**Collegiality, diversity and testing hidden biases**

*By David Dunbar*

One of the things I most enjoy about the Wellington Branch is its variety including the fact it extends as far as the Wairarapa. It was therefore a great pleasure on 21 July to attend, along with others from Branch Council and the national office, the 45th Wairarapa annual dinner. It was a privilege to hear from guest speaker, Dame Lowell Goddard QC. Her thoughtful account, both of individual cases and of her key involvement in major systemic inquiries, underscored her long and rich contribution to the practice and the rule of law in New Zealand.

The word that springs to mind when I think of that event is collegiality. That sense of legal community is at the core of the Wairarapa bar and is very much an expression of their collegial culture.

In my view, Wairarapa practitioners epitomise how members of a true profession support and care for one another in the practice of the law, in both good times and bad. That is very much a measure of a profession – it celebrates and enjoys success, but also comes together in challenging times.

I recall how, following the tragic death of Louise Elder, the local profession joined together to support Louise’s family and one other. A further example, came with the temporary closure a couple of years ago of the Masterton District Court building; again the local profession rallied. These are the events by which the values of a profession can be measured.

I’ve also been lucky to attend another function over the Rimutakas; a wonderful dinner celebrating 50 years in practice of one of the finest practitioners whose reputation and stature, the event was warmly welcomed by Chris Geiges, barrister, of the Branch Council, and Dr Grant Morris on behalf of the NZ Centre for Public Law.

Seminar presenter Geoff Sharp is a highly regarded New Zealand mediator. He is recognised by *Who’s Who Legal* as one of the 10 top international mediators in the world, and named by APAC Insider magazine as the best commercial mediator in Asia Pacific. In keeping with his reputation and stature, the event was very well attended.

Geoff charted a wide-ranging discussion on mediation and public law, in particular around its use with judicial review. He encouraged a range of contributions from members of the audience, many of whom were experienced mediators, and several useful exchanges resulted.

A number of pithy comments emerged during the discussion, including:

- “(in answer to the question, “why mediation?”)… because the alternatives are hideous”;
- “uts the unwritten story of mediation”;
- “I can live with that…” – a more realistic proposition than the “facile” term “win-win”.

Geoff said that in the past he had thought that judicial review could not be mediated but no longer holds that view. “Public law disputes often default to trial because no one in government will take responsibility for settling a dispute – mediation gives government a safe legal space and a ‘face’ to do this…”

Views on the utility of mediation in public law are strongly held on both sides, he said. While mediation is used widely in jurisdictions such as the UK, the domains of public law and human rights are explicitly excluded, whereas in New Zealand the Human Rights Commission, for instance, offers mediation in all its cases.

In judicial review, the rightness or technicalities of the law cannot be mediated, but the mediation process may be able to get at the underlying issues and interests. If parties can shift on these, it was suggested, and the underlying conflict is resolved, then that may make the judicial review redundant.

But it was emphasised that those taking part in the mediation must have the authority to settle, or at least have access to those who do have that power. If this is not the case then “the wrong people are in the room”. Geoff said that in his initial terms of agreement he asks specifically that this be the case.

It was noted that in insurance matters, where there may be layers of responsibility, and with Maori interests, where questions may have to be taken back for approval to committees and other bodies which may not gather for some time, there may be significant delays.

Mediation may lead to a wider range of answers than are possible in court, and may offer really creative solutions. “Mediation gives parties the opportunity to have their say … there is something really powerful and healthy about that. … It’s a really interesting aspect of mediation.”

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**Mediation and public law disputes**

“The Utility of Mediation in Public Law Disputes” was the subject of a seminar held recently at the VUW Law School.

The seminar was co-sponsored by the Public Law Committee of the Wellington Branch NZ Law Society and the NZ Centre for Public Law. It is thought to be the first such co-sponsored event presented by the two bodies, and as such it was warmly welcomed by Chris Geigg, barrister, of the Branch Council, and Dr Grant Morris on behalf of the NZ Centre for Public Law.

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**New Council members**

**Arti Chand**

*ARTI CHAND is an experienced tax lawyer who set up her sole practice, Arti Chand Tax Law, in 2015 after more than a decade in the private sector working for various accounting firms. She provides domestic and international tax consulting advice to SMEs, not-for-profits, law firms, and high net worth individuals. She proactively runs free tax sessions for law firms on latest tax developments and aims to share tax knowledge in a way that resonates with lawyers. She serves on the board of Parent Help, a charity with her two Maltese dogs. She is married with three children aged 11, 13 and 15 and lives on a sheep and beef farm about half an hour out of Masterton. She works from home and has a meeting room in Masterton. She says she loves the flexibility and freedom that offers. Gretchen studied law and arts (political science) at Canterbury University from 1992-1996, and worked in Wellington for a few years before heading overseas for a couple of years working and travelling – mostly the latter! She still loves to ski and to travel.*

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**Gretchen Freeman**

*GRETCHE FREEMAN is the new Wairarapa representative on the Wellington Branch Council. Gretchen specialises in family law and has done so since being admitted in 1997. She undertakes lawyer for the child and legal aid work, and also works for private paying clients. She has been practising on her own account for about two and a half years and works part-time. She is married with three children aged 11, 12 and 15 and lives on a sheep and beef farm about half an hour out of Masterton. She works from home and has a meeting room in Masterton. She says she loves the flexibility and freedom that offers. Gretchen studied law and arts (political science) at Canterbury University from 1992-1996, and worked in Wellington for a few years before heading overseas for a couple of years working and travelling – mostly the latter! She still loves to ski and to travel.*

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**Wellington Branch Dinner**

*Practitioners are cordially invited to attend the Wellington Branch Annual Dinner on 8 September 2017.*
Wellington Branch Annual Dinner

Practitioners are cordially invited to attend the Wellington Branch Annual Dinner on 8 September 2017. The venue is the Queen’s Wharf Ballroom, Foxglove Bar & Kitchen, 33 Queen’s Wharf, Wellington.

Cost is $115 including GST which covers a 3-course meal with one complimentary drink, thereafter cash bar. Dress formal. To book and make payment, please go to www.bookwhen.com/wellington-branch

If you have special dietary requirements, please note this under “other” on the booking system.

If you wish to sit with someone in particular, please separately email wellington@lawsociety.org.nz

Wellington Women Lawyers’ Association

Annual Quiz Night 2017 ‘Politics and Elections’

31 August 5.30pm at Mac’s Function Centre, Taranaki Wharf

This is WWLA’s major fundraiser to top up the scholarship fund and it’s always a great night out. We recently awarded two $2,000 scholarships to very deserving women studying law at Victoria University. Scholarship winners must demonstrate financial hardship and commitment to their community.

Teams (maximum 6 people) will battle fiercely through 10 rounds of questions. Costumes are practically mandatory and there will be prizes for the best costumers!

Silent auctions for fabulous donated prizes will run through the evening to boost the coffers. Email the convenor if you have an item to donate or would like to sponsor a prize.

Everyone is welcome, so rally your colleagues, friends and family. We have 9 teams registered already so don’t delay. We can fit 23 teams into the upstairs room, which will be the venue – let’s try to fill the place! $180 per team: supper included, cash/cheque/PO

Register by emailing wwlaconvenor@gmail.com

Wellington Branch Diary August

Thursday 10 August

Courts, Tribunals & ADR Committee

Monday 14 August

Criminal Law Committee

Public Law Committee seminar: Parliamentary privilege and the principle of comity. Presenter: Victoria Dasy QC. 12-1.30pm. Law Society Building.

Mon 14-Tues 15 August

Legal Executives Conference, Wellington www.lawyerseducation.co.nz

Tuesday 15 August

Family Law Committee

Wednesday 16 August

Wellington Branch Council meeting

Monday 21 August

Trusts and Estates Committee

Tuesday 22 August

Privacy – is your firm meeting its obligations? Webinar. www.lawyerseducation.co.nz

Friday 25 August

Women in Law Committee

Fri 25-Sun 27 August

Mediation Part B – Education Disputes, pilot workshop www.lawyerseducation.co.nz

Tuesday 29 August

Health Law Committee

Health and Safety Update, webinar, www.lawyerseducation.co.nz

Wednesday 30 August

Legal Assistance Committee

Workings of the Property Law Act, webinar, www.lawyerseducation.co.nz

Thursday 31 August

Parole Law Committee

WWLA Annual Quiz Night. Email wwlaconvenor@gmail.com

Monday 4 September

AML/CFT – second phase, webinar, www.lawyerseducation.co.nz

Wed 6 & Thurs 7 September

Changing Landscapes – rural law in action, conference Christchurch & Hamilton, plus live stream www.lawyerseducation.co.nz

NB Please confirm the dates of committee meetings with convenors.

Law Foundation distinguished fellow to speak


Professor Smith is James McGill Professor at the Faculty of Law, McGill University, where he teaches primarily in the fields of private law (common and civil law) and legal theory. He is a graduate of Queen’s University (BA), the University of Toronto (LLB, LLM), and the University of Oxford (DCL). Professor Smith was a Fellow in Law at St. Anne’s College, Oxford from 1991-98 and has been a visiting professor at the Universities of Texas, Tel Aviv, Aix-Marseille, Singapore, and Queensland.

His research is mainly in the areas of private law and private property theory. He is a leading proponent of Contract Theory (2004, OUP) and co-author of Atiyah’s Introduction to the Law of Contract, 6th ed. (2005, OUP). Professor Smith was the recipient of a Killam Fellowship for 2009-2011; he is writing a book on private law remedies.

The lecture will take place on Thursday 10 August 2017, 5.45pm-6.45pm followed by refreshments in the lecture theatre 1 (GBLT1), rear courtyard, Old Government Buildings, 55 Lambton Quay, Wellington.

Library news

Library reorganisation continues

By Robin Anderson, Librarian, Wellington

It has been all in the library over the last month as we get ready for a one floor library.

To find extra space for the upstairs books we have had to make some sacrifices. The six reading rooms on the right as you come into the Library have been removed to provide space for over 100 bays of books.

The remaining two reading rooms at the end have been converted into a single meeting room which we will call the Cleary Room as much of the O’Leary collection is in the room too. So while smaller than before, the Library will still have a meeting room called the Cleary Room.

We will also be removing all but five of the lockers in the Robing Room and having shelving in there too. This will mean that most of the seating areas in the library will be near the entrance or else in the back corner. This is a consequence of moving to one floor that we could not find any way to avoid.

You will still have a Library for the twenty first century that has an excellent collection of rare and slender texts, law reports and legal encyclopedias, as well as access to a large amount of online legal materials. We are in the process of scanning all of our unreported decisions that are not available elsewhere so that this material should always be accessible no matter what happens.

All this still has a little way to go, with the shelving still to return, followed by the books. All should be in the next two to three months. So do call in and see progress.

Internet news

The new edition of Parliamentary Practice in New Zealand (4th edition 2017) is now also available online free on the New Zealand Parliament website – https://www.parliament.nz/en/visit-and-learn/how-parliament-works/parliamentary-practice-in-new-zealand/ This is a superb and now very up-to-date resource for anyone who has dealings with Parliament or who needs to use parliamentary materials or understand what is happening as a bill goes through the House.

Conferences

August 5-6 2017 – NZ Criminal Bar Association Conference, Auckland. www.criminabalgnz.org


August 19-24 2017 – International Law Association 78th Biennial Conference, Sydney, Australia. syd ila bq ng index ph events

August 30-31 2017 – 18th Annual Medical Law Conference, Wellington. www.confco.co.nz

August 31-Sept 2 2017 – Banking & Financial Services Law Assoc. (BFSLA), Brisbane. bfla.org

September 7-8 2017 – The NZ Law Librarians’ Conference, Wellington. nzlla.org

September 8 – Reforming the Law of Evidence, Faculty of Law Victoria University of Wellington. elisabeth.mcdonald@canterbury.ac.nz

September 13-15 2017 – NZ Insurance Law Association Conference (NZILA), Wellington. nzila.org/conference

September 15-16 2017 – New Zealand Bar Association Annual Conference, Rotorua. www.lawyerseducation.co.nz

September 19 2017 – Education Law Conference, Wellington. legalbodieseminars.co.nz

September 19 2017 – Government Law Conference, Wellington. legalbodieseminars.co.nz


Wellington Branch NZLS Committees 2017-18

Member lists for Wellington Branch committees appear on page 7 in this edition of Council Brief.
Rent to buy
alternative solutions not alternative facts!
the last 30 years.
with the reform of the retirement village
state housing child tenant in the 1950s
any greenfields development.
ignore the cost of infrastructure around
dimensional issue. The complexity is
Wellington student accommodation
importantly create better social
given the opportunity to buy into a long-
incentive to maintain the upkeep of their
dignity and pride.
seeing their rent converted to equity
ultimately acquire ownership. Moreover,
undertaking demolition and/or remedial
practical difficulties that result when
are reached a tipping point where
planning laws govern density and actual
invention adopted at the time because of
seminar, cross-leases were a lawyer’s
work to blocks of units where cross-leases
As John O’Began commented some
years ago in a New Zealand Law Society
section 661 and Residential Tenancy
(Smoke Alarms and Insulation)
regularisation reforms in New Zealand based on
levels adopted at the time for density.
the demand for testing.
authorities have struggled to keep up with
exaggerated the remedial work required
with unqualified contractors who have
is hoped that resulting legislation will deal
2019. Also, there is the total ban on
installations and repair of foil insulation
in residential properties.
More recently, the Residential Tenancies
will impose new standards and requirements
around methamphetamine contami-
nation, and liability for careless damage
and tenancy of unsuitable properties.
The methamphetamine contamination
issue follows the release of the New
national standard 8510 – 2017 testing
and decontamination of methamphetamine-
contaminated properties, following a
in the use of methamphetamine. It
is hoped that resulting legislation will deal
with unqualified contractors who have
exaggerated the remedial work required
to an ignorant market, and where health
authorities have struggled to keep up with
the demand for testing.

Rent to buy
Back in the day we had State Advances
loans and long-term sale and purchase
agreements which effectively meant that
today’s rent would help build up equity
for those State tenants wishing to
ultimately acquire ownership. Moreover,
seeing their rent converted to equity
would give tenants a sense of ownership,
dignity and pride.

Today however tenants have little
incentive to maintain the upkeep of their
dwelling, or to look after the surrounding
courtyards and gardens. I think if tenants
were given the opportunity to buy into a
long-term sale and purchase arrangement
with rent being directed towards equity,
that would offer a better incentive to
maintain the state housing stock and
importantly create better social
outcomes in communities need.

Wellington student accommodation
A shortage of student accommodation
in the Wellington market has resulted in a
spike in rents and a bidding war among
potential tenants. This is not a good look,
and also equates to a rise in housing
prices when mortgage rates are low. It
also does little to encourage landlords to
take any interest in maintaining their
properties, and discourages tenants from
taking any pride in their immediate
housing or flat surroundings. Perhaps we
are reaching a tipping point where
regulation over rentals needs a Muldoon-
like approach, though a better solution
would be for landlords to simply take
a more fair and reasonable approach.

Death knell for cross-leases
At a recent BRANZ presentation I
listened to a discussion highlighting the
problems facing multi-unit developments in New Zealand, based on
a research paper entitled “Revised legal
requirements for ownership and use of
multi-dwelling units”. (From research at
the universities of Canterbury and
Otago, Professors Liz Tookey and Jeremy
Finn and Ben France-Hudson and Jacinta
Buri). Apart from the obvious need to
overhaul the Unit Titles legislation, the
research paper highlights the enormous
practical difficulties that result when
undertaking demolition and/or remedial

The need for imposing new regulations
around careless damage results from the
Court of Appeal decision in Holler v Osaki
[2016] NZCA 130. The Court ruled
correctly that residential tenants are
immune from a claim by a landlord where
rental premises suffer loss or damage
carelessly or negligently by tenants or their guests as provided for
in sections 268 and 269 of the Property
Law Act 2007. As noted in the
Government Bill explanatory note
released, however, there is little financial
incentive for tenants to take care of rental
premises. The Bill is an apparent attempt
to incentivise tenants to take care of
rental premises, but equally to protect
landlords from excessive risks and costs.
Tenants will remain liable for intentional
damage, damage caused by an act or
omission that constitutes an intentional
offence, or if insured property that is
insured and the insurance money that would have been payable in
respect of damages is irrecoverable
because of a tenant’s act or omission.
The third proposed reform follows the
decision of Anderson v FM Castodiens
Limited [2013] NZHC 2423 where the
Court found that where a property is
not lawfully liable to be used for
residential purposes it is not residential
premises as defined by the principal act.
The proposed amendments will ensure
that the Tenancy Tribunal has full
jurisdiction for premises occupied or
intended to be occupied for residential
purposes regardless of whether the
occupation would be unlawful, such as
where residents are living in converted
garages or commercial buildings.

The Solicitors’ Benevolent Fund – ways to donate
Donations to the Solicitors Benevolent Fund can be made through:
• “Give a Little” http://www.givelittle.co.nz/org/Solicitors,
which will be automatically receipted, or
by Direct debit: Bank of New Zealand: 02-0506-0101108-097
All donations go directly to the capital reserve. The Solicitors’
Benevolent Fund Trust is registered as a charitable trust
(number CC48709) and has tax deductible status.
If a receipt is required when making a direct debit, please
email wellington@lawociety.org.nz with your name, the
amount deposited and a contact number to ensure a receipt
will be issued and sent to the correct place.
Register of Presenters for Continuing Professional Development (CPD)

The Wellington Branch is creating a register of practitioners prepared to volunteer their time presenting CPD to their colleagues.

We all recognise that CPD comes with a cost both in time and money so we are creating a register of practitioners and educators who would be available to present CPD if requested at no or low cost to their colleagues.

We remind you that CPD presenters can get time in their own right. Time is claimable for preparation of CPD presentations (usually at a ratio of two hours preparation for each hour of presentation) and time spent delivering. A typical one hour presentation would allow the presenter to claim three hours of CPD, ie, two hours for preparation and one hour for the delivery.

Any practitioners prepared to go on the Branch register please contact the Wellington Branch, email wellington@lawsociety.org.nz

Please include your name, your area of expertise, your telephone number and your email address.

Law graduate CV scheme

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

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

The work offered need not be permanent. Any work in a law office will give graduates experience that may be helpful next time they make job applications.
New Zealand lawyers of a certain age will be aware of the public inquiry by then Judge Sylvia Cartwright in 1987-88 into the unethical experiment conducted by Associate Professor Herbert Green at National Women’s Hospital. After the story was blown, it was by Sandra Coney and Phillida Bunkle in June 1987 in Metro magazine, the public outcry resulted in the Minister of Health, Michael Bassett, initiating a “short, sharp” inquiry. The inquiry became a drawn-out, hard-fought battle for the truth to be told. The Cartwright Report changed the notions of informed consent, medical research and accountability in New Zealand.

The inquiry and the events leading to it were recalled recently at a presentation by Professor Jones discussing his recent book Doctors in Denial: the forgotten women in the ‘unfortunate experiment’. In his riveting presentation to 70 younger medical practitioners, Professor Jones explained that he was one of three colleagues at National Women’s Hospital who wrote the 1984 paper that blew the lid off the ‘unfortunate experiment on women with carcinoma in-situ of the cervix. More recently, there have been attempts to rewrite history to downplay the enormity of the unethical conduct. Professor Jones felt driven to write a factually accurate history, to set the record straight. He laments the fact that some younger medical practitioners are woefully blind to the reality of what Green, and those who stood by, did. It is a shocking tale, and very well written.

Judge Cartwright found that for some 20 years since 1966, Associate Professor Green had conducted an experiment on women patients, the vast majority of whom had no idea, except intuitively, that they were in a “trial”. With the agreement of a committee of his peers, and the approval of Head of Department Professor Dennis Bonham, Green introduced a study involving observation without definitive treatment, which ran completely counter to the accepted treatment for carcinoma in-situ. By 1966, CIS was well known to be the precursor for invasive cancer of the cervix. Green developed a personal opinion that there was no causative link: he wanted to wait and see what happened. Patients were repeatedly biopsied and monitored, some for years.

From the beginning Green behaved completely unethically: he ignored study guidelines including the ages of the women and the site of the disease. In addition, when cancer developed in some women Green retrospectively removed them from his study. The failure to properly treat the relatively easy carcinoma in-situ resulted in an increasing number of women developing invasive cancer and, shockingly, more than 30 deaths. As a consequence of Green’s stubborn persistence, and his influence, women in New Zealand also waited years for a national cervical screening program to be developed and implemented.

Although by 1966, ethical requirements for conducting trials on patients had been developed and were known, including in New Zealand, no protections were put in place for Green’s patients. Many international colleagues who became aware of the trial made their disapproval clear. Green published papers about his study, fudging the facts and (despite not being trained in pathology) changing initial diagnoses to hide the truth: his hypothesis was dangerously wrong. Unbelievably, nearly all of Green’s colleagues and the hospital administration, who were aware of the experiment and knew failure to treat the pre-cancerous condition could lead to invasive cancer, did nothing to stop the experiment, even after women began developing invasive cancer. Tellingly, many referring GPs and other doctors at National Women’s did not allow their patients to be included in Green’s trial: the clinical team treated women, as was accepted practice. Professor Jones held the crowd spellbound as he explained the background to the unethical behaviour. The causes were complex. Local “good bloke” Green had applied for the professorial post, but lost out to interloper, Englishman Dennis Bonham. National Women’s was set up as a hospital which was also a postgraduate medical school. This produced a tension between the academics (led at the relevant time by Bonham) and the clinicians (overseen by the hospital board-appointed medical superintendent). The dominance of the academics over the clinicians, and the rigid hierarchy of senior doctors made it very difficult for junior clinicians to challenge what was happening. A culture of arrogance and bullying prevailed.

Dr Jones was a comparatively junior specialist in the team when he became aware of the serious concerns of the man he regarded as the “hero” of the piece: cytopathologist and colposcopist Bill McIndoe. In 1966, McIndoe wrote a memo objecting to Green’s proposed study and raised his concerns with the medical superintendent. The medical committee approved the trial. McIndoe and pathologist Jock McLean continued to raise concerns, keeping meticulous records. In 1984, Dr Jones was instrumental in ensuring McIndoe and McLean’s records were written up for publication in a prestigious international journal. The most damning criticism in both the Cartwright Report and Professor Jones’ book is levelled at the failure by Professor Dennis Bonham and other senior staff and administrators (three medical superintendents in all) to halt the experiment. It continued, despite international and local expressions of concern and the unfolding terrible outcomes for many women.

The aftermath of the Report was equally troubling. As Professor Jones recounts, the medical profession did not thank the whistle-blowers (not an unusual phenomenon): many in the medical profession and hospital administration either ignored the Cartwright Report and the implications, or attacked Jones, McIndoe and McLean. The Royal New Zealand College of Obstetricians and Gynaecologists failed to apologise to the women who were harmed, until after the publication of Professor Jones’ book earlier this year.

It was fascinating to also hear the views of the lawyers involved in the Cartwright Inquiry. Chris Hodson QC, Dame Lowell Goddard QC and Hugh Rennie QC, who all attended the talk, together with Professor Charlotte Paul.

All royalties from the sale of Professor Jones’ book ($40 from Unity Books) will be donated to gynaecological cancer care and research. This event was organised by Steph Dyhrberg, Convener Wellington Women Lawyers’ Association and Jenny Gibson, Honorary Secretary Wellington Medico-Legal Society.

By Steph Dyhrberg

Doctors in denial – presentation by Dr Ron Jones

Doctors in Denial

THE 83rd Devil’s Own golf tournament will be held at Hokowhitu golf course, Palmerston North, from Friday 22 September to Sunday 24 September 2017.

THE Wellington Medico-Legal Society is an amalgam of practising lawyers and doctors, and students with an interest in medical law. Regular meetings are held featuring speakers with particular expertise in areas that affect medical law. If you are interested in joining the Society please contact either of the below email addresses:

Jenny Gibson: jgibson@legalchambers.co.nz
Caroline Cheetham: caroline@legalchambers.co.nz

Devil’s Own golf tournament

THE Wellington Medico-Legal Society

Most events presented by NZLS Wellington Branch are on a user-pays basis. It is very helpful if bookings are made as soon as possible so that the viability of the event can be assured and catering can be accurately estimated. Members are able to book for most events at:

http://bookwhen.com/wellington-branch

Wellington Medico-Legal Society

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Council Brief Advertising

COUNCIL BRIEF, AUGUST 2017

Booking for Law Society events

Council Brief Advertising
COMMUNITY Law Wellington and Hutt Valley has recently launched Wagbot, a chatbot that answers questions and gives legal information to parents and school students on education issues. The bot was developed by Matthew Bartlett and Geoffrey Roberts, and I researched and wrote the content that Wagbot delivers.

The idea for Wagbot stemmed from the Community Law publication Problems at School and the established Student Rights Service. The Student Rights Service is a Community Law phoneline that parents and students can call with their particular educational issue and be responded to by a law student volunteer. The Service helps families from all over New Zealand with all kinds of issues.

However, the phoneline could not be staffed at all hours and some questions are of an urgent nature, so it was apparent that there was a gap to fill. For example, many parents call the Student Rights Service with advice on the best way to approach a board of trustees meeting that is being held the following day. Wagbot is the perfect resource in this situation, as it will respond immediately at any time. Wagbot can be found on Facebook Messenger, making it extremely accessible for students. So far, it has been predominantly used by school students themselves and this is in contrast to the Student Rights Service, which is mostly accessed by parents.

Students have been asking all kinds of questions – some of the most common have been about the grounds in the Education Act 1989, but is under a formal suspension or stood down under

This is illegal, as students can only be sent home immediately at any time.

Wagbot is now talks to about 100 students a week. The exposure to and discussion with all kinds of different people with varying issues has been invaluable in terms of its growth as a chatbot. When it first launched, Wagbot did not know the answer to many questions and would at times give irrelevant answers. Higher numbers of people interacting with it highlighted new issues that were being asked that we needed to write content for. It also meant that the artificial intelligence-powered software at the heart of Wagbot could be trained with different wordings and ways of asking questions, so that it became better at understanding what the issue was even when people didn’t phrase it in a direct way.

It is now at the point where it’s having great conversations with anyone who chats with it and giving them the information that they need, but it will always be learning and developing as it converses with people.

We can’t wait to see Wagbot grow even more and continue to be utilised by both school students and parents. It is an important resource, as people can often be lost as to where to turn or who to ask when something has happened at school and they are unsure whether it was dealt with correctly. It’s great that both Wagbot and the Student Rights Service are used for information to prepare for a board of trustees meeting. Getting an issue resolved at a board of trustees meeting is ideal, as although there are other routes that can be taken, such as complaining to the Ombudsman or the Ministry of Education, these are often very lengthy processes. Wagbot gives legal information and options on how to resolve a dispute, which is what makes it so valuable in what are often stressful circumstances.

If you would like to talk to Wagbot, search for it on Facebook Messenger, or visit http://m.me/wagbot

The Student Rights Service can be contacted on 0800 499 488, and copies of Problems at School can can be ordered or viewed online at http://communitylaw.org.nz/resources/bookshop/

Review of Evidence Act 2008

TEN years of the Evidence Act 2006 is to be reviewed at a conference and workshop to be held at Victoria University in September.

The event is to take place at The Old Government Building, 55 Lambton Quay, Wellington, on Friday 8 September 2017, 8.30am-5pm.

For more information email elisabeth.mcdonald@canterbury.ac.nz

This conference is CPD compatible.
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ACROSS
26. Across and 11 Down. A singular occasion associated with many relations (4,4,1,4)
27. It’s vital as steel in modified form (9)

1. Causes of sudden deflation (9)
2. They make up the royal train (9)
3. What the castigator did is given some value (5)
4. A plot to remove the tail from the aircraft (4)
5. He announces the girl and the lad in some confusion (6)
6. Performs (5)
7. A series (5)
8. Wool coat (6)
9. Extended (9)
10. Catch sight of (4)
11. See 26 Across
12. Perch (5)
13. Was scared about the description of birds (9)
14. Join a military detachment near the East (5)
15. Likely to be shaken up in the game (4)
16. Go through the exercise (5)
17. Essential, initially, for everyone accepting (5)
18. Dull heavy sound (4)
19. In a successful one the happy medium may be found (6)
20. Unspoken (5)
21. Graduated (5)
22. Lustrous silk fabric (5)
23. Worry (4)
24. Fix (6)
25. Terrible (9)
26. Shortly (4)
27. Austerity (9)

DOWN
1. Wheel (9)
2. Pomp (9)
3. Causes of sudden deflation (9)
4. They make up the royal train (9)
5. What the castigator did is given some value (5)
6. A plot to remove the tail from the aircraft (4)
7. He announces the girl and the lad in some confusion (6)
8. Performs (5)
9. A series (5)
10. Wool coat (6)
11. See 26 Across
12. Perch (5)
13. Was scared about the description of birds (9)
14. Join a military detachment near the East (5)
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24. Fix (6)
25. Terrible (9)
26. Shortly (4)
27. Austerity (9)
High Court Judges appointed

- Justice van Bohemen

WELLINGTON public servant and barrister and solicitor Gerardus van Bohemen has been appointed a Judge of the High Court.

Justice van Bohemen has been appointed Judge of the New Zealand High Court and will sit in Auckland.

In 1987 Justice van Bohemen returned to New Zealand and was the Deputy Director of the Legal Division at the Ministry of External Relations and Trade, leaving in 1999 to join Russell McVeagh McKenzie Bartlett & Co in Auckland.

In 1993 he returned to New York and spent two years as the Deputy New Zealand Representative to the UN and the UN Security Council. On his return to New Zealand in 1995, he joined the Auckland office of Buddle Findlay as a senior solicitor, becoming a partner in 1996. Justice van Bohemen joined the partnership of Chen Palmer & Partners in 2004.

He returned to the Ministry of Foreign Affairs and Trade in 2005 as Director of the Legal Division and International Legal Adviser to the New Zealand Government and became the Deputy Secretary responsible for Multilateral and Legal Affairs in 2010.

In May 2015 Justice van Bohemen was appointed New Zealand’s Permanent Representative and Ambassador to the UN and New Zealand’s Representative to the UN Security Council.

Parliamentary privilege and the principle of comity

THE Wellington Branch Public Law Committee invites practitioners to attend a CPD-compatible seminar presented by Victoria Casey QC.

This seminar is designed to identify the legal principles relevant to Parliamentary privilege and to consider how they affect Court proceedings concerning subject matter that has been or will be introduced into Parliamentary processes.

The seminar will provide practical guidance to practitioners engaged in public law and litigation work on how parliamentary privilege and the related principle of comity can impact on litigation.

The seminar will be held on Monday 14 August, 12 to 1.30 pm, 8th floor, NZLS Building, 26 Waring Taylor Street, Wellington.

Bring your own lunch. Tea and coffee will be available. $5.00 booking fee. Go to www.bookwhen.com/wellington-branch to reserve a place and to make payment.

Bookings close 4 pm, Thursday 10 August.

Expressions of interest: formation of a media law committee

THE Wellington Branch Council is considering the formation of a media law committee.

The Branch’s special interest committees play an extremely important part in the life of the Wellington Branch.

Amongst other activities, a media law committee would provide a place for people who work in media law to meet, share information and common areas of concern, feed into National Law Reform Committee submissions, organise relevant and timely CPD, provide a forum for lawyers in private and in-house practice to meet and allow newly-admitted lawyers to benefit from the experience of those who have been in practice for many years.

Media law is changing and practitioners specialising in media law have to keep up with those changes within the social media/digital world.

If you are interested in forming and belonging to a media law committee, please email wellington@lawsociety.org.nz. If there is sufficient interest, we will then take this proposal further.