



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

25 March 2020

Dear Practitioners

COVID-19 – court operations at alert level 4

The Prime Minister has announced the alert level for COVID-19 in New Zealand is to rise to Level 4 - Eliminate on Wednesday at 11:59 pm. This effectively shuts down all but the provision of essential services. I acknowledge the concern amongst the public, court staff and legal practitioners regarding any requirement to travel to court for hearings or to attend to filing of documents. I also understand that the restrictions imposed by the level 4 alert make it difficult for parties and legal practitioners to conduct court proceedings.

However, courts are an essential service. New Zealand courts must continue to uphold the rule of law and to ensure that fair trial rights, the right to natural justice and rights under the New Zealand Bill of Rights Act are upheld.

Only priority proceedings to be heard

The heads of bench have decided that only proceedings affecting the liberty of the individual or their personal safety and wellbeing, or proceedings that are time-critical, should be heard while we are at alert level 4.

Please refer to the protocols for each court for more assistance as to the nature of the proceedings which might meet these criteria. These will be posted by 4 pm today

- [Protocols: What courts are doing during COVID-19](#)

Remote participation to be used predominantly

To the maximum extent possible, and to avoid the need for people to attend court in person, the courts will use remote participation to hear these matters. Remote participation may involve AVL (audio-visual link) where that is possible, telephone or email.

Court attendance may sometimes be required, safety is paramount

However, in the District Court, Family Court, High Court and the Court of Appeal, in-person attendances may be required in some cases. Where court attendance is unavoidable, the safety of the public, court staff and members of the legal profession is paramount. Measures have been taken to achieve physical distance and to improve courthouse hygiene. The Ministry of Justice has posted designated hygiene officers to each court to ensure that the increased hygiene standards are maintained.

Filing by email

Each court is requiring filing of court documents by email during the level 4 alert. Courts will not receive in-person filing of documents, though arrangements may need to be made to receive some without-notice applications in the Family Court. They will continue to receive filing by post for those who cannot access facilities to file by email, but due to hygiene requirements, processing of documents received by post may be significantly delayed. Again, please refer to the protocol for each court for more information as to what is required to file documents.

Filing fees may be waived

Courts will waive filing fees for documents filed during the level 4 alert to the extent they can do so under [s 24 of the Epidemic Preparedness Act](#) or pursuant to other relevant court rule or regulation.

Thank you

I appreciate the commitment that the people who work to support the operation of the courts have shown over the last two weeks. Our frontline court staff and members of the legal profession have continued to serve the interests of justice. Their constructive approach to the necessary changes we have implemented, and will continue to implement, keeps the courts operating and ensures that justice is administered.

Regular updates will continue to be made to the Courts of New Zealand website and to the Courts of New Zealand Twitter account [@CourtsOfNZ](#).

Hei konā mai i roto i aku mihi,



Helen Winkelmann
Chief Justice/Te Tumu Whakawā

Cc Secretary of Justice