New Wellington Branch Council takes office

The new Wellington Branch Council took office at the annual general meeting held on Wednesday 21 June. No election was required as the number of nominations did not exceed the number of positions available. David Dunbar was returned unopposed and continues as President, as does Vice-President Annette Gray. Steph Dyhrberg, an ordinary Council member last year, becomes the second Vice-President.

Council members elected unopposed are Arti Chand, Chris Griggs, Yemo Guo, Jessie Hunt, Mike Lennard, Cathy Rodgers, and Mark Wilton, with the three additional Council members allowed by Branch rules: Wairarapa Representative – Gretchen Freeman, Young Lawyers Representative – Emma von Veh, and ILANZ Representative – Mark Wilton.

Mark Wilton is both a Council member and the ILANZ representative – he is also on the ILANZ Executive Committee. This Council is elected for a two-year term, 2017 to 2019, in accordance with amendments made last year to Branch rules.

Reflections on past year and challenges ahead

By David Dunbar

Nga mihi nui ki a koutou katoa.

As I write this, the 2017 Branch annual general meeting has come and gone. While it is fresh in my mind I’d like to touch on some of the key points from that meeting.

Solitcitors’ Benevolent Fund

The Solicitors’ Benevolent Fund has had a significant boost this year. It’s a vital resource to branch members, but sadly, in recent years the fund’s capital had been reduced because of falling interest rates, high demand and dwindling donations. The Council therefore identified as a priority the need both to raise the profile of the fund amongst members and to increase the funding base. This culminated in the Wellington Branch hosting a gala event at Te Papa in March this year. It was, unquestionably, a superb event and an outstanding success, raising nearly $27,800.

Wellington Branch Council Term

This AGM marked the beginning of a two-year term for the Council. Key to Council’s decision to move to the longer term, is the belief that a two-year term will provide a greater opportunity for the Council to develop and implement a stronger strategic agenda. A two-year term will see greater continuity in the membership of the Branch Council and improve the ability of the Council to develop and implement longer term strategic projects designed to help and support its membership. AGMs will still be heard. Council will remain responsive to and accountable to the Branch. Our Council members still want to hear from you and I welcome Branch members contacting us with ideas and concerns. Council will also be publicising its thinking over the next few months as it develops its strategic targets for the 2017/19 term, and again, your thoughts will be welcomed.

Council membership

I am constantly impressed by the commitment and hard work of my colleagues on Council, each of whom has worked for the benefit of our profession. A strength of Council has been the mutual respect between members, members’ individual and collective energy and our shared senses of purpose. And so, each departure is felt keenly. I would like to acknowledge our Council members who have now retired: Mel Baker, Julia White, Chris O’Connor, Susan Barker and Megan Paish. We will miss you all. And welcome to incoming member, Arti Chand.

Challenge to us

With the new Council term, I find myself reflecting on the year and our profession.

As practitioners we strive for excellence in our roles and to maintain the highest of standards of integrity. As a profession we serve the rule of law, help provide access to justice and strive to advance reforms.

But I do find myself asking myself what culture we collectively create. Is it, clearly a culture of collegiality and community and shared learning; our activities during the year tell us that. But are we a culture that embraces diversity? Are we a culture – I hope we are – that addresses issues with courage? Are we a culture that allows each of us, irrespective of gender or other characteristic, to achieve and to add value in our profession to our fullest potential, that celebrates the best in us, but at the same time is responsive to those amongst us who struggle in health and circumstance?

This the culture I hope, with the assistance of the Branch Council, and you all, to explore in the coming term.

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@lawsociety.org.nz with your name, the amount deposited and a contact number to ensure a receipt is issued and sent to the correct place.

Wellington QC appointed High Court Judge

Wellington Queen’s Counsel Peter Churchman has been appointed a Judge of the High Court. Justice Churchman graduated with an LLB (Hons) from the University of Otago in 1979 and joined French Sons Burt & Co in Invercargill. Between 1982 and 1983 Justice Churchman was a solicitor in Dunedin at John Farry and Gowing. He then joined Caudwells (now Anderson Lloyd), becoming a litigation partner at that firm in 1984. In 1990 he was appointed a member of the Crown Panel.

In 2000 Justice Churchman joined Kensington Swan in Wellington as a partner in charge of the national employment law team. He joined the independent bar in 2005 and was appointed a Queen’s Counsel in 2013.

Justice Churchman has also been a part-time law lecturer at the University of Otago and completed his LLM at the University of Pennsylvania in 1997. Throughout his career Justice Churchman has appeared in the Family Court, Environment Court, Employment Court and Maori Land Court, in addition to higher courts. He is also a LEADR-trained mediator. Justice Churchman was to be sworn in on Friday 23 June 2017.
Work and society – looking beyond convention

She says that most American commentary on the problem of unsustainable stress on families, considers fully-employed, dual-income families. These families are under acute stress as a consequence of the present organisation of work and care, which affects health and autonomy for all, and harms children. Those on low incomes are also under stress.

“These families juggle several part-time jobs with long commutes and unpredictable hours. The present setup for them is deeply corrosive of satisfying family life”. These families actually want more hours because they need more money – “...but what they really need is decent, stable, well-paid work leading to less stress”. Care work everywhere is based around “categories of hierarchy and disadvantage”, many of which, such as race, class, ethnicity and citizenship status, carry long legacies and coercion and disrespect. “As long as only a subset of society does care work, that work and the people that do it, will be denigrated. Equality will not be achieved until distribution of care is just. Making care work a matter of equality in relation to care work is gender, and the low pay and lack of respect for care work is partly tied to women’s unequal share of care responsibilities. It affects autonomy and democracy – “women who come from work to do another four to six hours of care work have no time or energy for personal or political reflection,” she says. Increasingly, this time pressure affects men too. But it is not just about gender: “The hierarchy of race, class and gender is intertwined with the subordination of care. Equality and justice will not be achieved until society achieves a just distribution of care.”

On the “policy-care divide” Professor Nedelsky says policy makers who are unsustainably stressed on and caring:

- dysfunctional societal norms in critical problems caused by Western societies. While women and all others who do paid work and the work of caring:

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- work and care are carried out. Her proposition expects all mature competent adults to do what we now call “part-time” paid work from 12 to 30 hours a week, and also to do unpaid care work up to 12-30 hours a week. New norms would encourage people to resist the pressure to take on more work and to value both the hours of care they do and their hours of leisure.

The programme would encourage a collectively supported shift in how people allocate their time and how they experience time, as the pressures of widespread time poverty are eroded. She says the problems cannot be fixed unless everyone participates in part-time care and part-time paid work. “By linking the link between care and categories of hierarchy will do it.”

Failure to meet the new norms by working long hours or not doing unpaid care work would generate disapproval and embarrassment. Professor Nedelsky is looking for a revaluation of work and care through normative change not enforcement by law change. She expects a more by approval and encouragement rather than disapproval.

Without this norm transformation, the three pressing problems of time and work won’t change. She mentioned that in Sweden, when paternity leave was made “use it or lose it”, the uptake was vastly increased. Do not underestimate the power of norm change to do the work. “A country can extract millions of hours of unpaid care work from women all over the world.”

Work and care are completely intermeshed so simply making work hours more flexible is not enough. “A revaluation of work is needed – put work in its place”.

Conferences


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


October 6-13 2017 – IBA Annual Conference, Sydney, Australia. www.ibanet.org


October 23-26 2017 – Advancement of Teaching & Research in Intellectual Property (ATTIP) Conference, The Object and Purpose of Intellectual Property, VUW Law Faculty, Wellington. attip.org


Crossword Solutions

From page 7

Cryptic Solutions


Quick Solutions


NB Please confirm the dates of committee meetings with convenors.
Reform of NZ liquor laws – Prof Doug Sellman

IN the second Lucretia Seales memorial lecture on law reform Professor Doug Sellman spoke about the sale and supply of liquor in New Zealand in an address entitled “Liquor and Love”.

Professor Sellman was reflecting on the review of liquor laws in New Zealand led by Sir Geoffrey Palmer, published as the 2010 Law Commission report Alcohol in our Lives: Curbing the Harm. Lucretia Seales spent two years working on the review.

Professor Sellman noted that alcohol is New Zealand’s favourite recreational drug and the way we manage it today causes significant harm to our society. He pointed to the way in which attitudes towards nicotine have changed over time. “It is a remarkable cultural shift,” he said. In the 1960s, it was considered the “right of every man” to smoke in public places. “Today we say smoking is ‘unlawful’.”

People are no longer allowed to smoke in public places, while tobacco advertising is restricted. “What has changed around alcohol is that we have now accepted as a society that it is an unlawful activity.”

Alcohol, he said, was like tobacco in that people in the past engaged in it without understanding the harms it caused. “We have now learned that tobacco is the fourth leading cause of death in New Zealand,” he said. “We knew about the harms it caused but we didn’t accept it as a societal problem.”

He suggested that the same was true for alcohol, with people consuming it in large quantities without understanding its harm. “We need to accept alcohol as a problem.”

Professor Sellman said the alcohol industry disputed the numbers of heavy drinkers, but the industry is in fact dependent on heavy drinkers and would have collapsed if they were not there. “They set the agenda for good reason.”

The industry also set the agenda for health policy. “There are far fewer restrictions on alcohol than on tobacco, despite the fact that alcohol is New Zealand’s leading cause of premature death. The tobacco industry is more heavily regulated than alcohol.”

He pointed out that the New Zealand wine industry also has few restrictions compared with other countries. “It is trying to grow its market – it has no incentive to reduce this because it has no incentive to decrease consumption.”

Professor Sellman said it was time to think about imposing restrictions on advertising and sponsorship. “It is now time, I think, to accept that this is a problem we have to address.”

He said the law changes over the past 35 years or so, from the neoliberal deregulation of the 1980s through to the current free market to regulation based on a scientifically based rational approach.

The review was extremely thorough and well researched. Over 3000 submissions were received, and 150 recommendations were made. The key recommendations were:

1. Ending the advertising and sponsorship of alcohol
2. Ending ultra-cheap price of alcohol
3. Ending “anytime anywhere” alcohol
4. Ending teenage purchase of alcohol
5. Ending legal drunk driving.

One of the industry’s arguments has been that the alcohol industry employs people in New Zealand and supports the economy. “But it is not in the public interest,” he said.

He said the government could use its power to regulate the alcohol industry. “We have the power to do much more.”

Professor Sellman ended his lecture by saying he was a “great model and he thought the campaign against tobacco is a great model and he thought that perhaps the best opportunity with alcohol may be a new campaign after it has finished its work with smoking.”

New Zealand’s love affair with alcohol impedes effective reform, as does the “unbridled commercialisation of alcohol”, he says. Prof Sellman finished by praising Lucretia Seales for fighting for what is right and suggesting that the same kind of activism was needed with regard to alcohol. “I hope we can draw strength from her life, her work and her courage to be active and to do what is right for the betterment of our country.”

Tribute to Lucretia Seales

The second Lucretia Seales memorial lecture in law reform, ‘Liquor and Love’, was held recently at the VUW law school. Lucretia Seales went to the high court in 2015 to seek a ruling that would allow a doctor to assist her to die with her consent. Her court case initiated a national debate and helped galvanise a parliamentary inquiry into assisted dying which is currently under way. On the day of the memorial lecture, 8 June 2017, ACT MP David Seymour’s End of Life Choice Bill was pulled from the private members’ ballot to be voted upon by MPs.
Human rights, conflict and dancing in Colombia

By Maretta Twentyman

ON 7 June 2017, the Women in Law Committee of the Wellington Branch of the New Zealand Society was proud to have one of its members, Sarah Cates, present a talk on her experiences working in the area of human rights in Colombia. The event was kindly hosted by Russell McVeagh.

Sarah is a senior associate at Cullen - The Employment Law Firm, and last year returned from a 16-month sabbatical working in Colombia for International Peace Brigades as an international observer and accompanier of human rights defenders and lawyers.

Sarah shared her views on the implications of Colombia’s recent Peace Agreement to end almost 70 years of conflict with the guerrilla group FARC, as well as her experiences working with those whose lives are at risk for the work they do in support of human rights.

It was an enlightening and informative evening, casting light on a civil conflict that is not widely publicised in the New Zealand media. Sarah encouraged us all to think about how we can use our own strengths and skills for good in the world, and to delve a little deeper into issues of humanity.

Sarah Cates, centre, who gave an inspiring address about her work with the International Peace Brigades in Colombia, with organisers Caroline Sawyer and Maretta Twentyman.
Porirua Bar Dinner

New Zealand Law Society executive director Christine Grice and Hon Justice Frater who was guest speaker for the evening.

Deborah Dye-Knighton and Judge Pat Grace.

Jenny Beale, Chris O’Connor and Andy Soper.

Vai Leavaiseeta, Mary More, Susan Shone, and Jessica Sebastian.

Mike Lennard, Steph Dyhrberg and Chris O’Connor.

Christopher Griggs, Rohan Cochrane and Bill Bevan.

Robert Brace, Judge Tony Walsh and Christopher Dellabarca.

Blake Dawson, Kevin Preston and Steph Dyhrberg.
Community Law Manual 2017-2018: hot off the press

By Krissi Smith, Publications Director/Kaiwhakahaere Tangata, Community Law Wellington & Hutt Valley

AT Community Law Wellington and Hutt Valley, we’re now holding in our hands the stunning new edition of the Community Law Manual 2017-2018. The Community Law Manual is our trail-blazing resource that helps Kiwis (and their legal advocates) help themselves. It has a beautiful new cover design, and contains everything our communities need to know about the law in 2017-2018.

Every year, the Community Law Manual outdoes itself, responding effectively to changes in law, technology and community needs. The Manual prioritises our most vulnerable communities – setting out complex legal information in clear language with practical advice. We’ve got examples. When people first come across the Community Law Manual, they tell us that it is the resource they always needed but never knew existed. Everyone should have access to justice and everyone should have access to a copy of the Community Law Manual.

The hard-copy Community Law Manual is practically an impossible ask – how can a local Community Law Centre produce a 900+ page legal text book, year after year, and expect it to sell to non-legal people? And yet it does. And sales continue to increase.

How? By a combination of great people, great volunteers, a great network of purchasers who understand that their contribution keeps the Community Law Manual alive, and great funders (DIA Lottery and the Ministry of Business, Innovation and Employment) who keep coming back to the table with contributions that allows us to dream big.

New chapter – Immigration and refugees

Immigration law can be confusing and complicated. Our new chapter explains in clear language how New Zealand’s immigration and refugee systems work, and lets you know what requirements you may have to meet to be allowed to stay in New Zealand. The chapter covers not just the laws in the Immigration Act but also many of the detailed requirements in the government’s immigration policies. There is information about visas: when you’re allowed to apply for a visa and when you’re not, the different types of visa, and what each type allows you to do. We also explain what your options are if you no longer have a current visa and are now in New Zealand illegally, including appeals on special “humanitarian” grounds. The chapter explains what the court means by “valid” and how its decision applies. It then goes on to explain what your appeal rights may be.

Clearer, more accessible content

This year the chapters “Tenancy and housing”, “Police powers” and “Accident compensation” have all been thoroughly rewritten. The laws in these areas are often complicated, and we’ve taken out the legal jargon and used more reader-friendly language to make sure you know what your rights are.

This year’s “Work and income” chapter has been revised and restructured to make it easier to find out what benefits and other assistance are available for your particular situation. We’ve organised the chapter around headings like “You’ve got a serious illness, injury or disability”, “Home”, “Working Kiwis”, “Supporting People with disable”, and “Supporting People with disabilities”. The chapter now covers how to get income from different types of work, what your rights are, and how you may be able to get family members to join you in New Zealand if you are granted refugee status. Finally, we cover the rules around when you can be forcibly removed from New Zealand – “deportation” – and what your appeal rights may be.

Updated Chapter – Immigration and refugees

This year, we were lucky enough to do a new photoshoot for the cover of the manual. We reached out to our community and 22 beautiful people from our Community Law whanau offered to let us photograph them and use some of those photographs on the cover of the manual. It is really exciting to have some pictures that represent us and the people we work alongside.

Updated other chapters

Every single chapter in the manual has undergone some kind of change, whether legal update, more accessible text, a new title, additional content or some other kind of fine-tuning. We want the manual to be the best it can be.

Why should I buy it when I can read it for free online?

By buying a copy of the Community Law Manual, you are directly contributing to a fairer, more accessible justice system, and to better results for people with less. You are of course also getting a hard copy of the Community Law Manual, a beautiful and useful book to have at hand when your clients or others you work with need some help. Even in the digital age, nothing beats turning a page together for real user interaction! And you are improving the chances that we can continue to make this information available, next year and beyond.

Order your Community Law Manual 2017-2018 now. Email: info@wclc.org.nz

Deadline Council Brief August Monday 24 July 2017

COUNCIL BRIEF

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NZ Law Society – Wellington Branch

Branch Manager: Annelies Windmill
Branch Administrator: Jacque Shailer
Librarian: Robin Anderson
Assistant Librarian: Julie Matthews
Research Librarian: Nicola Stedman
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PO Box 494, Wellington
Phone: 04 472 7837
Email: Wellington@lawsociety.org.nz
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Booking for Law Society events

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://bookwen.com/wellington-branch

Lay High Court members

APPOINTMENTS and reappointments of lay members of the High Court under the Commerce Act 1986, were announced recently.

Lay members assist the Court in cases involving appeals from decisions of the Commerce Commission and in other matters under the Commerce Act. They must have specialist knowledge or experience in industry, commerce, economics, law or accountancy.

The appointees are:

Professor Martin Richardson (lay member from July 2001 to October 2016): Professor Richardson has been at the Australian National University (ANU) since 2003. He is currently the Deputy Director (Education) at ANU’s Research School of Economics. He holds a PhD in economics from Princeton University.

Kerrin Vautier (lay member from July 2001 to October 2016): Ms Vautier has been a director on the Board of the Reserve Bank since 2010. She has published widely, is a life member of the New Zealand Association of Economists, a fellow of the Institute of Directors and received the Queen’s Honour of CMG in 1993 for services to business and economics.

Kieran Murray (lay member from October 2011 to October 2016): For nearly two decades Mr Murray has worked internationally as an economic consultant in the fields of competition analysis and regulation, market design and public policy reform. He co-founded and jointly leads Sapere Research Group.

Robin Davey (lay member from April 2011 to April 2016): Mr Davey has been a member of the Australian Competition Tribunal since 1998. He was Victoria’s first Regulator-General, responsible for Victoria’s electricity and water industries, port services and grain handing. From 1989 to 1994 he was Chairman of the Australian Telecommunications Authority.

Rodney Sharman (lay member from April 2011 to April 2016): Mr Sharman has been a member of the Australian Competition Tribunal since 2003. He was a member of the Australian Communications and Media Authority, a Commissioner with the Australian Competition Tribunal and Consumer Commission and held senior positions in the Commonwealth Treasury.

Dr John Marsden (lay member from April 2011 to April 2016): Dr Marsden’s areas of expertise are in economic regulation, governance, pricing, property rights and environmental and natural resource economics. He was recently appointed economist-in-residence at the Law Institute of Victoria.

Dr Darryn Abraham: Dr Abraham is an economics consultant and a part-time member of the Australian Competition Tribunal. He is a founder and Director of the economics consulting firm, Acacia CRE Pty Ltd. His areas of expertise are primarily public utility pricing and regulatory economics.

Lay members of the High Court are appointed for terms of five years.

Devil’s Own golf tournament

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

The organisers note that Saturday 23 September is the date of the New Zealand general election.
New Partners

Clare Stanley
Clare and Matt have had long associations with the firm.
Clare’s particular areas of expertise are property and local government law, criminal law and civil litigation.

Matt Freeman
Matt’s particular areas of expertise are in all areas of litigation, specialising in civil litigation, relationship property and trust litigation.

AGM general business discussions

SEVERAL questions were asked at the Wellington Branch AGM about the future of the NZ Law Society Library at the Wellington High Court. NZLS Executive Director Christine Grice said refurbishment of the library was well under way and the books were expected back in the near future. She noted that the mezzanine floor was to be leased by the Ministry of Justice and that the Cleary Room was unlikely to be recreated on the lower level.

Chris Corry speculated that with ongoing pressure on space, the Law Society might have to establish a library itself.

Christine Grice said abandoning the library for the profession would be a great mistake. “Libraries are distributing their information differently now… it is a well-used library. About 30 percent of the profession use it, but as a backstop. We pay no rental for the Ministry of Justice space… this is about making sure we hold the service, but it might be different.” She pointed out that every lawyer was in reasonable driving distance of one of the 36 kiosks around the country, and able to access value-added databases.

Mark Wilson noted from his personal experience, that the interim “work-around solution” of cooperating with the Victoria University library was working well. He congratulated Robin Anderson on this. He noted that there was still a significant library space and said the librarians saw the change as an opportunity to reorganise the way resources were made available.

Chris Corry also asked how long representative services provided by the Society could be sustained without members paying fees. Christine Grice noted that Branch services were well received and, while many were not user pay, margins were kept as as tight as possible. The fact that members were willing to present at seminars for no fee was very helpful. “That’s how it should be, that’s the essence of a profession.”

Sue Shone spoke about submissions made by the Law Society to Select Committees and other agencies. She noted that there relatively few in the human rights, criminal and parole areas. Christine Grice said the Law Society looks at nearly every Bill, and made submissions where appropriate, but “keeps away from policy”. Warnings about submission dates go out via Society looks at nearly every Bill, and made submissions where appropriate, but “keeps away from policy”. Warnings about submission dates go out via

Wellington Branch Committees 2017-18

Wellington is a vibrant Branch due, mainly, to the amazing work of our 16 specialist interest committees as they get together to discuss professional matters and specialist topics: network; arrange education and CPD forums; organise social functions; work with other professional groups; influence the culture of the Society; provide support for our profession; promote women in the law; provide a forum for lawyers in private and in-house practice to meet; provide opportunities for newly-admitted lawyers to benefit from the wisdom and experience of those who have been in practice for many years… the possibilities go on.

The Wellington Branch aims to:

Promote, serve, and lead the legal profession in the Wellington region and build relationships of trust and confidence with its members and the community.

If this is something you want to be part of, now is your opportunity. Please complete and return this form to the Wellington Branch, Level 3, Law Society Building, 26 Waring Taylor Street or email: wellington@lawsociety.org.nz

(Existing committee members please note that all committees are dissolved on 30 June annually so, if you are already serving on a committee, you still need to complete the form to confirm your membership for the year starting 1 July 2017.

Please return to Wellington Branch by Monday 3 June 2017

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<td>Ethics Committee</td>
<td>Library</td>
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<td>Family Law</td>
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<td>Health Law</td>
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Suggestion for new committee

Name: __________________________  Firm: _______________________

DDI: __________________________  Email: _______________________