# Review of Courts (Remote Participation) Act 2010

https://consultations.justice.govt.nz/policy/review-of-courts-remote-participation-act

1: What are your views on including a purpose statement?

2: What else, if anything, should be included in the purpose statement?

3: What are your views on including the Coroners Court within an Act? Do you have any other comments to make?

4: Do you think it is necessary to clarify that legislation governing remote participation covers remote observers, including victims, the media and the public?

5: If we formalise a remote observation framework in an Act, what else, if anything, should be included in the framework?

6: What are your views on clarifying that members of the jury may only participate remotely together as a group?

7: What are your views on clarifying through legislation that fully remote hearings are enabled?

8: In what circumstances, if any, do you think fully remote hearings should be used?

9: What else, if anything, should be in a fully remote hearing framework?

10: Do you think separate rules for AVL and AL (as is the case currently) are necessary? Please explain why.

11: If decision-makers were responsible for determining the appropriate ‘mode’ of participation, what would be the benefits and risks of this approach?

12: What are your views on including an offence provision?

13: Are there different ways to address the risks associated with unauthorised recordings of court proceedings?

14: Do you agree with ensuring that the definition of “judicial officers” includes Family Court Associates?

15: Do you think any other changes should be made to the scope of judicial officers’ and Registrars’ decision-making powers?

16: Do you support revising the current criteria? Please explain why.

17: If you support streamlining the criteria, do you prefer Option 1 or Option 2? Please explain why.

18: Are there other factors you think decision-makers should consider that we have missed?

19: Do you think detailed rules and expectations should remain in an Act? Please explain why.

20: If you do not think detailed rules should be in an Act, do you think detailed rules on when to use remote participation should be

1. Established through Court Rules
2. Left to the judiciary to issue guidance through Judicial Protocols
3. Unsure

21: If detailed rules are set in court rules or Judicial Protocols, would a purpose statement in legislation and statutory criteria provide sufficient policy direction to court participants and decision makers? Would anything else be needed?

22: Do you support increasing expectations on the courts to make greater use of remote participation in civil proceedings?

23: What benefits and risks to court users would there be if more civil hearings occurred remotely?

24: Which of the options above for encouraging more remote participation in civil proceedings do you prefer? Please explain why.

25: If you support a legislative presumption in favour of remote participation for civil proceedings (option 3), do you think it should apply to:

1. Proceedings in the Family Court
2. Compulsory care proceedings
3. Coronial inquest hearings
4. Specialist courts
5. Only to certain court matters or types of matters
6. None of the above/unsure

If you think it should apply only to certain court matters or types of matter, how should these be defined (e.g. by ‘event’ type or by characteristic)?

26: Do you have any different ideas for increasing expectations on the court to hold more remote hearings in civil proceedings?

27: What are your views on clarifying that AVL may be used in a sentencing hearing where the participant is not in custody?

28: What benefits and risks would there be for court users if more AVL is used in sentencing matters?

29: How might we address the practical difficulties associated with sentencing defendants/offenders remotely?

30: Do you support entitling court participants (defendants who are not in custody and lawyers) to attend criminal procedural matters remotely on request? Please explain why.

31: Do you think such an entitlement should allow participants to request participation by AL or should it be limited to AVL? Please explain why.

32: What benefits and risks would there be for court users if this entitlement was introduced?

33: Do you have any different ideas for increasing use of remote participation in criminal procedural matters?

34: Do you agree there is a problem with how the current Act defines criminal procedural matters and criminal substantive matters? Please explain why.

35: Do you think categorising by “significance” of the matter could address the problem? Please explain why.

36: If you answered 'yes', what are your views on linking significance to whether the matter determines the pathway of the case or progresses it from one stage to another?

37: Do you have any alternative ideas for defining and/or grouping criminal matters?

38: What is your name?

39: What is your email address?

40: What is your organisation?

41: If you do not want information in your feedback to be released, please state this clearly and explain why

42: Do you have any other comments or feedback?