



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

23 March 2020

Dear Practitioners

COVID-19 Arrangements for New Zealand courts following the rise in COVID-19 alert level

The Prime Minister has announced the alert level for COVID-19 is at Level 3 - Restrict and this will rise to Level 4 - Eliminate on Wednesday at 11.59 pm.

Courts are an essential service. However, for the remainder of this week I expect they will operate only in the priority areas I identified on 22 March, namely proceedings that affect

- Liberty of the individual
- Personal safety and wellbeing
- Matters in which resolution is time critical.

Attached to this letter are communications from the High Court, District Court, Family Court and Youth Court about priority proceedings which will be going ahead this week.

The courts will try to hear matters within these priority categories by remote participation to the maximum extent possible. Remote participation may involve AVL where feasible, telephone or email.

However, in the District Court in-person attendances may be required in some cases where the law does not permit remote attendance or where that cannot be arranged. For this reason, the District Court will require the assistance of duty solicitors for the remainder of the week.

I know that practitioners are concerned about attendance at court. We have already outlined measures taken to achieve physical distance and improve courthouse hygiene. I am pleased to advise that each court will now have a clearly designated hygiene officer whose task it is to ensure that the increased hygiene standards are maintained.

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The move to Alert level 4 will be extremely disruptive to everyday life and work practices. I know you all have all been planning for this eventuality, but the near future will be difficult. Everyone will have to alter family and work arrangements.

For this reason, I expect that all courts will delay proceedings that fall outside the priority categories, and that those proceedings will be adjourned without requiring that counsel attend court.

Practitioners may assume that for the balance of this week appearances will not be required in the following courts: Supreme Court, Court of Appeal, Employment Court, Environment Court (with the exception of one proceeding, ENV-2020-AKL-025, Environmental Protection Agency) Māori Land Court, Waitangi Tribunal and Coroners Court. If counsel believe that any proceeding before these courts is a priority proceeding they should contact the relevant registry.

The Courts of New Zealand website will continue to provide information about how each court expects to operate during this time of heightened alert. You will find information about the individual arrangements for each court at this site.

<https://www.courtsofnz.govt.nz/publications/announcements/covid-19-coronavirus/>.

The site will be regularly updated

Regular updates will continue to be sent out through the Courts of New Zealand twitter account: @CourtsofNZ.

I expect to keep on communicating with you in the weeks ahead. For now, I wish you all well as you and your families make preparations for these very difficult circumstances.

Hei konā mai i roto i aku mihi,

[signed]

Helen Winkelmann
Chief Justice/Te Tumu Whakawā

Attachment

Priority proceedings for the remainder of the week

High Court

The only work the High Court is conducting for the remainder of this week are:

- Custodial remands
- Mental Health disposition
- Urgent Bail appeals.

District Court

From tomorrow Tuesday 24 March, the Chief District Court Judge has determined that the following proceedings take priority in the District Court:

- **District Court Criminal when the defendant is in custody:** Public order offenders; Bail applications (including breaches); Sentencing those already in custody; Deportation warrants; CP(MIP); Breach of PSOs.
- **District Court Civil:** Injunctions, Harassment orders; Harmful digital communications; Tenancy Tribunal appeals against evictions.
- **Youth:** Arrests (first appearances); Secure care applications, Bail applications; Review of custody, CP (MIP), Early release hearing (see separate letter from Principal Youth Court Judge Walker.)
- **Family:** Public Health Order applications; Without notice applications: Care and protection (s67 and s 78 immediate uplift); Protection and related Orders (Family Violence Act); Care of Children applications (family violence related); Mental Health (applications for compulsory treatment orders); Other without notice applications: PPPR, PRA, Hague Convention; Substance Addiction (Compulsory Treatment); s 67 Care and Protection.

Unless a case is in this category, the matter will be administratively adjourned for a week except in the case of Youth Court which will be adjourned on the papers for four weeks.

If AVL facilities are not available, 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.