

**Environment Court**  
**Consolidated COVID-19 Protocol**  
**Chief Environment Court Judge David Kirkpatrick**  
7 September 2021

1. This protocol applies to the Environment Court.
2. Where the country is subject to split alert levels, and one part of the country is at COVID-19 Alert Level 4, there is no ability for any person to travel into or out of the area at Alert Level 4 for Environment Court business without the express permission of the Chief Environment Court Judge.

**COVID-19 Alert Levels 3 and 4.**

**Hearings**

3. Special arrangements will be made for urgent hearings, if required.
4. Any hearings that proceed during this period will be conducted by audio-visual link or telephone. Alternatively, the parties may agree that matters can be heard “on the (electronic) papers”.
5. The Court will be flexible with its procedures and filing deadlines. If deadlines are not able to be met, contact should be made with the registry by email to seek an extension of time.

**Mediation and expert conferences**

6. Any mediations or expert conferences that proceed during this period will be conducted by audio-visual link or telephone.

**Filing of documents**

7. Court documents may be filed by post or by email. Court documents cannot be filed in person at the Court Registry. The processing of any documents filed by post may be delayed.
8. A general waiver suspending the requirement to file paper originals and copies is in place.

## **Filing fees**

9. The payment of fees can be made by direct debit or via the File & Pay link at: <https://www.courtsofnz.govt.nz/file-and-pay/>. There is no ability to pay in person at the Court Registry.
10. Fee waiver applications can be made as usual via email. Please contact the Court if you have any issues regarding the payment of fees.

## **Addresses for electronic filing of documents**

11. 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](mailto:environment.court@justice.govt.nz)

## **COVID-19 Alert Level 2**

### **Hearings**

12. The Court anticipates that hearings will generally proceed in the normal way but will involve a limited numbers of participants; strict social distancing of 2 metres and sanitary cleansing, consistent with safety as first priority. All participants are required to wear a mask and to sign manually by signing the register or by scanning the QR code.
13. Emphasis will be placed on electronic remote means of hearing cases. Alternatively, it might be agreed by the parties to hear a matter "on the (electronic) papers".
14. 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.
15. 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 should be advised so that alternative arrangements for attendance can be made.

### **Mediation and expert conferences**

16. Mediation and expert conferences will proceed in the normal way, but will involve a limited numbers of participants; strict social distancing of 2 metres and sanitary cleansing, consistent with safety as first priority. All participants

are required to wear a mask and to sign in manually by signing the register or by scanning the QR code.

17. The option of remote participation can be considered when the event is being organised.
18. 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 should be advised so that alternative arrangements for the attendance can be made.

### **Hygiene**

19. 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>

20. 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.
21. Any concerns about health and safety practices in the Court should be raised with the Registrar in the first instance

### **Filing of documents**

22. Court documents may be filed by post or by email. Court documents cannot be filed in person at the Court Registry.
23. A general waiver suspending the requirement to file paper originals and copies is in place.

### **Filing fees**

24. The payment of fees can be made by direct debit or via the File & Pay link at: <https://www.courtsofnz.govt.nz/file-and-pay/>. There is no ability to pay in person at the Court Registry.
25. 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**

26. 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](mailto:environment.court@justice.govt.nz)

### **COVID-19 Alert Level 1.**

27. The Court will process, mediate and hear all classes of cases in courthouse and non-courthouse premises.
28. Some continuing remote participation will be appropriate where travel arrangements are problematic (particularly where a participant is based overseas) or where any participant has a medical vulnerability.

### **Hearings**

29. Hearings will proceed in the normal way, with all participants present in person. 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.
30. 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 should be advised so that alternative arrangements for the attendance can be made.

### **Mediation and expert conferences**

31. Mediation and expert conferences will proceed in the normal way, with the participants generally meeting in person. The option of remote participation can be considered when the event is being organised.
32. 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 should be advised so that alternative arrangements for the attendance can be made.

### **Hygiene**

33. 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/20200610-Ministry-of-Justice-HSS-during-Alert-Level-1.pdf>

34. 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.
35. Any concerns about health and safety practices in the Court should be raised with the Registrar in the first instance

### **Filing of documents**

36. The Court's public counters are open for filing. Court documents may be filed in person, by post or by email.
37. A general waiver suspending the requirement to file paper originals and copies remains in place, **but** the Court may require paper copies of documents and evidence to be filed in certain circumstances. Participants will be advised by the Court if this requirement is applicable in their case.

### **Filing fees**

38. The payment of fees can be made by direct debit, via the File & Pay link at: <https://www.courtsofnz.govt.nz/file-and-pay/> and by eftpos at the registry counter. 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**

39. 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](mailto:environment.court@justice.govt.nz)

### **Contact details for Deputy Registrars**

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