

19 March 2026

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Our ref: OIA 130299

Tēnā koe Grace

### **Official Information Act request: Lawyers and Conveyancers Act 2006**

Thank you for your email of 21 February 2026, requesting information regarding the Lawyers Standards Committee, under the Official Information Act 1982 (the Act). Specifically, you requested:

- 1. section 138 Lawyers and Conveyancers Act 2006 provides for discretion of a standards committee to take no further action. please provide the policies relied on for the application and the limitation of that discretion*
- 2. The Committee exercise its discretion to take no further action when complaints relate to matters which are, will be or have been, before the Court. this effectively means that a lawyers conduct is condoned and there is no accountability for bad conduct. It therefore appears that all a lawyer has to do to conceal crime or digressions is to take a matter to court and they are no longer under scrutiny of the rules of conduct.*

*Please provide any discussion papers and policies which consider this, effectively it provides for civil proceedings to conceal criminal offending e.g. claiming defamation when a person has identified a crime*

Your response has been numbered for ease of response.

In response to part of 1 of your request, section 138 of the Lawyers and Conveyancers Act 2006 set out the criteria for the Standards Committee to apply its discretion. Section 138(1) allows the Standards Committee to take no action (or no further action) on a complaint where:

- (a) the length of time that has elapsed between the date when the subject matter of the complaint arose and the date when the complaint was made is such that an investigation of the complaint is no longer practicable or desirable; or
- (b) the subject matter of the complaint is trivial; or
- (c) the complaint is frivolous or vexatious or is not made in good faith; or
- (d) the person alleged to be aggrieved does not desire that action be taken or, as the case may be, continued; or

- (e) the complainant does not have sufficient personal interest in the subject matter of the complaint; or
- (f) there is in all the circumstances an adequate remedy or right of appeal, other than the right to petition the House of Representatives or to make a complaint to an Ombudsman, that it would be reasonable for the person aggrieved to exercise.

Section 138(2) also gives Standards Committees discretion to take no further action if, in the course of investigating a complaint, it appears that further action is unnecessary or inappropriate.

The Ministry does not hold information about policies for the application of this legislation. Therefore, this part of your request is refused under section 18(e) of the Act, on the grounds that it does not exist.

We have interpreted part 2 your request to mean policies or discussion papers discussing the Standards Committees discretion to take no further action when a lawyer is convicted of a criminal conviction. In response to part 2, the Ministry does not hold any policies or discussion papers on this matter. Therefore, this part of your request is refused under section 18(g)(i) of the Act as the information requested is not held by the Ministry and I have no grounds for believing it is held by another agency or Minister subject to the Act.

You may wish to contact the New Zealand Law Society directly to request such policies if they exist, noting that it is not subject to the Act. Contact information can be found here: [NZLS Contact information](#).

You may wish to know that under the Lawyers and Conveyancers Act 2006, a conviction for an offence punishable by imprisonment may be found to be professional misconduct if it reflects on the lawyer's fitness to practise or brings the profession into disrepute. If such a finding is made, a range of outcomes are available, including suspension or removing the lawyer's ability to practise.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [Official Information Act responses | New Zealand Ministry of Justice](#).

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28 of the Act. The Office of the Ombudsman may be contacted by phone on: 0800 802 602, by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz), or via the webform: [Make a complaint \(for members of the public\) | Ombudsman New Zealand](#).

Nāku noa, nā



Sharlene Hogan  
**Acting General Manager, Courts and Justice Services Policy**