



# Protocol for remote participation in District Court civil proceedings

Chief District Court Judge – 20 March 2025

Issued pursuant to s24 (3)(i) District Court Act 2016

## Cover Notes

- 1 This protocol sets out the default modes of appearance for certain categories of hearing in civil proceedings in the District Court. While this protocol sets a default approach for each type of hearing, how a hearing proceeds is ultimately a matter for determination by the presiding judge.<sup>1</sup> That determination should be made having regard to the circumstances of the hearing, relevant legislation and the Objectives and Principles on Use of Remote Participation in Court Proceedings.
- 2 Where, in the second column, the protocol specifies a default of “in person”, this means that the judge, registrar and all counsel/parties will appear at the hearing in person. Where the default is “remote”, this will ordinarily mean that the judge and the registrar are in court or chambers, with some or all other participants appearing by remote means.<sup>2</sup>

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<sup>1</sup> The term ‘presiding judge’ is used consistently throughout the protocol to refer to the judicial officer presiding over the hearing. This term is used because in most situations covered by the protocol the presiding judicial officer will be a judge. However, where another judicial officer is authorised by statute to preside over one of the types of hearing covered by the protocol, the protocol applies equally to them, and the term ‘presiding judge’ should be read to include these other judicial officers.

<sup>2</sup> See glossary of terms used in this protocol [LINK]. The presence of the judge and registrar in court facilitates the principle of open justice, the recording of the hearing, as well as meeting the requirement that some hearings are held in “open court” (for example, applications for summary judgment under District Court Rule 7.29.) Nevertheless, for matters to be heard in chambers (see item (5) of the protocol for the meaning of a “chambers hearing” and associated rules), it remains open to the presiding judge to also appear remotely, for example, from his or her chambers. In such circumstances, consideration must be given to facilitating media access to such a hearing (reflecting that media are entitled to be present at a chambers hearing).



- 3 Remote participation means participation by Audio-Visual Link (AVL), unless specified (or directed) otherwise.
- 4 Where a hearing (other than one at which evidence is to be given) is to be conducted in person by default, counsel or a self-represented litigant who is located outside of the centre in which the hearing is to take place can expect that any application by them to appear at the hearing by remote means is likely to be granted.<sup>3</sup>
- 5 The protocol does not address appearances by witnesses at a hearing, and whether the witness must give evidence in person or may do so by remote means. These matters are case and witness specific, and are governed by the Evidence Act 2006, (part 3, sub-part 5).
- 6 The protocol does not address list and similar appearances in circuit courts. The mode of hearing (including whether, for example, the judge is in the local court or presides by remote means from another court) is appropriately determined by the presiding judge. This will need to take into account a number of factors, including the availability of appropriate remote technology, and the number and nature of matters to be called in the list.

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<sup>3</sup> This is ultimately for determination by the presiding judge, having regard to the interests of justice in the particular matter.

Type of hearing	Default approach for this type of hearing	Comments and explanatory notes	Legislation/Rules to be considered
1) First case management conference.	Remote - Telephone.	First case management conferences are often vacated if the parties comply with all requirements of first case management memoranda. If a first case management conference is scheduled in a list, see (4) below. A first case management conference in a complex commercial matter with multiple parties will likely justify an in-person hearing.	Civil proceeding under the Courts (Remote Participation) Act 2010 (CPRA). AVL may be used in civil proceedings, applying the criteria in s 5 (CPRA, s 7(3)).
2) Judicial settlement conference.	In person.	An in-person conference facilitates settlement.	DCR, r 7.3(5) — a judicial settlement conference is “in chambers”.  See (5) below for the meaning of a “chambers hearing” (and associated rule).  CPRA – see (1) above.
3) Second (and subsequent) case management conferences.	Remote - Telephone.	If scheduled in a list appearance, see (4) below.	CPRA – see (1) above.
4) Civil Appeals List	Remote - Telephone		CPRA – see (1) above.

Type of hearing	Default approach for this type of hearing	Comments and explanatory notes	Legislation/Rules to be considered
5) List appearance (Duty Judge List, Summary Judgment List)	In person, but with remote participation for a participant who requests this in advance, by AVL or audio only link (AL).		
6) Separate hearing of interlocutory application (affidavits, no oral evidence).	<p>For dispositive applications (summary judgment, strike-out, security for costs): In person.</p> <p>For all other applications:</p> <ul style="list-style-type: none"> <li>Hearing of two hours or less: In person or remote at presiding judge's direction.</li> <li>Hearing of more than two hours: In person.</li> </ul>	<p>The presiding judge may determine that an in-person appearance would in all the circumstances facilitate a party's access to justice (for example, lack of access to suitable technology, language or communication difficulties may preclude a remote appearance). Where a remote appearance is considered appropriate, the presiding Judge may permit a party to appear by AL if they do not have access to suitable AVL technology.</p> <p>If oral evidence is to be called at an interlocutory hearing, the hearing ought to be in person.</p>	<p>DCR r 7.29 – hearing of applications for summary judgment must be held in open court.</p> <p>DCR, r 7.27 — per sub-r (1) an interlocutory “hearing ... must be heard in chambers unless a Judge otherwise directs” and, per sub-r (2), “On the Judge’s own initiative or on the application of 1 or more of the parties, the Judge may conduct a hearing in chambers by telephone or video link.”</p> <p>A hearing in chambers is a hearing which takes place in circumstances in which the public is not admitted, except with the leave of the Judge (see High Court Rule 1.3, which defines a “chambers hearings”). Pursuant to DCR r 7.28, particulars of a hearing in chambers</p>

Type of hearing	Default approach for this type of hearing	Comments and explanatory notes	Legislation/Rules to be considered
			<p>may be published, unless a Judge or Registrar otherwise directs.</p> <p>In practice, chambers hearings are held in court, with the Judge sitting “in court for chambers”.</p> <p>Media are entitled to be present at a chambers hearing, unless a Judge orders otherwise (<i>Thompson v Invercargill City Council</i> [2020] NZHC 13 at [13]).</p> <p>CPRA – see (1) above.</p>
7) Pre-trial conference (if held).	Remote - Telephone.		CPRA – see (1) above.
8) Substantive hearing without oral evidence.	In person.	<p>These are dispositive hearings.</p> <p>Circumstances in which the presiding judge may decide to depart from the default include where counsel or a self-represented litigant is located in a centre other than that in which the</p>	CPRA – see (1) above.

Type of hearing	Default approach for this type of hearing	Comments and explanatory notes	Legislation/Rules to be considered
		hearing is taking place; or where a party's personal circumstances mean a remote appearance is appropriate (such as a disability makes an in-person appearance difficult).	
9) Substantive hearing with oral evidence (short, simplified and full trials).	In person.	These are dispositive hearings involving oral evidence.	CPRA – see (1) above.
10) Appeal hearing.	In person.	The default recognises that a significant number of appeals to the District Court (particularly from the Disputes Tribunal) involve self-represented litigants, and some appeals (such as those from the Tenancy Tribunal) are determined on a de novo basis. Remote appearances may be appropriate for very short appeals with limited issues.	CPRA – see (1) above.
11) Application for costs.	On the papers, unless otherwise directed.		CPRA – see (1) above.



**Heemi Taumaunu**  
**Chief District Court Judge**

Date	20 March 2025
Signed by	Chief District Court Judge Heemi Taumaunu
Review date	20 March 2026