

House of Representatives
Supplementary Order Paper

Tuesday, 24 August 2010

Trans-Tasman Proceedings Bill

Proposed amendments

Hon Simon Power, in Committee, to move the following amendments:

Part 2

Trans-Tasman proceedings

Subpart 2—New Zealand courts declining jurisdiction on grounds that Australian court is more appropriate forum

Clause 26

To omit “all” (line 21 on page 26) and substitute “the”.

Subpart 3—New Zealand courts giving interim relief in support of civil proceedings in Australian courts

Clause 31

To omit *subclauses (2) and (3)* (lines 5 to 10 on page 29).

Subpart 4—Remote appearances unrelated to remote evidence

Clause 33A

To insert “**section 23(4)** or” after “in accordance with” (line 16 on page 31).

Clause 39

Subclause (1): to insert “**section 23(4)** or, as the case requires, under” before “leave given” (line 24 on page 34).

Subclause (1): to insert “the defendant who made under **section 23(4)(c)** a request to appear remotely or, as the case requires,” before “the applicant for that leave” (lines 24 and 25 on page 34).

Clause 40

To insert “**section 23(4)** or” after “under” (line 35 on page 34).

Clause 54

Subclause (1)(b): to omit “working day of that court” (line 19 on page 43) and substitute “day”.

Subclause (2): to omit “where that term appears for the first time” (line 21 on page 43).

Schedule 2

Part 1—Amendments to Acts

Amendment to heading of section 170 of Evidence Act 2006

To insert “**and**” before “**submissions**” (line 25 on page 68).

New section 173 of Evidence Act 2006

To omit “Australian Act” (lines 9 and 10 on page 70) and substitute “Trans-Tasman Proceedings Act 2010 (Aust)”.

Explanatory note

This Supplementary Order Paper sets out amendments to the Trans-Tasman Proceedings Bill.

Clause 26 is amended to align its wording with that of *clause 24*.

Clause 31(2) and (3) are omitted because they are considered unnecessary in a trans-Tasman context and may unnecessarily discourage New Zealand courts from giving interim relief in support of proceedings in Australian courts.

Clauses 33A, 39, 40, and 54 and Schedule 2 are amended to correct or improve their drafting.