

04 JUN 2020

John Luke
fyi-request-12795-3dde50f1@requests.fyi.org.nz

Dear Mr Luke

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 6 May 2020 regarding the Lawyers and Conveyancers Disciplinary Tribunal (the Tribunal). Your requests and my responses are set out below:

I would like to know the current member of the New Zealand Lawyers and Conveyancers Disciplinary Tribunal.

The current membership of the Lawyers and Conveyancers Disciplinary Tribunal is available on the Ministry of Justice's (the Ministry's) website: justice.govt.nz/tribunals/lawyers-and-conveyancers/lc-disciplinary-tribunal/about/members-of-the-tribunal/. I am therefore refusing this part of your request under section 18(d) of the OIA as the information is publicly available.

Also, their job descriptions, salary rate and any other benefit they received.

I have interpreted your request for "salary rate" to be "daily fee payable". In response to this part of your request, please refer to Appendix 1 attached.

Further the hearing attendance rate for each members in the past 2 years (actual year 2019 and 2018).

I must refuse this part of your request under section 18(f) of the OIA as this information cannot be made available without substantial collation and research. You may be interested to know that the Tribunal publishes its decisions online, which records the Tribunal members assigned to each case. You can find copies on the Ministry's website here: justice.govt.nz/tribunals/lawyers-and-conveyancers/lc-disciplinary-tribunal/lacd-decisions/?Filter_Jurisdiction=279

If you require any further information, please contact Jerram Watts, Acting Media Manager, on 027 291 3518, or email media@justice.govt.nz.

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at info@ombudsman.parliament.nz

I trust that this information assists.

Yours sincerely



Jacquelyn Shannon

Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 81774

Encl: Appendix 1: Position Description for Lay Members of the New Zealand Lawyers and Conveyancers Disciplinary Tribunal

Appendix 1:

POSITION DESCRIPTION FOR LAY MEMBERS OF THE NEW ZEALAND LAWYERS AND CONVEYANCERS DISCIPLINARY TRIBUNAL

Nature of the work undertaken by the Tribunal

[1] The functions of the Tribunal are, broadly, to hear and determine: professional disciplinary charges laid against a legal or conveyancing practitioner; applications to have persons restored to the roll or register of practitioners, or to allow their employment by a practitioner; appeals against a refusal to issue a practising certificate to a practitioner; and, various associated applications, including orders affecting non-practitioner employees of practitioners.

[2] The Tribunal has a wide ranging discretion as to conditions it may impose where granting an application, and may impose a range of sanctions in relation to its determinations on charges, including suspension of a practitioner from practice, striking off from the roll of barristers and solicitors, cancelling registration as a conveyancing practitioner, the imposition of up to \$30,000 as a fiscal penalty, and the prohibition of employment in respect of non-practitioner employees working in a legal or conveyancing practice.

[3] The legislation which set up the Tribunal had an orientation towards consumers of Legal Services. For that reason the participation of lay members was seen as valuable in the exercise of the Tribunal's judicial powers, whether in respect of charges or the various applications and appeals which the Tribunal may consider from time to time. An equal number of lay and professional members (either lawyers or conveyancers, depending on the subject matter of the charge) sit on a division of the Tribunal, together with the Chair or Deputy Chair of the Tribunal.

Appointments

[4] Lay members are appointed under s.233 of the Lawyers and Conveyancers Act 2006. Under S 228(c) between 7 and 15 lay members may be appointed, none of whom may be on the register of Conveyancers or on the roll of Barristers and Solicitors. The lay members are appointed by the Governor General on the recommendation of the Minister of Justice after consultation with the Chairperson of the Disciplinary Tribunal, the Council of the New Zealand Law Society, and the

Council of the New Zealand Society of Conveyancers. The term of appointment is for up to three years.

[5] A daily fee of \$515 is payable for the days members are required for Tribunal business.

[6] The time commitment is around one to two days per month.

Cultural awareness

[7] The ability to understand and take account of the values of other cultures and sensitivity thereto.

Core competencies required

[8] The work undertaken by the Tribunal is almost invariably of a highly complex nature involving a wide variety of circumstances. The ability to assimilate and understand a large volume of material, absorb lengthy tracts of evidence and critically analyse is essential. More specifically the skills required are as follows:

Analytical skills

- Be able to assimilate large volumes of complex and at times competing information.
- Have the ability to interpret and question material relevant to the situation being considered.
- Be able to apply these to the relevant legislation.
- Have the ability to adopt a systematic approach to the analysis of material, its organisation and preparation for hearing, and consideration of evidence once this has been tested.

Decision making and team membership

- Be able to work as part of a team.
- Have the ability to exercise good judgement having regard to the particular facts and the purposes of the Lawyers and Conveyancers Act.

- Be able to be open minded and objective in approaching the task of analysing the material and of considering credibility.
- Be able to contribute to team decision making.
- To be able to respond and be available in a timely manner and process work efficiently.

Communication skills

- Have the ability to listen carefully and if required ask questions in an open minded manner.
- Be able to discuss and challenge the view of others when working in a team environment.
- Have the ability to write clearly and summarise factual situations coherently.

Personal qualities

- Have the ability to exercise extreme discretion in respect of sensitive or confidential matters.
- Be able to think independently and maintain high ethical standards.
- Be able to act fairly and impartially.