Almost ten years ago, on 1 August 2008, the Lawyers and Convenycers Act 2006 came into force.

I was on the Wellington Branch Council as we transitioned from the Wellington District Law Society to the Wellington Branch of the New Zealand Law Society. Much strategic thinking took place as we navigated our way into the ‘One Society’. One idea that emerged was to have regular Wellington Council meetings that were open to members of the profession, rather than being held behind closed doors.

Ten years on, I have been reminded of this through my involvement in the Open Government Partnership.

It’s an international agreement by governments to create greater transparency, encourage civic participation and use new technologies to make governments more open, effective, and accountable. The aim is to strengthen democracy in New Zealand by ensuring that we as citizens can contribute and influence what our government does and how it does it.

Its three touchstones are Transparency, Participation and Accountability:
- Transparency – meaning that citizens understand the workings of their government and its relevance to them.
- Participation – citizens can influence the workings of government by engaging with public policy processes and public service providers.
- Accountability – citizens can hold the government to account.

New Zealand joined the Open Government Partnership in 2013. Participating countries work in a two-year National Action Plan cycle, and the State Services Commission is currently working on our next National Action Plan though workshops and other public engagement. By the time this column goes to print, Open Government Partnership Workshopshops will have been held in Wellington, Auckland and Christchurch.

The SSC is looking for ways to achieve Transparency, Participation and Accountability in government, so even if we cannot attend the workshops, we can add ideas through their website.

Starting from the perspective of how central government can help foster an open and informed democracy, I have looked more closely at how other organisations achieve Transparency, Participation and Accountability. Staying in the public sector, agencies are working on the proactive release of information. This means publishing (usually electronically) a wide variety of documents without any request from the public (e.g. annual reports, statements of intent, research reports, board minutes, etc.).

Non-governmental regulatory bodies like the Plumbers, Gasfitters and Drainlayers Board are also showing leadership in this space: since 2014 they have been regularly publishing their board’s minutes of meetings.

And our own profession?

Applying those principles of Transparency, Participation and Accountability to ourselves – what if, for example, some of the deliberations of the NZLS Board and Council were live-streamed? And if agendas, minutes, and some of the papers were proactively added to the NZLS website?

Ten years on from the 2008 Act, and with advances in technology, it’s timely to ask how our own regulatory and governance structure, the New Zealand Law Society, can better serve not only its own membership but also the wider public interest.

How to join a Committee

A “call for committees” goes out in the middle of May, at which point conveners will receive the forms to allow existing members to re-engage. Forms for new members will be available through E-Brief. Existing and intending members of committees are invited to register their interest by completing a form which they send to the Branch by 30 June. Membership of a committee can be done at any time during the year, however, by emailing wellington@lawsociety.org.nz.

To register your attendance, please email wellington@lawsociety.org.nz.

We hope you will be able to stay after the meeting to meet with the Council over a glass of wine and some light refreshments.

In accordance with the resolution passed by the Wellington Branch Council at its meeting on 8 December 2016, the Council term was changed from one year to two years. The next call for nominations for Council membership will therefore be at the AGM in 2019.

Memers of the Women in Law committee of the NZ Law Society’s Wellington Branch are excited to announce that the Shirley Smith Address 2018 will be given by Emeritus Professor Gillian Triggs, former president of the Australian Human Rights Commission.

The Shirley Smith Address is an annual address presented in honour of a pioneering New Zealand woman lawyer, Shirley Smith. Shirley saw it as her role to promote the position of women in the legal profession.

Christine’s focus is on advancing the New Zealand Law Society’s Wellington branch. The Committee’s focus is on advancing the position of women in the legal profession.

Professor Triggs the author of many books and papers on international law, including International Law, Contemporary Principles and Practices (2nd Edition, 2011). This October Professor Triggs will publish a memoir, Speaking Up, described as “passionate … an irresistible call to everyone who yearns for a fairer world”. In her role as chair of Justice Connect, Professor Triggs will continue to pursue a commitment that she shares with Shirley Smith: ensuring that all people have a fair chance to access justice.

The Shirley Smith Address is organised and promoted by the Women in Law Committee of the New Zealand Law Society’s Wellington branch. The Committee’s focus is on advancing the position of women in the legal profession.

The Shirley Smith Address 2018 will take place on Thursday 23 August at Rutherford House, Victoria University of Wellington.
COURTS, TRIBUNALS & ADR

THE Courts, Tribunals and ADR (Alternative Dispute Resolution) Committee acts as liaison between the Branch membership and the local courts. It also has a role in law reform consultation, in matters that impact on litigation practice in courts and tribunals, or in ADR. In this role, the committee sends feedback to the Law Society to contribute to the formation of a national viewpoint.

The committee meets monthly to discuss the issues that arise. It organises irregular seminar presentations on topics such as equity, advocacy and the special jurisdictions of the various tribunals.

Issues that the committee has been attempting to address lately include delays experienced in local District Courts, apparently caused by resourcing problems, and unavailability of summary judgment to a defendant with good defences to part only of a plaintiff’s claim.

CRIMINAL LAW

THE Criminal Law Committee focuses on all issues relating to the practice of criminal law and access to justice.

Over the last couple of years the committee has presented a range of CPD events. This year the committee is working to present CPD events on practical skills for criminal lawyers. The committee has also worked with other committees to present CPD events, including the family law and parole law committees.

The committee tries to meet on a monthly basis to discuss issues facing criminal lawyers as they arise. We endeavour to support all criminal practitioners wherever we can.

EMPLOYMENT LAW

THE Wellington Branch Employment Law Committee is a large and active committee. It meets every second month to discuss a range of employment issues and new developments.

Often the meetings will feature a speaker presenting on a relevant topic. The committee also maintains ties with the Law Society Employment Law Committee, ensuring it has input on national issues. In addition, the committee organises CPD and social events, including seminars on topics of interest to both employment law practitioners and at times the wider branch membership.

COUNCIL BRIEF

Wellington Branch Diary June

Wednesday 6 June
Wellis and Estates, webinar. www.lawyerseducation.co.nz

Thursday 7 June
Auditing – things you need to know, webinar. www.lawyerseducation.co.nz

Monday 11 June
Criminal Law Committee
Young Lawyers Committee

Tuesday 12 June
Media Law Committee

Wednesday 13 June
AML/CFT Compliance – Are You Ready?; webinar. www.lawyerseducation.co.nz
An evening with Chief Judge Christina Inglis of the Employment Court 5.30pm, sponsored by Bell Gully. Email events@bellgully.com

Human Rights – Miller and Carroll v New Zealand. Panel Discussion
NZ Centre for Public Law, Lecture Theatre 1, VUW Law Faculty.

Thursday 14 June
Human Rights Committee
Courts, Tribunals & ADR Committee

Monday 18-19 June
Property Law Conference: Change – It’s Inevitable, Auckland. www.lawyerseducation.co.nz

Tuesday 19 June
Family Law Committee

Wednesday 20 June
PRA Intensive – Keeping Ahead of the Pack, Auckland. www.lawyerseducation.co.nz

Wellington Branch AGM, 4pm.

Thursday 21 June
Parole Law Committee

Employment Law Committee

Thursday-21-22 June
Expert Witness Programme, Advocacy. www.lawyerseducation.co.nz

Tuesday 26 June
Arbitration 2.0 – Moving Beyond Ad Hoc Arbitration Clauses, webinar. www.lawyerseducation.co.nz

Wednesday 27 June
Micael Business Conference. www.lawyerseducation.co.nz

Thursday 28 June
Immigration & Refugee Law Committee

Friday 29 June
Women in Law Committee

NB Please confirm the dates of committee meetings with convenors.

MADE SIG*

Answers for puzzles from page 7

1 (a) mice => ice (b) itch => inch (c) lion => ion (d) beast => east (e) dead => out (f) shades => Hades

2 1 R8xd6, KXf6 (a natural response that sets up a sneaky targeting black’s rook: if 2... any other move, white wins a bishop for nothing) 2 Bxf6, K moves 3 Bxf6

CROSSWORDS

From page 7

Cryptic Solutions


Quick Solutions


CONFERENCES

June 2-4 2018 – Australian & NZ Society of International Law, ‘From the Local to the Global’, VUW, Wellington. anzsil.org.au/events
June 5-7 2018 – Australasian & NZ Society of International Law, ‘From the Local to the Global’, VUW, Wellington. anzsil.org.au/events

THE Wellington branch Ethics Committee performs a range of functions. Occasionally it is consulted by the Branch itself as to ethical issues. More commonly, the Branch refers local practitioners by whom it is contacted to the Committee in relation to such issues. When the Committee is consulted by local practitioners, it responds by providing a view (which has no formal status) in an attempt to assist the practitioner. Finally, the Committee organises irregular seminars in relation to ethical matters.

ETHICS COMMITTEE

Branch Committees

THE Wellington Health Law Committee is made up of a diverse group of lawyers working in all areas of the health sector. We meet every six weeks to discuss and share our knowledge about current issues in health law. Our members also contribute to the National Health Law Committee’s submissions when law reform issues arise.

Our meetings also have a CPD component, where our members (and sometimes guests) present and share their knowledge. Over the past year, we have had a range of CPD presentations including discussions on Spencer v Attorney General [2015] NZCA 143; the Vulnerable Children Act; the amendments to the Coroners Act; Equal Pay settlement and legislation; and the possible implication of the Bawa-Garba case (UK) for medical negligence in criminal law.

FAMILY LAW

THIS committee acts as a meeting place for those who practise in the Family Court and who are interested in keeping up to date with developments and news affecting Family Law.

Regular meetings take place between members and the management committees of various Family Courts in the area and are represented at quarterly meetings of Family Court Judges in the region. The committee also has links with the Family Law Section of the New Zealand Law Society.

August 29-Sept 2 2018 – AMNZ Annual Conference, Napier.
August 30 2018 – Professional Women’s Conference, Christchurch. www.cwda.org.nz
September 1-3 2018 – 35th Annual Conference Banking & Financial Services Law Association, Queenstown. bfsa.org
Human Rights

HUMAN Rights Committee members have given presentations on the implementation and use of rights under the International Covenants and on parents’ and children’s rights in adoption cases.

Events have included a practice-based session at the HIC library, a talk by the political journalist Nicky Hager about his recent legal trials, presentations about the education rights of disabled children and the recent cases on the fluoridation of water supply.

The committee proposes to continue with its ongoing and innovative focus, and also seeks closer liaison with the NZLHS national Human Rights Committee so as to be able to contribute directly to detailed discussion of law reform.

Immigration & Refugee Law

THE Wellington branch’s Immigration and Refugee Law Committee was established to keep a watching brief on all legislative and policy reform relevant to immigration and refugee law. It fosters support and collegiality with a focus on best practice and preserving the role of lawyers in the immigration process. It liaises with officials from various government departments such as Immigration New Zealand, the office of the Ombudsman and the Ministry of Justice. It also liaises with the Immigration and Protection Tribunal from time to time.

Women in Law

THE Women in Law Committee is an active, hardworking and popular committee. Its mission statement is to advance women in the law and through the law – by addressing legal issues affecting women and advocating for women lawyers. A particular focus is to address the ongoing challenges and inequities that women face in the legal profession.

The committee runs regular events and seminars, writes articles, and lobbies on relevant issues. It encourages everyone (yes, men, this includes you!) to come to its events. A highlight of the event calendar is the annual Shirley Smith Address. Shirley was the first female legal academic on a university staff in New Zealand, and a well-respected advocate of the marginalised and underprivileged. (See article on the 2018 Shirley Smith Address on page 1 in this issue of Council Brief).

In the coming year the committee will be focusing on a ‘champions of change’ initiative in order to assist the profession to engage with the persistent difficulties that the profession faces in retaining women in mid and senior positions. This initiative aims to encourage more senior men in the profession to engage with, and contribute to, our work in this area.

The Women in Law Committee has around 47 members from a diverse range of roles, and always welcomes more helpers. Lawyers interested in joining the committee can get in touch with wellington@lawsociety.org.nz, or come along to one of its monthly meetings.

Parole Law Committee

THE Parole Law Committee is an active group of lawyers who specialise in parole work. The objective of the committee is to ensure that practitioners are up to date with legislation and policy and to increase our understanding of the roles of the agencies involved with prisoners both inside prisons and in the community.

We keep in touch with one another to advise changes and developments in policies and practices within prisons. We aim to build effective working relationships with Department of Corrections staff, Psychologists and Community Probation Services. Our focus is on the interests of the prisoner client. Parole law is not currently a popular area of legal work and there is an increasing need for the involvement of more practitioners.

As well as running seminars with agencies, the Parole Law Committee also meets to discuss issues of concern and access to justice for prisoners, including the availability and timetabling of rehabilitative and educational programmes and the development of more accessible reintegration and post-prison support, including the matter of recall.

Practitioners who are active in other areas of criminal and civil law are encouraged to participate in our seminars.

Media Law Committee

THE Media Law Committee provides a place for those who work in media law to meet, share information and common areas of concern, feed into NZLHS 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.

Independent Practitioners Committee

THE Independent Practitioners’ Committee supports lawyers in sole practice or in small to medium sized firms as well as barristers. Speakers are invited to address groups of practitioners, with the meetings preceded by drinks and nibbles encouraging social interaction and collegiality.

Past speakers have included judges and senior members of the profession covering a wide range of topics. Business advisers and technology experts also addressed IPG meetings covering such topics as business strategy and administration including emerging technology.

Discussions and debates are often robust and regularly proceed on an ‘off the record’ basis. Whilst the functions are aimed principally at practitioners from smaller practices, all lawyer members of the Society are welcome to attend.

Legal Assistance

THE Legal Assistance Committee considers issues regarding the availability of legal advice, and the promotion of equal access to justice within, the Wellington community. Two of its key roles are to: liaise with, and where necessary provide support and assistance to, Community Law Centres; and monitor the availability of legal representation in mental health proceedings, which includes preparing and monitoring a roster of lawyers available to represent clients in those proceedings.

Young Lawyers

THE Young Lawyers’ Committee (YLC) provides opportunities for recently-admitted lawyers to network and learn through a range of social, wellness-focused, and educational events. It hopes to enrich the experience of being a young lawyer in Wellington, and to help foster a collegial and valuable network of practitioners.

The committee hosts a number of social and educational activities throughout the year including:

• after work networking events;
• harbour cruise for new graduates;
• professional development seminars;
• annual quiz night;
• annual “Young Professionals’ Ball’;
• comedy debate;
• networking evening with members of the judiciary and/or registrars;
• “Bridging the Gap” mentoring programme with Victoria University law students; and
• regional and national mooting competition.

The YLC also organises seminars targeted at the interests of young lawyers, including career development, financial management, and wellness.

“Young lawyer” includes anyone up to five years PQE, although more experienced members of the profession are always welcome at our events.

Should you wish to know more about joining the committee, upcoming events or any other information, check out our website www.younglawyers.co.nz, or contact us via our Facebook page https://www.facebook.com/younglawyerscommittee.

Trusts & Estates Law

THE Trusts and Estates Law Committee is one of the newest committees in the Wellington Branch. It was formed in February 2015 and has a membership of approximately 25 practitioners.

The Committee was set up to encourage and enable practitioners to meet, share knowledge and discuss work-related issues. The other aim is to review developments in the law, including proposed changes to legislation, and to make submissions, where relevant.

Recent speakers have included John Earles, Registrar of the Wellington High Court, speaking on practical issues with probate administration and practice, and Vicki Amundsen, a trust law specialist, speaking on the Court of Appeal decision in Clayton v Clayton and its likely impact on Trust law. Greg Kelly has also presented his paper on post-probate issues.

The committee hopes to invite other guest speakers. It encourages lawyers to make contact if they would like to join the committee, or share their knowledge with us and present at one of our meetings/CPD events.

Public Law Committee

THE Public Law Committee is an active committee with the aim of promoting awareness of public law issues in the profession and assisting the Law Society in its public representation of public law issues. The Committee this year has a mix of longer-serving and new members, and runs a programme of seminars for the profession topical issues.

Council Brief deadline
July 2018 issue
Monday 17 July

Council Brief Advertising
adman@paradise.net.nz
Lexis Advance link and training available soon

By Robin Anderson, Librarian, Wellington

In the next month we will be adding a link to Lexis Advance to the library’s webpages so that library and kiosk users can try the new interface for themselves. Many of you have already moved over if you have LexisNexis online services. For those who do not, the library will be offering training in the new interface over the next few months. However, we are still getting used to it ourselves.

Library kiosks will also be upgraded with extra memory and a new software image which should make searching a lot quicker and easier for all of this publisher’s systems. Please contact me if you find the kiosk is not working – email robin.anderson@lawsociety.org.nz.

Thank you.

Spare copies of All England Reports and the official English report volumes are available in the Wellington Library for anyone who is interested. If not taken, these books will be ultimately disposed of as we no longer have room for them in the new 21st century one-floor library in Wellington.

New titles

A practical guide to the Land Transfer Act, Wellington: LexisNexis NZ Ltd 2018 KN72.3.L1 GIB

AML/CFT tool kit series - due diligence, Wellington: Continuing Legal Education, New Zealand Law Society 2018 KM4.60.3.L1 NEW


Bowstead and Reynolds on agency London: Sweet & Maxwell 21st edition 2018


CDP top-up day: Christchurch, February 2018, Wellington: Continuing Legal Education, New Zealand Law Society 2018 KL148.46 NEW


Former Supreme Court judge Sir Terence Arnold QC received an honorary doctorate at a Victoria University of Wellington graduation ceremony in May.

The honorary degree of Doctor of Laws is an acknowledgment of Sir Terence’s outstanding leadership as a senior judge and former Solicitor-General, as well as his career in private practice and as a legal educator.

Sir Terence sat on numerous high-profile cases as a judge and leading the Crown Law Office as Solicitor-General from 2000 to 2006. This was a period of profound change for New Zealand’s judicial system, with Sir Terence helping advise on the establishment of the Supreme Court to replace London’s Privy Council as New Zealand’s final appellate court.

Sir Terence’s service as a judge followed a successful career as a leading law firm partner and barrister, as well as his close involvement in establishing skills-based training courses for young litigators.

Sir Terence graduated from Victoria University with a Bachelor of Arts, majoring in Classical Greek (1968) and a Bachelor of Laws with Honours (1970). He was subsequently awarded a Master of Laws in 1972 and lectured at Victoria University’s Faculty of Law before completing a Master of Laws in Criminal Justice from New York University and lecturing for several years in Canada.

On returning to New Zealand, Sir Terence rejoined the Faculty of Law at Victoria University. He then moved to legal firm Chapman Tripp and rose to become a partner, before joining the bar in 1994 and being appointed a Queen’s Counsel in 1997.

After serving as Solicitor-General from 2000 to 2006, he was appointed a judge of the Court of Appeal before being appointed to the Supreme Court in 2013. He sat on a number of high-profile cases in the Supreme Court before retiring in 2017.

He continues to sit as an Acting Judge of the Supreme Court and has been appointed, along with Sir Geoffrey Palmer QC, to conduct an inquiry into Operation Burnham, an operation in Afghanistan in 2010 involving the New Zealand SAS where civilians were allegedly killed.

Cyber security and lawyers

The issue of cyber security is a concern for all in contemporary society, but for lawyers dealing every day with highly sensitive personal and commercial information, the issue is absolutely vital. Which is why recent research carried out in Western Australia indicating serious flaws in the ways lawyers were protecting themselves against cyber attack is alarming.

The findings of the study revealed:

• 31 per cent of lawyers had no anti-virus protection on their work computer
• 41 per cent did not know what cyber security countermeasures were in place on their smartphones
• 64 per cent reported using home or free public Wi-Fi
• 41 per cent didn’t have automatic updates switched on for their work computer
• 53 percent forwarded work-related emails to a non-business email address (Gmail or Hotmail)
• 94 per cent used email to send confidential data
• Only 9.4 per cent used encryption to protect client data

The research identified five key areas for immediate improvement:

• Turn on automatic software updates on all devices
• Utilise cybersecurity countermeasures like antivirus and firewalls on computers and smartphones
• Encrypt sensitive client data, especially when sent via email
• Limit use of third-party email services such as Gmail and Hotmail

 Lawn graduate CV scheme

WELLINGTON Branch runs a scheme to assist law graduates into work.

Graduates seeking employment leave their CVs with the Branch. These are then made available to potential employers looking for staff.

Employment offered need not be permanent – any work in a law office will give graduates valuable experience.

And the scheme does work! A graduate recently emailed us: “I’ve been meaning to email to say a big ‘Thank you’ to the CV scheme folks. Last year my CV got passed on to a firm in Palmerston North, and I’ve been in employment late January. So, many thanks for having me in the CV scheme, it made all the difference! I am now in employment.”

Contact the Branch: email wellington@lawsociety.org.nz or phone 04 463 2925.

Wellington Medico-Legal Society

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 one of the below email addresses:

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

WWLA survey of Sexual harassment

An anonymous survey of sexual harassment in the workplace has been created by the Wellington Women lawyers Association.

The survey is for anyone who has worked for a legal employer.

The survey is available at: www.surveymonkey.com/r/wwlasurvey

Council Brief July 2018 Deadline

Monday 18 June 2018

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COWAN University’s Security Research Institute (ECUSRI).

• Report cyberattacks to government initiatives such as, in New Zealand, Netsafe and The Orb (www.theorb.org.nz)
• Limit use of third-party email services such as Gmail and Hotmail
• Encrypt sensitive client data, especially when sent via email
• Turn on automatic software updates on all devices

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Council Brief Advertising

nz.adman@gmail.com
The real reason is that the administrators had their careful system disrupted, and have persuaded the legislators to insert a penalty to minimise this. But they are not judges, despite too often applying a steering hand to the wheel. Probation services too, we know, have been rather the onlyonsense than the only nonsense than a court of law to prosecu.
Responsiveness of State agencies towards domestic and sexual violence

By Sarah Croskeye-Hewitt – Róia Hapori/Community Lawyer

Community Law Wellington and Hutt Valley (CLWHV) has been heartened by several recent announcements regarding support and access to justice for survivors of domestic and sexual violence. Most notably, a much-needed funding increase of nearly 30 percent to family violence services has been announced.1 We are also glad to note the commitment of Parliamentary Under-Secretary to the Minister of Justice (Domestic and Sexual Violence) that she is soon to consult with the sector on reform proposals relating to the Law Commission report *The Justice Response to Victims of Sexual Violence.*

An improved response of agencies need to be responsive in their work to the needs of survivors of domestic and sexual violence. Indeed, the membership of the Government’s Multi-Agency Team for Family and Sexual Violence has included the Ministries of Justice, Social Development, Health and Women, the New Zealand Police, Oranga Tamariki, Te Puni Kōkiri, the Department of Corrections, and ACC. However, the impacts of domestic and sexual violence reach further than just these spheres and touch on a range of legal processes in ways that may not be obvious.

Issues faced by CLWHV clients

CLWHV assists clients with a wide range of legal and family issues related to domestic and sexual violence. We have developed somewhat unique areas of focus, as we primarily assist clients with matters for which they cannot receive Legal Aid. This means that we are less often involved with Criminal and Family Court proceedings relating to sexual and domestic violence, and more often assisting with issues such as:

- Obtaining visas for migrant women and children whose immigration status was dependent upon their abuser sponsoring them;
- Assisting survivors to seek their full benefit entitlements in relation to an abuse relationship;
- Assisting survivors to challenge the deduction of their benefit because they have not named their child’s father (due to a risk of violence or the child’s conception resulting from sexual violence);
- Supporting survivors who, after leaving their abuser, find themselves being a party to Tenancy Tribunal or Disputes Tribunal proceedings involving their abuser;
- Assisting survivors of domestic and sexual violence to raise concerns about how their complaint was handled by Police;
- Advising clients who have experienced violence about their leave entitlements; and
- Advising on employment matters such as sexual harassment.

The following are some examples of the barriers faced by survivors engaging with legal processes outside the Criminal and Family Court systems.

Domestic violence and tribunal proceedings

Survivors who are a party to Tenancy or Disputes Tribunal proceedings involving their abuser often have similar safety concerns as would arise in Criminal or Family Court proceedings. They may feel highly distressed at having to disclose their status as a survivor of the other party’s abuse in the course of proceedings. They may wish their address to be kept confidential, may request safety measures at the hearing such as the use of a screen or appearance by teleconference, and may want any report of the proceedings to be kept confidential. Clients have reported that they have had an extremely difficult time in ensuring such simple safety measures will be in place during tribunal proceedings. Front line staff have been confused by such requests, clients have been passed around numerous staff and had to disclose their trauma multiple times, and inconsistent advice has been given regarding what measures are possible. This creates huge anxiety and significant safety risks for clients who are unsure what measures will be in place on the day. This fear and vulnerability is exacerbated by the fact that such clients are generally self-represented, as legal representation is not permitted in the Disputes Tribunal and is seldom an option in the Tenancy Tribunal.

Domestic violence and immigration status

CLWHV supports a number of women without status residence who are experiencing domestic violence. These women are often dependent upon their abuser in terms of both their immigration status and their livelihood. Many fear ostracism and threats to their safety should they be forced to return to their home country. They often speak little English, are very isolated, and have limited understanding of the legal protections available. It is therefore vital that the agencies to whom they report have appropriate cultural understanding and responsiveness to domestic violence.

A specific class of residence visa has been established, along with a corresponding welfare benefit, for ex-partners of New Zealand citizens or residents whose relationship ended because of domestic violence. To be eligible the applicant must show that they cannot return to their home country due to social stigma or financial hardship. Unfortunately, immigration policy in this area, and the responsiveness of Immigration New Zealand to these survivors may still allow for immigration status to be used as a tool of abuse. For instance:

- Immigration New Zealand does not publish ‘Fact sheets‘ or plain-English information about this visa category, so awareness of the visa is limited;
- There is no such visa available to women whose abuser is not a New Zealand resident or citizen, despite the facts the risks to these women may be just as great;
- The specific forms of abuse to which migrant women are often subjected, such as immigration abuse, dowry abuse, and transnational marriage abandonment, are not explicitly recognised as forms of abuse as they are in other jurisdictions; 
- The application of the relevant immigration policy by Immigration Officers sometimes lacks awareness of the dynamics of domestic violence. For example, we have seen requests for survivors who have left highly volatile situations to contact their abuser to seek supporting evidence which should not be necessary. We have also had Immigration Officers challenge expert evidence provided by NZ Police family violence teams.

Improvements needed

CLWHV is hugely supportive of any initiatives that reduce unnecessary re-traumatisation and better support survivors. We would like to see policy improvements and awareness of the needs of survivors raised across agencies that might not typically view sexual and domestic violence as within their purview. In our experience, their responses often demonstrate an inability to respond to survivors’ needs and can create significant safety risks, distress and re-traumatisation as a result.

Footnotes

1 https://www.beehive.govt.nz/release/significant-funding-boost-family-violence-services

2 https://www.beehive.govt.nz/speech/speech-shine-and-safetnet-international-women’s%209s-day-event

3 For discussion of the phenomenon of transnational marriage abandonment see: Sundari Anitha, Anugama Roy and Harshita Yalamarty “Disposable Women: Abuse, Violence and Abandonment in Transnational Marriages” (University of Lincoln, Lincoln, 2016)

4 In the United Kingdom, the President of the Family Division has issued a revised Practice Direction PD12J (which came into force on 2 October 2017), setting out that “Domestic abuse also includes culturally specific forms of abuse including, but not limited to, forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment”
An evening with Chief Judge Christina Inglis of the Employment Court - 13 June

The NZLS Wellington Branch Women in Law Committee and Employment Law Committee warmly invite all practitioners to come and hear Chief Judge Christina Inglis, Chief Judge of the Employment Court and entertaining speaker, talk about her career pathway and what she has picked up along the way. The event will be CPD compatible. This is a free event made possible by the generous sponsorship of Bell Gully.

Please join us at the offices of Bell Gully, Level 21, 171 Featherson St, Wellington, NZ.

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Appointment of Judge of the High Court

WELLINGTON barrister Francis Cooke QC has been appointed as a Judge of the High Court. Justice Cooke becomes the third generation of his family to be appointed to the bench. He is the son of Lord Cooke of Thornton ONZ, KBE, PC, QC, and the grandson of Justice Philip Cooke QC, MC.

Justice Cooke graduated with an LLB (Hons) from Victoria University in 1989 and an LLM from the University of Cambridge in 1990 before joining the UK office of international law firm Ashurst Morris Crisp as a foreign solicitor.

In 1992 he returned to New Zealand and began practice as a solicitor at the Wellington office of Chapman Tripp. He left Chapman Tripp in 1994 to join the independent bar. He was appointed a Queen’s Counsel in 2004.

Justice Cooke has argued a number of significant cases before the higher courts involving questions of public importance, including the leading Supreme Court decisions concerning the proposed extension to Wellington Airport, the challenge to the Ruanuihia Dam Project and the Quake Outcasts case.

He has appeared in many leading commercial cases at all levels of the New Zealand Court system, including the Privy Council, and has been involved in a number of public inquiries.

He has acted as external counsel to the Transport Accident Investigation Commission since 1999, and was junior counsel assisting the Commission in the “Winebox” inquiry between 1994 and 1997.

Justice Cooke is a trustee of the Douglas Wilson Advocacy Scholarship Trust and a member of the New Zealand Pegasus Scholarship Committee. He has been associated with Wellington arts and particularly classical music, and in 2014 became the chair of the Orchestra Wellington Board.

Justice Cooke was sworn in early in May. He will sit in Wellington.

Wellington Branch Committees 2018-19

Wellington Branch’s special interest groups or “committees” 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 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

Please return to Wellington Branch by 29 June 2018

I wish to volunteer as an active member of the following committee(s):

- Courts, Tribunals & ADR
- Criminal Law
- Employment Law
- Ethics
- Family Law
- Health Law
- Human Rights
- Immigration & Refugee Law
- Independent Practitioners
- Legal Assistance
- Media Law
- Parole Law
- Public Law
- Trusts & Estates Law
- Women in Law
- Young Lawyers

New Suggestion

Name: ___________________________ Firm: ___________________________

DOI: ___________________________ Email: ___________________________

The Solicitors’ Benevolent Fund – ways to donate

Donations to the Solicitors’ Benevolent Fund can be made through:

- “Give a Little” http://www.givealittle.co.nz/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.

Update to partnership law

THE Government is seeking submissions on an update of the law that governs business partnerships before it is introduced into Parliament.

The Partnership Law Bill, which is on the Government’s current statute revision programme, rewrites the Partnership Act 1908 in modern language and drafting style without changing the substantive effect of the law.

Attorney-General David Parker says the Bill restates important rules that govern a business partnership, making them clearer and easier for the public to understand and apply.

The Bill makes some very small amendments to the law that are permitted under the statutory revision powers and feedback is being sought on these and other issues.

The Bill and explanatory material are online at: www.pco.govt.nz/consultation-pbl The material includes information about how to make a submission and also some specific questions for feedback.

More information about the revision programme is available at www.pco.govt.nz/revision-programme/

Submissions close on 15 June 2018.

Annual General Meeting

NOTICE IS HEREBY GIVEN that the Annual General Meeting of the Wellington Branch, New Zealand Law Society, will be held on Wednesday 20 June 2018 at 4.00pm, Level 8, New Zealand Law Society Building, 26 Waring Taylor Street, Wellington

To register your attendance, please email wellington@lawsociety.org.nz.

We hope you will be able to stay after the meeting to meet with the Council over a glass of wine and some light refreshments.

In accordance with the resolution passed by the Wellington Branch Council at its meeting on 8 December 2016, the Council term was changed from one year to two years. The next call for nominations for Council membership will therefore be at the AGM in 2019.

Guido Ballara has joined the partnership of McBride Davenport James on 1st June 2018.

Guido specialises in employment law and civil litigation and acts for a wide range of employees and employers. He joined the firm in 2005.

Tanya Kennedy has been promoted to a principal of the firm.

Tanya has been with the firm since 2006 and specialises in privacy, employment and education law.

COUNCIL BRIEF, JUNE 2018