



Courts (Remote Participation) Amendment Act 2016

Public Act 2016 No 60
Date of assent 17 October 2016
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Courts (Remote Participation) Amendment Act 2016.
- 2 Commencement**
This Act comes into force on 1 March 2017.
- 3 Principal Act**
This Act amends the Courts (Remote Participation) Act 2010 (the **principal Act**).
- 4 Section 8 replaced (Use of audio-visual links in criminal procedural matters)**
Replace section 8 with:

8 Use of audio-visual links in criminal procedural matters

- (1) AVL must be used for the appearance of a participant in a criminal procedural matter if AVL is available and the participant is in custody, unless a judicial officer or a Registrar determines that the use of AVL is contrary to the interests of justice.
- (2) AVL may be used for the appearance of a participant in a sentencing matter if—
 - (a) AVL is available; and
 - (b) the participant is in custody; and
 - (c) a judicial officer determines that the use of AVL is not contrary to the interests of justice.
- (3) Before making a determination under subsection (1) or (2), the judicial officer or Registrar (as the case may be) must take into account the criteria specified in sections 5 and 6.
- (4) To avoid doubt, a motion to determine whether AVL is contrary to the interests of justice may be made by the participant or the judicial officer or Registrar (as the case may be).

5 Section 13 replaced (Determining place of hearing)

Replace section 13 with:

13 Determining place of hearing

The place of hearing of any proceeding in which 1 or more of the participants appear by the use of AVL—

- (a) is the place that the relevant judicial officer determines as appropriate in the circumstances; or
- (b) is, in the case where the participants consent to having a Registrar make the decision, the place that the relevant Registrar determines as appropriate in the circumstances.

Legislative history

14 September 2016

Divided from Judicature Modernisation Bill (Bill 178–2) as
Bill 178–3M

11 October 2016

Third reading

17 October 2016

Royal assent

This Act is administered by the Ministry of Justice.