

This Bill was formerly clauses 49 and 50 of the Law Reform (Miscellaneous Provisions) Bill (No. 3), as reported from the Justice and Law Reform Committee. Clause 49 has been replaced by clause 1, the Short Title clause, of this Bill. Clauses found in other Bills are indicated by points of ellipsis.

[AS REPORTED FROM THE JUSTICE AND LAW REFORM COMMITTEE]

*House of Representatives, 9 March 1995.*

Words struck out are shown with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

*House of Representatives, 21 March 1995.*

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

*Hon. D. A. M. Graham*

## LAW PRACTITIONERS AMENDMENT (NO. 2)

### ANALYSIS

Title	
1. Short Title	50. Power of complainant to request review by New Zealand Law Society

### A BILL INTITULED

#### **An Act to amend the Law Practitioners Act 1982**

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title**—This Act may be cited as the Law Practitioners Amendment Act (No. 2) 1995, and shall be read together with and deemed part of the Law Practitioners Act 1982 (hereinafter referred to as the principal Act).

**50. Power of complainant to request review by New Zealand Law Society**—The principal Act is hereby amended by inserting, after section 97, the following section:

*Struck Out*

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“97A. (1) Where—

(a) A District Law Society fails to take any action in consequence of any report or recommendation that it is required by section 97 (9) of this Act to consider; or

(b) A complainant is not satisfied with the action taken by a District Law Society in consequence of any report or recommendation that it is required by section 97 (9) of this Act to consider,—

the complainant may request that the report or recommendation be referred by the District Law Society to the New Zealand Law Society for review.

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*New*

“97A. (1) Where a Lay Observer has made to a District Law Society a report or recommendation that it is required by section 97 (9) of this Act to consider, and—

“(a) The District Law Society has refused to take any action in consequence of it; or

“(b) In the Lay Observer’s opinion, the District Law Society has failed to take any action in consequence of it within a reasonable time of considering it; or

“(c) The Lay Observer is not satisfied with the actions the District Law Society has taken in consequence of it,—

the Lay Observer may request the District Law Society to refer the report or recommendation to the New Zealand Law Society for review; and in that case the District Law Society shall refer it to the New Zealand Law Society.

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“(2) Where a report or recommendation of a Lay Observer is referred to the New Zealand Law Society for review under **subsection (1)** of this section, the New Zealand Law Society shall review the consideration given by the District Law Society to

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the report or recommendation and the action, if any, taken by the District Law Society in consequence of it.

“(3) Where the New Zealand Law Society does not agree with—

5       “(a) The refusal or failure of the District Law Society to take any action; or

          “(b) The action taken by the District Law Society—  
in consequence of the report or recommendation, the New Zealand Law Society shall refer the report or recommendation  
10 back to the District Law Society for further consideration.

          “(4) The New Zealand Law Society shall notify the Lay Observer, the complainant, and the District Law Society of its decision under **subsection (3)** of this section and the reasons for its decision.

15       “(5) In this section the term ‘complainant’ has the same meaning as in section 97 of this Act.”

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