

No. 51844*

**New Zealand
and
Australia**

**Agreement between the Government of New Zealand and the Government of Australia on
Trans-Tasman Court proceedings and regulatory enforcement. Christchurch, 24 July
2008**

Entry into force: *11 October 2013, in accordance with article 16*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *New Zealand, 25 April 2014*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Nouvelle-Zélande
et
Australie**

**Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement d'Australie
relatif aux procédures judiciaires trans-tasmaniennes et à l'application des décisions.
Christchurch, 24 juillet 2008**

Entrée en vigueur : *11 octobre 2013, conformément à l'article 16*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Nouvelle-Zélande, 25 avril 2014*

**Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

**Agreement
between
The Government of New Zealand
and
The Government of Australia
on
Trans-Tasman Court Proceedings and Regulatory Enforcement**

Preamble

The Government of New Zealand and the Government of Australia (hereinafter "the Parties"):

CONSCIOUS of their long-standing friendship and close historic, political and economic relationship;

RECOGNISING the development of that relationship through the framework established by the Australia-New Zealand Closer Economic Relations Trade Agreement done at Canberra on 28 March 1983, and subsequent arrangements and agreements developed within that framework of which this Agreement forms a part;

ACKNOWLEDGING each Party's confidence in the judicial and regulatory institutions of the other Party;

AFFIRMING their shared commitment to appropriate and effective resolution of trans-Tasman civil disputes and increased regulatory cooperation;

DESIRING therefore to establish a new trans-Tasman regime, building on the existing cooperative regime covering the taking of evidence and associated court procedures, to further streamline aspects of civil court proceedings and regulatory enforcement and reduce unnecessary procedural and regulatory barriers to the conduct of litigation;

HAVE agreed as follows:

Part 1
Definitions and Objective

Article 1
Definitions

Adjudicative function means, in relation to tribunals, the function of determining the rights or liabilities of a person in a proceeding in which there are two (2) or more parties.

Appear remotely means where a person physically located in the territory of one Party is heard, or seen and heard, using technology including video or telephone link, by a court within the territory of the other Party.

Court within the territory of a Party for Australia means any federal court (including the High Court of Australia), or any court of a State or Territory.

Defendant includes a judgment debtor.

Judge for Australia includes a magistrate.

Inferior court means a court that is not a superior court.

Local registration means an entitlement to practice as a legal practitioner before a court by having fulfilled the necessary local requirements.

Money judgment means a judgment under which money is payable.

Non-money judgment means a judgment which does not involve the payment of money, including but not limited to, a judgment requiring a person to do or refrain from doing something.

Plaintiff includes a judgment creditor.

Superior court means:

1. In the case of Australia:
 - a) the High Court of Australia;
 - b) the Federal Court of Australia;
 - c) the Family Court of Australia; or
 - d) the Supreme Court of a State or Territory.
2. In the case of New Zealand:
 - a) the High Court;
 - b) the Court of Appeal; or
 - c) the Supreme Court.

The territory of a Party means the land areas, internal waters and territorial sea under the sovereignty or jurisdiction of a Party, but with respect to New Zealand does not include Tokelau.

Article 2

Objective

1. The objective of this Agreement is to streamline the process for resolving civil proceedings with a trans-Tasman element in order to reduce costs, improve efficiency, and minimise existing impediments to enforcing certain judgments and regulatory sanctions.