



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

3 September 2021

STATEMENT TO THE PROFESSION

Jury trials in Alert Levels 2, 3 and 4

Alert levels

The Government announced yesterday that Northland would join the rest of the country – with the exception of Auckland – at Alert Level 3 at 11.59pm on Thursday 2 September. The Auckland region remains at Alert Level 4 until at least Monday 13 September.

The purpose of this media release is to provide the profession with some clarity around how jury trials will proceed under COVID-19 Alert Level 2, in the event that the Government makes such an announcement for any areas of New Zealand.

Cabinet is next reviewing alert levels for areas south of the Auckland boundary on Monday 6 September.

No one should cross the Alert Level 4 border to attend court

The Chief Justice confirms that defendants (including those in custody), prosecutors, counsel and witnesses are not required and not expected to travel out of or into Auckland to attend an in person hearing while Auckland remains at a higher alert level than the rest of the country.

If the need to do so is identified, the issue should be raised with the presiding judge.

Jury trials

Jury trials under Alert Level 2

It is intended that jury trials, including new trials, can take place under Alert Level 2, subject to any requirements set out by the Government when it announces a move to Alert Level 2, and with appropriate health and safety measures in place.

At Alert Level 2, judges will decide which cases will go ahead on a case-by-case approach that will take into account the individual circumstances of each case and the capacity of each court to support the trial. Relevant considerations will include any difficulties that counsel may have in preparing and obtaining instructions, registry staffing levels, and whether any participants will be crossing an alert level border.

Jury trials under Alert Levels 3 and 4

In the interests of health and safety, no **new** jury trials will begin at Alert Levels 3 or 4 in the District Court or the High Court.

Jury trials that were underway before the lockdown remain adjourned and trial judges will consult and make decisions on a case-by-case basis, for example where trials had reached the stage of deliberation.

Health and safety measures at Alert Level 2

The Ministry of Justice is working with the judiciary on safety arrangements for jury trials at Alert Level 2. A further communication to advise the profession and the public of these arrangements will be issued on announcement of any move to Alert Level 2.

Operating protocols for all courts

Operating protocols for all courts under Alert Levels 3 and 4 are available on the [Courts of New Zealand website](#). Protocols for Alert Level 2 will be uploaded to the site once any move to Alert Level 2 is announced by the Government.

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