

[This Bill was formerly clauses 2 and 3 of the Law Practitioners (Trust Accounts) Bill (No. 2).]

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 22 February 1985.

Words inserted are shown in roman underlined with a single rule.

Hon. Geoffrey Palmer

EVIDENCE AMENDMENT

ANALYSIS

Title 1. Short Title	2. Limitation on professional privilege in respect of searches of solicitors' trust accounts
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A BILL INTITULED

An Act to amend the Evidence Amendment Act (No. 2) 1980

5 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**—This Act may be cited as the Evidence Amendment Act 1985, and shall be read together with and deemed part of the Evidence Act 1908.

10 2. **Limitation on professional privilege in respect of searches of solicitors' trust accounts**—The Evidence Amendment Act (No. 2) 1980 is hereby amended by inserting, after section 35, the following section:

No. 4—3A

“35A. (1) This section applies to books of account and accounting records kept by a solicitor in relation to—

- “(a) Any trust account money, being money that is subject to section 89 of the Law Practitioners Act 1982; or
- “(b) Any solicitors’ nominee company operated by a solicitor with the consent of the relevant District Law Society as a nominee in respect of securities and documents of title held for clients. 5

“(2) No rule of law conferring any privilege on communications of a professional character between a barrister or solicitor and his client shall prevent, limit, or affect— 10

- “(a) The issue of a search warrant under section 198 of the Summary Proceedings Act 1957, or the execution of any such warrant issued by a District Court Judge, in respect of any document to which this section applies; or 15
- “(b) The giving of any evidence relating to the contents of any such document obtained pursuant to such a warrant in any criminal proceedings for any offence described in the warrant, where the warrant was issued by a District Court Judge. 20

“(3) Nothing in this section shall apply to any search warrant issued, or to any entry in any book of account or accounting record made, before the commencement of this section.”