

# House of Representatives

# Supplementary Order Paper

Tuesday, 17 June 2008

## Criminal Procedure Bill

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### *Proposed amendments*

Hon Annette King, in Committee, to move the following amendments:

#### *Clause 92*

*New section 180(3)*: to omit paragraph (c) (line 17 on page 96) and substitute the following paragraphs:

- “(c) any written submissions; and
- “(d) any oral submissions made in accordance with **subsection (4)**.

*New section 180(4) and (5)*: to omit these subsections (lines 18 to 22 on page 96) and substitute the following subsections:

- “(4) A party who applies for an oral evidence order may make oral submissions to the Judge in support of that application.
- “(5) If a party makes oral submissions under **subsection (4)**, the other party may also make oral submissions to the Judge on that application.

#### *Heading above clause 95*

To insert after “*consequential amendments*,” (line 20 on page 121) “*review provision*,”.

#### *New clause 97A*

To insert the following clause after *clause 97* (after line 28 on page 121):

#### **97A Review of new Part 5 of principal Act**

- (1) The Solicitor-General, or any other person nominated by the Solicitor-General for the purpose, must as soon as practicable after the expiry of 2 years from the commencement of **Part 5** of the principal Act (as inserted by **section 92** of this Act) conduct a review of the operation of **Part 5**.

- (2) The Solicitor-General or other person conducting the review must—
- (a) consult with—
    - (i) the New Zealand Law Society;
    - (ii) the Ministry of Justice;
    - (iii) any other person or body he or she considers appropriate to consult with; and
  - (b) report on the outcome of that review to the Minister of Justice within 6 months of commencing it; and
  - (c) advise in that report whether **Part 5** should be retained, amended, or replaced.
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### Explanatory note

This Supplementary Order Paper amends the Criminal Procedure Bill in 2 respects.

First, it amends *new section 180* of the Summary Proceedings Act 1957 (inserted by *clause 92* of the Bill) to remove the provisions of that section that provide that parties to an application for an oral evidence order have no right to make oral submissions to a Judge, and that confer a residual discretion on the Judge to hear oral submissions if he or she thinks this is necessary. The Supplementary Order Paper provides, instead, that a party who applies for an oral evidence order has the right to make oral submissions to a Judge in support of the application, and if the applicant makes oral submissions the other party may also make oral submissions to the Judge on that application.

Secondly, the Supplementary Order Paper inserts a *new clause 97A* requiring the Solicitor-General, or a person nominated by the Solicitor-General, to review the operation of *new Part 5* of the Summary Proceedings Act 1957 as soon as practicable after it has been in operation for 2 years. The person conducting the review must—

- consult with the Ministry of Justice, the New Zealand Law Society, and any other person or body he or she considers appropriate to consult with; and
  - report on the outcome of the review to the Minister of Justice within 6 months of commencing it; and
  - advise in that report whether *new Part 5* of the Summary Proceedings Act 1957 should be retained, amended, or replaced.
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