



ADLSI

Independent Voice of Law

LAWNEWS THIS ISSUE:

2016 Cradle to Grave – an “eye-opener”
Caution when using new IRD online systems
Words of wisdom for new lawyers

LAWNEWS

ISSUE 17 3 JUNE 2016

www.adls.org.nz



Excellent speakers and topical and relevant presentations once again made this year's Cradle to Grave Conference a resounding success, with participants returning to their practices with much food for thought. Here, some of the presenters at the Auckland session of the Conference are pictured – from left to right are Bill Patterson (Chair), Juliet Moses, Professor Charles Rickett, Sonja Clapham, Tammy McLeod and Anthony Grant.

+ ADLSI event review

ADLSI'S ANNUAL CRADLE TO GRAVE CONFERENCE IS POPULAR ONCE AGAIN

The annual ADLSI Cradle to Grave Conference has established itself as a “not-to-be-missed” fixture in the CPD calendar.

With a combined number of 400 delegates attending the Auckland and Christchurch sessions and excellent feedback, this year's conference again proved extremely popular.

The Conference programme featured a superb array of speakers covering varied and salient content. Once again, it was expertly hosted and chaired by Bill Patterson (Patterson Hopkins), who provided pertinent commentary on each presentation and found interesting links between them.

The Auckland and Christchurch sessions followed a similar format, with the morning slot at both comprising a number of presentations dealing with key issues in relation to trusts and estates. The first of these, presented by Anthony Grant (Barrister, Radcliffe Chambers), dealt with the growing trend of beneficiaries suing professional trustees. Delegates were given

Continued on page 2

ADLSI's ANNUAL CRADLE TO GRAVE CONFERENCE IS POPULAR ONCE AGAIN

Continued from page 1

plenty to ponder as they got to grips with the consequences of this and what can be done to reduce the risks for professional trustees.

Next up was Professor Charles Rickett (Dean of Law, AUT) with a lively and spirited review of developments in the law of trusts, in particular the imposition of constructive trusts on express trusts. Professor Rickett's witty and robust commentary ensured this session proved very popular with attendees.

Juliet Moses (Partner, TGT Legal) highlighted the duties of executors in relation to maximising the assets of an estate, and the situations where it is possible to take action against a variety of parties to recover such assets. The session provided extremely useful guidance on this area of law. Numerous questions from the highly-engaged audience followed the presentation.

Rick Shera (Partner, Lowndes Jordan) provided plenty of food for thought in his presentation on dealing with digital material and assets after death.

Continued on page 3

"Very useful and a great eye-opener."

(Comment from an attendee at the Auckland Cradle to Grave Conference)

"Great speakers with excellent understanding of their particular topic."

(Comment from an attendee at the Auckland Cradle to Grave Conference)



Professor Charles Rickett and Anthony Grant at Cradle to Grave in Auckland



Attendees at the Auckland session of Cradle to Grave

"Always make notes of things to go back to the office with after this conference."

(Comment from an attendee at the Auckland Cradle to Grave Conference)



A session on constructive trusts

"Such a great conference - it pulls a lot into a day, which is value for money in my opinion."

(Comment from an attendee at the Auckland Cradle to Grave Conference)

LAWNEWS

LAW NEWS is an official publication of Auckland District Law Society Inc. (ADLSI).

Editor: Lisa Clark

Editorial and contributor enquiries: Lisa Clark, phone (09) 303 5270 or email lisa.clark@adls.org.nz

Advertising enquiries: Chris Merlini, phone 021 371 302 or email chris@mediacell.co.nz

Law News is published weekly (with the exception of a small period over the Christmas holiday break) and is available

free of charge to members of ADLSI, and available by subscription to non-members for \$133 plus GST per year. If you wish to subscribe please email reception@adls.org.nz.

All mail for the editorial department to: Auckland District Law Society Inc., Level 4, Chancery Chambers, 2 Chancery Street, Auckland 1010. PO Box 58, Shortland Street, DX CP24001, Auckland 1140. www.adls.org.nz

There is a regular practice of photographing people at collegial events and some of those photos are published in *Law News*. If you are attending such an event and you do not wish to have your photograph taken, please tell the photographer and your request will be respected.

©COPYRIGHT. Material from this newsletter must not be reproduced in whole or part without permission.

Continued from page 2

He pointed out what practitioners will need to know, what to look for and what questions to ask when such assets are involved. Mr Shera provided invaluable guidance, leaving participants far better equipped to address this aspect of their clients' estates.

The morning session concluded with Sandra Grant (Barrister, Shortland Chambers) discussing the issue of the financial exploitation of the elderly. This thought-provoking presentation dealt with situations involving duress, undue influence and unconscionable transactions. She carefully reviewed the recent developments in case law, and offered practical suggestions for practitioners who suspect exploitation of a client.

The lunch break gave participants a great opportunity to network with colleagues from across the country, before the Conference reconvened with Tammy McLeod (Director, Davenports Harbour Lawyers) giving an interactive presentation on insurance for trustees, enhanced by discussion of real-life scenarios and examples highlighting the relationship between professional indemnity and professional trustee insurance. Some worrying risks were exposed and possible solutions offered.

Lawyer Denham Martin then followed with an extremely useful and practical review of the top ten tax-related issues currently facing general practitioners. This included consideration of the implications of recent decisions of the Supreme Court in *Clayton v Clayton*.

These cases were then considered in detail by Chris Kelly (Consultant, Greg Kelly Law) in the Auckland session, and by Greg Kelly (Principal, Greg Kelly Law) in Christchurch. Their presentations addressed the major ramifications of the two Supreme Court decisions and offered practical recommendations on the consequences for clients. Given the currency of the decisions, there was much to discuss and learn.

The final session touched on two highly relevant family law issues. Sonja Clapham (Barrister, Shortland Chambers) covered the fascinating topic of the legal status of children born as a result of surrogacy, IVF or donors, and the implications of this for, amongst other things, will-drafting, *Family Protection Act* proceedings and adoption.

Next, Brian Carter (Barrister, Bastion Chambers) provided a useful guide to recent amendments to procedure in respect of the *Care of Children Act 2004*. Mr Carter's robust and open approach was well-received.

Bill Patterson brought the long but highly informative and enjoyable day to a close.

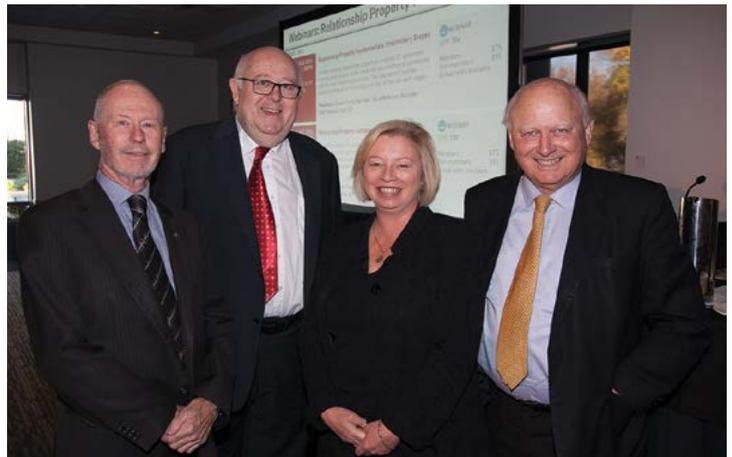
"Practical and enlightening."

(Comment from an attendee at the Christchurch Cradle to Grave Conference)

Feedback from the attendees has again been overwhelmingly positive and ADLSI wishes to express its sincere gratitude to the Chair and to the presenters for all their hard work and commitment. We also thank those practitioners who contributed to the planning, and those who attended for their continued support of the event, as well as our generous sponsors, Ryman Health Care, LexisNexis and Avis. 

"Great topic choices."

(Comment from an attendee at the Christchurch Cradle to Grave Conference)



Christchurch Cradle to Grave presenters Bill Patterson, Professor Charles Rickett, Sandra Grant and Anthony Grant

"As always of high practical use."

(Comment from an attendee at the Christchurch Cradle to Grave Conference)



A full house in Christchurch

+ Conference papers available

No need to miss out!

Each of the presenters provided high quality, comprehensive papers to support their presentations at the Cradle to Grave Conference 2016.

For those who were unable to attend the Conference, a complete set of Conference papers is now available from ADLSI bookstore.

Price: \$175.00 plus GST* (\$201.25 incl. GST)*

Price for ADLSI Members: \$130.00 plus GST (\$149.50 incl. GST)*

(* + Postage and packaging)

To purchase, please visit www.adls.org.nz or contact the ADLSI bookstore by phone: 09 306 5740, fax: 09 306 5741 or email: thestore@adls.org.nz.



Consequences of mistake under the new IRD online systems

By Lloyd Gallagher, Director/Arbitrator/
Mediator, Gallagher & Co Consultants Ltd

The Inland Revenue Department (IRD) has advised that, over the next six years, it intends to implement a range of online services to better serve the public and reduce compliance costs (<http://www.ird.govt.nz/transformation/media-communications/video-updates/>). While these changes should be applauded, several issues arise due to the current legislated form.

In the next 12 months, the IRD proposes to upgrade the MyIR system (the online portal for clients and tax agents) to enable filing of GST online, as well as making some additions to the system to allow for greater communication and amendment of mistakes. This article will focus only on the GST issues, which are set for immediate release.

The GST system is designed to allow for accounting software filing and improved online filing of returns. It went live in April 2016 and was trialled through a small number of firms. The online form version of this process has been live for the past two years, and the IRD reports that both have met with great success (<http://www.ird.govt.nz/transformation/whats-happening/file-returns/file-tax-return-from-accounting-software.html>).

It is expected that this process will save participants significant sums in compliance costs. However, I hold concerns with the possibility of mistakes and the current inflexibility to correct these under the *Tax Administration Act 1994* (TAA).

Simple mistakes in data entry are likely to remain undetected for several days, or possibly until the return has been processed. This can cause problems when these mistakes impact on legal responsibilities such as filing tax returns. There are also significant implications in terms of possible penalties and limits on the ability to correct errors under section 113A of the TAA.

Section 113A deals with the correction of minor errors in subsequent returns and provides:

“(1) This section applies for the purposes of this Act and the Goods and Services Tax Act 1985 when—

- (a) a person has provided a return in which the assessment of their liability for income tax, fringe benefit tax, or goods and services tax contains 1 or more minor errors; and*
- (b) the error was caused by a clear mistake, simple oversight, or mistaken understanding on the person's part; and*
- (c) for a single return, the total discrepancy in the assessment that is caused by the error is \$500 or less.*



Section 113A needs review if the online systems are to be truly effective. “Minor errors” should not be defined merely on dollar amounts – a typo is a typo regardless of the decimal point.

- (2) The Commissioner may allow the person to correct the error in the next return that is due after the discovery of the error.*
- (3) For the purposes of subsection (1)(c), the liability the person has for income tax, fringe benefit tax, or goods and services tax is treated separately.”*

The error correction problem is evident in section 113A(1)(c), which limits any genuine mistake to \$500 or less. When dealing with GST returns, the sums for input and output tax very seldom amount to \$500 dollars, which would result in section 113A(2) almost never being invoked, except in cases of minor correction.

This is confirmed by the IRD's website, which says that any mistake in GST must be minor to be subject to any correction, otherwise the disputes process is the only option available to taxpayers seeking a correction. This is both time-consuming and costly due to the expert assistance needed to file the Notice of Proposed Adjustment (NOPA) under part 4A of the TAA (<http://www.ird.govt.nz/gst/changes->

[corrections/changes-correction/changes-corrections.html](http://www.ird.govt.nz/gst/changes-corrections/changes-correction/changes-corrections.html)).

In *Westpac Securities NZ Ltd v Commissioner of Inland Revenue* [2014] NZHC 3377, this position was confirmed in relation to income tax. Westpac Securities (WS) applied to the High Court for determination of the discretionary power held by the Commissioner of Inland Revenue (CIR) under section 113A, and applied for judicial review of a decision made by the CIR to amend an assessment to ensure its correctness. WS had offset losses from related companies against WS's income and, as a result, was unable to use foreign tax credits which subsequently became available to the related companies. WS asked the CIR under section 113 to correct its mistake. The CIR responded that under section IC5(4) of the *Income Tax Act 2007*, the decision was irrevocable and that it could not interfere.

The Court held that the CIR's power to amend an assessment under section 113 is to do what the CIR considers necessary to ensure the correctness of the assessment. An initial incorrect tax position is not a necessary prerequisite, and section 113 can also be used to amend “correct” assessments. The Court held that the power of amendment is discretionary, so the merits of a taxpayer's reasons for requesting reassessment may need to be considered. Further, the CIR can amend a decision which is irrevocable by the taxpayer.

However, the Court went on to say that the CIR still has the discretion to decide whether or not the power should be exercised. In this case, the prevailing factor is the discretionary power given to the CIR, and if correction of the mistake does not suit it, then the application can be denied.

Over the years, I have had clients entangled in disputes with the IRD where auditors/reviewers have taken an entrenched approach when their position is challenged, even when they are shown to be wrong by court citation. This has resulted in taxpayers having to employ the disputes procedures in Part 4A of the TAA, which in one instance has taken the better part of six months to resolve for a simple mistake. This example has left me with concern over the fair treatment in the new online system where a genuine mistake, such as a typo, is to blame.

In my opinion, section 113A needs review if the online systems are to be truly effective. “Minor errors” should not be defined merely on dollar amounts – a typo is a typo regardless of the decimal point.

The penalties for error are significant (see Part 9 of the TAA), with responsibility falling upon the taxpayer, even if he or she uses a tax agent or an accountant. Therefore, extra care is needed to double-check that information being provided to the IRD is correct before pressing the submit button and potentially facing a drawn-out and costly resolution procedure to correct a genuine data entry error. ■

Upholding the “golden threads” of the law

Law News recently had the opportunity to attend the University of Auckland Law School’s Law Student Awards evening on Wednesday 11 May 2016. It was an insightful glimpse into the numbers of talented young lawyers who will be joining the ranks of the profession in the near future, with the top prize of the evening (the Auckland District Law Society Inc’s Prize for the top law undergraduate) being awarded to Finn Lowery (who also received a Faculty of Law Dean’s Academic Excellence Award and a Senior Scholar Award).

As the prizes were handed out, it was apparent that women were outnumbering men amongst the prize winners, prompting Dean Andrew Stockley to encourage the men to “catch up”.

“As I’m looking at the line-up of prize winners, there should be a revolution in terms of female lawyers to come,” he quipped.

Dean Stockley commended those who had been involved in student leadership and moots throughout the year, with several of the mooting teams winning at national level and placing highly internationally, including at the Australia and New Zealand Air Law Moot Competition and Sarin International Air Law Moot Competition, the ICC International Commercial Mediation Competition, and the Willem C Vis Commercial Arbitration Moot.

Guest speaker and alumna the Hon Justice Winkelmann was certainly an inspirational example of “where a law degree from the University of Auckland can take you” for the assembled students and graduates. While her remarks were addressed to them “as the future leaders of the profession, as that is what you surely are”, she hoped that listeners already in practice might pick up a thing or two as well!

In Justice Winkelmann’s view (one with which we no doubt all agree), it is of utmost importance that the profession is “made up of people with moral integrity”. Law is “an exciting career”, her Honour said, and there are “plenty of opportunities to stretch your mind, test your moral fibre and figure out who you are”.

However, young lawyers need to ask themselves this question:

“Is practising the law going to be just about making a living for you, or do you understand the power and the beauty of the law – do you want to contribute to society?”

Justice Winkelmann spoke about the “golden threads” that run through and underpin the legal system – the principle of fairness for everyone, the presumption of innocence, the need to prevent abuses of power and work to achieve just outcomes for all, and the importance of having the courage of your convictions. Graduates need to keep all of these in sight when confronted with the demands of clients and billable hours.

The legal profession “plays a most important role in our democracy”, said Justice Winkelmann, and lawyers have a vital responsibility as guardians of the rule of law, which is the “bedrock on



The Hon Justice Winkelmann

which New Zealand society is built” and which “should resound throughout your career”. We all have a role to play in setting standards for the profession, her Honour said, “whether you are a conveyancer, a family lawyer, a lawyer getting paid legal aid fees or a QC practising on Shortland Street”.

Justice Winkelmann placed on the shoulders of the new graduates a “mantel” to help develop New Zealand’s unique laws and to uphold these “golden threads”. She touched on the concept of “Lex Aotearoa”, saying that the fish that Maui pulled out of the ocean that became our land of Aotearoa “has always swum in its own legal waters”.

Her Honour also threw down several challenges to those about to embark upon their professional legal careers. The first harked back to the topic of her well-known 2014 “access to justice” lecture, and she urged the legal profession (including the upcoming youngsters) to take responsibility for helping to address financial and other obstacles to access to justice.

Some of Justice Winkelmann’s practical suggestions on how to be part of this included joining a working group on access to justice, volunteering at a local community law centre, and even (“once you feel brave enough”) telling

your employers that you would like to do some lower value work.

“You will get into court more often, rather than spending all your time doing electronic discovery, and you will be doing something that feels like it matters – it will be important to your client and you may even change a life,” her Honour said.

Another challenge issued by her Honour was to make this profession “fit for all its members”. While we will shortly reach the point when more than half of the practising lawyers in New Zealand are women, women still remain underrepresented in the senior judiciary and in partnership, with many of the best and brightest not being brought through to leadership roles.

Justice Winkelmann said that in spite of no lack of desire to appoint women to top roles, retaining women within the profession until they have sufficient experience to be appointed to these kinds of roles can be difficult – a problem which is complicated by how the profession traditionally operates for parents of young children.

Her Honour went on to suggest a “radical prescription” – that law firms consider making their lawyers up to partner younger – a step which she sees as a sensible way of retaining talent. “I was made a partner in my twenties,” her Honour said, noting that it was “much easier” to combine work and family when you have a team of people under you and the financial resources to make it viable. She also advocated a more equal division of responsibility for looking after the children (to cheers from the audience).

Justice Winkelmann concluded by encouraging the young lawyers in the room to start having conversations with their employers early on about their legal aspirations and what they want for their careers. “Don’t sit back and wait for someone else to do it for you – fight to make it work for you,” her Honour said. “It would be great if, in 30 years’ time, it was one of you in this spot.”



Finn Lowery (pictured at centre, with Dean Andrew Stockley and Deputy Dean Susan Watson) receives the ADLSI Prize for the top law undergraduate at the recent Law Student Awards

+ *ADLSI event review*

West Auckland Lawyers' Lunch

Practitioners from West Auckland met up together at The Falls in Henderson on Tuesday 17 May 2016 as part of ADLSI's ongoing Lawyers' Lunch series.

Guests enjoyed an afternoon of mingling and networking with fellow "westie" lawyers. Short presentations from ADLSI and sponsor Legal Personnel followed a lovely meal.

Thank you to Legal Personnel for sponsoring this event. 



Rosalind Rassie, Kim Keys and Hilary Jenkins



Frances Edmonds and Monica Tan



Craig Orton, Hine-Joy Weiland and Anita Allan



David Jury and Katrina McIntosh



Judy Ting-Edwards, Prashant Prasad and Fiona Mathieson



Sudha Durlabh, Jonelle Lonergan, Alison Jones and John Gandy



Tony Napier, Mark Henley-Smith and Courtney Henley-Smith

+ ADLSI event

Christchurch cocktail function

ADLSI invites Canterbury practitioners and practice managers to be our guests at a special cocktail function at Rydges Latimer in Christchurch on Wednesday 15 June 2016.

Hosted by ADLSI President Brian Keene QC, CEO Sue Keppel and Council Member John Brandts-Giesen, the event is a chance for us to learn more from you about the ways in which ADLSI may be able to provide support to the legal profession in Canterbury.

Time & date: 5.30pm, 15 June 2016

Venue: Rydges Latimer, 30 Latimer Square, Christchurch

Dress code: Business attire

Please RSVP before 10 June 2016 to secure your spot, subject to availability. Visit www.adls.org.nz to register; alternatively, contact adls.events@adls.org.nz or (09) 303 5287.

+ ADLSI event

Upcoming Dunedin cocktail function

ADLSI will also be hosting a cocktail evening in Dunedin on Thursday 16 June 2016.

Dunedin-based practitioners and practice managers are invited to this event, which is taking place from 5.30pm at The Dunedin Club.

The evening will be hosted by ADLSI President Brian Keene QC and CEO Sue Keppel, and we would like to learn more from the legal profession in Dunedin about how ADLSI may be able to provide support to it.

Time & date: 5.30pm, 16 June 2016

Venue: The Dunedin Club, 33 Melville Street, Dunedin

Dress code: Business attire

Please RSVP before 10 June 2016 to secure your spot, subject to availability. Visit www.adls.org.nz to register; alternatively, contact adls.events@adls.org.nz or (09) 303 5287.

+ ADLSI event

Invercargill Lawyers' Lunch

We have a Lawyers' Lunch coming up in Invercargill on Monday 13 June 2016 at Buster Crabb.

Practitioners from across Invercargill are invited to join us for a relaxed lunch and enjoy a short presentation by ADLSI.

The lunch will be \$25.50 (incl. GST) from a set menu. We are pleased to offer ADLSI members an exclusive Lawyers' Lunch rate of \$20.00 (incl. GST). Numbers are limited, so register now to avoid missing out.

Time & date: 12.30pm, Monday 13 June 2016

Venue: Buster Crabb, 326 Dee Street, Invercargill

Registration: \$17.40 + GST (\$20.00 incl. GST) per person for ADLSI members;

\$22.15 + GST (\$25.50 incl. GST) per person for non-members.

Register before 10 June 2016 to secure your spot, subject to availability. Visit www.adls.org.nz to register and pay online; alternatively, contact adls.events@adls.org.nz or (09) 303 5287. ADLSI's standard cancellation policy applies for this event.



+ ADLSI event

Marlborough Lawyers' Lunch

We also have a Lawyers' Lunch coming up in Blenheim on Friday 17 June 2016 at Raupo Café.

Practitioners from across Marlborough are invited to join us for a relaxed lunch and enjoy a short presentation by ADLSI.

The lunch will be \$23.00 (incl. GST) from a set menu. We are pleased to offer ADLSI members an exclusive Lawyers' Lunch rate of \$17.25 (incl. GST). Numbers are limited, so register now to avoid missing out.

Time & date: 12.30pm, Friday 17 June 2016

Venue: Raupo Café, 6 Symons Street, Blenheim

Registration: \$15.00 + GST (\$17.25 incl. GST) per person for ADLSI members;

\$20.00 + GST (\$23.00 incl. GST) per person for non-members.

Register before 10 June 2016 to secure your spot, subject to availability. Visit www.adls.org.nz to register and pay online; alternatively, contact adls.events@adls.org.nz or (09) 303 5287. ADLSI's standard cancellation policy applies for this event.



To view all ADLSI CPD & register: www.adls.org.nz/cpd

Email us: cpd@adls.org.nz | Phone us: 09 303 5278

Featured CPD

Tuesday
14 June 2016
4pm – 6.15pm

2 CPD HOURS



Seminar



Live stream

Summary Judgment Toolkit

Often perceived as a fast-track procedure, summary judgment does provide such an opportunity but sometimes with challenges and at a substantial cost. Providing both judicial insights and those of counsel, this seminar will address the application process, the need for sufficient evidence, the relevant legal tests and key case law, how to respond to an application, strategic considerations including alternative approaches, best practice and costs. Upgrade your toolkit to improve your practice in this unique area.

Learning Outcomes:

- Benefit from the experiences of a judge and solicitor, both very familiar with the summary judgment procedure.
- Become more familiar with the parameters of, and with drafting the relevant documents for, summary judgement.
- Receive guidance on best practice to enhance your effectiveness when advising and representing clients in this area.

Who should attend?

Litigators at junior to intermediate level or those seeking a refresher on this topic.

Presenters: **Her Honour Judge Sharp; Mark Broad**, Senior Associate, Kensington Swan

Chair: **Maxine Pitch**, Barrister & Solicitor

Tuesday
21 June 2016
4pm – 6.15pm

2 CPD HOURS



Seminar



Live stream

Commercial Law Series: Limited Partnerships – Unlimited Potential?

The Limited Partnerships Act 2008 provides commercial clients with another option for structuring an entity – but its suitability in each situation should be well considered in advance. This seminar will cover key topics from legal and financial perspectives.

Learning Outcomes:

- Reinforce your knowledge of the statutory requirements, structure and distinguishing features of limited partnerships.
- Gain a deeper understanding of the advantages and disadvantages, and in turn the uses and suitability or otherwise for particular circumstances, of this legal structure.
- Get to grips with the tax considerations and impact, including tax allocation.
- Gain a better understanding of associated matters such as the interplay with securities law and insolvency situations.

Who should attend?

Commercial lawyers at all levels who wish to upskill and/or receive a refresher, and general practitioners who do commercial work.

Presenters: **Jeremy Muir**, Partner, Minter Ellison Rudd Watts; **Andrew Ryan**, Partner, Minter Ellison Rudd Watts

Chair: **Andrew Lewis**, Principal, Andrew Lewis Law

Tuesday
28 June 2016
4pm – 6.15pm

2 CPD HOURS



Seminar



Live stream

Construction Disputes: Dispute Resolution, Risk Management and Product Liability

Given that construction disputes vary greatly in complexity and scale, understanding which dispute resolution option will achieve the best result for your client is very important. So too is being able to minimise the risks of a dispute arising in the first place. This seminar will provide guidance for practitioners on these aspects as well as looking at the issue of product liability in the construction context.

Learning Outcomes:

- Learn more about the adjudication procedures and receive best practice tips when using this process to settle disputes.
- Understand better the advantages and disadvantages of other dispute resolution processes.
- Gain insights into risk management and the measures that can be taken to minimise potential disputes.
- Learn more about disputes arising out of product liability and the way litigation in respect of them can be handled.

Who should attend?

Building and construction lawyers; commercial lawyers; general practitioners with clients who are in the construction industry or who are homeowners; barristers in civil practice; in-house counsel in the construction, professional service and insurance industries.

Presenters: **John Walton**, Barrister, Bankside Chambers; **Nick Gillies**, Partner, Hesketh Henry; **Trina Lincoln**, Commercial Legal and Risk Manager, Hawkins Construction; **Adina Thorn**, Principal, Adina Thorn Lawyers Limited

Chair: **Geoff Hardy**, Partner, Martelli McKeeg

Wednesday
29 June 2016
12pm – 1pm

1 CPD HOUR



Webinar

Finding Your Place in the World: Geographical Indications for Wine (Spirits and Other Products)

With new legislation likely to be in force by the end of the year, an understanding of how geographical indications of wines and spirits will be protected is vital for those with clients in this fast-growing industry.

Learning Outcomes

- Learn more about what Geographical Indications are and the best way to optimise the advantages they provide.
- Understand better the provisions of the Geographical Indications (Wine and Spirits) Registration Act 2006, the amendment bill and the potential impact of these when they come into effect including in respect of foreign registrations.
- Gain insights into the implications for GIs and trade marks of international developments including the TPP.

Who should attend?

IP lawyers, in-house counsel in alcohol and food companies, rural lawyers with clients in the wine industry and general practitioners who may advise on these matters from time to time.

Presenter: **Dr John Barker**, Principal, John Barker Law

CPD in Brief

Employment and Privacy: Easing the Relationship – 1 CPD hr

Wednesday 22 June 2016, 12pm – 1pm

The interface between privacy and employment law is often a difficult one. Technology, the choice of forum and the disclosure of information are all relevant. This webinar will look at a variety of problematic situations where these areas of law meet and will offer pragmatic advice on dealing with those situations.

Presenters: **Helen Gilbert**, Barrister; **Katrine Evans**, Senior Associate, Hayman Lawyers



To Pay or Not to Pay? The Residential Land Withholding Tax Explained – 1.25 CPD hrs

Wednesday 6 July 2016, 12pm – 1.15pm

Due to come into effect on 1 July 2016, the new residential land withholding tax will present a number challenges to property lawyers and conveyancers. This webinar, presented by a technical advisor from the IRD, a taxation expert and a senior property lawyer, will provide timely guidance on the effect of the Act and solutions to common problems that may arise.

Presenters: **Keiran Kennedy**, Senior Technical Advisor (Policy), Policy & Strategy, Inland Revenue; **Joanna Pidgeon**, Principal, Pidgeon Law; **Tony Wilkinson**, Partner, Buddle Findlay



Burning Issues in Employment Law Forum 2016 – 2 CPD hrs

Thursday 4 August 2016, 4pm – 6pm

This year's 16th annual Burning Issues Forum once again provides a range of red-hot topics presented by a scorching line up of employment lawyers. Topics to be covered include information on the fiery implications of the new employment reforms, the searing issue of workplace bullying and the conflagration that is directors' liabilities in respect of employment.

Presenters: **Her Honour Judge Inglis**; **Gillian Service**, Partner, Minter Ellison Rudd Watts; **Simon Mitchell**, Barrister, Unity Chambers; **John Rooney**, Partner, Simpson Grierson; **Matthew McGoldrick**, Senior Associate, SBM Legal

Chair: **Catherine Stewart**, Barrister



CPD On Demand

Dispute Resolution Clauses – 1 CPD hr

Recent Supreme Court judgments have highlighted the importance of having knowledge of Dispute Resolution clauses when including them in commercial contracts. All too often, Dispute Resolution clauses become part of such agreements with little thought to content or whether they are really needed in the first place. In this On Demand webinar, learn how best to advise clients on what form, if any, Dispute Resolution clauses might take and gain insights into how best to tailor them to suit clients' needs.

Presenters: **Paul Cogswell**, Principal, Cogswell Law; **Nick Gillies**, Partner, Hesketh Henry



Rural Law Series: Best Practice for Tailored Succession – 1 CPD hr

Rural properties (including farms) stand apart from other realty and income-generating assets in that they are frequently the culmination of lifetime investments, driving significant emotional attachment. These factors, together with the increasingly complex nature of families, mean that careful attention and expertise are required when advising such clients on succession planning matters.

With focus on both legal and financial aspects, this On Demand webinar will equip lawyers with knowledge of how best to advise rural and farming clients according to their individual needs when planning their future, that of the farm and their children.

Presenters: **Warwick Deuchrass**, Partner, Anderson Lloyd, Queenstown; **John Adams**, Director – Tax, KPMG, Hamilton



CPD Pricing

Delivery Method	Member Pricing	Non-Member Pricing
Webinar	\$75.00 + GST (= \$86.25 incl. GST)	\$95.00 + GST (= \$109.25 incl. GST)
Seminar (in person)	\$125.00 + GST (= \$143.75 incl. GST)	\$180.00 + GST (= \$207.00 incl. GST)
Seminar (live stream)	\$125.00 + GST (= \$143.75 incl. GST)	\$180.00 + GST (= \$207.00 incl. GST)
On Demand (1-hour recording)	\$85.00 + GST (= \$97.75 incl. GST)	\$110.00 + GST (= \$126.50 incl. GST)
On Demand (2-hour recording)	\$95.00 + GST (= \$109.25 incl. GST)	\$130.00 + GST (= \$149.50 incl. GST)

For group bookings for webinars & CPD On Demand, see the ADLSI website at: www.adls.org.nz/cpd/help-and-faqs/group-bookings/.

CPD On Demand

Keep up-to-date without overloading your schedule.
ADLSI's CPD On Demand provides flexibility plus CPD hours.
Visit www.adls.org.nz/cpd for more information.



+ *New book*

The Future of the Professions

Authors: Richard Susskind and Daniel Susskind

The Future of the Professions explains how “increasingly capable systems” – from telepresence to artificial intelligence – will bring fundamental change in the way that the “practical expertise” of specialists is made available in society.

The authors challenge the “grand bargain” – the arrangement that grants various monopolies to today’s professionals. They argue that our current professions are antiquated, opaque and no longer affordable, and that the expertise of their best is enjoyed

only by a few. In their place, they propose six new models for producing and distributing expertise in society.

The book raises important practical and moral questions. In an era when machines can outperform human beings at most tasks, what are the prospects for employment, who should own and control online expertise, and what tasks should be reserved exclusively for people?

Price: \$70.00 plus GST* (\$80.50 incl. GST)

Price for ADLSI Members: \$63.00 plus GST (\$72.45 incl. GST)*

(* + Postage and packaging)

To purchase this book, please visit

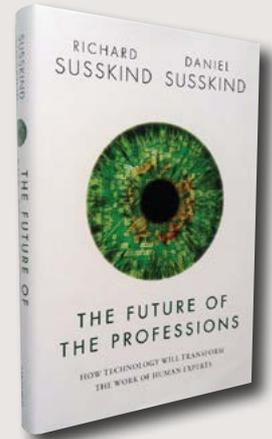
www.adls.org.nz

or contact the ADLSI bookstore

by phone: 09 306 5740, fax:

09 306 5741 or

email: thestore@adls.org.nz.



+ *Relationship property law*

Review of the *Property (Relationships) Act 1976*

The Minister of Justice has requested that the Law Commission commence a review of the *Property (Relationships) Act 1976 (Act)*.

The Act governs the division of relationship property held by married couples, civil union couples, and couples who have lived in a de facto relationship, when they separate or when one of them dies.

Helen McQueen, the lead Commissioner for the reference, said: “Over time, the Act affects the life of almost every New Zealander. In the 40 years since it was first enacted, New Zealand society has changed dramatically. It is time to ensure that the framework for dividing relationship property reflects the needs and reasonable expectations of New Zealanders in 2016 and beyond.”

The Commission’s review of the Act will include the following:

- the definitions of property, relationship property, and separate property;
- how a de facto relationship is defined for the purposes of the Act;
- differences in the rules governing de facto relationships and marriages/civil unions;

- whether the Act gives rise to matters of particular concern to Māori and how these should be addressed;
- how the interests of children are recognised and protected under the Act and in how it is applied;
- how the Act functions in relation to sequential relationships and blended families;
- the ability to make adjustments to take account of economic disparity between spouses and partners, and other departures from equal sharing as contemplated by the Act;
- the operation of Part 5 of the Act concerning relationship property and creditors;
- how the Act deals with property held by a company or trust and the powers of the courts in this area;
- the relationship between and application of the Act and section 182 of the *Family Proceedings Act 1980*;
- the provisions relating to contracting out and settlement agreements;

- the provisions relating to division of property on death;
- the requirements for disclosure of information in relationship property matters and the consequences for failing to disclose;
- the jurisdiction of the courts over relationship property matters and the range of orders the courts can make;
- whether the Act adequately deals with cross-border issues; and
- whether the Act facilitates the resolution of relationship property matters in accordance with the reasonable expectations of the parties.

The Commission will undertake a comprehensive review of the Act over the next three years and will consult with the public, as well as engaging with key stakeholders and an Expert Advisory Group.

The Law Commission will be reporting to the Minister of Justice in November 2018. Updates on the project can be found at the Commission’s website <http://www.lawcom.govt.nz/our-projects/review-property-relationships-act-1976>. 

+ *ADLSI Council*

Contact details for ADLSI Council

Here are the contact details for your ADLSI Council. They welcome your queries and suggestions.

Brian Keene QC (President)
Ph. 09 366 0306 E. brian@keene.co.nz

Joanna Pidgeon (Vice-President)
Ph. 09 337 0826 E. joanna@pidgeonlaw.co.nz

Tony Bouchier
Ph. 09 623 1772 E. bouch@xtra.co.nz

John Brandts-Giesen
Ph. 03 313 4010 E. johnbg@bgmlawyers.co.nz

Vikki Brannagan
E. vikki.atak@gmail.com

John Hagen
Ph. 09 309 1689 or 021 452 326 E. john@hagen.co.nz

Stephanie Nicolson
Ph. 09 309 2500 E. sjn@lojo.co.nz

David Roughan
Ph. 09 435 2261 or 027 4402 105
E. david@norlaw.co.nz

Mary Anne Shanahan
Ph. 09 827 6106 or 09 827 2783
E. mary@shanahanslaw.co.nz

Property/General Commercial Lawyer

Required for Tauranga Practice – must be minimum 5 years PQE, experienced in conveyancing and general property/light commercial work, and be able to take sole charge of the Tauranga office of an Auckland based law firm.

The candidate should be experienced, confident, able to work under pressure and market the growing practice in the area.

With an already existing strong national client based in Tauranga, this is an ideal opportunity for a star performing practitioner who seeks autonomy and a more direct relationship between output and income.

If you are interested, please email your detailed CV to the advertiser at taurangapracticelawyer@gmail.com



Licensed Private Investigators and Process Servers.

We are a leading Investigation and Processing company providing a national and international service to NZ Law Practice for more than 25 years.

Phone: 09 827 0096

Fax: 09 827 0226

email: legalagents@translegal.co.nz

Senior Solicitor Epsom, Auckland

We have a vacancy for a Senior Solicitor in our Epsom office.

Work is primarily in areas of Conveyancing, Subdivisions, Trusts, & Wills.

Partnership potential may be considered.

Apply –

colleen@conveyancingshop.co.nz
027 239 0010

'affordable legal services'



Personal Safety & Workplace Training

- Threat & Conflict Resolution • Shop Theft
- Robbery Training • Fraud Training

If it happened tomorrow, would you know what to do?

For more information visit our website:
www.feelsafe.co.nz or call us on
09 827 0096.

Feel Safe is a specialist training provider, facilitated by Translegal.

Chancery Chambers

Rooftop Terrace for hire

2 Chancery Street, Auckland CBD

Let ADLSI host your next event.

The roof garden at Chancery Chambers offers a stunning setting for events, such as weddings, Christmas parties, product launches, and cocktail evenings.

Discounted rates for ADLSI members.



www.adls.org.nz for more information and rates

OLD SOUTH BRITISH CHAMBERS

A large suite is available in established Shortland Street Chambers, with three other barristers.

Character premises in a classic building.

Conference and meeting rooms, kitchen facilities.

Some furniture available if that helps.

Contact:

karen.stace@taxcounsel.co.nz

Tel: 09 307 3989

Durham Street Chambers

Vacancy available for a barrister to share with three senior criminal barristers.

The chambers have been operating for 11 years and prides itself on its professional, supportive and fun environment.

This is an opportunity for the right person to assist senior counsel in jury trials and to establish a private client base.

The chambers are located on Durham Lane in a character space with a modern fit out.

Rent and expenses are very reasonable and amenities include website, boardroom, kitchen and high speed broadband.

Phone 021 445 045 or 021 526 959

WILL INQUIRIES LAW NEWS

The no-hassle way to source missing wills for
\$80.50 (GST Included)

Email to: reception@adls.org.nz

Post to: Auckland District Law Society Inc.,

PO Box 58, Shortland Street, DX CP24001, Auckland 1140

Fax to: 09 309 3726

For enquiries phone: 09 303 5270

+ Wills

Please refer to deeds clerk. Please check your records and advise ADLSI if you hold a will or testamentary disposition for any of the following persons. If you do not reply within three weeks it will be assumed that you do not hold or have never held such a document.

Mikaera Kahui ARIKI, Late of 15B Templeton Road, Clendon, Manukau City, Auckland, Aged 80 (Died 18'06'15)

Ian MCLEOD, Late of 16 Archibald Street, Kaitaia, Aged 70 (Died 16'02'16)

Ian Robert MCMILLAN, Late of St Georges Bay Road, Parnell, Auckland, Aged 51 (Died 16'05'16)

Paul John ZIMMERMAN, Late of 94 Sunrise Avenue, Mairangi Bay, Executive Chef, Aged 52 (Died 21'05'16)

Property Disputes?

The Property Disputes Committee provides a simple, low cost process for resolving legal issues regarding property involving lawyers.

The Committee members are all ADLSI practitioners who have a wide range of experience. The Committee guidelines can be viewed at www.adls.org.nz and set out the application procedure. Practitioners are asked to check the guidelines to ensure the Committee is the appropriate forum for their dispute.

For further information please contact Ben Thomson on (09) 306 3994.



ADLSI
Independent Voice of Law

BROWNPartners LAWYERS

Brown Partners is a boutique corporate law firm in Auckland. We are looking for an outstanding corporate lawyer with 3-5 years' solid corporate law experience to join our thriving practice in Shortland Street.

We are inviting applications from first class lawyers with exceptional legal and communication skills and an impressive academic and career track record, who wish to work for a mix of high quality New Zealand and overseas clients on a broad range of interesting projects.

The right candidate will work closely with two corporate partners, will enjoy a high level of client contact and will be involved in diverse and challenging work within a small, supportive and close knit firm who exhibit a culture of high performance and integrity.

If you would like to become part of our team please email your CV in confidence to info@brownpartners.co.nz

Law Practice for Sale

A gem on Auckland's North Shore

The Principal of this well-established, small and successful practice seeks to retire. Practice consists of property, commercial and private client work together with some litigation matters (no legal aid).

Ideal for:

- One or two individuals who want to run their own practice
- Firm seeking to further establish its North Shore presence
- Firm seeking to expand its client base

Opportunities like this are rarely presented.

Please direct all enquiries in strict confidence to Kathryn Cross kathryn.cross@artemisnz.com or (09) 354 3543.



Cruickshanks Solicitors Privy Council Agents



- Probate and resealing
- Property (Relationships) Act 1976 agreements
- Agency litigation
- Sole representative of overseas office, inter company transfers and work permits generally
- Property UK and European investment
- China network connections and representation

10 Bentinck Street London W1U 2EW

Tel: (00 44) 020-7487 4468 • Fax: (00 44) 020-7487 5466 • email: john@lawco.co.uk

www.cruickshanks.co.uk • www.lawco.co.uk



Trusted practice management software for NZ lawyers

Easy to learn, easy to use.
Save time and increase profits.
That's what users say!

New: Document management & Internet banking. **Free** installation and training. Visit our website for testimonials from firms just like yours.

www.jppartner.co.nz enquiries@jppartner.co.nz 09 445 4476 JPartner Systems Ltd



Our clients are some of the most successful people around.

Come and join us and associate with success.

We have a full time position, ideal for a junior lawyer with a 1-2 PQE in our busy property team

The ideal candidate will have:

- Experience in conveyancing and leases of residential, commercial and rural property; establishing and administering trusts, preparing wills and powers of attorney
- Estate administration
- A client focussed attitude
- A high level of accuracy and attention to detail
- A drive to succeed, an innovative approach and a desire to be part of a team

Denham Bramwell is a well-established law firm in Manukau that is progressive and can offer the right person:

- A diverse range of clients
- Excellent learning and development opportunities; and
- A high performance culture that is fun and collaborative
- This is an opportunity to work in a busy, dedicated and fun team comprising 2 partners, 2 associate legal executives, a solicitor and 2 legal assistants who provide a supportive working environment.

Please send your application including your CV and a cover letter by Friday 24 June 2016 to heather.french@denhambramwell.co.nz

Thank you for your interest. Only those candidates selected for interview will be responded to.

LITIGATION LAWYER PQE 1 – 4 YEARS

LeeSalmonLong is a thriving, Auckland-based, specialist commercial litigation firm looking for talented litigation lawyers with one to four years' post-qualification experience to join our respected firm.

- We challenge our lawyers to develop their legal experience in a working environment that offers a high degree of mentoring and flexibility.
- Our lawyers regularly appear in the District, High and Appellate Courts, in arbitrations, specialist tribunals and mediations.
- As well as working with partners of the firm, our lawyers also work directly with external senior counsel and are given opportunities to develop their own 'brand'.
- Our lawyers earn top of the market salaries, work on a range of files and enjoy high levels of client contact and file responsibility.

We are looking for lawyers who can start work between August 2016 and January 2017.

You will need an impressive academic record and CV. If this position sounds like you, please email this information in confidence to: recruitment@lsl.co.nz.

LeeSalmonLong
Barristers and Solicitors