



CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE

Judge Jan-Marie Doogue

Technological Failure Protocol

1. There may be technological faults that arise in the course of hearings of the distributed courtroom. For example:
 - a. The audio-link may fail;
 - b. The visual-link may fail;
 - c. Either the audio or visual elements of the link, or both, may experience drops in quality for reasons such as the fidelity of the internet connection faltering.
2. Where this occurs, there are grounds to consider a substantial change in the quality of the technology for the purposes of the s 5(b) criteria of the Courts (Remote Participation) Act 2010 has occurred, such that it will be appropriate for the presiding judicial officer to invoke s 10 to vary or revoke a determination in respect of the use of AVL for the defendant's appearance.
3. In the first instance, the determination may be varied to allow for the recommencement of proceedings within an appropriate period of time should the technological fault be remedied. Standard practice may be to stand down the matter for one hour (subject to scheduling considerations). If the fault has not been corrected in that time the determination may be revoked, for the matter to be reconvened at a later time either in person or via AVL, at the judicial officer's discretion.
4. Given the possibility of such faults occurring, and their impact on defendants, defendants should be informed about what to do in circumstances where there are technological faults. This may include judicial officers providing the following directions [which practice ought to in turn reflect]:
 - a. If you [the remote defendant] cannot see / hear proceedings due to a technical fault then bring this to the courts attention by:
 - i. Use of [the solution arising from clause 9 of the Architectural and Courtroom Transition Protocol] so that you can inform defence counsel;
 - ii. Verbally addressing the court;
 - iii. Raising your hand; or
 - iv. If the above steps fail, inform the remote location AVL coordinator [such a practice may need to be permitted, given the above options will not always be suitable].

- b. If the court cannot see / hear you due to a technical fault this will be brought to your attention by the remote location AVL coordinator.
- c. Where a technical fault does occur, the court will inform you (through the remote location AVL coordinator) the status of the fault, whether it is anticipated it will be fixed in an adequate time frame such that the matter may be reconvened, or whether the matter has been stood down until a later time (and if so, when).



Jan-Marie Doogue
Chief District Court Judge
May 2018