

Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

COVID-19 Protection Framework

Chief Justice Helen Winkelmann

5 April 2022

1. This protocol sets out how the Supreme Court | Te Kōti Mana Nui will operate while each level of the New Zealand COVID-19 Protection Framework (red, orange and green) applies in Wellington. It comes into effect on 5 April 2021. It replaces the protocol dated 4 February 2021.

2. The following directions are made to assure the safety of staff, counsel, other participants and observers.

Entry to the Supreme Court building

3. No person who is unwell should enter the Supreme Court building at any time. Access will be denied to any person who is showing signs of illness, has a body temperature of 38 degrees or higher, has tested positive for COVID-19 and is required to isolate or is a household contact of a confirmed case of COVID-19. If any of these criteria apply, the person concerned should not seek to enter the Supreme Court building.

4. All counsel and self-represented parties attending a hearing in the Supreme Court building may be asked to take a Rapid Antigen Test (RAT) on each morning before the hearing commences. The Registry will advise counsel and self-represented parties of the arrangements for testing for the hearing. If any counsel or self-represented party is asked to take a RAT and declines to do so, the Court will determine whether and how the hearing will proceed. If any counsel or self-represented party tests positive for COVID-19, the Court will determine on a case by case basis whether and how the hearing will proceed.

Hearings

(a) Red level periods

5. The Court intends to hear all appeals and applications for leave to appeal scheduled for hearing during a red level period. A decision will be made on a case by case basis as to whether a hearing will proceed in the normal way, with all judges and counsel or self-represented parties present in person in the Supreme Court

courtroom or will be conducted by approved remote technology. The Court will contact counsel about the arrangements to be made for the hearings that are scheduled to be heard during a red level period.

(b) Orange and green level periods

6. Subject to the restrictions noted below, the Court intends to hear all appeals and applications for leave to appeal scheduled for hearing during an orange or green level period. Unless a judge directs otherwise, hearings will proceed in the normal way, with all judges and counsel or self-represented parties present in person in the Supreme Court courtroom, as long as counsel and any self-represented parties are able to be present in Court for the hearing.

7. If any counsel or self-represented party is unable to participate in the hearing in person, the Court will make arrangements for that counsel or party to appear by approved remote technology. Any counsel or self-represented party to whom this applies should contact the Registry prior to any scheduled hearing so the necessary arrangements can be made for them to appear remotely. If any counsel or self-represented party is able to, but does not wish to, participate in the hearing in person, they should contact the registry to seek permission to appear remotely. The request will then be referred to a Judge for decision.

(c) At all times

8. If counsel or any self-represented party comes within any of the criteria set out at paragraph 3 above, or is at higher risk of severe illness, immune-compromised or with a relevant underlying health condition, they should not attend Court. If this applies, they should contact the Registry so the necessary arrangements can be made for them to appear by approved remote technology, if they are able to do so.

9. Accredited news media representatives will be permitted to enter the Supreme Court building in order to report on hearings. Remote access for accredited news media will also continue to be facilitated in accordance with current protocols.

10. The Court recognises that interested parties may wish to observe a hearing remotely. Where possible, the Court will make arrangements for such parties to do this. Any person interested in this possibility should contact the Registry no later than 1.00pm on the working day before the hearing

11. The [Protocol for Participation in Remote Hearings](#) will apply to any hearings involving remote participants.

12. The [Protocol for Remote Viewing of Hearings](#) governs remote access to hearings for media representatives, interested parties and others.

Health and safety in the Supreme Court building

13. The Supreme Court courtroom will be cleaned thoroughly before and after each hearing and, if a hearing lasts for more than one day, at the end of each hearing day. Hand sanitiser and antibacterial wipes will be available inside the courtroom.

14. Any person present in the public areas of the Supreme Court building (including the courtroom) must wear a surgical mask or a KN95 (or equivalent) mask during any red or orange level period. However, the judge presiding at a hearing may permit a mask to be removed by counsel or other person to enable effective communication, provided appropriate social distancing can be maintained. During any green level period, wearing a mask is encouraged. A surgical mask will be provided at the entry to the Supreme Court building for all those who do not have their own mask.

15. Any person present in the Supreme Court building at any time must maintain social distancing as directed. In order to ensure that can be achieved, the number of people permitted to enter the court building at any one time may be limited.

16. Counsel are expected to assist the Court by briefing clients on the public health measures referred to at paragraphs 3 and 14 – 15 above

Tours

17. Tours of the Supreme Court building (both self-guided and guided) will be available in orange and green level periods, subject to compliance by participants with the requirements for entry to the Supreme Court building set out in this protocol. However, this is subject to change and any person intending to visit the Supreme Court building should check the [Visiting the Supreme Court](#) page on courtsfnz.govt.nz or email tours@justice.govt.nz beforehand. Tours will not be available in red level periods.

Filing of documents

18. Court documents may be filed in person, by post, by email or via the file and pay service at any time. Filing by email or via the file and pay service is encouraged.

19. Filing fees may be paid by [File and Pay](#) at all times.

20. All electronic filing should be sent to supremecourt@justice.govt.nz. This is also the email address for urgent enquiries. All filing by post should be sent to:

85 Lambton Quay, Wellington 6011
DX: SX11224, Wellington

This protocol is subject to revision.