

Developments in Trans-Tasman Proceedings

Dealing with civil proceedings with a trans-Tasman element should be easier after the operative provisions of the Trans-Tasman Proceedings Act 2010 ("TTPA") came into force on Friday, 11 October 2013. The TTPA aims to simplify the process for resolving civil proceedings between New Zealand and Australian entities. The aim of the TTPA is to reduce costs, improve efficiency and minimise existing impediments to resolving cross-border disputes.

Parties are now more commonly litigating in an international context. Some situations where the TTPA will be relevant include:

- when a New Zealand party wants to sue a person or company in Australia;
- when a New Zealand party wants to enforce a New Zealand judgment in Australia; and
- when a party in New Zealand has been served with proceedings issued in Australia.

As a result of the implementation of the TTPA, it will be easier to:

- Register and enforce Australian judgments in New Zealand. Australian judgments will have the same force and effect here as they would in Australia;
- Serve documents in Australia for proceedings commenced in New Zealand courts;
- Apply for a stay to halt a proceeding on the basis that a court in the other country is the more appropriate forum;
- Appear remotely in the other country's courts and tribunals, for example by audio visual link;
- Obtain interim relief in New Zealand courts in support of civil proceedings commenced in Australian courts; and
- Enforce civil penalties and criminal fines imposed in Australia as a civil debt in New Zealand (and vice-versa).

The TTPA is a welcome development in international law reflecting the close relationship between New Zealand and Australia and the confidence of both countries in each other's legal systems.

The Trans-Tasman Proceedings Regulations and Rules 2013 commenced simultaneously with the TTPA. The Regulations and Rules contain prescribed forms and other documents, and provide for other matters necessary for administration of the TTPA.

For more information on the TTPA or trans-Tasman litigation, please contact our specialist Litigation Team.