

[AS REPORTED FROM THE SOCIAL SERVICES COMMITTEE]

House of Representatives, 3 July 1986.

Words struck out are shown in italics within bold round brackets; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. P. B. Goff

HOUSING CORPORATION AMENDMENT

ANALYSIS

Title
1. Short Title and commencement

2. Interpretation
3. Powers of Corporation
4. Conveyancing

A BILL INTITULED

An Act to amend the Housing Corporation Act 1974

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Housing Corporation Amendment Act 1986, and shall be read together with and deemed part of the Housing Corporation Act 1974* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

*1974, No. 19

No. 12—2

Price 80c

2. Interpretation—Section 2 of the principal Act is hereby amended by adding the following definition:

“ ‘Solicitor’ means a person who is duly enrolled as a barrister and solicitor under or by virtue of the Law Practitioners Act 1982 and who holds a current practising certificate as a solicitor or as a barrister and solicitor under that Act.”

3. Powers of Corporation—Section 19 (4) of the principal Act is hereby amended by adding to paragraph (b) the word “; and”, and by adding the following paragraph:

“(c) Acting through a solicitor, or through a person acting under the supervision of a solicitor, draw or prepare for or on behalf of any other person—
 “(i) Any conveyance within the meaning of the Property Law Act 1952 of any real or personal property; or
 “(ii) Any deed within the meaning of the Property Law Act 1952 relating to any real or personal property; or
 “(iii) Any tenancy agreement or lease, or any agreement evidencing any tenancy or lease— and may provide any legal advice or legal services attendant upon any such work

New

, and in return for such work, advice, or services may charge any fees or other remuneration that may be agreed on between the Corporation and the person for or on behalf of whom it is acting.”

4. Conveyancing—The principal Act is hereby amended by inserting, after section 43, the following section:

“43A. (1) Where, pursuant to **paragraph (c) of section 19 (4)** of this Act, the Corporation draws or prepares any conveyance, deed, agreement, or lease of a kind mentioned in that paragraph for or on behalf of any other person (hereafter in this section called the client), the solicitor referred to in that paragraph shall, in the drawing or preparing of that document and in the provision of any legal advice or legal service attendant upon that work, be deemed for all purposes to be employed by the client, and shall not be subject to direction by the Corporation or by the Director-General or any other officer of the Corporation.

“(2) Nothing in **subsection (1)** of this section shall affect the right of the solicitor to act for the Corporation or any other person as well as the client.

5 “(3) All money for the time being held by the Corporation on behalf of the client is hereby declared to be guaranteed in accordance with the provisions of subsections (2) and (3) of section 31 of this Act; and the provisions of those subsections shall apply, with any necessary modifications, as if such money were securities of the Corporation.

10 “(4) If, as a result of anything done or omitted to be done by the Corporation in the exercise of any of its powers under **section 19 (4) (c)** of this Act, the client suffers any loss, the client shall have the same right (if any) to recover in damages as the client would have had if the Corporation were a solicitor acting
15 on behalf of the client.

“(5) Nothing in section 64 of the Law Practitioners Act 1982 shall apply to anything done by the Corporation in the exercise of any of its powers under **section 19 (4) (c)** of this Act.

20 “(6) Notwithstanding anything in section 67 of the Law Practitioners Act 1982, no solicitor shall be guilty of misconduct in the solicitor’s professional capacity merely because *(of anything done by the solicitor)* that solicitor is acting in pursuance of the exercise by the Corporation of any of its powers under **section 19 (4) (c)** of this Act.

25 “(7) No solicitor employed, engaged, or instructed by the Corporation shall be personally liable for any act done or default made in good faith by the solicitor while acting for the Corporation in the exercise or purported exercise by the Corporation of any of its powers under **section 19 (4) (c)** of this
30 Act.”