- During the Alert Level 4 period, the registry will administratively adjourn all matters that do not fall within the priority proceedings category.

How to file

Each court is requiring filing of court documents by email during the Level 4 alert period. Courts will not receive in-person filing of documents, although arrangements may need to be made to receive some without-notice applications in the Family Court. They will continue to receive filing by post for those who cannot access facilities to file by email, but due to hygiene requirements, processing of documents received by post may be significantly delayed.

For documents filed during the continuation of that alert (whether electronically or by mail), the payment of filing fees is hereby waived.

The email and physical addresses for each court are available at www.justice.govt.nz. Click on "Find us", select the relevant court, and "Details".

Nga mihi



Heemi Taumaunu
Chief District Court Judge