



## St Patrick's Day Bowls

By Carolyn Browne

The Family Law Committee held a bowls tournament for lawyers and some staff on Friday, 17 March at the Elmwood Bowling Club – a venue familiar to family lawyers, as in 2011 the adjoining tennis clubrooms were used for Family Court hearings.

More than 30 people participated, and the event was conducted in brilliant sunshine, as evidenced by the photos of players squinting into the sun while trying to follow the path of their bowls. Most players were wearing

green in celebration of St Patrick's Day and some took their costuming to a higher level.

There was a fair amount of the craic, some disputes about the rules, and a good time was had by all: the flavour of which may have been more Patsy than St Patrick. To Susie Tait, Valerie McTurk and Family Law Committee for organising the event: *go raibh míle maith agat* (Thanks very much.)

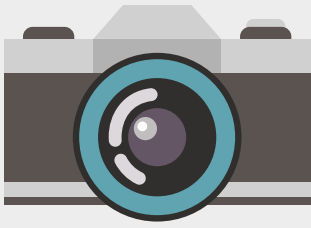
(More photos on page 12.)

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### Last month's winner



**Gerard Thwaites with:**  
"Once a student but always a scarfie."

# President's column

By **Craig Ruane**



## 150th Anniversary

On 5 October 1868 there was a meeting of the legal profession held in Christchurch. Some of the names are familiar: Cotterill, Duncan, Wynn Williams, Harper and Joynt. A resolution was passed as to the formation of the Canterbury Law Society. Almost as important, the resolution was moved by Mr W S Moorhouse, that the foundation of the Law Society should be celebrated by a dinner.

The Canterbury Law Society existed until March 1878 until it merged into a branch of the New Zealand Law Society. It was later reconstituted as a stand alone branch, which continued in existence until 10 years ago.

Although the Canterbury District Law Society ceased to exist in 2008 and reverted to being a branch of the New Zealand Law Society, we will be celebrating the 150th anniversary of the founding of what was the first incorporated law society in New Zealand, in 2018.

A Special Events Committee has been formed to organise the various celebrations towards the end of next year with a dinner (reflecting the feeling of the first meeting) to be held on 25 October 2018 and a grand ball on Saturday 27 October. Mark these dates in your diaries.

Now might be the time to start thinking about organising a reunion to coincide with the weekend of festivity.

## Justice & Emergency Services Precinct

The opening of the Precinct is still a moveable feast, with current rumours being not before the third quarter of the year.

I have had some suggestions as to what we might do with the judicial portraits, the canopy and so on. Any other suggestions would be gratefully received.

At this stage the fate of the canopy is very much in the air.

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# A Hypocritical Stance on Courtroom History and Art

**The President of the Canterbury-Westland** branch of NZLS informs us, in his *Canterbury Tales* column of March 2017, that “there is simply no room” in the new Christchurch court building for the historic High Court canopy and dais. (And no “home” presently found for it).

And he goes on to state that, apparently, there is no place in this new building:

- (a) for the brass commemorative plaques for the fallen of two World Wars;
  - (b) for various artworks and historical photographs of judiciary who have served in the former Supreme, now High, Court in Canterbury (in themselves an important historical record); and
  - (c) for the eight portraits in oil of certain of those superior court judges, presently gracing the walls of the main High Court.
- The reason given our President (presumably

by Ministry of Justice officials) for the lack of a place for these various works – “simply insufficient wall space”.

Really? This is a vast building with many walls. What is to occupy those internal wall spaces? Why not the historical record I ask?

I used “hypocritical” in the title of this piece advisedly.

In October 2016, as referred to in an article written by *LawTalk*’s Nick Butcher (and published online on 1 November 2016), the Ministry of Justice was not backwards in lauding (as it had done earlier to *Stuff.co.nz*) its collection of artworks, and its value, put together over the past 140 years and to be found in courtrooms “stretching from Auckland to Southland” and which included “prominent judges from years gone by” and other donated artworks.

The Canterbury historic photographs of judicial record and the eight portraits in oil to which I have referred above, fit both categories – donated works relating to prominent judges.

Judicial portraits (and photographs) are to be seen hung in courts in Auckland, in Wellington, in Dunedin. Historical judge’s canopies and daises are to be found in courts in Auckland, in Wellington, in Dunedin.

Why is Canterbury, singularly and strangely, to be denied its historic judicial legacy? As the arts columnist for *The Press*, Christopher Moore, observed, the dais itself is a “major slice of history” and a “highly significant item of legal art”.

The eight oil portraits were all commissioned by the members of the Canterbury District Law Society and were then, effectively, gifted and entrusted to the Ministry of Justice to be hung upon and to grace the walls of the High Court in Christchurch. Each portrait a large piece, from the brushes of renowned artists; each painting revelatory of the sitting judge’s character.

Yet, such gifts, such trust, is to be cavalierly put aside on the basis of “no room in the (inns of) court”. Really? Why?

In 2016 I cobbled together an online petition, addressed to the Minister of Justice, pleading for the saving of the canopy and dais and its placement in the new court building. Surprisingly, it gathered some 1,177 signatures.

I asked to see the minister to present the petition to her. She refused to meet me saying that the issue raised by the petition was an “operational” one, so one for her officials.

The officials are well entrenched, it seems, in a position which has the canopy and dais apparently not fitting the new building’s “design aesthetics” (whatever that means – recalling the minister herself once suggested that this piece of furniture was too “intimidating”).

Do the ministry officials see the photographs and the paintings in the same way, I ponder?

The Ministry has stated, publicly, that it desires to have art on the walls of its courts, its buildings. It has said that that still includes judicial portraits.

As I said to Nick Butcher last year: “Yes, let art be hung and displayed in courts, but please, the new along with the old, the modern with the historic”.

As at October 2016 the ministry stated that “No decisions have been made on the placement of existing portraits or other artworks within the precinct”.

Apparently decisions have now been made. What then is to “grace” (or is it “disgrace”) our courtroom walls?

Whither history?

Whither heritage?

Whither hypocrisy?

## A withered Hampton QC

## Canterbury tales

*Canterbury tales* is the official newsletter of the Canterbury Westland Branch New Zealand Law Society. Publications Committee: **Zylpha Kovacs** (convenor), **Simon Shamy** (editor), Carolyn Browne, Ann Maria Buckley, Daniel Weatherley, Beatrix Chin. All correspondence and photographs should be forwarded to: The Branch Manager, Canterbury-Westland Branch New Zealand Law Society, Level 1, 307 Durham Street, Christchurch. PO Box 565 Christchurch, DX WX 10074.

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# First National Conference for Christian Lawyers in New Zealand

The inaugural New Zealand Christian Lawyers' Conference will be held on Saturday, 20 May 2017. The aim of the conference is to encourage lawyers to think critically about the nature of law and the role we play as lawyers, as well as the practice of law as a vocation.

Registrations opened at the start of March and in the first 10 days there were 30 enrolments from around the country. While it is being held in Auckland there have been people signing up from Christchurch and Dunedin and enquiries from further afield in the South Island as well.

Auckland-based lawyer Simon Greening, who is helping to coordinate the conference, says the idea for the event came about when he attended a similar event for Australian lawyers in Brisbane last year. That led to him wondering why there was no equivalent in New Zealand.

"It's been a really good response so far which is nice to see. All of us organising this hope it will be a way for Christian lawyers to connect here in New Zealand and maybe share our stories and our journeys," he says.

"If we are truly honest none of us 'have it all together' so we can always learn from each other. As well as that we can be challenged by the thinking others who are more experienced or who have a different perspective have in the area of what it means to be a lawyer. It's about making time for that space and dedicating some effort to it. I think it will be a really challenging day."

The keynote speaker is Alistair Mackenzie, a theologian based in Christchurch who spends half of his year in Boston and other places. He has been doing research for decades on the theology of work itself. Mr Mackenzie will be looking at the nature of work and give it a theological perspective. He will break down some of

the common issues lawyers face – such as identity, work/life balance, moral conflicts and justice for the poor – and provide his take on them.

There will also be three workshop streams on alternative dispute resolution, law and policy, and practising as a Christian lawyer. Workshop presenters will tell their own stories and explore various perspectives, and how each perspective might assist lawyers in understanding the nature of law and the practice of law as more than just providing the next pay cheque but instead as a vocation or calling.

The workshop presenters are: Professor Warren Brookbanks, Grant Illingworth QC, Joanna Pidgeon, Rosslyn Warren, Neil Evans, Paul Collins, Ken Lord, Professor Rex Ahdar and Ian Bassett. They bring a vast wealth of experience from different areas of practise and their talks will provide a rich source of material for discussion and reflection.

The pricing for the day-long conference is very reasonable at \$85. For more information, and to register, please visit: [www.nzchristianlawyers.org](http://www.nzchristianlawyers.org) or send questions to [nzchristianlawyers@gmail.com](mailto:nzchristianlawyers@gmail.com).

## Comings & Goings

Information for this column must be sent directly to the Canterbury-Westland branch due to privacy issues. We assume that by the firm supplying the information that the individual people have agreed to their names being published.

Please send information regarding changes to firms or practitioners to [canterbury-westland@lawsociety.org.nz](mailto:canterbury-westland@lawsociety.org.nz) or [susan.newman@lawsociety.org.nz](mailto:susan.newman@lawsociety.org.nz).

### Joined Firm / Organisation

**Garry Thompson** is now with Fern Law – he was previously with Purnell Creighton.

**Corbin Child** (Employed Barrister, previously with Grant Shand Barristers and Solicitors), **Noor Hamid** (Employed Barrister, previously Grant Shand Barristers and Solicitors), and **Gary Davis** (Employed Barrister, from admission) have all joined Jai Moss Barrister.

**Josh Taylor** has joined Wynn Williams Lawyers in their Dispute Resolution Team.

### Change of Status

**Rachel Walsh** is now an Associate at Clark Boyce Lawyers.

### Change of detail

**Jai Moss Barrister** now at St Asaph Chambers, 10/245 St Asaph St, PO Box 44, Christchurch 8140. All other contact details remain the same.

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# Millennials, Cellphones and Leadership

By **Andrew Nuttall**

## Are you addicted to your cellphone?

Isn't it interesting that when things are happening in our lives, an article, book, video or some other material that is helpful just seems to show-up?

Recently I was talking with partners of a law firm who mentioned that they were finding younger lawyers difficult to manage, recruit and retain. One of them said "they are different to us".

In the same week I received an email from a North American colleague recommending we listen to a YouTube video by Simon Sinek. In his video, Mr Sinek mentioned that millennials have been described as "entitled", "narcissistic", "self-interested", "unfocused" and "lazy". Nonetheless, like previous generations millennials want to make a difference and have an impact. However, when they do they can still feel unsatisfied. Simon Sinek contends that it's not the fault of these young people who, at times, find it challenging making their way in the world. The following characteristics provide some explanation:

- » Parenting. Millennials have been told by parents and teachers that they are special and that they can have anything they want in life. Many even received medals just for participation.
- » Impatience. They live in a world which has provided instant gratification but job satisfaction, strong relationships and self-confidence all take time to nurture.
- » Environment. Firms and businesses that employ millennials can be inclined to focus too much on the numbers. Mr Sinek suggests that employers need to provide good leadership and an environment which fosters self-confidence, co-operation, social skills, listening, communication and conflict resolution. We need to build workplaces where everyone can help each other to improve.
- » Technology. The over-use of smartphones and similar devices has impacted

on our 18-29 year olds. A number of studies indicate that high cellphone use is modifying both our brain function and our body posture. According to AsapScience we spend an average of 4.7 hours a day on our phones. This is due to the dopamine effect. Dopamine is a neurotransmitter that affects our emotions and sensations of pleasure and pain. Constant texting, reading emails, playing Candy Crush, looking at Facebook and Instagram etc can create a compulsion loop similar to behaviours associated with nicotine, alcohol and gambling addictions. Often, millennials use their smartphones as tools to avoid boredom, or to appear to be occupied to avoid awkward social situations. Phones can also disrupt our sleep cycles. Harvard Medical School advises us to avoid technology for 2-3 hours leading up to bedtime. Apparently using a smartphone reduces the production of melatonin, the hormone responsible for the regulation of the sleep/wake cycle.

### Recommendations:

- » No cellphones in meeting rooms.
- » Leave your smartphone at home when

you go out, and you will find you spend more time talking to people.

- » Charge your phone in your living room and not beside your bed.

Simon Sinek's Millennials in the Workplace video is most thought-provoking.

If you are a parent of a millennial, are a millennial yourself, or have an interest or concern for improving our workplaces, search for this video on YouTube. Our team have found it somewhat enlightening, as it has created healthy discussion and a change of some habits. No wonder it has been in the top 10 most watched YouTube items.

*Andrew Nuttall is an Authorised Financial Adviser and Founder of Bradley Nuttall Ltd an independent and fee only wealth management firm in Christchurch. Andrew has worked with members of the legal fraternity for over 25 years and his Disclosure Statement is available on demand and free of charge. [www.bnl.co.nz](http://www.bnl.co.nz) telephone 03-364 9119*

*Andrew is also the father of four Millennials.*



**Andrew Nuttall.**

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# Addressing members of the Judiciary

## Introduction

Being able to appear as an advocate for any person before any New Zealand court or tribunal is one of the areas of work expressly reserved for New Zealand lawyers. As advocates, it is obviously important that lawyers observe the correct forms of address in their dealings with members of the judiciary. This Practice Briefing summarises the expected forms of judiciary address, both in the courtroom and in written communications.

## Oral Address

By convention, judges of the Supreme Court, Court of Appeal and High Court are referred to as Justice [surname]. Judges in the District Court are referred to as Judge [surname].

If a judge is referred to without name, the appropriate reference is "the Judge". It is not correct to refer to judges by their full names unless it is necessary as a point of distinction from another judge of the same surname.

When you refer to a judge in court, don't speak of judges of the High Court, Court of Appeal or Supreme Court as "Doe J" or "Judge Doe".

If you meet a member of the judiciary socially, it is usual to address them as "Judge" (as in "pleased to meet you Judge".)

## Written Address

In all the following, the use of Judges' surnames in the salutation is optional.

### Chief Justice

Address on letters:

The Rt Hon Dame Sian Elias GNZM  
Chief Justice  
Chief Justice's Chambers  
DX SX10084 or PO Box 61

Wellington 6140  
Salutation: Dear Chief Justice (or if personally known, Dear Dame Sian)

### Supreme Court Judges

Address on letters:  
The Rt Hon Justice [surname] (if the Judge is a Privy Councillor)

If not:  
The Hon Justice [surname]  
Supreme Court of New Zealand  
DX SX 11224 or PO Box 61  
Wellington 6140

Salutation: Dear Judge

### Court of Appeal Judges

#### President

Address on letters:  
The Hon Justice Ellen France  
President, Court of Appeal  
DX SX 11223 or PO Box 1606  
Wellington 6140.

Salutation: Dear Judge

#### Other Court of Appeal Judges

Address on letters:  
The Hon Justice [surname]  
Court of Appeal  
DX SX11223 or PO Box 6106  
Wellington 6140.

Salutation: Dear Judge

### High Court Judges

Address on letters:  
The Hon Justice [surname]  
[place] High Court  
[postal address]  
Salutation: Dear Judge

### District Court Judges

#### Principal Family/Youth Court Judges

Address on letters:  
His/Her Hon Judge [surname]

Principal Family/Youth Court Judge  
District Court  
DX SX 11240 or PO Box  
Wellington

Salutation: Dear Principal Judge

#### Chief Judges of District/Employment Court

Address on letters:  
His/Her Hon Judge [surname]  
Chief ..... Court Judge  
[postal address]

Salutation: Dear Chief Judge

#### Other District Court Judges and Judges on Maori Land Court or Tribunals

Address on letters:  
His/Her Hon Judge [surname]  
[place] District Court/Maori Land Court/  
Tribunal name  
[postal address]  
Salutation: Dear Judge

Information in the Practice Briefing series is provided by the Law Society as a service to members. This briefing is intended to provide guidance and information on best practices. Some of the information and requirements may change over time and should be checked before any action is taken.




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# Do v Police



*Do v Police*, Supreme Court, 13 February 2017, [2017] NZSC 7  
 TRANSPORT LAW - ZERO ALCOHOL LICENCE - RETROSPECTIVITY - DOUBLE JEOPARDY

**Unsuccessful application for leave to appeal** against zero alcohol licence order – appellant pleaded guilty to driving with excess blood alcohol – convicted of first offence in December 2011 and second offence in December 2013 – fine of \$750 imposed with eight-month period of disqualification and zero alcohol licence order – order under s 65B Land Transport Act 1998 came into effect after commission of first

offence – s 65B applied where another drink driving offence committed in previous five years – order required application for zero alcohol licence following expiry of disqualification to allow person to drive without drinking (otherwise person treated as unlicensed) – appellant submitted he ought to have been sentenced as if s 65B had not been enacted and that application of s 65B gave retrospective effect and amounted to double punishment – Court commented previous offending was relevant to sentencing for subsequent offending but was not objectionable per se as being double punishment – while s 9(1)(j) Sentencing Act required a sentencing court to take into account as an aggravating factor “the number, seriousness, date, relevance, and nature of any previous convictions of the offender” it was acknowledged that some care must be taken in this context

– discussion in *Beckham v R* [2012] NZCA 290 referred to – Court assumed zero alcohol licence order was a “penalty” for purposes of s 7 Interpretation Act 1999, ss 25(g), 26 New Zealand Bill of Rights Act 1990 and s 6 Sentencing Act 2002 – issues: whether zero alcohol licence order infringed prohibition against retrospective effect – whether order breached rule against double jeopardy.

HELD: enactment of s 65B prospective in effect – s 65B did not change legal character or consequences of 2011 conduct – penalty faced for 2011 offending was not increased between time of offending and time of sentencing for that offence – 2011 offending relevant to consequences of reoffending because it affected type of licence applicant could hold following conviction – this did not mean s 65B had retrospective effect – no double jeopardy or punishment – leave to appeal dismissed.

## Update from the New Zealand Institute of Legal Executives, Canterbury-Westland Branch

**The branch began the year with a seminar** in Christchurch on 15 February. Quotable Value presented on the upcoming changes in requirements of the Christchurch City Council and the practicalities of how to use salesdirect more efficiently. There were 72 attendees.

Our seminars are a valuable way to obtain CPD points. A reminder to legal executives that you have until 30 June to complete your CPD hours. Our seminars are run during the lunch hour and non-legal executives and solicitors are also welcome to attend.

The NZLS CLE Ltd Legal Executives Conference is coming up so save the date on your calendar now. The conference will be held in Wellington at Te Papa on Monday 14 and Tuesday 15 August 2017. A brochure will be available in early May. If you would like more

information please contact Jo Buckton, our Chief Executive Officer in Wellington (email: [Jo.Buckton@nzile.org.nz](mailto:Jo.Buckton@nzile.org.nz)).

And to finish off, we have a social event coming up in Christchurch. A high tea is being held on Sunday 19 March. Enquiries to [canterburywestland@nzile.org.nz](mailto:canterburywestland@nzile.org.nz)

A reminder to all firms to please remind staff that any students currently studying for the Legal Executive Diploma, or staff who don't meet the qualifying employment criteria, may apply to join the Institute as a support member. This will entitle them to receive our Quarterly Quip newsletter, Joblink emails, hear about social functions and seminars and to have contact with registered legal executives if they have any questions or need assistance. Enquiries to [canterburywestland@nzile.org.nz](mailto:canterburywestland@nzile.org.nz)



**From March's Issue:**

Front row left = The alive John McRae.  
 Back row far left = The late Dr Gerry Orchard.  
 Centre back row = The alive Bruce Taylor.  
 Back row 2nd from right = The late Peter Woolley.

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# Trans-Tasman Patent Attorneys regime: single patent attorney regime between New Zealand and Australia comes into force

By **Angela Searle** and **Sophie Thoreau** - Baldwins Intellectual Property

**On 24 February 2017 the patent attorney** professions of Australia and New Zealand merged to create a single regulatory regime for patent attorneys across New Zealand and Australia. Patent attorneys in both countries are now registered as trans-Tasman patent attorneys.

The Patents (trans-Tasman Patent Attorneys and Other Matters) Amendment Act amended the Patents Act 2013 and includes measures to build on the Australia and New Zealand Closer Economic Relations free trade agreement. This reform is part of the Single Economic Market agenda, agreed to by the then prime ministers of both countries in 2009. Under this agreement the respective governments agreed to create a seamless trans-Tasman business environment and integration of trans-Tasman regulation.

In particular, the Act implements a single trans-Tasman regulatory framework for patent attorneys as set out in the Arrangement between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorneys. These amendments are the first major update to the regulation of New Zealand patent attorney profession in over 60 years.

The objectives under the Arrangement include allowing for economies of scale to be achieved by regulating patent attorney services, minimising the regulatory and business compliance costs for patent attorneys to practise in Australia and New Zealand, increasing business confidence in the quality and standard of service provided by patent attorneys and also facilitating competition. Government officials state that this, in turn, will remove barriers for patent attorneys and encouraging competition will help drive productivity, innovation and growth for

both countries.

The new framework will automatically regulate over 500 existing Australian and New Zealand patent attorneys and subject new patent attorneys to a single set of registration requirements. This framework includes a single register of patent attorneys, a joint code of conduct, a trans-Tasman board to administer a qualification regime and investigate complaints about those in the profession and a trans-Tasman patent attorney disciplinary tribunal to resolve such complaints.

Patent attorneys registered under the joint framework will be able to provide patent advice between and across Australia and New Zealand. While many New Zealand patent attorneys are already registered to practise in Australia, the new framework requires patent attorneys to be competent and knowledgeable in the patent laws of both nations, even if they do not ever intend to work across both counties. New Zealand patent attorneys must also meet increased technical demands whereby new patent attorneys must have a tertiary qualification in an area of patentable subject matter such as engineering or other relevant science degree. In practice, it is likely that this is already a key requirement of employment of patent attorneys.

While the changes are welcomed by some as simplifying professional obligations to a single set of requirements across both countries, the changes have been the subject of debate and are viewed by some as unnecessary. Previously there were no impediments to New Zealand patent attorneys practising in Australia and vice versa. Additionally, some New Zealand organisations and patent attorneys state there is already plenty of healthy competition in the market and express concern about ensuring the New

Zealand profession's long-term ability to compete with its Australian counterparts. Part of this concern is the possible dilution of a strong local patent attorney profession and loss of expertise and productivity to Australia.

Further, the issue of training has been contentious in some corners, with the stated joint framework objective of cost-effectiveness being somewhat at odds with the requirement that patent attorney trainees enrol in an accredited course of study. Previously, New Zealand patent attorney qualifications were provided by the New Zealand Institute of Patent Attorneys in association with the Intellectual Property Office of New Zealand for about \$150.

However, under the joint regime, trainees are required to enrol in accredited courses which, at this stage, are only provided by Australian universities. New Zealand residents undertaking these courses are not eligible to fee assistance schemes or student loans to fund the \$30,000 course. While Victoria University in Wellington has been accredited, not all its courses have been accredited.

Overall, the amendments to the Patents Act 2013 appear to support the New Zealand and Australian governments' objective of a closer economic relationship and creation of a seamless trans-Tasman business environment. However, the benefits of the new joint patent attorney framework, including the specific objectives of minimising business costs, increasing competition and ultimately, and most importantly, driving innovation and growth, remain to be seen.

Visit the IP Australia website ([www.ipaustralia.gov.au/](http://www.ipaustralia.gov.au/)) or the new Trans-Tasman IP Attorneys Board website ([www.ttipattorney.gov.au/](http://www.ttipattorney.gov.au/)) for more information.

## I N D E P E N D E N T C O M M E R C I A L B A R R I S T E R



Mark Russell now practises as a commercial barrister at Canterbury Chambers.

Mark is available to provide independent, expert advice in:

- company law issues
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- corporate governance
- banking and financing law
- company insolvency
- corporate structuring
- joint ventures
- securities law
- commercial contracts and disputes

Mark is also available to accept appointments as a commercial mediator and arbitrator.

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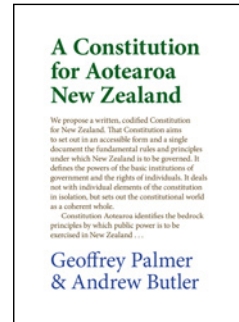


**Book Review**

# A Constitution for Aotearoa New Zealand

**By Geoffrey Palmer and Andrew Butler**  
**Victoria University Press**

Reviewed by **Todd Nicholls**



**The front cover of this welcome addition** to New Zealand’s ongoing, but until now low-key constitutional debate, really says it all: “We propose a written, codified Constitution for New Zealand. That Constitution aims to set out in an accessible form and a single document the fundamental rules and principles under which New Zealand is to be governed. It defines the power for basic institutions of government and the rights of individuals. It deals not with individual elements of the constitution in isolation, but sets out the constitution world as a coherent whole. Constitutional Aotearoa identifies the bedrock principles by which public power is to be exercised in New Zealand ...”

As the esteemed writers, Sir Geoffrey Palmer and Andrew Butler of Constitutional Aotearoa highlight, a constitution would set out and protect the individuals’ rights from state interference. As the authors also rightly refer, the state has great powers to force people to do things at times. How that power is ordered, distributed and used is at the heart of our democratic ideals.

The modernisation of New Zealand’s constitutional apparatus has been an

evolutionary process which will ultimately see New Zealand become a republic and have a codified constitution in which all citizens can turn to in order to know that their rights are being safeguarded. Since the New Zealand Constitution Act 1852, New Zealand has moved away from the imperial constitutional bedrock that helped create it and has been moving towards its own constitutional apparatus. Palmer and Butler’s well-argued book is another step along that pathway and it is important that it be considered by both lawyers and non-lawyers alike. I would go so far to suggest that it is perhaps the most important book published in New Zealand in the last 12 months.

While Constitutional Aotearoa is proposing some important changes, they are at pains to preserve the sound elements of New Zealand’s past and its unique constitutional culture. It affirms, for example, the central importance of free, fair and democratic elections. It also guarantees the fundamental civil and political rights already recognised in New Zealand law.

Constitutional Aotearoa argue that the existing constitutional arrangements are quite dangerously “incomplete, obscure, fragmentary and far too flexible”. Constitutional Aotearoa argue for the adoption of a superior law constitution with a system of checks and balances such as that found in almost all other overseas participatory

democracies. It also argues, rightly in my view, for a new head of state, a Republic of New Zealand, a fixed four-year Parliamentary term, and constitutional safeguards amongst other changes. Constitutional Aotearoa also argue that the role and prerogative of the State should be defined more clearly and that citizens should all know what their rights are.

Constitutional Aotearoa has provided a welcome and necessary addition to New Zealand’s constitutional debate. Importantly, they also argue that their proposed Constitution be reviewed systematically and periodically. They suggest a Constitutional Commission should sit every 10 years to consider revisions to the Constitution. The first aim of A Constitution for Aotearoa New Zealand is to “start a conversation about New Zealand’s Constitution”. This provides a welcome blueprint and talking point for all New Zealanders to consider and, ultimately, hopefully comment on.

I would urge all lawyers and non-lawyers alike to get a hold of this important document and to make a contribution. Further information can be obtained from its website [www.constitutionalaotearoa.org.nz](http://www.constitutionalaotearoa.org.nz).

*Todd Nicholls is a criminal lawyer with the Public Defence Service in Christchurch. He has an interest in constitutionalism, having completed an MA in 1999 on the question of the lack of Republican sentiment in New Zealand.*

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## Malcolm Wallace

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[malcolmwallace@canterburychambers.co.nz](mailto:malcolmwallace@canterburychambers.co.nz)

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## Our Top 10 Legal Movies and TV Shows

10. Ally McBeal
9. Kramer vs Kramer
8. Suits
7. Philadelphia
6. Breaker Morant
5. Paths of Glory
4. Erin Brockovich
3. A Few Good Men
2. The Castle
1. To Kill a Mockingbird

How does this list compare to yours?  
Let us know.

## A few lawyer jokes

- » Whats the difference between a bankrupt lawyer and a pigeon? – a pigeon can still make a deposit on a Mercedes Benz.
- » What do you get when you cross the Godfather with a lawyer? – An offer you can't understand.
- » A lawyer dies and goes to Heaven. "There must be some mistake," the lawyer argues. "I'm too young to die. I'm only 55." "Fifty-five?" says Saint Peter. "No, according to our calculations, you're 82." "How'd you get that?" the lawyer asks. Answers St. Peter, "We added up your time sheets."

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### Christchurch

#### April

- » 4 April – Webinar – Health and Safety Update
- » 5 April – Trust Account Administrators.
- » 10 Apr – Unconscious Bias – The Workplace
- » 11 Apr – Webinar – Earthquake Update – Business Issues
- » 12 Apr – Webinar – Contract – Implied Terms

#### May

- » 2 May – Leadership Confidence & Success
- » 3 May – Webinar – Ethics: Lawyer as Director and Trustee
- » 4 May – Webinar – Methamphetamine Issues
- » 8 May – Webinar – Leaky Buildings: Update
- » 9 May – What to do when the contract goes wrong (and on webinar)
- » 11-13 May – Stepping Up
- » 16 May – Off the plan agreements – Sale and Purchase
- » 23 May – How to run a jury trial
- » 29 May – How to run a resource management case

### Out of Christchurch Courses

- » 3-4 April – Auck – Intro to court Civil Litigation Skills
- » 4 April – Wgtn – Cyber Law Conference
- » 6 April – Auck – Interaction between Trusts and Relationship Property
- » 11 April – Auck – In short Business Structuring
- » 20 April – Auck – Trust Account Supervisor Training Programme
- » 1 May – Wgtn – Live web stream: Liability of Local Authorities
- » 2 May – Auck – Live web stream: Liability of Local Authorities
- » 4 May – Auck – Sentencing Update
- » 23 May – Auck – First home buyers – structuring parental support
- » 24 May – Wgtn & live web stream – Elder Law Intensive
- » 25 May – Auck & live web stream – Elder Law Intensive
- » 30-31 May – Wgtn – Lawyer as negotiator

### Other

- » NZ Christian Lawyers Network – 2017 Conference – 20 May, Auckland – website [nzchristianlawyers.org](http://nzchristianlawyers.org) – for further information email [nzchristianlawyers@gmail.com](mailto:nzchristianlawyers@gmail.com)

### Canterbury-Westland branch seminars:

- » 6 April – Trust Seminar – New Foreign Trust Disclosure Rules - no cost, one CPD hour – contact [zylpha.kovacs@lawsociety.org.nz](mailto:zylpha.kovacs@lawsociety.org.nz)

### Employment Law Conference

- » 24 August 2017 – Save the Date

### Canterbury-Westland Social

- » Hunter Cup Golf – Thursday 6 April

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# Library News

By **Julia de Friez** - Librarian

**It really is worth getting to know about a** new Library resource which covers 152 years of reported UK case law while being easy to use.

*The Incorporated Council of Law Reporting* (ICLR) has published *The Law Reports*, the official series of UK legal authorities since 1865. The Library now subscribes to *The Law Reports* online via ICLR Online – the Council’s own dedicated online resource. (ICLR report series were previously available as part of *LexisNexis* online.)

Remember you need to be working onsite in the Library to access subscription databases, such as ICLR Online.

The new ICLR platform has excellent added value such as a *Citator+* overview which gives the case history and subsequent treatment for each report, as well as hyper-text links to UK legislation references and to *BAILII* when cases cited are unreported. Also available are court-ready PDFs for nearly all reports on *ICLR Online*. Court-ready means the PDFs have the typeset layout used in the printed publication.

The collection includes: *The Law Reports* (1865 to present); *Weekly Law Reports* (1953 to present); *Industrial Cases Reports* (1972 to present); *Business Law Reports* (2007 to present); *Public & Third Sector Law Reports* (2009 to present).

## Library move

As most of you will know, the Library’s forthcoming move to the Emergency Services Building (Level 1) has been deferred due to the revised Justice Precinct construction timeframe, probably until the last quarter of 2017. Looking on the bright side, we are happy to work in our current Library space for a few months longer.

## New books

Recent acquisitions include:

- » *Unit Titles Manual: A Practical Guide to Understanding and Complying With the Unit Titles Regime* by John Ross et al., 2nd edition (2016);
- » *Health Care and the Law* by Rebecca Keenan (editor), 5th edition (2016);

- » *Access to Information* by Paul Roth & Graham Taylor, 2nd edition (2016);
- » *New Zealand Judicial Review Handbook* by Matthew Smith, 2nd edition (2016);
- » *The Search for Certainty: Essays in Honour of John Smillie* by Shelley Griffiths, Mark Henaghan, Marcelo Rodriguez Ferrere (editors) (2016).

The following titles are currently on order:

- » *Maritime Law in New Zealand* by Bevan Martin (2016);
- » *James & Wells Intellectual Property Law in New Zealand* by Ian Finch (general editor), 3rd edition (2017);
- » *Planning Practice in New Zealand* by C Miller & L Beattie (editors), (2017);
- » *Nationality and Statelessness in the International Law of Refugee Status* by Eric Fripp, UK (2016).

See the New Titles tab on our Library catalogue to find more titles recently ordered or added to the Law Society Library collection nationally.

## Contact Library

For further information or for any research or document delivery requests, email [canterbury@nzslslibrary.org.nz](mailto:canterbury@nzslslibrary.org.nz) or phone 377 1852.

### Reaching those who can't reach out

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