

Environment Court
Updated Protocol: COVID-19 Alert Level 1
Chief Environment Court Judge David Kirkpatrick
22 July 2020

1. This protocol applies to the Environment Court during COVID-19 Alert Level 1 and comes into effect on 24 July 2020. It replaces the protocol issued on 10 June 2020.
2. The Court is now processing, mediating and hearing all classes of cases in courthouse and non-courthouse premises.
3. 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

4. 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.
5. 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

6. 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.
7. 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

8. 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>
9. 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.
10. Any concerns about health and safety practices in the Court should be raised with the Registrar in the first instance

Filing of documents

11. The Court's public counters are open for filing. Court documents may be filed in person, by post or by email.
12. 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

13. The payment of fees can be made by direct debit, by cheque 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

14. 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

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