

Law Practitioners (Corporatisation) Amendment Bill 2005

30 November 2005

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: LAW PRACTITIONERS (CORPORATISATION) AMENDMENT BILL 2005

1. We have considered the Law Practitioners (Corporatisation) Amendment Bill 2005 (the "Bill"), a Member's Bill in the name of Simon Power MP, for consistency with the New Zealand Bill of Rights Act 1990 (the "Bill of Rights Act"). The Bill was introduced to the House of Representatives on 28 July 2005 and is currently awaiting its First Reading. The Ministry understands that the next Members' Day is scheduled for 7 December 2005.
2. The purpose of this Bill is to amend the Law Practitioners Act 1982 to provide lawyers, who must currently practise as sole practitioners or in partnerships, with the option of practising in companies under the Companies Act 1993 ('legal companies'). Directors of legal companies, but not shareholders, will be required to hold current practising certificates. Directors of legal companies will also be subject to the same requirements under the Law Practitioners Act 1982 as partners in law firms in relation to trust accounts, discipline, and contributions to the Solicitors' Fidelity Guarantee Fund.
3. We have concluded that the Bill appears to be consistent with the rights and freedoms contained in the Bill of Rights Act. It does not affect the rights and obligations of individuals, only the manner in which lawyers may organise in order to provide legal services.

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