



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

30 January 2023

To ALL Auckland Metro District Court Executive Judges and Court Liaison Judges

Tēnā koutou

LOCAL SOLUTION FRAMEWORK – IMPACTS OF STATE OF EMERGENCY FOR THE AUCKLAND METRO COURTS.

[1] As you will be aware, a State of Emergency was declared in Auckland at 10.30pm on Friday 27 January due to torrential rain and significant flooding in the Auckland region. This has impacted some of our court buildings, court events, other Ministry of Justice locations as well as significantly impacting on public and community facilities, public transport, and schools etc.

[2] In particular, the Auckland District Court has suffered severe damage and will remain closed for at least the rest of this week. At this stage, there is no date set for when the courthouse will be repaired and be safe to re-open and resume operations.

[3] From Tuesday 31 January to Monday 6 February (inclusive), the local solution framework attached as Appendix A (“the local solution framework”) will apply to all Auckland Metro District Court locations (Auckland, Waitakere, North Shore, Manukau, Papakura and Pukekohe).

[4] Because the Auckland District Court will remain closed until at least Monday 6 February, all of the work currently scheduled for that court will be rescheduled in accordance with the priorities set out in the local solution framework. Those Auckland District Court cases that are rescheduled and require a hearing between Tuesday 31 January and Monday 6 February will be transferred to be heard at one or more of the other available Auckland Metro District Court locations.

[5] The work that is currently scheduled in the other Auckland Metro District Court locations will also be rescheduled in accordance with the priorities set out in the local solution framework.

[6] The local solution framework will take effect immediately and will be reviewed on Thursday 2 February. Further directions will then be issued for the week commencing Tuesday 7 February.

[7] All defendants in custody must be prioritised and be heard on the day they are scheduled to appear.

[8] If there is sufficient time and available resource to conduct non-priority proceedings, in addition to priority proceedings, scheduling will follow the order of priority as set out in the local solution framework.

[9] Any trial by jury, judge alone trial or defended hearing that may require prioritisation, in the interests of justice, should be identified and included as part of any local solution request.

[10] Auckland Metro District Court Executive and Court Liaison Judges, local liaison judges, local schedulers and local managers of justice services/ service managers are requested to meet on a daily basis to ascertain whether to seek the approval of the Chief District Court Judge for any local solutions that may be necessary in the interests of justice. Daily requests for local solutions are to be forwarded to MoJ National Office by the local manager and will be referred to the Chief District Court Judge for approval by or before 8.30am every morning. If necessary, urgent requests for local solutions can be sent to MoJ National Office and referred to the Chief District Court Judge for approval at any other time throughout the day.

Ngā mihi



Heemi Taumaunu
Chief District Court Judge

Cc All DCJs, all AWJs and all CMs
Tony Pugh, National Manager and Registrar, Royal Federation of NZ Justices' Assns Inc
Carl Crafar, Chief Operating Officer, Ministry of Justice
Jacquelyn Shannon, Group Manager, Ministry of Justice
Peter Batchelor, National Judicial Resource Manager
Matt Harris, National Scheduler

Appendix A

Local Solution Framework for All Auckland Metro District Courts.

Criminal – Priority Proceedings

Priority criminal proceedings are:

- [1] All those involving defendants who are in custody and due to appear.
- [2] Applications made under the [Returning Offenders \(Management and Information\) Act 2015](#).
 - (a) For new offenders arriving into the country and requiring an initial application for interim special conditions; or
 - (b) For offenders who have interim special conditions (or extensions to interim special conditions) which are about to expire; or
 - (c) For offenders who require variations to their interim or final special conditions.
- [3] Applications made under Part 1A of the Parole Act 2002 in relation to extended supervision orders and interim supervision orders.
- [4] Any other matter considered by a judge to warrant urgent judicial consideration or determination.
- [5] The AODT Court at Waitakere and Auckland by way of telephone or AVL appearances.

Criminal - Non-Priority Proceedings

- [6] If, after priority criminal proceedings have been scheduled, there is sufficient time and available resource to conduct non-priority criminal proceedings, they will be scheduled in the following order of priority:
 - [7] Jury and non-jury trials that have commenced and are continuing; followed by
 - [8] Non-custodial lists, including call-overs and conferences; followed by
 - [9] Non-custodial sentencing; followed by
 - [10] Non-custodial Case Review Hearings, including sentencing indications and pre-trial hearings; followed by

[11] Non-custodial Jury Trial or Judge Alone Trials on a case-by-case basis.

Youth Court – Priority Proceedings

Priority proceedings in the Youth Court are:

[12] those affecting children and young persons in custody including:

- (a) bail applications;
- (b) early release hearings;
- (c) secure care applications;
- (d) the extension of any remand under s238(1)(d) of the Oranga Tamariki Act 1989; and
- (e) any consideration of an order under s283 which may result in the release of a child or young person from custody;
- (f) sentencing hearings;
- (g) case review hearings;
- (h) Judge alone trials that have commenced and are continuing; and
- (i) Judge alone trials.

Youth Court – Non Priority Proceedings

[13] If, after Youth Court priority proceedings have been scheduled, there is sufficient time and available resource to conduct non-priority Youth Court proceedings, they will be scheduled in the following order of priority:

[14] Non-custodial Judge alone trials that have commenced and are continuing: followed by

[15] Non-custodial lists, including call-overs and conferences; followed by

[16] Non-custodial sentencing; followed by

[17] Case Review Hearings, including sentencing indications and pre-trial hearings; followed by

[18] Judge Alone Trials on a case-by-case basis.

Family Court – Priority Proceedings

Priority proceedings in the Family Court are:

- [19] Applications for Compulsory Treatment Orders;
- [20] Applications under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003;
- [21] Applications for Protection Orders;
- [22] Without Notice Interim Parenting Orders including enforcement;
- [23] Without Notice Custody Orders or Place of Safety warrants (Oranga Tamariki);
- [24] Guardianship disputes (under the Care of Children Act 2004);
- [25] Welfare Guardianship or Property Orders (under the Protection of Personal Property Rights Act 1988);
- [26] Any other application considered by a judge to warrant an urgent hearing or judicial conference;
- [27] Any other urgent application normally considered on the eDuty platform.

Family Court – Non Priority Proceedings

[28] If, after priority Family Court proceedings have been scheduled, there is sufficient time and available resource to conduct non-priority Family Court proceedings, they will be scheduled in the following order of priority:

- (a) Fixtures that have commenced and are continuing; followed by
- (b) Judicial conferences; followed by
- (c) Short cause fixtures; followed by
- (d) Long cause fixtures on a case-by-case basis; followed by
- (e) Settlement conferences.

Civil – Priority Proceedings

[29] Civil priority proceedings are:

- (a) Returning Offenders applications and injunctions, or other applications that merit urgent attention.
- (b) Harmful Digital Communication applications, Restraining Order applications, and Tenancy Appeals that merit urgent attention.
- (c) Generally, 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.

Civil – Non Priority Proceedings

[30] If, after priority proceedings have been scheduled, there is sufficient time and available resource to conduct non-priority Civil proceedings, those proceedings will be scheduled in accordance with the direction of the local Civil Liaison Judge.