

House of Representatives

Supplementary Order Paper

Tuesday, 16 August 2016

Evidence Amendment Bill

Proposed amendments

Hon Amy Adams, in Committee, to move the following amendments:

Clause 16: new section 44A

In *clause 16, new section 44A(4)*, replace “notice” (page 7, line 31) with “application”.

Clause 26: new section 90(7)

In *clause 26(2), new section 90(7)*, replace “While giving evidence, a witness may consult a previous statement of his or hers that is consistent with the witness’s evidence if” (page 10, lines 31 and 32) with “A previous statement of a witness that is consistent with a witness’s evidence is admissible if”.

New clause 35A

After *clause 35* (page 18, after line 7), insert:

35A Section 202 amended (Periodic review of operation of Act)

In section 202(2), replace “1 year” with “2 years”.

Explanatory note

This Supplementary Order Paper amends the Evidence Amendment Bill. The first amendment corrects a typographical error. The second amendment makes a change to the amendment to section 90 in clause 26 of the Bill. This change means that a previous consistent statement of a witness (that meets certain criteria) will be admissible in evidence rather than the witness only being able to refer to it to refresh his or her memory. This reflects the original policy intent to amend section 90 in line with the

Law Commission's recommendation to move the substance of current section 35(3) to section 90.

The third amendment relates to the requirement in section 202 for a periodic review of the operation of the Act. The time within which the Law Commission must report to the Minister, from the date on which a reference to undertake a review of the Act occurs, is increased from 1 year to 2 years.

Departmental disclosure statement

The Ministry of Justice considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.

Regulatory impact statement

The Ministry of Justice considers that a regulatory impact statement is not required to be prepared for this Supplementary Order Paper.