

# **Evidence and Procedure (New Zealand) Regulations (Amendment) 1997 No. 135**

## EXPLANATORY STATEMENT

### STATUTORY RULES 1997 No. 135

Issued by the Authority of the Attorney-General and Minister for Justice

*Evidence and Procedure (New Zealand) Act 1994*

#### Evidence and Procedure (New Zealand) Regulations (Amendment)

Section 49 of the *Evidence and Procedure (New Zealand) Act 1994* (the Act) provides, in part, that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed.

The Regulations amend the Evidence and Procedure (New Zealand) Regulations (the principal Regulations) to:

- \* specify certain courts, for the purposes of paragraph 7(b) of the Act, so that Part 2 (which authorises service of Australian subpoenas in New Zealand) applies to those courts;
- \* specify certain courts for the purposes of subsection 22(1) of the Act, so that Part 3 (which authorises Australian courts to receive documents or things produced in compliance with a New Zealand subpoena) applies to those courts and, in relation to one of those courts, the Supreme Court of Tasmania, to provide that section 22 of the Act only applies to certain locations of the Court's registry;
- \* specify certain courts for the purposes of paragraph 24(b) of the Act, so that Part 4 (which enables courts to obtain evidence from New Zealand by video link or telephone) applies to those courts; and
- \* specify certain courts for the purposes of paragraph 36(2)(b) of the Act so that Part 5 (which provides for officers of specified courts to assist New Zealand courts obtaining evidence from Australia by video link or telephone) applies to those courts.

Subsection 49(2) of the Act provides that the Governor-General must not make regulations for the purposes of subsection 22(1) or paragraph 36(2)(b) specifying a court of a State unless the Governor of the State has requested in writing that the court be so specified.

The Administrator of Queensland has requested that the Supreme Court of Queensland be specified for the purposes of subsection 22(1) and paragraph 36(2)(b) of the Act.

The Governor of Tasmania has requested that the registries of the Supreme Court of Tasmania at Launceston and Burnie be specified for the purposes of subsection 22(1) of the Act.

The amendment inserts and substitutes words into subregulations 5 (b), (d) and (f) to allow for nomination of ecological communities where the processes by which their biological and nonbiological components are not known and where the past distribution of the community is not well known.

It also inserts words into paragraph 5(d) to allow for the situation where there are no additional criteria specified for the purposes of definition of "ecological community" in subsection 4(1) of the Act.