

## **Dempster wins fight to be landbroker**

By Graeme Hunt NBR

Non-lawyer conveyancer Lester Dempster yesterday won a 12-year battle for recognition when the Court of Appeal declared landbroking an "available occupation."

The 15-page decision from the five-member appeal bench ends the Law Society's campaign to stop non-lawyer conveyancers acting as landbrokers – an occupation recognised in statute since 1870 but rejected by the High Court last year.

In the latest judgment, the registrar-general of land successfully won the right to issue landbroker licences under s229(1) of the 1952 Land Transfer Act – a decision that will allow landbrokers registered in Australian states to practice here under the 1997 Trans-Tasman Mutual Recognition Act.

Mr Dempster, a former assistant district land registrar in New Zealand, is a registered landbroker in South Australia. He was joined to the latest proceedings.

The Appeal Court found Mr Dempster had attempted to get a landbroker's licence well before the Trans-Tasman Mutual Recognition Act was passed and others followed with the passage of the act.

"Accordingly," the court said, "we regard the occupation of landbroking as an available occupation in New Zealand for the purposes of the 1997 act which ... is intended to provide recognition in New Zealand of regulatory standards adopted in Australia regarding goods and occupations."

The court added that anyone who was prepared to abide by the conditions of s229-234 of the Land Transfer Act who was a fit and proper person to be a landbroker was entitled to a landbroker's licence, whether a lawyer or not.

"This has been the law in New Zealand ever since the enactment of the Land Transfer Act 1970," the judgment said. The court set aside High Court costs and made no order for costs from either court.