



AHM News

INTRODUCTION

As we all hunker down for the four weeks of lockdown we wanted to reach out and let you know how the Courts, local Councils and AHM will continue to operate.

There has been a steady stream of information from the government over the past few days helping all of us prepare for the lockdown and to help us understand what essential services are and what remote access to essential services may look like. The health and safety of our families and communities is at the forefront of all of our minds.

In this special newsletter, we will set out how the courts will operate during lockdown, and the protocols put in place for the Environment Court. Many local Councils are also making their responses and protocols available on their websites.

HOW WILL THE COURTS OPERATE?

On 25 March, Chief Justice Winkelmann sent a [letter](#) to all practitioners noting that the courts are an essential service and must continue to operate, albeit in a limited capacity. Only proceedings affecting the liberty of the individual or their personal safety and wellbeing, or proceedings that are time-critical, should be heard while we are at alert Level 4.

Remote participation will be used predominately, through the use of audio-visual links where possible, telephone or email. However, if in-person attendances are unavoidable in the District Court, Family Court, High Court or the Court of Appeal, then the safety of the public, court staff and members of the legal profession is paramount. It was noted that extra measures have been taken to achieve physical distance and to improve courthouse hygiene. Filing of court documents is now all by email, although some postal filing may be used for those who cannot access facilities to file by email. Filing fees may be waived.

All Courts have now issued a COVID19 protocol statement which sets out how they will operate, which can be found [here](#).

WHAT ABOUT IN THE ENVIRONMENT COURT?

The Environment Court has issued its COVID19 protocol statement, available [here](#), which notes that the Environment Court is not considered to be an essential service court for the duration of the COVID19 lockdown. All cases listed for hearing in the week of 23 March have been adjourned, except for an Environmental Protection Agency case which is being processed on the papers.

While we are at alert Level 4, the Environment Court will not physically sit in courtrooms or elsewhere. Alternative dispute resolution or mediations will not be the subject of physical gatherings.

Principal Environment Court Judge Newhook will prioritise cases over which Environment Court Judges are presiding. Cases which are most urgent, involving important issues in the public interest, may be the subject



of remote activity by the parties and participants. Cases of less urgency may be the subject of directions to advance them and lowest priority cases may remain fully adjourned during this period. Any activity to occur on cases will be undertaken primarily by telephone, email and possibly audio-visual link conferences (depending on their availability from the essential courts).

The Environment Court has recognized that any activity will be undertaken with all participants working from home and is understanding of the challenges that arise through that. Parties may be asked to consent to material being processed and resolved on the papers. The Principal Judge has also issued a blanket waiver suspending the requirement to file paper originals and copies in court.

COUNCILS AROUND THE COUNTRY

Each council will likely have posted on its website what its response to COVID19 is, and what services remain operating. For those of you currently involved in resource consents or plan change proceedings, we recommend checking with the specific Council. However, we have outlined a selection of Council responses below.

Northland Regional Council

The consents team at Northland Regional Council are set up to work from home, so will continue behind the scenes and are available by zoom or phone if required. All timeframes will be extended by agreement. Specific information on closures can be found [here](#).

Auckland Council

Resource and building consenting will remain operating as necessary for essential services and critical infrastructure. More information can be found on the Auckland Council's [COVID19 news page](#).

Auckland Council has also [confirmed emergency governance measures and a \\$22.5m contingency fund](#). A temporary 'supercommittee' has been established which is made up of the whole Governing Body to assume the functions and power of all committees except for the Audit and Risk Committee. Members of the supercommittee will only participate by audio or audio-visual links and will be chaired by the Mayor. The \$22.5m contingency fund will be used for any urgent expenditure required to respond to COVID19 or its impacts.

Queenstown Lakes District Council

Building and planning services will continue as much as possible and remote meetings can still be held via phone or skype. Site visits are cancelled for at least the next four weeks. Specific information on closures can be found [here](#).

THE AHM TEAM

We are all now set up and working from home. We will keep you in the loop with any court developments or progress (or adjournment) of any matters relevant to you. Please do not hesitate to contact us with any questions that you may have. Noho ora mai

Questions, comments and further information

If you have any questions, comments or would like any further information on any of the matters in this newsletter, please contact the authors:

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