



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

Sunday 19 February 2023

## Statement to the Profession

### Update on Cyclone Gabrielle – impact for Tairāwhiti and Hawkes Bay

Tēnā koutou e ngā rōia,

Below is an update on what we know of the current state of the courts in areas affected by Cyclone Gabrielle, and some other relevant information. As you will be aware from ongoing news coverage, many areas are under enormous pressure, but the focus of this letter is on Tairāwhiti and Hawkes Bay – where the impact on the profession and the courts is most acute.

Communications are proving problematic in these regions. **Although we are continuing with our usual means of communications, in addition for the courts in Tairāwhiti and Hawkes Bay, we are posting court-related updates on courthouse entrances and at police stations at 9am and 5pm daily.**

The situation is changing by the hour – the information below is accurate to the best of my knowledge at the time of writing, but for the most up-to-date information, please contact the Court Manager.

#### HEALTH AND SAFETY CONSIDERATIONS REMAIN PARAMOUNT

We are adhering to health and safety guidance in relation to entry to court buildings. **At the time of writing, the Gisborne and Napier courthouses have not been cleared for use by judges, court staff or the profession.<sup>1</sup>**

#### IMPACT ON THE PROFESSION

Judges are mindful of the effects of Cyclone Gabrielle on the profession – not just the disruption of their ability to do work, but also the difficulty of attending to the basics of living, such as getting groceries. Judges will be conscious of the likelihood that lawyers will need more time to take steps in proceedings and in respect of timetables.

#### *For Hawkes Bay-based practitioners*

An offer has been extended to the local profession to utilise the Public Defence Service's office space and Wi-Fi in Hastings. The office is also equipped with an AVL terminal.

<sup>1</sup> For a building to be cleared for occupancy, among other things it must have been certified as structurally sound, must have a safe and stable power connection, and must have potable drinking water, working lavatories and sufficient water pressure for fire sprinklers.

## HIGH COURT – STATUS AND OPERATIONS

The **High Court registries in Gisborne and Napier** are currently closed (as they share premises with the District Court). Matters scheduled for these locations are being managed (and where possible, heard) from the Wellington High Court. This includes urgent applications such as Habeas Corpus.

## DISTRICT COURT – STATUS AND OPERATIONS

All District Court sites in the Tairāwhiti and Hawkes Bay regions have been affected in some way by Cyclone Gabrielle. Urgent applications thus far for these locations have been picked up and managed by other courts (including urgent Family hearings and Mental Health matters).

All jury trials in these two regions for the week of 20<sup>th</sup> February have been vacated. Jury trials in March may also be deferred – with consideration to be given to the capacity of the profession and prospective jurors to participate, and the state of jury trial facilities. A final decision on this will be made in the next week.

The **Gisborne District Court** is not cleared for occupancy and remains closed until at least Monday 20<sup>th</sup> February (inclusive). The building is pending a safety assessment (due to be conducted on Monday 20<sup>th</sup>) and water and internet connections are being restored.

The Executive Judge for Gisborne is meeting with the profession and other stakeholders at **8:30am on Monday 20<sup>th</sup> February** to discuss short-term arrangements for justice services in Tairāwhiti. Because the building is closed, the meeting will take place outdoors in the grounds of the courthouse.

The **Ruatoria Hearing Centre and Wairoa Hearing Centre** are not cleared for occupancy and closed until at least Saturday 25<sup>th</sup> February (inclusive), until access to that area by road is restored for a safety assessment to be undertaken and for court staff to travel safely from Gisborne and have capacity to support their operation.

The **Napier District Court** is not cleared for occupancy and remains closed until at least Wednesday 22<sup>nd</sup> February (inclusive) while power is restored and access to conduct a safety assessment is pending.

The **Hastings District Court** is cleared for occupancy and will resume operation from Monday 20<sup>th</sup> February – with **three District Court Judges scheduled to prioritise and hear all in-custody matters for Napier and Hastings**. Road access from Napier to Hastings is open, but delays can be expected.

The **Waipukurau Hearing Centre** is not cleared for occupancy and remains closed indefinitely as its operation is dependent on staff from the Hastings District Court. This court only operates monthly.

A District Court Local Solutions framework is in place for all of the above-listed locations, with limited priority proceedings being heard (either in-person or via AVL).

The Chief District Court Judge continues to publish information on the status of court operations and the applicable Local Solutions framework on the [District Court website](#). Please see updates on this page for the latest information.

## SPECIALIST COURTS – STATUS AND OPERATIONS

The **Māori Land Court at Tairāwhiti (Gisborne)** is not cleared for occupancy and currently closed until the building has been assessed for safety, and the water supply and internet connections. The court is not scheduled to sit until early March.

The **Māori Land Court at Tākitimu (Hastings)** and **Coroners Court at Hastings** both share a building with the District Court, and are both cleared for occupancy – but are not scheduled to sit until early March.

The Chief Coroner, Judge Anna Tutton, is coordinating the coronial response to Cyclone Gabrielle from Palmerston North, working closely with Police and pathologists. All reportable fatalities associated with the cyclone nationally are being referred to this Palmerston North-based team, in keeping with the standard operating procedure for potential mass fatality incidents.

The **Employment Court and Environment Court** are largely unaffected by these events. Any hearings that were scheduled to take place in Tairāwhiti or Hawkes Bay and are unable to continue are being rescheduled or relocated. Please contact the Court Manager in the first instance if you have any queries.

#### FURTHER UPDATES

Heads of bench and I are coordinating on a daily basis with leaders of the profession, the Ministry of Justice, and other justice sector agencies. We will keep you updated as the situation continues to unfold.

I will also continue to communicate via the [Courts of New Zealand website](#) and social media channels ([Twitter](#) and [LinkedIn](#)) and through posting notices as outlined above.

#### SUPPORT AVAILABLE TO THE PROFESSION

The Law Society's [Legal Community Counselling Service](#) can be accessed free-of-charge by calling 0508 664 981.

#### THANK YOU

To close, I want to thank you all for your efforts. I acknowledge the grace, pragmatism and good humour being shown by practitioners, judges, and court and Ministry staff who have worked so hard to ensure that justice can continue to be administered in Tairāwhiti and Hawkes Bay.

Stay safe and look after yourselves, your whānau and your colleagues.

Kia kaha, kia haumaru,

Helen Winkelmann  
**Chief Justice | Te Tumu Whakawā**