



**CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE O AOTEAROA
Judge Heemi Taumaunu**

1 March 2021

**TO ALL MANUKAU DISTRICT COURT JUDGES
ALL MEETING ATTENDEES**

Tēnā koutou Colleagues

UPDATE: MANUKAU DISTRICT COURT OPERATING AT ALERT LEVEL 3

Further to my letter that I sent to you this morning, I confirm that along with Judge Walker, Judge Goodwin and Judge Moses we met again with local and national representatives of the profession, and the National Manager of police prosecutions. The Chief Operating Officer for the Ministry of Justice and his relevant managers were also present.

The District Court Alert Level 3 protocol allows for local solutions to be arranged to address local issues. Given the heightened concerns that apply to South Auckland courts (Manukau, Pukekohe and Papakura District Courts), an agreed "local solutions" approach was settled for the remainder of this week as follows:

1. All Judge Alone Trials will be converted to callovers. Counsel may appear by VMR and defendants on bail or at large will be excused from appearing unless it is essential that they appear in person before a judge. This will be determined by the Registrar (who will seek judicial direction) either on application by counsel or at the front entrance to the court.
2. All scheduled Sentencing and all Case Review Hearings will be triaged by the Registry and appearance times for each defendant will be staggered. Counsel are encouraged to apply to the Registry for adjournments in appropriate cases and those applications will then be referred to a judge for determination. Defendants who are due to appear for Sentencing or Case Review Hearings will need to appear if they have not been advised their case has been adjourned.
3. All other defendants who are on bail and due to appear this week will be excused from appearing in person unless it is essential that they appear in person before a judge. Registry staff (will seek judicial direction) and will work with Security at the front door to ascertain whether it is essential for defendants to appear in person. This is intended to include defendants who are unable to contact their lawyers and have no means of appearing using technology.
4. Warrants to Arrest will continue to be dealt with on a case by case basis in accordance with the Alert Level 3 Protocol, paragraph 27. In addition to the matters set out in paragraph 27, as a general approach Warrants to Arrest will not be issued by presiding judicial officers if they have been informed that the defendant has spoken to court staff at the front entrance of the court and their appearance has been excused by the Registrar.

5. All priority proceedings will continue to be heard for people in custody who must all appear before a Judge and if possible, they are to appear by AVL.
6. All counsel for defendants may appear by VMR.
7. All crown counsel may appear by VMR.
8. Police prosecutors will appear in person.
9. Duty solicitors will appear in person.
10. Registry staff will continue to triage all cases set down for hearing this week and will continue to contact counsel to arrange staggered appearance times.
11. All Youth Court matters will continue to be dealt with on a case by case basis in accordance with the Alert Level 3 Protocol
12. Family Court hearings are subject to separate communications from Judge Mahon (attached).
13. Civil proceedings will be conducted by VMR (if any).

I am grateful to the New Zealand Law Society for agreeing to communicate these arrangements to the wider profession in Auckland and South Auckland. In addition, I invite each of the other stakeholder representatives to communicate these arrangements to the relevant members of your own organisations.

I take this opportunity to thank all the Ministry of Justice staff, the profession and wider stakeholders for their efforts in helping to ensure that the courts continue to deliver as safely as possible access to justice for the wider south Auckland communities during the Alert Level 3 lockdown.

Ngā mihi



Heemi Taumaunu
Chief District Court Judge