



New South Wales

District Court Amendment (Trans-Tasman Criminal Proceedings) Rule 2012

under the

District Court Act 1973

The District Court Rule Committee has made the following rule of court under the *District Court Act 1973*.

A R Grew
Secretary of the Rule Committee

Explanatory note

The *Trans-Tasman Proceedings Act 2010* of the Commonwealth (the *new Commonwealth Act*) makes provision for matters such as the service of Australian initiating documents in New Zealand, the granting of interim relief by Australian courts in support of civil proceedings in New Zealand courts, the issue and service of New Zealand and Australian subpoenas, remote appearances in Australian and New Zealand courts and tribunals and the recognition and enforcement of New Zealand judgments in Australia. Some of the provisions of the new Commonwealth Act relating to the issue and service of subpoenas and remote appearances extend to criminal proceedings as well as civil proceedings.

The new Commonwealth Act will replace the *Evidence and Procedure (New Zealand) Act 1994* of the Commonwealth when its substantive provisions commence. The substantive provisions of the new Commonwealth Act are due to commence in 2012.

On the commencement of the new Commonwealth Act, the *Uniform Civil Procedure Rules (Amendment No 51) 2011* will amend the *Uniform Civil Procedure Rules 2005* to insert provisions relating to the practice and procedure to be followed in civil proceedings in NSW courts with respect to matters arising under the new Commonwealth Act.

The object of this Rule is to amend the *District Court Rules 1973* to apply certain provisions to be inserted in the *Uniform Civil Procedure Rules 2005* relating to the issue and service of subpoenas and remote appearances in relation to criminal proceedings in the District Court.

2012 No 219

Clause 1 District Court Amendment (Trans-Tasman Criminal Proceedings) Rule 2012

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District Court Act 1973

1 Name of Rule

This Rule is the *District Court Amendment (Trans-Tasman Criminal Proceedings) Rule 2012*.

2 Commencement

This Rule commences on:

- (a) the day on which section 3 of the *Trans-Tasman Proceedings Act 2010* of the Commonwealth commences, or
- (b) if this Rule is published on the NSW legislation website after that day, the day on which this Rule is published on the website.

3 Amendment of District Court Rules 1973

Part 53, rule 17A

Insert after rule 17 of Part 53:

17A Procedure for Trans-Tasman Proceedings Act 2010 (Cth)

Division 3 of Part 32 and rule 32.13 of the *Uniform Civil Procedure Rules 2005* apply in respect of proceedings in the criminal jurisdiction of the Court.