



**CHIEF HIGH COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI MATUA
Justice Susan Thomas**

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

JURY TRIAL BUBBLE GUIDELINES

1. Due to the rising number of COVID-19 cases in the community, the following guidelines will be used for the conduct of jury trials in the High Court and the District Court with effect from Monday 7 March 2022.

Arrival at Court

2. To the extent practicable, the jury panel will be provided with separate entrances to avoid unnecessary contact with other court attendees. If alternative facilities are available, the jury panel may be directed to attend a different location from other court attendees.
3. The jury panel will, at a minimum, wear a surgical mask¹ to be put on before entering the courthouse and to be worn during the full empanelment process. Where practicable and available, KN95 masks are preferred.

Jury Empanelling

4. The empanelment process should follow existing processes employed during the COVID-19 pandemic, including the utilisation of additional courtrooms and spaces in courthouses to safely accommodate the jury panel during the empanelment process.
5. In order to keep the number of court attendees to a minimum, pre-balloting of jurors may occur in advance.
6. The jury panel will be kept together for the minimum time possible and jurors will be seated apart to the greatest extent practicable for the empanelment process (preferably two metres where this can be achieved). Courts are encouraged to adopt local solutions to achieve this.
7. Once selected and seated in the jury box, jurors will be provided with KN95 masks (or equivalent). Advice and demonstrations on how to correctly fit KN95 masks will be provided by Ministry of Justice staff.

¹ All requirements for mask wearing contained in these Guidelines will not apply to any person with a valid exemption.

Jury Courtroom

8. After the jury is empanelled and the trial has commenced jurors will be seated 1 metre apart.
9. Where practicable, perspex screens may be installed in appropriate locations including the:
 - a. dock;
 - b. witness box; and
 - c. between the presiding Judge's bench and the registrar.
10. Where practicable, perspex screens may be placed in front of the benches used by the registrar and counsel. Such measures are discretionary and to be decided on a case-by-case basis depending on courtroom configuration and an assessment of risk in each court location.

Masks

11. Consistent with the provisions above, best practice will be for all court attendees present in courtrooms to wear a KN95 mask. The presiding Judge, counsel, staff and witnesses will be provided with a KN95 mask (or equivalent), as will jurors from the point of being empanelled. Other people present in the courtroom will also be provided with a KN95 mask (or equivalent).
12. Unless the presiding Judge determines otherwise, masks will not be removed when speaking, including when counsel are questioning witnesses. However, the presiding Judge may allow counsel to remove their masks when presenting oral submissions in which case counsel should be located as far as reasonably practicable away from other court participants.
13. The presiding Judge may permit witnesses to remove their masks when giving evidence.

Rapid Antigen Testing (RAT)

14. All court participants involved in a jury trial (including empanelled jurors only) will be required to undergo RATs testing in all jury trials, every day for the first 3 days of the trial and thereafter every second day.
15. On the first day of the trial, the defendant (if on bail), counsel, registry staff and the Judge will be tested before empanelling commences. The jury will be tested immediately following empanelment. The remainder of the jury panel will not be released until all empanelled jurors (and any replacement jurors) have tested negative.
16. Defendants remanded in custody will be tested by the Department of Corrections.
17. Defendants on bail who cannot produce a vaccine pass or equivalent will be tested daily.

18. Defendants on bail who refuse to undergo testing will be required to wear a KN95 mask if the presiding Judge determines that the trial should proceed in those circumstances.

Close Contacts and Positive Tests

19. If a juror or other court participant receives a positive result, they are required to self-isolate. Whether and how the trial may be able to continue will be a matter for the presiding Judge to determine on a case-by-case basis.
20. If a juror or other court participant is deemed a household contact, they are required to self-isolate. Jurors qualify as critical workers and may be permitted by the presiding Judge to return to serve on the jury if they are:
 - a. asymptomatic; and
 - b. vaccinated; and
 - c. provide a negative RATs test on a daily basis.

Whether and how the trial may be able to continue will be a matter for the presiding Judge to determine on a case-by-case basis.

21. If a juror or other court participant is deemed a close contact with symptoms, they are required to get a test and stay at home. Whether and how the trial may be able to continue will be a matter for the presiding Judge to determine on a case-by-case basis.
22. If a juror or other court participant is deemed a close contact, even if they are asymptomatic, they are to advise the presiding Judge, who will determine whether any further action is required.

Date: 3 March 2022



Justice Susan Thomas
Chief High Court Judge



Judge Heemi Taumaunu
Chief District Court Judge