Towards a safe and supportive profession – changing the culture

By David Dunbar

For many we’re well into the new year. Schools are back, work is in full swing and holidays are a distant memory. However, for some the year has just begun. Chinese New Year is the most important festival in Chinese culture and, as I write, the Year of the Dog has commenced.

In the meantime, it’s hard not to reflect on the recent disclosures about the experience of summer interns. Particularly as these same experiences and behaviours continue to resonate for practitioners in early practice and beyond.

This is not simply an issue to be addressed through regulatory process. It is about a change of culture, to which each of us can contribute. This is about insight through discussion and genuine change built on that insight. It will also involve individual and collective leadership.

Last month, I talked about the Council’s vision and mission statements, which included ‘Leadership of initiatives to promote inclusiveness and the retention of lawyers in the profession’. A key piece of work for the Branch Council in the coming year centres on this.

The Council’s goals include helping younger lawyers in the Branch explore opportunities in practice, and finding ways to link them with firms and practitioners who are willing to offer them valuable experience. Key to this is ensuring that the environment they enter is one that supports these goals.

In this, I commend the leadership of the Young Lawyer’s Committee. A key focus is tackling the culture of bad behaviour in the workplace, and cultivating a safe network of young lawyers who encourage each other to speak up, feel supported and look after one another. The YLC is also committed to ensuring that its own social events are safe for all attendees. As the YLC president, Mina Rassam, observed to me recently, it is important that employers, particularly seniors, foster a work environment where young people feel like they can come forward and speak up. That means setting the tone at all managerial levels, and especially at the top, that sexual harassment is not tolerated.

“Managers should ensure”, Mina says, “that they have an open-door policy, that they care about their employees, and, should it happen in their office that they are willing and committed to talking about the issue quickly and openly. Young lawyers should not feel that they are unable to speak up for fear of losing their job offer or promotion. They should certainly not have to change jobs because they are no longer comfortable in their workplace.”

The leadership shown by the Royal Australasian College of Surgeons, to which I referred last year, is worth repeating. The College recently launched a campaign to help put an end to bullying, discrimination and sexual harassment in surgery. Some of the challenges put to surgeons as part of that campaign aptly resonate in our own profession.

Young lawyers should not feel that they are unable to speak up for fear of losing their job offer or promotion. They should certainly not have to change jobs because they are no longer comfortable in their workplace.

“It will take a collective recognition that there must be a profound shift in culture ... and an unwavering commitment to achieving this. Long-established traditions that have been inherited and have normalised unprofessional, and sometimes illegal, behaviours must be relinquished. Gender inequity must be addressed. Discrimination, bullying and sexual harassment must become problems of the past. Everyone involved ... has a role in leading the way. With courage and purpose, on a foundation of transparency and independent scrutiny, a culture of respect and professional excellence ... can be built. It can be challenging to tackle such issues, and it can also be confronting. However, we must tackle it. I challenge you – and invite you – to be a leader in change.”

THE Michael and Suzanne Borrin Foundation was formally launched on 20 February at an event hosted by the Chief Justice, the Rt Hon Dame Sian Elias, and attended by the Governor-General.

The Borrin Foundation is a new philanthropic foundation established through a $38 million bequest by the late Judge Ian Borrin, to fund legal research, education, and scholarship.

The Foundation seeks to make a difference to the lives of New Zealanders, through the law. The Foundation is in memory of Ian Borrin’s parents, Michael and Suzanne, who came to New Zealand from Poland in the 1930s. This generous gift reflects the Borrin family’s deep gratitude and commitment to New Zealand, Ian Borrin’s love of the law, and his conviction that law provides an essential foundation for a flourishing society.

The Nikau Foundation acts as corporate trustee for the Borrin Foundation, and is responsible for the administration of the Borrin Foundation, including oversight of its investments.

In accordance with Ian Borrin’s directions, a grants and scholarships committee made up of leading members of the legal profession has been established to make recommendations on how the Foundation’s funds should be used to give effect to Ian’s vision. The committee is made up of David Goddard QC (chair), a senior barrister and a cousin of Ian Borrin; Hon Sir Terence Arnold QC, the nominee of the Chief Justice; Kathryn Beck, President of the New Zealand Law Society; Professor Mark Hickford, Dean of the Victoria University Law School; and Richard Caughey, a Wellington solicitor and representative of the Nikau Foundation.

Details of the Foundation’s first grants, which were announced at the launch, and other information about the Foundation are available at www.borrinfoundation.nz

First NZ charities conference in Wellington

The Charity Law Association of Australia and New Zealand is to hold a conference in April, for the first time in New Zealand.

The conference, presented in conjunction with the Chartered Accountants of Australia and New Zealand and Parry Field, will be held at Museum of New Zealand Te Papa Tongarewa on 26 and 27 April 2018.

In recent years the charities sector in New Zealand has seen significant legislative and societal changes that have challenged traditional thinking and models.

The conference will be distinctive as it is focused on all those involved in the charitable sector rather than being targeted at any one group (such as lawyers, charities, regulators, funders, or accountants). It will be a conference promoting collaboration and discussion across the sector and different disciplines.

The two-day conference will deal in depth with issues that matter with a variety of keynote talks as well as many panel discussions.

Key themes which overarch the content and individual sessions are: Measuring, Defining, Taxing, Regulating, and Funding Charities, as well as looking to the future, including the upcoming review of the Charities Act.

Topics to be covered include:

- Are there too many charities in New Zealand?
- Overview of the implementation of the financial reporting standards.
- The challenges and opportunities of legislating charitable purpose.
- Approaches to public benefit – what’s broken?
- Advocacy, politics and charity.
- Charities and tax.
- How to build public trust and confidence in the charitable sector.
- Funding, social enterprise and the intersection with charities which operate business.
- Charity law and accounting in Te Ao Māori.
- The review of the Charities Act.
- Discussion of a proposed global charity law research network.

For more information on the conference and to register, go to:
http://www.charitylawassociation.org.au/events-nzconf
WELLINGTON Queen’s Counsel Kenneth Johnston has been appointed an Associate Judge of the High Court.

Associate Judge Johnston first graduated from Victoria University of Wellington in 1979. He holds a BA, an LLB and a Graduate Diploma in Human Resource Management from that university, and an LLM (Dist.) from the College of Law of England and Wales.

Following periods at the Crown Law Office in Wellington and practising criminal law in London, in 1981 Associate Judge Johnston joined Watts & Paterson, one of three firms that merged to form Rudd Watts & Stone, which is now part of the Australasian Minter Ellison Group. He remained with that firm for 17 years, the last four as its national managing partner.

Associate Judge Johnston retired from Minter Ellison to join the independent bar in September 1997. He was appointed Queen’s Counsel in 2016. He has experience in criminal work, as both a prosecutor and defence counsel in jury and appellate trials, and in civil work, including general civil and commercial litigation, trusts and estates, construction, employment, family and professional disciplinary litigation.

Between 2005 and 2016 he chaired the New Zealand Teachers Disciplinary Tribunal, and since mid-2014 he has been a deputy chair of the Health Practitioners Disciplinary Tribunal. He is regularly appointed as an arbitrator, adjudicator and mediator in civil and commercial disputes.

The new Associate Judge will sit in Wellington.

LINZ Surveyors’ field books
LINZ is digitising 800 of the earliest field books it holds dating back up to 160 years. This information is now held by Archives New Zealand but can be ordered from LINZ using the field book reference and page numbers found on survey plans and on some old plan and field registers. The online link to order these is here: https://www.linz.govt.nz/land/land-records/potter-copy-land-record

New Zealand Micrographics, who did the field book digitisation, has also worked with LINZ, Ngai Tahu, Christchurch City Libraries and Environment Canterbury to digitise the very large “Black Maps” which are some of the earliest survey plans of the Canterbury Land District. These provide a fascinating view of early Canterbury and can be seen through NZ Archives Archway site or at: http://maps.recollect.co.nz

NZMS is keen to digitise more of these.

New Books
Feminist judgements of Aotearoa New Zealand: te rito: a two-stranded narrative

Oxford and Portland, Oregon: Hart Publishing 2017

KM570.L1 BON
Richard Peterson — lawyer, fencer and musician

By Chris Ryan

Richard Peterson, who died on 12 January 2018 aged 77, was a well-regarded Wellington solicitor, a talented musician and sportsman who represented New Zealand in the sport of fencing.

Richard was born in 1940, the eldest of two boys and grew up in the family home in Khandallah where he lived most of his life.

Richard was ambitious and believed that hard work was the only pathway to success. His father, Basil Peterson, was the youngest of six children. He was always more of a music lover than the court room dramas and I decided, for no reason other than the drama and endless temperaments.

As a Scot, Richard had perfect pitch. His children recall him relating the piano as children, while Richard called out sight-reading corrections from his chair in the next room. He always had a better memory of Beethoven than the Beatles. Richard’s wife, Hilary, used to lament that her marriage to Richard had meant that she had missed much of the popular music of the late 1960s and early 1970s. Richard’s son John recalls that, while his father never took his kids to a pantomime, he did take them to opera and symphony orchestra concerts from a young age.

Richard was very proud of his fencing. He won 13 national fencing titles over a period of 25 years, and fought in two Commonwealth Games in Jamaica in 1966 and Edinburgh in 1970, and was selected by New Zealand Fencing to compete in the 1976 Montreal Olympics where he was coached by fellow fencer, Richard Peterson’s other great passion was the sport of fencing. He won 13 national fencing titles over a period of 25 years, and fought in two Commonwealth Games in Jamaica in 1966 and Edinburgh in 1970, and was selected by New Zealand Fencing to compete in the 1976 Montreal Olympics.

Away from the law, Richard Peterson’s other great passion was the sport of fencing. He won 13 national fencing titles over a period of 25 years, and fought in two Commonwealth Games in Jamaica in 1966 and Edinburgh in 1970, and was selected by New Zealand Fencing to compete in the 1976 Montreal Olympics. He was the sport of fencing. He won 13 national fencing titles over a period of 25 years, and fought in two Commonwealth Games in Jamaica in 1966 and Edinburgh in 1970, and was selected by New Zealand Fencing to compete in the 1976 Montreal Olympics.

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As the school pianist Richard accompanied soloists and choirs at the annual concert and in music competitions and performed piano concertos with the school orchestra.
Richard Peterson — lawyer, fencer and musician

“He was very analytical — not necessarily superfast but he would beat you by stealth — and [he was] very competitive ...

“When Richard pulled off a particular move... he always got a move or a bout had gone according to his plan.”

Keith Mann, another fellow fencer, said that “Richard was one of those rare competitors who not only listened to advice and tried to put it into effect, but he had that rare aptitude to analyse and take advantage of his opponent’s weaknesses.”

Richard became involved in administering fencing at club, provincial and national level. He was president of the New Zealand Amateur Fencing Association for a number of years, later became a life member and was patron of Fencing New Zealand. He was also a representative on the New Zealand Olympic Committee for both Fencing and Pentathlon at the time of the Moscow games where significant pressure was put on athletes to boycott those games.

Percy Temple: “On one level he was tuned in to the politics of the sporting world, well-connected and always ready to use his energy and extensive networks for the betterment of fencing. And at the other end of the scale, he was an excellent coach who willingly gave his time to develop and nurture the next generation in the sport he loved.”

If fencing played a huge part in Richard Peterson’s life, it also overflowed into his legal work. Richard Launerson said that any discussion with Richard, whether it was on a legal problem or having a few drinks on a Friday night, could end up as if a figurative fencing bout.

“He would take a front foot stance to you and chip and nick and prod and poke you in his argument whilst edging closer to you as if waiting for your guard to fall, then to execute a final lunge.”

Richard Launerson also recalled Richard’s bow and flourish of his right hand when he met you and ushered you to a space, and his attempts to skewer a lift button or pedestrian crossing button with his brolly.

Richard was energised by fencing and found that his co-competitors became life-long friends. Reflecting on his fencing career at his seventieth birthday he said: “I still fence and enjoy demonstrating to younger fencers that a solid technique coupled with a reasonable sense of distance and timing can still defeat the determination and speed of youth.”

While travelling to Europe for his OE in 1963 on board MS Faissea Richard met Hilary Taylor, the niece of a friend of his mother’s. They met once or twice in London and then again in Paris when Richard was stationed in Lambton Quay a few years later and eventually married. They had three children, Stephen, John and Elizabeth. Hilary died in 2007.

Hilary was a tremendous support to Richard throughout his career, as he was to her. They shared the values of hard work, loyalty and the importance of community. When Hilary identified the need to set up a day care-centre to support people with dementia (and their families) to stay in their homes and communities, Richard worked in the background establishing the charitable trusts and providing ongoing support. This work began after Hilary and Richard’s own experience in caring for Richard’s mother. The Marsden Club was established as the first centre of its kind in New Zealand and Hilary received a QSM for her community work.

John Peterson, who followed his father into the law, said that Richard went to great efforts to provide his children with the moral and financial support they needed to pursue their ambitions. But that while he motivated his children, “he never imposed roles on them. They were always free to become exactly who they wanted to be.”

If Richard was ambitious, hard-working and aggressive at looking after the interests of his clients, he was not someone who sought recognition for his achievements. Richard Launerson said, “Richard never sought the glittering prizes in the law; instead he considered his service to his clients as being on with work in the background. This carried over to his committee and charitable work which he quietly got on with and which included the work he did with Hilary in establishing and sustaining the Marsden and Chelsea Clubs for people with dementia; his work on the New Zealand Olympic and Commonwealth Games Association as representative for the sports of fencing and modern pentathlon; and the Khandallah Lawn Bowling Club a sport he took up in his later years.”

Richard is survived by his three children: Stephen, a director of a New Zealand energy company, John who is a tax policy adviser in Paris and Elizabeth who is a senior lecturer in psychology in Auckland.

Richard will be remembered as a brilliant lawyer, talented musician, a champion fencer and a man of intelligence and integrity who would never back down from the things he really cared about.

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/org/Solicitors, which will be automatically receipted, or
• by Direct debit: Bank of New Zealand: 02-0506-01011-097

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.

Advertising email change

ROBIN REYNOLDS, the advertising manager for Council Brief of many years, has a new email address:

nz.adman@gmail.com

The change comes about as a result of the demise of Vodafone email services. The new address is:

JPartners Systems Ltd

www.jpartner.co.nz  enquiries@jpartner.co.nz  09 445 4476  JPartners Systems Ltd

The 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 either of the below email addresses:

Jenny Gibson: jgbison@legalchambers.co.nz
Caroline Chor Thom: caroline@legalchambers.co.nz
Rowland Woods – from agricultural economics to immigration law

By Chris Ryan

Rowland Woods, who died on 4 January 2018 aged 81, was a member of that relatively rare company – those who come late to the law. It is far from unknown of course, but in Rowland’s case it was quite late: he was 61 when he was admitted in 1998.

A genial, charming and urbane man, Rowland then proceeded to make his way in the difficult world of immigration and refugee law. But in the years before becoming a lawyer he had already lived a life and a career that for many people would have been quite enough.

Rowland Woods was born in 1936 in London where his father Noel Woods, later Secretary for Labour in the New Zealand government, was studying. He went to Wellington College and then to the University of Otago where he studied economics with an agricultural bent. After graduation he joined the department of agriculture in Christchurch as the first or one of the first agricultural economists in that department.

Focusing on the meat and wool side of farming, he conducted research on farms in Southland and collected base data on farm productivity and profitability, for the first time bringing cost benefit tools to bear on farming. His data assisted in developing and developing major civil works projects for farming, particularly irrigation and flood control.

In the early 1960s when Britain began looking to join the EU (then the EEC), alarm bells rang in New Zealand because of the perceived threat to our exports of agricultural products, most of which went to the British market. In 1962 Rowland Woods was sent to Europe to assess the likely impact on New Zealand of British membership of the EEC. He was in London for several years becoming agricultural adviser at the New Zealand High Commission where he joined the New Zealand diplomatic team that was developing a strategy to deal with British entry. Rowland returned to New Zealand in 1969 and became chief executive of ANZDEC, a company formed to compete internationally for consultancy trade contracts in agricultural development through bodies such as the World Bank and the Asian Development Bank.

In 1972 he was asked to return to Europe, this time to open an office in Brussels for the New Zealand Meat Producers’ Board where he helped promote New Zealand meat sales.

Rowland travelled widely promoting New Zealand meat exports. From 1979 to 1984 he was head of the OECD’s agricultural trade and markets division in Paris. He headed a secretariat that assisted in promoting the ground-breaking inclusion of agriculture in the Uruguay Round of international trade negotiations, working towards reduction of subsidies on agriculture in a number of countries.

Back in New Zealand in the mid-1980s he worked with the New Zealand Planning Council and the Economic Development Commission on agricultural trade, trade policy and the role of the producer boards.

At this point, in his fifties, Rowland decided on a complete change of direction and began studying law. His brother Malcolm Woods says it was not a complete surprise. “He always had a strong interest in law, and in fact contemplated studying law when he was at Wellington College,” he said.

Rowland completed his law degree and was admitted as a barrister and solicitor in May 1998, aged 61. He was a sole practitioner for a time, specialising in immigration and refugee law, was a contractor with Idesi Legal and was in partnership with Richard Fletcher for a time. In 2015 at the age of 78 he established Rowland Woods Legal.

Rowland Woods regularly represented clients in the Immigration and Protection Tribunal, the district court and the high court. He also did Parole Board work, spending time particularly at Springfield prison attending Parole Board meetings there. He conducted a number of judicial reviews of Immigration New Zealand cases.

In 2002 he was instrumental in setting up the Immigration Committee of the Wellington District Law Society. Committee colleague John Petris says Rowland made a huge contribution to the immigration bar. “Rowland was inspirational in setting up that first committee. He put us on the map in many ways, taking what was a minor and fairly esoteric part of the law and turning it into recognised practice.”

Rowland was also responsible for establishing the annual Immigration and Refugee Committee dinner to which the Minister of Immigration is invited. John Petris: “This was Rowland’s brainchild. He was a member of the Wellington Club and had lots of connections, it was his idea and he hosted the dinners. He had been the convenor of the Wellington Branch Immigration and Refugee Committee and he was also a member of the NZ Law Society national Immigration and Refugee Law Committee.

Committee colleague Richard Small says Rowland was heavily involved in preparing submissions on the Immigration Amendment Bill in the subsequent 2009 Act. “... he was a colossus at that time,” he said.

For twelve years Rowland was a volunteer solicitor providing free legal advice to refugees and migrants at the Wellington Community Law Centre. Kamil Lakshman, who volunteered round the same time, says Rowland worked very hard for refugees and was unusual early on in this period that he visited people in their homes. “He would go to their family environment where you could really get the feel of what the case was about – it’s one of those times when a lot of things are told to you without their actually being said.”

Wellington Community Law Centre senior community lawyer Megan Williams said Rowland, along with Amanda Calder QSM, chairperson of the Refugee Family Reunification Trust, helped to establish Community Law’s Refugee and Immigration Legal Advice Service (RILAS) in 1997. “This is a free legal advice service for refugees and vulnerable migrants. The main focus of this service is reuniting refugees with their family members. Rowland was a volunteer lawyer with this service for many years and also provided much guidance and advice to our community lawyers. We referred most clients seeking refugee status to Rowland’s legal practice as we could be confident that they would get high quality expert advice and representation.”

In “Rowland was a staunch advocate for refugees, particularly those in the most difficult circumstances. He was highly regarded by the refugee community and in the legal profession and will be missed hugely.”

Amanda Calder knew Rowland for many years and described him as a “true gentleman with a very kind heart.” She sadly missed him as an advocate for refugees and dedicated his legal career to their interests. “He strove to help refugees on many levels, including challenging unfair immigration practices and procedures. There are many refugees who benefitted from his work.”

Kamil Lakshman said Rowland looked outside the box of immigration law for solutions. “He would ask ‘what else can I do?’ He would look at the solution rather than the problem. People would say, ‘that has never been done’, he would say ‘well, why not? Let’s try it.”

Richard Small said Rowland was a fearless advocate for his clients and for the profession. “He was an inspiration to me and I will be sadly missed. He was a humble man in many ways. He was loyal to his friends and looked for loyalty in return. He was a bit ‘old school’, a senior member of the profession in every sense of the word.”

Rowland was appointed honorary consul of Belgium in 2003 and held this position until 2011. He was made a Chevalier de l’Ordre de la Couronne (Knight of the Order of the Crown) by the King of Belgium in recognition of his services to the Belgian community in New Zealand.

Outside his professional career at various times he was a farmer, a goat breeder, a media man, a golfer, lawn bowls and was interested in law and politics. He was a keen golfer and lawn bowls enthusiast.

He is survived by his wife Anita, six children and 12 grandchildren.

Rowland Woods wearing the insignia of the Chevalier de l’Ordre de la Couronne (Knight of the Order of the Crown) awarded to him by the King of Belgium.

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Refugee family support – reduced to ‘tiers’

By Megan Williams, Rōia Kahika/Senior Lawyer, and Michael Chaplin, Rōia Hapori/Community Lawyer

On 28, 29 and 30 November 2017, Tier 2 of the Refugee Family Support Category ("RFSC") opened for registrations of sponsors. This was a long-awaited event by the refugee community in Aotearoa as this category has opened only once before: in 2012, also for a few days.

The objective of the RFSC is "to facilitate the successful resettlement of refugees and protected people resident in New Zealand by providing them with an opportunity to sponsor family members who do not qualify for residence under any other category of residence instructions." People who gain residence in Aotearoa as a refugee through the Refugee Quota, or whose residence is otherwise based on their refugee or protected person status (for example, through gaining asylum in New Zealand), may be eligible to sponsor the residence application of a family member and their immediate family under this category.2 Family reunification is incredibly important to former refugees for reasons that have been discussed at length elsewhere.3 However, the RFSC is unusual internationally, as many countries do not offer former refugees the opportunity to sponsor family members other than partners/spouses and dependent children.

Operation of the RFSC

The RFSC operates under a "two tier" system. There are 300 residence places available annually under the RFSC that are filled by sponsored family members from both Tier 1 and Tier 2 registered sponsors.1 If there are not enough Tier 1 registrations, Immigration New Zealand (INZ) will select Tier 2 registrations to fill any remaining places. Tier 1 is always open for sponsor registrations, whereas Tier 2 opens only sporadically for a period of a few days.

The key difference between eligibility for the two “tiers” is whether a potential sponsor has “immediate family” living in New Zealand.1 Tier 1 sponsors must have not immediate family living in the country. For example, if a former refugee came to New Zealand by themselves and subsequently developed a serious relationship with a partner, then under INZ rules they could not be an eligible sponsor under Tier 1. Where a sponsor has immediate family living in New Zealand, Tier 2 is their only option under the RFSC.

A former refugee gets only one opportunity to successfully sponsor under the RFSC. If a Tier 1 application is successful, they cannot subsequently use Tier 2. Where they are eligible for Tier 2, they can only successfully sponsor under this category once. Tier 2 sponsors are also restricted to sponsoring a more limited group of family members than Tier 1 sponsors, and they are subject to extra requirements such as the need to have lived in New Zealand for at least three years immediately preceding their application.4

CLWHV assistance with Tier 2 registrations

In the five and half years since Tier 2 opened in 2012 our list of potential sponsors has grown steadily, and Community Law Wellington & Hutt Valley (CLWHV) has received weekly queries around when it would next open. CLWHV ran dedicated Tier 2 information sessions and registration sessions in the months leading up to the 2017 opening of the category. Of the 300+ unique clients that visited us in the September to November period (contributing to a total of almost 500 Refugee and Immigration client interviews in these three months and hundreds of hours of advice and assistance), 160 of these clients were determined by our lawyers and volunteers to be eligible to sponsor under Tier 2. Our team assisted them with making statutory declarations, providing all necessary documentation and completing and checking the forms – a task not as straightforward as it sounds, even for those former refugees fluent in English.

Limitations of Tier 2

Unfortunately, even where a sponsor’s registration is successful, their registration with the family member they wish to sponsor will not be fast or straightforward.

The procedural requirements of Tier 2 pose challenges and many applicants require the assistance of a lawyer. An added pressure is that there were only three days in 2017 during which a Tier 2 application could be sent to be accepted by INZ. If the form was completed and sent in on 28 November it was rejected and returned to the applicant, and this may not have happened quickly enough for the applicant to resend it in time. If it was sent after 30 November, it was also rejected.

Even for those whose Tier 2 registration application was submitted successfully in 2017, there will be a wait of several years before they are selected to sponsor their relative’s residence application. This is due to the limited places under the RFSC (300 annually) and the fact Tier 1 applications always take priority.

Once they reach the top of the queue INZ will send an “Invitation to Apply” to the sponsor. The sponsored family member then must submit their residence application within 12 months. INZ processing of the application will typically take 12 to 36 months. This means that it will often take many years until a sponsored relative is granted New Zealand residence and is able to provide the resettlement support which is the objective of the category.

The uncertainties around when Tier 2 will next open have led to huge disappointment for those who missed out in 2017 (for instance, because they had been living in New Zealand only two and a half years at the time Tier 2 opened). Former refugees in this situation cannot simply apply as soon as they meet the requirements of Tier 2. They must wait for Tier 2 to reopen but have no guarantees as to when this will happen, and it will only be for very select dates.5 In 2012 Tier 2 was open on 17, 18 and 19 April for sponsor registrations. Over five years later, it reopened for three days. Due to the recent increase in our Refugee Quota intake from 750 to 1000 (without increasing the allocation of 300 places under the RFSC), it is likely to be longer than five years until former refugees will next have a chance to register as a Tier 2 sponsor.

This wait is not only incredibly frustrating for former refugees but increases the pressure on them, as in many family cases members are relying on them to reunify a splintered group. The most important case under this category is an uncertain wait times, and one which produces a lot of anxiety for former refugees, their family and advocates, is the possibility of losing eligibility. During these lengthy waiting periods, children may become too old to be eligible for sponsorship (under INZ policy, they are no longer dependents at age 25), dependent family members may get married (which would also result in the loss of their dependent status) or health issues may develop or worsen (making a residency application more difficult and in some situations impossible), to name a few possible situations.

We note that the coalition agreement between Labour and the Greens included a commitment to review the refugee family reunification policy. We hope that a review of the policy will consider opening Tier Two on a regular basis for an extended period of time to allow people more certainty and time to prepare.

Footnotes

1 Immigration New Zealand, Operations Manual, (S4.10.1)
2 You are not eligible to sponsor in cases where you arrived in New Zealand because of being successfully sponsored for residence under the RFSC.
3 Please see a previous article by senior lawyer Megan Williams from Community Law Wellington & Hutt Valley detailing this topic. Published in Council Brief, Wellington Branch of the NZ Law Society, November 2016, Issue 461.
4 Above n 1, at s4.10.5(a).
5 Immediate family, for INZ purposes, means a partner, parent or non-dependent child. Refer Operations Manual, above n 1, at S4.10.20(e).
6 The relevant INZ forms are all in English (INZ 1192 (Tier 2) & INZ 1094 (Tier 1)) and there was no translated information available on their website. CLWHV paid to translate information on the category and send it out via email and post to over 300 former refugee clients we knew may be eligible in the region.
7 For example, in 2017 the INZ website initially indicated on its Tier 2 page that the category would be opening in August 2017. This later changed to sometime in October. It eventually opened in November.

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Wellington Women Lawyers’ Association

WELLINGTON Women Lawyers’ Association is a highly collegial organisation, open to all women in the Wellington region with an association to or interest in the law. We organise great events, facilitate networking and mentoring, make submissions on legislation and generally work to promote the interests of women in the law and the legal system. Law students can join for free.

The membership form can be downloaded from the website wwla.org.nz, or by emailing judy.elliot@waterfront.org.nz. Like and follow us on Facebook: @wellingtonwomenlawyers
Brexit ‘the most complex legal issue…’

GETTING out of Europe is proving to be a knotty problem for the United Kingdom: the timetable is tight and the nature of the conundrum facing the British government seems at times unanswerable.

Speaking at the Victoria University law school recently, Professor Jürgen Basedow from the Max Planck Institute for Comparative and International Private Law in Hamburg, (his visit was sponsored by the New Zealand Law Foundation and the University of Otago Humanities Research Grant) said the British government was confronting “…the most complex legal issue the UK has ever faced.”

“The integration of the UK took decades – the expectation that it can be oustonally unfathomable.

Professor Basedow said that for 60 years the European community has grown by virtue of an enormous body of legislation affecting all sectors of the economy and all parts of society. “Thousands of legislative instruments some with hundreds of provisions have been enacted: it is a community based on the rule of law.

“Leaving such a community is a kind of viction, a life experiment if you will with far-reaching consequences for both sides but particularly for the UK and for third countries like New Zealand which have for the past 40 years or so made use of London as the gateway to Europe.

Professor Basedow traversed the implications of the UK triggering Article 50 of the EU Treaty, the problems of future trade relations between the UK and EU, the fate of British citizens in Europe and EU citizens in Britain, the significance of the Irish border question, and the financial settlement. The integration of the UK undertaken may be classified as part of a “third state” and therefore must establish branches in the 27 remaining member states, at significant cost.

In the case of financial services, adverse regulation of third state providers enacted by the EU was intended to keep at a distance competitors from New York, Hong Kong and Singapore. The City of London played an important part in these provisions. It is now likely they will suffer from these same provisions.

Judgments of UK courts will no longer be considered as originating in a member state, and will not be enforced in member states unless negotiations allow this to happen.

COUNCIL BRIEF CROSSWORD

You can use this diagram for either the Quick or Cryptic Clues, but the answers in each case are different. This month’s solutions are on page 2.

**ACROSS**

6. Produce an eviction order? (4,3)
7. Penny loaf? How funny! (5)
9. How a motorist can correct a glaring error (4,3)
10. She gets the theatre in an up roar (9)
12. It describes Adam or I (5,6)
15. Decline to acknowledge applause - and retire! (4,4,3)
17. Rose spray? (8)
19. The last thing one aims for (3)
22. Feeling fed-up? (7)

**DOWN**

1. His victims lose heart (5)
2. Person who discredits an old woman (3)
3. One type has four heels, another (4)
4. It’s for the rest of the cast (5,4)
5. His fare is too much (7)
6. Fit a support with hesitation (6)
8. I’ll get him prepared for publicity’s glare (9)
13. Capital form of punishment (6)
14. They’re trodden underfoot (7)
16. One I form out of uniformity (5)
18. It’s flat and square (4)
20. He gets red if a stranger addresses him! (3)

Cryptic Clues

1. Add three to 151 to make it less than sixteen.
2. Name a three-letter word that can come after all of these three-letter words: con and for and mat.
3. (Right) It is white’s turn to move. What should white do?

Quick Clues

1. Atire (5)
2. Perform (3)
3. Average (4)
4. Sleeping room (9)
5. Belief (7)
6. Morose (6)
11. Express regret (9)
13. Photographic device (6)
14. Maker (7)
15. Trifling (5)
18. Incite (4)
20. Pig-pen (3)

Opinions expressed do not necessarily reflect those of the NZ Law Society Wellington Branch or the Editor.

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**MADESIGN**

Answers: See page 2

1. It’s flat and square (4)
2. Person who discredits an old woman (3)
3. One type has four heels, another (4)
4. It’s for the rest of the cast (5,4)
5. His fare is too much (7)
6. Fit a support with hesitation (6)
8. I’ll get him prepared for publicity’s glare (9)
13. Capital form of punishment (6)
14. They’re trodden underfoot (7)
16. One I form out of uniformity (5)
18. It’s flat and square (4)
20. He gets red if a stranger addresses him! (3)

Council Brief April 2018 Deadline
Monday 19 March 2018
Annual NZLS/Bell Gully cricket match – 8 March 2018

DO you yearn for the thwack of leather on willow as you dream on drowsy summer afternoons in the office?

If so, your time has come – the annual cricket match between the New Zealand Law Society and Bell Gully is set down for Thursday 8 March, 1.30 pm start at Kelburn Park.

If it rains that day, there is a reserve day on 15 March.

At stake is the Sir Denis Blundell Trophy which has been contested since 1986 between the two teams.

Anyone interested in playing for the Society please contact John Porter by email: porter@sievwrights.co.nz

ANOTHER great day out was enjoyed by Law Society golfers at the annual Last Resort competition at the Masterton Golf Club.

Results
- Last Resort Shield, won by Dan Parker on 41 points.
- Second was Richard Allen on 40 points, Don Breaden 39 and Bruce Stewart 38.
- 8th hole shoot out – John Strahl.

The next tournament is already planned – Friday 22 February 2019. Don’t miss out – note in your diary now!

Grateful thanks are extended to the sponsors: Fairmont Estate Wines, ANZ Bank, All Teed Up and the golf club caterers.

izardweston

IZARDWESTON
LAWYERS

Izard Weston is pleased to announce that from April 2018 Dr Bevan Marten will join the firm as a partner.

The firm also announces that in April Robert Stewart and Tony Stevens are making the move to the independent bar, after 20 and 10 years as partners respectively.

Robert joins Shortland Chambers in Auckland and Tony joins Capital Chambers in Wellington. They leave the firm with our very best wishes.

www.izardweston.co.nz

Great day’s golf at the ‘Last Resort’ tournament

Neville Carson, Nat Dunning, Alan Henwood and Don Breaden.

Dan Parker, winner of the Last Resort Shield, on 41 points.

Peter Quinn.


John McCandie, Dan Parker, Brett Gould and John Strahl.

Bruce Stewart, Mike Gould, Richard Allen and Richard Clark.

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/organization/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.

WILL ENQUIRIES
FOR URGENT ACTION

Please contact the solicitors concerned if you are holding a will for the following:

CLEWS, Wayne Ronald
Late of Upper Hutt.
Owner-Operator Truck Driver.
Died on 17 February 2018.

If you hold a will for the deceased, please contact:
Upper Hutt Law (Joanne Hewitt) PO Box 40501, Upper Hutt 5140.
DDI: 04 282 0267
joanne@upperhuttlaw.co.nz

The cost of will notices is now $50.00 plus GST. Please send payment with your notice.

Will notices should be sent to the Branch Manager, NZ Law Society Wellington Branch, PO Box 494, Wellington.