**A blue and white logo

Ministry of Justice - Tāhū o te Ture**

**Remote participation in courts discussion document and how to provide feedback**

* a plain language summary

Logo
Te Kāwanatanga o Aotearoa
New Zealand Government

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**Purpose of this document**

This plain language document is about how to have your say on ideas for changing remote participation in the courts.

The discussion document is for anyone in New Zealand to read and tell the Ministry of Justice what they think about it.

Your views will help the Ministry give the Government advice about how the law could be changed.

The last day for giving feedback is Friday 6 December 2024.

**Overview of the discussion document**

The Ministry of Justice has released the discussion document after reviewing the law about remote participation in courts.

The discussion document:

* describes the current law – the Courts (Remote Participation) Act 2010
* explains how remote participation in courts currently works
* describes potential problems and opportunities with the remote participation law
* proposes ways to address those problems and opportunities, including:

o what the law should apply to

o how decisions about participating remotely should be made

o when remote participation should be used.

There is a Glossary at the front of the document, explaining words and key terms used in the document.

**Some questions you might have**

**What is remote participation?**

Remote participation is when one or more court users are allowed to use audio-visual or audio-only technology to participate in a court proceeding instead of being in the courtroom in person. For example, they could be the accused person, or a witness, or a victim, participating through a video link on a computer.

Court users can benefit from appearing remotely. It may reduce the costs and time required to come to court in person - for example, if people have to travel a long distance to their nearest court.

It may be a better option for people with accessibility concerns because of, for instance, a disability.

**Why is the law about remote participation being reviewed?**

The remote participation law was written 14 years ago. Since then, there have been changes to the way courts are run. Also, many people are now more used to using remote technology.

New Zealand courts are also very busy, and the Government wants to enable increased remote participation in court proceedings as this can help improve access to justice and make courts more efficient.

Through the review, we want to:

* identify ways to have more remote participation
* support access to justice
* promote efficiency in our courts, in a way that is consistent with the interests of justice.

**Do people currently have to use remote participation?**

Judicial officers (such as judges) and registrars make decisions about whether a person can attend remotely.

Whether remote participation may, must or must not be used will depend on requirements and expectations set out in the law. Decision-makers also need to take into account statutory criteria when deciding whether remote participation is appropriate.

There are different expectations for using remote participation depending on whether it is used for civil or criminal matters.

For example, there is a higher threshold for using remote participation in criminal proceedings where evidence is heard.

The use of audio-visual technology in courts has increased over the last five years. While use declined during 2022 and 2023, current use remains higher than before the COVID pandemic.

**Do any of the options in the discussion document mean people have to use remote participation?**

We are testing an option to strengthen expectations for more use of remote participation in civil proceedings. We think this would be suitable for general civil proceedings (for example, in cases involving disputes between neighbours or over business contracts) and in the various “specialist courts” (like the Employment Court or the Environment Court).

Many civil proceedings are likely to be suitable for remote hearings because of the subject matter and nature of the evidence.

**What if people do not have access to technology or the ability to use it, or if they can’t communicate effectively through it? Will they have to use it?**

People who do not have access to technology or the ability to use it, or who cannot communicate effectively through it, will still be able to attend court in person.

Remote technology may not be suitable for some people with disabilities or when there are cultural or language barriers.

All options set out in the discussion document depend on appropriate technology and facilities being available, as well as court participants being able to take part effectively if it is used.

The interests of justice will continue to be considered in decisions about use of remote participation. There is an option in the discussion document to include new criteria related to the ability to participate effectively including enabling participants to be seen and/or heard and understood.

**Ideas for reviewing the discussion document**

The discussion document is long – it has a lot of information.

Some things you can do to make reading it easier are:

* Set aside some quiet time to read it.
* Read a few pages at a time.
* Have someone read it with you to support you.
* Print it out and highlight the information that interests you. To make it easy to print, the survey is available in a printable pdf format at the beginning of the online survey. Local libraries have printing services.
* Record any thoughts you have about the information to support providing your feedback - What is your experience? Do you agree or disagree with the options? Do you have any other ideas?

**How to have your say**

There are questions after each option. They are to help you think about the issues. You do not have to answer the questions. You can make general comments in the answer boxes. You can leave some boxes blank if you have nothing to say.

You can give your views online through the Ministry of Justice consultation hub: [Ministry of Justice – Citizen Space](https://consultations.justice.govt.nz/) by 6 December, using the survey form.

Or you could send your response to the Ministry. To do this, either:

* print the survey and write on it – there is a link to a printable pdf version at the beginning of the survey. Then send it to the Ministry.
* write an email or letter.

To send your response to the Ministry of Justice:

* email it to courtspolicy@justice.govt.nz
* post it to:

Courts System Policy

Ministry of Justice – National Office

DX SX10088

Wellington

**What will happen to your feedback?**

The Ministry of Justice will read all the feedback. This will help us understand different views. It will help us develop advice for the Government about what changes could be made to the law.

Once the Government has made decisions, the Ministry will publish a summary of the feedback on its website. The summary will not include information that could identify individuals who have given feedback.

**Official Information requests**

Your feedback is subject to the Official Information Act 1982 (OIA). If your feedback is within scope of an OIA request for information, the Ministry is required to release the information unless one of the withholding grounds of the OIA apply. The Ministry can withhold personal details under the OIA, including your name and address.

If you do not want any information in your feedback to be released, please state this clearly in your feedback and explain why. For example, some of your information may be personal. The Ministry will take your views into account when responding to OIA requests.

**Privacy Act**

The Privacy Act 2020 governs how the Ministry collects and uses the personal information about you and your feedback. You have the right to access and correct personal information. You can do this by contacting the Ministry using the contact details in the How to have your say section of this document.