



MINISTRY OF
JUSTICE
Tāhū o te Ture

Trans-Tasman Proceedings regime

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The Trans-Tasman relationship

- People/exports/investment
- CER
- SEM
- Shared common law heritage
- Strikingly similar legal systems
- Mutual confidence in each other's regulatory and judicial institutions

Drivers of reform

- Innovative civil justice reforms in 1990s but otherwise treat each other like any other foreign country
- Ad hoc problems emerging (Gilmore case re forum test)
- Potential for more coherent framework to reduce cost, increase efficiency and reduce forum shopping

Trans-Tasman Working Group

- Established by PMs in 2003
- Senior officials from each country
- Public discussion paper seeking views on identified problems and potential solutions
- Analysed 32 submissions from legal profession, businesses, the judiciary, academics and regulators.
- Presented a final report to both governments recommending a trans-Tasman regime

Trans-Tasman Proceedings regime - process

- Australia and NZ agree to adopt Working Group recommendations
- Treaty (for Australian constitutional reasons)
- Mirror implementing legislation
- Regulations and court rules

Trans-Tasman Proceedings regime – key features

- Australia and New Zealand treated as one jurisdiction for service of initiating process in civil proceedings
- Harmonised forum test
- Interim relief in support of proceedings in other country
- Remote appearances
- Broad range of judgments enforceable across the Tasman with simplified process for enforcement
- Regulatory enforcement – civil penalties and specified regulatory regime criminal fines