



31 October 2011

Julie Nind
Secretary for Justice
Ministry of Justice
PO Box 180
Wellington 6140

Dear Ms Nind

Trans-Tasman Proceedings Act 2010 - Implementation

Thank you for your letter of 18 October 2011 to Andrew Beck, the convener of the New Zealand Law Society's Civil Litigation and Tribunals Committee.

The Committee has considered your proposal to amend Schedule 3 of the High Court Rules (and the equivalent rules in the District Court Rules) to provide a recovery rate of 0.3 of a day for registering an Australian judgment in New Zealand. As the application is prescribed to be without notice, the allowance seems appropriate and is in line with that for "obtaining judgment without appearance".

If you wish to discuss this further, contact can be made in the first instance through the Civil Litigation and Tribunals Committee secretary, Rhyn Visser (phone (04) 463 2962 or email rhyn.visser@lawsociety.org.nz).

Yours sincerely

Andrew Gilchrist
Vice President



18 October 2011

Andrew Beck
Convener
Civil Litigation and Tribunals Committee
New Zealand Law Society
P O Box 5041
Wellington 6145



Dear Mr Beck

Trans-Tasman Proceedings Act 2010 – Implementation

As you are aware, the Ministry of Justice is currently working on the steps necessary to implement the Trans-Tasman Proceedings Act 2010. Our implementation work has been delayed slightly to accommodate the forthcoming general election and the need for Australia to consider changes to state and territory court rules. We now expect the New Zealand and Australian Acts to enter into force in the first part of 2012.

We have previously consulted the Civil Litigation and Tribunals Committee on the following draft instruments:

- Trans-Tasman Proceedings Rules and Regulations 2011
- High Court (Trans-Tasman Proceedings Act 2010) Amendment Rules 2011
- District Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2011
- Evidence (Trans-Tasman Service of, and Compliance with, New Zealand Subpoenas and Australian Subpoenas Issued in Criminal Proceedings) Rules 2011.

These instruments are currently being considered by the Rules Committee.

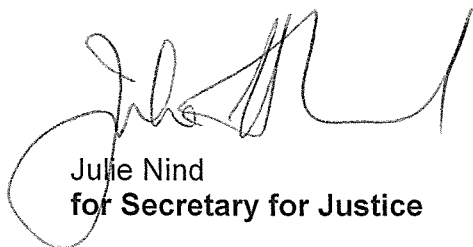
We would like to seek your views on an additional amendment we are considering recommending be made to the High Court Rules. Section 66(1)(a) of the Trans-Tasman Proceedings Act provides that the costs and expenses reasonably incurred in (or incidental to) registering an Australian judgment are recoverable in a proceeding for enforcing that judgment.

We propose to add a line to Schedule 3 of the High Court Rules prescribing the reasonable time for preparing and filing an application to register an Australian judgment. Registering an Australian judgment will be a relatively straightforward process. A prescribed application form (Form 6 of the draft Rules and Regulations) must be completed and filed with the appropriate documentation. If the Rules Committee agrees, we intend to propose that the reasonable time be 0.3 of a day across all categories of proceedings. The same time would also be set in the District Court Rules.

We would be interested in your views on this proposed amendment and would be grateful to receive any comments by **Friday 18 November 2011**. Please do not hesitate to contact me

on 494 9741 or julie.nind@justice.govt.nz if you have any queries or if this timeframe causes any difficulties.

Yours sincerely



Julie Nind
for Secretary for Justice