

**Māori Land Court and Māori Appellate Court**  
**COVID-19 Protocol**  
**13 September 2022**

**Principles**

1. Courts are an essential service. Under the current government guidelines relating to management of Covid-19 the Māori Land Court and Māori Appellate Court will carry out all their usual scheduled work, to ensure access to justice.
2. This protocol sets out a framework to ensure that everyone who needs to participate in Court proceedings is able to do so. The primary considerations that underpin this protocol, and decisions under it, are the interests of justice and the protection of the health and safety of all who participate in Māori Land Court and Māori Appellate Court proceedings.
3. A significant number of applicants, respondents and members of the public who attend Māori Land Court and Māori Appellate Court sittings are people who are over 70, are immunocompromised, or who are otherwise particularly vulnerable to the effects of the COVID-19 virus. It is important that the Courts take account of this, and establish guidelines to ensure the safety of all who normally attend Court sittings – particularly our pakeke (elderly), but also all parties, counsel, Court staff, Judges and members of the public.
4. With this in mind, all persons entering the Māori Land Court and Māori Appellate Court for Court hearings or Court-related events – namely, all parties, counsel, Court staff, Judges and members of the public – must comply with this protocol.
5. This protocol applies subject to any directions given by the presiding judge in a particular case. The presiding judge may direct that requirements set out in this protocol do not apply in a particular case if the judge is satisfied that it is in the interests of justice, and the protection of the health and safety of parties, to do so.

**Hearings**

6. The following requirements apply to entry into a Court hearing:
  - a. A person must not enter an in-person hearing at any time if they are showing signs of illness or are unwell;
  - b. Any person who has tested positive for Covid-19 within the last 7 days may not enter the hearing.
7. Hearings may be conducted in person or remotely, at the discretion of the presiding judge.
8. Remote hearings may utilise telephone conferencing, audio-visual link (AVL) or another form of videoconferencing, such as Zoom.
9. A party may seek a direction that a matter should be conducted with all participants appearing remotely. A request for a matter to be conducted remotely should be made with as much notice as possible, and where practicable five working days in advance.

10. A party, counsel or other participant may apply to participate in a hearing by remote technology. A request for a participant to appear remotely should be made with as much notice as possible, and where practicable five working days in advance.
11. Hearings remain open to the public, but for health and safety reasons there may be limits on the number of people who are not directly involved in proceedings who are permitted to be physically present in courtrooms and court buildings.
12. These requirements, and those set out below, will also apply to all Court-related events presided over by a Māori Land Court Judge or run by a Court Registrar, Deputy Registrar, Court-appointed mediator or Court-appointed facilitator.

### **Masks**

13. For the reasons set out paragraph 3 above, a surgical mask or KN95 mask must be worn by all persons present in a courtroom, unless the presiding judge so directs. Masks will be provided at the entry to the Court building for all those who do not have their own mask.

### **Rapid Antigen Tests**

14. A court participant who has any symptoms of Covid-19 must take a Rapid Antigen Test (RAT) before attending court.
15. The presiding judge may direct that some or all participants in an in-person hearing must take a RAT before attending Court.
16. Where a presiding judge directs that parties are required to take a RAT prior to attending Court, the Registry will advise counsel and any party who is not legally represented of the arrangements for testing, and time will be allowed for parties to arrive at Court, take a test and confirm the result before their hearing commences. If participants are asked to take a RAT, and any participant declines to do so, the presiding Judge will determine whether and how the hearing will proceed. If any participant tests positive, the presiding Judge will determine on a case-by-case basis whether and how the hearing may be able to continue.
17. Everyone who attends a hearing in person must comply with the health and safety requirements set out below, together with any other health and safety directives that may be given by the Presiding Judge or Pae Matua/Director.

### **Health and Safety**

18. The following health and safety measures can be expected in all hearings and Court buildings:
  - a. Cleaning products will be available on site to enable parties, counsel and staff to keep their immediate areas clean (including AVL suites);
  - b. Hand sanitiser will be readily available within the courtroom;
  - c. Face masks will be readily available in Court buildings;
  - d. RAT kits will be available in Court buildings.
19. Any concerns about health and safety practices in the Court should be raised with the local Māori Land Court Service Manager in the first instance.

### **Court filing**

20. Any filing with the Māori Land Court and Māori Appellate Court may be done by email, post or in person at the Court counter.
21. The email and postal addresses for all Court offices can be found on the Court's website at [www.maorilandcourt.govt.nz/contact-us](http://www.maorilandcourt.govt.nz/contact-us).
22. The same measures set out above for Court hearings will apply to in-person filing at Māori Land Court counters. No one who is feeling unwell should file any Court documents in person.

### **Media**

23. Accredited news media will continue to have entry to the Court (subject to the measures set out in paragraphs 6-17 above) in order to report court proceedings, and to ensure open and transparent justice. Remote access for accredited news media will also continue to be facilitated.

### **Expectations of counsel**

24. Counsel are expected to assist the court by:
  - a. Briefing clients and witnesses on public health messages and the requirements of this protocol, including:
    - i. Not to come to court if unwell.
    - ii. To advise counsel as early as possible if they are unable to attend court.
    - iii. What they may expect by way of PPE and hygiene supplies in a hearing.
  - b. Seeking remote participation in appropriate cases, as set out in paragraphs 7-10 above.
  - c. Raising any deficiencies with cleaning, the availability of cleaning supplies or social distancing with a Service Manager immediately.

**Chief Judge Wilson Isaac**

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