

Access to Information



Consultation Document

December 1, 2022

Introduction

The New Zealand Law Society Te Kāhui Ture o Aotearoa (the Law Society) is seeking feedback on the scope and relevancy of information relating to the performance of its functions, matters considered by its Board and Council and the way lawyers access that information.

We want to provide members with sufficient, relevant and timely information about the Law Society in a cost-effective and transparent manner. We are also wanting to identify any areas where members want to know more about the performance of the Law Society's functions and matters relevant to lawyers.

This consultation is not seeking feedback on the Law Society's provision of information on individual regulatory matters. (This issue, and the operation of section 188 of the Lawyers and Conveyancers Act 2006 (the LCA) was subject to a separate consultation earlier this year.)

We want your feedback

We have compiled a feedback survey consisting of nine questions. To provide your feedback, please complete [this survey](#) by **31 January 2023**.

You can also email feedback to consultation@lawsociety.org.nz.

All feedback you provide will be treated as confidential. At the end of the consultation process we will prepare a summary of the responses received, but no individual contributors will be identified.

Background to this consultation

The Law Society has received a proposal asking that it releases all information it holds that is of "potential interest" to members, unless there are good reasons for withholding it. The proposal asks the Law Society to be more transparent with members and to proactively release more information.

The Law Society is not subject to the Official Information Act 1982 (the OIA). However, where it can the Law Society endeavours to provide lawyers with relevant information in a transparent manner.

We are consulting with lawyers to understand whether there is a profession-wide appetite for the Law Society to provide more information relating to its functions, and the format and type of information that would be of interest to you. We also want to understand what type of further information might be of interest and in what format.

The Law Society is subject to separate restrictions under section 188 of the LCA which prohibit disclosure of information relating to complaints and investigations. We are not seeking feedback about disclosure of sensitive regulatory information relating to individual matters considered by the Lawyers Complaints Service, registry or inspectorate. Information disclosure is also subject to the Privacy Act 2020.

Law Society communications with the profession and public

The Law Society is both a regulatory body and a representative body. It regulates the practise law in Aotearoa New Zealand as well as providing membership services. The Law Society regulates more than 16,000 lawyers. We correspond with all lawyers holding practising certificates about regulatory matters, such as practise approval (practising certificates and practising on own account), professional standards issues and continuing professional development obligations.

Most, but not all lawyers holding practising certificates, are also members of the Law Society (98%). Please note that practising certificate holders who are non-members will only receive communication regarding their practising certificate renewal and other regulatory matters.

We currently provide information of interest to the profession directly to members through:

- Our weekly e-newsletter *LawPoints*, sent to practising certificate holders, associate members as well as others who request to be added to the subscription list.
- Our quarterly magazine *LawTalk*, sent to practising certificate holders and law offices. It is also publicly available online via our website.
- Branch e-newsletters, sent to local members those on the branch subscription lists.
- Our section publications: The Family Advocate (sent to members of the Family Law Section), The Property Lawyer (sent to members of the Property Law Section), and ILANZ newsletters (sent to members of the In-House Lawyers Section).

Because of the public nature of our publications, they are often not the best avenue to provide sensitive and technical information that might be relevant only to the profession.

Following feedback from earlier this year from the profession, we are transforming our publications to provide more timely, relevant and informative content to suit the needs of the profession and provide transparency.

Question 1:

Thinking about the communications the Law Society sends you, including any publications you subscribe to, do you believe they achieve their purpose? Yes/ No /Unsure

- **If not, please give details on how they could achieve their purpose.**

Information currently available publicly

The Law Society makes available a significant amount of information publicly on its website, including:

- Information on the Law Society itself, its structure, work, and operations.
- The Law Society's annual reports
- Full financial statements (through its annual reports).
- Annual Snapshot of the Legal Profession reports.
- Submissions made by the Law Society on law reform matters and correspondence with Ministers.
- Media releases and statements made by the Law Society.
- The public register of lawyers.
- Professional practice and resources for lawyers, including practice briefings and guidance on a range of regulatory issues.
- News about lawyers' movements within the profession.
- Information on our branches, news and information of relevance to lawyers practicing in certain areas of law geographical locations.
- Current and back issues of Law Talk magazine.
- Information on how to join the profession.
- Information about making complaints about a lawyer and other information for members of the public.

The website is updated daily and content is regularly provided to the profession through our weekly e-newsletters and profession-wide emails.

There is currently no mechanism on our website to provide a lawyers or members-only section to provide sensitive, technical or detailed information.

Question 2:

Do you consider the amount and type of information on the website sufficient? Yes / No / Unsure

Question 3:

If you would like more information on the Law Society's website, what additional information would you like to see?

Options for providing more information

The proposal outlined in the background information received by the Law Society suggested information could be accessed through a lawyers-only portal. The proposal suggests the Law Society proactively make available all information of interest to the profession unless there are good grounds for withholding it. It suggests that information be released through the portal using an approach similar to that under the OIA.

Similar systems and processes have been adopted in other jurisdictions, like Australia and England and Wales.

Question 4:

Would you like to have access to additional information via a lawyers-only portal? Yes / No / Unsure

Question 5:

How important is it that you have access to additional information via a lawyers-only portal?

Scale: 1 = Very Important and 5 = Not Important

Question 6:

How frequently do you think you would use such a portal?

Daily / Weekly / Monthly / Annually / Unsure

Question 7:

If you think there is another option for providing more information to lawyers, please state below:

Access to information policy to guide information release

To assist with the release of information, the Law Society could create an 'Access to Information' policy to oversee and provide more information to members through implementing a formal process for processing requests for information.

As noted above, the Law Society is not subject to the OIA. However such a policy could operate in a way akin to the process outlined under the OIA, and could adopt some of the same principles. Requests for information would be processed in accordance with the "spirit" of the OIA unless it risks prejudice to an interest protected by the OIA or otherwise specified in the policy. Again, for clarity, we are not proposing a change to the approach taken to the disclosure of individual regulatory matters which is subject to specific legislative restrictions.

Question 8:

How important is it to you that the Law Society implements a formal policy for members to access information?

Scale: 1 = Very Important and 5 = Not Important

Cost implications

A full assessment of the cost and impact of establishing a lawyers-only portal and / or implementing an Access to Information Policy has not been scoped. However, as a new service, the costs of set up and implementation would be recovered primarily via an increase in practising fees.

Question 9:

How important is it to you that the Law Society makes more information available, even if it might mean an increase in your practising fees?

Scale: 1 = Very Important and 5 = Not Important