

COUNCIL BRIEF

The monthly newspaper of the
Wellington Branch NZ Law Society



WELLINGTON
NEW ZEALAND LAW SOCIETY

NZLS EST 1869

Council Brief Advertising
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ISSUE 435

MAY 2014

President's Column

Vigorous debate on Intervention Rule

By Mark Wilton, President, Wellington Branch, NZLS



I hope you all had time to take a break over the Easter and ANZAC weekends.

Just before these breaks the New Zealand Law Society Council met. The significant matter before the Council was a decision on the Intervention Rule. Over the last six years

the Society has worked hard to review this Rule as required by the introduction of the 2008 Rules of Conduct and Client Care. Significant parts of this review undertaken by the Society were two major consultations with the profession and then close consultation with the New Zealand Bar Association.

The process was very challenging at times. There were a number of different and opposing views amongst the profession that were vigorously debated around the Council table. At the two extremes of the debate some members were advocating complete abolition and others wished to retain the Rule in the current form.

At the Council's meeting in October 2013 the NZLS was still discussing matters with the New Zealand Bar Association regarding retention on the Rule but with wider exemptions. An accord with the Bar Association was reached in December 2013. As I have previously reported to you, areas that needed further consideration were the redrafting of the Rule with the exemptions including Family Court (including property) related matters and also the employment law area. Representatives of

family lawyers and employment lawyers also participated in the accord reached.

The good news is that at the April 2014 meeting the NZLS Council resolved to adopt the proposed new Rule as recorded in the accord which is a retention of the Rule but with wider exemptions.

The next step is for the proposed new Rule to be approved by the Minister of Justice. Full details of the new Rule and training for the profession will be provided after the approval process is complete.

It is with sadness that I now reflect on the recent passing this month of two members of the Wellington Branch: Keith Matthews, a life member of the Society (see obituary on page 3), and Kathy Stringfellow, a past president of the Wellington District Law Society. Both Keith and Kathy made significant contributions to the profession and I express condolences to their families.

On a brighter note, I know the profession joins me in congratulating Wellington Barrister Bruce Corkill QC in his recent appointment as a Judge of the Employment Court.

Finally, I take this opportunity to remind all in-house lawyers about the upcoming CLANZ conference in Dunedin on 15-16 May. Here in the Wellington Branch 43 percent of our membership is made up of in-house counsel. The CLANZ conference committee have been working tirelessly on the conference and all looks set to be a convivial and collegial event where some of your attendances can earn Continuing Professional Development hours.



Claudia Downey, centre, was farewelled at the Wellington Branch recently. During her four years at the Law Society Claudia has worked with two presidents – Nerissa Barber left and Mark Wilton, and two Branch managers – Catherine Harris to Claudia's left and Colleen Singleton. Catherine Harris said the Branch was extremely sorry to see her go and wish her all the best for her next challenge. Claudia initially started as a receptionist / Branch administrator but has latterly specialised in Certificate of Character and Practice on Own Account applications and kept an eagle eye on the Branch accounts. "Her expertise will be greatly missed," Catherine Harris said. "But most of all we will miss her warm and caring personality – we said goodbye with a 'champagne' lunch for a 'bubbly' person. She always had a smile on her face and a good word for everyone."

Keith Matthews 3 Legal education 5
YLC Mooting competition 5 2014 Law Revue 8

Peter McKnight and Ali Romanos on defamation and the new media

By Philip McCabe

CASES of online defamation are becoming more common but legal experts such as Wellington barrister Peter McKnight warn that comparatively few have made it into court. He has described such cases as "very difficult, expensive and draining".

In August 2013 after his client was awarded \$270,000 in a defamation action by Lindsay Smallbone against Ian Wishart, Peter McKnight was described as "one of the most experienced defamation lawyers in New Zealand". The case itself was described as significant on a number of levels in terms of journalistic issues, the question of quantum of damages and costs.

For \$25 practitioners can participate in a presentation Peter and his media law barrister colleague Ali Romanos will be giving on Thursday 5 June, 2014, on the topic "Defamation and the New Media". The venue is the NZLS Boardroom on the 8th Floor of the Law Society building in Waring Taylor Street. The presentation will run from

5:30 to 6:30 PM, there will be time for questions and drinks and nibbles will be available between 5:30 and 7pm. Attendees will earn 1.25 CPD hours. However, you must register to receive a certificate of attendance, so be sure to register at <http://bookwhen.com/wellington-branch>

The seminar is one of the series promoted by the Independent Practitioners Committee which welcomes any suggestions for future seminars.

Mark Wilton new NZLS vice-president

WELLINGTON Branch President Mark Wilton has been elected by NZLS Council as the new Wellington Vice-President of the New Zealand Law Society.

Mr Wilton, three other vice-presidents and the re-elected President, Chris Moore, make up the Law Society Board.



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Annual General Meeting

NOTICE IS HEREBY GIVEN that the Annual General Meeting of the Wellington Branch, New Zealand Law Society, will be held on Level 8, New Zealand Law Society Building, 26 Waring Taylor Street, Wellington on Wednesday 25 June 2014 at 4.00pm

Nominations are called for the following positions:

- President (1)
- Vice President (2)
- Council member (up to 10)

Only original nominations completed on the correct form and received in the Branch Office by 4pm on Friday 23 May 2014 will be accepted – electronic copies are not acceptable.

Nomination forms are available to download at:

<https://my.lawsociety.org.nz/branches/wellington/documents/Nomination-form-2014.pdf>

Completed nomination forms should be sent by post to:

The Manager
Wellington Branch NZLS
PO Box 494, Wellington

Or delivered to:

The Manager
Wellington Branch NZLS
Level 3, 26 Waring Taylor Street, Wellington

Wellington Branch Diary May

Wednesday 7 May

Writing Persuasive Opinions, NZLS CLE Workshop, Terrace Conference Centre. 9-5pm. 6.5 CPD Hours.

Thursday 8 May

Courts and Tribunals Committee
Family Law Committee
Human Rights Committee
Public Law Committee

Tuesday 13 May

Marlborough Branch Council

Wednesday 14 May

Elder Law, NZLS CLE Intensive, Amora Hotel. 8.30-5.10pm. 6 CPD Hours.
Secrets of Success – prospering as a small to mid-sized firm in NZ, NZLS CLE Workshop, Terrace Conference Centre. 3.5 CPD Hours.

Mon-Tues 19-20 May

Introduction to Company Law, NZLS CLE Workshop, Terrace Conference Centre. 13 CPD Hours. www.lawyerseducation.co.nz

Tues-Wed 20-21 May

Lawyer as Negotiator, NZLS CLE Workshop, Terrace Conference Centre. 11.5 CPD Hours. www.lawyerseducation.co.nz

Wednesday 21 May

Wellington Branch Council meets

Friday 23 May

Update on Environmental Case Law, NZLS CLE Webinar, 11am-noon. 1 CPD Hr

Wednesday 28 May

Legal Assistance Committee
Minding the gaps in mediation – Laurence Boulle, a LEADR Network event. 5.30-7.30pm. Email : leadr@leadr.co.nz

Thursday 29 May

Sir Edmund Thomas: 'A Voyage Around Lord Cooke', Russell McVeagh, 5.15pm. RSVP essential. http://bookwhen.com/wellington-branch

Friday 30 May

Criminal Law Committee
Women in Law Committee

Thursday 5 June

Defamation and the New Media, Independent Practitioners Committee. Book at http://bookwhen.com/wellington-branch

Library News

Duplicate materials available free of charge

By Robin Anderson Wellington Branch Librarian

REGULAR library users will have noticed a lot of old books on the free disposal table. We are trying to dispose of a large number of duplicate books, journals, reports and looseleaves that have made their way into the library. Please do take what you want from that table. In addition I have a lot of old duplicate law reports and journals in boxes that are free to good homes. Contact Robin Anderson – robin.anderson@lawsociety.org.nz if you want a copy of the list. If items are not taken soon they will be thrown away.

New library guide

The library guide and floor plan is now on the NZLS website and freely accessible. If you want to check out where something is before coming in, please look here: <http://www.lawsociety.org.nz/law-library/contact-the-library/wellington/wellington-high-court-library-guide>

Maritime Law

Are you interested in keeping up with developments in Maritime Law? The Wellington Library produces a Maritime Law bulletin monthly with the latest cases, latest journal contents pages for journals we receive and any news we have found. Contact

Robin Anderson for more information – robin.anderson@lawsociety.org.nz.

Lockers

Do you need to store anything at the High Court? We have lockers available for rent in the Law Society Library Robing Room. Contact Robin Anderson (email above) for more information.

New online resource

The Oxford English Dictionary Online is now available for all NZLS members to use either in the three research libraries at the public terminals or else as part of the library resources offered from the login part of my.lawsociety. Given that words are the lawyers' tools, we are very pleased to be able to offer this to you all.

Internet resources

Published articles of Sir Geoffrey Palmer. Victoria University of Wellington is uploading many of these to the Social Science Research Network to provide a wonderful resource for anyone interested in his work. To see what is available go to: <http://bit.ly/RNcRWX>

☐ New books list – see page 7

Wellington Branch AGM, Wednesday 25 June 2014 see page 1

COUNCIL BRIEF CROSSWORD

You can use this diagram for either the Quick or Cryptic Clues, but the answers in each case are different. This month's solutions are on page 7.

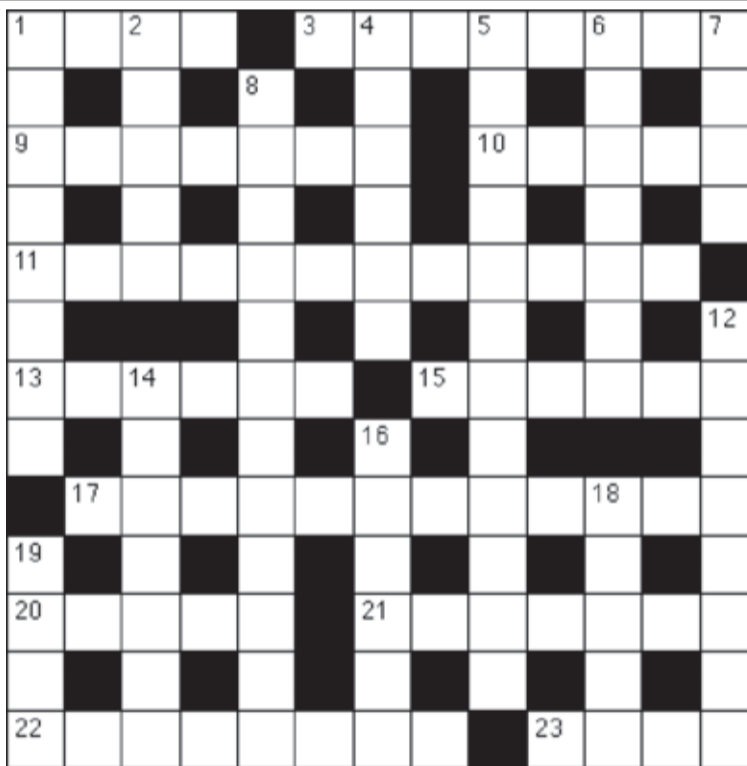
Cryptic Clues

ACROSS

- They provide fuel records (4)
- Observed the beaks – they're mergansers (3-5)
- Behaved playfully – subjected to a search (7)
- Measure a young animal by it (5)
- Making the pitch too big – but inflicting defeat (12)
- The area of what was once temporary accommodaton (6)
- A woodworker who becomes a member (6)
- The affliction of one who experiences irregular beatings (5-7)
- Stick to prohibition outside (5)
- Opposite directions included in characteristic conveyance (7)
- They put on other people's clothes! (8)
- Permanent settlers have come to this (4)

DOWN

- Surplus remained on top (4-4)
- The conductor is caricatured, we hear (5)
- They figure out the total number of poisonous creatures (6)
- Presumably he's not in the front rank of foresters (12)
- Noble arrangement about an Eastern country (7)
- Position from which to take aim, one hears (4)
- Figures are cut on them by blades a foot long (7-5)
- Describing the cleric who is unusually spritely (8)
- Upholder of the board (7)
- Pressman tried to change nothing inside (6)
- Promotes sales - item of property put back inside (5)
- The position of one who has retired (4)



PRACTISING WELL

Chaplain, Julia Coleman, 027 285 9115

Quick Clues

ACROSS

- Saucy (4)
- Jam (8)
- Rubbers (7)
- Hackneyed (5)
- Teacher (12)
- Lottery (6)
- Hesitate (6)
- Impolite (12)
- Boredom (5)
- Wordy (7)
- Commonplace (8)
- Pluck (4)

DOWN

- Delight (8)
- Extend (5)
- Recommence (6)
- Adequate (12)
- Apparel (7)
- Pitcher (4)
- Memory (12)
- Outlook (8)
- Simulated (7)
- Tremble (6)
- Smell (5)
- Nil (4)

Conferences

May 8-9 2014 – 6th World Women Lawyers' Conference, Paris. www.iba.org

May 8-11 2013 – The 24th annual meeting and conference of the Inter-Pacific Bar Association – IPBA 2014, Vancouver, Canada. www.ipba2014.com or neil.russ@buddlefindlay.com

May 14-15 2014 – CLANZ 27th Annual Conference, 'Back to School', Dunedin. www.clanzconference.org.nz

June 16-17 2014 – 10th Annual Financial Markets Law Conference, Auckland. www.conferenz.co.nz/financiellaw

June 19-20 2014 – 12th Immigration Law Conference, Auckland. www.cchlearning.co.nz

June 20 2014 – IBA Asia Law Firm Management Conference, Singapore. www.ibanet.org

June 23-24 2014 – Property Law Conference, Te Papa, Wellington. www.lawyerseducation.co.nz

June 24-27 2014 – World Indigenous Lawyers' Conference, Brisbane. www.indigenouslawyersqld.com

July 3-5 2014 – 5th LAWASIA Family Law & Children's Rights Conference, Sapporo, Japan. http://lawasia.asn.au

July 18 2014 – Key issues in design of capital gains tax regimes, University of Auckland. www.business.auckland.ac.nz

July 24-25 2014 – Symposium - Implementation of UN Declaration on Rights of Indigenous Peoples in Aotearoa, University of Waikato. www.lawfoundation.org.nz

August 9-11 2014 – Banking and Financial Services Law Association, 31st Annual Conference, Queenstown. http://bfsla.org

September 4 2014 – Tax Conference, Auckland. www.lawyerseducation.co.nz

September 4-6 2014 – 2014 World Bar Conference, Queenstown. www.nzbar.org.nz

September 8-11 2014 – National Mediation Conference, Melbourne. www.mediationconference.com.au

September 10-12 2014 – NZ Insurance Law Annual Conference, Te Papa, Wellington. www.nzila.org

September 15-17 2014 – International Conference on Public Law, Faculty of Law, University of Cambridge. www.publiclawconference.law.cam.ac.uk

September 25-27 2014 – Resource Management Association of NZ (RMLA), Annual Conference Dunedin. www.rmla.org.nz

Deadline June Council Brief

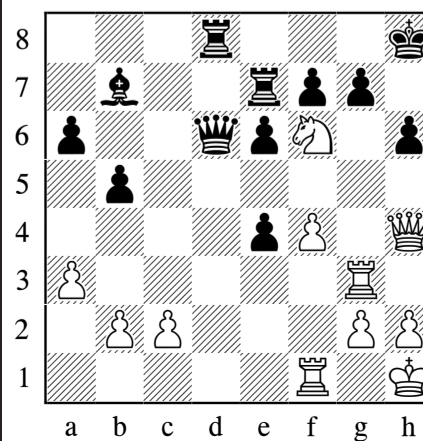
Tuesday 27 May

Will Notices see page 8 in this issue

MADESIGN[™]

Answers: See page 7

- Using a pair of scissors and a sheet of used paper, show that the internal angles of a triangle add up to 180°.
- It is white's turn to move. What should white do?



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Law graduate CV scheme

THE scheme to assist law graduates into work is still being operated by the Wellington Branch.

Law graduates seeking work leave their CVs at the Society. These are available to potential employers needing staff who can refer to the CVs and choose appropriate graduates.

The work offered need not be permanent. Any work in a law office will give graduates valuable experience that may be helpful to them next time they make job applications.

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OBITUARY

A 'principled and compassionate' lawyer – Keith Taylor Matthews – 14 July 1921-29 March 2014

By Helen Cull QC

KEITH Taylor Matthews was one of the law profession's finest examples of an extremely competent, dedicated and compassionate lawyer, with a true love of the law, serving his clients assiduously and actively upholding the principles of the rule of law. He was highly respected among the legal profession and was dearly loved by family and friends.

Keith Matthews was admitted on 11 June 1945. He became a partner of Duncan Matthews and Taylor in 1948 and from 1968, was a partner of Tripe Matthews and Feist until 1997, where he continued to work until 2002.

Born in Wellington in 1921, Keith's life was shaped by the exigencies and aftermath of the two World Wars. His solicitor father, Nelson, contracted tuberculosis in World War 1, having fought in the battle of Passchendaele, and was an invalid throughout Keith's childhood, able to practise law only spasmodically. His mother had cared for people during the 1918 influenza epidemic and brought up the three children of the family in difficult circumstances.

Speaking of that time in a recent eulogy for one of his lifelong friends from the 1930s at Wellington College, Keith recalled:

"As a group we questioned in depth all those wicked things that were happening in the world between the two wars. We felt we were compelled to stand by and watch the apparently ineluctable measures that politicians were inflicting on our generation in what seemed to be a conscious endeavour to rekindle the drive towards war. We gobbled up all the literature that we could lay our hands on and talked our heads off deep into the night... It was a good life and then came the war with consequences I would rather not dwell on."

Keith's father died in 1938 and when Keith started university the following year, he chose to study law as well as continuing to study language and languages, a love which was to last his whole life. While studying, he also worked as a Judges Associate in Wellington, first to Sir Hubert Ostler and then to Justice Arthur Fair in Auckland. He applied himself willingly to the law, satisfied in the knowledge that

he had helped resolve a human conflict or problem.

After his marriage to Jackie in 1946, and some years working as an office solicitor in Leicester, Rainey & McCarthy and Phillips, Hollings and Shaylor-George, Keith joined forces with his long-time school friend, Nigel Taylor to start their own law practice, which shortly thereafter became Duncan, Matthews and Taylor.

In 1950, Keith took leave, during which he and Jackie worked for the World Peace Council in Paris. Years later, Keith wrote of the fear that gripped Europe in 1950-51, when he had travelled to places such as London, Coventry, Stuttgart, Nuremberg, Berlin, Dresden and Warsaw, and said:

"Arriving from distant New Zealand the shock of all this was a source of unutterable despair, something that could be comprehended only by seeing the damage and speaking to the people. The written word was and is totally inadequate to describe the scale of such monstrosities. It was almost impossible to believe the world could do this to itself. It was unthinkable that some of the great powers were able to contemplate and prepare for a renewal of world war as a political instrument."

In 1951, when Keith returned to New Zealand, it was to a country in the throes of a bitter waterfront dispute. During that time, the government had declared a state of emergency. The law firm of Duncan, Matthews and Taylor became engaged in defending union workers and their funds from new draconian regulations.

They provided defences for strikers charged under the regulations, at a time when lawyers themselves were at risk of imprisonment for their role.

Keith continued his work for peace by promoting the Stockholm Appeal [*a call for the absolute ban*



on nuclear weapons], addressing public meetings and chairing the Wellington Peace Council for the next four years.

He was also involved in legal action to prevent continued discrimination. In the long battle to prevent the All Black team leaving New Zealand to play against the segregated South African Springbok team in 1970, Roy Parsons initiated a legal action with Dr George Barton as barrister and Keith as solicitor. They invoked the writ 'Nexeat regno' in its ancient form, to prevent a subject leaving the realm to engage in activity that would bring the Queen and her subjects into disrepute. The writ was refused on the ground that in a matter of State, the writ cannot issue on the application of a private citizen.

Along with his wife Jackie, Ailsa Barton and Margaret Lee, Keith was among the ranks who confronted the Red Squad on Rintoul Street in the 1981 Springbok tour demonstrations. Keith was batoned. Later Keith and Margaret Lee made submissions to a subsequent inquiry into incidents during the Springbok tour, pressing for the creation of an independent

authority to monitor police conduct.

Keith was always alive to the needs of others and led by example. He was a volunteer solicitor at the Aro Valley Citizens Advice Bureau, and was on the roster of the Wellington Central Library senior law centre for many years.

On a sabbatical break with Jackie in Europe in 1977, Keith worked for days on end, in a campervan in the Ardèche, drafting a report on community law centres, many of which he had visited in England and Holland to ascertain their viability and work. He returned to Wellington, a strong advocate for the establishment of community law centres here, and of course, became a volunteer practitioner on their roster, once they became

established.

In so many ways, Keith Matthews was ahead of his time. He encouraged and mentored women to practise law and helped in advancing their careers. Tripe Matthews and Feist was the first law firm in Wellington, if not in New Zealand, to have equal numbers of men and women partners, a fact of which he was rightly proud. Those of us who were partners with him are in his debt.

Even in 1968, when Keith hired Anne Thompson as his practice accountant, she timidly told him she was a solo mother with a young baby. Keith was undeterred. He encouraged her to bring her baby to work, which for the time was unusual. Anne remained at Tripe, Matthews and Feist for 30 years.

With his experience of the aftermath of war, Keith eschewed labels to describe people or their beliefs. Unbeknown to him, he was the very target of such classification.

In the 1950s, Keith was a member of "the vegetable club", which comprised a group of friends whose bonds were forged by their various experiences of war and their desire to change the world. They gathered

on Friday nights after work at Duncan Matthews and Taylor to partake of a drink, talk politics and distribute vegetables bought wholesale from the market, to take home to their long suffering families.

In 2007, nearly 55 years later, Keith requested his SIS declassified file, to discover he was the subject of security interest, because of his association with "communist" or "subversive" persons or organisations. Reports had been received from a "mole" inside the vegetable club. Keith was clearly aghast and entered into a carefully considered correspondence with the Director, asking that it be lodged with his file.

Of note is the following paragraph: *"One should beware of broad political descriptions like communist, leftist, subversive, right wing, fascist, islamist, terrorist, unionist, wharfie, Catholic, Jew, masonic, muslim etc. It is necessary to remember how such words have often been used politically in the past to impute evil and to arouse suspicion and hatred. Such descriptions can creep into the unconscious mind of a person who is called upon to make judgements about another citizen and great harm and injustice can ensue."*

Keith practised law the way he lived: principled, compassionate, and with the utmost integrity. For him, social justice was not an empty term in the life of the law.

In addition to his work life, Keith was a wonderful family man. He was gifted in his interactions with young children and was a wonderful father and grandfather to his four children and grandchildren. He was patient and enthusiastic, reading aloud to them and instilling in them a love of the bush, the outdoors and the mountains, with family walks and camping trips.

Keith Matthews was a kind and gentle person, who led by example and was generous to a fault. He was a friend beyond measure to many; a mentor to a lucky few; and an example to all. For those of us who had the privilege to know and work with him, we are richer for that experience and his influence.

□ Drawn from eulogies by Tina Matthews and family; Judge Margaret Lee; Clare Taylor; and the writings of Keith Matthews.

June immigration law conference for Auckland

THE 12th annual immigration law conference is being held at the Pullman Hotel in Auckland on Thursday and Friday 19 and 20 June.

The conference, run by CCH Learning, will cover the latest developments and policies for New Zealand immigration law and a practice update for those working in the industry.

For more information go to www.cchlearning.co.nz

Deadline June Council Brief – Tuesday 27 May

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For New Zealand Law Society members and families we are offering a discounted rate:

\$110 based on a normal 60min session

Currently this Face-to-Face service is only available in person in the Auckland region. Other regions will be introduced in time.

Skype Face-to-Face counselling applies throughout New Zealand.

Please contact Lifeline Counselling on

face2face@lifeline.org.nz or phone 09 909 8750

Christchurch armed offenders squad takes on the mighty Wellington lawyers

IF you are looking for some show stopping entertainment on Friday 9 May then head along to the Renouf Tennis Centre to watch one almighty showdown.

Four members of the Christchurch Armed Offenders Squad are passing through Wellington on an incredible mission, and have challenged members of the Wellington legal fraternity to a tennis match.

There is a very special reason for the tennis match. These police officers are generously giving up their own time to raise money for a special little boy called Charlie.

Charlie is nine years old and has a form of Cerebral Palsy called Spastic Diplegia. This condition affects his ability to walk without the aid of sticks, and is hindering his dream of becoming a professional tennis player. While there is no cure for cerebral palsy the exciting news is that there is an operation that will reduce the spasticity in his legs and will enable Charlie to improve his mobility and retain his mobility as he gets older.

Charlie has been accepted for the procedure. The tricky part is that it will take place in St Louis Children's Hospital in St Louis, Missouri, USA. The procedure is not available in New Zealand, and there is no funding available to assist Charlie and his family to travel to the United States for the procedure. The cost for the travel, procedure and intense physical therapy required afterwards is \$100,000.

This group of Christchurch police officers are setting out to complete a fundraising run and bike ride from New Plymouth to Lincoln raising money for Charlie's new legs. Why New Plymouth? Well a lovely company up there called 'Naki Racquets' have generously donated (along with Wilson Tennis) a racquet and other tennis gear for Charlie. The police officers are going to collect the tennis gear, and then run and ride it all the way back to Christchurch to deliver it to Charlie, hopefully collecting lots of lovely donations as they go. They will take part in some great fundraising activities along the way including the tennis match in Wellington.

If you or a group of you are looking for some light hearted entertainment on Friday 9 May, and would like to support your colleagues then please come on down to the Renouf Tennis Centre. The tennis matches will take place from 4pm to 6pm, followed by the opportunity to catch up with the tennis "super-stars" themselves, and to meet Charlie who is flying up from Christchurch especially for the match.

For those not in Wellington who would like to support Charlie then please take a moment to view our "Give a Little" website page. Here is the link:
<http://www.givealittle.co.nz/cause/newlegsforcharlie>

From here you can also click to view our Facebook page to read more about Charlie and his incredible journey.



How the Broadcasting Standards Authority balances freedom of expression with media regulation was the subject of a interesting seminar presented by the Wellington Branch Human Rights Committee recently. Authority chief executive Susan Freeman-Green (centre) discussed the role of the authority with comment from authority legal manager Patricia Windle (right), while the Human Rights Committee convenor Miro Booth, who is also a legal adviser at the authority, chaired the session. The ambit of the Broadcasting Standards Authority covers broadcasting but not internet or print, and the authority does not act as a censor. Ms Freeman-Green played several sound tracks in which comments by well-known broadcasters had provoked public complaint. These were opened up for discussion and the authority's determinations were presented. Ms Freeman-Green also discussed the challenges presented by digital convergence where 'traditional' broadcasting is moving to new media.

Some solutions to financial challenges

By Andrew Nuttall

In the light of interviewing a number of lawyers and allied professionals, financial adviser Andrew Nuttall makes some suggestions for working towards financial security

A NUMBER of the people I interviewed mentioned that the best earners are not necessarily the most wealthy. Some senior practitioners indicated concern for younger practitioners who might not be financially 'savvy'.

Nearly all senior practitioners reported that there is now a greater need to plan for the future as business life can change rapidly. The 2008 Global Financial Crisis reminded us all of this. A senior commercial partner suggested I emphasise to readers that life is about having options. He recommended that it was very important to take time to think about how you would like to be positioned 10 years from now and to engage in deliberate planning. He went on to suggest that everyone needs to think carefully about the next stage of life and explore their own expectations, goals and desires for themselves and their family. They then need to put plans in place to move them in that direction.

Take time

It is well recognised lawyers lead very busy lives with constant demands and high expectations from clients, partners and family members. This can result in what might be called the 'plumber's leaky tap' syndrome leading to people spending more time planning their summer holidays than planning the finances for them. Most people tend to put off the important but not urgent tasks.

We suggest taking time to consider the following:

1. Establish where you are now.

2. List your assets and liabilities.
3. Think about what you want to achieve with your money and write it down.
4. List what you want to achieve for you and your family in the next three, five and 10 years.
5. Assess the level of income you require to maintain your desired current lifestyle.
6. Think about the level of income you will require to enjoy the lifestyle you wish to become accustomed to.
7. Consider how much capital or investment assets you will require to reach your goals and fund your lifestyle (this is often the missing link to good planning).
8. Write down the date when you would like to be in a position to have the choice to 'untie yourself from the time sheet'. It is not a simple task to answer all these questions. However, determining the answers, particularly to question 8, can help to bring you peace of mind, through knowing that you are stewarding your family's financial resources prudently.

Coach or mentor

Many of us have experienced the benefit of having a coach or mentor. The coach is someone we can discuss things with and who helps us to set achievable goals. Sometimes a coach will point out poor technique or an area that requires attention.

A coach will also pick us up when things are not going so well and help us to stay motivated and get back on track.

A coach will also identify when an external expert is required and engage with the best person. A coach will facilitate thought and discussion, help set targets, evaluate progress and fine-tune activities.

Having a good coach helps us to extend ourselves and reach a level of performance that we otherwise might not attain.

All lawyers know the benefit their clients receive from seeking expert advice and how it saves time and money. Why not take your own advice and get your financial house in order by working with an experienced independent wealth manager?

Over the years I have found that through working together, in a consultative manner, you will have a far greater probability of achieving your financial and lifestyle goals. You will also save yourself time, enabling you to be more effective at home and at work.

I would suggest that lawyers spend time with their life partners and address some of the above questions and also to consider the possibility of 'outsourcing' and using a trusted adviser. I hope that many readers will be encouraged to plan their finances so they can achieve balance and financial well-being in their lives.

Finally, if your goal is to enjoy life more and worry less about finances, try not to pay too much attention to the financial media. The media's focus is almost exclusively on headline grabbing, short term opportunities and disasters rather than long-term strategy and planning.

Andrew Nuttall is an Authorised Financial Adviser. His disclosure statement is available free of charge and on request. He can be contacted by phoning 03-3649119 or andrew@bnl.co.nz

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VUW LAW FACULTY

Realities of markets and government constraints – the legal training conundrum

By Professor Tony Smith,
Dean of Victoria University's Law School



FROM time to time, I hear complaints that New Zealand Law Schools (and yes, Victoria in particular) are not doing enough to prepare students

for legal practice. We do not provide the right sort of legal education so that our products emerge from the system fully equipped to become instant fee earners for their new employers. "Practical" suggestions and solutions are sometimes associated with these criticisms. You should be providing clinical legal education, offering internships, and so forth. I hear these criticisms sufficiently often to make me think that it might be worth devoting this column (if necessary in two parts) to providing an account of the role of the modern Law Faculty in supplying a basis for those who wish to undertake legal practice.

The resource problem

The plea that I would offer in response to the critics at the outset is of the confession and avoidance

variety. Yes, it is true that our graduates are not at the outset fully equipped to engage in the practice of law. But the expectation that they should be is quite unrealistic given the history, current funding and government constraints on universities, including the law schools. Put simply, we do not have the resources in terms of personnel and funding to do what our critics ask.

Crisis in the USA

Two preliminary points. As I think I have indicated in this column before, I do not think that the bridge between university study and earning a living as a lawyer is in a very satisfactory state in this jurisdiction. There are complicated reasons for this, which will be discussed next month. Second, New Zealand is not alone in this problem. In the United States of America, for example, the law schools are in something of a state of crisis. Professor Brian Tamahana lit a fuse when he published his book *Our Failing Law Schools* in 2012. He pointed out that the law schools were competing for enrolments at a time when the legal job market was declining. They competed for the leading scholars

by offering higher and higher salaries, which led in turn to higher tuition fees and higher borrowing by students who then found themselves unable to get a job that would enable them to repay the considerable loans with which they had burdened themselves in the process. Tamahana predicted that potential students would eventually tumble to this and decide that the game was not worth the candle. What's more, Professor Tamahana named names – lists were drawn up, giving figures such as the numbers of graduates of particular named schools who were earning a living as lawyers in private practice shortly after graduation. Sure enough, as *The National Jurist* put it in January 2014, "Applications and enrollments (sic) continue to go down at many law schools. Layoffs are occurring. Tenure is threatened. Graduates still face grim employment prospects, and some can't pay off financially crippling student loans".

President Obama's view

These developments have precipitated a considerable literature and debate. President Obama, no less, has waded in with the suggestion that the length of study should be shortened from three years to two. Professor Michael Simkovic at Seton Hall University School of Law co-authored a paper entitled "The Economic Value of a Law Degree" which controversially concluded that, even in these straitened times, a law degree does indeed enhance a person's earning power across a career.

England does things differently

again, but I think that it would be fair to say that people who graduate from some of the law schools at the bottom of the pecking order would have very little chance of employment in the private law sector, particularly so far as practice at the Bar is concerned. Stimulated by the Bar Council, the English Bar has struggled to alter the composition of its membership by making itself more open to the admission of women and ethnic minorities. The Inns of Court have supported these initiatives, particularly with the increasing provision of prizes, scholarships and paid pupillages. But the reality is that these are hugely competitive exercises, and the numbers of people who have trained for the Bar who eventually secure a tenancy in Chambers (which is required for practice at the Bar) are singularly very small indeed.

Government constraints

To return, then, to the New Zealand scene. The principal difference between America's rampantly capitalistic approach to legal education, and the local scene, is the extent to which universities are constrained by governments. Each University has to have an "Investment Plan" in which it makes a bid to the government indicating how many students it wishes to educate from one year to the next. Student funding is varied according to subject, with the sciences, medicine and engineering carrying far higher levels of income than the arts and humanities or law (which is actually at the bottom of the funding rung). Getting the balance right across a whole range of

disciplines is extremely difficult to achieve, not least because of the complication that overseas student fees are paid at a far higher rate than the local. What is more, the government is increasingly saying that a failure to meet targets might well be met by financial penalties. When this methodology was first introduced, the level of tolerance was set at 97 percent. Enrolment levels falling below that might result in the funding being withdrawn. Now, the tolerance level is 99 percent.

Unpredictable student demand

Another headache for universities is that student demand for courses is very unpredictable, and the government clearly wishes for growth to occur in the so-called STEM subjects (science, technology, engineering and mathematics) permitting increased enrolments in those areas without penalty. We suffer, as does any business in New Zealand, from the high exchange rate in the competition for overseas students. Victoria's international office advises that intending students (more realistically, probably, their parents) are incredibly price-sensitive.

The other major constraint on my freedom of action as Dean of Law comes in the shape of the Performance Based Research Funding exercise, about which I wrote in this column last year. The fact is these days that anybody employed in a Law Faculty must be "research active", and there is not much research activity in clinical programmes.

☐ To be continued...

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For further information on making a bequest to Victoria University, please call 0800 842 534, or email shelagh.murray@vuw.ac.nz

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VICTORIA FOUNDATION

Young Lawyers mooting competition takes place over May and June

WELLINGTON Young Lawyers' Committee (YLC) Mooting Competition is to take place during May and June 2014, with the New Zealand Law Foundation as primary sponsor.

The competition is a rewarding and challenging opportunity for junior lawyers to hone their advocacy skills, both in terms of written and oral advocacy, before senior members of the legal profession.

The competition simulates an appellate court hearing in which teams of two counsel are pitted against each other. There are to be 12 teams of two, divided into six appellant and six respondent teams.

The 12 competition teams will compete during the week of 26 May, with the top four teams progressing to the semi-finals. In turn, the top two teams from the semi-finals will compete in the final.

Barristers who are members of the New Zealand Bar Association will provide group training to all participants and mentoring for the semi-finalist and finalist teams.

The final moot, to take place in the Old High Court at 5.45pm on Thursday 19 June, is open to the public. Spectators are requested to be seated by 5.50pm.

Summer camp for lawyers in China

THE China Law Society is organising a "China Law International Summer Camp", a two-week law and culture tour.

The "camp" is to take place on 16-30 July in Beijing and Shanghai and is expected to appeal to law students, lawyers and related professionals interested in working or developing business opportunities in China.

Lectures will be given by Chinese legal authorities on subjects including: reform and opening up policy and the socialist market economy, the socialist system of laws with Chinese characteristics, legal education, China foreign trade and investment laws and the Chinese judiciary system. Participants will also visit courts, law schools, law firms, and law organizations, as well as cultural and historic sites.

All expenses for participation in the programme, including international air tickets, local transportation, food, accommodation, tours and insurance will be borne by the participants.

Anyone interested please email lawexchange@chinalaw.org.cn

The Young Lawyers' Committee Wellington and the New Zealand Bar Association present

The New Zealand Law Foundation

Mooting Competition 2014

May-June 2014, Wellington



New Zealand
BAR ASSOCIATION

young lawyers' committee.

We are grateful to all who assisted in drafting the competition rules and marking guide.

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Will Notices
see page 8
in this issue

Local democracy at risk?

By Nicola M Drayton-Glesti, Community Lawyer (Legal Entities Project)
Community Law Wellington and Hutt Valley

SINCE 2010, Community Law Wellington and Hutt Valley has run a Legal Entities Project (LEP) to assist community groups (NGOs) with setting up, running and winding up their organisations. The work we undertake includes advising on structure, preparing constitutions, leases and employment contracts, assisting NGOs run their meetings, employment mediations and numerous other issues arising within this project. The LEP also provides education workshops, creates legal resources and works on specific law reform with the current review of the Incorporated Societies Act.¹

Over the years many NGOs have sought advice from the law centre on which structure is best suited to their organisation. While there are a number of structures an NGO can choose,² the main choices are an Incorporated Society (society) or a Charitable Trust (trust).

A society is a member based organisation³ where supporters are actively involved in running the organisation through the annual general meeting and where appropriate, special general meetings. A society is a democratic model allowing realistic participation from members. Depending on the precise wording of the NGO's constitution the members can elect the board or committee, raise motions and issues, speak to issues, vote, call for special general meetings and even call for the removal of a board member.

A trust operates quite differently. First, there is no requirement for members or supporters. The decision

making is made by the trustees on behalf of their beneficiaries. By law you can have a minimum of a single trustee, although it is usual to have at least two and many trusts have more.⁴ The trustees are appointed by themselves without an election.

Traditionally in Wellington, societies were plentiful.⁵ However, the law centre is noticing an increased interest in setting up trusts due to a wariness of societies. When consulting with NGOs regarding the best structure for their organisation, we are receiving feedback that a trust is preferable because of the view that a trust allows 'easier' decision making. Horror stories are brought forward of societies experiencing difficult and ineffective AGMs as a result of the behaviour of some members such as arguing every possible point, trying to remove office holders from the board, 'dominant' members trying to control proceedings, personality clashes and verbal abuse. A trustee recently told me they had chosen the trust structure because of issues with factions in their membership and consequent problems with governance and management structures. They believed that a trust would solve these issues.

The distinction between a trust and a society can become blurred when NGOs with active members make the decision to use a trust. They often feel under pressure from their members to incorporate some aspect of a society into their trust.⁶ Sometimes a trust will allow supporters to attend some of their meetings, have AGMs or report to their community about what the trust is doing. I have heard of

trusts having supporter's groups and even agreeing to elect their trustees. I have seen a number of Charitable Trust deeds that contained a curious mixture of clauses that would not have looked out of place in either an Incorporated Society or a trust deed.

There is no denying that trusts have their place. They usually work best with a small group (10 members or fewer) with a charitable purpose,⁷ identified beneficiaries and few, if any, members.

I believe that a more serious problem arises when larger groups (over 15 members) decide to operate as a trust. One of the most important functions of the membership of a society is electing the board. From my experience attending numerous AGMs, I note that elected boards usually reflect the community that has elected them. Thus if the NGO resides in a multicultural area, the members will tend to elect people they know within that particular community.

Conversely, a problem identified with trusts is that trustees are appointed either by whoever had the idea for a trust at the first trustee meeting or, for subsequent trustees, by the then current trustees. Current trustees tend to choose people similar to themselves and this does not necessarily reflect the community they are trying to help. For instance, a recent group from a multicultural part of Wellington had an all white, middle age and male trust board who had appointed themselves. While it is important to have skills based appointees for both societies and trusts, when an NGO has a proper membership base, democracy is best served via

local elections for the board.

Democracy is also best served when members can fully participate with the running of the organisation including suggesting changes and initiating new policies. While trusts can allow members to participate in the running of the trust, they can also change their mind to dictate that only appointed trustees can make decisions. The trustees may change the trust deed themselves without the need for an AGM or any other mechanism to include members.⁸

I have certainly seen messy and drawn-out annual general meetings and special general meetings where members did indeed shout at each other, create factions and try to remove each other from their boards. Thankfully, I have also seen the way local democracy can work where members have a chance to speak to their community, raise their issues and vote. Local democracy is important for the well-being of our community and adds value and quality to NGOs and to our lives.

The way to sort out messy governance structures for incorporated societies is not just to "change into a trust", but to get help for the NGO. Help can include one-on-one legal advice and assistance, education workshops on how to run meetings and accessing the legal resources available online and through Community Law.⁹ I hope that local democracy in the form of societies continues to flourish and we all learn to handle, rather than avoid, challenging members for the enrichment of our lives and the communities we live in.

Footnotes

- ¹ A new act for Incorporated Societies, Law Commission, June 2013.
- ² Such as a company structure, Industrial and Provident Society, Mori Land Trust or an unincorporated group.
- ³ A minimum of 15 members are required, section 4, Incorporated Societies Act 1908.
- ⁴ Trustees Act 1956, Charitable Trusts Act 1957 (Part 1).
- ⁵ For example, the Legal Needs Survey organised by the LEP in 2010 showed double the number of Incorporated Societies in Wellington than Charitable Trusts, but it was a sample survey only.
- ⁶ We are referring to a Charitable Trust and not a Charitable Society sometimes confusingly referred to as a Charitable Trust Board.
- ⁷ Relief of poverty, advancement of education or religion, or any other matter beneficial to the community, section 5, Charities Act 2005.
- ⁸ Most trust deeds specify that charitable objects are protected when changing the trust deed.
- ⁹ To download free information resources for NGOs (including the Community Law Manual, Chapter 2: Community Organisations and the Law and Managing a Community Centre: Best practice Guidelines) visit the Wellington website www.wcl.org.nz or the Community Law national website: www.communitylaw.org.nz. For legal advice or assistance visit the Wellington website or call (04)460 4466. Legal Seminars for Community Groups are usually run in September and October each year.

Right to withdraw property from sale by auction

By Peter Nolan

A RECENT decision of the Real Estate Agents Disciplinary Tribunal gives guidance for property lawyers who might be faced with having to give advice, on the spot, in a similar situation. The decision also confirms that while an agent must act fairly, the agent's primary obligation is owed to the vendor.

The case was *Milne & Bowring v Real Estate Agents Authority & Eades* [2013] NZREADT 60. The decision was handed down on 16 July 2013.

The case arose from an auction of a residential property in Remuera. The auction stalled at a price of \$2.5 million when the vendors had set their reserve at \$2.7 million. The auctioneer called a pause to the auction while he discussed with the vendors a reduction in the reserve price. The vendors agreed to reduce the reserve price to \$2.6 million.

The auctioneer then spoke with the highest bidder. The highest bidder advised the auctioneer that he would be prepared to pay \$2.7 million for the property, if the property was withdrawn from auction and then sold directly to him.

This was an unusual offer and there was a great deal of uncertainty about what to do. The auctioneer considered that he could not sell the property outside the auction process, while the auction was in train. He phoned another experienced auctioneer for advice. He then concluded that the only option was for

the vendors to cancel the auction and to commence dealing with the offeror, but that there was no guarantee that the offeror would not renege on his verbal offer.

The vendors decided that they did not want to cancel the auction and instructed the auctioneer to proceed with it. There was no discussion about the reserve price, which was left at the reduced figure of \$2.6 million. The auctioneer claimed that the vendors understood that there was a risk that the property might be sold for less than \$2.7 million.

The offeror was apparently upset that his offer was not accepted but was persuaded to stay at the auction. The offeror subsequently bid at the auction and the property was sold to him for \$2.605 million.

The vendors were unhappy that the sale process resulted in them receiving \$95,000 less than they had been offered. They then lodged a complaint with the Real Estate Agents Authority.

At the hearing, the vendors gave evidence that they had asked the auctioneer whether the offer at \$2.7 million could be put in writing. They were told that this was not possible.

The auctioneer denied having been asked to get anything in writing and said that in any event, the offer could not have been concluded on the auction form.

At the hearing, the auctioneer and the real estate agent involved in the sale

called another experienced auctioneer and real estate agent respectively to give expert evidence. The witnesses gave evidence that to withdraw the property from sale would have been in breach of clause 6.2 of the Real Estate Agents Act (Professional Conduct and Client Care) Rules, which requires licensees to treat all parties fairly. By withdrawing the property from sale, the other interested parties would be denied the opportunity of participating in the purchase. The witnesses also claimed that withdrawing the property from sale would be in breach of Rule 6.3 by bringing the industry into disrepute.

In its decision, the Tribunal made it clear that while it was important for an agent to act in good faith and deal fairly, it could not override the agent's fiduciary obligations to the vendor.

In this case, the auction terms provided in clause 2.5 that the vendors had the right to withdraw the property from sale at any time before it had been sold. Therefore it was not being unfair to other prospective purchasers for the vendors to exercise this right. The current REINZ/ADLSI auction form (Particulars and Conditions of Sale of Real Estate by Auction, Fourth Edition 2012), contains this same provision, which is a standard clause.

The Tribunal held that the appropriate course of action was for the

auctioneer to have obtained from the offeror a written offer, which was subject to the auction being cancelled.

The vendors could then have exercised their rights under clause 2.5 to withdraw the property from sale.

As to whether the purchasers could have made their offer in writing by signing the auction form, the Tribunal held that it was up to the auctioneers to obtain a written offer and that it did not matter how this was achieved. The Tribunal said that this could have been done by using the auction terms and adding an additional clause, or otherwise by recording the sale on a separate sheet of paper, including reference to the terms and conditions of the standard form of Agreement for Sale and Purchase.

In my opinion, the Tribunal's decision is absolutely correct. However, it may not have been easy for the vendors' lawyers to have come to the same conclusion themselves in the heat of the moment, if they had been rung for advice by the vendors from the auction room. For this reason, the decision is worth remembering.

The key points from the decision, which serve as a useful reminder to all property lawyers, are:

1. The standard REINZ/ADLSI auction terms make it clear that the vendor can withdraw the property from sale at any time before it is sold.

2. Accordingly, even though it might be part way through an auction, there is nothing to stop a bidder making an offer to purchase the property on condition that the auction is cancelled.

3. In this situation the vendor will need to weigh up whether to take "the bird in the hand", or to continue with the auction.

4. Obviously, it will be risky to withdraw a property from sale part way though an auction if the purchaser's offer has not been committed to writing. Therefore, it will be prudent to obtain any such offer in writing before withdrawing the property from sale.

In a case such as this, there will still be the risk that the purchaser might not pay the deposit, but that risk will be no greater than the risk that the highest bidder at the auction might not pay the deposit.

Peter Nolan is a barrister and solicitor, and the principal drafter of the Eighth and Ninth Edition revisions to ADLSI's Agreement for Sale and Purchase of Real Estate.

□ This article first appeared in *Law News* issue 28 (30 August 2013), published by Auckland District Law Society Inc.

IMMIGRATION

The story of a migrant woman – the issues

By Kamil Lakshman

IT was winter of 1999; Movina (not her real name) had just arrived in New Zealand with a young one and a new born. Movina had bachelors of science in chemistry from a reputable university in India but had limited English skills. Movina accompanied her husband to New Zealand when he was granted residency on the basis of being a chef. On arrival, she had a limited social circle and no family. Her husband worked long hours. Her baby suffered from colic; money was scarce so she had to be always very careful with it. She was home alone with the children for long periods, had no one to talk to and when her husband got home from work, he was always very tired. Monday was the only day she interacted with the outside world because that was her husband's day off.

Movina did not know where to go, what to do. She was a prisoner in her own home. She was lonely; depression was setting in, life was not as rosy as she had thought it would be in this foreign land which was to be her new home. Then she found she was pregnant again. She was barely coping with being a mother

of two and had few parenting skills.

Her husband was nice but was of little help as he expected her to manage it all. He held the view that a woman's place was in the home to look after the family and listen to her husband. He was out of touch with her wants, needs, dreams and aspirations. She conveyed he had controlling tendencies, was suspicious and behaved jealously. He did not approve of her connecting with anyone else.

So life was not easy. Movina so very much wanted a happy existence, a united family and ultimately she wanted to do well.

Movina wanted to learn English as she knew this was the key to her survival. She wanted to earn money, she loved the way the ladies dressed here, the way they put makeup on but she knew her husband did not approve. She was in a hurry to learn fast and nothing was going to stop her.

It was then we got connected through a volunteer organization I had just started called MAMTA – an Asian women's support group. The thinking of this group was that the woman is the glue in the family and if she is supported and empowered then the family greatly benefits, as

in turn does society, the country and the world at large. The group appreciated that there were many valuable services available but they are not always accessible to the intended audience. It is not that help is not available, but rather that migrant women such as Movina are not aware of it. Movina was lucky to find it.

One service not available then – 'Language Line' administered by the Office of Ethnic Affairs – is now available free to any organization. This is particularly useful for lawyers if English is the client's second language and if the lawyer is unsure whether the client or their spouse fully understands the matter being discussed.

Movina and I used to talk over the phone in Hindi and English; she took to English like fish to water. I connected her to the many services that were available despite her husband's disapproval which somewhat subsided when I met him and he learned that I was not trying to influence her against him or break up

their family unit.

Movina was introduced to MCLaSS, a multicultural learning and support service in the Wellington region, where she received formal English lessons and was able to master the language; she learnt parenting skills through help offered by Plunket; she was connected to the City Mission which assessed that she had some family issues and assisted her in these.

Movina eventually undertook a Barnados course relating to child care in the home; I attended her graduation. It was a very proud moment for her, her husband had a big grin. She made friends and started learning the New Zealand way, the lingo. Her confidence grew. She started looking after other children in her own home which gave her an income stream, she helped her husband to buy a business, learned how to drive.

Recently I received a call from Movina asking me which website she could refer, to incorporate a company. I put the phone down with

a smile. What a journey!

Therefore, for some women, the challenges have a different face; the aspirations to be treated equally are a far cry from the immediate issues of survival in a foreign country.

Hopefully a day will come in the near future that these challenges will be overcome and she will be in a space of an even playing field.

A world where we are all equal, gender, race, religion, social standing is an issue of the past, where there is understanding that we are interconnected, interdependent and part of one global community, where the good of one is the good of all. That the journey between birth and death is in our hands and it is up to us to make what we make of it, whatever cards maybe thrown our way. That nothing tangible is taken when this journey ends; where then is there room for being treated differently because of your gender?

□ **Kamil Lakshman is the Director and Senior Legal Advisor of IDESI Legal Ltd**

MADESIGN™

Answers for puzzles from page 2

- 1 Cut out a triangle (a polygon with three straight sides and an angle between each side). Tear off two of the corners of the triangle. Rearrange these two corners so that each is adjacent to the remaining corner and the vertices (pointy bits) of all three corners meet at the same point. The rearranged corners form a straight line, which is, by definition, an angle of 180°.
- 2 1 Qg5 Rg8 (if 1...hxQg5 then 2 Rh3#; if gxNf6 then 2 Qxh6# or 2 Qg7#; if 1...g6 then 2 Qxh6#) 2 Qxh6+ gxQh6 3 RrRg8# (Bult v Colett Stockholm 1946)

Crossword Solutions

From page 2

Cryptic Solutions

Across: 1 Logs; 3 Saw-bills; 9 Frisked; 10 Cubit; 11 Overthrowing; 13 Extent; 15 Joiner; 17 Heart-disease; 20 Baton; 21 Transit; 22 Dressers; 23 Stay.

Down: 1 Left-over; 2 Guide; 4 Adders; 5 Backwoodsman; 6 Lebanon; 7 Site; 8 Skating-rinks; 12 Priestly; 14 Trestle; 16 Editor; 18 Asset; 19 Abed.

Quick Solutions

Across: 1 Pert; 3 Preserve; 9 Erasers; 10 Trite; 11 Schoolmaster; 13 Raffle; 15 Falter; 17 Discourteous; 20 Ennui; 21 Verbose; 22 Ordinary; 23 Grit.

Down: 1 Pleasure; 2 Reach; 4 Resume; 5 Satisfactory; 6 Raiment; 7 Ewer; 8 Recollection; 12 Prospect; 14 Feigned; 16 Quiver; 18 Odour; 19 Zero.

Library News

New books at NZLS Library, Wellington

Appeals and appellate courts in Australia and New Zealand, Australia : LexisNexis 2014 KL221 BEA

Codes of practice, Wellington: Issued by the Advertising Standards Authority 1991 KN284.1.L1 COD

Competition Law & Policy Institute of New Zealand (Inc) : sixth annual workshop : Parkroyal Hotel, Wellington - 4-6 August 1995 Wellington : The Institute 1995 KN266 WOR

Consumer law reform, Wellington : New Zealand Law Society 2014 KN284.L1 NEW

Environmental law intensive, Wellington : New Zealand Law Society 2014 KN94.L1 NEW

Ethics : conflict of interest for property lawyers, Wellington : New Zealand Law Society 2014 KL82.L1 NEW

Exploration and development within the EEZ : offshore oil and gas, Wellington : New Zealand Law Society 2014 KN91.3.L1 NEW

Family Legal Advice Service, family legal aid changes and review of family fixed fees, Wellington : New Zealand Law Society 2014 KN399.L1 NEW

Family law in New Zealand, Wellington : LexisNexis 16th ed 2014 KN170.L1 FAM

Final judgment : the last Law Lords and the Supreme Court, Oxford : Hart Publishing 2013 KL221.A1 PAT

Forsyth's guide to trusts and estate practice, Auckland : CCH 7th ed 2014 KN210.L1 THO

Gurry on breach of confidence : the protection of confidential information, Oxford : Oxford University Press 2nd ed 2012 KN38.9.A1 GUR

Immigration and Protection Tribunal : best practice for appeals, Wellington : New Zealand Law Society 2014 KM176.L1 NEW

International adoption and surrogacy : family formation in the 21st century, Wellington : New Zealand Law Society 2014 KN176.1.L1 NEW

NBR NZ Property Investor, Auckland : National Business Review Journals

New Zealand Law Society first report of Committee on Computerised Retrieval of Information (CRINFO), Wellington: New Zealand Law Society 1983 KL157.L1 NEW

New Zealand's Mental Health Act in practice, Wellington : Victoria University Press 2013 KN155.3.L1 NEW

Property : converting cross leases to freehold and unit title, Wellington : New Zealand Law Society 2014 KN72.6.L1 NEW

Reform of securities trading law: Insider trading fundamental review – volume one, Discussion document May 2002, Wellington: Ministry of Economic Development 1992 KN304.9.L1 REF

Residential care subsidy : MSD policy and legal developments, Wellington : New Zealand Law Society 2014 KM336.7.L1 NEW

Suicide reporting, Wellington : Law Commission 2014 KN343.L1 NEW

Te matapunenga : a compendium of references to the concepts and institutions of Maori customary law, Wellington : Victoria University Press 2013 KL8.L1 BEN

The Australian consumer law, Sydney : ThomsonReuters 2nd ed 2013 KN284.K1 COR

The new family justice system : fundamental changes, Wellington : New Zealand Law Society 2014 KN170.L1 NEW

Trade practices workshop 13-15 August 1999, Marriott Surfers Paradise Resort, Queensland; Canberra: Business Law Section 1999 KN266.K1 TRA

Trade practices workshop 23-25 August 1996, The Hyatt Regency, Coolum Queensland; Canberra: Business Law Section 1996 KN266.K1 TRA

Trade practices workshop 7-9 August 1998, Melbourne Business School Melbourne: Business Law Section 1998 KN266.K1 TRA

Treatise on the law and practice of injunctions, London: Sweet & Maxwell 1927 KN232.A1 KER

Unit titles : the year in review, Wellington : New Zealand Law Society 2014 KN72.6.L1 NEW

COUNCIL BRIEF

The monthly newspaper of the Wellington Branch NZ Law Society



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Advertising Deadline: for the June 2014 issue is Wednesday 28 May, 2014.

Circulation: 3150 copies every month except January. Goes to all barristers and solicitors in the Wellington, Marlborough, Wairarapa, and Manawatu areas. Also goes to many New Zealand law firms, to law societies, universities, judicial officers, and others involved in the administration of justice.

Will Notices: \$57.50 GST inclusive for each insertion.

Subscriptions: Annual subscription \$46.00 incl. GST. Extra copies \$5.00 each. Subscription orders and inquiries to: The Branch Manager, New Zealand Law Society Wellington Branch, P.O. Box 494, Wellington.

Editor: Chris Ryan, telephone 472 7837, (06) 378 7431 or 027 255 4027

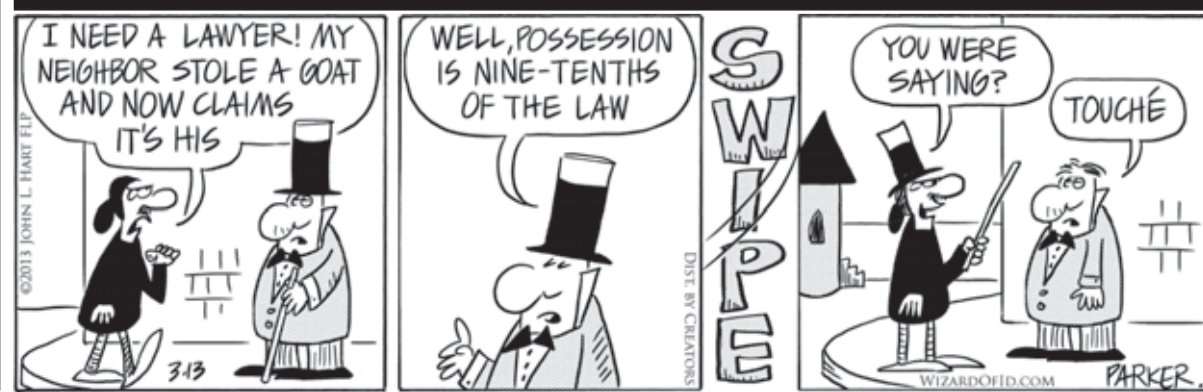
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Opinions expressed do not necessarily reflect those of the NZ Law Society Wellington Branch or the Editor.

Council Brief is published for the NZ Law Society Wellington Branch by Chris Ryan, and printed by APN Print, Wanganui.



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PRACTICE NOTICES

McFARLANE CHAMBERS WELLINGTON



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Law Revue 2014: bigger and better!

AFTER an exciting 2013 season, the Law Revue is back to present a witty satire of legal, political and current events on 21, 22 and 23 August. Although this year's plot is currently cloaked in secrecy, we can reveal that the show will feature iconic New Zealand legal giants from the past, present and future. Not only will the show deliver as many laughs as in previous years, Law Revue 2014 will present even more extravagant musical and dance numbers than before, with well-known three-time Musical Director Jade David Neale taking the Director's chair in 2014. In support, Executive Producers Jen Howes and Richard Collins are working hard to make the show a success (and ensure at least one walk out on opening night).

Our cast, Executive Team and audience consist largely of students, young professionals and the wider legal community. Ticket sales help provide essentials (a stage, set and costumes) but sponsorship is fundamental to the show's success. We are thankful to all organisations that have sponsored the Law Revue previously, and will be grateful to any other organisation that can help bring the Law Revue to stage, through financial sponsorship, event sponsorship (our overnight rehearsal weekend) or goods sponsorship (aka ensuring that our cast do not starve during eight hour dress rehearsals).

If you would like to help bring the Law Revue magic to life, please email the Law Revue Executive team for more information – jennifer.a.howes@gmail.com. Otherwise, 'like' our Facebook page, keep an eye out for more information, and come to the show in August 2014.

Professor Laurence Boule

LEADR Fellow, Chair of the Mediator Standards Board in Australia, researcher, teacher and author.

In Wellington on 28th May

Half Day Advanced Mediation Skills Workshop.

Networking Function and Presentation on Developments in ADR and mediation in Australasia.

For more info and to register www.leadr.co.nz.



Lisa Fraser



Gault Mitchell Law is pleased to announce that **LISA FRASER** has been made a Partner from 1 April 2014. Lisa is originally from Invercargill and joined the firm in 2002. Lisa has a wealth of experience with a particular focus on advising clients on the Establishment of Family Trusts, Estate Planning, Property Development and Relationship Property Agreements.

Lisa can be contacted on lisa@gaultmitchell.co.nz
or ph: 04 472 5074.

GAULT MITCHELL LAW

PROFESSIONAL OFFICES

Chambers Vacancy

A vacancy has arisen for a senior barrister wishing to rent a spacious room, together with an allied space for a PA; the location is north Lambton Quay (also with access from The Terrace) close to all Courts. For more information or to inspect the premises, please phone 04 473 6658.

WILL ENQUIRIES

FOR URGENT ACTION

Please contact the solicitors concerned if you are holding a will for any of the following:

CROKE, Robert John

Late of Apt 409, Peninsula Club, 441 Whangaparaoa Road, Whangaparaoa. Medical Practitioner. Widower. Age 89. Date of birth: 1 January 1924. Died at Auckland 13 October 2013. Public Trust (Glen Hildreth) PO Box 31446, Lower Hutt DX RP42084 Tel 04 978 4809 Fax 04 978 4931 Glen.Hildreth@publictrust.co.nz

DAVIES, Geoffrey David

Late of 135 Upper Plain Road, Masterton, New Zealand. Died on 7 February 2014 at 135 Upper Plain Road, Masterton, New Zealand. Ainslie Hewton Solicitors (Ainslie Hewton) PO Box 382, Masterton DX PA89049 Tel 06 377 5537 Fax 06 370 8688

McKIE, Hannah Barras

Late of 4/23 Phillip Street, Johnsonville, Wellington. Retired. Widow. Age 78. Died at Wellington on 2 January 2014. Public Trust (Glen Hildreth) PO Box 31446, Lower Hutt DX RP42084 Tel 04 978 4809 Fax 04 978 4931 Glen.Hildreth@publictrust.co.nz

- The cost of a will notices is \$57.50 (GST inclusive). Please send payment with your notice.
- Will notices should be sent to the Branch Manager, NZ Law Society Wellington Branch, PO Box 494, Wellington.



Harbour cruise for Young Lawyers

THE 2014 Young Lawyers' Committee Graduate Cruise was once again a sell-out success recently. Around 80 recent law graduates (and other legally associated people) enjoyed a harbour cruise on the *Sweet Georgia*.

Those who braved the crisp evening southerly wind got to see the city from a new perspective, watch the light change with the sunset. Watching Wellington change and put on night attire really helps emphasise what a wonderful place we work in.

This event has been a regular part of the YLC calendar for many years, and the committee would like to express its gratitude to the crew of the *Sweet Georgia* who hosted a great event and particularly Paul Gubb, the skipper. Thanks go to our regular supporters MAS and JLegal, and particularly to *Sweet Georgia* for the drinks specials this year! It was also good to see many of the firms getting behind the event, and paying for their graduates to attend.