

Protection of Personal and Property Rights Amendment Bill

Government Bill

As reported from the committee of the whole
House

This bill was formerly part of the Family Court Proceedings Reform Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- Care of Children Amendment Bill (No 2) comprising clauses 1 and 2 and Part 1
- Child Support Amendment Bill (No 3) comprising subpart 1 of Part 5
- Children, Young Persons, and Their Families Amendment Bill (No 2) comprising subpart 2 of Part 5
- Domestic Violence Amendment Bill (No 2) comprising Part 2
- Family Courts Amendment Bill comprising subpart 2A of Part 5
- Family Dispute Resolution Bill comprising Part 3
- Family Proceedings Amendment Bill (No 2) comprising subpart 3 of Part 5
- Legal Services Amendment Bill (No 2) comprising Part 4
- Property (Relationships) Amendment Bill (No 2) comprising subpart 4 of Part 5

- this bill comprising subpart 5 of Part 5
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Protection of Personal and Property
Rights Amendment Bill

Key to symbols used in reprinted bill

**As reported from the committee of the whole
House**

text inserted

~~text deleted~~

Hon Judith Collins

Protection of Personal and Property Rights Amendment Bill

Government Bill

Contents

		Page
1	Title	1
2	Commencement	2
	• • • • •	
97	Principal Act	2
98	Section 65 amended (Appointment of barrister or solicitor by court or Registrar)	2
99	New sections 65A and 65B inserted	2
	65A Appointment of lawyer to assist court	2
	65B Payment of lawyer appointed under section 65A	3
100	Section 76 amended (Court may call for report on person)	3
101	Section 78 amended (Power of court to call witnesses)	4
102	Section 79 amended (Attendance at hearings)	4
103	Section 88 amended (Procedure on review)	4
104	Section 112 amended (Regulations)	4

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Protection of Personal and Property Rights
Amendment Act **2013**.

2 Commencement

This Act comes into force on **1 October 2014** unless it is earlier brought into force on a date appointed by the Governor-General by Order in Council.

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97 Principal Act

This subpart amends the Protection of Personal and Property Rights Act 1988 (the **principal Act**).

98 Section 65 amended (Appointment of barrister or solicitor by court or Registrar)

(1) Replace the heading to section 65 with “**Appointment of lawyer to represent person in respect of whom application made**”.

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(2) In section 65, replace “barrister or solicitor” with “lawyer” in each place.

(3) Repeal section 65(3). 15

(4) In section 65(5), replace “barristers or solicitors” with “lawyers”.

(5) Replace section 65(6) with:

“(6) An invoice rendered by a lawyer appointed under this section for fees and expenses must be given to the Registrar of the court in which the proceedings were heard, and the Registrar may ~~tax~~ decide to adjust the amount of the invoice.”

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(6) In section 65(7), replace “bill” with “invoice”.

99 New sections 65A and 65B inserted

After section 65, insert: 25

“65A Appointment of lawyer to assist court

In any proceedings under this Act, a court may—

“(a) appoint a lawyer to assist the court; or

“(b) direct the Registrar of the court to appoint a lawyer to assist the court.

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“65B Payment of lawyer appointed under section 65A

“(1) The fees and expenses of any lawyer appointed under section 65A must—

“(a) be determined in accordance with regulations made under section 16D of the Family Courts Act 1980, or, if no such regulations are made, by the Registrar of the court; and 5

“(b) be paid in accordance with that determination out of public money appropriated by Parliament for the purpose. 10

“(2) An invoice rendered by a lawyer appointed under section 65A for fees and expenses must be given to the Registrar of the court in which the proceedings were heard, and the Registrar may ~~tax~~ decide to adjust the amount of the invoice.

“(3) A lawyer who is dissatisfied with the decision of the Registrar as to the amount of the invoice may, within 14 days after the date of the decision, apply to a Family Court Judge to review the decision, and the Judge may on the application make any order varying or confirming the decision that the Judge considers fair and reasonable. 15 20

“(4) Where the fees and expenses of a lawyer appointed under section 65A have been paid under subsection (1)(b), the court may, if it thinks it appropriate, order a party to the proceedings to refund to the Crown an amount that the court specifies in respect of those fees and expenses, and the amount ordered to be refunded is a debt due to the Crown by that party and, in default of payment of that amount, payment may be enforced, by order of a District Court or the High Court, as the case may require, in the same manner as a judgment of that court.” 25

100 Section 76 amended (Court may call for report on person) 30

(1) In section 76, replace “barrister or solicitor” with “lawyer” in each place.

(2) In section 76(3)(b), replace “section 65(3)” with “section 65A”.

(3) In section 76(6), replace “section 65(3)” with “section 65A”. 35

101 Section 78 amended (Power of court to call witnesses)

In section 78(3), delete “, or by any barrister or solicitor assisting the court.”.

102 Section 79 amended (Attendance at hearings)

Replace section 79(1)(f) with:

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“(f) a lawyer appointed under **section 65A** to assist the court.”.

103 Section 88 amended (Procedure on review)

In section 88, replace “65” with “**65A**”.

104 Section 112 amended (Regulations)

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In section 112(a), replace “barristers and solicitors” with “lawyers”.

Legislative history

18 September 2013

Divided from the Family Court Proceedings
Reform Bill (Bill 90–2) by committee of the whole
House as Bill 90–3J
