

# Environment Court: COVID-19 Protocol

**Principal Environment Judge Laurie Newhook**

25 March 2020

## Under Alert Level 4: Directions to parties, lawyers, witnesses and other participants

1. New Zealand is at COVID-19 alert level 4 as of 11:59 pm 25 March 2020. This effectively shuts down all but the provision of essential services.
2. The Environment Court is not categorised by the Chief Justice and Heads of Bench as a Category 1 essential service court.
3. All cases listed for hearing in the week of 23 March 2020 in the Environment Court have been adjourned, except for ENV-2020-AKL-025, Environmental Protection Agency which is being processed on the papers.
4. While a Level 4 alert is in place, the Environment Court will not physically sit in courtrooms or elsewhere. Alternative dispute resolution such as mediation and expert conferencing will not be the subject of physical gatherings. This will be subject to further direction from time to time, as this unprecedented situation continues to change. Some remote activity on cases will continue, depending on the urgency of the case.
5. The Principal Environment Court Judge will prioritise cases over which Environment Judges are presiding:
  - a) Cases that are most urgent, involving important issues in the public interest, may be the subject of remote activity and conferencing by Judges and Commissioners. This will primarily be done by telephone, as the use of audio-visual link facilities has been prioritised for Category 1 courts and the availability of these facilities for the Environment Court cannot be guaranteed.
  - b) Cases of less urgency may be the subject of directions to advance them, and possibly telephone or audio-visual link conferences, depending on their availability.
  - c) Lowest priority cases may remain fully adjourned during this period, although directions may be issued that parties and participants can reasonably undertake to keep them moving. This category comprises the majority of cases in the Environment Court.

6. It is very unlikely that hearings will be held during the Alert Level 4 period, except in the most urgent circumstances in the public interest. If held, they may be conducted by remote electronic means, subject to paragraph 6 below. Requests by media to observe and report will be considered at the time by the presiding Judge who will have regard to all known circumstances, including the technology available to the Court.
7. Judges and Commissioners are aware that anything capable of being done to advance cases must occur with all participants working from home. Anything asked of participants will be within the letter and spirit of ss 5 and 6 of the Courts (Remote Participation) Act 2010. Health and safety of all participants are paramount, as are fairness and access to justice.
8. Parties may be asked from time to time by Judges to consent to material being processed and resolved "on the papers". In current circumstances, that means electronically.
9. Arrangements have been put in place for means by which decisions, determinations, minutes and other documents can be signed, sealed and issued during this period, because members of the Court will be working on reserved decisions from home.
10. The Principal Judge has issued a **blanket waiver** suspending the requirement to file paper originals and copies in court, subject to the same being done by parties after the limitations are lifted.
11. Any difficulties with paying lodgement or other fees will be considered by the Registrar exercising his powers of waiver under s 281A RMA.
12. Contact can be made with the Court by telephone or email to the case, hearing, or mediation manager handling any file, or if in doubt, to the Deputy Registrar in the relevant registry noted below. Documents can be filed with those Deputy Registrars at their email addresses below.
13. If any party does not have the ability to file by email, mail will be periodically checked. However, because of hygiene requirements there may be a delay in processing documents received by mail. No documents will be received for filing in person at registries.

**Contact details for Deputy Registrars**

**Auckland:** Gemma Carlyon, 027 4467193 [gemma.carlyon@justice.govt.nz](mailto:gemma.carlyon@justice.govt.nz)

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