

<p><b>WORKFORCE (IMMIGRATION NEW ZEALAND)</b> <b>INTERNAL ADMINISTRATION CIRCULAR NO: 08-04</b></p>
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**To:** All Workforce/Immigration New Zealand (INZ) staff

**Date:** 1 April 2008

## **New Zealand based lawyers not requiring written authority to act**

Please **READ** this information and ensure that all staff members who may be affected are aware of what is required of them.

### **Purpose**

1. The purpose of this Internal Administration Circular (IAC) is to:
  - (a) advise staff that New Zealand based lawyers, holding a current New Zealand practising certificate do not require written authority to act when representing their clients with the Department of Labour; and
  - (b) provide guidance on the procedure to be followed when interacting with New Zealand based lawyers to establish that they are representing the client.

### **Background**

2. It has been common practise in some branches to request written authority from New Zealand based lawyers to confirm their ability to act on a client's behalf. However, the Department has now clarified that New Zealand based lawyers holding a current practising certificate, issued by one of New Zealand's 14 District Law Societies, do not require written authority to act. The DOL policy for handling Privacy Act requests and the Operational Manual (Section A7.10 (c)) require that staff must be satisfied that agents have the written authority of the individual concerned or are otherwise appropriately authorised to receive the information. This IAC clarifies that New Zealand based lawyers are considered to be appropriately authorised to act on behalf of their client.
3. In order to practise law in New Zealand, any properly qualified person must hold a practising certificate, issued by one of New Zealand's 14 District Law Societies. The holder of a practising certificate is automatically a member of the New Zealand Law Society (NZLS). All members of the NZLS must adhere to a set of ethical rules (NZLS Rules of Professional Conduct for Barristers and Solicitors) that govern practice generally and they may be disciplined if breaches of law or ethical rules occur.

### **New Procedures**

4. The Department has introduced the following guidelines regarding authorisation to act for New Zealand based lawyers holding a current practising certificate.
5. There will generally be no need to confirm the representation of New Zealand based lawyers directly with the client. INZ staff should accept the word of the lawyer that they have authority to act and to access information on their client's behalf under the Privacy Act. The lawyer should have access to all of the client's dealings with the Department in relation to the areas for which the lawyer claims representation

unless the client advises otherwise. Written authority giving confirmation of representation is **not** required and therefore **should not** be requested.

6. INZ staff should accept in good faith that the lawyer concerned is in fact the person they purport to be and that they do hold a current practising certificate. If there is a good reason to doubt this, such as no existing record of the lawyer on AMS, a check can be undertaken via the New Zealand Law Society website ([www.nz-lawsoc.org.nz/hmdlsocieties.asp](http://www.nz-lawsoc.org.nz/hmdlsocieties.asp)) which contains the contact details of the 14 District Law Societies (the Wellington, Auckland, Otago and Waikato/Bay of Plenty District Law Societies have websites from which membership can be checked online).
7. Note that the authority to act does not extend to New Zealand based lawyers who represent the New Zealand sponsor of the client. The sponsor or sponsor's lawyer can only be considered to be a representative if they have been nominated as agents by the client in the application form.

THE ADVICE IN THIS INTERNAL ADMINISTRATION CIRCULAR IS NO LONGER CURRENT.