

Southland Otago Conference

22 July 2023 | Ascot Park Hotel, Invercargill



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ABOVE: Oreti Beach, Invercargill.
Photo: Tourism New Zealand.

About the conference

The New Zealand Law Society Te Kāhui Ture o Aotearoa, annual Southland Otago Conference will be held at Ascot Park Hotel on Saturday 22nd July 2023. This joint Law Society event is the only one of its kind, rotating each year between Invercargill, Dunedin, and Queenstown.

Around 100 delegates are expected to attend the 2023 conference, participating in professional development and networking activities. The conference presents an excellent opportunity for collaboration, education, and collegial networking.

The 2023 conference programme features high-profile speakers who are leaders in their field, presenting topical and engaging subjects. The line-up of 2023 speakers are led by keynote speaker, broadcaster and highly regarded investigative journalist, Melanie Reid. Melanie will be accompanied by leaders in the profession that includes members of the New Zealand judiciary, barristers, solicitors, and experts in a diverse range of areas from mental health and wellness to resolving utilities disputes, technology, and taxation.

Major conference features

- Exceptional value for money at just \$130 per person (incl. GST) for a full day of conferencing
- Notable keynote and expert speakers
- Networking opportunities
- Five Continuing Professional Development (CPD) hours
- Exhibition stands
- Conference Dinner at historic Anderson House (additional \$120 pp)

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Programme overview

8:30am	Registration Opens		
9:15am	Conference opening and welcome <i>Richard Smith – Southland Branch President</i>		
9:25am	New Zealand Law Society Te Kāhui Ture o Aotearoa Update <i>Frazer Barton – Law Society President</i>		
10:00am	Keynote speaker <i>Melanie Reid – Newsroom’s Investigations Editor</i> . Peter Ellis – the creche case and me		
10:55am	Closing comments <i>Dale Lloyd – Otago Branch President</i>		
11.00am	Morning Tea		
11:30am	Session 1 <i>Tony Hughes-Johnson KC</i> Settlement agreements in litigation disputes: The must know issues	Session 2 <i>Dr Sarah Ferguson</i> Smarter sleep	Session 3 <i>Mary Ollivier</i> Utilities disputes: Flickering lights can lead to full-blown fights
12:30pm	Session 4 <i>Mike Brownlie & Sarah Saunderson-Warner</i> Update on Criminal Law	Session 5 <i>Tony Sycamore</i> Successfully navigating complaints: Strategies, tips and suggestions for surviving complaints	Session 6 <i>Geoff Bevan</i> Employment law: Getting the problem sorted and ensuring it stays sorted
1:30pm	Lunch		
2:15pm	Session 7 <i>Kim Jarvis & Dale Lloyd</i> The gap between separation and division - interim distribution and maintenance	Session 8 <i>Richard Little</i> Recent and upcoming changes to the Mental Health (Compulsory Assessment and Treatment) Act <i>Alison Douglass</i> Capacity Law & practise: How to become a Court appointed lawyer for the ‘Subject Person’	Session 9 <i>Dave Bennie</i> Are you and your business the next IT scam victim or headline?
3:15pm	Session 10 <i>Len Andersen KC</i> Forensic science and the Obama Report	Session 11 <i>Keri Kereru</i> Mihi/Pepeha Te Reo Māori	Session 12 <i>Craig Macalister</i> Updates on recent GST changes of interest to lawyers
4:15pm	Afternoon Tea		
6:30pm	Cocktails and dinner at Andersons Park		



Family litigation intensive

Time: 9:15am – 4:15pm
Limited to 12–15 participants

Participants will be given a fact pattern of a Care of Children Act dispute and will be asked to use this to undertake tasks involving examination in chief, cross examination, and submissions.

The aim is to give participants practical experience in undertaking a hearing in the family jurisdiction, however many of the skills and techniques are also transferable to the Criminal jurisdiction.

Enrolments are restricted to 12–15 practitioners and aimed at new practitioners with 0–5 years’ experience.

The course will run for most of the day during the conference with a break for lunch.

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1:30pm	Lunch
	Family litigation intensive
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Sponsors:



Faculty members



Judge Farnan

Her Honour Judge Farnan was sworn in as a District Court Judge on 16 April 2015, and was appointed to the Invercargill District Court. Judge Farnan holds warrants in the Youth Court, Family

Court, District Court, including a Jury warrant. Prior to appointment to the Bench, Judge Farnan was a partner in a Dunedin law firm. She undertook trial work, as well as appearances in the Family and Youth Courts, representing a range of clients. Judge Farnan particularly enjoyed her appointments as Lawyer for Child and representing clients under the Protection of Personal & Property Rights Act 1988 and Intellectual Disability (Compulsory Care and Rehabilitation) Acts 2003.



Dr Louise Smith

Dr Louise Smith is a clinical psychologist who holds both a doctorate in psychology and a post-graduate diploma in clinical psychology. She has been a specialist report writer for the Family Court since

1994 and gives evidence in the Auckland, Dunedin, and Invercargill courts. She has presented at previous Law Society trainings and participates in the panels for reviews and selection of family court lawyers. She looks forward to contributing some ideas as to what might work and not work when cross examining expert witnesses, and to engaging in the experiential practice in cross examination during the seminar.



Lauren Pegg

Lauren has been in practice in Dunedin for 16 years and is currently a Family Law Barrister. Her practice includes all aspects of the Family Court's jurisdiction. She is a lawyer for child and

has co-organised the annual Otago lawyer for child forum since 2015. Lauren is currently the Deputy Chair of the New Zealand Law Society Family Law Section Executive.

Bill Dawkins

Bill was admitted in 1982 and has practised primarily as a criminal lawyer, but also undertaking Family Court work which includes all aspects relating to the future care arrangements of children, and the Division of Relationship Property. Bill has been a Youth Advocate since the Youth Advocate Scheme came into force about 28 years ago, and before then appeared in the Children's Court. For four years Bill was a faculty member of the Litigation Skills Programme and in earlier years was on the Legal Aid Committee. He has undertaken several Jury Trials in the High and District Courts.



Merrin Gill

Merrin was admitted in 1996 and has appeared in the Family Court regularly throughout her career. She has been Lawyer for Child for 20 years and is a member of the Southland Standards Committee.

Convenor



Richard Smith

Richard was admitted to the bar in 2005. He is a barrister at Montrose Chambers, Invercargill, practising in the areas of criminal and family litigation. Richard is President of the Southland branch of the New Zealand Law Society and has been on Council since 2016. He is also an executive committee member of the Family Law Section of the New Zealand Law Society.



Keynote speaker



Melanie Reid
(Newsroom's
Investigations Editor)

**Peter Ellis – the
creche case and me**

Synopsis

An intense look inside one of NZ's most controversial legal cases, including the evolution and delusion of satanic panic, Reid's secret, and exclusive interviews during the 1993 trial, and the vicious circle of false reassurance. A miscarriage of justice that took 30 years to put right.

Bio

Melanie Reid is Newsroom's Investigations editor and a long time multi award winning investigative journalist who has covered many of NZ's biggest legal cases. Melanie has devoted much of her long career fighting against injustice and holding power to account. She has covered many of NZ's highest profile cases, including Bain, Ellis, Lundy, and more recently the exposé on the Hastings uplift, millions of caged eggs being sold as free range and the little boy presumed drowned in Gore.

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Session speakers



Session 1: Anthony Hughes-Johnson KC (Barrister)

Settlement agreements in litigation disputes: The must know issues

Synopsis

In this session, Mr Hughes-Johnson KC examines several aspects of settlement agreements in litigation disputes which practitioners need to be aware of.

He discusses the essential contractual elements of a valid compromise agreement, looks at elements which might lead to the impeachment of a compromise, the difficult issue of confidentiality and non-disclosure agreements, the need, in some circumstances, to consider persons who are not parties to a settlement agreement and how to deal with those persons, the issue of how to protect a party who is to benefit from future performance in an agreement which is subject to future performance, and lastly the need to understand the taxation implications of payments made in to settlement agreements and make provision for them.

The paper deals with a wide range of settlement agreements which have a litigation foundation, and it is expected that it will assist litigators to direct their minds to the necessities for concluding a lawful and effective settlement agreement in litigation matters, when settled.

Bio

Anthony Hughes-Johnson KC has been in practice as a barrister since 1988 and since that time has handled a wide range of litigation matters. He has wide experience in civil litigation. This has included involvement in resource management and local government litigation and a broad practice centred on commercial litigation.

In 1995 Mr Hughes-Johnson was appointed by the Government as counsel to assist the commission of inquiry into the collapse of a viewing platform at Cave Creek. He was appointed Queen's Counsel in 1998. Mr Hughes-Johnson is a past-president of the Canterbury District Law Society and advises on professional conduct matters.

In 2012 Mr Hughes-Johnson was appointed an arbitration Fellow of the Arbitrators' and Mediators' Institute of New Zealand Inc. He is involved in alternative dispute resolution including acting as counsel in mediations.

Mr Hughes-Johnson is a qualified commissioner (chair) in resource management matters and has been appointed by a number of local authorities to hear and determine substantial planning matters.

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Session 2: Dr Sarah Ferguson (Breathe Repeat)

Smarter Sleep

Synopsis

It is supposed to happen for one third of our day, every day, but a casual chat with friends or colleagues tells us that our sleep is often much less than that.

A unique combination of work pressures and all-hours connectivity affects this generations' sleep like no other. People either struggle to fall asleep or wake up mid-cycle. Furthermore, no aspect of our biology is left unscathed by sleep deprivation. It sinks down into every nook and cranny.

Learn more about how we sleep, why we need it, and what you need to sleep deeply and well.

Bio

Dr. Sarah Ferguson is the Executive Director of Breathe Repeat. She holds a PhD in Computational Optics from the University of Georgia as well as two BSc (Cum Laude) in Physics.

Her passion is for learning and understanding how things work, and this especially applies to wellness in relation to peak performance. She spent many years working with the best and the brightest in her field and can speak first-hand to the symbiosis between personal and professional flourishing.

Currently, Sarah works closely with businesses and schools delivering corporate wellness programmes, and works one-on-one with private clients. She founded Breathe Repeat to formally offer research-based mindfulness programmes that benefit the business and the individual at the same time.

Sponsor:





Session 3: Mary Ollivier (Commissioner for Utilities Disputes)

Utilities disputes: Outages, slow new connections, leaks, bill shock, solar – flickering lights can lead to full-blown fights

Synopsis

Utilities companies provide essential services to the people of Aotearoa New Zealand. But what happens when something goes wrong? Is there a free service?

This session will cover:

- how to advise clients about unresolved disputes and possible outcomes
- the role of the Consumer Guarantees Act
- water disputes after three waters reforms
- best practice dispute resolution in the energy sector and how data helps
- and more....

Bio

Mary is the Commissioner at Toihau at Utilities Disputes: Tautohetohe Whaipanga; an independent, NFP company that operates Government approved schemes to resolve disputes between utilities companies and their customers.

Mary is a lawyer who has previously been involved in complaints handling and regulation at New Zealand Law Society Te Kāhui Ture o Aotearoa.

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lloyd.**



Session 4:
Mike Brownlie (PRLaw)
& Sarah Saunderson-
Warner (Barrister)

Criminal law
update

Synopsis

Mike and Sarah will discuss two topical issues for criminal lawyers from both Crown and Defence perspectives.

Mike will focus on recent Supreme Court decisions about sentencing issues and the impact of these on the sentencing process.

Sarah will focus on disclosure with reference to the 2023 Practice Note and how this may also apply to District Court trials.

Bio

Sarah is a Barrister who specialises in criminal law and practices in Dunedin. Sarah has practiced criminal law for more than 20 years and has a wide range of experience in all aspects of criminal law.

Mike is a member of the family and litigation teams at PRLaw. Mike's practice focuses on Crown and associated prosecutions and family law.

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Session 5: Tony Sycamore (Van Aart Sycamore Lawyers)

Successfully navigating complaints: Strategies, tips, and suggestions for surviving complaints

Synopsis

Tony is extremely interested in dealing with ethics questions and complaints in a manner which provides an opportunity for parties to move forward restoratively and find a resolution without the need to resort to formal processes and has spent a lot of time working at better understanding how to intervene early on with client disputes and issues so as to avoid prolonged and distracting processes, which can be daunting and debilitating for practitioners.

Bio

Tony is a director of Van Aart Sycamore Lawyers, a Dunedin based boutique commercial firm. Tony has extensive experience in commercial transactions and has also served for nine years on the Otago Standards Committee.

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SYCAMORE**
LAWYERS



**Session 6:
Geoff Bevan (Gallaway Cook Allan)**

Employment law: Getting the problem sorted (and ensuring it stays sorted)

Synopsis

While we all like a good court case, employment lawyers do their best work when they help resolve matters quickly and quietly.

This will be a practical / interactive session, focusing on:

- Off the record / without prejudice discussions – how and when (and how and when not) to use them.
- Ensuring settlement agreements are fair and survive scrutiny from the Courts.
- Covering the key terms in your settlement agreements and avoiding common mistakes.

This session is designed for both specialist and occasional employment lawyers.

Bio

Admitted in 2000, Geoff Bevan has specialised in employment law for most of his career. He initially worked at Chapman Tripp in Auckland for 12 years before moving to Gallaway Cook Allan in late 2012.

Geoff has acted for a range of public and private sector employers and continues to work for clients across New Zealand. He also practices in the areas of human rights and health and safety.

Sponsors:



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employment / health & safety / immigration



Session 7: Kim Jarvis (Webb Farry Lawyers) & Dale Lloyd (Lloyd Troon Law)

The gap between separation and division – interim distribution and maintenance

Synopsis

Relationship Property is not usually divided until a final settlement has been reached. However, there is often a significant gap between those two events.

Interim distribution is when property may be distributed prior to final settlement. The Court has wide discretionary powers to make interim distribution. This session explores some of the factors that the Court takes into consideration, along with some of the arguments to be considered when making, or opposing, an application for interim distribution.

Bio

Kimberly Jarvis joined Webb Farry as an Associate in their Litigation and Dispute Resolution team in 2019 before joining the partnership in 2020. Since admission to the bar in 2008, she has specialised in commercial litigation, employment law and complex relationship property and international family law disputes. Kimberly has appeared in a wide range of Courts and Tribunals around the country up to and including Supreme Court level.

Dale Lloyd has been practising law for over 25 years in the Central Otago region. Her practice has specialised in dispute resolution, mediation and litigation in the areas of family law with a focus on relationship property and employment. Dale continues to be appointed by the Court in Family Court and Youth Court matters. Recently Dale has been a member of the Family Law Advisory Panel and is currently the convenor of the Youth Justice Committee.

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Session 8, part 1: Richard Little (Eagles Eagles & Redpath)

Recent and upcoming changes to the Mental Health (Compulsory Assessment and Treatment) Act – what you need to be aware of and how you can help

Synopsis (part 1)

The Mental Health (Compulsory Assessment and Treatment) Act 1992 permits significant impositions in the basic rights of everyday people.

To ensure these rights are not curbed unnecessarily, changes are being made to the law which will result in increased legal representative involvement. Capacity will form a large part of these changes and given the increase in mental health awareness over recent years; this is an area which is becoming more inclusive for practitioners to become involved in. The clients involved are less likely to be limited to those detained in Hospital and the upcoming changes will address many people in the community.

Bio

Richard Little is a Partner with Eagles Eagles & Redpath in Invercargill. Richard holds a double degree from Otago University in law and with a Bachelor of Science majoring in psychology.

Mental Health law has always held a special interest for Richard and is an area he has been involved with since his admission to the bar in 2010.

In 2020 Richard undertook the role of District Inspector for Mental Health in Southland dealing with the rights of mental health patients under the Mental Health (Compulsory Assessment and Treatment) Act 1992.

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& Redpath**
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Session 8, part 2:
Alison Douglass (Barrister)

Capacity law and practice:
How to become a court-
appointed lawyer for the
"subject person"

Synopsis (part 2)

There is increasing demand for lawyers to have knowledge and experience of representing clients who may have impaired capacity for decision-making – whether due to dementia, learning or intellectual disability, mental illness, or brain injury.

This session introduces the role of the lawyer for the "subject person" under the Protection of Personal and Property Rights Act (PPPR Act) and how to become a court-appointed lawyer in the Family Court.

Bio

Alison Douglass is a Dunedin based barrister who specialises in health and disability law. She regularly appears for people with impaired capacity and their families in the Family Court under the PPPR Act and Intellectual Disability (Compulsory Care and Rehabilitation) Act.

Alison has appeared as counsel in the appellate courts, including the Supreme Court, in a range of cases involving capacity law. Together with a psychiatrist and an ethicist, Alison is a co-author to the Capacity Toolkit, and the book, **Assessment of Mental Capacity: A New Zealand Guide for Doctors and Lawyers**.

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Session 9: Dave Bennie (Focus Technology Group)

Are you and your business the next IT scam victim or headline?

Synopsis

This session will discuss why everyone is a valuable target for Cyber Crime and IT scams - not just the wealthy, well connected, public figures, or those that look after highly valuable information.

Your identity can be used as part of greater attacks on your family or people you have been in contact with. The content of this session will encourage thinking about how an individual's IT profile works. This session is for anyone who wants to better protect their family, business, profession, and community against cyber criminals and will include questions and answers.

Bio

Dave Bennie is a Director and Owner of Focus Technology Group, one of the South Island's largest independently owned and operated IT Companies. Dave is a highly experienced IT professional with a career spanning over 20 years in the Education, SME and Corporate sectors.

Dave's IT career started in education which soon sparked his interest in security as working in an environment where the large number of users attempting to "break the system" was a constant challenge.

Internationally Dave is representative on the Global Advisory committee for a leading Software platform used by thousands of Managed Service Providers worldwide. His expertise, in protecting clients from cybercrime and ransomware-related incidents has been honed over many years of experience.

Sponsor:





Session 10:
Len Andersen KC (Barrister)

Forensic science and the Obama Report

Synopsis

While there has been an appreciation that evidence such as face mapping is circumstantial evidence of identity rather than direct evidence of identity, interesting issues have arisen with regard to admissibility of novel scientific evidence by the application of the American test of Frye modified in the case of Daubert.

The application of the tests by Tipping J in *R v Calder* (the poisoned professor case) have been extended in *Lundy v R* [2014] NZCA 576 where the issue was whether a particular substance was brain tissue.

The President's Council of Advisors on Science and Technology (PCAST) September 2016 report to the President, *Forensic Science in Criminal Courts Ensuring Scientific Validity of Feature-Comparison Methods* highlighted that even evidence such as fingerprints involve a degree of subjectivity and interpretation such that experts can disagree. This has important implications for practitioners and identifies the necessity of being prepared to challenge forensic evidence where it is contrary to a client's instructions.

Bio

Len Andersen KC is a Dunedin based practitioner with wide experience in all forms of litigation. He teaches advocacy at Otago University and for several years taught a course in aspects of forensic law. He is a former president of Otago District Law Society and is past president of the Criminal Bar Association of New Zealand.

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BARRISTERS AND SOLICITORS





Session 11:
Keri Kereru (KMK Law)

Mihi/Pepeha Te Reo Māori

Synopsis

This session is for those who would like to learn a basic mihi (greeting) or open a meeting and introduce yourself with your pepeha (who you are and where you are from). Don't be shy come along.

Bio

Ko Taupiri te Maunga
Ko Waikato te Awa
Ko Waikato te Iwi
Ko Ngāti Wairere rāua ko
Ngāti Raukawa ngā Hapu

Keri is a sole practitioner of KMK LAW. She practices primarily in Family Law, Lawyer for Child, Youth Advocate, Mediation and is a Cultural Report Writer.

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Session 12: Craig Macalister (FINDEX)

Updates on recent GST changes of interest to lawyers

Synopsis

GST update on recent GST changes of interest to lawyers.

This will include GST changes in the Taxation (Annual Rates for 2022–23, Platform Economy, and Remedial Matters) Bill (No 2), which includes the GST treatment people that provide their skills, assets, and labour through digital platforms, otherwise known as the sharing or gig economy. This will also include a discussion around on-going concern changes including zero-rating and the GST treatment of farmhouses.

Bio

Craig is Tax Principal of the FINDEX Tax Team. Craig joined Crowe Horwath from his role as Tax Director of the New Zealand Institute of Chartered Accountants (NZICA).

This role dealt with all aspects of New Zealand taxation and involved leading the Institute's direction and input on Government tax policy. Prior to this Craig was KPMG New Zealand's National Tax Director, working in both the Wellington and Auckland offices.

Prior to that, Craig held senior positions with Inland Revenue in Investigations and Tax Policy. Craig is also very experienced with assisting people with tax debt issues and tax disputes with Inland Revenue. Craig is a co-author of the Staples Tax Guide and GST in New Zealand.

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FINDEX





Venue & accommodation

Ascot Park Hotel is one of the region's leading hotel and conference venues and is an 8-minute drive from the centre of Invercargill and a 10-minute drive from Invercargill airport.

Ascot Park Hotel is offering a special rate for registered delegates of the Southland Otago Conference. Please contact Janine McMurdo to secure your discounted room:

Janine.mcmurdo@lawsociety.org.nz.

Superior Room \$175 per night.

A courtesy shuttle is available for return airport to hotel transfers.



ABOVE: Superior Queen Queen. Photo: ILL.

TOP & RIGHT: Conference room and facilities. Photos: Great South.



Conference dinner

The 2023 conference dinner will be held at the historic Anderson House, located in Anderson Park on the outskirts of Invercargill.

On arrival delegates can enjoy a complimentary drink before making their way around Anderson House to enjoy a variety of food stations and ‘walk & fork’ options. The evening will be a culinary showcase of Southland’s favourite foods and accompanied by a skilled mixologist at the dedicated cocktail bar.

Bus transportation is available to and from Anderson House at an additional cost of \$10 per person. The bus will depart Ascot Park Hotel at 6.15pm, with a return bus departing from Anderson House at 11pm.

Sponsor:



TOP: Anderson House and Anderson Park.
Photo: Gayle Hogue.

On the menu

Cheese roll with a twist
 Blue Cod & chips in cones
 Slow roast lamb shoulder on a swede mash
 Natural oyster bar station
 Bruschetta station
 Hot smoked Stewart Island salmon with horseradish cream
 Fiordland venison with beetroot jam
 Broad bean and feta
 Mini pavlovas with compote
 Sweet cheese rolls with mascarpone and apricot
 Otautau blueberry clafoutis

Cost: \$120 per person (\$10 extra for return bus trip from Ascot Park Hotel).

Please advise of any dietaries when registering.





Destination Invercargill

Invercargill, Waihōpai, is the regional capital and commercial hub of Southland. Fondly dubbed the “City of Water and Light”, Invercargill has plenty of character and a friendly, laid-back atmosphere.

Wide streets in a grid layout make it easy to find your way around the city to enjoy the excellent cultural attractions, outstanding nature reserves and parks, and lively cafes, restaurants, and bars.

With a variety of cafes, restaurants and bars to choose from, Invercargill is definitely a foodie’s destination. From oysters to cheese rolls, Southland is renowned for its unique cuisine made with some of the finest and freshest ingredients in the world.

Described as having an ‘obsession’ with classic motoring, Southland boasts an impressive collection of world-class vintage motor vehicle displays, including Bill Richardson Transport World, Classic Motorcycle Mecca and E. Hayes Motorworks Collection.

For a comprehensive list of activities and attractions in and around Invercargill, visit southlandnz.com.



FAR LEFT: Queens Park, Invercargill. Photo: Envious Photography.

TOP: Bill Richardson Transport World, Invercargill. Photo: Bill Richardson Transport World.

LEFT: Bluff Oysters. Photo: Great South.



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