

1. Will counsel be provided with the list of jurors that are not vaccinated?

Yes. The vaccination status of jurors attending will be recorded, a full list will then be provided to the presiding judge and to counsel. This is important to ensuring that counsel can understand the basis of jurors being excused and deferred. Feedback indicating that there have been instances in Christchurch where these lists have not been provided to counsel will be raised with the court.

2. Will there be unvaccinated jurors in jury trials?

Whether an unvaccinated juror is selected for a panel or not is at the discretion of the presiding judge. Decisions on whether unvaccinated jurors will be selected for a panel are made at a local level, in each case it is a matter for individual judges to decide. Where unvaccinated jurors are selected, direction will be sought from the presiding judge on how they are to be managed.

3. Are all courts sighting vaccine passes?

All persons entering a courthouse will be asked to show their My Vaccine Pass to Court Security Officers (CSO) in order to enter. There will be exceptions to this where a CSO may not sight passes of individuals they recognise and know are vaccinated from a previous interaction. For example, regular attendees to the court and participants who have already had their passes sighted earlier in the day may not be asked for their pass when entering.

4. Are all courts checking the temperature of participants entering the court?

Temperature gauges/thermal imaging cameras have been made available to 27 courts so that the temperature of all individuals entering the courts can be checked. Anyone with a body temperature of 38 degrees Celsius or higher will be denied access to the court.

Taupo District Court has one of these, however it is temporarily out of action as replacement parts are needed for it. We are working to get this operating as soon as possible.

5. Are masks required to be worn inside the courthouse? Are mask exemptions being checked?

Masks must be worn in public areas of the courthouse and in courtrooms (unless a medical exemption applies). KN95, or equivalent, face masks are required to be worn by court participants who are deemed to be at higher risk of exposure. These will be provided by Court Security as required.

Court Security Officers will ensure that everyone entering the court is wearing an appropriate face mask. If an individual refuses to wear a mask the individual may be denied entry under Section 70 Health Act 1956. Court security will be monitoring and actively enforcing mask wearing to ensure that masks continue to be worn once participants are inside the building, however this will be dependent on the capacity of security in each courthouse. We are currently in the process of recruiting more court security officers to ensure that there is enough capacity to manage the new entry requirements and ensure requirements set by the Ministry of Health, such as mask wearing, are met within the courts.

Mask exemptions also continue to apply. Court Security Officers will ask for an exemption card when individuals claiming to have an exemption arrive at court. Some individuals arriving at court will have an exemption card that they are able to show, however individuals unable to wear masks are not legally required to carry proof of their exemption with them. In cases where an exemption card is unable to be produced, court security officers may seek direction from a judicial officer or judge on entry.

6. Why are some District Courts not staggering appearances for high volume criminal court events?

The staggered appearance scheduling approach has been adopted for high volume criminal court events in all medium and large District Courts to reduce the number of participants in court buildings and rooms at any one time. We understand from feedback that this is working well for some courts, but that there have been issues this week. We will continue to work through teething issues as they arise.

7. Will RATs test be available at all court locations?

Any person required to attend court who is unable to meet entry requirements, will be encouraged to undertake a RAT test for free if they are available in that area, either upon arrival at the court or if making contact with 0800 COURTS.

This is dependent on their being participating pharmacies in the area available to administer the RATs test. There are currently no participating pharmacies for the Following locations:

- District Courts: Taupo, Wairoa, Westport, Ashburton, Taumaranui, Morrinsville.
- Hearing Centres: Dargaville, Ruatoria, Waipukurau, Marton, Chatham Islands, Oamaru

The Ministry is working on alternative arrangements where there are no participating pharmacies currently.

Information about which pharmacies complete RAT testing are detailed on the MoH website at healthpoint.co.nz/covid-19/?covidTesting=antigen

The process for obtaining rapid antigen test (RAT) was provided to the profession last week.

8. What do the additional measures the courts will use for managing unvaccinated participants in the courthouses amount to in practice? Are all courts implementing these additional measures? What other measures are being taken to improve health and safety in the courts?

There are some situations where a participant may be unvaccinated and required to participate in-person. We recognise this poses a risk to other participants, including counsel, and to the participant themselves. While we cannot prevent their entry, the courts will be taking additional measure where possible to mitigate these risks during the red traffic light setting. These can include:

- Holding people who do not meet the entry requirements outside or inside the building in suitable areas and seeking judicial direction as to how to proceed
- Utilising separate AVL rooms for participation where these are possible
- Working with counsel to explore alternative remote participation options
- Enhanced social distancing where possible

All additional measures will be in addition to the standard Health Safety and Security measures already in place.

It will not always be possible or practicable for all courts to implement all of the additional measures listed above, and challenges will arise with smaller courts where space is limited or where remote participation is not always possible.

Local solutions may be necessary to best address these issues in some areas. Where appropriate, the Chief District Court Judge (CDCJ) may approve local variations of the protocols as needed to suit the needs of specific courts. A local solution has been approved by the CDCJ for Rotorua, Tokoroa, and Taupo District Court. Going forward participants at these courts that are required to attend but that do not meet entry requirements will be required to remain outside the courthouse until direction is given by the presiding judicial officer.

We have received a number of suggestions from lawyers aimed to increase health and safety and alleviate current issues. Some of these suggestions, such as the recruitment of more court security officers, social distancing and mask wearing in courts, are already underway.

9. Are trials still going ahead?

Yes. All criminal proceedings, including jury trials, may be conducted at Green, Orange and Red settings. We understand that information contrary to this was communicated in Gisborne last week. This is not the case.

10. What is being done to address the ongoing issues in Hastings where defendants are not being brought to court from the police station?

We understand from feedback that there is frustration from both defendants and lawyers in Hastings in regard to the ongoing issue with arrested defendants being unable to appear in person or via AVL, and instead having to instruct counsel and appear over the phone. This has been an ongoing issue for some time now and is not a direct result of the courts response to COVID-19. However, we understand that the current COVID-19 situation may be intensifying this issue and leading to increased frustrations for both counsel and defendants. We appreciate that this is less than ideal and will explore options with the local court.

11. What is being done to address the ongoing concerns duty lawyers have about working in the courts?

We understand that duty lawyers have ongoing concerns around health and safety given the number of unvaccinated defendants in the courts.

As per the COVID-19 Protection Framework court protocols, surgical masks (blue ones) will be provided upon entry to the court to those who do not have their own mask. KN95 masks and

face shields have already been made available to Duty Lawyers and we can confirm that these masks will be made available to defence counsel if requested.

12. Will the courts limit the number of people who will be able to enter the courthouse? Will entry be restricted for people that don't need to attend?

This is a decision for the judiciary, and their conversations regarding this are ongoing at this stage.