

Response to Office of the Chief Justice Objectives, principles and protocols on the use of remote participation in court proceedings

Auckland Disability Law – 27 September 2024

Auckland Disability Law (ADL) is a community law centre, and part of the nationwide Community Law Centre Network. ADL is the only Community Law Centre with the specific focus on the Deaf and disabled community, and their disability related legal needs.

ADL welcomes the opportunity to comment on the draft guidelines and protocols for the use of remote participation in the courts. ADL staff do not represent clients in court, so we have chosen to restrict our comments to the *Objectives, principles and protocols on the use of remote participation in courts proceedings* document.

ADL strongly supports the use of remote participation in the Courts as we feel it will remove barriers to accessing justice for the Deaf and disabled Community.

ADL would like to make the following specific comments:

- 1) Consistent with core values
 - ADL agrees that any use of remote participation must be consistent with the Bill of Rights Act.
 - ADL believes that the ability to use technology to enable remote participation will further support the rights of Deaf and disabled people under section 25 (e), (f) and (i), and section 27 of the NZ Bill of Rights Act (1990).
- 2) Consistent with constitutional responsibilities
 - ADL fully agrees with the principles outlined in this section.



3) People Centred – Accommodate participant preferences

- ADL supports the use of AVL technology to accommodate disability access needs where mobility, transport, finances, and being able to physically access the court environment can be significant barriers to participation.
- ADL feels remote participation allows disabled people - particularly those with neurodiversity or mental health issues, or who have extensive care and accessibility needs, or who have experienced abuse and trauma at the hands of state services because of their disability - to have access to the justice system in a manner that allows them to engage with the courts process in an environment which is safe for them and reduces or removes some of the psychological, emotional, or sensory barriers that appearing in person may present.

4) Inclusive

- Access to appropriate technology.
- ADL understands that the technology available limits the ability of the courts and/or participants to engage in remote participation. ADL would like to encourage the Courts that enabling accessibility for the Deaf and disabled community is always a consideration when making decisions about technology use and provision.
- ADL would like the courts to be flexible about considering alternative arrangements for accessing remote participation technology where a participant lacks appropriate technology themselves.

