



ANALYSIS

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| Title 1. Short Title and commencement | 2. Amendments to Evidence Amendment Act 1994 |
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1995, No. 6

An Act to amend the Evidence Act 1908

[24 March 1995]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Evidence Amendment Act 1995, and shall be read together with and deemed part of the Evidence Act 1908.

(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

2. Amendments to Evidence Amendment Act 1994—(1) Section 8 of the Evidence Amendment Act 1994 is hereby amended by adding, as subsection (2), the following subsection:

“(2) A witness on whom a New Zealand subpoena has been served in Australia that requires the witness to produce documents or things, but does not require the witness to give oral evidence, and who elects to comply by producing the documents or things at an Australian Court, is not required to comply with the subpoena unless, at the time of service or at some other reasonable time before the witness is required to comply, expenses sufficient to meet the witness’s reasonable expenses of producing the documents or things to an Australian Court and the expenses of transmitting the documents or things to the New Zealand Court that issued the subpoena are paid or tendered to the witness.”

(2) Section 17 of the Evidence Amendment Act 1994 is hereby amended by inserting, after the word “must,”, the

words “on payment of a sum that is sufficient to send the document or thing to the Australian Court that issued the subpoena by a means that will ensure it is received by that Court before the date on which it is required to be produced, accept the document or thing, and”.

(3) Section 33 of the Evidence Amendment Act 1994 is hereby amended by repealing subsections (2) and (3), and substituting the following subsection:

“(2) In the case of any other New Zealand Court, rules or, as the case may be, regulations may be made under the authority of any enactment that provides for the making of rules or regulations governing the practice and procedure of the Court, that make provision for or relate to any of the matters referred to in paragraphs (a), (c), and (e) to (h) of subsection (1) of this section.”

This Act is administered in the Department of Justice.
