

Goff guns for monopolists

BY JENNI MCMANUS

Labour MP Phil Goff is planning to introduce a private member's Bill aimed at stripping lawyers of their monopoly on land conveyancing.

Deregulated in most Australian states, conveyancing in New Zealand has remained the preserve of the legal profession, although the Registrar-General of Lands has the statutory power to issue landbrokers' licences to "fit and proper" people without law degrees.

This has not occurred, in spite of repeated attempts by Auckland cut-price conveyancer Lester Dempster to break into this market.

By virtue of his surveying and other qualifications, and his experience, Dempster has succeeded in obtaining registration across the Tasman.

But the Auckland District Law Society and the NZ Law Society have taken him to court several times to prevent him offering conveyancing services direct to the public.

The law society is also embroiled in a similar fight with the Public Trust Office, which is not resolved. However, there have been no moves to take the Public Trust to court.

As Phil Goff sees it, his Bill is not taking "an ultra-radical approach."

"But there is no justification whatsoever for lawyers to have this monopoly. There is no reason on earth why you should need a law degree to be a conveyancer."

Goff says he is not advocating an open-slather approach. Appropriate standards on training, qualifications, and consumer protections such as public indemnity will be factored into his Bill.

The biggest resistance, he predicts, will come from "small-town lawyers." But non-lawyer conveyancers are most likely to set up - initially, at least - in the big metropolitan areas where there is plenty of work.

"It's up to consumers to make the decision," he says. "It is not our job to protect the economic position of lawyers."

NZ Law Society president Ian Haynes says he "readily accepts" the issue should be open to debate.

But he does not believe it should be debated on the basis that lawyers have a monopoly on conveyancing - an argument he rejects as "nonsense."

Some 5,000 lawyers are competing vigorously for conveyancing work, he says, "and that's the exact opposite of a monopoly."

None of this is much help to Dempster, who readily concedes there is competition on an individual level. It's the monopoly enjoyed by the legal profession, to the exclusion of non-lawyers, that he objects to.

Haynes says the real issue is public protection.

"With a public protection



PHIL GOFF

system in place, the law society is not saying conveyancing should necessarily be the preserve of lawyers."

So what would this involve?

For Haynes, there would need to be a fidelity fund, a financial assurance scheme, trust accounting, professional indemnity cover, adequate entry standards, a disciplinary system and appropriate ethical standards.

He concedes these are more rigorous than the Australian requirements. But in his view this is the type of public protection needed. "And it's also needed if there's going to be a fair basis of competition because it's not fair to say lawyers have to have all these high standards and everybody else doesn't," he says.

Goff expects his Bill to be ready for introduction in about two months. ■

TVNZ protects

BY JENNI MCMANUS

More than three years after a landmark copyright case in the High Court at Auckland - and nearly 10 years since the battlelines were first drawn - Television New Zealand is going to court this afternoon seeking \$15,000 in costs from media transcription company, Newsmonitor Services Ltd.

TVNZ alleges Newsmonitor and its managing director, Jacinta Butler, have breached a November 1993 injunction imposed by Justice Peter Blanchard.

This banned Newsmonitor from video-taping or making sound recordings of TVNZ's news and current affairs programmes, and from supplying transcripts of these programmes to clients.

TVNZ had brought a breach of copyright action against the company under the Copyright Act 1962. At the time, the judge made no order for costs.

For her part, Butler says she has not breached Justice Blanchard's injunction, although the new Copyright Act passed in 1994 largely rendered it nugatory.

Following the ruling, she restructured her business and provided only summaries of TVNZ's programmes to clients.

She
the
supp
requ
proc
of ob
77
Butl
nego
with
year
some
back
has
TVN
Pe
negot
requ
from
netw
Butle
client
Marc
Th
week
deliv
Butle
Porte
a mee
upon
issued
As
News
"cont
its r
Blanc
netwo
its utn
faith b
see the