



High Court (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 51C of the Judicature Act 1908, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, 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), makes the following rules.

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Rules

1 Title

These rules are the High Court (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 High Court Rules set out in Schedule 2 of the Judicature Act 1908 (the **principal rules**).

4 Rule 1.3 amended (Interpretation)

In rule 1.3(1), definition of **address for service**, after “these 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 4.14 amended (Filing and service of statement of defence)

After rule 4.14(1), insert:

“(1A) Subclause (1) is subject to rule 6.35 (which, unless the court otherwise orders, requires a defendant who has been served out

of New Zealand to file a statement of defence within 30 working days from the date of service).”

6 Rule 5.25 amended (Proceeding commenced by filing statement of claim)

After rule 5.25(2)(d), insert:

“(e) a proceeding, commenced in accordance with the Trans-Tasman Proceedings Regulations and Rules 2013, to register under subpart 5 of Part 2 of the Trans-Tasman Proceedings Act 2010 a registrable Australian judgment.”

7 Rule 5.36 amended (Authority to file documents)

In rule 5.36, insert as subclauses (2) and (3):

“(2) Subclause (1) does not prevent a person from filing a document on behalf of a party if the person is authorised by, or on behalf of, the party to file the document, and—

“(a) is not the holder of a current practising certificate as a barrister or as a barrister and solicitor issued under section 39(1) of the Lawyers and Conveyancers Act 2006; but

“(b) is allowed to appear for, or to represent, the party, in connection with the proceedings, under section 27(1)(b)(i) or (ii) of the Lawyers and Conveyancers Act 2006.

“(3) The following rules allow certain Australian solicitors to represent a party by filing certain documents:

“(a) rule 5.36A (documents in certain trans-Tasman proceedings):

“(b) rule 9.62(1)(b) (application to set aside New Zealand subpoena served on witness in Australia).”

8 New rule 5.36A inserted (Authority of certain Australian solicitors in certain trans-Tasman proceedings)

After rule 5.36, insert:

“5.36A Authority of certain Australian solicitors in certain trans-Tasman proceedings

- “(1) This rule applies to a defendant and a solicitor if the defendant is served with an initiating document in Australia under section 13 of the Trans-Tasman Proceedings Act 2010 and the solicitor is—
- “(a) entitled to practise as a solicitor of a Supreme Court of a State or Territory of Australia; and
 - “(b) authorised by, or on behalf of, the defendant to file a document for the defendant in respect of, or in, the proceeding to which the initiating document relates.
- “(2) The solicitor may file the document if the court has under section 38 of the Trans-Tasman Proceedings Act 2010 given the solicitor leave or, as the case requires, he or she is entitled under section 23(4) of that Act, to appear remotely in 1 or more hearings relating to the proceeding.
- “(3) The solicitor may file the document even though the solicitor has neither sought, nor been given, leave under section 38 of the Trans-Tasman Proceedings Act 2010 or, as the case requires, he or she has neither made, nor had accepted, a request under section 23(4)(c) of that Act, if the document is—
- “(a) an appearance or response document (as defined in section 17(2) of that Act); or
 - “(b) an application under section 22 of that Act for a stay of the proceeding; or
 - “(c) a request under section 23(4)(c) of that Act to appear remotely in a hearing to determine an application under section 22 of that Act; or
 - “(d) an application for leave under section 38 of that Act; or
 - “(e) a document related to a document, application, or request in any of paragraphs (a) to (d).
- “(4) A solicitor who files a document under subclause (3) may, even if not the holder of a current practising certificate as a barrister or as a barrister and solicitor issued under section 39(1) of the Lawyers and Conveyancers Act 2006, be the solicitor on the record under rule 5.38 until—
- “(a) the court declines an application by the solicitor for leave under section 38 of that Act; or

“(b) a document to which subclause (3) does not apply is filed in the proceeding by or on behalf of the defendant and, when that document is filed, the court has not given the solicitor leave under section 38 of that Act.

“(5) Subclause (4) does not enable the solicitor to appear remotely in a hearing relating to the proceeding without leave under section 38 of that Act or, as the case requires, without being entitled to do so under section 23(4) of that Act.”

9 Rule 5.38 amended (Solicitor on record)

In rule 5.38(2), replace “rule 5.42” with “rules 5.36A(4) and 5.42”.

10 Rule 5.47 amended (Filing and service of statement of defence)

After rule 5.47(2), insert:

“(3) Subclause (2)(b) is subject to rule 6.35 (which, unless the court otherwise orders, requires a defendant who has been served out of New Zealand to file a statement of defence within 30 working days from the date of service).”

11 Rule 5.49 amended (Appearance and objection to jurisdiction)

After rule 5.49(7), insert:

“(7A) But both this rule and rule 6.29 are subject to section 27(1) of the Trans-Tasman Proceedings Act 2010, which provides that a New Zealand court cannot stay a civil proceeding before it on forum grounds connected with Australia otherwise than in accordance with subpart 2 of Part 2 of that Act.”

12 Rule 6.1 amended (Methods of service)

After rule 6.1(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.”

13 Rule 6.6 amended (Service by means of post office box, document exchange, fax, or email)

- (1) In rule 6.6(1), replace “rule 6.1(d)(i) or (ii)” with “rule 6.1(1)(d)(i) or (ii)”.
- (2) In rule 6.6(2), replace “rule 6.1(d)(iii)” with “rule 6.1(1)(d)(iii)”.
- (3) After rule 6.6(5), insert:
 - “(6) Subclauses (7) to (11) apply to a document to be served in a proceeding if—
 - “(a) the proceeding is one an initiating document for which is to be or has been served on a defendant in Australia under section 13 of the Trans-Tasman Proceedings Act 2010; and
 - “(b) the document is one to be served—
 - “(i) by a party in New Zealand and on a party in Australia; or
 - “(ii) by a party in Australia and on a party in New Zealand.
 - “(7) Despite subclause (1), when a document is served in accordance with rule 6.1(1)(d)(i) or (ii) or (e), it is to be treated as served on the earlier of—
 - “(a) the sixth working day after the day on which it was posted; and
 - “(b) the day on which it was received.
 - “(8) Subclause (9) applies to a document that is—
 - “(a) a document in response to a requirement of or under these rules; and
 - “(b) served in accordance with rule 6.1(1)(d)(i) or (ii) or (e).
 - “(9) The party serving the document is entitled to an extra 5 working days within which to comply with that requirement.
 - “(10) Despite subclause (8), subclause (9) does not apply when a rule requires a document to be served a prescribed number of days before a hearing or other specified event.
 - “(11) Despite subclause (3), when a document is, under rule 6.1(1)(d)(iii), transmitted electronically to the fax number or email address of a solicitor in a State or Territory of Australia at a time later than 5 pm in that State or Territory, it

is to be treated as having been served on the first subsequent working day.”

14 New rules 6.13A and 6.13B inserted

After rule 6.13, insert:

“6.13A Personal service on Australian corporations, partnerships, and attorneys

A document in a proceeding in which an initiating document is to be or has been served on a defendant under section 13 of the Trans-Tasman Proceedings Act 2010 may be served in Australia—

- “(a) on a company registered in Australia under the Corporations Act 2001 (Aust) in the same way as if it were a company to which section 387 of the Companies Act 1993 applies:
- “(b) on a corporation incorporated in Australia (other than a company specified in paragraph (a)) in the same way as if it were a corporation to which rule 6.12(2) applies:
- “(c) on a partnership, or on a person carrying on business in the name of a firm apparently consisting of more than 1 person, by serving it in accordance with rule 6.11 either on any partner or on that person, or—
 - “(i) on any person appearing to have control of the business of the partnership or apparent partnership; and
 - “(ii) at the principal place in Australia of the business of the partnership or apparent partnership:
- “(d) on a person who is out of Australia and New Zealand by serving, in accordance with rule 6.11, an attorney or agent of that person in Australia if the attorney or agent is authorised—
 - “(i) to transact that person’s affairs generally and to defend proceedings; or
 - “(ii) to transact the person’s affairs in respect of the subject matter of the proceeding and to defend the particular proceeding.

“6.13B Personal service in Australia on foreign corporations

- “(1) A document in a proceeding in which an initiating document is to be or has been served on a defendant under section 13 of the Trans-Tasman Proceedings Act 2010 may be served in Australia—
- “(a) on a foreign company registered under section 601CE of the Corporations Act 2001 (Aust) as follows:
 - “(i) by delivery to a person named in the register kept for the purposes of Division 2 of Part 5B.2 of that Act as a director of the foreign company and who is resident in Australia; or
 - “(ii) by delivery to a person named in that register as being authorised to accept service in Australia of documents on behalf of the foreign company; or
 - “(iii) by delivery to an employee of the foreign company at the foreign company’s place of business in Australia or, if the foreign company has more than 1 place of business in Australia, at the foreign company’s principal place of business in Australia; or
 - “(iv) by serving it in accordance with any directions as to service given by the court having jurisdiction in the proceeding; or
 - “(v) in accordance with an agreement made with the foreign company:
 - “(b) on a foreign corporation of the kind specified in subclause (2) by serving it in accordance with rule 6.11—
 - “(i) on a person appearing to have control of the business of that corporation; and
 - “(ii) at the principal place of business of that corporation in Australia.
- “(2) Subclause (1)(b) applies to a foreign corporation that—
- “(a) is not a foreign company registered under section 601CE of the Corporations Act 2001 (Aust); and
 - “(b) is incorporated but not in Australia and not in New Zealand; and
 - “(c) has a place of business in Australia; and
 - “(d) does not have a place of business in New Zealand.”

15 New rule 6.36 inserted (Subpart does not apply to service in Australia of documents for or in certain trans-Tasman proceedings)

After rule 6.35, insert:

“6.36 Subpart does not apply to service in Australia of documents for or in certain trans-Tasman proceedings

This subpart (which contains rules on service out of New Zealand) does not apply to service in Australia of an initiating document for, or of any other document to be served in or for, a proceeding an initiating document for which may be served in Australia under subpart 1 of Part 2 of the Trans-Tasman Proceedings Act 2010.”

16 Rule 7.81 amended (Interim relief in support of overseas proceedings)

After rule 7.81(5), insert:

“(6) This rule does not apply to a civil proceeding commenced or to be commenced in an Australian court.”

17 Rule 9.60 amended (Leave to serve New Zealand subpoena on witness in Australia)

In rule 9.60(2)(c), replace “by video link or telephone conference” with “by remote appearance medium”.

18 Rule 9.62 amended (Application to set aside New Zealand subpoena)

(1) In rule 9.62(1)(b), delete “and who is in practice on his or her own account or as a principal in a firm of solicitors”.

(2) Replace rule 9.62(2) with:

“(2) The application—

“(a) may state (for the purposes of rule 9.64(1)) that a hearing is required to determine the application; and

“(b) may be filed by sending it by fax or email to the registry of the relevant court in which leave to serve the subpoena was given.”

(3) Replace rule 9.62(6) with:

“(6) If the application is filed by fax or email, the Registrar—

- “(a) must send by fax or email to the applicant or the applicant’s solicitor, as the case may be, an acknowledgement that the application has been received:
- “(b) may, if the application is not clear or legible, require the applicant or the applicant’s solicitor, as the case may be, to transmit the application by fax or email again.”

19 Rule 9.63 amended (Service of documents on applicant)

- (1) In rule 9.63(1)(a), after “leaving it at”, insert “, or posting it to,”.
- (2) After rule 9.63(1), insert:
 - “(1A) If a document relating to the application is served on the applicant by post in accordance with subclause (1)(a), it is to be treated as having been served on the earlier of—
 - “(a) the sixth working day after the day on which it was posted; and
 - “(b) the day on which it was received.”

20 Rule 9.64 amended (Hearing of application)

In rule 9.64(2) and (3), replace “by video link or telephone conference” with “by remote appearance medium” in each place.

21 Rule 9.67 replaced (Evidence and submissions by video link and telephone conference)

Replace rule 9.67 with:

“9.67 Evidence and submissions by remote appearance medium from Australia

- “(1) An application under section 168 of the Evidence Act 2006 for a direction that evidence be given from Australia or submissions be made from Australia by remote appearance medium may be made without notice. Except in the case of an application under section 160 of that Act, the application must be accompanied by an affidavit stating—
 - “(a) the nature of the evidence or the submissions:
 - “(b) the place in Australia from which the evidence is to be given or the submissions are to be made:

- “(c) if it is proposed that evidence be given or submissions be made by audiovisual link, particulars of the audiovisual link facilities available at the courtroom or other place where the court is to sit in New Zealand and at the place where the evidence is to be given or the submissions are to be made in Australia:
 - “(d) if it is proposed that evidence be given or submissions be made by audio link, particulars of the audio link facilities available at the courtroom or other place where the court is to sit in New Zealand and at the place where the evidence is to be given or the submissions are to be made in Australia:
 - “(e) in a case where evidence is proposed to be given, an estimate of the time the evidence will take:
 - “(f) whether issues of character or credibility are likely to be raised:
 - “(g) in a case in which submissions are proposed to be made, an estimate of the time required to make the submissions.
- “(2) When the court gives a direction under section 168 of the Evidence Act 2006, it must instruct the Registrar to make appropriate arrangements in New Zealand and Australia in accordance with any particular directions that the court may make.
- “(3) Without limiting subclause (2), the court may—
- “(a) direct that the evidence be given or the submissions be made at an Australian court or at another place in Australia:
 - “(b) request that an officer of an Australian court or other person approved by the Judge be present to assist in the transmission of evidence or submissions, and in particular to—
 - “(i) introduce witnesses giving evidence or a barrister or solicitor (or both) making submissions:
 - “(ii) assist with the administration of oaths:
 - “(iii) assist with the implementation of any directions or requests given or made by the Judge hearing the evidence or submissions.
- “(4) In this rule, **evidence** includes the related examination of a person giving evidence.”

22 Rule 12.4 amended (Interlocutory application for summary judgment)

After rule 12.4(2), insert:

- “(2A) If an application by a plaintiff is made at the time that the statement of claim is served on the defendant in Australia under section 13 of the Trans-Tasman Proceedings Act 2010, the hearing date allocated (under rule 7.33) for the application must be after the period (under section 17(1)(a) or (b) of that Act) within which the defendant may file an appearance or response document.”

23 Subpart 3 of Part 23 revoked

Revoke subpart 3 of Part 23.

24 Rule 28.11 amended (Certification of judgments, orders, and injunctions in New Zealand proceedings)

In rule 28.11(3), replace “and section 32B of the Federal Court of Australia Act 1976” with “or an NZ market proceeding within the meaning of section 4 of the Trans-Tasman Proceedings Act 2010 (Aust)”.

25 Schedule 1, form G 2 amended

- (1) In Schedule 1, form G 2, replace “25” with “25*”.
- (2) In Schedule 1, form G 2, above “Date” in the first place where it appears, insert:

**Substitute “30”, in accordance with rules 5.47(3) and 6.35, if this notice is served out of New Zealand.*

26 Schedule 1, form G 13 amended

In Schedule 1, form G 13, after “Add the following notice if the defendant is to be served overseas”, insert “(other than in Australia and under section 13 of the Trans-Tasman Proceedings Act 2010). If the defendant is to be served in Australia and under section 13 of the Trans-Tasman Proceedings Act 2010, do not use the following notice, but use instead the information that section 15 of that Act requires to be served on the defendant (see form 1 of the Schedule of the Trans-Tasman Regulations and Rules 2013)”.

27 Schedule 1, form G 14 amended

- (1) In Schedule 1, form G 14, paragraph 3, replace “22” with “25*”.
- (2) In Schedule 1, form G 14, after paragraph 3(b), insert:
**Substitute “30”, in accordance with rules 4.14(1A) and 6.35, if this notice is served out of New Zealand.*

28 Schedule 1, form G 26 amended

- (1) In Schedule 1, form G 26, paragraph 3, delete “, with the leave of the Honourable Justice [name]”.
- (2) In Schedule 1, form G 26, after paragraph 3, insert:
“**Note:** Section 156(2) of the Evidence Act 2006 of New Zealand allows this order of subpoena to be served in Australia only if it is accompanied by a copy of the order granting leave to serve it, and a statement in the prescribed form of the rights and obligations of the person served.”

29 Schedule 1, form G 27 amended

- (1) In Schedule 1, form G 27,—
 - (a) replace “and things” with “or things” in each place; and
 - (b) replace “**and things**” with “**or things**”.
- (2) In Schedule 1, form G 27, paragraph 3, delete “, with the leave of the Honourable Justice [name]”.
- (3) In Schedule 1, form G 27, after paragraph 3, insert:
“**Note:** Section 156(2) of the Evidence Act 2006 of New Zealand allows this order of subpoena to be served in Australia only if it is accompanied by a copy of the order granting leave to serve it, and a statement in the prescribed form of the rights and obligations of the person served.”

30 Schedule 1, form G 28 amended

- (1) In Schedule 1, form G 28, replace “*documents and things, or only produce documents*” with “*documents or things, or only produce documents or things*”.
- (2) In Schedule 1, form G 28, paragraphs 6 and 16, replace “video link or telephone conference” with “audio link or audiovisual link” in each place.

- (3) In Schedule 1, form G 28, paragraph 7(e), replace “are 18 years of age” with “have attained the age of 18 years”.
- (4) In Schedule 1, form G 28, paragraph 8,—
 - (a) replace “and things” with “or things” in each place; and
 - (b) replace “7 working days” with “10 days”.
- (5) In Schedule 1, form G 28, paragraph 13, replace “fax. The fax number of the registry of the court is [*fax number*]” with “fax or email. The fax number and email address of the registry of the court are [*fax number and email address*]”.
- (6) In Schedule 1, form G 28, paragraph 14, after “a fax number in New Zealand or Australia”, insert “or email address”.
- (7) In Schedule 1, form G 28, paragraph 16, replace “if neither you nor the party who requested the issue of the subpoena states” with “if neither you (for example, in the application) nor the party who requested the issue of the subpoena (for example, in a document filed in response to the application) states”.

31 Schedule 1, form G 29 amended

- (1) In Schedule 1, form G 29, after “(Registrar/Deputy Registrar*)”, insert:

“Postal address of registry:
“Telephone:
“Fax:”.
- (2) In Schedule 1, form G 29, after “*Select one.”, insert:

“Sealed: [*date*]”.

32 Schedule 3 amended

In Schedule 3, after item 58, insert:

Australian judgment proceedings

58A	Preparing and filing an application under section 56 of the Trans-Tasman Proceedings Act 2010 to register in the court an Australian judgment	0.3	0.3	0.3
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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 High Court Rules in the light of the Trans-Tasman Proceedings Act 2010 (the **Act**) (most of which also comes into force on 11 October 2013).

Rule 4 amends the definition of address for service in rule 1.3 to reflect that a defendant served in Australia under section 13 of the Act with an initiating document for a proceeding may under section 18 of the Act give, as the defendant's address for service for the proceeding, the address of a place in New Zealand or Australia.

Rule 5 inserts a *new rule 4.14(1A)* to make it clear that when service of a New Zealand proceeding is effected overseas (whether or not under the Act), the defendant has 30 working days in which to file a statement of defence. *Rule 27* makes a related amendment to form G 14 of Schedule 1.

Rule 6 amends rule 5.25(2), which lists proceedings not commenced by filing a statement of claim. A *new paragraph (e)* is added relating to proceedings to register under subpart 5 of Part 2 of the Act a registrable Australian judgment. Proceedings of that kind are to be commenced, in accordance with the Trans-Tasman Proceedings Regulations and Rules 2013, by an application to the Registrar to register the judgment.

Rule 7 amends rule 5.36, which relates to authority to file documents. The amendment is to reflect that a person may file a document on behalf of a party if the person is authorised by, or on behalf of, the party to file the document, and—

- is not the holder of a current practising certificate as a barrister or as a barrister and solicitor issued under section 39(1) of the Lawyers and Conveyancers Act 2006; but
- is allowed to appear for, or to represent, the party, in connection with the proceedings, under section 27(1)(b)(i) or (ii) of the Lawyers and Conveyancers Act 2006.

Rule 8 inserts a *new rule 5.36A*. The new rule authorises certain Australian solicitors to file specified documents in certain trans-Tasman proceedings, and to act as solicitor on the record, before those solicitors are granted leave of the court, or are otherwise entitled under the Act, to appear in hearings in, or related to, those proceedings.

Rule 9 makes to rule 5.38 an amendment consequential on *new rule 5.36A* inserted by *rule 8*.

Rule 10 adds a *new rule 5.47(3)* to make it clear that when service of a New Zealand proceeding is effected overseas (whether or not under the Act), the defendant has 30 working days in which to file a statement of defence. *Rule 25* makes a related amendment to form G 2 of Schedule 1.

Rule 11 amends rule 5.49, which relates to appearances to object to the jurisdiction of the court to hear and determine the proceeding. Rule 5.49(7) requires objections to jurisdiction related to service of process effected outside New Zealand under rule 6.27 or 6.28 to be determined under rule 6.29. A *new rule 5.49(7A)* is inserted to make rules 5.49 and 6.29 expressly subject to section 27(1) of the Act. That section provides that a New Zealand court cannot stay a civil proceeding before it on forum grounds connected with Australia otherwise than in accordance with subpart 2 of Part 2 of the Act.

Rule 12 amends rule 6.1(1), which specifies permitted methods of service. A *new paragraph (e)* is added to enable a document to be served, if a defendant has been served in Australia under section 13 of the Act with an initiating document for the proceeding, by posting the document to an address for service of the party or person to be served.

Other amendments make Australia, in the light of provisions in the Act, an exception to certain rules that apply to foreign countries generally (for example, rules on service of initiating documents out of New Zealand, and rules on interim relief in New Zealand in support of overseas proceedings).

Rule 13 amends rule 6.6. Two amendments correct errors in rule 6.6(1) and (2). The other adds *new rule 6.6(6) to (11)*, on when documents are taken to be served, and the time within which documents in response must be served, in a proceeding an initiating document for which is to be or has been served on a defendant in Australia under section 13 of the Act.

Rule 14 inserts *new rules 6.13A and 6.13B*, which relate to personal service on Australian corporations, partnerships, and attorneys, and to personal service in Australia on foreign corporations, of a document in a proceeding an initiating document for which is to be or has been served on a defendant in Australia under section 13 of the Act.

Rule 15 inserts *new rule 6.36*, which ensures that subpart 4 of Part 6 (which contains rules on service out of New Zealand) does not apply to service in Australia of an initiating document for, or other document to be served in or for, a proceeding an initiating document for which may be served in Australia under subpart 1 of Part 2 of the Act.

Rule 16 amends rule 7.81, which relates to interim relief in support of overseas proceedings. The amendment ensures, in the light of provisions on this matter in the Act, that the rule does not apply to civil proceedings in Australian courts.

Rules 17 to 21 and 28 to 30 amend rules 9.60, 9.62, 9.63, 9.64, and 9.67, and forms G 26 to G 28 of Schedule 1, in the light of (and in the light of other rules of court, for criminal proceedings, and related to) amendments that the Act makes to provisions (in subpart 1 of Part 4) of the Evidence Act 2006 on—

- trans-Tasman service of, and compliance with, subpoenas issued in civil proceedings; and
- New Zealand courts receiving evidence and submissions by remote appearance medium from Australia.

Rule 22 amends rule 12.4, on an interlocutory application for summary judgment. The amendment relates to an application by a plaintiff made at the time that the statement of claim is served on the defendant in Australia under section 13 of the Act. It requires the hearing date allocated (under rule 7.33) for the application to be after the period (under section 17(1)(a) or (b) of the Act) within which the defendant may file an appearance or response document.

Rule 23 revokes subpart 3 of Part 23, on the enforcement of judgments and orders of the Federal Court of Australia, as the Act provides for recognition and enforcement in New Zealand of specified judgments of Australian courts and tribunals.

Rule 24 amends rule 28.11, on certification of judgments, orders, and injunctions in New Zealand proceedings. The amendment replaces a reference to a repealed Australian enactment (section 32B of the

Federal Court of Australia Act 1976) with a reference to an NZ market proceeding within the meaning of section 4 of the Trans-Tasman Proceedings Act 2010 (Aust).

Rule 26 amends form G 13 of Schedule 1 (notice of proceeding when summary judgment sought by plaintiff). The amendment ensures that the form indicates that information for the defendant under section 15 of the Act is to be used, instead of a notice in the form, if the defendant is to be served in Australia and under section 13 of the Act.

Rule 31 amends form G 29 of Schedule 1 (certificate of non-compliance with subpoena for service in Australia) to better align it with section 43(3) of the Trans-Tasman Proceedings Act 2010 (Aust).

Rule 32 amends Schedule 3, which specifies, for the purposes of determination of costs under rule 14.2(c), times considered reasonable for reasonably required steps in a proceeding or interlocutory application. A *new item 58A* is inserted so that 0.3 of a day is the time allocated, for bands A, B, and C in rule 14.5, for preparing and filing an application under the Act to register an Australian judgment.

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These rules are administered by the Ministry of Justice.
