



Partnership Law Bill

143—1

Report of the Justice Committee

August 2019

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Partnership Law Bill

Recommendation

The Justice Committee has examined the Partnership Law Bill and recommends that it be passed without amendment.

Purpose of the bill

The Partnership Law Bill is a revision bill. It seeks to revise and re-enact the Partnership Act 1908 in an up-to-date and accessible form without changing the Act's substance. If enacted, it would apply both to new business partnerships and existing ones under the 1908 Act.

The bill's minor amendments would modernise the Act

The bill proposes only minor amendments to the existing law. The language and style have been modernised to make the law more accessible and reduce costs for partnerships. Minor amendments to clarify Parliament's intent or reconcile inconsistencies between provisions are listed in Schedule 2 of the bill.

The bill would not change the current law

It is not the bill's intention to change the substantive effect of current law. In calling for submissions, we hoped to hear from anyone who believed it would in fact change the way the law operates. We received no submissions.

We note that development of the bill involved public and targeted consultation on an exposure draft. Three submissions were received from lawyers.¹

As required by section 33 of the Legislation Act 2012, the bill was certified by a retired High Court Judge, the then President of the Law Commission, the Solicitor-General, and the Chief Parliamentary Counsel. We are satisfied with their view that the revision powers were exercised appropriately and that the bill would not change the substantive effect of the law.

Some issues flagged for future work

We understand that a few substantive matters were identified during officials' work on the bill. They have been recorded for inclusion in future reform work, as it is not appropriate to address them in a revision bill.

¹ The submissions are available on the Parliamentary Counsel Office website at: <http://www.pco.govt.nz/consultation-plb/>.

Support for the bill proceeding

We consider that the bill has been carefully developed, and welcome its modernising of an Act that was more than 110 years old. We have no amendments to propose, and support it proceeding in the House.

Appendix

Committee procedure

The Partnership Law Bill was referred to the committee on 11 June 2019. The closing date for submissions was 25 July 2019. We received no submissions.

We received advice from the Ministry of Business, Innovation and Employment and the Parliamentary Counsel Office.

Committee members

Hon Meka Whaitiri (Chairperson)

Ginny Andersen

Hon Clare Curran

Hon Tim Macindoe

Hon Mark Mitchell

Greg O'Connor

Chris Penk

Hon Dr Nick Smith

Advice received

The documents that we received as advice are available on the Parliament website, www.parliament.nz.