

LAW REFORM COMMITTEE: LAW REFORM ANNUAL REPORT, 2011

Introduction

One of the New Zealand Law Society's most valued roles is to provide an informed, reasoned and representative voice for lawyers and the public on Bills as they are introduced to Parliament and considered by select committees, and on Law Commission and government agency law reform discussion papers. The Law Society has a statutory duty to "... assist and promote, for the purpose of upholding the rule of law and facilitating the administration of justice in New Zealand, the reform of the law" (Lawyers and Conveyancers Act 2006, s 65(e)).

The Law Society does not approach this role on the basis of personal views on the desirability of a particular measure, nor does it try to make political or value judgements. The object is to help provide better and more workable legislation, and to ensure that it is consistent with fundamental legal principles.

The Law Society – assisted by its Law Reform Committee, specialist committees and sections – continued its active contribution to New Zealand law reform in 2011. This report summarises the Law Society's law reform work for the year.

Overview of law reform in 2011

In 2011 the Law Society made:

23 submissions on parliamentary Bills,

eight select committee appearances,

seven submissions on New Zealand Law Commission papers,

34 submissions on government discussion papers,

and wrote on four occasions to the Attorney-General in relation to rule of law, human rights and other matters.

The list of all submissions and activities is set out in *Schedule A*.

The Law Society made submissions on a number of significant reform proposals in 2011, including: the proposed comprehensive reforms of the criminal justice system and legal aid regime; electoral reforms; the Search and Surveillance Bill and, later in the year, the Video Camera Surveillance (Temporary Measures) Bill; tax disputes; the securities law review and the resulting draft legislation (Financial Markets Conduct exposure draft Bill); the consumer law review; the trust law review; draft legislation on cartel criminalisation; the Marine & Coastal Area (Takutai Moana) Bill; Canterbury emergency legislation; the Legislation Bill; and the Regulatory Standards Bill.¹

¹ NZLS submissions to select committees, the Law Commission and government departments are available at http://www.lawsociety.org.nz/publications_and_submissions/submissions.

A recurring concern was the limited time frame allowed for consultation on legislative proposals and, in some cases, the absence of consultation with important stakeholders. Recourse to urgency sometimes made consultation difficult. In relation to the Canterbury Earthquake Recovery Bill and the Video Camera Surveillance (Temporary Measures) Bill, however, the Law Society was able to have meaningful and effective input even though the time frames were very tight. On a positive note, greater use of the practice of making exposure drafts of Bills available before their introduction into the House was a welcome development.

2011 was a particularly busy time for criminal justice and legal aid reforms. The Law Society consulted widely with the legal profession and made comprehensive submissions on these proposals, in particular the Criminal Procedure (Reform and Modernisation) Bill and numerous changes to the legal aid regime (including the Legal Assistance (Sustainability) Amendment Bill).

On a number of occasions, the Law Society expressed concern to select committees and the Attorney-General about potential infringements of the New Zealand Bill of Rights Act, human rights or the rule of law. Legislation relating to the Canterbury region, particularly the emergency response to the Canterbury earthquakes, raised some significant rule of law issues. The Law Society has a statutory responsibility to promote the rule of law in New Zealand and one of its specialist committees is the Rule of Law Committee. That committee monitors legislative proposals that raise rule of law issues, but its role also extends more widely to all matters that affect the rule of law in New Zealand and elsewhere. In 2010 the Rule of Law Committee commissioned, with the financial assistance of the New Zealand Law Foundation, a report on the state of the rule of law in New Zealand. That report, by Professor Andrew Geddis and Anthony Wicks of the Faculty of Law at the University of Otago, was published in February 2011.²

The NZLS Law Reform Committee and specialist committees

The Law Society fulfils its law reform mandate with support from its Law Reform Committee (LRC), 16 specialist committees and the sections. The LRC serves as the “umbrella committee” and oversees the Law Society’s law reform work. The LRC comprises the convenors of the specialist committees, the section chairs, and a further 16 members who serve “at large” as members of the Law Reform Committee. A list of members of the LRC and specialist committees is set out in *Schedule B*.

The LRC conducts virtually all its work by email, meeting in person only once each year. The Convenor or Deputy Convenors review and approve all submissions before they are sent to the President for consideration.

Law reform highlights and concerns

We have noted below particular highlights and concerns raised during 2011.

1. No (or only limited) time for consultation

On a number of occasions Parliamentary law-making has proceeded with such speed that there is no, or only limited, time made available for submissions. There were instances of that in 2010³ and the trend continued in 2011. For instance:

- The **Canterbury Earthquake Recovery Bill** was introduced on 12 April, had select committee hearings the next day, and the Bill passed remaining stages under urgency on 14 April. The

² Professor A Geddis and A Wicks *The Rule of Law in New Zealand: A Stocktake*, February 2011, Faculty of Law, University of Otago.

³ See, for example, *The Rule of Law in New Zealand: A Stocktake*, above n2, at [49-52].

NZLS submission noted the extremely short time for comment (less than 24 hours from receipt of the Bill to appearance before select committee).

- The **Video Camera Surveillance (Temporary Measures) Bill** was introduced on 27 September, had select committee hearings the next day, and the Bill passed remaining stages under urgency on 6 October. The Law Society had had the opportunity to comment a few days earlier on a consultation draft of the Bill, and on 28 September appeared before the select committee considering the Bill as introduced.

A range of significant reforms of the legal aid regime and the criminal justice system were also pushed through at speed.

There was a very short consultation time frame for complex proposals such as the Financial Markets Conduct exposure draft Bill – only four weeks were given for submissions on this 400 page consultation Bill, described by Minister Power as a “once in a generation opportunity to rewrite our securities laws”. The Commercial & Business Law Committee commented that it was difficult to make meaningful submissions because of the sheer size of the draft Bill and the short time in which to review it. It is acknowledged that the exposure draft came after several periods of consultation and several papers signalling the likely policy settings, but the concern remains that the period for submissions was less than ideal.

On a positive note, the Financial Markets Conduct exposure draft Bill and the Commerce (Cartels and Other Matters) Amendment exposure draft Bill were examples of a good consultation process in that they allowed for detailed technical input before the legislation was formally introduced. The Law Society welcomes and encourages this approach, because it gives people the opportunity to consider and comment on complex technical issues, and has a tangible impact on the quality of the Bill introduced and the degree of buy-in to legislative policy.

2. Parliamentary process – the Marine and Coastal Area (Takutai Moana) Bill

In December 2010 the Law Society presented submissions to the Maori Affairs select committee on the Marine and Coastal Area (Takutai Moana) Bill. The select committee reported back to the House recommending that the Bill be enacted without amendment, yet attaching also a list of possible amendments compiled by officials in light of submissions. The Minister in Charge of Treaty Negotiations indicated that he intended to introduce amendments to the Bill when it came before the House, including a requirement that customary rights settlements negotiated between the Crown and applicants be enacted in legislation before they took effect.

The Law Society was concerned that there was to be no opportunity for further public scrutiny of the amendments to be introduced via Supplementary Order Paper (SOP) in relation to (a) the proposed changes to the process of granting customary interests, and (b) the many technical amendments to the Bill proposed by officials.

The Law Society wrote to the Attorney-General on 7 March 2011, requesting an opportunity to comment on the SOP and offering to work with officials on the proposed amendments to the Bill. The Attorney-General's response of 9 March was that "many of the Law Society's points are incorporated in the Government's SOP". The Law Society was concerned, nonetheless, that the idea of settlements being enacted in legislation had not been in the Bill and hence not the subject of submissions to the select committee. The NZLS submissions had made the point that negotiated agreements for customary rights orders needed to be accompanied by full and publicly available statements of reasons. It considered that the text of the proposed amendments for legislative endorsement of a negotiated agreement was very important.

3. *The Regulatory Standards Bill*

This Bill had its genesis in a proposal for a Regulatory Responsibility Bill, which in turn emanated from proposals made by the Act Party in the National-led Government of 2008 – 2011. That Bill had been the subject of a round of consultations but was not introduced into the House as a legislative proposal. Renamed the Regulatory Standards Bill, it was eventually introduced in 2011.

The scheme of the Regulatory Standards Bill is to enact a set of principles to which all legislation must conform, and to require a certification process (as to consistency with those principles) by Ministers and Chief Executives when parliamentary Bills are introduced into the House. Then, once Bills are passed into law, courts would be required to interpret them consistently with those principles where that is possible. If that were not possible, courts would be empowered to declare the inconsistency of the legislation with those principles. This process would apply to all law enacted after the Regulatory Standards Bill becomes law. After a 10 year period, the same regime (of judicial interpretation and the possibility of declarations of inconsistency) would apply to all New Zealand legislation, even that which was in force at the time of the Bill's enactment.

The NZLS submission emphasised that its members would take differing views on the merits of the proposal, but noted the significant overlap between the "principles" in the Bill (liberty of the individual, that property rights be respected, that taxes be levied only by Parliament, etc) and those also affirmed under other enactments including, especially, the New Zealand Bill of Rights Act 1990.

The Law Society suggested that the Regulatory Standards Bill be considered as part of the coming constitutional review for New Zealand. In particular, the idea of broad standards with which all legislation must comply raised fundamental issues for New Zealand society, and would need to be arrived at after a process akin to that of constitution-making.

4. *Video surveillance (and the retroactive exclusion of appeal rights)*

In August 2011 the Supreme Court delivered its ruling in *Hamed v The Queen* [2011] NZSC 101. It held certain Police searches to have been unlawful and unreasonable in terms of s 21 of the New Zealand Bill of Rights Act 1990. As to some of those searches, its reason was that covert video surveillance – even if conducted from outside the land that is under surveillance – could constitute a search that, because of its intrusiveness and the absence of legal authorisation, was unreasonable. One of the consequences of the decision was that the Government became concerned about the decision's impact on other pending trials and on criminal investigations still in train. It determined that legislation governing video surveillance would be required, but that this would take some time to develop.

In the meantime, the Government elected to introduce a Bill that was said to preserve the pre-*Hamed* position in relation to pending cases. On 23 September the Law Society made a submission to the Attorney-General on a consultation draft of the Video Camera Surveillance (Temporary Measures) Bill.

The Bill was modified in response to some of the Law Society's criticisms, and introduced on 27 September. The Law Society appeared before the Justice and Electoral select committee the following day, at which further criticisms and suggestions were made. The select committee recommended substantial amendments to the Bill and it passed under urgency on 6 October.

As a result, effectively only two activities were prospectively validated for six months:

- the use of cameras in the course of a warranted search, and
- the use of over-the-fence surveillance.

The impact of the NZLS submission was outlined in *LawTalk*:⁴

“The profession's submissions were substantially accepted and significant changes were made between the original version and the final version of the Bill,” Mr Illingworth says. “Most of the NZLS submissions were, in one form or another, reflected in the Bill as passed.”

One of the key points was that the original version of the Bill was misleading when it represented that covert video camera surveillance was generally lawful prior to *Hamed* and that the Supreme Court's decision had changed the pre-existing law by making covert video surveillance unlawful.

“In the final version of the Bill, that position was no longer represented,” Mr Illingworth says.

The second main point was that the Bill as originally drafted would have over-riden s 21 of the New Zealand Bill of Rights Act 1990 – the right to be free from the intrusion of the state into our private lives by way of unreasonable search and seizure.

“In the final version of the Bill, s 21 of the Bill of Rights was expressly preserved.”

The third point related to the need for adequate consultation before making significant constitutional changes. This problem was largely avoided because s 21 was preserved.

“In the end, I think we still have problems arising from the fact that this was significant legislation about basic rights which was passed in extreme haste. But at least we avoided the worst aspects of what was originally proposed,” Mr Illingworth says. “Most of what we were concerned about was modified in the final version of the Bill.”

There was one unresolved concern – the new section 6 and direct interference with rights of appeal:

However, there is one provision in the final Bill which the NZLS had not had an opportunity to consider before the select committee hearing. [Section 6] prevents some people relying on *Hamed* on appeal, depending on whether a conviction was entered before or after the new law was enacted. In the latter situation, the convicted person has full rights of appeal but, if the conviction was entered before [17 October 2011, the date the Bill was enacted], they do not, “and that is an unfair differentiation”.

As well as being an unfair differentiation for people based on the timing of the conviction “it is of serious concern that the provision comprises an interference with existing rights of appeal contrary to the well-established convention, based on the separation of powers, that Parliament should not interfere with current litigation”, Mr Illingworth says. The section also seems to be inconsistent with s 27(2) of the Bill of Rights Act, which protects the right to seek review in a higher court.

5. *Retrospectivity*

The Law Society was concerned at provisions amounting to retrospective operation of the law in the Canterbury Earthquake Recovery Bill. The NZLS submission of 13 April 2011 said, in relation to clause 83 (the validation of actions already taken):

Clause 83(1) provides for actions taken or decisions made during the state of national emergency to be validated. This includes actions and decisions already taken. It would be preferable for the validity of these actions and decisions to be determined by the Civil

⁴ *LawTalk* 784, 4 November 2011.

Defence Emergency Management Act 2002, pursuant to which they were carried out. They should not be retrospectively validated.

While the select committee appeared to understand the reason for the Law Society's concern on this issue, the Bill as passed remained unchanged.

6. *The rule of law*

The Law Society, as part of its statutory role of upholding the rule of law, highlights rule of law concerns to the Government where necessary. The Law Society takes its role as one of the guardians of the rule of law very seriously and will not hesitate to speak out if it believes the rule of law is threatened.

Examples of rule of law concerns in 2011 have been mentioned earlier in this report. Other examples are noted below:

Henry VIII clauses

Henry VIII clauses are provisions in Bills that authorise the making of subordinate legislation overriding enactments. In its submission on the Canterbury Earthquake Recovery Bill, the Law Society said:

In general "Henry VIII" clauses, such as clause 70, giving very wide powers for Orders in Council to override enactments are contrary to the rule of law and good legislation principles and are therefore undesirable. Subpart 7 may be seen as a pragmatic solution but it is questionable whether it can be justified. The Act will be operative when there is no longer an emergency situation. It is appreciated that the Review Panel reporting on proposed Orders in Council provides an additional safeguard, but this does not diminish the fact that the Minister will be empowered to override legislation made by Parliament. Where there is a need for legislative amendments or suspensions in order to facilitate the recovery programme, a better alternative would be for Parliament to dedicate House time for those matters to be dealt with by legislation, as they arise.

Again, while the select committee did not question the Law Society's submission on this issue, the Bill as passed remained unchanged. However, at least to date, the use of the powers under section 70 has generally been constrained.

The use of urgency in the House of Representatives

The Rule of Law Committee supported the "Urgency Project" undertaken by Victoria University of Wellington's Centre for Public Law with funding from the New Zealand Law Foundation. The Urgency Project findings were due for publication in December 2011 by Victoria University Press in a book titled *What's the Hurry?: Urgency in the New Zealand Legislative Process 1987-2010*. The Project researchers believe that overuse of urgency motions damages the integrity of the legislative process.⁵

The Urgency Project made a submission to the Review of Standing Orders undertaken in 2011, recommending changes to sharpen the focus of political accountability that regulates the use of urgency. Several of the recommendations adopted by the House are in line with

⁵ *NZLawyer extra*, edition 39, 25 November 2011.

the Project's recommendations – including increased House time for the Government's legislative programme without using urgency.⁶

However, the Project researchers believe that "... the changes don't go far enough. The biggest concern is that there is nothing new to deal with the troubling use of urgency to bypass the select committee stage of legislative scrutiny."⁷

7. Human rights and the New Zealand Bill of Rights Act 1990

The Law Society also highlights human rights and New Zealand Bill of Rights Act concerns to the Government where necessary.

The Law Society wrote to the Attorney-General and Ministers on four occasions in 2011. The correspondence, and the responses, are summarised below.⁸

Tax disputes – Bill of Rights inconsistency:

- The Law Society wrote to the Attorney-General on 28 February 2011, outlining its concern that clause 70 of the Taxation (Tax Administration and Remedial Matters) Bill was contrary to the New Zealand Bill of Rights Act.
- Clause 70 proposed to amend section 138B(3) of the Tax Administration Act 1994 by requiring taxpayers to obtain the Commissioner's consent, in the form of a "challenge notice", before commencing proceedings against the Commissioner. Provisions of this sort have been struck down in other jurisdictions as unconstitutional. Section 27(3) of the New Zealand Bill of Rights Act affirms that every person has the right to bring proceedings against the Crown, according to law, in the same way as civil proceedings between individuals. The Law Society believes that right should not be fettered. It informed the Attorney-General that it considered this a very serious issue.
- The Attorney-General in his reply of 9 March stated that he appreciated "...that senior members of the profession have taken time to engage on these important issues" but that the matters raised "... are under consideration by the Inland Revenue Department and have also been the subject of submission to the Select Committee."

⁶ *Review of Standing Orders: Report of the Standing Orders Committee*, September 2011: http://www.parliament.nz/NR/rdonlyres/A1275CB0-5B78-4DBF-AA31-7EAC60C9FF89/202306/DBSCH_SCR_5302_ReviewoftheStandingOrders18B_8589_.pdf

⁷ Above, n5.

⁸ The letters are available online: http://www.lawsociety.org.nz/_data/assets/pdf_file/0008/48491/l-AG-Tax_NZBORA_issue-280211.pdf, http://www.lawsociety.org.nz/_data/assets/pdf_file/0009/48492/l-AG_response_Tax_Bill_090311.pdf; http://www.lawsociety.org.nz/_data/assets/pdf_file/0010/48493/l-AG-MCA_Bill-070311.pdf, http://www.lawsociety.org.nz/_data/assets/pdf_file/0011/48494/l-AG_response_MCA_Bill_090311.pdf; http://www.lawsociety.org.nz/_data/assets/pdf_file/0003/48495/l-AG_re_human_rights_230311.pdf, http://www.lawsociety.org.nz/_data/assets/pdf_file/0004/48496/l-AG_response_re_human_rights_050411.pdf; http://www.lawsociety.org.nz/_data/assets/pdf_file/0005/48497/l-IBAHRI_Justice_for_Burma_Campaign-19_Sept_2011.pdf, http://www.lawsociety.org.nz/_data/assets/pdf_file/0006/48498/l-MinForeignAffairs-Justice_for_Burma_Campaign_29_11_11.pdf.

- The Bill received the Royal Assent on 29 August. The Law Society is pleased to note that the New Zealand Bill of Rights Act concern has been addressed.⁹

Ongoing dialogue regarding human rights and the rule of law

- In recent years the Law Society has maintained an ongoing dialogue with the Attorney-General in relation to its concerns regarding Government observance of human rights and the rule of law. The most recent correspondence is noted below.
- The Law Society wrote to the Attorney-General on 23 March 2011 providing updates on NZLS initiatives relating to the Bill of Rights and the rule of law. The letter stated the Law Society's appreciation of the Attorney-General's role in reporting under s 7 of the New Zealand Bill of Rights Act in respect of Government Bills, and went on to say:

... we are pleased to see you exercise the statutory role in such a robust and independent manner. Important values such as the observance of the rule of law and human rights are undermined when the Government decides to proceed with legislative initiatives that have a significant impact on those values. The Society supports your approach and looks forward to further discussion on this topic.

- The Attorney-General's response of 5 April noted the updates and provided further information on developments with United Nations human rights treaty body reporting.

Alleged violations of human rights in Burma – New Zealand support for United Nations Resolution

- The Law Society wrote to the Prime Minister, Attorney-General and Minister of Foreign Affairs on 19 September 2011 urging the Government to support a forthcoming UN Resolution on Burma, in relation to calls for a UN Commission of Inquiry into alleged international crimes (human rights and humanitarian law violations) committed in Burma.
- The Minister of Foreign Affairs responded on 29 November. The Minister noted that the New Zealand Government was already on record as supporting in principle a Commission of Inquiry, and had been discussing the matter with partner governments in order to assess the best way of proceeding.

Parliamentary process – the Marine and Coastal Area (Takutai Moana) Bill

- The Law Society also wrote to the Attorney-General on 7 March 2011 regarding a general concern about the law-making process that applied in the case of the Marine and Coastal Area (Takutai Moana) Bill. The letter outlined the Law Society's concern that there was to be no opportunity for further public scrutiny of proposed significant amendments to the Bill to be introduced via Supplementary Order Paper. The Attorney-General replied on 9 March. The correspondence is discussed earlier in this report (see section 2 on page 3).

⁹ The Commissioner is required to provide a challenge notice within a four year period, and if he does not, the taxpayer's position is deemed to be correct: see the Officials Report to the Finance & Expenditure select committee on clauses 67 and 70 of the Bill, and ss 174 and 177 of the Taxation (Tax Administration and Remedial Matters) Act 2011.

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Schedule A: law reform statistics

In the 2011 calendar year the New Zealand Law Society made:

23 submissions on parliamentary Bills,

eight select committee appearances,

seven submissions on New Zealand Law Commission papers,

34 submissions on government discussion papers,

and wrote on four occasions to the Attorney-General in relation to rule of law, human rights and other matters.

Submissions on Bills:

Supplementary submission on the Insolvency Practitioners Bill (options for strengthening proposed licensing regime for Insolvency Practitioners), 26.1.11

Taxation (International Investment and Remedial Matters) Bill, 27.1.11

Environmental Protection Authority Bill, 28.1.11

Aquaculture Legislation Amendment Bill (No 3), 10.2.11

Biosecurity Law Reform Bill, 10.2.11

Taxation (Tax Administration and Remedial Matters) Bill, 16.2.11 [gift duty]

Alcohol Reform Bill, 18.2.11

Taxation (Tax Administration and Remedial Matters) Bill, 21.2.11 [tax dispute procedures]

Criminal Procedure (Reform and Modernisation) Bill, 22.2.11

Supplementary submission on the Financial Markets (Regulators and KiwiSaver) Bill (re unsolicited offers for securities), 28.2.11. (And a letter to the Securities Commission, regarding the supplementary submission on the bill, 28.2.11)

Canterbury Earthquake Recovery Bill, 13.4.11

Supplementary submission on Taxation (Tax Administration and Remedial Matters) Bill, SOP220 [treatment of non-resident investment in PIEs], 29.4.11

Statutes Amendment Bill (No. 2), 13.5.11

Juries (Jury Service and Protection of Particulars of Jury List Information) Amendment Bill, 26.5.11

Crimes Amendment Bill (No. 2), 2.6.11

Arms (Military Style Semi-Automatic Firearms and Import Controls) Amendment Bill, 15.6.11

The Regulatory Standards Bill, 6.9.11

Legal Assistance (Sustainability) Amendment Bill, 30.9.11

Non-Bank Deposit Takers Bill, 19.10.11

Video Camera Surveillance (Temporary Measures) Bill, 28.9.11

Commerce (Cartels and Other Matters) Bill – Exposure Draft, 29.7.11

Financial Markets Conduct Bill – Exposure Draft, 8.9.11

Video Camera Surveillance (Temporary Measures) Bill – Consultation Draft, 23.9.11

Select committee hearings:

Taxation (Tax Administration and Remedial Matters) Bill [tax dispute procedures], Finance & Expenditure Committee, 23.2.11 (Casey Plunket, with NZICA)

Identity Information Confirmation Bill, Government Administration Committee, 23.2.11 (Aaron Lloyd)

Alcohol Reform Bill, Justice & Electoral Committee, 4.3.11 (Andrew Butler)

Criminal Procedure (Reform and Modernisation) Bill, Justice & Electoral Committee, 10.3.11 (Jonathan Temm, Jonathan Krebs)

Canterbury Earthquake Recovery Bill, Local Government & Environment Committee, 13.4.11 (Rachel Dunningham, Austin Forbes QC, Andrew Logan)

Juries (Jury Service and Protection of Particulars of Jury List Information) Amendment Bill, Law & Order Committee, 15.6.11 (Graeme Edgeler)

Crimes Amendment Bill (No. 2), Social Services Committee, 15.6.11 (Edward Scorgie)

Video Camera Surveillance (Temporary Measures) Bill, Justice & Electoral Committee, 28.9.11 (Grant Illingworth QC, Jonathan Krebs)

Rule of law, NZBORA and human rights – letters to the Government:

Letter to Attorney-General on NZBORA concern re clause 70 of the Taxation (Tax Administration and Remedial Matters) Bill [tax disputes], 28.2.11

Letter to Attorney-General on the Marine and Coastal (Takutai Moana) Bill, 7.3.11

Letter to the Attorney-General regarding Government Observance of Human Rights and the Rule of Law, 24.3.11

Letter on proposed UN Resolution on Burma, re alleged violations of human rights and urging New Zealand support, sent to the Prime Minister and copied to the Attorney-General and Minister of Foreign Affairs & Trade, 19.9.11

Submissions on Law Commission papers:

Review of Trust Law in New Zealand – Introductory Issues Paper, 23.3.11

Review of Trust Law in New Zealand – Second Issues Paper, 3.5.11

A Register of Judges' Pecuniary Interests, 25.5.11

Trust Law Review – Third Issues Paper, 22.7.11

Review of the Credit (Repossession) Act 1997, 2.9.11

Review of the Incorporated Societies Act 1908, 26.10.11

Trust Law Review – Fourth Issues Paper (The Duties, Office and Powers of a Trustee), 9.11.11

Submissions on discussion documents:

Unit Titles Fees Regulations, 18.1.11

Review of Medical Council's Statement on Cosmetic Procedures, 10.2.11

The Code and Hostile Takeovers (Takeovers Panel consultation), 14.2.11

Proposal to Remove Over-Taxation of Non-Resident Investment into PIEs, 14.2.11

Alternative pre-trial and trial processes for child witnesses in New Zealand's criminal justice system, 25.2.11

Proposals for reform of the law of discovery including electronic discovery and inspection (Rules Committee consultation), 7.3.11

Draft Guidelines for the Examination of Patent Applications involving Computer Programs, 18.3.11

Proposed Guidelines on Extending the Storage Period of Gametes and Embryos, 22.3.11

Proposed Legal Services Act (Quality of Service) Regulations 2011, 28.3.11

Draft Legal Services Regulations 2011 - Waitangi Tribunal report, 26.4.11

Bail in New Zealand – Reviewing aspects of the bail system, 16.5.11

Single Trans-Tasman Regulatory Framework for Patent Attorneys, 25.5.11

Auckland District Courts Centralisation Proposal, 25.5.11

Copyright (Infringing File Sharing) draft regulations 2011 – discussion document, 27.5.11

Draft Credit Reporting Privacy Code Amendment No 5, 23.6.11

Increasing choice in workplace accident compensation, 15.7.11

Review of legal aid for Waitangi Tribunal proceedings, 19.7.11

Trans-Tasman Proceedings Act 2010, draft Regulations and Rules (amendments to Family Court Rules), 20.7.11

Draft High Court Rules re representation of companies in court (Rules Committee consultation), 2.8.11

Draft High Court Rules (No 2) 2011 – reform of the law of discovery (Rules Committee consultation), 8.8.11

Criminal Legal Aid – High Cost Management Consultation Paper, 17.8.11

Further Technical Issues with the Takeovers Code, 24.8.11

Proposed changes to the Injury Prevention, Rehabilitation and Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2001, 2.9.11

Consultation on Time Allocations and Daily Recovery Rates (Rules Committee consultation), 5.9.11

Strengthening Parliamentary Democracy discussion document, 12.9.11

Emerging Rules Regarding the Development of the International Hague Network of Judges and Draft General Principles for Judicial Communications, including Commonly Accepted Safeguards for Direct Communications in Specific Cases, Within the Context of the International Hague Network of Judges, 15.9.11

Proposed amendments to Court of Appeal (Civil) Rules 2005, letter to Hon Justice Chambers, 25.10.11

Trans-Tasman Proceedings Act 2010 implementation (High Court and District Court Rules amendment), 31.10.11

Legal Aid fixed fees framework for criminal legal aid, 9.11.11

Review of the Role of the Solicitor-General and the Crown Law Office – comments from NZLS committees (Tax, Intellectual Property, Public & Administrative Law) to independent reviewers, 9.11.11

Managing Conflicting Interests in Local Government: The Local Authorities (Members' Interests) Act 1968 and Associated Issues discussion document, 18.11.11

IRD Exposure Draft INS0104 - Status of the Commissioner's Advice, 22.11.11

Draft guidelines to the Mental Health (Compulsory Assessment and Treatment) Act, 20.12.11

LAW REFORM COMMITTEE: LAW REFORM ANNUAL REPORT, 2011

Schedule B: NZLS law reform committees

Committee membership for the period 1 January – 31 December 2011:

The Law Reform Committee

Professor Paul Rishworth (convenor)
Joanne Appleyard
Janine Bonifant (*to March 2011*)
David Blacktop
Brendan Brown QC (*to September 2011*)
Donna Buckingham (*from September 2011*)
David Cochrane
Rachel Dunningham
Graeme Edgeler
Huhana Hickey (*to September 2011*)
David Jones QC
Christopher Littlewood (*from September 2011*)
Aaron Lloyd
Alastair Logan
Kristina Muller
Andy Nicholls
Edward Scorgie
Liesle Theron
Jesse Wilson

Additional committee members (convenors of Specialist Committees, and Sections' Chairs):

Andrew Beck (Civil Litigation & Tribunals Committee)
Andrew Butler (Human Rights & Privacy Committee)
Alison Douglass (Health Law Committee)
Clive Elliott (Intellectual Property Law committee)
Austin Forbes QC (Rule of Law Committee)
Michael Gardam (Youth Justice Committee)
Dr Rodney Harrison QC (Public & Administrative Law Committee)
John Horner [*to September 2011*], Stephen Layburn [*from September 2011*] (Commercial & Business Law Committee)
Jonathan Krebs (Criminal Law Committee)
Antony Mahon (Family Law Section Chair)

John McBride (Immigration & Refugee Law Committee)

Chris Moore (Property Law Section Chair)

Camilla Owen [*to September 2011*], Margo Perpick [*from September 2011*] (Environmental Law Committee)

Casey Plunket (Taxation Committee)

Michael Quigg (Employment Law Committee)

Donald Rennie (ACC Committee)

James Wilding [*to September 2011*], Liz Bulger [*from September 2011*] (Legal Services Committee)

The specialist committees

Accident Compensation Committee:

Don Rennie (convenor)

Hazel Armstrong

Alistair Barnett

Catriona Grover (*to September 2011*)

John Miller

Peter Sarah

Phil Schmidt

Ross Wilson

Civil Litigation and Tribunals Committee:

Andrew Beck (convenor)

Frazer Barton

Mark Beech

David Campbell

Kevin Clay

Allison Ferguson

Sarah Katz (*from September 2011*)

Christopher Littlewood (*to September 2011*)

Dean Russ

Commercial and Business Law Committee:

John Horner (convenor) (*to September 2011*), Stephen Layburn (*from September 2011*)

Grant Fraser

Gayatri Jaduram (*from September 2011*)
Ross Johnston
Stephen Layburn
Rae Nield
Nic Scampion (*from September 2011*)
Stephen Ward
Sarah-Jane Weir

Courthouse Committee:

Warren Pyke (convenor)

Piers Davies
Kenneth Johnston
Prue Robertson
Iain Hutcheson (*from September 2011*)

Criminal Law Committee:

Jonathan Krebs (convenor)

John Anderson (*from September 2011*)
Mike Antunovic (*March – September 2011*)
Janine Bonifant (*from March 2011*)
Liz Bulger (*to September 2011*)
Kelvin Campbell
Mark Edgar (*to September 2011*)
Professor Jeremy Finn
Mark Harborow (*from September 2011*)
Fiona Guy Kidd (*to September 2011*)
Christopher Macklin (*from September 2011*)
Mike Ruffin
Sarah Saunderson-Warner (*from September 2011*)
Simon Shamy (*from September 2011*)
Todd Simmonds

Employment Law Committee:

Michael Quigg (convenor)

David Burton (*to September 2011*)
Peter Cullen (*from September 2011*)

Maria Dew (*from September 2011*)
Joanna Holden
Hamish Kynaston
Stephen Langton
Professor Paul Roth
Andrew Scott-Howman
Andrew Shaw (*from September 2011*)
Joanne Watson (*to September 2011*)

Environmental Law Committee:

Camilla Owen (convenor) (to September 2011), Margo Perpick (from September 2011)
Bronwyn Arthur
Stephen Brownhill
Jayne Macdonald (*from September 2011*)
Robert Makgill
Greg Milner-White (*from September 2011*)
Phil Page
Margo Perpick
Paul Rogers
Elizabeth Toomey

Health Law Committee:

Alison Douglass (convenor)
Bruce Corkill QC (*to September 2011*)
Fraser Goldsmith
Professor Mark Henaghan (*from September 2011*)
Manaia King (*to September 2011*)
Fiona McCrimmon
Dr Jennifer Moore (*from September 2011*)
Cordelia Thomas

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Nerissa Barber
Kathryn Dalziel
John Edwards (*from September 2011*)

Robert Hesketh
Andrew Holgate (*from September 2011*)
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Benjamin Keith
Jane Meares (*to September 2011*)

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John McBride (convenor)

Marcus Beveridge
Carole Curtis
Rob Davidson
Richard Small
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Rowland Woods

Intellectual Property Law Committee:

Clive Elliott (convenor)

Andrew Brown QC
Douglas Calhoun
John Glengarry
Jane Glover (*to September 2011*)
Warwick Smith
Paul Sumpter

Legal Services Committee:

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Jenny Beck (*to September 2011*)
Steve Bonnar (*from September 2011*)
Jennifer Braithwaite (*from September 2011*)
Kathryn Crooks (*to September 2011*)
Gary Gotlieb (*to September 2011*)
David More
Grant Powell (*from September 2011*)
Rob Stevens (*September – December 2011*)
Ingrid Squire (*from September 2011*)
Michele Wilkinson-Smith (*from September 2011*)

Public and Administrative Law Committee:

Dr Rodney Harrison QC (convenor)

Matthew Andrews (*from September 2011*)

Mai Chen

Nick Crang (*from September 2011*)

Una Jagose (*from September 2011*)

Jason McHerron

Kim Murray

Graham Taylor (*to September 2011*)

Hayden Wilson

Rule of Law Committee:

Austin Forbes QC (convenor)

Doug Bailey

Cheryl Gwyn

Grant Illingworth QC

Professor Philip Joseph

Professor Tony Smith

James Wilding

Taxation Law Committee:

Casey Plunket (convenor)

Brendan Brown

Geoffrey Clews

James Coleman (*to September 2011*)

Maria Deligiannis (*from September 2011*)

Joanne Dunne (*to September 2011*)

Harry Ebersohn (*to September 2011*)

Mike Lennard

Mat McKay (*from November 2011*)

Bevan Miles

Grant Pearson

John Peterson (*from September 2011*)

Neil Russ

Sybrand van Schalkwyk (*September – November 2011*)

Tony Wilkinson

Youth Justice Committee:

Michael Gardam (convenor)

Sonja Cooper

Don Kennedy

Aaron Lloyd (*from September 2011*)

Rhonda Thompson (*to September 2011*)

Vicki Thorpe

Geoff Wells