



## THE RULES COMMITTEE

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Wellington

18 June 1996

Minutes/2/96

### CIRCULAR NO 15 OF 1996

#### Minutes of the Meeting held on Thursday 6 June 1996

##### 1. Preliminary

The meeting called by Agenda/2/96 was held in the Judge's Common Room, High Court, Wellington on Thursday 6 June 1996 commencing at 9.30 am.

##### 2. In Attendance

The Chief Justice (the Rt Hon Sir Thomas Eichelbaum GBE)  
The Hon Justice Doogue (in the Chair)  
The Hon Justice Fisher  
The Hon Justice Hansen  
Judge Jaine (for the Chief District Court Judge)  
The Solicitor-General (Mr J J McGrath QC)  
Mr K McCarron (for the Chief Executive, Department for Courts)  
Mr H Fulton  
Mr W Iles CMG QC (Chief Parliamentary Counsel)  
Miss T L Lamb (from the Crown Law Office, by invitation)

##### 3. Apologies for Absence (Item 1(a) of Agenda)

The Attorney-General (the Hon Paul East MP)  
Mr C R Carruthers QC

##### 4. Personnel

Justice Doogue welcomed Judge Jaine, attending on behalf of the Chief District Court Judge.

Justice Doogue mentioned that this is Mr Iles last meeting and that the day could not go without thanking him for his contribution to the Rules Committee over the years. The Chairman noted that Mr Iles Parliamentary priorities had been a source of frustration for getting the work of the Rules Committee done, but that there could be no criticism of Mr Iles in that regard. The Chairman expressed the appreciation of the Committee for the work done by Mr Iles and for his personal commitment and attention to the Rules. He expressed the hope that in retirement Mr Iles may continue to be able to assist.

Those comments were endorsed by the Chief Justice who said that he had an association with the Rules Committee that spans twenty seven years and that Mr Iles has been responsible for the drafting throughout that time. He said that Mr Iles work has been the backbone of the Committee which has been dependent on his drafting skills to translate the Committee's requirements into legislative form.

**5. Confirmation of Minutes (Item 1(b) of Agenda)**

On the motion of Mr Fulton, seconded by Justice Fisher, the minutes of the meeting held on Thursday 29 February 1996 were taken as an accurate record and were confirmed, subject to the heading for item 10 on page 3 reading "Costs (Item 5 of Agenda) (a) Generally" and the reference in paragraph 17(a) on page 10 to r 112 reading "rule 192".

**6. Matters Arising from the Minutes (Item 1(c) of Agenda)**

Matters arising from the minutes were considered under the topics on the Agenda.

**7. Papers Tabled at the Meeting**

*By the Secretary:*

- Costs/3/96 - Memorandum from Mr Fulton.

*By Mr Iles:*

- The Election Petition Rules 1996 (PCO 220/1).

**8. Admiralty Rules (Item 3 of Agenda)**

Justice Hansen advised that the draft rules had been arrived at after consultation with the Maritime Law Association, together with input from the Registrars at Auckland and Christchurch.

Rule 2 Interpretation - Justice Hansen referred to the definition of "central registry" and said that that should be a reference to the High Court. He drew attention to the note that no separate definition of Court Judge or Registrar will be necessary because they are defined in r 3 of the High Court Rules.



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Justice Hansen noted that the definition of "ship" differs between the Admiralty Act and the Maritime Transport Act, and that if it is desired to align these definition the Admiralty Act should be amended.

Justice Hansen noted that the old Rules refer to a writ of summons, and he suggested that this should now refer to a notice of proceeding.

Rule 7 Types of Action and Issue of Writ - Justice Hansen said that he had added new sub-rule (4) to address the time factor in the absence of a statement of claim.

Rule 8 Actions in personam and service out of the jurisdiction - Justice Hansen said that they had considered sub-clauses (3) and (4) could be taken out because they are effectively covered by rr 219 and 220 relating to service out of the jurisdiction.

Rule 9 Action in rem - Justice Hansen said that the admiralty practitioners were of the view that the prohibition in respect of actions in rem against service out of the jurisdiction should remain. He said that it is often impossible to trace the real owner or to clarify charter arrangements, and service in the jurisdiction places the onus on the Master to ensure that the appropriate parties enter an appearance.

Justice Fisher said that the Master is answerable to the charterer and there can be convoluted arguments between the charterer and the legal or the equitable owner. In those circumstances he queried whether the Master should be relied upon to notify all of the appropriate parties.

Justice Fisher suggested that there could be a mandatory provision that if an action is brought in rem it should be publicly notified to the satisfaction of the Registrar.

Mr Fulton said that any notification would need to be made after the arrest to prevent the ship sailing before the action could be issued.

Justice Doogue noted that New Zealand is one of the few jurisdictions to still have an action in rem.

Justice Hansen said that often the persons with an interest in the ship are not resident within the jurisdiction so that any form of public advertising would not be read by them.

Justice Fisher said that the Shipping Gazette comes out each week and suggested that in some ways the public aspect of the procedure is analogous to the winding up of a company.

Justice Fisher said that there may be an argument between the legal and the equitable owners. He noted also that there is a tendency to get multiple actions in respect of the same ship and there is a need to advise competing creditors.

Justice Hansen said that he could see whether Brad Giles and the Maritime Law Association have any objections to such a Rule.

Rule 10 Service of writ in an action in rem - Justice Hansen said that the provision relating to attaching the writ "for a short time" has been deleted as being unnecessary. He said that a question arises as to whether a fax copy should be used for service on the basis that delivery is followed up a sealed copy because there can be urgency involved.

Rule 11 Appearance - Justice Hansen said that the only change here is the deletion of the requirement for leave to enter a conditional appearance. He said that no one knew of a situation where leave had not been granted. He noted also the deletion of r 11(13) because of the redundant reference to warrants to act.

Rule 12 Pleadings - Justice Doogue noted that this rule relating to pleadings raises the relationship between these Rules and the High Court Rules.

Justice Hansen said that if there are constant references back to the High Court Rules there can be arguments as to whether the Admiralty Rules are a code and whether the High Court Rules apply.

Mr Fulton cited r 700A(2) of the High Court Rules as an example in relation to the Winding Up Rules of a provision that the remaining High Court Rules apply except so far as they are modified or inconsistent with the Companies Winding Up Rules.

Rule 13 Statement of Defence - Justice Hansen said that r 129 covers this and it is probably unnecessary.

Mr Fulton noted that the statement of claim need not be filed with the writ and there should be some form of endorsement to give a warning that a statement of defence will be required.

Justice Fisher suggested it may be appropriate for there to be an endorsement on the writ.

Justice Doogue said that under the English system the parties do not have to file a pleading unless there is a dispute that requires it.

Justice Hansen queried whether the exclusion from 20 December to 20 January needs to be covered and the Committee agreed that the general rule should apply.

Rule 14 Trial without pleadings - Justice Hansen queried whether this should be deleted on the basis that no one has any experience of it every having been used in New Zealand.

Mr Fulton noted that the Court has power to order it anyway.

Rule 15 Warrant of arrest - Justice Hansen noted that clause 2 requires notice to be served on a consulate, and he said that a like provision applies in Canada but not Australia, the United Kingdom or Hong Kong. He said that the reason for it may have something to do with getting crews back to their home country. He flagged this for the law draftsman however on the basis that it may have wider ramifications than just the Admiralty Rules.

Justice Hansen noted that there can be implications for Registrars in relation to security - there is a need for an educative process in the Department so that registrars are aware how

large the final amounts can be. For that reason, he had included a rule to provide for security to be reviewed from time to time.

Justice Hansen said that it has now been spelt out in the rules that the Master needs the registrar's approval before he can move the vessel.

In respect of after hours or weekend arrests, Justice Hansen said that there is a lack of access to the central register and a need to contact the registrar personally.

Justice Hansen said that the problems of after hours/weekend arrests has been addressed in Australia by providing for damages for "unreasonably and without good cause" obtaining the arrest of a vessel. He noted that a similar provision in New Zealand would require an amendment to the Admiralty Act. On the other hand, he said that it had never been a problem getting hold of a registrar or judge to have an urgent matter dealt with. Mr Fulton thought it would be desirable to retain the normal procedure rather than have a special procedure for the emergency situation, on the basis that the one procedure is less likely to give rise to difficulties.

Justice Hansen said that in practice access to the central registry after hours does not pose any unsurmountable difficulties.

Rule 18 Caveat against release and payment - Justice Hansen said that a provision needs to be included to provide for service on the central registry.

Rule 20 Security (or bail) - Justice Hansen said that the present rule is barely workable and security arguments should be transferred to the court.

Rule 23 Appraisalment and sale of property - Justice Hansen queried how much purpose appraisalment serves where the sale is by public action because reserves are not imposed. Appraisalment does however serve some useful purpose in providing for protection to the registrars.

In respect of sub Rule (6) Justice Hansen suggested that this should remain as a protection for registrars.

Justice Fisher did not see why appraisalments should be singled out as an area where the registrar needs protection; the registrars have other functions and he considered that a single rule should cover all of them.

Preliminary Acts - Justice Hansen said that there is a body of opinion that preliminary acts are unnecessary but other jurisdictions have the procedure. He noted that the Australian Rules have been greatly simplified and considered that for New Zealand to adopt this style would put the Admiralty Rules out of keeping with the rest of the High Court Rules.

Justice Doogue considered that in the light of CER adopting a simplified style could be advantageous.

Rule 25 Failure to lodge preliminary act; proceedings against party in default - Justice Hansen said that he considered the existing rules in the High Court Rules would be sufficient. He noted that the old Admiralty Rules specifically state the old default code provisions do not apply and there is therefore no need for a separate code in the Admiralty Rules.

Rule 26 Judgment by default in actions in personam - Justice Hansen noted that by adding disbursements it allows the plaintiff to recover costs after the issue of the writ. He advised that sub Rule (7) had been deleted as the reference to the old Code is now redundant.

Rule 29 Judgment by default in actions in personam - Justice Hansen said that there is no need to have a specific reference to r 161 because it simply applies.

Rule 30 Order for sale of ship; determination of priority of claims - Justice Hansen said that the Registrars wanted power to apply for directions.

Mr Fulton said that if the Registrar is not satisfied it is open to the Registrar to simply refuse the application and then the applicant can apply for review of the Registrar's order.

Justice Doogue suggested that it may be desirable for the registrar to have a power to obtain directions and he referred in this context to r 651(3) relating to the probate jurisdiction.

Rule 31 Actions for limitation of liability - Justice Hansen said that Mr Giles had considered this should be a matter for the draftsman. He noted that the Australian Rules are easier to follow while the procedure in New Zealand at present is extremely complicated and does not adopt the statement of claim procedure.

Mr Fulton considered that this is the type of action that should require a statement of claim.

Rule 32 Consolidation of causes or matters - Justice Hansen said that this issue could be dealt with by the existing rules.

Rule 33 Appointment of Court expert - Justice Hansen considered that the existing rules could apply in this situation also and he referred to r 324 of the High Court Rules.

Rule 36 Consent orders - Justice Hansen said that there is nothing in the Admiralty Rules to add anything to the general powers dealing with consent orders in the High Court Rules.

Generally, the Committee agreed that its comments should be taken back to Mr Giles so that the draft of the Admiralty Rules could be reworked.

Justice Hansen was of the view that redrafting in simple language along the lines of the Australian Admiralty Rules would be a significant undertaking.

Justice Doogue asked whether it would be possible to adapt the Australian Rules.



Justice Hansen said that that would raise an issue of drafting style in respect of the rest of the High Court Rules and Justice Doogue considered that that situation should not give rise to any difficulties.

## 9. Court of Appeal Rules

### (a) *Removal of proceedings from the High Court to the Court of Appeal (Item 6(c) of Agenda)*

Justice Doogue advised that the President of the Court of Appeal, Sir Ivor Richardson noted that the proposal is for a wide and flexible power, but with a direction for sparing use. Sir Ivor agreed that that would seem appropriate and, if considered important by the High Court, should now proceed.

Justice Doogue said that Justice Thomas had prepared a draft amendment to r 64 which was made available to Sir Robin Cooke before his retirement. Sir Robin had thought it too detailed and specific, but Sir Ivor has not commented on this particular draft.

Mr Fulton said that Justice Thomas' draft illustrates the thinking and principles and that there is some tension between certainty and discretion in drafting this rule.

Justice Fisher suggested that a copy be sent to the Court of Appeal on the basis that unless any objection is raised, the amendment would proceed along those lines. Justice Doogue agreed to write to Sir Ivor accordingly.

Mr Fulton noted that the draft refers to the removal of **any** proceedings and raised the question as to whether this could include some cases where the decision of the High Court is final.

Justice Doogue said that it was not intended to give the Court of Appeal a jurisdiction it does not already have and there may need to be words of limitation to accommodate this point.

The Solicitor-General noted that parties can in any event bring concurrent review proceedings and then appeal to the Court of Appeal from those.

The Chairman considered that his letter to the President of the Court of Appeal should draw attention to that point namely that the ability to remove matters into the Court of Appeal may allow for appeals where the Court of Appeal does not currently have jurisdiction.

### (b) *Security for Costs*

The Chairman noted that Mr Carruthers was going to report further on this item. He suggested however that it be removed from the Agenda but noted for future consideration in the event that there is a revision of the Court of Appeal Rules.

(c) *Expert Advisers*

The Chairman advised that Sir Ivor Richardson had written to the Secretary for Justice in support of an amendment to enable the Court of Appeal to appoint a qualified person to assist it.

The Solicitor-General advised that there is a reasonable prospect that this matter will be picked up in the legislation to abolish the right of appeal to the Privy Council.

The Chairman noted that this matter should remain on the agenda as a live issue but in respect of which nothing is immediately required of the Committee.

10. **Costs (Item 5 of Agenda)**

The Chairman advised that the three items listed under costs all relate. The Committee now has information from Australia, and a preliminary paper from Lord Woolf with the final report expected to be available in July. Also tabled this morning was Mr Fulton's memorandum.

Justice Doogue suggested that further discussion be deferred until the report from Lord Woolf is available, at which time the Committee would have the advantage of the latest thinking from Australia and the United Kingdom on this topic.

Judge Jaine queried the appropriateness of the Rules Committee deciding what is in effect a policy issue with ramifications for access to justice.

Justice Fisher said that the Committee has been conscious of the functions of the Rules Committee in this respect and that any proposals from the Committee should be promulgated in draft form to the profession through "LawTalk" and by consultation.

11. **Directions (Item 7 of Agenda)**(a) *Mediation/ADR*

Justice Doogue advised that the Courts Consultative Committee is pursuing the issue and that the Chief Justice is a member of that Committee. He said that he had had the Judge's Clerk prepare a paper and that he would be meeting with Justice's Tipping and Robertson with a view to this paper going before the Courts Consultative Committee. He noted that a statutory amendment will be required as well as rule changes which should be pursued through the Courts Consultative Committee rather than solely through the Rules Committee. He said that the only neat way to make provision without a statutory amendment is to provide rules that proceedings be stayed until there has been alternative dispute resolution. He said that that has a number of problems in matters such as privacy and indemnity and statutory amendments would be necessary in order to protect individuals.

The item was deferred, and Justice Doogue said that he would make available the papers going to the Courts Consultative Committee to ensure that the Rules Committee is informed of anything that the Courts Consultative Committee decides.

(b) *Australian Access to Justice Committee*

The Chairman advised that this paper was placed before the Committee in case there was something within it that the Committee should be perusing. He noted that the emphasis in that paper in on the alternative dispute resolution side. In the absence of any specific matters arising the matter was taken off the agenda.

12. **Discovery (Item 8 of Agenda)**

Justice Doogue said that he had written to the Chief Justice, minuting a copy of the letter to the Chief District Court Judge, referring to paragraphs 9 and 10 of Mr Fulton's memorandum of 20 November 1995 with a view to those provisions being applied in the case management pilot as an available option.

Mr Fulton agreed to explore the further avenues of promotion, including an item in "LawTalk". The Committee agreed to remove the matter from the agenda.

13. **District Court Rules (Item 9 of Agenda)**

Judge Jaine said that the matter had not significantly progressed; the Chief District Court Judge has been pursuing the matter with the Secretary for Justice but the most recent correspondence indicates that Dr Matthew Palmer has concerns about the relationship between the Executive and the Judiciary in relation to policy issues in respect of the District Court Rules and had queried whether the Rules Committee is appropriate as a rule making body for the District Court Rules.

The Solicitor-General suggested that the Minister may consider there to be political risk if the Rules Committee takes responsibility for the District Court Rules, simply because the District Court Rules affect a lot more people.

Mr McCarron said that his understanding was that the issue was settled and it was just a question of when. He said that he was astonished at these issues being raised.

Justice Doogue said that the Rules Committee is not promoting a takeover, but is happy to assist the Chief District Court Judge.

The Solicitor-General suggested, and the Committee agreed, that Dr Palmer be invited to attend the next meeting of the Rules Committee, subject to the availability of the Chief District Court Judge so that his concerns can be ascertained, and the Committee can clarify its position. Judge Jaine agreed to follow the issue up with the Secretary.

#### 14. Election Petition Rules

Mr Iles explained that he has tabled another draft because there are some difficulties occasioned by the fact that the Act refers to Part B of the Ballot paper when there no longer is one. He said that it is hoped to have the Act amended later in the month.

Mr Iles said that he had some concerns about the rules relating to petitions to the Court of Appeal in respect of the party vote. He said that s 261 of the Electoral Act 1993 provides that ss 252 and 256 applies to the Court of Appeal. Section 256 contains a reference to the death of a respondent which is inapt in respect of a political party. Mr Iles said that these provisions in the Act occasion difficulties for drafting rr 51 and 52 of the Election Petition Rules 1996.

Section 236(8) which is framed around a petition in the High Court, applies to petitions in the Court of Appeal. It provides that the respondent may give evidence and Mr Iles suggested that the individuals whose seat is in issue may be given the status of a respondent in the Court of Appeal.

The Solicitor-General suggested that if the scheme of the Act is that only parties may be petitioners in respect of the list seats then these provisions which are anomalous should be amended.

Mr Iles said that amending the Electoral Act is not something to be undertaken lightly and that while Parliament could not deny the need to make a truly consequential amendment, these provisions are not really in that category.

Justice Fisher said that the Election Petition Rules are a matter of importance and complexity and suggested that the Committee should be considering them with the assistance of a paper by a Judges' Clerk. He noted further that the relationship between the Election Petition Rules and the High Court Rules is an uneasy one and does not fit into the general scheme of standardising procedures and departing from the High Court Rules only in special circumstances. By way of example he noted that there are areas of arbitrary overlap with the High Court Rules as the rules relate to service, particulars, adjournment of hearings and attendance of witnesses. He noted that the Election Petition Rules adopt some of the High Court Rules and that there is a general provision that the High Court Rules will be followed in the absence of a specific rule under the election petition rules.

Mr Iles said that he had received instructions from the Ministry of Justice and that those papers could be made available to the committee. In respect of the time frame, he said that temporary amendments to the Electoral Regulations had been necessitated by the fact that there could have been a snap election under either the 1956 or the 1993 Act. He advised further that Parliament had made extensive amendments to the Electoral Act 1993 including changing the form of the ballot paper and that the Department has had only since December 1995 to formalise its instructions for drafting the regulations.

Justice Fisher said that the Committee needs to consider the substance of the Electoral Rules and whether they sensibly give effect to the statute, and the extent to which an effort should be made to subsume them within the High Court Rules.

Mr Iles said that he understood that a decision was made at an earlier stage that the Election Petition Rules would be left outside the High Court Rules as being a separate code on election issues.

The Solicitor-General agreed that such a specialised form of process is not in the same category as for example the Companies Winding Up Rules.

Mr Fulton said that the Election Petition Rules could be drafted to change the emphasis such that the High Court Rules be applied except to the extent that they are inconsistent.

Justice Doogue noted that the Election Petition Rules are unusual in that in some respects they are the same as the High Court Rules, but in others totally different.

Justice Fisher said that he would have preferred to have adopted the statement of claim procedure but in any event he considered that the areas of overlap between the Election Petition Rules and the High Court Rules should be examined to ascertain the extent to which the Election Petition Rules should carve their own path.

Mr Iles said that an election petition is very much a matter in the public interest for which public notice should be given. He said that an election petition may be filed by an individual and if the rules are a code then everyone is aware of what the requirements are. Mr Iles agreed that the wording of some of the rules could be closer to the wording of the High Court Rules.

The Chief Justice said that rather than looking at the briefing papers there is really a necessity for a paper explaining the rules including which ones are new, which are based on the old rules and the rationale for any departures from the drafting instructions or for drafting particular rules in any specific way.

The Solicitor-General said that if the Committee is to bring the matter forward it needs to know when the rules need to be made by so that the Committee can work to a timetable. He said that the Committee could also obtain the views of Justice Wallace who will be closer in touch with the political parties.

Mr Iles said that the rules are required to be laid before the House and that, with the election to be held on 19 October, the last sitting day will be 6 September. Justice Doogue noted also that the rules must be laid no later than sixteen days after they are made.

Mr Iles referred also to the Cabinet rule that regulations be published in the Gazette twenty eight days before they come into force.

The Solicitor-General said that the process needs also to allow time for Cabinet to consider the rules seeing as they will be made by Order in Council with the concurrence of three members of the Rules Committee.

Justice Doogue summarised that provided the Rules Committee has a paper to consider at its meeting of 26 July, the Rules should be able to be made in time to come into force before the election.

Mr Iles noted also that if there is a need for the Rules to prescribe fees, these will need to be made by separate regulation because of the power to prescribe fees is now contained in the Judicature Act 1908.

After discussion the Committee agreed to set up a sub-committee comprising Justice Doogue, Justice Fisher and a member of the Crown Law Office (bearing in mind that Mr Pike from that Office has had expertise in election petition cases, and that the office has a team which specialises in constitutional matters). Justice Fisher agreed to arrange for a Judge's Clerk in Auckland to prepare a background paper, and Mr Iles agreed that he would arrange for a briefing paper by the Ministry of Justice that would explain the rationale for the drafting of the Rules in their present form. Mr Iles indicated that he thought a paper could be prepared probably by 14 June.

The Solicitor-General expressed concern that the rules be made in time for them to be subject to scrutiny by the opposition parties.

Justice Doogue noted that the Rules will also affect the Court of Appeal and the Secretary should ensure that the President receives copies of all the relevant papers.

#### 15. Evidence (Item 10 of Agenda)

Mr McCarron said that the Department has no issue with Justices taking affidavits outside of the jurisdiction and that the Department knows of no reason why the rules are framed in their present form.

Mr Fulton said that in overseas jurisdictions it is common for Justices of the Peace to be the primary people before whom affidavits are sworn.

Judge Jaine said that the only problem is likely to be an exceptional one and referred to the decision by the JP in the "Painter" case relating to the South African election.

Justice Doogue said that nevertheless there was no reason to distinguish the jurisdiction within and outside of the five mile limit.

Judge Jaine said that JP's have a large judicial manual and have the opportunity to maintain their competency.

The matter was referred to the Chief Parliamentary Counsel to draft an appropriate amendment.

The Committee agreed that the Secretary should write to the Registrar of the Royal Federation of New Zealand Justices Association, and let him know that a rule change will be required.

16. **General (Item 11 of Agenda)**

(a) *Review of the Adversarial System of Litigation*

The Chairman said that this paper was tabled for information, and he asked the Secretary to obtain in due course the report of the Commission in case there was anything in that that the Committee should consider. The matter was removed from the agenda until the full report is available.

(b) *Litigation Reform Commission Conference*

The Chairman asked whether there were any matters arising from this paper which the Committee considered ought to be pursued.

Justice Fisher expressed surprise at the lesser importance accorded pleadings. Mr Fulton noted that pleadings will be of less importance if the parties state the issues and said that where there is a statement of claim filed in family protection or testamentary promises actions, there are affidavits filed and the statement of claim is very standardised.

In the absence of any further items, the matter was removed from the agenda.

17. **Interrogatories (Item 12 of Agenda)**

In the absence of any further reports, this matter was removed from the agenda.

18. **Parties (Item 13 of Agenda)**

This matter had been referred to the Ministry of Commerce and still awaits a substantive response.

19. **Pleadings (Item 14 of Agenda)**

The Committee noted that there is some justification for a rule, even if it does not resemble the United States equivalent. The matter is to remain on the agenda pending further consideration.

20. **Probate (Item 15 of Agenda)**

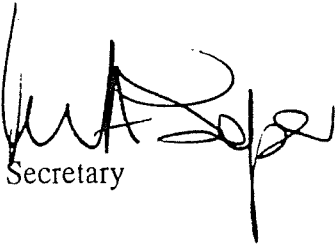
Justice Doogue referred to an article in Consumer and said that in the area of probate it is difficult to see how the procedure could be more simple and still protect the interests of the parties.

Mr McCarron said that he endorses the comments made by the Registrar of the High Court, and noted that it would be difficult for the court staff to provide assistance without a substantial increase in their workload.

Mr Fulton said that it would be dangerous to simplify the rules because the complex requirements are there for a good purpose. He considered that there is a risk that obtaining probate without a lawyer will carry a similar risk to those of home drawn wills and create more problems than it solves. The matter was removed from the agenda.

The meeting closed at 1.15 pm.

The next meeting will be held on Friday 26 July June 1996  
and is scheduled to last a half day



Secretary



**ADDENDUM TO THE MINUTES OF THE MEETING  
HELD ON THURSDAY 6 JUNE 1996**

**ACTION REQUIRED BY:**

- Justice Doogue:** Chair election petition sub-committee (meeting 5 July).  
Make Mediation/ADR papers available to Courts Consultative Committee.
- Justice Fisher:** On election petition sub-committee (meeting 5 July).
- Justice Hansen:** Confer with Mr Giles on Admiralty Rules.
- Solicitor-General:** Appoint Crown Counsel to election petition sub-committee (meeting 5 July).
- Judge Jaine:** Follow-up attendance of Dr Palmer when Chief District Court Judge can be available.
- Mr Fulton:** Promote discovery suggestions to profession ("LawTalk").
- Secretary:** Write to Royal Federation of New Zealand Justices Association.  
Write to Ministry of Commerce re Parties.