

Environment Court
Updated Protocol: COVID-19 Alert Level 2
For the Auckland registry

Chief Environment Court Judge David Kirkpatrick

7 March 2021

1. This protocol applies to the Environment Court (Auckland registry) during COVID-19 Alert Level 2 and comes into effect on 7 March 2021.
2. Emphasis is being placed on electronic remote means of conferencing and hearing cases, but sometimes a hearing in Court involving limited numbers of participants; strict social distancing and sanitary cleansing will occur, consistent with safety as first priority. Alternatively, it might be agreed by the parties to hear a matter “on the (electronic) papers”.

Hearings

3. The Court anticipates that hearings will generally proceed in the normal way. The Court will notify counsel in advance of the hearing if it is intended that the hearing will be conducted other than on the above basis.
4. 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/MOJ-Health-and-Safety-factsheet-COVID-19-Alert-Level-2.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. Court documents may be filed by post or by email. Court documents cannot be filed in person at the Court Registry.
12. A general waiver suspending the requirement to file paper originals and copies is in place.

Filing fees

13. The payment of fees can be made by direct debit or by cheque. There is no ability to pay in person at the Court Registry. 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

Wellington:	Rachell Staunton	027 256 9494	rachell.staunton@justice.govt.nz
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