

Conveyancing cost should soon drop

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THE cost of buying and selling property should start to fall next year thanks to a decision by the Registrar-General of Land to allow people other than solicitors to do conveyancing work.

Until now the law had provided lawyers with a protected and lucrative monopoly on conveyancing. But that came to an end last week when Acting Registrar-General of Land, Robbie Muir, approved the registration of two non-solicitors as specialist conveyancers.

One of those approved was Auckland conveyancer, Lester Dempster, and the decision ends a 14-year battle he has waged to bring competition to the conveyancing market.

Dempster is a former Assistant Land Registrar whose expertise in conveyancing has even been acknowledged by the High Court. But that did not prevent the Auckland District Law Society from taking legal action to try to prevent him setting up a conveyancing service in competition to solicitors.

Last week's letter from Muir advising him of his approval as a conveyancer vindicated the stand he had taken, he said. However he was only able to gain that approval by exploiting a legal loophole. When the Trans-Tasman Mutual Recognition Act came into force last year it required the Government to allow individuals, qualified and registered for an occupation in Australia to practise that occupation here as well.

When Dempster qualified as an Australian conveyancer, the Registrar-General of Land in this country had no choice but to approve his registration here. There are now 45 other New Zealanders seeking to become qualified and registered as Australian conveyancers in order to be approved here. Many are former or current legal executives who performed the conveyancing work in solicitors offices, but were prevented from starting conveyancing practices in their own right.

But the trickle of competition could turn into a flood next year thanks to new Justice Minister, Phil Goff. As an opposition MP, Goff introduced a private members' Bill to allow specialist conveyancers set up in competition with lawyer (Goff said that Bill would now included in a more comprehensive Government Bill which would also allow solicitors to act as real estate agents and set up one stop shops.

He hoped to have the legislation passed by next year. And tertiary such as Massey and AIT said they were watching the situation with a view to offering their own conveyancing courses once the law was changed.

That could see many more executives quitting law firms to set up their own conveyancing practices, greatly increasing competition and bringing down prices in process.