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LAW·COMMISSION
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MEDIA RELEASE

16 April 2014

Hon Sir Grant Hammond KNZM
President
Law Commission

**LAW COMMISSION RELEASES ISSUES PAPER ON A
NEW CROWN CIVIL PROCEEDINGS ACT**

The Law Commission has released *A New Crown Civil Proceedings Act for New Zealand*, its Issues Paper on reforming the Crown Proceedings Act 1950. The Issues Paper proposes a new statute to replace the Crown Proceedings Act 1950.

The Crown Proceedings Act is the statute through which New Zealanders can sue the Crown. In the Commission's view, and in the view of many who work with it, the current Act is convoluted and difficult to follow. The Act has not been updated since it was passed in 1950. It is in need of modernisation to reflect the realities of government in the twenty-first century.

The proposed statute is not designed to increase the scope of Crown liability, but would better enable the Courts to focus on the allegations made against the Crown. It would make the procedure in cases like the long running *Couch v Attorney-General* litigation easier for both sides.

The President of the Commission, Sir Grant Hammond, describes the Crown Proceedings Act as "a statute of considerable constitutional significance".

"Although the Crown Proceedings Act sounds as if it is simply dry 'lawyer's law', it has the important purpose of reflecting New Zealand's commitment to ensuring that people are able to seek appropriate legal redress against their government. It forms an important pillar of the rule of law," says Sir Grant.

An important topic covered in the Issues Paper is the Crown's ability to refuse to disclose certain information during litigation because of reasons of national security. The Commission is raising a number of options, including the possibility of court hearings in which material might be relied on by the Crown but not fully disclosed to the other side.

Sir Grant says "The Commission seeks views as to the appropriate way to balance the needs of justice that require all relevant material be revealed on the one hand, and on the other the legitimate national security concern that some things simply cannot be revealed."

The Commission now welcomes any comments or submissions on the Issues Paper and draft Bill. The closing date for submissions is Friday 1 August 2014. The Commission intends to publish its report on the reference in the first half of 2015.

The Issues Paper is available on the Law Commission's website at <http://www.lawcom.govt.nz/project/review-crown-proceedings-act-1950/issues-paper>.

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For further information and comment, contact: Professor Geoff McLay, Lead Commissioner for the Crown Proceedings Act review, tel (04) 914 4814 or (021) 0295 7155, email gmclay@lawcom.govt.nz.

This media release is available from our website at <http://www.lawcom.govt.nz/project/review-crown-proceedings-act-1950>