

Courts (Remote Participation) Amendment Bill

(Divided from the Judicature Modernisation Bill)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Judicature Modernisation Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- Senior Courts Bill comprising clauses 1 and 2, Part 1, and Schedules 1A to 4
- District Court Bill comprising Part 2 and Schedules 5 to 7
- Judicial Review Procedure Bill comprising Part 3 and Schedule 8
- Interest on Money Claims Bill comprising Part 4 and Schedules 9AAA, 9AA, and 9
- Electronic Courts and Tribunals Bill comprising Part 5
- Arbitration Amendment Bill comprising subpart 1 of Part 6
- Bills of Exchange Amendment Bill comprising subpart 2 of Part 6
- Building Societies Amendment Bill comprising subpart 3 of Part 6
- Children, Young Persons, and Their Families Amendment Bill comprising subpart 4 of Part 6
- Companies Amendment Bill (No 2) comprising subpart 5 of Part 6 and Schedule 10
- Contractual Remedies Amendment Bill comprising subpart 6 of Part 6
- Copyright Amendment Bill (No 2) comprising subpart 7 of Part 6
- this Bill comprising subpart 8 of Part 6
- Criminal Procedure Amendment Bill comprising subpart 9 of Part 6
- Employment Relations Amendment Bill (No 4) comprising subpart 10 of Part 6
- Family Courts Amendment Bill comprising subpart 11 of Part 6

- Insolvency Amendment Bill comprising subpart 12 of Part 6
- Local Government (Rating) Amendment Bill comprising subpart 13 of Part 6
- Property Law Amendment Bill comprising subpart 14 of Part 6
- Remuneration Authority Amendment Bill (No 2) comprising subpart 14A of Part 6
- Resource Management Amendment Bill comprising subpart 15 of Part 6
- Te Ture Whenua Maori Amendment Bill comprising subpart 16 of Part 6
- Trans-Tasman Proceedings Amendment Bill comprising subpart 17 of Part 6

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

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Hon Amy Adams

Courts (Remote Participation) Amendment Bill

Government Bill

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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**.

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526 Principal Act

This **Act** amends the Courts (Remote Participation) Act 2010 (the **principal Act**).

527 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 ~~prison custody~~, unless a judicial officer or a Registrar determines that the use of AVL is contrary to the interests of justice. 5
 - (1A) ~~AVL must be used for the appearance of a participant in a sentencing matter if AVL is available and the participant is in prison, unless a judicial officer determines that the use of AVL is contrary to the interests of justice.~~ AVL may be used for the appearance of a participant in a sentencing matter if— 10
 - (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. 15
 - (2) Before making a determination under **subsection (1) or (1A)**, the judicial officer or Registrar (as the case may be) must take into account the criteria specified in sections 5 and 6.
 - (3) 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). 20

528 Section 13 replaced (Determining place of hearing)

Replace section 13 with:

- 13 Determining place of hearing** 25
- 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. 30

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Legislative history

14 September 2016

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