

CONCERNING

an application for review pursuant to section 193 of the Lawyers and Conveyancers Act 2006

AND

CONCERNING

the [City A] Standards Committee

BETWEEN

PD

Applicant

AND

**[City A] STANDARDS
COMMITTEE**

Respondent

DECISION

The names and identifying details of the parties in this decision have been changed.

Introduction

[1] Mr PD has applied to review a request made by the [City A] Standards Committee of Mr PD to comment on issues arising from the Committee's decision to commence an own motion inquiry.

Background

[2] The Complaints Service resolved, after receiving a confidential report under 2.8 of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (the Rules), to initiate an own motion inquiry into matters involving Mr PD.

[3] On the 13 March 2015, the Complaints Service advised Mr PD that:

- (a) A Standards Committee had concluded that it had jurisdiction to inquire into conduct matters involving Mr PD which arose prior to 1 August 2008, the date that the Lawyers and Conveyancers Act came into force.

- (b) The Committee was seeking response from Mr PD in regard to a revised set of issues.

[4] It is apparent from the Complaints Service correspondence of 13 March 2015, that there had been some initial exchange of correspondence between the Complaints Service and Mr PD (that initial exchange may have touched on issues of jurisdiction). What is clear is that the correspondence of 13 March 2015 served as notice to Mr PD of the Committee's intention to commence an own motion inquiry, and its desire to obtain response from Mr PD in respect to matters which were to be the focus of the inquiry.

[5] Mr PD's response to the Committee's request was to file, on 16 April 2015, an application to the Legal Complaints Review Officer (LCRO) to review the Committee's request of him to provide his views on the issues to be addressed by the inquiry.

The Review Application

[6] Mr PD's application to this Office to exercise its power of review was initiated at a point in time when the Committee's inquiry was in its infancy.

[7] Issue immediately arises as to whether the LCRO has jurisdiction to review both a decision of a Committee to commence an inquiry, and a request made by a Committee for a practitioner to provide explanatory response to the matters under investigation.

[8] The engagement of the LCRO in the complaints process is most commonly sought at the stage in the disciplinary process where a Standards Committee has completed its inquiry, delivered its determination, and request is then made of the LCRO to review the Committee's decision.

What does Mr PD seek?

[9] Mr PD filed extensive submissions in support of his application. In significant part, those submissions traverse matters which have little relevance to the critical question as to whether this Office has jurisdiction to conduct a review.

[10] In his first set of submissions filed on 16 April 2015, Mr PD:

- (a) Provided a comprehensive summary of what he describes as the "background facts" to the complaint.

- (b) Advises that he is intending to file proceedings against one of the parties involved in the transaction which (presumably) provides the backdrop to the complaint.
- (c) Advises that he has commenced legal proceedings against members of the Standards Committee.
- (d) Indicates that one of the objectives he seeks to achieve through the review process, is to have the LCRO provide an opinion on the proper operation of “whether some legal parameters ought to be set down for the own motion inquiry power”.¹
- (e) Provides background to the High Court proceedings in which application had been made to strike out his claim.
- (f) Criticises the fitness of members of the Standards Committee to hold their positions, and makes accusation that the Committee members lack an understanding of fundamental legal principles.
- (g) Submits that there is a common view or perception that the Complaints Service discriminates against sole practitioners.
- (h) Seeks to have what he describes as the Standards Committee “decisions quashed”.
- (i) Submits that the complaint should be considered by another Committee, but requests that three particular Committees be excluded from consideration.
- (j) Calls for the LCRO’s views on his perceived concerns that there are “major serious issues with our Lawyers complaints framework”.²
- (k) Argues that a legal precedent needs to be set to establish obligation on a practitioner who files a confidential report to have, prior to filing any report, vetted evidence to ensure that allegations made could be “supported and arguable”.³

[11] On receipt of Mr PD’s application, the LCRO made request of Mr PD to provide clarification as to the basis upon which he considered his application fell within

¹ Letter Mr PD to LCRO (16 April 2015) at [34].

² At [49].

³ At [29].

the scope of the LCRO's power to review, noting that the Committee had not delivered its determination

[12] Mr PD provided response to that request on 17 April 2015. He submitted that:

- (a) Whilst the Committee had not delivered its determination, its decision to initiate an own motion inquiry, and to seek response from him, was a decision which was reviewable.
- (b) The jurisdiction to initiate an own motion inquiry arose from s 130(c) of the Lawyers and Conveyancers Act 2006 (the Act) and "thus I have taken such as there being no complainants and as such s 190 does not apply".⁴
- (c) His application for review is based on ss 193 and 195 of the Act.
- (d) The LCRO has jurisdiction to review the Committee's actions.
- (e) In the event that the LCRO was to determine it lacked jurisdiction, his intention, expressed as his preferred option, would be to take the matter to the High Court.
- (f) Any decision which denied a party access to justice must be sparingly exercised.

[13] In a Minute issued on 24 April 2015, I invited Mr PD to reconsider whether he wished to continue with his review. It was noted that Mr PD's application raised immediate question as to whether the LCRO had jurisdiction to review decisions taken by a Committee during its initial stage of inquiry into a complaint, being decisions made prior to the merits of the complaint having been considered, and a determination delivered.

[14] Mr PD filed further submissions on 30 April 2015. I do not propose to address those submissions in detail. Those submissions provided comprehensive response to matters raised by the complaint inquiry, made expansive criticism of the Standards Committee members, provided discursive comment on the complaints process, and railed against the injustices Mr PD perceives himself to have suffered in his engagement with the complaints process.

⁴ Letter Mr PD to LCRO (17 April 2015) at [4]. Note: Section 190 of the Act describes the process for appointment of the LCRO. That section has no relevance to the argument advanced by Mr PD and may have been cited in error by him. He may have been intending to refer to s 195.

[15] In as much as those wide ranging submissions focus on the jurisdictional issue addressed in my Minute, Mr PD submits that the LCRO's power to review a Committee's decision to initiate an own motion inquiry, and to seek comment from a practitioner, is allowed by s 195(b) of the Act, which provides that a right of review exists in respect to a "requirement".

[16] Without in any sense intending to be disrespectful to Mr PD, his unhelpful tendency to intermingle his submissions with argument about the merits of the complaint, his recitation of comprehensive submission on legal principle with little analysis of how the principle cited has relevance to the argument being advanced, and the lack of succinct focus on relevant issues, makes the extrapolation of clear argument from lengthy submission difficult. At times the submissions are intemperate, and regrettably veer into unsubstantiated attack on persons engaged in the disciplinary process. His persistent reference to intention to seek the intervention of the High Court if the particular remedy he seeks is not granted is unnecessary. Mr PD, as with any practitioner, is free to pursue whatever legal remedies he considers appropriate, but persistent reference to intention to seek remedy in another forum if he does not get what he wants, is not a proper submission to persistently advance.

The Committee's Response

[17] Counsel for the Committee, Mr HU, provided response to Mr PD's application on 16 October 2015. Mr HU submits that:

- (a) The Committee's correspondence of 13 March 2015 which invited Mr PD to provide response, was not a decision.
- (b) The LCRO has no jurisdiction to review an own motion inquiry decision.
- (c) If the Review Officer was to determine that there was jurisdiction to review the exercise of a statutory authority under s 130(c), in any event the review application lacks merit and should be dismissed.
- (d) The rights of review in cases engaging an own motion inquiry, are determined by s 195.
- (e) The review jurisdiction in an own motion inquiry does not extend to the own motion inquiry decision itself.
- (f) Not every step taken by a Standards Committee is reviewable.

- (g) There is no jurisdiction for a Review Officer to review the threshold decision to inquire into a matter, whether by way of complaint or own motion.
- (h) A decision to inquire into a complaint or investigate a matter on its own motion is a “function”, not a determination, requirement, order, or direction.
- (i) If it was accepted that a Review Officer had jurisdiction to review a decision to initiate an own motion inquiry (which the Committee rejects) a decision could only properly be reviewed in circumstances where there was obvious error or a compelling miscarriage of justice.

Mr PD's response to the Committee's submissions

[18] Mr PD provided response to the Committee's submission on 16 October 2015.

[19] Those submissions appear to have been significantly shaped by Mr PD's belief that the merits of his review application had been appreciably advanced, by the issuing of a judgment from the High Court in [City A] on [Date]⁵ (a judgment of [HC Judge]) in which Mr PD had successfully sought judicial review of an earlier determination of the Standards Committee. Mr PD had, contemporaneous with filing his review application, filed a tortious misfeasance claim for damages against the Standards Committee members. That second cause of action remains before the Court for consideration.

[20] Mr PD submitted that the decision arrived at in the High Court, made it untenable for the Standards Committee to continue its own motion inquiry. He submits that the Office of the LCRO is bound by the High Court decision and should direct that any further inquiry into the matter which is the subject of the current review, must be undertaken by a non-[City A] or [City B] based Committee. If this Office does not acquiesce to Mr PD's request, he advises that he will place the issue before the High Court. He concludes his submissions with what can only be described as intemperate criticism of the Committee's counsel, and demand that a particular Review Officer have no further engagement with his case. He concludes that aspect of his submission with an indication that he will commence High Court proceedings if the parties he identifies are not excluded from any further engagement in the conduct inquiry.

[21] In advancing argument that the High Court decision provides authority to support contention that the LCRO has no option but to grant his application, Mr PD

overstates the significance for this review of the High Court proceedings. He places particular reliance on the Judge's conclusion that if the Law Society decided to recommence its inquiry into the conduct issues that were the subject of the Committee decision taken on judicial review, any further inquiry would need to be conducted by a different Committee. What is important to emphasise, is that the Judge's comments regarding the ability of the Standards Committee to engage in further inquiry, were confined to assessment as to what would be best practice in the event that the conduct complaint that was before the High Court was to become the subject of further inquiry.

[22] Nor is it the case that the High Court decision makes any express or implied criticism as to the ability of the Standards Committee to bring fair and impartial scrutiny to any inquiries engaging Mr PD. The Committee's determination is criticised for failing to address evidence in a proper fashion, and for failing to take into account relevant considerations. There is nothing remarkable in the High Court, after subjecting a Committee's decision to further scrutiny, concluding that errors were made. Members of Standards Committees, like other decision making bodies, do not carry the oppressive burden of infallibility.

[23] That being said, the fact that members of the [City A] Standards Committee are currently the subject of proceedings before the Court initiated by Mr PD, is clearly an issue which falls for the Committee to consider if called on to address any conduct inquiry involving Mr PD.

[24] Argument as to whether the [City A] Standards Committee can continue with its current inquiry in the face of argument that it is unable to bring an unbiased approach to the consideration of Mr PD's affairs, is to a certain extent diversionary. The first and pivotal question to address, is the issue as to whether the LCRO has jurisdiction to consider Mr PD's application.

[25] Mr PD's demands for this Office to make particular directions, on a unilateral basis without need for conducting a hearing, was responded to by Minute dated 28 October 2015. In that Minute I noted that:

- (a) The hearing set down for 6 November 2015 would proceed.
- (b) Submission to Mr PD's argument that the hearing must be vacated, and directions be made as to the composition of a potential future Committee, would present as a premature acquiescence to argument

⁵ [Case name redacted]

that the LCRO has jurisdiction to review a decision of a Committee to commence an own motion inquiry.

Final Submissions

[26] In final submissions filed on 4 November 2015, Mr PD advised that he was unable to appear for the hearing on 6 November 2015 and indicated his agreement to the matter being heard on the papers.

[27] By way of final comment Mr PD submits that:

- (a) The decision of the Standards Committee to commence an own motion inquiry should be quashed as the Committee is unable to bring impartial judgement to the matter. Affirmation of that position is provided by the decision of [HC Judge].
- (b) The issue as to jurisdiction is secondary to the impartiality argument.
- (c) If the LCRO considered that there was no jurisdiction to hear the application, that decision would be reviewed in the High Court.
- (d) Any decision to proceed an own motion inquiry will necessitate directions being made under s 195(1).

Committee's Final Response

[28] By way of final response, Mr HU for the Committee submits that:

- (a) Issue as to whether the Committee can continue with its inquiry in light of the judgment of [HC Judge], is a matter for the Committee.
- (b) Allegations of bad faith on the part of the Committee are denied.
- (c) The Review Officer should decline jurisdiction.

Analysis

[29] This application raises immediate question as to whether the LCRO has jurisdiction to review a decision taken by a Committee to commence an own motion inquiry, that decision made prior to the merits of the complaint being considered and a determination delivered.

[30] The functions of the LCRO are to exercise the powers of review conferred on that Office by the Act.⁶

[31] The Office of the LCRO is a creature of statute. A Review Officer has no general power to review steps taken by a Committee.⁷ A Review Officer can do what the empowering legislation allows him to do, no more or no less.

[32] Mr PD is incorrect when he asserts that the question as to whether the LCRO has “jurisdiction in regards to an own motion inquiry is secondary to my lack of impartiality issue”.⁸ If there is no statutory basis for the Review Officer to conduct a review, that is the end of the matter. Jurisdiction, if lacking, cannot be conferred by the Officer.

Does the LCRO have jurisdiction to review a Committee’s decision to commence an own motion inquiry?

[33] The functions of a Standards Committee are set out in s 130 of the Act, and include the ability to:

Investigate of its own motion any act, omission, allegation, practice, or other matter that appears to indicate that there may have been misconduct or unsatisfactory conduct on the part of a practitioner or any other person who belongs to any of the classes of persons described in section 121.

[34] Rule 2.8 of the Rules provides that, subject to the obligation on a lawyer to protect privileged communications, a lawyer who has reasonable grounds to suspect that another lawyer has been guilty of misconduct, must make a confidential report to the Law Society at the earliest opportunity. A lawyer who has grounds to suspect that a colleague has been guilty of the lesser conduct breach of unsatisfactory conduct, may make a confidential report to the Law Society (rule 2.9).

[35] The purpose of these provisions is self-evident and requires little explanation. The ability of practitioners to draw attention to matters which may raise professional conduct issues is an important element of the disciplinary regime.

[36] On receipt of a confidential report, it falls to the Committee to determine whether to commence an own motion inquiry.

[37] A practitioner who is the subject of a complaint may exercise the right to review any determination, requirement, or order made, or directions given by a

⁶ Lawyers and Conveyancers Act 2006, s 192(a).

⁷ *Lydd v Maryport* LCRO 164/2009 at [31].

⁸ Memorandum of Mr PD, 4 November 2015 at [7].

Standards Committee in relation to the complaint (s194) and may exercise a right of review in similar terms in regard to an inquiry progressed by a Committee (s 195).

[38] The parameters of the LCRO's power to review were considered in the decision of *Lydd v Maryport*. In that decision it was noted that "It is clear that not every step taken by a Standards Committee is reviewable. Rather the action must fall within one of the categories set out in s 194(1)."⁹

[39] Whilst *Lydd* considered the scope of the power of review from the context of an investigation into a complaint, the analysis and principles drawn in that case have similar application when considering the extent of the power of review available under s 195. Sections 194 and 195 are couched in similar terms, the only material difference being acknowledgement that s 194 is to apply when the inquiry is initiated by lodgement of a complaint, and s 195 is engaged in circumstances where a Committee has commenced an own motion inquiry.

[40] The power of the LCRO to review a Committee's handling of its investigation into a complaint, or any inquiry commenced on its own motion, is confined in both instances to reviewing a determination, requirement or order made or direction given by the Committee.

[41] A right to review exists then in respect of the following:

- (a) A determination under s 152;
- (b) A requirement under ss 141 or 147;
- (c) An order made under s 156; and
- (d) A direction given pursuant to ss 142 or 143.

[42] Mr PD's request to review a Committee's decision to commence an own motion inquiry does not constitute a request to review a determination and he does not argue it to be such.

[43] A number of LCRO decisions have reinforced that "determination", as applied in s 194(2) of the Act, is intended to refer to determinations which constitute a final decision.

⁹ Above n 7, at [10].

[44] In *Lydd* the LCRO gave careful consideration to the construction to be placed on the term determination and noted that:¹⁰

The Act uses the word “determination” in respect of complaints in a number of places in a quite specific way. On every occasion it is used it appears to refer to the disposal of the complaint. Nowhere is it used in a way that might suggest it refers to some preliminary or quasi-interlocutory decision of the Committee. Moreover, in relation to the power of appointment exercised by the Committee in this case there is no use of the word “determination” at all...

[45] Further, it was noted, that:¹¹

In the context of the consideration of a dispute or complaint, the natural and ordinary meaning of the word “determination” refers to the conclusive disposition of the complaint. See for example the Oxford English Reference Dictionary which provides as a definition “the conclusion of a dispute by the decision of an arbitrator” and “a judicial decision or sentence”. The natural meaning of determination relates to some final decision on the matter in hand in a way which is inconsistent with the appointment of an investigator being a “determination”.

[46] Nor does the Committee’s decision to commence an own motion inquiry, and its request of Mr PD to provide response constitute an order made under s 156. Nor do the Committee’s steps to date amount to directions given under ss 142 or 143.

[47] Focus shifts then to an examination as to whether the Committee’s decision to commence an inquiry and make request of Mr PD to provide response, constitutes a requirement which is reviewable, or whether, as advanced by Mr PD, the right of review is derived from an anticipated expectation that at some point the Committee will require him to provide information, and such request will be reviewable (s 195(1)).

[48] In as much as Mr PD focuses on the issue as to whether the LCRO has jurisdiction to conduct a review (and Mr PD was requested to directly address the issue) he argues that any decision of a Committee to commence an own motion inquiry will inevitably necessitate a direction pursuant to s 195(1) of the practitioner to “provide documents, answer interrogatories, on issues raised the subject of the inquiry.”¹² Such request, says Mr PD, will inevitably bring the Committee’s requirements within the scope of s 195 (1). Mr PD expresses the proposition as follows:¹³

to sever [sever] off the decision itself on its own, remote the required associated directions made pursuant to the decision to inquire, quite simply is a fallacious argument, against logic and common sense and would simply render s 195(1) redundant, meaningless.

¹⁰ At [18].

¹¹ At [20].

¹² Mr PD submissions 4 November 2015 at [10].

¹³ Above n 8, at [12].

[49] The fact that the Committee may require him to provide documents or answer questions brings, in Mr PD's view, this present application within the jurisdiction of the LCRO's power to review.

[50] I do not accept Mr PD's argument that the fact that the Committee may make requirement of him to provide explanation and documents in the future (matters which may be reviewable) supports contention that a Committee's decision to commence an own motion inquiry is a matter reviewable by the Office of the LCRO.

[51] There is nothing in the statutory framework which would support argument that a Committee's decision to instigate an own motion inquiry is a matter which is capable of review by the LCRO. There is no jurisdiction for a Review Officer to review a Committee's decision to commence an own motion inquiry.

[52] It is likely as part of an inquiry process that a Committee may, at some juncture, make request of a practitioner to provide files or documents, but it would be regrettable if practitioners viewed such requests as automatic invitation to initiate the review process. The relevant question for the practitioner is whether there is a legitimate and proper basis to invoke the review process.

[53] I accept that a Committee's request of a practitioner to provide files and documents, constitutes a 'requirement' which falls within s 194 and is therefore a decision which is open to review. That position is consistent with the approach previously adopted by this Office in *Lydd*.

[54] In accepting that position I emphasise however that I do not consider that challenge to a Committee's decision to request a practitioner to produce files or documents, legitimate as that may be in meeting the description of a 'requirement' under ss 194 or 195, is an application that would, or should, frequently come before the LCRO.

[55] Several decisions have emphasised the importance of practitioners providing their full co-operation with the disciplinary process.¹⁴

[56] It is difficult to envisage an obligation more basic than a practitioner's obligation to provide files or documents when required.

¹⁴ *Parlane v New Zealand Law Society* HC Hamilton CIV-2010-419-1209, 20 December 2010 and *Hart v Auckland Standards Committee 1 of the New Zealand Law Society* [2013] NZHC 83, [2013] 3 NZLR 103 (HC).

[57] There would be limited situations where it would present as reasonable for a practitioner to resist request to provide files or documents when asked to do so by a Standards Committee.

[58] It has been observed that an “essential feature of co-operation with the institution of discipline is the timely provision of information and relevant documentation”.¹⁵

[59] In *Legal Complaints Review Officer v B*, the High Court considered an application to compel a practitioner to produce files to the Office of the LCRO, and noted that:¹⁶

A statutorily granted power to request documentation necessarily implies an intention that its production be compellable. In the absence of a frank power to do so, but in the light of the purposes of the Act and the fundamental obligation on B as a lawyer to uphold the rule of law and to facilitate the administration of justice, it is appropriate to exercise the inherent jurisdiction to this Court to order production of the documents B has thus far failed to produce. To so order could not be conferring on an administrative body powers that were not by implication contemplated by the statute.

Is the Committee’s invitation to Mr PD to provide initial response, a matter which is reviewable by the LCRO?

[60] I do not consider that a Committee’s decision to seek initial response from a practitioner, as to the practitioner’s views on the matters raised by the intended inquiry, constitute a “requirement”.

[61] In the present case, I do not consider that the Committee has made a request of Mr PD which falls within the parameters of a requirement under ss 141 or 147. Mr PD has not been asked to fulfil any of the directions that may be made under s 147(2)(a) or (b). He has not been asked to provide his files or any documentation. Nor has he been required to appear before the Committee to make an explanation in relation to the complaint or matter (s 141(b)). All that has been asked of Mr PD at this early stage is for him to provide comment on the issues. The steps taken by the Committee are consistent with the obligations imposed under s 141(a) which require the Committee to send particulars of the inquiry to Mr PD and to invite him to provide a written response.

[62] If the LCRO had the ability to review inquiry into both complaints, or own motion inquiries at the initiating stage, that would, in my view, substantially fetter the Committee’s ability to carry out its work efficiently, and significantly impede its capacity

¹⁵ Paul Collins “Lawyers’ Duty to Co-operate”, Law Talk 844, 20 June 2014.

¹⁶ *Legal Complaints Review Officer v B* [2012] NZHC 1349 at [47].

to meet its statutory obligations of ensuring that disciplinary matters were heard and determined expeditiously.¹⁷

[63] Mr PD is seeking to review a Committee's obligation to inform a practitioner of the nature of the matters raised by a disciplinary inquiry, and the fundamental right accorded the practitioner of responding.

[64] Seeking a review of a Committee's decision to commence an own motion inquiry when the inquiry has progressed no further than the Committee providing opportunity to the practitioner to respond, can place a practitioner in a somewhat contradictory position. This is reflected in the submissions filed by Mr PD. In significant part, those submissions traverse matters relating to the subject of the complaint, when there is no information before this Office which precisely identifies the nature of the inquiry that the Committee is proceeding, the background to the conduct inquiry, or the aspects of Mr PD's conduct which are likely to be the subject of possible further inquiry.

[65] The only Committee material available on review is the single item of correspondence dated 13 March 2015, and it would be entirely speculative to draw from that correspondence, any conclusions as to what the final nature of the inquiry may be, or the conduct issues that may or may not arise from the inquiry. But Mr PD makes extensive submissions to this Office on the facts of the complaint. He provides correspondence relating to various conveyancing transactions, he intermingles submission on legal argument, with reference to factual matters which supposedly have relevance to the first stage inquiry.¹⁸

[66] I describe Mr PD's position as ambivalent and contradictory, as he is in significant part, providing response to the Committee, by way of submission to the LCRO.

[67] Rather than avail himself of the opportunity to provide direct reply to the Committee, Mr PD takes the argument to the LCRO. It presents as unusual that Mr PD chooses not to provide a response to the Committee. He is adamant that no conduct issues fairly arise. He had an opportunity to put his case but elected not to do so.

[68] Nor do I accept that Mr PD's submission that concern that he was unable to get a fair hearing before the Committee, justified immediate application to the LCRO. As I have determined that there is no jurisdiction to review, I am not required to address the merits or otherwise of Mr PD's bad faith allegations, but I do note that

¹⁷ Lawyers and Conveyancers Act 2006, s 120(3).

¹⁸ Memorandum of Mr PD, 30 April 2015 at [14]–[17], letter Mr PD to LCRO (16 April 2015) at [5]–[28].

Mr PD would have opportunity to exercise his review rights when a decision was delivered. An allegation of bad faith, in itself, does not merit the disqualification of a decision maker.¹⁹

[69] Mr PD is emphatic that his engagement of the review process was not a strategy to delay, but a genuine and proper response to concerns that he would not receive the benefit of fair hearing before the Committee charged with conducting the inquiry. But it is not the case that Mr PD lacks opportunity to challenge the Committee's determination once delivered if he considers that there are proper grounds to do so. It has been frequently emphasised that it is of fundamental importance that disciplinary matters are dealt with expeditiously, and that the central objectives of the Act to provide a responsive regulatory regime in respect to lawyers are met. Engagement of the review process at the point where the Committee has simply made a decision to commence an inquiry does not assist in achieving the objective of ensuring a responsive and expeditious regulatory regime.

Decision

[70] A decision of a Committee to initiate an own motion inquiry is not a decision capable of review by the Legal Complaints Review Officer.

[71] A Committee's invitation to a practitioner to provide response to a Committee's indication of intention to proceed an own motion inquiry does not constitute a determination, requirement, order made or direction given, to which a right of review attaches.

DATED this 30th day of November 2015

R. Maidment
Legal Complaints Review Officer

In accordance with s 213 of the Lawyers and Conveyancers Act 2006 copies of this decision are to be provided to:

¹⁹ *Seimer v Attorney General* [2013] NZHC 1111 and *Ram v The New Zealand Lawyers and Conveyancers Disciplinary Tribunal* [2015] NZHC 1553.

Mr PD as the Applicant
[City A] Standards Committee as the Respondent
Mr HU as Representative for [City A] Standards Committee
The New Zealand Law Society