

Conveyancer demands day in court

The Independent 14 June 2000 Jenni McManus

Auckland non-lawyer conveyancer Lester Dempster is demanding that the NZ Law Society cuts him in on the High Court action it has filed to determine whether the Trans-tasman Mutual Recognition Act 1997 applies to non-lawyer landbrokers.

Law society president Christine Grice last month said she had filed for a declaratory judgment, asking the High Court to decide whether Dempster and four other non-lawyer conveyancers were entitled to be registered as landbrokers under the occupational equivalency provisions of the mutual recognition legislation.

Until now, lawyers have enjoyed a statutory monopoly on conveyancing work. But Dempster, an experienced non-lawyer conveyancer, secured a NZ landbrokers' licence on 21 February this year under the trans-Tasman mutual recognition laws, after battling the Auckland District Law Society in court for the best part of 10 years.

Previously denied a licence in this country, Dempster was forced to obtain landbroker registration in Australia so he could use the mutual recognition laws to become licensed in New Zealand. Most Australian states have long allowed non-lawyers to register as landbrokers and deal direct with conveyancing clients.

Recently, Dempster complained to the Commerce Commission, alleging a concerted campaign by the law society to bankrupt him for threatening lawyers conveyancing business. Not only had the law society written to its members warning them not to deal with Dempster but, in 1996, also wrote similar letters to the banks.

Estimating that the battle with the Auckland District Law Society has cost him about \$30,000 cash and some \$100,000 worth of management time, Dempster is now seeking monetary compensation.

His lawyer, Johann Strauss of Peter Neumegen & Associates, says with the government likely resolve the issue sooner rather than later by introducing its Conveyancers Bill, the law society's latest move seems pointless.

Nevertheless, his client is demanding to be heard in court if the law society pursues its application.