



District Court Protocol – Isolation and Quarantine

This protocol will take effect from 8am on 29 July 2020.

Nothing in this document is intended to reduce fair trial rights, the right to natural justice, or rights under the New Zealand Bill of Rights Act 1990.

This protocol recognises that there may be regional variations and that local solutions may be necessary to best address local issues.

1. The COVID-19 Public Health Response (Air Border) Order 2020 and COVID-19 Public Health Response (Maritime Border) Order 2020 (together “the Orders”) provide for current isolation and quarantine requirements for persons coming into New Zealand by air or by sea.
2. Under the Orders, every person arriving in New Zealand by air or by sea (other than “excluded arrivals”) must:
 - a. report for, and submit to, medical examination and testing, as soon as practicable after their arrival;
 - b. be isolated or quarantined for the required period;
 - c. report for, and submit to, medical examination and testing at any time during the required period; and
 - d. wear personal protective equipment as directed.
3. The Orders refer to circumstances in which such a person is able to leave their place of isolation or quarantine, including if it is “necessary to do so to access any court or tribunal”.

Application of this protocol

4. This protocol applies to every person who must, under either of the Orders or under any other order or enactment, be isolated or quarantined for a required period in relation to that person which has not expired (“the required period”). All such persons are referred to in this protocol as “managed arriving persons”.

No entitlement as of right to access or appear in person

5. No managed arriving person is entitled as of right to access the District Court by appearing in person unless with the prior specific permission or direction of a Judge and then only in accordance with the terms of that permission or direction.
6. All documents to be filed with the District Court by or on behalf of a managed arriving person must be filed electronically unless filed in person by counsel or by a representative who is not a managed arriving person.

Appearing via Audio Visual Link

7. During the required period, to the maximum extent practicable, all managed arriving persons who appear in Court will appear via audio visual link (“AVL”) in accordance with the prior specific permission or direction of a Judge.

General Rules

8. As a general rule:
 - a. A managed arriving person would not be required to appear as a witness or expert witness at trial or a pre-trial hearing in person or via AVL, and the relevant proceeding would be adjourned.
 - b. A managed arriving person who is a support person, a complainant, or a victim will appear via AVL.
 - c. A managed arriving person who is required to appear as a defendant while in police custody will appear via AVL.
 - d. A managed arriving person who is a party to Family Court or Civil proceedings would appear via AVL, unless the proceeding were adjourned.

Applications for Directions

9. An application for directions may be made to the registrar if clarification is required on, or there is a dispute concerning:
 - a. the necessity for the managed arriving person to access the District Court; or
 - b. the manner in or means by which the managed arriving person may access or appear in the District Court, if it necessary to do so.
10. Such applications will be referred to the local Executive Judge or Court Liaison Judge in the first instance, and then by the relevant Executive Judge or Court Liaison Judge to an available District Court Judge for determination.

11. The application for directions may be made by:
 - a. the managed arriving person or their counsel or any other representative on their behalf;
 - b. any prosecutor or relevant government department, or Crown agency; or
 - c. any other person, including a party to a relevant proceeding, who has an interest in the managed arriving person's accessing the District Court.

12. The application must specify the particulars and status of the applicant, the relevant proceeding, the particular clarification that is sought or dispute that has arisen, and be accompanied by all information and advice relevant to the application.

Authorised Action

13. No determination is made in relation to any particular managed arriving person or particular proceeding merely because of the issue of this Protocol.
14. Any permission or direction in relation to this Protocol must be made or confirmed by a Judge.