Celebrating legal executives: beneficial mutual support

Mark Wilton
Vice President

As the end of the year fast approaches our diaries are starting to fill up with a number of commitments and pressures. All the more reason to take time to stop and catch our breath to celebrate milestones and achievements.

One such milestone was the recent 25th anniversary celebrations of the Wellington Branch of the New Zealand Institute of Legal Executives held recently at the offices of Kensington Swan.

I had the great pleasure of joining in the celebrations as their master of ceremonies with David Dunbar and Nerissa Barber also in attendance for the Society.

NZILE past and current presidents also attended including Necia Parker the current Wellington Branch President of NZILE together with former committee members Marjorie Gambitsis and Bronwyn May-smor who cut the anniversary cake, and are pictured below together with a photo of the past and current committee.

The New Zealand Law Society has a close and collaborative working relationship with the New Zealand Institute of Legal Executives. Their president (Pam Harliwich) and executive officer (Jo Backton) attend our NZLS Council meetings. The Society, through NZLS CLE Limited, and the Institute work together with to administer the NZLS Legal Executive Diploma. A major aspect of the diploma is the compulsory drafting component in each of the four advanced papers.

The course comprises six subjects including the practice of property law, business law, estate law and litigation. These papers are usually studied part-time but some of the teaching assistants (including Whiti-rea here in Wellington) offer the course as full-time study, enabling a student to complete all six papers in one year if they wish.

Legal executives throughout the country support us, work alongside us and lead various work streams within our legal practices to deliver legal services to our clients. The final product on a number of occasions is the result of joint efforts and teamwork of both lawyers and legal executives. Without this beneficial mutual support, our respective jobs would be all the more difficult; we rely on one another to provide the very best service to our clients.

I take this opportunity to acknowledge and thank the many legal executives who work with us and provide such a significant and sterling contribution to our practice of the law.

Prominent criminologist to deliver 2016 Shirley Smith Address

The Women in Law Committee of the New Zealand Law Society’s Wellington branch is pleased to announce that the eighth annual Shirley Smith Address will be delivered by prominent criminologist Professor Ngaire Naffine.

Ngaire Naffine is the Bonython Professor of Law at the University of Adelaide and Fellow of the Australian Academy of Social Sciences. She has published in the areas of criminology, criminal law, jurisprudence, feminist legal theory and medical law. Professor Naffine has been Genest Visiting Professor at Osgoode Hall Law School (2012) and Baker-Hostetler Professor of Law at Cleveland-Marshall College of Law, Cleveland State University, (2004). From 2007-2009 she was a member of the Australian Research Council, College of Experts.

She is perhaps best known in New Zealand for feminist critiques of criminology. Her book Feminism and Criminality (1996, Temple University Press) will be familiar to anyone that studied criminology this century. In that book, Professor Naffine railed against the reluctance of criminologists to engage feminist theories and perspectives that would invigorate the discipline. Highly critical of gender bias in criminology and the criminal justice system, she suggested a different kind of understanding of the impact of femininity and masculinity on both criminal behavior and criminology’s work with it.

Of particular interest, and an enduring focus of her research, is the moral and legal philosophy of the person – who and what can and should bear rights and duties. This topic first took shape in Law and the Sexes: Explorations in Feminist Jurisprudence (Allen and Unwin, 1988) where she examined the gender of the legal person. The topic received its fullest development in Law’s Meaning of Life: Philosophy, Religion, Darwin and the Legal Person (Hart, 2009). She is currently writing about the central character of criminal law, the responsible subject, as seen through the eyes of the leading male scholars and jurists of the nineteenth and twentieth century. Professor Naffine’s Shirley Smith Address will explore that topic.

The Shirley Smith Address commenced in 2008 and is now a well-established annual event in Wellington.

The website, shirleysmithaddress.org provides information on past Addresses, along with the text of most.

Professor Naffine will deliver the Shirley Smith Address – “Manliness, Male Right, and Criminal Law: the Uses of Criminal Law in the Formation of the Character of the Male Legal Person” – on Wednesday 23 November 2016, at Rutherford House Lecture Theatre 2, Victoria University of Wellington, Pipitea campus (opposite the law school). It is a free public address, made possible by the sponsorship of Thordon Chambers. Formalities commence at 5.30pm, with light refreshments to follow the address.

Deadline November 2016 Council Brief

Tuesday 25 October

Law graduate CV scheme

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

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

The work offered need not be permanent. Any work in a law office will give graduates experience that may be helpful next time they make job applications.

Book early for Law Society events!

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Devil’s Own golf 8

INSIDE:

Society events!

adman@paradise.net.nz
(De)-sexing the woman lawyer

By Anna Pallesen

Professor Rosemary Hunter.

suits of women like Chancellor Merkel and former Secretary Clinton, rather than the fact that they are running the world, was quite astonishing.

But so it is, the senior woman partner or judge still finds that though she may man the helm with steely intellect, she never can dislodge the stigma of her femininity from around her. Studies find that women are being employed as ‘client bait’, that is, assets for marketing, rather than for their intellectual abilities. Mother lawyers are questioned about their dedication to work because they have a family, a baby bump somehow destroys professional credibility and is perceived as being extremely unattractive and off-putting to clients, and every strong-minded woman is characterised as a – bit choice for print.

Professor Hunter illuminates a culture that stretches just far enough for a semblance of tolerance; the lone hijab-wearing practitioner, the black woman, (so often taken for the cleaner) and the lesbian reinstigating herself to increase her career trajectory. A culture where the typecast of true masculinity is still requiring men to value women for their decorativeness, therefore excluding women from the ‘appreciation club’ of professional camaraderie.

Professor Hunter’s concluding and considered advice was to urge us to picture a different future that works for both professional prosperity and thriving home lives. Men are encouraged to call others out on discrepancies in the treatment of colleagues, to be vocal amongst their peers.

The evening closed with a discussion among noteworthy practitioners around the room who, to a woman, spoke warmly of the need to foster young women lawyers to stick it out to the higher reaches. For women to support women. Many attendees of the event were part of the Wellington Women Lawyers Association, powered by successful practitioners who give their time and provide some insight to retaining one’s essential authenticity in the law – new members are always welcomed, with wine and canapes, naturally.

www.wwla.org.nz

Invest in the future

You and your clients can help New Zealand’s brightest students achieve their academic goals by making a bequest to Victoria University.

Your bequest can be for a scholarship or a subject of your choice, a research project, or you may wish to leave an untied gift to be shared in the future. Whatever is chosen, a bequest will provide a lasting legacy for tomorrow’s students.

For further information on making a bequest to Victoria University, please call 0800 842 534, or email roseline.toppel@vuw.ac.nz

www.victoria.ac.nz/foundation

Conferences

November 17-19 2016 – Massey Law Society Hui-a-Tau, Queenstown. masseylawsociety.co.nz

October 12-14 2016 – 26th Australian and NZ Sports Law Ass’n (ANZLSA) Conference, Te Papa, Wellington. anzlsa@anzls.com

October 13-14 2016 – Employee Law Conference, Auckland. lawyerseducation.co.nz


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

Wellington Branch Diary October

Monday 10 October
Criminal Law Committee

Wednesday 12 October
ILANZ ‘Mini’, Wellington

Wednesday 12-14 October
ANZSLA Conference, Te Papa

Thursday 13 October
Courts, Tribunals & ADR Committee

Monday 17 October
Trusts and Estates Committee

Thursday 19 October
Family Law Committee

Wednesday 19 October
Parole Law Committee, Sex Offenders on Parole: Modern Pariah? 5-7pm, NZLS Building, 26 Waring Taylor Street

Wellington Branch Council Meeting

Friday 21 October
In informal drinks, 5.30pm

Tuesday 25 October
Health Law Committee

Wednesday 26 October
Legal Assistance Committee

Thursday 27 October
Immigration & Refugee Law Committee

Employment Law Committee

Thursday 27-28 October
Advancing Better Government Through Legislative Stewardship’, NZ Centre for Public Law, VUW Law School

Friday 28 October
Women in Law Committee

Thursday 3 November
Human Rights Committee

Symposium: Law Reform Community in the 21st Century, Law Foundation

Council Brief deadline November issue Tuesday 25 October

Crossword Solutions


CRYPTIC SOLUTIONS


Down: 1) It’s the numbers 0 to 9 set out in alphabetical order; 2) A cow; 3) One (1 => Eleven); 4) A secret or a mystery; 5) It’s too gross (144 is a gross; 2 x 144 = 288, which is 2 gross); 6) 1 x 2 x 7 x 2 = 28 (ahead a queen to queen) 2 BOS! (pinning black’s queen against black’s king #2 ... after then 3 b8Qa8+=0=Qa8xQ 4 RxQa8+ gives white a queen, a bishop, and a pawn.)

MADESIGN*

Answers for puzzles from page 6

1 a) It’s the numbers 0 to 9 set out in alphabetical order

1 b) A cow

1 c) One (1 => Eleven)

1 d) A secret or a mystery

1 e) It’s too gross (144 is a gross; 2 x 144 = 288, which is 2 gross)

2 1 x 2 x 7 x 2 = 28 (ahead a queen to queen) 2 BOS! (pinning black’s queen against black’s king #2 ... after then 3 b8Qa8+=0=Qa8xQ 4 RxQa8+ gives white a queen, a bishop, and a pawn.)

news

Wellington Women Lawyers Association and New Zealand Law Society Wellington Branch Women in Law Committee invited local lawyers to ‘(De)-sexing the woman lawyer’ on August 30. The event quickly booked out with practitioners with an appetite for the issues, and a morbid curiosity for what an event so named might entail.

Notwithstanding the flow of wine and the favourable aspect of the Russell McVeagh offices, the real draw was Professor Rosemary Hunter of Queen Mary University of London, a leading academic in the socio-legal field and well known proponent for the power and place of women in law. Professor Hunter spoke to us while in New Zealand for the Feminist Judgments Project Aotearoa. That project will result in a volume of

significant “alternative” judgments – decisions of the New Zealand Courts that have been rewritten to incorporate a feminist viewpoint. (Feminist meaning, for anyone lacking, someone who thinks that women are equal to men).

Professor Hunter began by highlighting some statistic-backing facts about women in the profession, to nods of recognition from around the room, concerns repeated endlessly down the generations of lawyers – valuable female minds leaving the profession, competing prioritising the legal life being more onerous for a woman than a man, who both expect to live life in its fullness.

True, the world does now benefit from women professionals, we are freed from the hyege beliefs that barred women from mastering the law on account of women’s lack of rational detachment and true sense of justice. But the professor pointed to remnant attitudes, not confined to the law, such as the litany of comments on women’s professional appearance, remarking that the fixation on the troublers

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(De)-sexing the woman lawyer

By Anna Pallesen

Professor Rosemary Hunter.

...and canapes, naturally.
Sex offenders on parole – modern pariahs?

The NZLS Wellington Branch Parole Law Committee is offering a CPD-compatible seminar to explain changes in the law about extended supervision orders (ESOs), public protection orders (PPOs), recent law changes and to discuss heightened community reactions to paroled sex offenders. Attendees will gain:

- a better understanding of ESOs, PPOs and recent law changes
- an understanding of the different roles of the Court, the Parole Board and Community Probation
- an opportunity to discuss the management of sex offenders in NZ communities in 2016 and various attitudes to rehabilitation and reintegration

5-7pm, 19 October 2016, 8th floor, NZLS Building, 26 Waring Taylor Street. Cost: $25 – refreshments will be served. To make a reservation go to http://bookwhen.com/wellington-branch


Book early for Law Society events!
Problems of succession in the criminal defence bar

The criminal defence bar in Wellington is facing an existential crisis and is in danger of virtual extinction, with severe implications for access to justice.

This was the view of many of those attending a Wellington Branch Criminal Law Committee forum recently. Criminal Bar Association president Noel Sainsbury chaired the forum. Other members were barrister Elizabeth Hall, former criminal lawyer Julia Robertson, Deputy Public Defender Kevin Preston, and barrister Robert Lithgow QC.

The nub of the problem is what some called a “void” beneath the mostly aging present members of the criminal defence bar, and the inability to attract younger lawyers to look towards criminal court work largely through perceptions of training opportunities and a lack of training opportunities. Most of those in the “aging” category trained at the feet of the seniors, did “dog’s-body” work, learning on the job in the manner of an apprentice.

This approach no longer works. With the present economic structure senior lawyers cannot afford to take on “apprentice” lawyers who are likely to be essentially unproductive at least at first. The process – largely put down to reduced and restrictive legal aid rates and rules – has been building for the past 30 years or more. The result now is there are few intermediate criminal lawyers who might be considering retirement, and an even sparser population of juniors.

Statistics, obtained from the Ministry of Justice via an official information request by Elizabeth Hall, confirm the position. In June 2016 there were 153 criminal legal aid providers in Wellington, down from around 200 in 2010. Supervised criminal lawyers are down from 52 in 2010 to 22 now, indicating fewer junior lawyers. The number of Duty Solicitors is down from 161 in 2010 to 96 now. Several people commented that there are so few Duty Solicitors working in the Wellington region now that those still there are on much of the time and under stress.

Julia Robertson spoke about her own situation as a younger lawyer who started in the criminal bar but had changed direction at least for the time being. She said a criminal defence lawyer working in a larger firm could never hope to meet monthly targets on criminal fees earned. She felt the criminal bar should speak out on issues that eroded justice and impacted the criminal bar because “… no one else will.”

Kevin Preston noted that the Public Defence Service provides training for graduate lawyers wishing to become criminal lawyers. “The quality of graduate lawyers who wish to join the PDS is very high, their sense of social justice phenomenal… The PDS is not a threat to the future of the criminal bar – 95 percent of our cases PAL 1 (Criminal Provider Approval Level) cases. We intend to train quality young lawyers who eventually will move out into the private bar and help fill the void…”

A questioner asked whether outsiders could attend PDS training, the answer being negative. Another asked whether parallel funding similar to that available to the PDS could not also be applied to the private bar for training junior lawyers.

Robert Lithgow QC said of his recent experience overseas that legal aid lawyers of fewer than 10 years experience in England and Wales were paid very poorly, perhaps even worse than here. The reality of the pupillage system for young barristers, he said, is that many do not have a ‘chair’ at their chambers but simply call in on their way from home to court to collect files and consult the clerk.

He spoke of the apprentice-ship scheme developed in the New Zealand automotive industry in the past. Under this scheme the engineers union set up a cooperative with the Motor Trade Association which employed automotive apprentices, supervised the training and handled administration. “The Law Society could do that, could set up a secretariat responsible for that.”

He said the law library, which he saw as a space with potential, could be the base for young barristers where the traditional supports and communal aspects would be provided. Senior lawyers would be based there to mentor the young lawyers, to answer their questions and to offer advice. “We have failed to attract people to the criminal bar, someone has to put the effort in – at the moment we are not giving them what they want.”

The consensus of discussion was that some kind of training structure was essential if the problem of succession in the criminal defence bar was to be overcome.

Criminal Defence Bar

The South China Sea – maritime claims in a shrinking world

The tribunal decided that China was asserting rights outside of any possible exclusive economic zone that could be generated under the Law of the Sea, and beyond any possible Chinese exclusive economic zone. While there were some instances elsewhere where historic rights had overridden other rights, the tribunal said they did not apply in this case. They considered that formation of exclusive economic zones essentially extinguished all historic rights that may have existed.

The 500-page decision appeared in July 2016 is likely to become a treasure trove for those interested in the Law of the Sea, Joanna Mossop said, and will become a source of jurisprudence on which lawyers can base arguments.

She briefly touched on any impact the decision might have on New Zealand, which relies extensively on offshore islands for creation of exclusive economic zones and continental shelf. Some of these had some human habitation for periods but were largely uninhabited, while the Chathams have been occupied for centuries. Unlike the South China Sea, where sovereignty has been contested, New Zealand’s exclusive economic zones are largely respected, and where foreign fishing nations entered into treaties with New Zealand essentially agreeing to observe the New Zealand zones and conservation practices.

New Zealand filed outer limits of territorial seas with the UN in 2006 which would be expected to draw opposition if there was any but there were no objections. This lecture was one of a number of Law School events that are CPD compliant for lawyers.

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TAKING the mystery out of the art world and making it more accessible was the objective of a recent Women in Law Committee event.

This was the third ‘Demystifying the Art World’ event held in so many years, again at the beautiful Peter McLeavey Gallery and once again sold out.

The lucky 65 lawyers who managed to secure a space heard from four speakers including two contemporary New Zealand artists with very different mediums.

Andrew Barber, 2016 C Art Trust Award recipient, talked about his passion for paint, oil on canvas and his desire to create life size artwork. This ambition is reflected in the painting of floors as Andrew could not get big enough canvases.

Jeweller Octavia Cook discussed the narrative that flows through the jewellery she creates and her use of different materials, though focusing mostly on acrylic.

Both spoke of the lengthy creative process that goes into their art that forms the foundation of the final pieces that the public sees.

Richard Moss and Courtney Johnston spoke from the perspective of collectors of art. Richard, a member of the C Art Trust Board, confirmed that choosing the first piece of art you buy is perhaps the most difficult. He talked about how getting a buying group together can be a great way to start your collection and also to push the boundaries in terms of the art you would collect.

Courtney Johnston, director of The Dowse Art Museum, provided a unique perspective on the difference between collecting as a private person and for a public gallery. She discussed the acquisitioning and de-acquisitioning process and policies around acquisitions. Courtney also let people in on the secret of the ability to layby works with dealers facilitated now through the MyArt interest-free art loans system and the benefits of the ICOM Card when travelling overseas and visiting galleries.

Courtney and Richard both provided some great tips to potential, new and more experienced collectors. Some of Richard’s tips for collecting contemporary art are featured below. Richard has also generously agreed to share a draft buying group agreement used by his group.

Insights on art collecting through a buying group

By Richard Moss, art collector and philanthropist

COLLECTING New Zealand contemporary art can seem a daunting and expensive prospect. It doesn’t need to be that way and the rewards of collecting are immense.

One way to begin is to form an art buying group. You will need to think about number of members, contribution and duration. There is value in limiting numbers to a maximum of four people. If you decide to commit $500 each, the $2,000 available will allow you a huge choice of art works to buy from Wellington’s best dealer galleries. If you were to commit $1,000 each you would find works in most exhibitions that you could buy for $4,000 or alternatively you could buy two or three smaller, less expensive works. There is also value in limiting the amount of agreement needed in order to make a purchase. The need for agreement frequently means that inspiring work is overlooked for something more acceptable and prosaic.

Whether you do this individually and set aside an amount you will spend annually on your collection or if you do this as a group, you can approach a dealer and ask to be shown work they hold at a particular value. Before you do that, you will probably need to decide broadly what you want to collect. Photography and works on paper are often cheaper than works on canvas. You might decide to collect text-based work or political work or minimalist abstraction or monochrome or just work you love.

If you want the work you buy to hold its value and perhaps increase in value over time, then the professional dealer galleries are the place to go and in Wellington you will find wonderful work at – Bartley and Company Contemporary Art, Bowen Gallery, Harsham McKay Gallery, Page Blackie Gallery, Peter McLeavey Gallery, Robert Heald Gallery and Suite Gallery.

1. The members of the group called xx Collection are K, S, R and G, who hold equal shares. Works purchased are the property of the group and not of any individual member.

2. The members will contribute the amount of $500 per annum payable on 1 April 20x1 and at or before 1 April in each subsequent year.

3. The xx Collection will purchase New Zealand works exclusively.

4. The members will appoint a Treasurer who will operate a bank account requiring the signature of two members. All members will be signatories to the bank account. The role of Treasurer will rotate annually unless otherwise agreed.

5. There will be an Annual General Meeting once in each year at which any of the rules may be changed at any time by agreement of more than 50% of the members.

6. The purchase arrangements are that, each year, one member, known as the purchasing member will purchase works of art to the value of $6,000. The purchasing member will rotate annually. The rotation begins in 20x1 and continue as follows:

   - Year 1 G
   - Year 2 S
   - Year 3 R
   - Year 4 A

7. Works will be hung in member’s homes for a 12 month period and then rotated. The rotation will ensure that all members have access to each work for a 12 month period in each 4 years. In the year of purchase, the work’s will hang in the purchasing members home.

8. The winding up of xx Collection will take place x years after the date of establishment being x March 20x1, unless there is unanimous agreement to continue for a further fixed period or it may be wound up earlier by agreement of more than 50% of the members.

9. In the event of winding up the works will be valued and distributed in equal portions by agreement. In the event that there is no agreement then there will be a lottery and each member will take a number either 1, 2, 3, 4 and will select a work in order until the collection is distributed.

At the conclusion of that selection the values of the works held by each member will be totalled and the difference in value will be settled in cash between the members. Any remaining works will be auctioned and the funds distributed.

A ______________________ Date _____________

G ______________________ Date _____________

S ______________________ Date _____________

R ______________________ Date _____________

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: 02-0506-0101108-097

All donations go directly to the capital reserve. The Solicitors’ Benevolent Fund Trust is registered as a charitable trust (number CC46709) 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.

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G ______________________ Date _____________

S ______________________ Date _____________

R ______________________ Date _____________
Alcohol and other drugs: a new regime for compulsory treatment

By Rob O’Brien, Volunteer

On 15 September 2016 the Health Select Committee reported back on the Substance Addiction (Compulsory Assessment and Treatment) Bill (SACAT Bill), unanimously recommending its passage. It has been described as “the last outstanding item from the Prime Minister’s Tackling Methamphetamine action plan”. But it is more than that. It will replace the Alcoholism and Drug Addiction Act 1966 (ADA Act), which grants broad power to detain individuals and subject them to compulsory medical treatment. This article will provide a brief overview of how the regime proposed by the SACAT Bill differs from the current law.

The current law

Under the ADA Act an addict1 may be made subject to compulsory treatment for alcoholism or addiction to other drugs by either: (a) making a voluntary application for detention;2 or (b) by court order on application of a relative or other reputable person.3

Where a voluntary application for detention is made there is no requirement for medical evidence in support, but before ordering detention for treatment the Court must be satisfied that: (a) the applicant is an addict and fully understands the nature and effect of their application; and that there is a certified institution willing to receive the applicant.4 The most important point is that the individual understands the effect of the order sought. This is because the person is voluntarily giving up their liberty for a period of up to two years (it is the order which is voluntary, not the subsequent detention). A relative, or a constable or any other reputable person may also apply for a compulsory detention order.5 Such an application requires supporting certificates from two medical practitioners to the effect that they believe the patient is an addict and that the making of a detention order is “expedient” in the addict’s own interest or in that of their relatives.6 The Judge may only grant an order if satis-

fied of the truth of the applica-
tion and that an identified certificated institution is willing to take the addict.7 Again, deten-
tion for treatment can run for up to two years.

A patient may, however, be re-

leased from treatment on a revoca-
able conditional order of discharge.8 It is common for pa-

tient’s release to be by way of leave of absence so that if they relapse and are at risk of harm to themselves or others they can more readily be returned to treatment.

Problems with the current regime

The Ministry of Health ac-

ccepts that the ADA Act does not ful-

fil its purpose of making better provi-

tion for the care and treatment of addicts and that it reflects an “outdated treatment philosophy”,9 in particular given its marked inconsistencies with the New Zealand Bill of Rights Act 1990. As the Law Commission not-

ed, “it is a fundamental common law principle that medical treat-

ment cannot be imposed upon a competent adult without that person’s consent (or some other legal basis)” and that “if compulsory agreement to compulsory treatment is hard to justify, because if a patient has the capacity to opt-out to treatment they should also be able to opt-out.10 The most concern with compulsory detention is the lack of evidence that there is a thera-

pic benefit from long term treatment.11 The Ministry of Health considers the idea of treatment (SACAT Bill clause 39).

The SACAT Bill also pre-

scribes significant procedural changes which allow for the de-
tention of a person before an or-

der is made. Any person aged 18 years or over may apply to the Ministry of Health for examination by another person accompanied by a medical certificate from a medical practitioner or, if a medical certificate cannot be obtained, a memorandum from a designated health profession-

al.12 The matter is then referred to an approved specialist who can impose care on the patient by executing a compulsory treat-

ment certificate.13 Importantly, an approved specialist need not be a medical practitioner. Rath-

er, they must be a health profes-
sional who is suitably qualified to conduct specialist assessments and re-

Ceal

As accepted by both the Law Commission and the Ministry of Health, the ADA Act regime for compulsory treatment of addiction is out-dated and not fit for purpose when the Ministry of Health is satisfied has significant experience in the treatment of severe substance addictions and is suitable qualified to conduct specialist assessments and re-

Conclusion

If the Court supports the Health Se-

clect Committee’s recommendation and the effectiveness of the SACAT Bill be reviewed within 3 years and 6 months of the Bill coming into force, it will be an important step towards the Ombudsman’s concern that the bill breaches the UN Conven-

vention on the Rights of Persons with Disabilities. It will also al-

low health professionals to as-

sume that under the new regime the patient suffers.

What can be said now is that the new regime will better reflect the rights of the individual and the practical (even if anecdotal) evi-

dence that rehabilitation treat-

ment for addiction is more effective when undertaken on a voluntary basis.

MADEsign Answers: See page 2

1. Decode these rebus puzzles:

STANCE
chOhGuEeEk
AED
grWfy
SPRIED

2. It is black’s turn to move: what should black do?

a. Attack the white pawn
b. Move the white pawn

3. The second paragraph from the end:...

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

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

We remind you that CPD presenters can get time in their own right. Time is claimable for preparation of CPD presentations (usually at a ratio of two hours preparation for each hour of presentation) and time spent delivering. A typical one hour presentation would allow the presenter two hours preparation and one hour for the delivery. Any practitioners prepared to go on the Branch register please contact the Wellington Branch, wellington@lawsoctogy.org.nz

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

Counsel in Concert – seeking legal musicians

Counsel in Concert is preparing for its end of year concert on 13 December. Any singling lawyers and experienced orchestral musicians would be warmly welcomed. Choir rehearsals began on Tuesday 27 September at Crown Law. For further information please contact: merran.cooke@crownlaw.govt.nz

Register of Presenters for Continuing Professional Development (CPD)

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

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

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Please include your name, your area of expertise, your telephone number and your email address.
In two earlier articles I have urged on readers my belief that Judges would be justified in breaking away from strict adherence to their traditional functions in an attempt to achieve prompt and fair outcomes. Underlining this proposal is of course the need for fair and just outcomes. Underlying everything must be a fresh outlook to the cases before it. I admit being influenced in my thinking by the abolition of our civil appeals to the Privy Council, which I, having conducted several appeals there in the old days, saw as an efficient and cheap structure which often brought a welcome fresh outlook to the cases before it. Our Judges are not to be blamed for this (as far as I know) because it was the nationalist sentiment in our country which enabled the government to abolish the Privy Council in 1949 and substitute the House of Lords. Oddly enough it was the Maori bloc who held out against the change, for they believed that the Queen through her Privy Council would have a special responsibility toward them. However, with respect to current Judges, I am convinced that the change not only increased our expenses exponentially but also squashed down our position in the new level at the top. Also in point must be the fact of the small pool of suitable barristers or solicitors available for Court appointments in this country. Despite this we Judges are not, of course, to be blamed for this, with, I would dare to suggest, too much work on the lower level and not enough on the top.

Underlying everything must be the government’s duty to the citizen. The greatest gift of democracy must be an available court system. The number of levels here through which the litigant must climb must be minimised. We are not the US or even Australia. At the moment we are making access to justice impossible for most of our population.
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Written applications, with written curriculum vitae and referees, should be emailed to: john@mainstreetlegal.co.nz or marked confidential and forwarded to:
Main Street Legal
P.O. Box 40 457
Upper Hutt
Attention John Gwilliam

All applications will be treated as confidential.
Closing date for applications is Friday 14 October 2016.

A field of 106 players – including 13 first timers – took part in the 82nd Devil’s Own Golf Tournament played at the Manawatū Golf Club course at Hokowhitu from 23-25 September 2016.

Qualifying round – Friday afternoon
Alice Nunn from Hamilton was the top qualifier on Friday afternoon with a net score of 64 to win the Ross Morpeth Trophy.
Alex MacDuff from Auckland was the winner of the Lexis Nexis Trophy for highest stableford points.
Julien Leys from Auckland was awarded the Sinclair prize for the highest net score of 160.

The Waikato/BoP team of Michael Dixon, Ron Backhouse, Mark Hammond and Richard Pryce won the Perpetual Guardian District Teams Match competition.

Runners up in the District Teams Match competition was the Wellington team of John McCardle, Peter Quinn, Don Breaden and Peter Jenkin

Devil’s Own Championship – Sunday
The semi-finalists were Michael Cochrane from Palmerston North and Alex MacDuff from Auckland, and Chris Cargill from Taupo and Ron Backhouse from Hamilton.
The finalists were Alex MacDuff and Ron Backhouse. Ron won the final to win the Devil’s Own Trophy and as runner up Alex received the Jim McBride Cup.

Other trophy winners
Alice Nunn was the winner of the women’s competition.
Tim Power was the winner of the Devil’s Own Flight and the Dick Kearney Memorial Cup.
Adam MacDonald was the winner of the Ancient Lights division and the Brian Blackwood Memorial Trophy.
Jonathan Temm was again the winner of the Tally Ho division and the Tom Ennis Memorial Trophy.
Tony Nolan was the winner of the Gatley competition and the recipient of the Gatley Tankard.

Thanks to sponsors
The Devil’s Own organising committee are very grateful to sponsors of the tournament: Hyundai, ASB, LexisNexis, Elizabeth Arden, Good Health, Triumph and Disaster, Mainprice King, Appserv and Fuji Xerox.

After nearly 26 years Concept Secretarial Services is for sale as both Christine Crawshaw and Linda Sloan are retiring.

Concept is a great little business. It shares premises and provides full secretarial services to all at Capital Chambers (eight Barristers including three Queen’s Counsel).

Christine was working as a Legal Executive in a large Wellington firm when the business came on the market in 1990. She immediately saw the opportunity to be her own boss within an industry she knew intimately. This could now be your opportunity.

All expressions of interest should be directed to concept.sec@clear.net.nz

Alternatively, contact can be made direct with my accountant, Christie Burgess at chburgess@deloitte.co.nz

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