



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

27 August 2021

## STATEMENT FOR PROFESSION

# Court arrangements in Alert Levels 3 and 4 (Delta variant)

### Alert Levels

The Government announced today that Alert Level 4 remains in place for the whole country until 11.59pm on Tuesday 31 August. The Auckland region and Northland will then remain in Alert Level 4 while the rest of the country moves to Alert Level 3.

This media statement advises on the court arrangements under both Alert Level 3 and Alert Level 4. It provides links to courts' operating protocols, as well as court fixtures lists where available in the attached appendix.

Courts are an essential service. During Alert Levels 3 and 4 they continue to operate, with necessary changes to their operating procedures in the interests of public health and safety.

### Jury trials information for Alert Levels 3 and 4

In the interests of health and safety, no new jury trials will begin during Alert Level 3 or 4 in the District Court or the High Court.

Jurors who are summoned to attend at court in Auckland or Northland during the week beginning Monday 30 August through to Friday 3 September inclusive are excused from attending.

For the rest of the country, jurors summoned to attend at court for the week beginning Monday 30 August do not need to attend on Monday 30 August, but should stand by for further instructions from the registry.

Jury trials that were underway before the lockdown remain adjourned and trial judges will consult and make decisions on a case-by-case basis.

Jury trials are likely to recommence at Alert Level 2, depending on requirements set out in the Government's COVID-19 announcements.

### Travel for counsel

*Expectation that counsel **not** cross boundary between areas in different alert levels to attend court*

It is the Chief Justice's expectation that counsel will not travel across the border between the area south of Auckland (that is in Alert Level 3 from 11.59pm Tuesday 31 August) and the

Auckland/Northland area (that remains in Alert Level 4) to attend court. If counsel identifies a need to do so, they should raise the issue with the presiding judge.

*Lawyers can travel to access files if they relate to a priority proceeding*

If counsel are involved in priority proceedings, as provided for in the [COVID-19 Court Protocols](#), it is permitted (and considered to be essential travel) for counsel to travel to their usual place of business to retrieve and uplift files necessary for the progression of permitted court proceedings.

**District Court arrangements under Alert Levels 3 and 4**

The District Court will operate according to its [Alert Level 4 protocol](#) in all courts in New Zealand until end of day on Tuesday 31 August. An updated Alert Level 3 protocol will be published before the change in alert levels on the Courts of New Zealand website.

*Access to courts in Alert Level 4*

In the interests of health and safety, access to courthouses is limited during Alert Level 4. To the extent possible, all hearings will be conducted remotely.

Counsel are expected to attend remotely, if at all practicable. The registry will facilitate remote access. Appearances in person should only happen in exceptional circumstances.

Members of the public (including a whānau support person or persons for a defendant) whose presence is not required at court will not be permitted to enter unless granted permission by the presiding judge.

Masks are to be worn at all times within the courthouse, unless permission is given by a judge.

Public counters are closed at Alert Level 4, and all documents can be filed by email to the Registrar. Contact 0800 COURTS (0800 268 787) or the registry for further information.

**High Court arrangements under Alert Levels 3 and 4**

At Alert Levels 3 and 4, all High Court business will be conducted to the extent possible by remote participation, as outlined in the court's [operating protocol for Alert Level 3 and 4](#).

*Criminal*

Other than jury trials, the High Court will continue to deal with criminal matters by remote means. This includes first appearances, bail applications and appeals, custodial remands, conviction and sentence appeals, case review hearings, sentence indications, pre-trial matters and sentencings.

*Civil*

Substantive civil fixtures involving witnesses with upcoming hearing dates will be reviewed. The High Court will conduct as much of its other civil business as reasonably possible by remote means, including habeas corpus, civil appeals, judicial review, summary judgments, interlocutory applications, urgent injunctions, caveat applications, liquidation and bankruptcy proceedings, probate matters and originating applications.

All documents for the High Court can be filed electronically.

## Arrangements for all other courts under Alert Levels 3 and 4

The Court of Appeal will continue to hear appeals remotely under Alert Levels 3 and 4. Priority will continue to be given to urgent hearings, and other hearings will proceed subject to operational capability. Registry will be in contact with counsel or parties.

All other courts are proceeding in accordance with their protocols (see appendix). The appendix also provides links to each court's regularly updated court lists.

## Media attendance at court under Alert Levels 3 and 4

In the interests of health and safety, media are asked not to attend court in person during Alert Levels 3 and 4 and instead to attend by remote viewing. [See the Courts of New Zealand website](#) for information on how to arrange this. If remote viewing is not available, please contact the registry concerned.

Media representatives are asked to provide as much notice as possible to attend remotely to give registries enough time to arrange this.

## Next statement

The Chief Justice will issue a further statement following the Government's next change of alert levels.

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## APPENDIX: COURT PROTOCOLS AND COURT LISTS BY COURT

### Trial courts

High Court | Te Kōti Matua

[Daily list](#)

[Alert level operating protocol](#)

District Court | Te Kōti ā Rohe

Upcoming cases: ring 0800 COURTS (0800 268 787)

[Alert level operating protocol](#)

### Appellate courts

Supreme Court | Te Kōti Mana Nui

[Daily list](#)

[Upcoming cases](#)

[Alert level operating protocol](#)

Court of Appeal | Te Kōti Pira

[Daily list](#)

[Upcoming cases](#)

[Alert level operating protocol](#)

Summary Appeal Court | Te Kōti Whakawā Pira Whakaraupapa Kaimahi o Te Ope Kātua o Aotearoa

[Alert level operating protocol](#)

Māori Appellate Court | Te Kooti Pira Māori

[Alert level operating protocol](#) (Māori Land Court | Te Kooti Whenua Māori protocol)

### Specialist courts

Coroners Court | Te Kōti Kaitirotiro Matewhawhati

[Upcoming cases](#)

[Alert level operating protocol](#)

Court Martial | Te Kōti Whakawā Kaimahi o Te Ope Kātua o Aotearoa

[Alert level operating protocol](#)

Employment Court | Te Kōti Take Mahi

[Upcoming cases](#)

[Alert level operating protocol](#)

Environment Court | Te Kōti Taiao

[Upcoming cases](#)

[Alert level operating protocol](#)

Māori Land Court | Te Kooti Whenua Māori

[Alert level operating protocol](#)