

Environment Court

Updated Protocol: COVID-19 Alert Level 2

Chief Environment Court Judge David Kirkpatrick

30 August 2020

1. This protocol applies to the Environment Court throughout New Zealand during COVID-19 Alert Level 2 and comes into effect on 31 August 2020.
2. The safety of all participants is the first priority in light of continuing concerns about community transmission of Covid-19.
3. Court events, including hearings, mediations and expert conferences, will occur subject to directions by the Court for:
 - a. limited numbers of participants;
 - b. strict social distancing (at least 2 metres);
 - c. use of masks beyond the general directions below;
 - d. sanitary cleansing beyond the hygiene directions below; and
 - e. other measures as appropriate in the particular circumstances of the case.
4. Consideration will be given in every case to alternatives which promote safety, including remote participation by telephone or audio-visual link and hearings on the papers.
5. All those attending courts in the Auckland region should wear masks in public spaces and courtrooms. Those attending court will be reminded of this at the security screening stations. Attendees will be offered a mask if they do not already have one.
6. The wearing of masks is encouraged in courts elsewhere in the country.
7. Counsel, parties and witnesses may be required to remove masks when speaking in court or otherwise by judicial direction.
8. Registry staff will wear masks when in courtrooms and public spaces but need not in registry areas.

Hearings

9. The Court will confer with parties in advance of any hearing to determine how the hearing will be conducted. The option of remote participation will be considered when the hearing is being organised.
10. The Court will normally sit with the statutory quorum of one Judge and one Commissioner. In certain cases the Court will comprise one Judge and two Commissioners.
11. If any participant is at higher risk of severe illness, is immune-compromised or has a relevant underlying health condition, they should not attend Court. If this applies, the Court must be advised in advance so that alternative arrangements for the attendance can be made.

Mediations and expert conferences

12. The Court will confer with parties in advance to determine how any mediation or expert conference will be conducted. The option of remote participation will be considered when the event is being organised.
13. If any participant is at higher risk of severe illness, is immune-compromised or has a relevant underlying health condition, they should not attend the mediation or conference. If this applies, the Court must be advised in advance so that alternative arrangements for attendance can be made.

Hygiene

14. Where any event in a proceeding occurs in courthouse premises, the Ministry of Justice will provide hygiene measures as described here:
<https://www.justice.govt.nz/assets/Documents/Publications/MOJ-Health-and-Safety-factsheet-COVID-19-Alert-Level-2.pdf>
15. Where any event in a proceeding occurs in non-courthouse premises, the Court will obtain confirmation from the operator that equivalent standards to those in courthouses are being met.
16. Any concerns about health and safety practices in the Court should be raised with the Registrar in the first instance

Filing of documents

17. All filing of Court documents should be by email wherever possible.
18. Documents may be filed by post where email is impracticable.
19. Registry offices will be open and may receive documents filed in person where necessary. Advance notice by e-mail or telephone must be given to enable appropriate protective measures to be in place beforehand.
20. A general waiver suspending the requirement to file paper originals and copies is in place.

Filing fees

21. The payment of fees can be made by direct debit or by cheque or, where available, by contactless EFTPOS facilities. There is no ability to pay in cash at the Court Registry.
22. Fee waiver applications can be made as usual via email or mail. Please contact the Court if you have any issues regarding the payment of fees.

Addresses for electronic filing of documents

23. All electronic filing should be sent to the relevant case or hearing manager or the Court's email address at environment.court@justice.govt.nz

Contact details for Deputy Registrars

Auckland:	Gemma Carlyon	027 446 7193	gemma.carlyon@justice.govt.nz
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