

House of Representatives
Supplementary Order Paper

Tuesday, 1 February 2005

Lawyers and Conveyancers Bill

Proposed amendments

Hon Phil Goff, in Committee, to move the following amendments:

Part 1

Clause 6

To omit from the definition of **Crown entity** (as set out on page 1 of Supplementary Order Paper No 289) the words “section 2(1) of the Public Finance Act 1989”, and substitute the words “section 7(1) of the Crown Entities Act 2004”.

Clause 13

To omit from *clause 13(3)(c)(i)* (as set out on page 6 of Supplementary Order Paper No 289) the word “law”, and substitute the word “conveyancing”.

Part 2

Clause 34A(2)(g)

To omit from line 30 on page 54 the expression “**section 85(2)(b)**”, and substitute the expression “**section 85(1)(c)**”.

Part 5

Clause 74(1)(d)

To omit from line 4 on page 82 the expression “**paragraph (c)**”, and substitute the expression “**paragraph (e)**”.

Part 6

Clause 89(2)

To insert in line 8 on page 95, after the words “on which”, the words “the whole of”.

Clause 99(1)(c)

To insert in line 3 on page 101, before the word “keep”, the word “must”.

*Part 7**Clause 146*

To omit subclause (4) (lines 5 to 21 on page 147), and substitute the following subclause:

- (4) For the purposes of this section, a complaint is finally disposed of—
 - (a) if—
 - (i) the Standards Committee has made a final determination on the complaint or has, under **section 125**, decided to take no action, or, as the case may require, no further action on the complaint; and
 - (ii) the complainant has not, within the time allowed, applied to the Legal Complaints Review Officer, for a review of the determination or decision; or
 - (b) if the Legal Complaints Review Officer has conducted a review of the determination or decision made by the Standards Committee on the complaint and has reported the outcome of the review to—
 - (i) the complainant; and
 - (ii) the practitioner or former practitioner or incorporated firm or former incorporated firm; and
 - (iii) the Standards Committee.

Clause 159(2)(b)

To insert in line 16 on page 155, before the word “within”, the word “must,”.

Clause 169(1)

To omit from lines 17 and 20 on page 163 the expression “**section 134(1)(c)**” in both places where it appears, and substitute in each case the expression “**section 134(2)(c)**”.

Clause 184(b)

To insert in line 32 on page 171, before the words “any investigation”, the word “of”.

Clause 202(2)

To omit from line 17 on page 183 the words “Department for Courts”, and substitute the words “Ministry of Justice”.

To omit from line 20 on page 183 the word “Department”, and substitute the word “Ministry”.

*Part 8**Clause 250*

To omit subclause (5) (lines 27 to 29 on page 218), and substitute the following subclause:

- (5) Sections 153 to 156 of the Crown Entities Act 2004 apply to the Council as if it were a Crown entity within the meaning of that Act.

Clause 263

To omit from subclause (2) the words “Part V of the Public Finance Act 1989” (lines 17 and 18 on page 231), and substitute the words “Part 4 of the Crown Entities Act 2004”.

To add, after line 21 on page 231, the following subclause:

- (3) The Minister must present a copy of the report to the House of Representatives in accordance with section 150(3) of the Crown Entities Act 2004.

Part 10

Clause 283(1)(a)(i)

To insert in line 26 on page 241, after the word “her”, the word “own”.

Clause 294(3)

To omit paragraph (b) (lines 34 to 40 on page 254 and lines 1 to 8 on page 255), and substitute the following paragraph:

- (b) to apply money on behalf of that person to give effect to a loan agreement where—
 - (i) that person, being the lender, specifies the borrower to whom the money is to be lent; and
 - (ii) that person, being the lender, has not been introduced to the borrower by the practitioner or incorporated firm for the purpose of making that loan, other than, where that person is a financial institution within the meaning of the Reserve Bank of New Zealand Act 1989, by an application for loan finance; and
 - (iii) the practitioner or incorporated firm has not made or participated in the decision to approve the making of the loan other than by advising in respect of the terms and conditions of the loan agreement:

Clause 301

To omit from lines 5 and 29 on page 260 the words “of Justice” in both places where they appear.

Part 11

Clause 308A(1)

To omit paragraph (b) (lines 28 to 33 on page 264), and substitute the following paragraph:

- (b) money that—
 - (i) has been paid, under **section 149(2)**, to a Standards Committee or the New Zealand Law Society or the New Zealand Society of Conveyancers; and
 - (ii) is still held by the committee or society to which it was so paid.

Clause 329(1)(b)

To omit from line 19 on page 279 the words “regulations made by the New Zealand Law Society”, and substitute the words “the New Zealand Law Society pursuant to regulations made”.

Schedule 5

To omit from clause 14 the words “pursuant to section 25 of the Public Finance Act 1989” (lines 28 and 29 on page 339), and substitute the words “subject to the restrictions in section 161 of the Crown Entities Act 2004”.

Schedule 6

To insert, on page 341, before the item relating to the Copyright Act 1994, the following item:

Care of Children Act 2004 (2004 No 90)

Repeal the definition of **lawyer** in section 8 and substitute:

“**lawyer** has the meaning given to it by **section 6** of the Lawyers and Conveyancers Act **2005**”.

To insert, on page 341, after the item relating to the Copyright Act 1994, the following items:

Credit Contracts and Consumer Finance Act 2003 (2003 No 52)

Repeal the definition of **lawyer** in section 5 and substitute:

“**lawyer** has the meaning given to it by **section 6** of the Lawyers and Conveyancers Act **2005**”.

Criminal Investigations (Blood Samples) Act 1995 (1995 No 55)

Repeal the definition of **lawyer** in section 2(1) and substitute:

“**lawyer** has the meaning given to it by **section 6** of the Lawyers and Conveyancers Act **2005**”.

Domestic Violence Act 1995 (1995 No 86)

Repeal the definition of **lawyer** in section 2 and substitute:

“**lawyer** has the meaning given to it by **section 6** of the Lawyers and Conveyancers Act **2005**”.

To insert, on page 343, after the item relating to the Income Act 2004, the following items:

Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (2003 No 116)

Repeal the definition of **lawyer** in section 5(1) and substitute:

“**lawyer** has the meaning given to it by **section 6** of the Lawyers and Conveyancers Act **2005**”.

Juries Act 1981 (1981 No 23)

Repeal section 8(f) and substitute:

“(f) lawyers within the meaning of the Lawyers and Conveyancers Act **2005**”.

Legal Services Act 2000 (2000 No 42)

Repeal the definition of **lawyer** in section 4(1) and substitute:

“**lawyer** has the meaning given to it by **section 6** of the
Lawyers and Conveyancers Act **2005**”.

To insert, on page 343, after the item relating to the Property (Relationships)
Act 1976, the following item:

Retirement Villages Act 2003 (2003 No 112)

Repeal the definition of **lawyer** in section 5 and substitute:

“**lawyer** has the meaning given to it by **section 6** of the
Lawyers and Conveyancers Act **2005**”.

To add, on page 344, after the item relating to the Unclaimed Money Act 1971,
the following item:

Victims’ Rights Act 2002 (2002 No 39)

Repeal the definition of **lawyer** in section 4 and substitute:

“**lawyer** has the meaning given to it by **section 6** of the
Lawyers and Conveyancers Act **2005**”.

Schedule 7

To insert, on page 345, after the item relating to the Company Law Reform
(Transitional Provisions) Act 1994, the following item:

**Criminal Investigations (Blood Samples) Amendment Act
2003** (2003 No 113)

Section 5(7).

To insert, on page 345, after the item relating to the Public Finance Amend-
ment Act 1992, the following item:

Public Finance Amendment Act 2004 (2004 No 113)

So much of Part 1 of Schedule 2 as relates to the Law Practition-
ers Act 1982.

Explanatory note

The proposed amendments to *clause 13(3)(c)(i)* (as set out on page 6 of
Supplementary Order Paper No. 289), and to *clauses 34A(2)(g), 74(1)(d),
89(2), 99(1)(c), 146, 159(2)(b), 169(1), 184(b), 202(2), 283(1)(a)(i), 294(3),
301, 308A(1), and 329(1)(b)* are of a tidying-up nature.

All but one of the proposed amendments to *clauses 6, 250, and 263 and
Schedules 5 and 7* are consequential on the passing of the Crown Entities Act
2004 and the Public Finance Amendment Act 2004. The one of those amend-
ments that is not consequential on the passing of those Acts is the repeal of
section 5(7) of the Criminal Investigations (Blood Samples) Amendment Act
2003. That repeal is consequential on the proposed amendment to the Criminal
Investigation (Blood Samples) Act 1995 (which amendment is set out in the
proposed amendments to *Schedule 6*.)

The proposed amendments to *Schedule 6* are consequential amendments to the definition of the term **lawyer** in a number of Acts.

