



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

28 April 2022

## MEDIA STATEMENT

### Revised court operating protocols

Revised court operating protocols, effective from Tuesday 26 April, are available on the [Courts of New Zealand website](#).

This media release provides guidance on the following:

- The revised High Court and District Court operating protocols; and
- The Jury Trial Protocol; and
- The revised Jury Trial Bubble Guidelines.

#### Courts continue to operate safely

The revised court operating protocols build on the precautions to limit transmission of COVID-19 included in the 5 April protocols. Public health advice is that a combination of stringent mask-wearing inside court buildings, and rapid antigen testing to detect COVID-19 will provide a substantial level of protection against the transmission of the virus.

#### Key changes to the protocols

Identifying matters heard in person or by remote technology at the Orange setting

The revised High Court and District Court protocols provide details of which matters will be held in person, and those which are presumptively conducted by remote technology at the Orange setting. The High Court will hear more matters in person under the Orange setting.

All participants attending court for hearings longer than one day will be asked to take a Rapid Antigen Test (RAT), or confirm they have taken a RAT, on each morning before the court hearing commences.

## Jury trials

The COVID-19 Response (Court Safety) Legislation Act 2022<sup>1</sup> came into force on 21 April. Amongst other things, the temporary legislation gives the Chief High Court Judge and Chief District Court Judge the power to issue a protocol setting out additional requirements in relation to jurors.

The Jury Trial Protocol<sup>2</sup> and the revised Jury Trial Bubble Guidelines set out the way jury trials will be conducted while the COVID-19 Public Health Response Act 2020 remains in place. The Jury Trial Protocol in part revokes and replaces the existing modifications to the Jury Rules 1990 set out in the Protocol dated 21 December 2021.

The key health and safety measures are as follows:

- All individuals present in a jury trial courtroom must wear a KN95 mask or equivalent. Masks will be supplied to anyone attending court who does not have one.
- All court participants involved in a jury trial will be required to undergo RAT testing daily for the first week. If a trial extends beyond one week, the presiding judge may direct that in the second and subsequent weeks RAT testing is only required on the Monday and then on every second sitting day. RAT kits will be supplied.
- During the trial all court participants and other persons attending must promptly advise the court registry if they:
  - (a) test positive for COVID-19;
  - (b) are a household contact of a confirmed COVID-19 case;
  - (c) become aware they are a close contact of a confirmed COVID-19 case; or
  - (d) have symptoms of COVID-19.
- All court participants includes parties, jurors, counsel, court staff, witnesses, interpreters, communication assistants, and media representatives.

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<sup>1</sup> The Act amends the Courts Security Act 1999, the Criminal Procedure Act 2011 and the Juries Act 1981.

<sup>2</sup> The Protocol is issued by the Chief High Court Judge and the Chief District Court Judge under cl4 of schedule 2 to the Juries Act 1981 (as inserted by the COVID-19 Response (Courts Safety) Legislation Act 2022) and s 24A of the Epidemic Preparedness Act 2006.

## Media access

Accredited news media continue to have entry to the Court in order to report court proceedings, and to ensure continued open and transparent justice. As noted above, media representatives are subject to the same requirements as other court participants to undergo RAT testing to attend jury trials and other hearings longer than one day.

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