

Property Disputes Committee Guidelines

One of the functions of the Property Disputes Committee is to provide a simple, low-cost process for resolving legal issues arising from transactions where lawyers are acting.

The procedure to be followed and the conditions on which a dispute will be determined are set out below. The procedure and conditions should be carefully considered to ensure that they are appropriate for the dispute.

1. The lawyers must undertake in writing, for themselves and their clients, their agreement:
 - (a) To have the Property Disputes Committee resolve the dispute on the terms recorded in these guidelines.
 - (b) To be bound by the ruling of the Property Disputes Committee.
 - (c) That no action shall be brought against any member of the Committee or The Law Association of New Zealand in relation to the ruling except in a case of bad faith.
2. The lawyers shall provide a written statement that:
 - (a) At the outset clearly defines the issue or issues to be determined.
 - (b) Contains a clear and concise statement of agreed facts on which the dispute can be determined. In addition:
 - It is best if there is one statement of agreed facts either signed by the lawyers for both parties or acknowledged by the lawyers for both parties as being agreed facts.
 - Only agreed facts will be accepted. The Committee will not make a ruling if there is an apparent dispute of material facts.
 - Only the facts relating to the issue or issues for decision by the Committee should be presented.
3. If the dispute requires interpretation of documents, copies of all relevant documents must be provided.
4. A summary of the respective positions will assist the Committee. The lawyers for each party should therefore provide written submissions, which should be directed squarely to the matters in issue and be as concise as reasonably possible.
5. The Committee shall be entitled, in its absolute discretion:
 - (a) To call for further and better particulars in order to make a determination.
 - (b) To decline to determine a dispute submitted to it.
6. Unless the Committee itself seeks further particulars, its decision will be made solely on the basis of the written documents provided.
7. The total fee is **\$1,500 plus GST**. The fee is to be paid equally by the parties. Payment is to be made payable to The Law Association of New Zealand. The fee is to help to cover costs incurred. No payment is made to the members of the Committee.
8. The Committee meets as soon as possible after a dispute is referred to consider the dispute. The lawyers' undertakings, written statements (agreed if possible), and all submissions must be received, and the fee paid before the meeting will be set down.
9. The Committee reserves the right to publish summaries of decisions in the Committee rulings manual. Personal details of the parties will not be disclosed, and the facts will be limited to those necessary to adequately explain the decision. A redacted copy of the full ruling will be made available upon request of either party.