



District Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 2nd day of September 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to section 122 of the District Courts Act 1947, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Chief District Court Judge and at least 2 members of the Rules Committee established under section 51B of the Judicature Act 1908 (of whom at least 1 was a District Court Judge), makes the following rules.

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Rules

- 1 Title**

These rules are the District Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013.
- 2 Commencement**

These rules come into force on 11 October 2013.
- 3 Principal rules**

These rules amend the District Courts Rules 2009 (the **principal rules**).
- 4 Rule 1.8 amended (Interpretation)**

In rule 1.8, definition of **address for service**, after “rules”, insert “or, if the party is a defendant as defined in section 4(1) of the Trans-Tasman Proceedings Act 2010 who is served in Australia under section 13 of that Act with an initiating document for a proceeding, the address of a place in New Zealand or Australia that, under section 18 of that Act, is or is to be treated as the defendant’s address for service for the proceeding”.
- 5 Rule 3.37 amended (Authority to file and sign documents)**

After rule 3.37.1, insert:
“3.37.1A HCR 5.36A—authority of certain Australian solicitors in certain trans-Tasman proceedings.”
- 6 Rule 3.42 amended (Methods of service)**

After rule 3.42.1(d), insert:
“(e) if a defendant has been served in Australia under section 13 of the Trans-Tasman Proceedings Act 2010 with an initiating document for the proceeding, by posting the document to an address for service of the party or person to be served.”

7 Rule 3.44 amended (Service generally)

- (1) In rule 3.44.7, replace “The reference in HCR 6.6 to HCR 6.1 is to be read as a reference to rule 3.42 of these rules” with “References in HCR 6.6 to provisions of HCR 6.1 are to be read as references to the corresponding provisions of rule 3.42 of these rules”.
- (2) After rule 3.44.13, insert:
“3.44.13A HCR 6.13A—personal service on Australian corporations, partnerships, and attorneys.”
- (3) Before rule 3.44.14, insert:
“3.44.13B HCR 6.13B—personal service in Australia on foreign corporations.”
- (4) After rule 3.44.29, insert:
“3.44.29A HCR 6.36—subpart does not apply to service in Australia of documents for or in certain trans-Tasman proceedings.”

8 Rule 12.4 amended (Evidence in trans-Tasman proceedings)

- (1) After rule 12.4.2, insert:
“12.4.2A HCR 9.60—leave to serve New Zealand subpoena on witness in Australia.”
- (2) After rule 12.4.3, insert:
“12.4.3A HCR 9.62—application to set aside New Zealand subpoena.
“12.4.3B HCR 9.63—service of documents on applicant.
“12.4.3C HCR 9.64—hearing of application.”
- (3) In rule 12.4.5, replace “video link and telephone conference” with “by remote appearance medium from Australia”.
- (4) In rule 12.4.6, replace “High Court” with “relevant court as defined in section 150 of the Evidence Act 2006”.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 11 October 2013, amend the District Courts Rules 2009 in the light of the Trans-Tasman Proceedings Act 2010 (most of which also comes into force on 11 October 2013). The amendments, which follow in certain respects similar amendments made at the same time to the High Court Rules, relate in particular to the following matters:

- service in a proceeding an initiating document for which is served on a defendant in Australia under that Act; and
- a subpoena issued in a civil proceeding in New Zealand being served and complied with in Australia.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 5 September 2013.
These rules are administered by the Ministry of Justice.
