



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

1 April 2020

UPDATE - DISTRICT COURT SITTINGS DURING THE ALERT LEVEL 4 PERIOD

The District Court continues to operate 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.

The Chief District Court Judge confirms that all defendants who are in custody will appear before a Judge for all scheduled appearances during the Alert 4 period. Whenever possible the appearance will be by AVL. Until further notice, no witnesses for Judge Alone Trials or Pre-trial Applications are required to attend Court in person to give evidence. Instead, a call-over will be conducted.

The Chief District Court Judge has determined that applications made under the Returning Offenders (Management and Information) Act 2015 will be treated as priority proceedings.

All court participants in the District Court are permitted to wear Personal Protective Equipment while appearing in court either in person or remotely, such as gloves and facemasks.

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.

In addition, a number of courtrooms now have a Virtual Meeting Room facility for all counsel, court participants, and accredited media to participate in priority proceedings by AVL from their homes or offices. A Judge and Registrar will be in the courtroom but counsel are encouraged to appear by AVL whenever feasible. Registries will advise when these VMR facilities are available.

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 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

Returning Offenders applications and 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.



Heemi Taumaunu
Chief District Court Judge