

**Reprint  
as at 1 March 2017**



## **Trans-Tasman Proceedings Regulations and Rules 2013 (SR 2013/350)**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 2nd day of September 2013

Present:

The Right Hon John Key presiding in Council

His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations pursuant to sections 8, 15(3), 56(3), 58(4), and 62(4) of the Trans-Tasman Proceedings Act 2010, and makes the following rules pursuant to section 9 of that Act and, insofar as they regulate the practice and procedure of—

- (a) the High Court, pursuant to section 51C of the Judicature Act 1908, and with the concurrence of the Right Honourable the Chief Justice and at least 2 other members of the Rules Committee established under section 51B of the Judicature Act 1908 (of whom at least 1 was a Judge of the High Court); and
- (b) District Courts, pursuant to section 122 of the District Courts Act 1947, and with the concurrence of the Chief District Court Judge and at least 2 members of that Rules Committee (of whom at least 1 was a District Court Judge); and
- (c) Family Courts, pursuant to section 16A of the Family Courts Act 1980.

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations and rules are administered by the Ministry of Justice.**

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## **Regulations and rules**

### **1 Title**

These regulations and rules are the Trans-Tasman Proceedings Regulations and Rules 2013.

### **2 Commencement**

These regulations and rules come into force on 11 October 2013.

#### *Preliminary provisions*

### **3 Interpretation**

- (1) In these regulations and rules, unless the context otherwise requires, **Act** means the Trans-Tasman Proceedings Act 2010.
- (2) In these regulations and rules, a reference to a numbered form is a reference to that form as set out in the Schedule.

### **4 Use of prescribed forms**

- (1) Forms prescribed by these regulations and rules may be varied as the circumstances of a particular case require.
- (2) Strict compliance with those forms is not required; substantial compliance, or the compliance allowed by the particular circumstances of the case, is sufficient.

Compare: 1999 No 85 s 26; SR 2002/261 r 62(4), (5)

### **5 How these regulations and rules relate to New Zealand court's or tribunal's general procedural rules**

- (1) Every proceeding or application to which the Act applies is governed—
  - (a) by the general procedural rules of the court or tribunal in which the proceeding or application is commenced or made; and
  - (b) by the modifications (if any) to those procedural rules that these regulations and rules make for that proceeding or application.

- (2) Forms or requirements that these regulations and rules prescribe must therefore be used or applied with general forms or requirements in those general procedural rules for documents filed, for example,—
- (a) the memorandum at the end of the first document filed by a party:
  - (b) the memorandum (at the end of an originating application) relating to filing and address for service:
  - (c) the general heading for documents filed in a proceeding:
  - (d) the notice of opposition to an originating application:
  - (e) the requirements for affidavits in reply.
- (3) Subclause (2) does not limit subclause (1).

*Service in Australia of initiating documents for civil proceedings commenced in New Zealand courts and tribunals*

**6 Regulation prescribing information and form of notice for defendant served in Australia**

For the purposes of section 15 of the Act, the prescribed information for the defendant is the information set out in, and that information must be given by way of a notice in, form 1.

*New Zealand courts declining jurisdiction on grounds that Australian court is more appropriate forum*

**7 Rule prescribing form of defendant's application for stay of civil proceeding**

An application under section 22 of the Act must be in form 2.

**8 Rule on how application to be made and dealt with**

- (1) This rule applies to an application under section 22 of the Act by a defendant in a civil proceeding commenced in the High Court, a District Court, or a Family Court for an order staying the proceeding on the grounds that an Australian court is the more appropriate court for the proceeding.
- (2) The application must be made and dealt with, under the general procedural rules of the court (as modified by these regulations and rules), as an interlocutory application on notice.
- (3) However, any provisions of those general procedural rules of the court that are provisions requiring a hearing date to be allocated or fixed, and notified to people to be served with the application, apply only if and after—
  - (a) the court under section 23(1) of the Act decides to determine the application with a hearing; or
  - (b) a request for a hearing is made under section 23(2) of the Act.

- (4) The last date on which a respondent may file a notice of opposition to the application (whether it is to be determined with or without a hearing) is the tenth working day after the date on which the respondent is served with the application.
- (5) If the application is to be determined without a hearing, the applicant and respondent must, within 15 working days after whichever is the earlier of the dates specified in subclause (6), file the following:
  - (a) any submissions as to the making of an order staying the proceeding on the grounds that an Australian court is the more appropriate court for the proceeding;
  - (b) copies of any authorities relied on;
  - (c) any other material required by the court.
- (6) The dates referred to in subclauses (5) and (7) are—
  - (a) the date on which the applicant is served with a notice of opposition; and
  - (b) the last date on which the respondent may file a notice of opposition.
- (7) A party to the application may, within 20 working days of whichever is the earlier of the dates specified in subclause (6), file submissions in reply to those filed under subclause (5)(a) by any other party to the application.
- (8) If the application is to be determined without a hearing and the respondent has not filed a notice of opposition before the close of the last date for the respondent to do so, the applicant must also file, within 15 working days after that date, an affidavit of service of the application.
- (9) Copies of material filed must be served immediately on all other parties.

Compare: 1908 No 89 Schedule 2 r 26.16(1)–(3)

**9 Regulation prescribing optional form for request that New Zealand court determine application with hearing**

A request under section 23(2) of the Act that the New Zealand court determine the defendant's application under section 22 of the Act with a hearing may (but need not) be in form 3.

**10 Regulation prescribing form for request to appear remotely in hearing**

A request under section 23(4)(c) of the Act by the defendant, the defendant's counsel, or both to appear remotely in the hearing of the defendant's application under section 22 of the Act must be in form 4.

*New Zealand courts giving interim relief in support of civil proceedings in  
Australian courts*

**11 Rule on how application to be made and dealt with**

- (1) An **Australian proceeding**, in this rule, means a civil proceeding commenced or to be commenced in an Australian court after the commencement, on 11 October 2013, of subpart 3 of Part 2 of the Act.
- (2) This rule applies to an application—
  - (a) made under section 31(1) of the Act by a party or an intended party to an Australian proceeding; and
  - (b) made to the High Court, or made to a New Zealand court (other than the High Court) that is declared by an order under section 31(3) of the Act to be a court to which section 31(1)(b) of the Act applies; and
  - (c) for interim relief (other than excluded interim relief) in support of the Australian proceeding.
- (3) The application must be made and dealt with, under the general procedural rules of the court (as modified by these regulations and rules), as an interlocutory application.
- (4) This rule is subject to section 33 of the Act (which, by way of explanation, provides that the procedural rules of the New Zealand court apply to the proceeding for interim relief under section 31(1) of the Act as if the Australian proceeding were a similar proceeding commenced in the New Zealand court).

*Remote appearances from Australia in New Zealand civil proceedings and  
unrelated to remote evidence*

**12 Regulation requiring prescribed form of affidavit to accompany  
application for leave to appear remotely**

An application under section 38(1) of the Act for leave to appear remotely in a civil proceeding must be accompanied by an affidavit in form 5.

**13 Rule on arrangements for remote appearances (as of right in hearing of  
application for stay, or by leave)**

- (1) This rule applies to the High Court, a District Court, or a Family Court if—
  - (a) a defendant in a civil proceeding commenced in that court, the defendant's counsel, or both may, under section 23(4) of the Act, without leave of the court make a remote appearance (unrelated to remote evidence) in the hearing of an application under section 22 of the Act; or
  - (b) that court gives a party to a civil proceeding commenced in that court, the party's counsel, or both, under section 38 of the Act, leave to make a remote appearance (unrelated to remote evidence) in 1 or more hearings in or related to the proceeding.

- (2) The court must instruct the Registrar to make, in accordance with any particular directions or requests that the court may make under this subclause, appropriate arrangements in New Zealand and Australia for the remote appearance by the party, the party's counsel, or both.
- (3) Without limiting subclause (2), the court may—
  - (a) direct that the remote appearance be made at an Australian court or at another place in Australia:
  - (b) request that an officer of an Australian court be present to facilitate the remote appearance, and in particular to—
    - (i) introduce the defendant, the defendant's counsel, or both, making submissions:
    - (ii) assist with the implementation of any directions or requests given or made by the Judge hearing the submissions.

Compare: 1908 No 89 Schedule 2 r 9.67

*Recognition and enforcement in New Zealand of specified judgments of  
Australian courts and tribunals*

**14 Regulation prescribing form of, and requirements for, application to register Australian judgment**

- (1) An application under section 56(1) of the Act to the Registrar of a New Zealand court to register in that court an Australian judgment must be in form 6.
- (2) The following are prescribed under section 56(3) of the Act as requirements in accordance with which an application of that kind must under section 56(2)(b) of the Act be made:
  - (a) the application must be filed in a registry of the New Zealand court (which registry may, but need not, be the one closest to where the defendant resides or to the defendant's principal place of business) within the applicable period specified in section 56(2)(c)(i), (ii), or (iii) of the Act:
  - (b) the Australian judgment, a verified or certified or otherwise duly authenticated copy of it, or a legible electronic version or faxed copy of it, must be filed with the application:
  - (c) if a legible electronic version or faxed copy of the Australian judgment is filed with the application, the application is made in accordance with section 56(2)(b) of the Act at the time that it is filed, but the applicant must file the Australian judgment or a verified or certified or otherwise duly authenticated copy of it within 15 working days of the New Zealand court after the day of registration.

**15 Regulation prescribing how exchange rate determined**

- (1) For the purposes of section 58(1)(b) and (3) of the Act, this regulation prescribes the following manner of determining the rate of exchange on the conversion day:
  - (a) use the NZFMA-supplied rate of exchange (if any) in respect of that day; but
  - (b) if there is no NZFMA-supplied rate of exchange in respect of that day, use the NZFMA-supplied rate of exchange in respect of the day that is the most recent of the days before the conversion day in respect of which there is an NZFMA-supplied rate of exchange.
- (2) In this regulation,—

**NZFMA** means the body that, on the commencement of these regulations and rules, was registered under the Incorporated Societies Act 1908 as the New Zealand Financial Markets Association Incorporated

**NZFMA-supplied rate of exchange** means a rate of exchange—

  - (a) published by or on behalf of the NZFMA (for example, on an Internet site, such as that at <http://www.nzfma.org/data.search.aspx> (Search for: WM Reuters NZ Dollar Fixing, for Date: of day)); or
  - (b) supplied by or on behalf of the NZFMA on a request made to it for the purpose.

**16 Rule on review of Registrar's decision on application to register Australian judgment**

- (1) This rule applies if, on an application under section 56(1) of the Act to register an Australian judgment in a New Zealand court that is the High Court, a District Court, or a Family Court, the Registrar of that court makes a decision—
  - (a) to refuse to register the Australian judgment; or
  - (b) to register it by entering particulars of it that are or may be incorrect or incomplete.
- (2) The entitled person or the liable person (as those terms are defined in section 4(1) of the Act) may apply to a Judge of the court by interlocutory application for a review of the Registrar's decision.
- (3) The Judge may, on review, make any orders he or she thinks just.
- (4) When seeking a review under subclause (2) by a Judge of the High Court, it is not necessary—
  - (a) to apply for an order for an extraordinary remedy under Part 30 of the High Court Rules 2016; or
  - (b) to make an application for review under the Judicial Review Procedure Act 2016.

- (5) Notice of an application for review must be filed within 5 working days after the receipt by the person of notice of the decision.
- (6) An application for review under this rule is not a stay of enforcement of a registered Australian judgment, unless a Judge of the court so directs; but nothing in this rule applies to an application for a stay under section 65 of the Act.
- (7) This rule is subject to section 61 of the Act (which specifies the only situations in which a New Zealand court in which an Australian judgment has been registered under section 57 of the Act may set aside the registration of the judgment).

Compare: 1908 No 89 Schedule 2 r 2.11

Regulation 16(4)(a): amended, on 18 October 2016, by section 183(c) of the Senior Courts Act 2016 (2016 No 48).

Regulation 16(4)(b): amended, on 1 March 2017, by section 24 of the Judicial Review Procedure Act 2016 (2016 No 50).

#### **17 Rule on how registration must be effected**

- (1) Registration in the High Court, a District Court, or a Family Court under section 57 of the Act of an Australian judgment must be effected by the entry of particulars in records kept by or for, and in a form and medium approved by, the Registrar.
- (2) The particulars to be entered in the records include, without limitation, the following:
  - (a) the date on which registration was effected:
  - (b) the name, title, and trade or business (if any) of the entitled person and the liable person respectively:
  - (c) the usual or last known place of residence or business of the liable person:
  - (d) if the judgment is a money judgment,—
    - (i) the sum of money that is payable under the judgment, expressed in the currency in which the judgment is to be registered under section 58 of the Act; and
    - (ii) the interest, if any, payable in accordance with section 67(a) of the Act as at the close of the day before the date of registration:
  - (e) if the judgment is a non-money judgment, the terms of the judgment:
  - (f) the costs and expenses (if any) reasonably incurred by or on behalf of the entitled person in, or incidental to, registration of the judgment (and therefore that are recoverable under section 66(1)(a) of the Act):
  - (g) the costs and expenses (if any) reasonably incurred by or on behalf of the entitled person in attempting to enforce the judgment in the original

court or tribunal, but only if, and only insofar as, those costs and expenses are recoverable under section 66(1)(b) and (2) of the Act.

Compare: 1908 No 89 Schedule 2 r 23.33

**18 Rule on how application to set aside registration or for stay of enforcement to be made and dealt with**

- (1) This rule applies to an application to a New Zealand court in which an Australian judgment has been registered under section 57 of the Act if—
  - (a) the application is one under section 61(2) of the Act for the setting aside of the registration of the judgment, or is one under section 65(1) of the Act for an order preventing the commencement of, or staying, a proceeding in that court for the enforcement of the registered Australian judgment so that a liable person can challenge it in an Australian court or tribunal; and
  - (b) the New Zealand court is the High Court, a District Court, or a Family Court.
- (2) The application must be made, and dealt with, under the general procedural rules of the court (as modified by these regulations and rules), as an interlocutory application.

Compare: 1908 No 89 Schedule 2 r 23.38

**19 Regulation prescribing form of, and manner of giving, notice of registration of Australian judgment**

- (1) The notice of the registration of the Australian judgment that an entitled person must under section 62 of the Act give to every liable person must be in form 7.
- (2) The following is prescribed under section 62(4)(b) of the Act as the manner in which a notice of that kind must under section 62(2)(b) of the Act be given, namely the notice must be given,—
  - (a) if the liable person is an individual,—
    - (i) by its being delivered by registered post (which has the extended meaning given to it by subclause (3)) to the address that is the liable person's last known place of residence or principal place of business; or
    - (ii) by its being handed to, and accepted by, that person; or
    - (iii) if that person does not accept it when it is handed to him or her, by its being put down in that person's presence and brought to his or her attention; or
    - (iv) by it being otherwise received in writing by that person:
  - (b) if the liable person is a company under the Companies Act 1993, by its being given to or served on the company in a manner provided for in section 387(1)(a), (b), (c), (d), or (f) or 388(1)(b) or (c) of that Act:

- (c) if the liable person is an overseas company, by its being given to or served on the company in a manner provided for in section 389(1)(a), (b), (c), or (d), or 390(1)(b) or (c) of the Companies Act 1993;
  - (d) if the liable person is any other body corporate, by its being given to or served on the body corporate in a manner in which it could be given or served if the body corporate were a company;
  - (e) if the liable person is the Crown, by its being delivered to, or received in writing by, the chief executive of the relevant government department or office, or an agent of that chief executive, at the head office of the department or office, and in a manner specified in paragraph (a)(i) to (iv).
- (3) **Registered post**, in subclause (2)(a)(i), includes any service that—
- (a) provides a system of recorded delivery; and
  - (b) is similar in nature to, or of the same nature as, a registered post service provided by a person registered as a postal operator under the Postal Services Act 1998.

Compare: 2007 No 91 ss 353, 359

## **20 Rule prescribing requirements for affidavit related to enforcement process**

- (1) This rule applies to an enforcement process of the High Court, a District Court, or a Family Court if the enforcement process is issued—
- (a) on an Australian judgment registered under section 57 of the Act; and
  - (b) as of right on the filing of a request that the enforcement process should be issued, or by that court or with that court's leave granted on an application or request.
- (2) An application or request for, or for leave to issue, the enforcement process must be accompanied by an affidavit in support in which the maker of the affidavit—
- (a) certifies that the judgment has been, and remains, duly registered in that court under section 57 of the Act; and
  - (b) indicates whether and, if so, to what extent, the judgment is capable of being enforced as if it were a judgment of that court under sections 63 and 64 of the Act because it is capable of being enforced in or by the original court or in or by another Australian court or tribunal; and
  - (c) indicates that notice of the registration of the judgment has been given to every liable person under section 62 of the Act, or that section 63(1) of the Act applies to the judgment because (as provided in section 63(2) of the Act) 45 working days of the New Zealand court in which it is registered have elapsed since the day of registration.

Compare: 1908 No 89 Schedule 2 r 23.23(e)

## Schedule

### Forms

r 3(2)

#### Form 1

#### Notice giving prescribed information for defendant\* served in Australia

r 6

*Sections 8(1)(a) and 15, Trans-Tasman Proceedings Act 2010 (NZ)*

\*If the person to be served is not described in the initiating document as a defendant, substitute the correct description.

Please read this notice and the attached document very carefully.

If you have any trouble understanding them, you should get legal advice as soon as possible.

The plaintiff has commenced a proceeding against you in the [*New Zealand commencement court or tribunal*]. Attached to this notice is a/are\* [*name of document(s)*] (the **attached document(s)**) filed in the [*New Zealand commencement court or tribunal*].

Service of the attached document(s) in Australia is authorised by the Trans-Tasman Proceedings Act 2010 (NZ).

\*Select one.

#### **Consequences of the attached document(s) being served on you**

The [*New Zealand commencement court or tribunal*] can consider and make a decision on any claim set out in the attached document(s).

The decision of the [*New Zealand commencement court or tribunal*] on this claim (its judgment) may be enforced in Australia or New Zealand.

#### **Your rights to apply for the proceeding to be stayed**

If a court in Australia is the more appropriate court to decide the claim set out in the attached document(s), you may be able to have the proceeding stayed by applying to the [*New Zealand commencement court or tribunal*]. If the proceeding is stayed, the claim cannot proceed in the [*New Zealand commencement court or tribunal*].

You have 30 working days from the day on which you are served with the attached document(s) to apply for the proceeding to be stayed.

If you think the proceeding should be stayed, it is recommended that you get legal advice as soon as possible.

#### **Contesting this claim**

If you want to contest this claim, you must take any action set out in the attached document(s) as being necessary to contest the claim. You have 30 working days\* after the day on which you are served with the attached document(s) to respond.

The [*name of appearance or response document*] must contain an address in New Zealand or Australia where documents can be left for you or sent to you.

\*If the procedural rules of the New Zealand commencement court or tribunal would allow a longer period than 30 working days for filing an appearance or response document in the case of service within New Zealand, substitute that longer period.

Schedule form 1: amended, on 1 July 2014, by rule 4 of the Trans-Tasman Proceedings Regulations and Rules Amendment Rules 2014 (LI 2014/182).

Form 2  
Defendant's application for stay of civil proceeding

r 7

*Sections 9 and 22, Trans-Tasman Proceedings Act 2010 (NZ)*

[Insert heading]

To the Registrar of the [*New Zealand commencement court or tribunal*] at [*place*]  
and

To [*name of other party/parties to be served with the application*]

**This document notifies you that—**

The defendant, [*name*], applies to the [*New Zealand commencement court or tribunal*] under section 22 of the Trans-Tasman Proceedings Act 2010 (NZ) (**the Act**) for a stay of the proceeding.

\*The defendant requests under section 23(2)(b) of the Act that the [*New Zealand commencement court or tribunal*] determine the application with a hearing.

\*Delete if inapplicable.

**Memorandum for plaintiff and other persons served with application**

- 1 The defendant has applied to the [*New Zealand commencement court or tribunal*] for the proceeding to be stayed. If the proceeding is stayed, the plaintiff's claim cannot proceed in the [*New Zealand commencement court or tribunal*].
- 2 If you want to oppose the application, you must file a notice of opposition in the [*New Zealand commencement court or tribunal*] within 10 working days after the day on which you are served with this application.
- 3 You are entitled to request the [*New Zealand commencement court or tribunal*] to hold a hearing of the application. You have 10 working days after the day the defendant made the application to request a hearing.
- 4 The [*New Zealand commencement court or tribunal*] may determine the application without a hearing if a hearing has not been requested by the defendant, the plaintiff, or any other person who is required or permitted, by regulations under section 23(5)(a) of the Act, to be served with the application.
- 5 The Trans-Tasman Proceedings Regulations and Rules 2013 (NZ) available from <http://www.legislation.govt.nz> contain a form (namely, form 3) that you may use to request a hearing.

Form 3

Request that New Zealand court determine defendant's application for stay of  
civil proceeding with hearing

r 9

*Sections 8(1)(a) and 23(2), Trans-Tasman Proceedings Act 2010 (NZ)*

[Insert heading]

To the Registrar of the [New Zealand commencement court or tribunal] at [place]

and

To [name of other party to the proceeding]

**This document notifies you that—**

The plaintiff/other person served with the application\*, [name], requests that the [New Zealand commencement court or tribunal] determine the defendant's application under section 22 of the Trans-Tasman Proceedings Act 2010 (NZ) for a stay of the proceeding with a hearing.

\*Select one.

Date:

Signature:

(Solicitor for plaintiff/other person served\* or counsel for plaintiff/other person served† or plaintiff/other person served††)

\*Select one.

†Select one.

††Select one.

Form 4  
Request to appear remotely in hearing of defendant's application for stay of  
civil proceeding

r 10

*Sections 8(1)(a) and 23(4)(c), Trans-Tasman Proceedings Act 2010 (NZ)*

[Insert heading]

**To** the Registrar of the [*New Zealand commencement court or tribunal*]

- 1 The defendant requests under section 23(4) of the Trans-Tasman Proceedings Act 2010 (NZ) (the **Act**) that the [*defendant/defendant's counsel/defendant and defendant's counsel\**] appear remotely in the hearing of the defendant's application for an order to stay the proceeding.
- 2 The defendant was [*served/purportedly served\**] in Australia under section 13 of the Act with the initiating document for the proceeding.
- 3 The [*New Zealand commencement court or tribunal*] is determining with a hearing the defendant's application under section 22 of the Act for an order to stay the proceeding.
- 4 A remote appearance medium is, or can reasonably be made, available for the hearing of the application.
- 5 The place in Australia from which the remote appearance can be made is [*specify*].
- 6 The audio link/audiovisual link\* facilities available at [*specify the courtroom(s) or other place(s) in Australia where the remote appearance is to be made*] are as follows: [*specify*].
- 7 I estimate that the remote appearance will take the following time: [*specify*].

\*Select one.

Date:

Signature:

(defendant/defendant's counsel\*)

\*Select one.

## Form 5

## Affidavit to accompany application for leave to appear remotely in civil proceeding

r 12

*Sections 8(1)(a) and 38(1), Trans-Tasman Proceedings Act 2010 (NZ)*

I, [full name, place of residence, occupation], a party to the proceeding/counsel to a party to the proceeding\*, in connection with an application under section 38(1) of the Trans-Tasman Proceedings Act 2010 (NZ) (the Act) for leave to appear remotely in 1 or more hearings in or related to a civil proceeding, swear that—

- 1 The remote appearance(s) for which leave is sought is/are\* of the following nature: [specify if known].
- 2 The remote appearance(s) is/are\* to be made from the following place(s) in Australia: [specify if known].
- 3 The courtroom(s) or other place(s) where the court or tribunal is to sit in New Zealand is/are\* as follows: [specify if known].
- 4 The remote appearance(s) is/are\* proposed to be made by audio link/audiovisual link\*.
- 5 The audio link/audiovisual link\* facilities available at the courtroom(s) or other place(s) where the court or tribunal is to sit in New Zealand are as follows: [specify if known].
- 6 The audio link/audiovisual link\* facilities available at the place(s) in Australia from which the remote appearance(s) is/are\* to be made are as follows: [specify if known].
- 7 I estimate that the time(s) that the remote appearance(s) will take is/are\* as follows: [specify best estimate].
- †8 Leave is not sought for the party's counsel to appear remotely (as well as, or instead of, the party) in 1 or more hearings in or related to the proceeding.

**or**

- †8 Leave is sought for the party's counsel to appear remotely (as well as, or instead of, the party) in 1 or more hearings in or related to the proceeding and, in that connection, the following matters are relevant:
- (a) the party's counsel is/are\* entitled (otherwise than under section 38(4) of the Act) to appear before the court or tribunal, or is/are\* not so entitled but, for the purposes of section 38(3) of the Act,—
    - (i) the party ordinarily resides or, if the party is not an individual, has its principal place of business, in a State or Territory of Australia, namely at [specify location]; and
    - (ii) the/each of the\* party's counsel is, given the following particulars, entitled to practise as a barrister, a solicitor, or both in the Su-

preme Court of a State or Territory of Australia: [*specify particulars of party's counsel's entitlement to practise*]; and

(b) [*specify any other relevant matter(s)*].

\*Select one.

†Select the paragraph that applies.

Sworn at: [*place, date*]

Signature of deponent:

(applicant/solicitor for applicant/counsel for applicant\*)

\*Select one.

Form 6  
Application to register Australian judgment

r 14(1)

*Section 56(2)(a) and (3), Trans-Tasman Proceedings Act 2010 (NZ)*

[Insert heading]

To the Registrar of [*specify a New Zealand court that is referred to in section 56(1)(a) or (b) of the Trans-Tasman Proceedings Act 2010*]

The applicant applies under section 56 of the Trans-Tasman Proceedings Act 2010 (NZ) (the **Act**) to have registered in the court the following judgment of the [*name of Australian court or tribunal*].

\*The application is filed with a verified or certified or otherwise duly authenticated copy of the judgment.

**or**

\*The application is filed with a legible electronic version or faxed copy of the judgment, but a verified or certified or otherwise duly authenticated copy of the judgment is to be filed.

\*Select the paragraph that applies.

The judgment is, or must be treated as, a registrable Australian judgment for the purposes of subpart 5 of Part 2 of the Act (whether by virtue of section 54, 70, 74, or 77 of the Act) for the following reasons: [*specify*].

The judgment is, in terms of section 64 of the Act, capable of being enforced in the original court or tribunal or in another Australian court or tribunal.

**Details of parties to original proceeding**

Plaintiff:\*

Defendant:\*

\*If the parties to the original proceeding were called the applicant and the respondent rather than the plaintiff and the defendant, substitute those descriptions.

Last known address of liable person:

**Details of judgment\***

Court or tribunal:

Judge:

Date of judgment:

Where made:

\*If not all provisions of the judgment are registrable, change to “Details of the registrable provisions” and only provide details of the provisions for which registration is sought.

***If the judgment is one under which a sum of money is payable***

Amount: [*expressed in currency in which judgment is to be registered*]

*Statement A: select if amount of judgment has been converted into New Zealand currency.*

The rate of exchange on [*specify conversion day*] used to calculate this amount is [*specify rate of exchange*].

*Statement B: select if entitled person requests that the judgment be registered in a currency other than New Zealand currency.*

The entitled person wants the judgment to be registered in [*currency in which judgment is to be registered*].

Balance remaining payable: [*specify, expressed in currency in which judgment is to be registered*].

The rate of interest carried by the judgment by the law of [*specify Commonwealth of Australia or Australian State or Territory under whose law it was given*] is [*specify rate*]%. The amount of interest which, by that law, has become due up to the time of this application is [*specify amount in currency in which judgment is to be registered*].

***If the judgment is for something other than the payment of money***

Terms of judgment:

**\*Costs**

Costs of registration of the judgment:

Costs of enforcing the judgment in the original court or tribunal:

[*calculated in accordance with section 66(2) of the Trans-Tasman Proceedings Act 2010 (NZ)*]

\*Attach all relevant documents showing costs incurred.

**Confirmation that information full and correct**

I confirm that all information provided by or on behalf of the applicant in, and attached to, this document is full and correct.

Date:

Signature:

(applicant/solicitor for applicant/counsel for applicant\*)

\*Select one.

Form 7  
Notice of registration of Australian judgment

r 19(1)

*Section 62(2)(a) and (4)(a), Trans-Tasman Proceedings Act 2010 (NZ)*

Please read this notice very carefully.

If you have any trouble understanding it, you should get legal advice as soon as possible.

Attached to this notice is a copy of the judgment given by [*name of Australian court or tribunal*]. This judgment has been registered in the [*name of New Zealand court*] under the Trans-Tasman Proceedings Act 2010 (NZ).

**Consequences of registration and this notice being served on you**

The Australian judgment can be enforced in New Zealand as if it were a judgment given by the [*name of New Zealand court in which judgment is registered*].

**Details of judgment**

The particulars of the judgment that are entered in the records of the [*name of New Zealand court in which judgment is registered*] include the following:

- (a) if the judgment is one under which a sum of money is payable,—
  - (i) money payable under judgment—\$[*specify*]:
  - (ii) interest payable under section 67(a) of the Trans-Tasman Proceedings Act 2010 (NZ)—\$[*specify*]:
- (b) if the judgment is not one under which a sum of money is payable, the terms of the judgment—[*specify*]:
- (c) costs and expenses related to registration—\$[*specify*]:
- (d) costs and expenses related to attempted enforcement in original court or tribunal—\$[*specify*].

**Your rights**

*Setting aside registration*

If the judgment should not have been registered in New Zealand under the Trans-Tasman Proceedings Act 2010 (NZ), you may be able to have the registration set aside by applying to the [*name of New Zealand court in which judgment is registered*]. The Act sets out limited grounds on which registration of a judgment may be set aside.

You must make an application for registration to be set aside within 30 working days after the day on which you were given this notice.

If you think the registration should be set aside, you should get legal advice as soon as possible.

*Stay of enforcement*

If you intend to apply to the [*name of Australian court or tribunal*] to set aside, vary, or appeal against the judgment, you may apply for an order that enforcement of the registered judgment in New Zealand not be commenced until a specified time or event, or be stayed (put on hold) for a specified period.

An application for an order of that kind must be made within 30 working days after the day on which you were given this notice.

If you think enforcement of the judgment should not commence or should be stayed, you should get legal advice as soon as possible.

**Failure to comply with judgment**

If you fail to comply with the judgment,—

- further interest may accrue on any amount owing:\*
- you may, if a proceeding is commenced in a New Zealand court for enforcement of it, be required to pay the costs incurred by or on behalf of the entitled person in attempting to enforce it.

\*Omit if judgment is not one under which a sum of money is payable.

Rebecca Kitteridge,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 5 September 2013.

## Reprints notes

### **1** *General*

This is a reprint of the Trans-Tasman Proceedings Regulations and Rules 2013 that incorporates all the amendments to those rules as at the date of the last amendment to them.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Judicial Review Procedure Act 2016 (2016 No 50): section 24

Senior Courts Act 2016 (2016 No 48): section 183(c)

Trans-Tasman Proceedings Regulations and Rules Amendment Rules 2014 (LI 2014/182)