



# Trans-Tasman Proceedings Act 2010

## Fact sheet - Trans-Tasman Proceedings Act 2010

### Do you have a legal dispute with someone in New Zealand?

It is now easier for you to:

- start Australian court proceedings against a person located in New Zealand
- ask for cases that were started in New Zealand to be heard before Australian courts in certain circumstances
- have a person located in New Zealand give evidence in certain Australian proceedings
- appear by audio or video link in New Zealand court proceedings
- have a broader range of Australian court judgments recognised and enforced in New Zealand, more easily.

**The new arrangements under the *Trans-Tasman Proceedings Act 2010* (Cth) will make the process for resolving civil disputes with people in New Zealand simpler, cheaper and more efficient.**

For more information, please visit the Attorney-General's Department website at [www.ag.gov.au/tpa](http://www.ag.gov.au/tpa)

# Trans-Tasman Proceedings Act 2010

**The Act introduces a range of measures aimed at making a Trans-Tasman court case more like a court case between parties in the same country.**

It will be easier for people in Australia involved in an Australian court case to:

**Start Australian court proceedings against a person in New Zealand**

You can start civil proceedings in an Australian court without having to get that court's permission to serve the documents on a person in New Zealand.

**Require people in New Zealand to give evidence**

You can ask an Australian court for permission to require someone in New Zealand to give evidence in civil and criminal cases before that court. The person can give evidence by travelling to Australia or by video or audio link.

**Register and enforce a civil court judgment in New Zealand**

When an Australian court makes a final judgment ordering someone in Australia to pay money or do something (such as return specific property), you can register the judgment in a New Zealand court and enforce it against a person there.

People in Australia involved in New Zealand court cases can ask:

**For the New Zealand case to be heard before an Australian court**

If a court case has been filed against you in New Zealand, you can apply to the New Zealand court to have the case 'stayed' (that is, suspended) if you believe it is more appropriate to have it heard in Australia.

The New Zealand court will consider things such as where the parties and witnesses to the dispute are based, the location of the subject of the dispute and whether the parties had previously agreed where a dispute would be heard.

**To appear before the New Zealand court via video or audio link**

You or your lawyer can ask a New Zealand court to allow you to appear via video or audio link in court proceedings.

**To suspend enforcement of a New Zealand civil court judgment**

If a person or body registers a New Zealand judgment against you in Australia, you can apply to an Australian court to 'stay' (that is, suspend) enforcement while you appeal to the New Zealand court to change or cancel the judgment.

**Reciprocal rights for both countries**

Australian residents have the same rights and responsibilities as outlined above when they are trying to resolve a dispute with someone in New Zealand.