



# The Rules Committee

## Te Komiti mō ngā Tikanga Kooti

15 August 2024  
Criminal Rules Minutes 08/24

### Circular 15 of 2024

#### Minutes of the Criminal Rules Sub-Committee meeting held on 15 August 2024

*The meeting was held at 9:00am using the Microsoft Teams facility.*

#### *In Attendance*

Hon Justice Mander, Chair  
Ms Fiona Guy Kidd KC  
Ms Megan Noyce, Chief Advisor, Courts and Justice Service Policy  
Mr Joshua Chin, Criminal Manager Christchurch High Court  
Zannah Johnston, Crown Law

Ms Cathy Pooke, Parliamentary Counsel  
Ms Georgia Barclay, Clerk to the Rules Committee

#### *Apologies*

His Honour Judge Collins, District Court Judge  
Clare Cheesman, Manager, Justice Services, Auckland District Court Criminal  
Ms Julie-Anne Kincade KC

### **1. Preliminary**

The Sub-Committee confirmed the Minutes of the 7 June 2024 meeting. The Chair passed on that previous recommendations of the Sub-Committee to the Rules Committee had been agreed to.

### **2. Code of conduct for expert witnesses in criminal proceedings**

The Rules Committee asked the Sub-Committee to consider whether there should be a requirement that expert witnesses adhere to a code of conduct for expert witnesses in criminal proceedings. The code of conduct for expert witnesses in the High Court Rules 2016 only applies to civil proceedings (see r 9.43 and sch 4, and s 26 of the Evidence Act 2006).

The Sub-Committee was of the view research was required to confirm whether such a change within the Criminal Procedure Rules could be made without amending s 26 of the Evidence Act that makes it

a requirement that experts in a civil proceeding are to conduct themselves in accordance with the code. The subject would be discussed again after that research was complete.

### **3. Notice of appeal forms**

The Sub-Committee continued the discussion about notice of appeal forms, first raised at the meeting of 7 June 2024. It noted that the Court of Appeal had previously indicated it was investigating changes to the Court of Appeal (Criminal) Rules. It agreed to postpone this discussion until further information about any possible timing of those amendments.

### **4. Matters for Noting**

The Sub-Committee briefly discussed the processes by which matters are raised for its consideration. It was acknowledged that any relevant issues brought before it were capable of discussion and there was no requirement that such issues be formally referred to it via the Rules Committee.

**Justice Cameron Mander**  
Chair