



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

3 December 2021

MEDIA STATEMENT

Court operations under the COVID-19 Protection Framework: Transitional arrangements

At 11.59pm on Thursday 2 December, the four-level COVID-19 Alert system was replaced by the COVID-19 Protection Framework – the “traffic light system”.

The following districts are at **Red**: Auckland, Northland, Taupō, Rotorua Lakes, Kawerau, Whakatāne, Ōpōtiki, Gisborne, Wairoa, Rangitikei, Whanganui and Ruapehu.

The rest of the country is at **Orange**.

The Government will review these settings on Monday 13 December.

Transitional period for the courts

The Courts have set in place transitional protocols that will cover their operations for the period from 6 December 2021 to 31 January 2022.

During this period, the Courts are working with the Ministry of Justice to set up the infrastructure in New Zealand’s courthouses that will allow them to utilise new protective measures aligned with the public safety objectives of the COVID-19 Protection Framework (the Framework) – such as vaccination passes and rapid antigen testing.

Because the Courts have a responsibility to ensure access to justice, they are also required to set in place measures – such as remote attendance – for people who need to attend court but do not meet the entry requirements under the new traffic light settings, the Chief Justice said today.

“We must ensure access to the courts, and at the same time protect the health of those who work in or come to the courts. Achieving these objectives in the current environment has involved working through complex legislative and operational issues, which takes time. The processes we put in place need to support access to justice, comply with legislation, and be robust and achievable.”

The transitional protocols developed by the Courts will apply from 6 December 2021 to 31 January 2022 to allow them to continue to operate safely while the necessary systems are set in place in courthouses. This statement outlines those transitional arrangements.

Court operations from now until 31 January 2022

For the period from 6 December 2021 until 31 January 2022, transitional operating protocols will be in place for all courts.

The Courts will operate in the following way during this period:

- In **Red** areas, courts will operate largely in line with the systems that were in place under Alert Level 3. At **Red**, wherever possible, court work is done remotely in order to limit the number of people required to attend court in person. There is provision for a presiding judge to direct otherwise – for example, the District Court's protocol provides for local solutions approved by the Chief District Court Judge to allow for in-person appearances if satisfied that they can be conducted safely.
- In **Orange** areas, courts will operate largely in line with the systems that were in place under Alert Level 2, with some differences. For example, in the District Court's Transitional COVID Protection Framework Traffic Light Orange Protocol, there is an increased emphasis on using remote participation to reduce in-person appearances, and on scheduling to reduce the number of people in court at any one time.

All Courts protocols will be published on the Courts of New Zealand website in the coming days. The following protocols are available now:

- [District Court Transitional COVID Protection Framework Traffic Light Orange Protocol](#)
- [District Court Transitional COVID Protection Framework Traffic Light Red Protocol](#)
- [High Court Transitional COVID-19 Protection Framework Orange Protocol](#)
- [High Court Transitional COVID-19 Protection Framework Red Protocol](#)

Jury trial arrangements until 31 January 2022

For jury trials in the **District Court**, the following information applies:

- In **Red** areas, no new jury trials will begin in the period between **6 December** until at least **1 February 2022**. Jury trials that are already underway as at **6 December** will continue.
- In **Orange** areas:
 - Jury trials will take place as scheduled between **6 December** and **19 December**. (This does not apply to Hamilton District Court, where jury trials have already been suspended for December.)
 - No new jury trials will begin in the period between **20 December** until at least **1 February 2022**.

For jury trials in the **High Court**, the following information applies:

- A jury trial scheduled for the **Rotorua High Court** will commence as scheduled on **6 December**.
- Any High Court jury trials currently underway will continue.
- No other High Court jury trials are scheduled to commence in December or January.

Court operations from 1 February 2022

The Courts are working with the Ministry of Justice and the legal profession to develop protocols that utilise new protective measures aligned with the public safety objectives of the Framework, while COVID-19 is present in the community. Those protocols may include entry requirements (such as vaccination passes, or COVID-19 screening using rapid antigen

tests) to manage the risk of COVID-19 transmission in the courthouse. Procedures (such as remote participation) will be in place to ensure that anyone who cannot meet these courthouse entry requirements can still participate effectively in hearings that affect them.

Courts will be operating in accordance with these protocols from 1 February 2022.

Jury trial arrangements from 1 February 2022

The Courts are working to ensure that jury trials will be able to take place at all colour settings of the traffic light system, with appropriate and practicable protective measures. Updated guidance on this will be provided in due course.

Safeguards in place in courthouses during the transitional period

The Courts will continue to safeguard the health and safety of people working in or visiting the courthouse. Safety measures already in place in all New Zealand courts are:

- enhanced hygiene and cleaning regimes
- compulsory mask wearing in the courthouse, unless exempt or permission is granted by the judge not to wear a mask
- limits on the number of people who can enter the courthouse to reduce the risk of transmission for all participants
- physical distancing in the courthouse
- QR code scanning, and
- health monitoring at the courthouse door.

Key dates

- 6 December 2021: Courts begin operating under the transitional protocols
- 23 December 2021: Courts close for the year, other than the District Court
- 24 December 2021: District Court closes for the year
- 5 January 2022: All Courts re-open
- 1 February 2022: Courts begin operating in accordance with their new protocols under the COVID-19 Protection Framework, as operational capacity allows.

See here for the opening hours of the Courts over December and January, or contact 0800 COURTS for more information.

Court operations for Supreme Court, Court of Appeal

Transitional protocols for the Supreme Court and Court of Appeal will be published on the Courts of New Zealand website early next week.

Special arrangements for some specialist courts

The following specialist courts have arrangements that differ from the guidance in this statement:

- The **Environment Court** is operating to the above guidelines except where an external non-courthouse hearing venue (such as a hotel) has additional requirements. The Registry will communicate these requirements to all involved parties.
- The **Māori Land Court**, **Māori Appellate Court** and **Waitangi Tribunal** have released their [COVID-19 Protection Framework Protocols](#). The protocols recognise that a significant number of applicants, respondents and members of the public who attend Māori Land Court, Māori Appellate Court and Waitangi Tribunal sittings are

people who are over 70, are immunocompromised, or who are otherwise particularly vulnerable to the effects of COVID-19. These courts have imposed screening requirements for their courtrooms.

Transitional protocols for the Environment Court and the Employment Court will be published on Courts of New Zealand.



Appendix: Courthouses operating in Red Areas

Auckland District Court
Auckland High Court
Dargaville District Court
Gisborne High Court/District Court
Kaikohe District Court
Kaitiāia District Court
Manukau District Court
Marton District Court
North Shore District Court
Ohakune District Court
Ōpōtiki District Court
Papakura District Court
Pukekohe District Court
Rotorua High Court/District Court
Ruatōria District Court
Taihape District Court
Taumarunui District Court

Taupō District Court
Tokoroa District Court
Wairoa District Court
Waitākere District Court
Whakatāne District Court
Whanganui District Court
Whangārei High Court/District Court

Auckland Employment Court
Auckland Environment Court
Gisborne Māori Land Court
Rotorua Coroner's Office
Rotorua Māori Land Court
Whanganui Māori Land Court
Whangārei Coroner's Office
Whangārei Māori Land Court

