

# South Auckland Courts

## COVID-19 UPDATE – ALERT LEVEL 4 (Delta Variant)

As at 4 September 2021

### Alert Level 4 Protocols

The Chief Justice released a Media Statement (3 September 2021) following the Government's announcement that Northland will move to Level 3 at 11.59pm on Thursday 2 September to join the rest of the country. The Auckland region will remain at Alert Level 4 until at least Monday 13 September.

The Chief Justice confirmed that prosecutors, counsel, witnesses and defendants (including those in custody) are not required and not expected to travel out of, or into Auckland, to attend an in-person hearing while Auckland remains at a higher alert level than the rest of the country.

While no **new** jury trials will begin during Alert Levels 3 or 4. It is anticipated that jury trials will begin at Level 2.

#### *Updated Alert Level 3 Protocol for District Court*

The Chief District Court Judge issued an [updated Level 3 Protocol \(1 September\)](#).

The Protocol sets out details for all District Court jurisdictions as to Level 3 Priority Proceedings and how these will proceed, particularly for the Family Court, Youth Court and Civil Jurisdictions.

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### Criminal

Priority proceedings will go ahead and will be conducted remotely, to the extent that this can be done – see [Level 4 Protocol](#).

The Registry will continue to contact counsel and parties to provide rescheduled hearing dates for non-priority proceedings.

All South Auckland priority proceedings will be held at Manukau. Therefore, all Papakura and Pukekohe priority proceedings will be called from Manukau.

#### *Level 4 Priority Proceedings*

Defendants in custody will continue to appear by AVL, except for arrests where detainees will appear in person, if not symptomatic. The custody unit will continue to closely monitor symptoms of all detainees

For any defendant in custody scheduled to appear in person, the Registry will be working with the prisons to convert their appearance to AVL.

#### *Jury Trials*

No new jury trials will begin in Alert Levels 4 and 3.

Jury trials underway before lockdown will remain adjourned and trial judges will consult and make decisions on a case-by-case basis.

The Registry will contact jurors already serving on a trial. Jurors summoned for the week beginning Monday 6 September will be excused.

#### **Bail Support Services (BSS)**

Bail Support Services will continue their support and services remotely.

If counsel/defendant can provide contact details for the proposed occupant on the Address Check Form:

- i. BSS can provide a **Bail Information Report (BIR)** on the day.
- ii. BSS can process and complete **Electronic Monitoring Bail (EM Bail) Reports** if details provided at the EM application stage.

If no contact details available, letter drops can be carried out on a **Monday** and **Thursday** to establish

contact with proposed occupants. Once the letter drop is done and occupants have contacted BSS:

- i. Bail Support Officer will provide a **BIR** to the court.
- ii. Bail Support Officer will progress the assessment for an **EM Bail Report**.

### **Obtaining instructions – Northern Region Prisons**

To assist counsel to obtain instructions from clients in a Northern Region prison, and where a face-to-face visit is not available, please see attached process to assist with booking a phone call or video call for each of the different northern region prisons.

### **Opposed Bail Variation Process**

Email application to the relevant court with the subject line: **Opposed Bail Variation**

Once an application is received, the court will respond within 24 hours advising of date of hearing and providing details for AVL appearance.

Defendants appearance is excused.

The Registry will work with counsel to ensure that the defendant is updated on the progress of the application.

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## **Youth Court**

The Youth Court will only deal with priority proceedings under Alert Level 4 – see [Level 4 Protocol](#).

In any priority proceeding the Youth Court will operate, to the extent practicable, by AVL.

All non-priority proceedings will be administratively adjourned for two weeks from their existing scheduled hearing date.

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## **Family Court**

The Family Court will only deal with priority proceedings under Alert Level 4 – see [Level 4 Protocol](#).

More information will be provided from our Family Jurisdiction in due course.

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## **Civil**

Priority civil proceedings have been identified for Alert Level 4 – see [updated Level 4 Protocol](#).

A [Practice Note for Civil Proceedings](#) is also available (effective 18 August 2021).

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## **Papakura and Pukekohe Courts Closed**

Papakura and Pukekohe Courts is closed to the public. All scheduled priority Papakura and Pukekohe matters will be called from Manukau via AVL.

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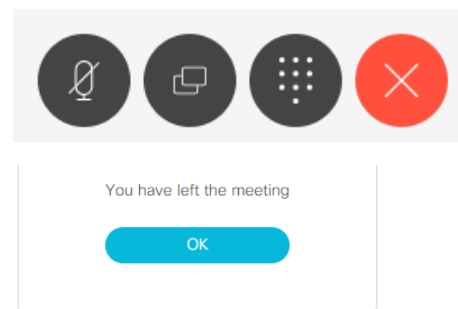
## **Attending Court via AVL**

When appearing by AVL, please ensure your full name and role is displayed clearly – e.g. counsel, prosecutor, probation, media etc. This is to help quickly identify those appearing. Media should introduce themselves to the judge when attending a hearing by AVL.

See VMR guidelines (attached) on how to connect to a hearing.

If you have any issues about connecting to the Courtroom via VMR, immediately contact [Sione Fifita](#) on 027 285 2381 or [Kristy Rope](#) on 027 626 8917.

After your appearance, please remember to click the red 'X' on the screen to leave the courtroom and then click 'OK' (as pictured). This will assist the Court Registrar to effectively manage all AVL appearances.



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## Limited access and attendance at Courts

All counsel, court participants and accredited media are expected to participate by AVL.

Only those required at Court will be permitted to enter.

Where attending remotely is not possible, please contact the Court for permission from the presiding judge to attend in person.

Contact tracing is required to gain entry to the courts. Please remember to scan the QR Code on entry.

Masks **MUST** always be worn in all areas of the court – unless permission is given by a Judge.

Any person who is unwell, experiencing COVID-19 symptoms, or required to be either in isolation or quarantine will be refused entry.

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## Public Counters Closed

All public counters, including the Manukau Customer Service Centre, is closed during Level 4.

All documents are to be filed by email or by post. Dropboxes are not available.

Please note if you do not have a scanner, you may take photos of the documents and email it to the court.

Payment of fees in all proceedings can be made in the usual way via electronic filing and payment. Parties can [File and Pay Online](#).

If a person needs to make an urgent without notice family application and are unable to lodge it online, please call **0800 COURTS (0800 268 787)** to arrange a time to come to the Court and file their application.

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## PPE and Hygiene Measures

PPE and wipes are available on request at the security station at the court's front entrance.

Courts will continue to be cleaned to the higher Alert Level 4 standards.

Please stay home if you are unwell or experiencing COVID-19 symptoms.

Remember that physical distancing is even more important because of the possibility of transmission with the Delta Variant.

Please follow all the [COVID guidelines](#) and keep yourself and others safe.

Please email [Phil Clarke](#) immediately if you have been working on-site at the Court and have either been to a location of interest during the relevant time or you are a household contact.