



31 July 2017

John Creser

By email: fyi-request-6113-b6df4b0d@requests.fyi.org.nz

Dear Mr Creser,

I refer to your correspondence of 3 July 2017 regarding the qualifications of Mr Ross van der Schyff, General Manager, Business Integrity Services, Ministry of Business, Innovation and Employment.

You have referred to an article that appeared on the New Zealand Law Society (NZLS) website on 3 February 2017 regarding Mr van der Schyff's appointment to various statutory offices including Registrar of Companies, and Commissioner of Patents, Trade Marks, Designs and Plant Variety Rights. This article introduces Mr van der Schyff as "Lawyer Ross van der Schyff ...".

The article was prepared by the NZLS, not this Ministry. It summarised the content of a news item which appeared on the Companies Office website on 2 February 2017:

<https://www.companiesoffice.govt.nz/companies/news-updates/news/change-of-registrar>


The Companies Office website notes that in addition to previously holding various roles in the public service Mr van der Schyff was formerly "a partner of a law firm heading up its insolvency division."

The answers to your specific questions are set out below:

1. *"When and where did your General Manager obtain his law degree.?"*
Mr van der Schyff studied and obtained a Bachelor of Laws (B. Juris) from the University of South Africa in 1989 and a Bachelor of Laws (LL.B) from University of KwaZulu-Natal in 1992.
2. *"The name of the law firm he was a partner in?"*
Mr van der Schyff was a director and shareholder of J Leslie Smith & Company Inc. from July 1997 until February 2003. This is the equivalent role in an incorporated law firm to a partner in a firm that is structured as an unincorporated partnership.
3. *"The last time he held a practising certificate?"*
Mr van der Schyff has never held a practising certificate in New Zealand. He last held a practising certificate in South Africa in 2003.
4. *"Why the MBIE does not require its Registrar to hold a practising certificate?"*
Mr van der Schyff's appointment to the office of Registrar of Companies was made in accordance with section 357 of the Companies Act and the State Sector Act 1988. There is no requirement under either Act for the Registrar to be legally qualified or to hold a current practising certificate. As General Manager, Business Integrity Services, Mr van der Schyff

holds a various other statutory appointments. These appointments must be made on merit, meaning that preference is to be given to the person who is best suited to the position.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rob Rendle', written in a cursive style.

Rob Rendle
Manager, Strategy, Governance and Assurance
Business Integrity Services
Ministry of Business, Innovation and Employment