

their best to continue to operate during lockdown, using remote audio-visual hearings and occasional in-person hearings. During the level 4 lockdown, only priority proceedings (those affecting the liberty, personal safety or wellbeing of individuals, along with other time-critical proceedings) were heard; as restrictions loosened, more proceedings were able to take place. Jury trials were suspended once lockdown kicked in – and have only recently recommenced 4½ months on. The backlog of jury cases is causing concerning delays.

VI. TREATY OF WAITANGI: STIFLED RELATIONSHIP WITH MĀORI

The story of New Zealand's response to Covid-19, while effective, lacked an important indigenous thread and voice, especially concerning because the nation was founded on the premise of an ongoing relationship between the government and Māori under the Treaty of Waitangi (Te Tiriti o Waitangi). There was little obvious engagement with Māori on the emergency response – even though the government expressed worries about the likely disproportionate effect of the virus on Māori and their health. Some particular flashpoints were symptomatic (propriety of Māori-managed roadblocks preventing entry into tribal areas; gathering restrictions affecting tangihanga (funerals); police entry powers onto marae). However, more concerning was Māori felt shut out of the design of health and lockdown measures – raising constitutional questions about compliance with partnership obligations under the Treaty of Waitangi.

VII. CONCLUSION

New Zealand's response to Covid-19 has proved relatively effective, so far eliminating the virus. Constitutional concerns have not been absent but have been pretty muted, especially relative to problems elsewhere in the world. The short-and-sharp period of lockdown and restrictions has meant normal day-to-day life has returned. However, ongoing management of the border will no doubt continue to be challenging.

