

MEDIA RELEASE

8th May 2023

Amokura Kawharu
Tumu Whakarae | President

LAW COMMISSION RELEASES CONSULTATION PAPER ON THE EVIDENCE ACT

Te Aka Matua o te Ture | Law Commission has today published an Issues Paper inviting public submissions on how the Evidence Act 2006 is operating in practice.

The Commission is undertaking its third and final statutory review of the operation of the Act. Tumu Whakarae | President of the Commission Amokura Kawharu explained:

“The Evidence Act was intended to simplify the rules of evidence and bring them together in one place. The Act required five-yearly reviews by the Commission to ensure it was working well in practice. The provision requiring these reviews has now been repealed, so this will be the last one. That means this review provides an important opportunity to identify any significant issues with the operation of the Act that remain and propose reform where it is needed.

Our Issues Paper explores a range of potential issues with the operation of the Act. Some of the key topics discussed are defendants’ statements, improperly obtained evidence, prison informant evidence, propensity evidence and medical privilege. The Issues Paper also considers topics that may be of interest to civil litigators, including the admissibility of hearsay evidence, privilege issues and cross-examination duties.

We encourage submitters to share their views on whether the potential issues we have identified are causing problems in practice and if so, whether and how the Act should be amended to address them. The feedback we receive will help us decide what recommendations to make in our final report, which must be provided to the Minister of Justice by 23 February 2024.”

More information is available on the Commission’s website, including the full Issues Paper, a summary document and a submission form. Submissions are open until 30 June 2023.

For further information and comment, contact:

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Te Aka Matua o te Ture | Law Commission is an Independent Crown Entity operating under its own statute, the Law Commission Act 1985. It reports to the Minister responsible for the Law Commission. The Commission's statutory purpose is to "promote the systematic review, reform and development of the law of New Zealand". Visit lawcom.govt.nz for more information.

This media release and the full publication are available from our [website](#).

