

House of Representatives  
Supplementary Order Paper

Tuesday, 21 November 2006

Evidence Bill

*Proposed amendments*

Hon Mark Burton, in Committee, to move as follows:

*Clause 4(1)*

Definition of **document**: to omit this definition (lines 30 to 36 on page 11) and substitute the following definition:

**document** means—

- (a) any material, whether or not it is signed or otherwise authenticated, that bears symbols (including words and figures), images, or sounds or from which symbols, images, or sounds can be derived, and includes—
  - (i) a label, marking, or other writing which identifies or describes a thing of which it forms part, or to which it is attached;
  - (ii) a book, map, plan, graph, or drawing;
  - (iii) a photograph, film, or negative; and
- (b) information electronically recorded or stored, and information derived from that information

Definition of **sexual case**: to omit “awaiting” (line 2 on page 16) and substitute “waiting”.

*Heading above clause 6*

To omit “*categorisation*,” (line 28 on page 17).

*Clause 32(3)*

To omit “**section 34**” (line 35 on page 33) and substitute “**section 40**”.

*Clause 42*

To insert “have” before “produced” (line 28 on page 43).

*Clause 76(5)*

To omit “is” (line 6 on page 70).

*Clause 78(6)*

To omit “are” (line 9 on page 71) and substitute “is”.

*Clause 88(1)*

To insert after “relevant and in issue” (line 5 on page 76) “and that contradict the evidence of the witness,”.

*Clause 91(6)*

*Paragraph (a):* to omit “put the question, or allow the question to be put,” (line 33 on page 77) and substitute “allow the question to be put”.

*Paragraph (b):* to omit “put the question, or require the question to be put,” (line 35 on page 77) and substitute “require the question to be put”.

*Paragraph (c):* to omit “refuse to put, or refuse to allow the question to be put,” (line 37 on page 77) and substitute “refuse to allow the question to be put”.

*Clause 98*

To omit *paragraph (d)* (lines 35 and 36 on page 80).

*Clause 126(7)*

To omit “**to 126B**” (line 27 on page 101) and substitute “**and 126B**”.

*Clause 181(4)(b)*

To insert “that” before “are” (line 19 on page 134).

*Clause 187(1)(c)*

To omit “by” (line 12 on page 137).

*New clause 198A*

To insert after *clause 198* (after line 10 on page 144) the following clause:

**198A Transitional provisions relating to Law Practitioners Act 1982**

- (1) Until the commencement of section 6 of the Lawyers and Conveyancers Act 2006, **section 47(1)** must be read as if for the definition of lawyer there were substituted the following definition:

“**lawyer** means a barrister or solicitor, as those terms are defined in section 2 of the Law Practitioners Act 1982”.
- (2) Until the commencement of section 112 of the Lawyers and Conveyancers Act 2006, **section 51(1)(a)** must be read as if the reference to section 112 of the Lawyers and Conveyancers Act 2006 were a reference to section 89 of the Law Practitioners Act 1982.
- (3) Until the commencement of section 96 of the Lawyers and Conveyancers Act 2006, **section 51(1)** must be read as if for **paragraph (b)** there were substituted the following paragraph:

“(b) by any solicitors’ nominee company operated by a solicitor with the consent of the relevant District Law Society as a nominee in respect of securities and documents of title held for clients.”

*Schedule 2*

Definition of **proceedings** in item relating to section 2(5) of Commonwealth Countries Act 1977: to omit “**proceedings**” (line 9 on page 151) and substitute “**proceeding**”.

To insert after the item relating to the Land Transport Act 1998 (after line 30 on page 152) the following item:

**Lawyers and Conveyancers Act 2006 (2006 No 1)**

Section 151(4): omit “Evidence Act 1908” and substitute “Evidence Act **2006**”.

Section 239(4): omit “Evidence Act 1908” and substitute “Evidence Act **2006**”.

To insert after the item relating to the Local Government Act 2002 (after line 3 on page 153) the following item:

**Maori Fisheries Act 2004 (2004 No 78)**

Section 203(2): omit “section 48G of the Evidence Act 1908” and substitute “section 4 of the Evidence Act **2006**”.

To insert after the item relating to the Sale of Liquor Act 1989 (after line 25 on page 154) the following item:

**Social Workers Registration Act 2003 (2003 No 17)**

Clause 6(4) of Schedule 2: omit “Evidence Act 1908” and substitute “Evidence Act **2006**”.

Definition of **proceedings** in item relating to section 7(1C) of the Tariff Act 1988: to omit “**proceedings**” (line 27 on page 155 and substitute “**proceeding**”.

Definition of **proceedings** in item relating to section 3(5) of the United Nations Convention on the Law of the Sea Act 1996: to omit **proceedings** (line 3 on page 157) and substitute “**proceeding**”.

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### Explanatory note

This Supplementary Order Paper amends the Evidence Bill to—

- correct minor errors and omissions; and
- replace the definition of **document** in clause 4 in order to avoid the possibly limiting word “record” and to ensure that the definition is so comprehensive as to avoid a technical and limiting interpretation; and
- clarify that the duty in clause 88(1) to cross-examine a witness arises when there are significant matters that are relevant and in issue and that contradict the evidence of the witness, and the witness could reasonably be expected to give admissible evidence on those matters; and
- add transitional provisions in case this bill comes into force before the Lawyers and Conveyancers Act 2006.