

NOVEMBER 2022, ISSUE 13

WELLINGTON BRANCH NEWSLETTER

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PRESIDENT'S COLUMN – ĒTAHI WHAKAARO NŌ TE TUMUAKI



Ahakoia te kaupapa nei, kāore te Kōmiti i whakaaranga i ētahi whakahoutanga hei akiaki i te whakatau tautohe ki ngā tikanga Māori, kua ki ngā tikanga o te kōti. Ko ngā kōrero hou mō *Takamore v Clarke* [2013] 2 NZLR 733 (SC) i te hui o Ngā Ahorangi Motuhake o te Ture e kī mai ana ki ahau he whakahoutanga tērā kua roa nei.

Unless you have not been following the media, you will all be aware that the Law Society has experienced somewhat turbulent times in recent months. I am very pleased to say that that period of turbulence is now behind us and we can get on with the important mahi which lies ahead. On 14 October, the Council of the Law Society met in Ōtautahi (Christchurch) to transact a fair amount of important business. The first order of the day was to elect a new President of the Society. On behalf of you all, the Branch Council was pleased to nominate **Frazer Barton** of Dunedin. Frazer was elected unopposed and he will serve as our President for the remainder of the current term, ending in April 2023, at which point there may be a fresh election, if any other candidates are nominated. Frazer was previously the South Island Vice President. He is only the second South Islander to be elected, not that that really featured in our thinking. Frazer has been elected with the support of Wellington Branch because he shares our values (professionalism, inclusiveness, collegiality and commitment to the principles of Te Tiriti o Waitangi) and has the right balance of skills to lead the Society forward. Frazer has agreed to pen a few introductory words in this Newsletter and I have no doubt we'll hear more from him in the New Year. He has been replaced on the Board as South Island Vice President by **Taryn Gudmanz**, barrister of Dunedin, who is also an excellent addition to the Board in my view.

I am now able to say that I have full confidence in the Board. That is a great relief to me and it has had an impact on the way in which I have approached other measures which our Branch has brought before the Council. The first of those is the transparency proposal which we brought before Council in April. In Christchurch, the Board presented a proposal for wider consultation on that matter which was considered and commented on by a number of members of Council, including me. The Board agreed to take that proposal away and develop it further. Given the calibre of the Board we now have, I have no concerns with that approach.

The second is the proposal concerning the report of the NZLS Rule of Law Committee into certain issues touching on judicial independence, which was lodged with Council in compliance with a resolution passed at the last AGM of our Branch in June.

I te 1 o Mahuru 2022, ka tukuna e te Kōti Mana Nui tāna whakawā i *Ellis v R* [2022] NZSC 114. Ki a au, he whakawā nui tēnei mō te iwi Māori. He whakawā nui mō ngā tāngata katoa o te whenua nei. I te kōwae [22], ka tuhia e ngā kaiwhakawā e:

"Kei te whakaae te nuinga o ngā kaiwhakawā ko ngā tikanga te ture tuatahi o Aotearoa, ā, e whakarite tonu ana i te oranga o te Māori. Heoi anō, me kua ngā kōti e nui ake i a rātou mahi ina whai whakaaro rātou ki ngā tikanga Māori. Me tupato rātou kia kua e kino te whakamahi i ngā tikanga Māori hei pūnaha ture me ngā tikanga motuhake."

Me whakanui tātou katoa i tēnei whanaketanga o te ture. Heoi anō, he take ki te pātai mēnā ka kitea tika ēnei mātāpono i te pūrongo o te marama nei a Te Kōmiti Mō Ngā Tikanga Kōti, "Improving Access to Civil Justice". Ko te kupu "tikanga" kei te ingoa anake o te Kōmiti. Karekau e kitea ki hea i te tīnana o te pūrongo.

I te kōwae 25, i whakaputa te Kōmiti i te tāpaetanga a te Porirua Kapiti Community Law Centre, ko te iwi Māori me te iwi Moana-Nui-a-Kiwa "kei te whakaaro he whakamā i te wā e whakamahi ana ki te pūnaha ture o Aotearoa, he pūnaha ahua tino ngaio i kawē mai i Ingarangi. Kāore te kaupapa nei e whakaatu ana i te hāpori o Aotearoa. Nō reira, ko te hunga e hiahia ana ki te whai i te tika ka whakaaro kua wehea rātou, nā te mea kāore he rite tonu ō rātou tikanga ki ngā tikanga rangatira o te pūnaha ture o Aotearoa. Ina koa, kei te matakū te iwi Māori me te iwi Moana-Nui-a-Kiwa ki te kōrero, ki te mahi rānei ki tētahi pūnaha kua whakaiti, kua aro ki ō rātou hāpori."

This reflects widely-held concerns about the manner in which previous Board members had engaged with recommendations made by one of the more important Law Reform Committees of the Society, currently comprising two King's Counsel, two professors with expertise in rule of law and constitutional matters, and five other practitioners with acknowledged expertise in this area.

I am pleased to say that members of the new Board have since engaged with the Rule of Law Committee and indicated that a new approach is to be taken. I have had useful discussions with Frazer Barton concerning next steps.

It follows that, when Wellington Branch's rule of law motion came up for debate at the Council meeting in Christchurch, I proposed that it be deferred to provide the Board with appropriate time and space to demonstrate its leadership in this matter. That suggestion was agreed to by Council.

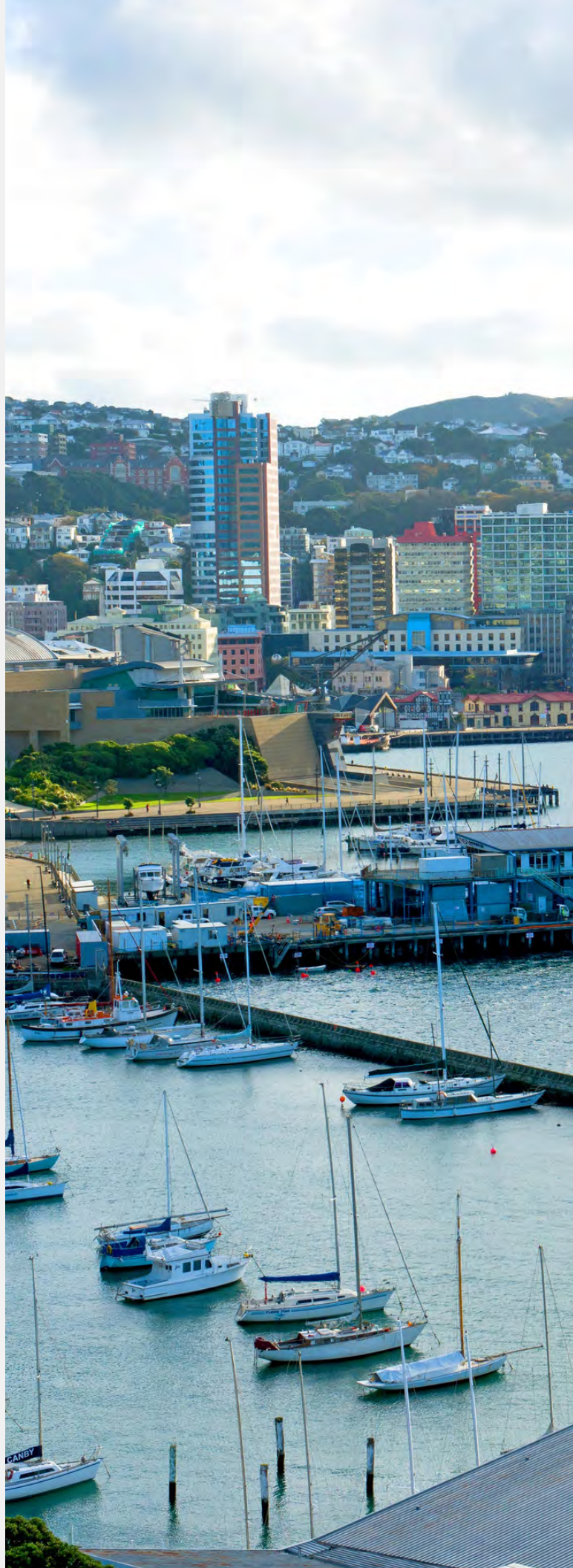
It suffices to say that your Branch Council will continue to monitor the issues which we have raised on your behalf, but there is now every reason to believe that the ship's course has been corrected and we are steering well clear of the rocks, if you will forgive the nautical analogy!

I wish you and all your families the very best for Christmas and the New Year. I hope you will be able to take a decent break – it's been a challenging year, so I think we all richly deserve one! We will begin the New Year with the premier event of the Branch's social calendar, the **Wellington Law Dinner**. This is to take place at Pipitea Marae on **23 February 2023**. I understand that it is the first time our dinner has been held on a marae, with all that that represents for us as a nation. We will hear from a Wellington legal luminary who is both wise and amusing and you will have the opportunity to demonstrate your prowess on the dance floor with a live band. It will also be an invaluable chance for you to meet our new national President and the Board (who have already signed up), many members of the Judiciary who have already told me they are coming, and perhaps more importantly your colleagues and friends in the law. Book early to avoid disappointment! The link to book is [here](#).

Season's greetings,



Christopher Griggs





Kia ora koutou katoa,

It was a huge privilege to be elected as the 33rd President of the Law Society in November. I want to thank my colleagues for the trust and confidence you have in me to lead our profession through our next phase. It isn't a role defined by one person – it is a role which brings together the entire profession and represents them and their interests.

As we approach the end of 2022, it is a time to reflect on the year we have had as well as look to the future and what opportunities lie ahead of us.

The Independent Review

The Independent Review Panel is due to report back shortly with its recommendations following extensive consultation with the profession and key stakeholders. Your contribution as colleagues to this process has been invaluable. It has been a substantial piece of work and I want to acknowledge Professor Ron Paterson, Jane Meares and Professor Jacinta Ruru for their thoughtful and invaluable contributions over the last 12 months. We expect that the Panel's proposals will offer us the chance to improve the way we regulate and provide services. After we've received that report, I look forward to working alongside you to implement the changes we need to make us a fit-for-now and fit-for-the-future regulator and profession.

Advancing Access to Justice – the regional challenge

Access to Justice remains a key focus of mine and of the Law Society's. Delivering an increase to legal aid funding in Budget 2022 was a start but there is still a lot more work to do to ensure everyone in New Zealand has timely and affordable access to legal representation and advice.

The Wellington region is showing signs of good growth in places like Kapiti, Porirua, Upper Hutt and the Wairarapa. However raw numbers alone do not tell the full story and we have more work to do. Our main cities are well serviced by the profession but many regions across New Zealand are suffering.

Encouraging dispersal into the regions, particularly of lawyers in the seven-year plus PQE group, will continue to be a part of our collective purpose, especially in serving some of our most vulnerable communities. Initiatives like hybrid workplaces and remote representation will also assist in delivering this over time.

Wishing wellness and a positive outlook to 2023

In closing, I wish you, your families and your communities a safe and relaxing holiday period. Like many, for me the holiday period will be about family, both immediate and extended. Beyond that, I look forward to taking time out in nature by biking, hiking and enjoying the incredible land and seascapes we are lucky enough to call our backyard.

It is with optimism that I look toward 2023. We can meet the challenges ahead and progress our profession into one we are all proud of.

Nāu te rourou nāku te rourou, ka ora ai te iwi

Ngā mihi o te wā kirihimete.

Frazer Barton
President, New Zealand Law Society

Te Kauhanganui Tātai Ture - Faculty of Law

Te Herenga Waka - Victoria University

Dean's Column - Professor Lee Godden



Kia ora koutou,

It is with great pleasure that I take up the kind offer from the President of the Wellington Branch of the New Zealand Law Society to provide this column as the incoming Dean. My thanks to Professor Petra Butler, the Acting Dean for her previous contributions.

The column is an important step in strengthening the ties between the Law Society and the Faculty of Law. I look forward to working with Chris and other members of the Wellington Branch of the Law Society. Here, I would like to open a conversation about future collaboration.

The Presidents' Column from the last newsletter is an inspiration given its opening in Te Reo Māori. Language is integral to bicultural understanding and there are significant moves to support biculturalism in the law curriculum. I look forward to engaging with the Law Society as the Faculty of Law at Te Herenga Waka moves to further embed Tikanga Māori in legal education.

First, to set out the place that I have come from. I join the distinguished Faculty of Law at Te Herenga Waka from Melbourne Law School, The University of Melbourne, situated on the lands of the Wurundjeri Peoples. At Melbourne, I was Professor and Director of the Centre for Resources, Energy and Environmental Law. That Centre, working with Indigenous leaders, and colleagues from law and other disciplines conducted leading edge research on Agreement-making, Treaties and Native Title in Australia, including how those legal fields intersect with environmental and property law. Centre researchers conducted comparative research in Canada, USA, SE Asia, South Africa, and in several Pacific and South American nations - and Aotearoa/New Zealand. I am looking forward to learning more, as I am conscious that I come to a nation with a unique Treaty jurisprudence and practice.

The scope for comparative learning in legal education remains compelling. Given the imperatives of lawyers needing to engage in trans-national and trans-cultural spheres across so many fields of law, the question arises - how do we equip law students not only with the knowledge but the capacity to so engage? The input from law society members who can share such experiences will be invaluable.

Melbourne is my 'hometown' and I completed a BA (Hons) and MA at that University many years ago. My law degree at Macquarie University and professional admission came later, concurrently with three children – which seemed an excellent idea but wore a little thin later.

Nonetheless, I think it gave me insights into juggling commitments when undertaking law studies and when I was working in the profession, including more recently in 2013-15 as an Australian Law Reform Commissioner. The time demands of law are so insistent. These time demands have been exacerbated but also reshaped by COVID impacts. Therefore, another important theme I would like to discuss with the Law Society – is what will the future 'work' environment look like for legal professionals in New Zealand and internationally? How can legal education best prepare students to engage in that future? How will new forms of law and regulation – including regulation of technology impact that environment?

The middle part of my academic career was at Griffith Law School, Queensland, in a new Law School established in response to a major report on legal education reforms. It adopted innovative subjects, legal clinical skills training and interdisciplinary degree programmes. I was first year course coordinator for 6 years, then curriculum coordinator and later Deputy Dean. Across that time, some legal education initiatives were retained, and others refined or replaced. That experience instilled a respect for 'reflective practice'. In concert with my academic colleagues, the faculty professional staff, and in consultation with the legal community, I would like to continue a tradition of reflective practice at Te Herenga Waka, especially given the disruptions of the past few years.

In future columns, I will speak further about how I would like to contribute to legal education at Te Kauhanganui Tātai Ture—Faculty of Law.

Noho ora mai

Professor Lee Godden

I turn now to recent Faculty events and achievements.

FACULTY EVENTS

Professor Geoff McLay spoke at the 2022 Sir Owen Memorial Woodhouse Lecture on Wednesday 5th October. He spoke on the development of both common law and statute and whether a distinction can be drawn between the two in considering whether these Islands have their own law.



Sir Geoffrey Palmer was recently honoured at a two-day Symposium, *Governing for the Future: The Futures of Democracy, Law, and Government*, held at Parliament in the Beehive Banquet Hall on 13-14 October. Speakers presented papers discussing a wide range of topics including the future of democracy and world governance systems, legal and government reform, rights and the legitimacy of the state.



Associate Professor Dr Dean Knight and Hon Justice Matthew Palmer held a book launch of *“The Constitution of New Zealand: A Contextual Analysis”* at a reception hosted by the Governor General, Dame Cindy Kiro, at Te Wharewaka in Wellington on Tuesday 15th November.

Student Achievements

Jaimie-Lee Tuuta (Ngāi Tahu, Ngāti Mutunga o Wharekauri, Ngāti Toa Rangatira) received a Borrin Foundation Grant to travel to the United States to attend a forum about collaborative practice.

Simran Bechan received the inaugural Sidley Austin (Geneva) Pasifika student internship organised by alumnus and partner at Sidley Austin, Iain Sandford. We are looking forward to Te Kauhanganui Tātai Ture—Faculty of Law Graduation ceremony on 8 December 2022.

The annual Robin Cooke Lecture will occur on 7 December 2022. Please register here if you wish to attend.

Faculty Achievements

We welcome a new Professor, **Joanna Mossop**, and two new Associate Professors, **Mark Bennet** and **Matteo Solinas**.



Dr Marcin Betkier was recently appointed Chair of the Privacy Foundation. **Dr Marnie Lloyd** was awarded the VUWSA Lecturer of the Year for 2022.



RECHARGE YOUR BATTERY THIS DECEMBER



Dr Dougal Sutherland, Chief Executive of Umbrella Wellbeing, Registered Clinical Psychologist

As we begin December, many of us may be feeling tired, lacking energy, and eagerly waiting for a break. Given the extra demands of a year filled with uncertainty, illness and global challenges, we may even notice feeling more drained than usual.

Yet, we often add more pressure in December, focusing on the list of things we want to “tick off” before the end of the year. These pressures include work priorities, but also personal life pressures such as holiday shopping or making travel plans. Trying to achieve all this at a time when energy and resilience may already be low is a big ask. How then do we get through December and into the new year feeling more refreshed? Here are some tips to try.

- **Get clear on your priorities for the time left this year.** Knowing that the year is quickly disappearing, review your “to-do” list considering what is essential and what would be nice to do. Be realistic about what you can actually achieve, and try to ask yourself what would be good enough.
- **Plan recovery time into your daily and weekly schedule.** It’s essential for all of our energy levels that we take some time to recharge. Taking a holiday is a great “macro” way to do this, but it’s not enough. Every day we need “micro” recovery – these are the small moments which help to recharge our batteries. Activities like stopping to sit in the sun for 5 minutes during your day, having a casual chat to a friend or colleague while you grab a cup of coffee, staring out the window on your commute (rather than checking work emails). When done regularly, these “bite-sized” recovery practices add up to a whole lot more energy and less overwhelm.
- **Recovery doesn’t have to be doing nothing.** There are three important types of recovery: **rest**, where we do nothing or very little; **recreation**, where we do the hobbies and activities that we find are fun, engaging, enjoyable, and stimulating; and **relationship** time, where we connect with the people around us. It’s useful to plan on trying to get some of each of these types of recovery into every week. Remember, this doesn’t need to feel like another “to-do” for the list, it can be as short as a couple of minutes.
- **Make sure your down time is down time.** When doing an activity for your recovery, switch off other demands as much as you can. Turn off email alerts, or even leave the phone at home! Same goes for the distracting thoughts in your mind. Try to gently let go of distracting or intrusive thoughts, redirecting your attention to what you are doing right now. Mindfulness is a great way to practise this skill.
- **Decide what’s most important to you this holiday season.** Is it a big celebration? Is it quiet time with those you care about? Or is it some time to unwind and read a book on your own? Try to create some space for what you need most, rather than falling into the trap of what you think the holiday season “should” be.
- **If you manage a team, make time to check in with everyone** – depending on personality styles, this may be best as a team or individually. Check in on levels of fatigue and how people are coping. Validate and acknowledge that end-of-year fatigue is common and understandable, and then review work projects and priorities – do the priorities align with business/team priorities? Are timeframes realistic or do they need adjusting? Remember to encourage recovery breaks, and model good strategies yourself!

And finally, be kind to yourself. Go into this time recognising that you’re only human. You don’t need to be perfect. The holidays won’t be ruined if the meal isn’t just so. The things left on the to-do list can get done later, and you may even find you achieve them more easily in the new year.

Porirua Bar dinner

After a 5 year hiatus, the Porirua Bar Dinner returned on 6 October 2022. The evening was buzzing with energy and with excitement for our guest speaker **Justice Sir Joe Williams** who spoke movingly, delivering a thought-provoking and inspiring speech.

Later in the evening there was an emotional warmth when retirees, **Robert Brace, Christina Leech, Bill Bevan, Peter Harrison** and **Margaret Powell** were honoured by fellow colleagues. A special thanks to **Chris Ellis, Judith McMillan, Rohan Cochrane, Craig Smith, Rachael Dewar** and **Chris Griggs** for their valedictory messages for the retirees.

The bar dinner was a memorable gathering and served to ignite new connections. Thank you to all who attended and made the event such an enjoyable evening. Until next time!





Pacific Lawyers Association: 21st Anniversary Celebration

On 14th October, the Pacific Lawyers' Association held a dinner in Auckland to celebrate its 21st anniversary.

The Association was founded by a small group of Pacific lawyers in Auckland 2001. Since that time, the PLA has grown to become a strong voice not only for Pacific lawyers, in the context of the wider legal profession, but also for our Pacific students and communities in Aotearoa.

The dinner was attended by 164 guests and was over-sold weeks prior to the date of the event – we were humbled by the show of support for the event but also for our Association generally.

We acknowledge specifically our keynote speaker, **Judge Ida Malosi** (the first Pacific head of bench in New Zealand and a founding member of the PLA), all founding members of the Association, **Chief Justice Winkelmann**, **Chief Judge Taumaunu**, members of the judiciary who were in attendance, and **Graham Leung** (Solicitor General of the Cook Islands) who came specially to attend the dinner.

We had an inspiring keynote address, wonderful performances and in true Pacific fashion, lots of laughter and joy – a real Pacific celebration.

We will be sharing photos from the event soon (follow us on social media) but in the meantime, here is a [link](#) to our video and a photo of the 2022-23 Executive. With the Executive spread over Aotearoa, the dinner was the first time we were in the same room!

Follow us on social media: LinkedIn Facebook Instagram: @pacificlawyersassociation.



From left to right: Leilani Taula, Purcell Sali, Sharnika Leleni, Arti Chand, Dane Tuiqereqere, Tiana Epati, Wiliame Gucake, Kelly Williams, and Maria Sopoaga. [Missing from the photo is our lovely Singapore-based Dani Fuemana].

Wellington Young Lawyers' Committee

Espoir Ibouanga - Co-Convenor

Kia ora! My name is Espoir. I am a lawyer working in Commercial, Property, and Immigration law.

Amelia and I were elected as the 2023 YLC Co-convenors. Together, we are honoured to be part of YLC and to serve you next year. I will also continue to serve as the Treasurer in 2023.

As a committee, we are excited to get to know Wellington's Young Lawyers and put on some great events for you!!!

In my spare time, I enjoy spending time with my family and staying active.



Espoir Ibouanga

Amelia Wheeler - Co-Convenor

Kia ora e hoa mā! Ko Amelia tōku ingoa.

I am privileged to be one half of the convenor team for the 2023 Young Lawyers' Committee.

As background on myself, I am in my third year of practice, working as a private client lawyer. Outside of work, I'm a member of the IOD, currently in my second year of te reo Māori study and a New Zealand qualified netball umpire.

Very much looking forward to working with you all.



Amelia Wheeler

The YLC has had a busy year, and are feeling very grateful to have been able to run a large number of our events this year.

We saw the return of the young professionals' ball, which was a massive highlight of our calendar; we've run a number of seminars, including our Tikanga seminar with Dr Carwyn Jones, which saw record attendees; we held our grad cruise for new graduates; and supported the Branch Council launch the new welcome to the profession morning teas.

We look forward to building on these and being able to bring back our competitions to the 2023 calendar as well as bolster our outreach programmes.

If you have any questions, feedback, or ideas, please feel free to get in touch with us on ylc.wgtn@gmail.com or visit [our website](#).



