



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

26 October 2022

STATEMENT TO THE PROFESSION

Court arrangements – Friday 28 October 2022

Access to court buildings will be restricted on Friday 28 October 2022 from 2pm because Ministry of Justice staff who are members of the Public Service Association will be attending a stop work meeting. Nevertheless, courts will continue to address urgent matters and priority proceedings.

The arrangements for senior courts, District Court and specialist courts are outlined below.

SUPREME COURT AND COURT OF APPEAL

In the Supreme Court and Court of Appeal, public entrances will be closed from 2pm, with signage prominently displayed explaining the closure and providing contact details. Electronic filing is available and will be monitored for urgent matters.

HIGH COURT

In the High Court, public entrances will be closed from 2pm, with signage prominently displayed explaining the closure and providing contact details. Arrangements have already been made with affected parties.

Priority proceedings in the High Court – those that concern the liberty of the individual; personal safety and wellbeing; or matters in which resolution is time critical – will be dealt with.

Electronic filing will be available and will be monitored for urgent matters.

DISTRICT COURT (INCL. FAMILY COURT AND YOUTH COURT)

Public entrances to District Court buildings will be closed from 2pm. The District Court will continue to receive urgent filing for priority proceedings, and will conduct priority proceedings. See the appendix to this statement for a detailed description of priority proceedings in the District Court.

Hearings already set down for this time will be rescheduled. The registry will contact counsel to arrange new dates. Signage on public entrances will explain the closure and provide contact details for arrangements about priority proceedings. The 0800 COURTS phoneline will be staffed.

SPECIALIST COURTS

The Māori Land Court, Environment Court, Employment Court and Coroners Court will continue to receive electronic filing and urgent applications will be dealt with if required.

APPENDIX – PRIORITY PROCEEDINGS IN THE DISTRICT COURT, INCLUDING YOUTH COURT AND FAMILY COURT

Priority proceedings in the criminal jurisdiction of the District Court

- All those involving defendants who are in custody and due to appear.
- Sentencing of defendants who are in custody where sentencing can be brought forward and rescheduled by arrangement with the relevant stakeholders to a sentencing date agreed to by counsel.
- Urgent applications (heard by AVL unless directed otherwise by the presiding judge) for variation of conditions of Bail including EM Bail on a hearing date agreed to by counsel.
- Section 147 applications (heard by AVL unless directed otherwise by the presiding judge) that may be determinative in relation to a particular proceeding, and other pre-trial applications where counsel consent but that do not require evidence or the presence of a defendant.
- Appearances at an Alcohol and Other Drug Treatment Court which will be by way of telephone or AVL, subject to availability. Where a participant is in custody awaiting entry into treatment any further remand in custody by consent is to be dealt with by telephone or AVL subject to availability. In any other case the matter is to be listed before a judge dealing with custody hearings.
- Applications made under the [Returning Offenders \(Management and Information\) Act 2015](#).
 - (a) For new offenders arriving into the country and requiring an initial application for interim special conditions; or
 - (b) For offenders who have interim special conditions (or extensions to interim special conditions) which are about to expire; or
 - (c) For offenders who require variations to their interim or final special conditions.
- Applications made under Part 1A of the Parole Act 2002 in relation to extended supervision orders and interim supervision orders.
- Any other matter considered by a judge to warrant urgent judicial consideration or determination. Any person may apply to the Registrar for reference of a particular matter to the consideration of a judge for a determination of urgency under this provision:
 - Non-custodial lists, including callovers and conferences.
 - Non-custodial sentencing.
 - Non-custodial CRHs.
 - Non-custodial JATs.

Priority proceedings in the Youth Court

Priority proceedings in the Youth Court are:

- those affecting the liberty of children and young persons including bail applications and early release hearings,

- secure care applications,
- the extension of any remand under s238(1)(d) of the Oranga Tamariki Act 1989, and
- any consideration of an order under s283 which may result in the release of a child or young person from custody.

Priority proceedings in the Family Court

Priority proceedings in the Family Court would generally be conducted in the following order:

- Applications for Compulsory Treatment Orders; applications under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003; Protection Orders; Without Notice Interim Parenting Orders including enforcement; Guardianship disputes (under the Care of Children Act 2004); Without Notice Custody Orders or Place of Safety warrants (Oranga Tamariki); and Welfare Guardianship or Property Orders (under the Protection of Personal Property Rights Act 1988).
- Any other application considered by a judge to warrant an urgent hearing or judicial conference.
- Other urgent application normally considered on the eDuty platform.

While dealing with court backlogs in priority order, the Court will consider any memoranda or representations of counsel regarding realistically achievable timetabling directions and scheduling.

Priority proceedings – Civil

- Returning Offenders applications and injunctions, or other applications that merit urgent attention.
- Harmful Digital Communication applications, Restraining Order applications, and Tenancy Appeals that merit urgent attention.
- Generally, matters considered to be of such significant national or community importance that the immediate attention of the District Court is warranted. This category may include proceedings taken by or that arise out of actions taken by public officials.

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