



The Right Honourable Dame Helen Winkelmann
Chief Justice of New Zealand
Te Tumu Whakawā o Aotearoa

8 April 2020

Chief Justice: Update on operation of the courts under COVID-19 alert levels

This media release summarises changes to the operation of the courts entering the third week of COVID-19 alert level 4. It also looks ahead to how the courts will operate in the short and medium term under alert restrictions.

Courts to function to fullest extent possible safely

The Courts' initial objective was to ensure essential services continue to be provided throughout alert level 4 and any alert level that follows. Court [Protocols](#), available on the Courts of New Zealand website, explain the work each court is prioritising at this time.

The Courts are now focused on adapting processes to allow work that falls outside these categories to progress. The extent to which the courts can expand their operations will remain subject to capacity while courts operate under alert level restrictions.

The following points are of note:

Increased capacity for virtual hearings and remote participation

In the past week 36 courtrooms across the District and High Courts have been enabled to conduct virtual hearings allowing participants to attend remotely. These are now being used to conduct priority proceedings. The Ministry of Justice is working to extend this facility to other courtrooms as quickly as possible.

The courts are developing processes for taking evidence remotely in criminal and civil proceedings so that cases which require oral evidence can be heard.

From 20 April the High Court will be conducting as many non-witness civil hearings as can be supported, using remote technology as appropriate. This includes all work presently scheduled, other than civil trials, and liquidation or bankruptcy lists.

To be clear, this is not limited by the pre-existing criteria for priority proceedings but will be limited by the need to ensure that the risks to all participants are kept to a minimum.

Registries remain open for electronic or postal filing of all court documents

The protocols for each court provide for electronic filing of documents. The registries of all courts remain open for electronic or postal filing of documents in accordance with their rules of court. The level 4 restrictions operate only to close the public counter of the court registry and to limit the proceedings that can be heard, but not the documents that can be filed and processed.

Extension of suspension of jury trials

Given the need to summons jurors well in advance of the trial date, and the unavoidable uncertainty about the alert status going forward, a decision has been taken to extend the two-month suspension of jury trials until Friday 31 July 2020.

Focus on resumption of judge alone trials as soon as possible

The Courts are working with the Ministry to put in place the support and technology needed to enable judge alone trials, and proceedings in which oral evidence is required, to resume as soon as possible. In the meantime, it is noted that:

The District Court will continue to hear, for example, all bail applications, conduct case review hearings, take pleas, and sentence to the extent that the taking of oral evidence is not required. The Court will shortly resume dealing with pretrial applications.

The High Court will also continue to hear all custodial remands, criminal appeals, pre-trial applications and sentences. Some sentencings of significant public interest may be adjourned so arrangements can be made to ensure that victims and the community are able to engage with those sentencings.

The Family Court will continue to hear all urgent and time-limited applications. In most cases this will be done remotely, but arrangements can be made for hearings in person for unrepresented litigants for whom this is not possible, or otherwise in circumstances where remote participation is inappropriate.

The Youth Court will continue to operate in accordance with its published protocol.

Court of Appeal

The Court of Appeal can now hear all criminal appeals. Hearings recommenced on Wednesday, 2 April with Counsel and media able to attend via VMR remote technology.

Supreme Court

The Supreme Court is now supported by VMR remote technology. It will work with counsel as to how appeals scheduled in the future will be heard.

Special jurisdictions courts

The Māori Land Court, Waitangi Tribunal, Employment Court and the Environment Court continue to operate in accordance with their priority proceedings [protocols](#).

Open justice and access to courts

At this time, media access to the courts is more important than ever as circumstances have required restricted public access. Arrangements are being made to ensure media know of hearings in all courts and can attend hearings, even if they do so remotely. Last Friday the Chief Justice and heads of bench held a media briefing at the Auckland High Court to explain these arrangements. The [transcript](#) (pdf 174KB) of this briefing is available on the *Courts of NZ* website.

Helen Winkelmann

Chief Justice/Te Tumu Whakawā

Links:

[Chief Justice's letter to the legal profession 8 April 2020](#) (pdf, 261 KB)

[Transcript](#) of Chief Justice and Heads of Bench Media Briefing, 3 April 2020 (pdf, 174KB)

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