

COUNCIL BRIEF

The monthly newspaper of the

WELLINGTON BRANCH
NEW ZEALAND LAW SOCIETY

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JUNE 2011

President's Column

Fostering professional relationships

By Nerissa Barber



OUR May Council meeting was very privileged to have as guests Professor Tony Smith, Pro Vice-Chancellor and Dean of Law Victoria University of Wellington, Gordon Stewart, Head of School and Deputy Dean, and Professor David McLauchlan, along with David Smith, president of the Victoria University Law Students Association, and Louisa Joblin from the association's executive.

Council members appreciated discussing a number of issues of concern to the Law Faculty and the Law Students Association, including the gap between completing formal education and moving into legal practice; and how practitioners can assist law students obtain work experience for the move into the practice of law.

This is the beginning of a conversation and we are looking forward to working more closely with the Law Faculty, Law Victoria Uni-

versity Students Association and Vic Careers.

Community Law Centre birthday

Wellington Community Law Centre's thirtieth birthday celebration on 27 May was another fabulous evening, celebrating the centre's success and acknowledging the contributions of members of our profession. The centre goes from strength to strength. Thanks go to Geoffrey Roberts, general manager; Cameron Madgwick, chairman of the centre; and all the hardworking staff, volunteers and supporters of the centre. Practitioner Margaret Powell is the longest serving volunteer and spoke on its history at the celebrations.

Hutt Valley dinner

The Hutt Valley Law Practitioners dinner at La Bella Italia was a resounding success. Ed Cox organised the evening brilliantly. This year the Hutt Valley practitioners celebrated our law profession with superb speeches from a senior and newer member of the profession, David Butler and Kate Muir. David had the room in stitches while

speaking without any notes, and Kate's mind-map was outstanding, as were her humorous anecdotes. There was fierce competition between Gibson Sheat and Thomas Dewar Sziranyi Letts as to who had the bigger contingent. The jury is still out.

(See pictures pages 5 and 8)

Meet the Judges

Another huge success was the evening with the judiciary for recently admitted members of our profession. Younger members of our profession met with Judges from all our courts, including The Honourable Justice John McGrath from our Supreme Court, and Judges from the Court of Appeal, High Court, Environment Court and District Court. The judiciary make an immense contribution to our legal profession. Holding this gathering was the suggestion of His Honour Justice Miller, Executive Judge for the Wellington High Court. We in the profession are most grateful for the support of the Judges.

(See pictures this page and page 5)

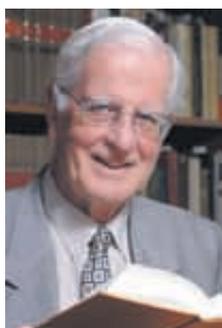
Farewell to distinguished lawyer and friend

By Nerissa Barber

WITH the passing away of Dr George Barton QC on 17 May, our profession has lost one of its most distinguished members.

George was a great lawyer and litigator, university professor, teacher, mentor and friend. He was a compelling advocate aided by his vast knowledge of the law, his Christian integrity and his utmost concern for justice.

George took on legal cases that have greatly advanced the development of New Zealand case law. He undertook cases that some-



times were unpopular yet still needed to be taken; the kinds of legal cases that may not pay much, and indeed are often pro bono. But through the sacrifice of our legal profession, our law is developed. In doing so, George has left us a rich legacy.

George was a great teacher and at his funeral many of those present reminisced of their warm and fond experiences of him as their teacher at Victoria University Law School.

Our law profession and our society were enriched by him.

An obituary for Dr George Barton QC appears on page 4

New WIL committee convenor

RACHEL Burt is the new convenor of the vibrant NZLS Wellington Branch Women-In-Law Committee (WIL). This committee meets on a monthly basis and promotes and recognises women in law. WIL engages in issues concerning women and holds frequent events and seminars on topics of interest, which are open to all NZLS members, irrespective of gender!



Rachel Burt.

throughout the different stages of their careers.

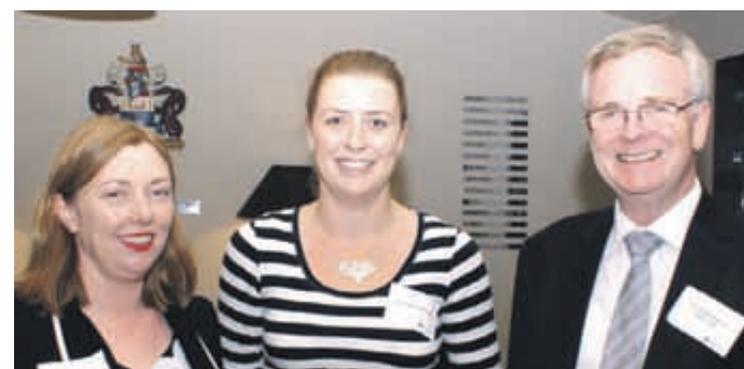
The WIL committee has a very active and enthusiastic committee and Rachel encourages new members to join in and be part of the WIL team, shaping events and initiatives for women lawyers. WIL host networking events and discussion forums and publish articles.

If you are interested in joining the committee, attending events, or have any issues you would like addressed or speakers you would like to hear from, please contact the Wellington Branch office on 04 472 8978 or Rachel directly on 04 496 5932.

There are a number of future WIL events being planned and details will be advertised here in *Council Brief* and *e-brief*.

Rachel is an industrial relations specialist who works at Kensington Swan in the employment and health and safety team. She is passionate about women's issues and keen to ensure that more women are operating at the leadership and decision-making levels of organisations and that women are supported and mentored

Meet the Judges – more picture page 5



Nerissa Barber, Alexandra Fraser and The Hon Justice McGrath.



Paul Smith, The Hon Justice Miller and Rupert Rouch.

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Wellington Branch Diary June

- Friday 10 June**
Wellington Branch Annual Dinner, Wellington Club.
Registration: claudia.downey@lawsociety.org.nz
- Saturday 11 June**
Wellington Branch Flying Start Programme.
Law Society Building, 26 Waring Taylor Street, 8.45am-4.30pm
- Wednesday 15 June**
Wellington Branch Council meeting
- Thursday 16 June**
Changes to Legal Aid 2011, NZLS CLE Seminar. Spectrum Theatre, 1-5pm
- Thursday 16-Friday 17 June**
Trusts Conference 2011, NZLS CLE Conference, Te Papa
- Saturday 18 June**
Wellington Branch Flying Start Programme.
Law Society Building, 26 Waring Taylor Street, 8.45am-4.30pm
- Wednesday 22 June**
Wellington Branch Annual General Meeting, Level 8, Law Society Building, 26 Waring Taylor Street, Wellington, 5pm
Deadline for July issue of *Council Brief*
- Thursday 23 June**
Current Issues in Civil Litigation, NZLS CLE Intensive. Wellington Convention Centre.
Evidence for Family Lawyers, NZLS CLE Seminar. Spectrum Theatre, 1-5pm
- Friday 24 June**
Women in Law Committee, 1pm, Level 3, Law Society Building
- Tuesday 28 June**
Public Law Remedies, NZLS CLE Seminar. James Cook Hotel Grand Chancellor, 1-5pm
- Wednesday 29 June**
Developments in Immigration Law, NZLS CLE Seminar. NZICA Conference Centre, 1-5pm
- Thursday 30 June**
Employment Law Committee, 1pm, Level 3, Law Society Building.



Case summaries based on those written for LINX database. Copies of the judgments are available from the NZLS High Court Library: wellington@nzlslibrary.org.nz 64 4 473-6202 o 0800 FORLAW-0800 36 75 29

Ingram and Knee and Anor v Patcroft Properties Ltd – SC 72-2010 – Elias CJ, Blanchard, Tipping, McGrath and William Young JJ – 10 May 2011 LEASES

Lease of commercial premises required payment of rent in advance on first day of each month – lease also postponed lessor’s right of re-entry for non-payment of rent until it was 14 days overdue – lessees failed to pay part of rent for relevant month – lessor re-entered premises one day before 14 days had elapsed – upon re-entry lessor changed locks, thereby preventing lessees from accessing premises. Nearly a year later lessor claimed damages – lessees reacted with their own damages proceeding – it was accepted that, if lease remained on foot, the bringing of lessee’s proceeding constituted a notice of cancellation by lessees – however, lessor claimed it had enjoyed and exercised a right to cancel lease once the requisite 14 day overdue rental period had expired – lessor claimed it had, by its conduct in continuing to exclude lessees from premises, cancelled lease for continuing default in relation to non-payment of rent – it was common ground no rental payments had been made after invalid re-entry. HC found in favour of lessees awarding them damages for loss of their businesses – CA, by majority, reversed that decision and set aside HC’s orders for

payment of damages by lessor – HELD: lessor’s action in unlawfully excluding lessees from premises, by purporting to exercise a right of re-entry and changing the locks, constituted a repudiatory breach of the lease contract – it prevented lessees from carrying on their businesses, which was the very purpose of the lease – non-payment of rent was justified by re-entry – it was entirely justifiable for the lessees not to make payment where the lessor was taking the position that the lease would not be reinstated if payment was made – as a result of that continuing stance, lessor was precluded from cancelling lease for non-payment of rent – lessor’s repudiatory attitude had continued until proceeding was issued and repudiation was thereby accepted by lessees – appeal allowed – orders made in HC restored.

Need staff? CVs available at Wellington Branch

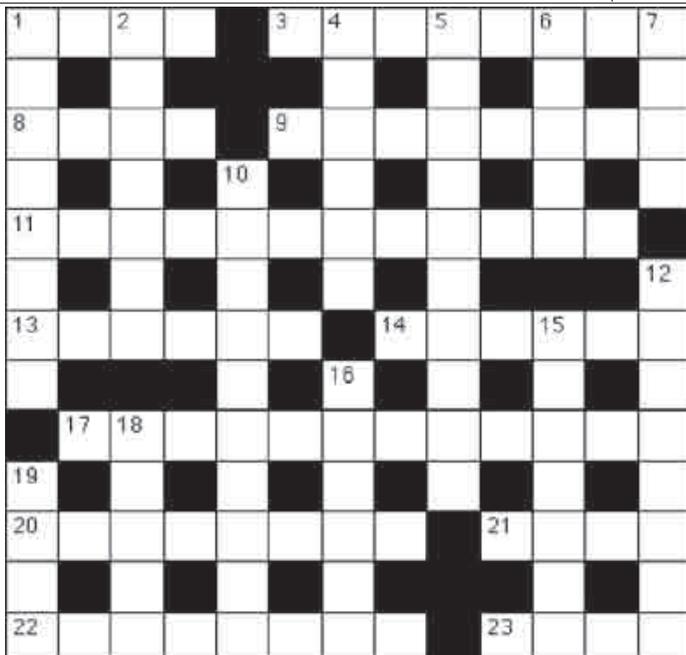
THE Wellington Branch NZLS holds the CVs of lawyers and people preparing for admission who are looking for employment. If you are looking for a researcher or a new employee (part time or full time) contact the Branch to see whether we can match up a candidate with the skills you are looking for.

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 7.

Cryptic Clues

- | | |
|---|---|
| <p>ACROSS</p> <ol style="list-style-type: none"> Yet it’s work for actors (4) Variety of liquorice (3,5) As an afterthought, they crawl (14) Not accidentally engaged? (8) A chess match, for example? (5,7) Mail for the landlord (6) One art that’s becoming decorative (6) He’s responsible for the classroom’s re-organisation (12) For which one needs to be in fighting form? (5,3) Sparkling wine from Castile (4) High points of religious architecture (8) Looks both ways (4) | <p>DOWN</p> <ol style="list-style-type: none"> Don’t miss the delivery, but co-operate (4,4) Serpent has to stop on the road (7) Bird allowed outside the inn (6) Not as inert as loud (10) Finally captured an earthwork (5) Half of the record team (4) Groundless rumour that there’s unemployment? (4,6) Almost a hit with the girl (4,4) Its rate is adjusted for a professional performer (7) Disturb a sleep, if you don’t mind (6) A girl left in custody (5) Legislative measures followed by Romans (4) |
|---|---|



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Quick Clues

- | | |
|--|--|
| <p>ACROSS</p> <ol style="list-style-type: none"> Persia (4) Cherished (8) Locate (4) To loose (8) Mass (12) Contemporary (6) Revenue (6) Bubbling (12) Dreadful (8) Moist (4) Praised (8) Pure (4) | <p>DOWN</p> <ol style="list-style-type: none"> Example (8) Object (7) Fester (6) Cunning (10) Surpass (5) Dispatch (4) Unimportant (10) Sixfold (8) Daunt (7) Develop (6) Chief (5) Footwear (4) |
|--|--|

Conferences

- June 6-10 2011** – Legal study tour to South Africa, Mandela Institute. mandela.institute@wits.ac.za
- June 16-17 2011** – NZLS CLE Trusts Conference, Te Papa. (Also Auckland June 9-10). www.lawyerseducation.co.nz
- June 20-23 2011** – World Justice Forum III, Barcelona, Spain. wjp-forum.org/2011
- June 23 2011** – Property Law Section lunch and regional meeting, Wairarapa. http://my.lawsociety.org.nz/events/
- July 7-8 2011** – Enhancing Stability in the International Economic Order, NZ Centre of International Economic Law. Faculty of Law, Victoria University of Wellington. nzciel@vuw.ac.nz
- September 19-22 2011** – 6th International Conference on Legal, Security and Privacy Issues in IT Law, Nicosia, Cyprus. www.lspi.net/
- October 9-12 2011** – 24th Lawasia Conference, Seoul, Korea. http://lawasia.asn.au
- November 21-22 2011** – NZLS Family Law Conference, Auckland. www.lawyerseducation.co.nz
- December 12-13 2011** – 30th Annual ANZ Law and History Conference, ‘Private Law, Public Lives’, Brisbane. lawhistconf@uq.edu.au

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Check out the Women-in-Law website
<http://wellingtonwomeninlaw.blogspot.com>

Young Lawyers’ Committee website
<http://www.younglawyers.co.nz/>

Will Notices page 8 in this issue

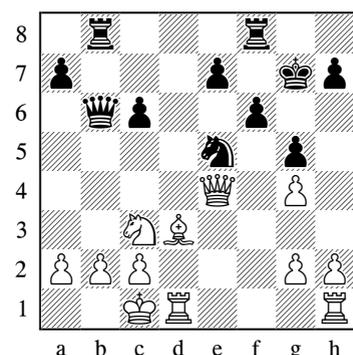
MADesign™

Answers: See page 4

1 Determine the missing letter

I	V	M
D	?	G
M	R	E
N	O	A

2 Black has just played ...Qa5-c6 to threaten ...Qxb2+. What should white do?



WELLINGTON BRANCH SEMINARS

Judges discuss some implications of new District Court Rules at Wellington Branch seminar

By Paul Michalik

MORE than 90 Wellington practitioners enrolled to attend the District Courts Rules seminar held on 19 May at Crown Law. Judges Thomas and Tuohy from the Wellington District Court presented to the lawyers assembled about how the Court is finding operating under the new District Courts Rules.

The Judges discussed the intentions behind the Rules reform and how the new structures are designed to realise those intentions. Their Honours went on to talk about their experience operating the reformed system, before taking questions from the floor.

The Judges acknowledged that practitioners have expressed some discontent about the new system. The Court has no involvement with the commencement procedures that have troubled practitioners, with their difficult forms and long delays. From the Court's point of view, the changes have eliminated the repetitive and time-wasting callovers of files. In so many cases, files were simply being monitored while they failed to progress. Presiding over long lists of cases called over to reset timetables and fix another callover date, whether in Court or by telephone conference, is not an experience the Judges are missing.

Judge Thomas did have one suggestion to assist those troubled by the timing of the new commencement process. It is possible to apply to the Court to vary the time limits applying. A

Judge might well be willing to grant directions truncating the long time-frames involved in appropriate cases. Such cases might include those in which both parties are legally represented and are familiar with the issues in dispute, having already made attempts to resolve things outside the proceedings.

Relatively few cases have yet gone all the way through the system to the allocation stage. At that stage the decision is made to set the matter down to a short trial or a Judicial Settlement Conference. The result is that only a few short trials and Judicial Settlement Conferences have been held. No simplified or full trials have yet been held. These take place only after the required Judicial Settlement Conference has failed, and has resulted in directions being made timetabling the case to the appropriate mode of trial. Where a matter goes to a settlement conference, it pays to be aware that, should settlement not be achieved, the conference must be convened as a directions conference. It is important to come prepared with a clear idea of the directions that will be sought if the conference fails to achieve settlement.

The Rules relating to the allocation decision include within the allocation criteria a reference to any party's request for one of the two options. Judge Tuohy noted that the rules do not provide a form for parties to make a request, or require the Court to ask. Some Judges ask the parties.

Some do not. A party who has a preference is nevertheless entitled to make a request to the Court. A request that has been made known to the Court has to be taken into account.

In the conduct of a short trial, the forms that practitioners have found difficult have also presented at least one challenge for the Judges. Judge Tuohy noted that it is more difficult to work out exactly what is in issue from comparing Notice of Claim and Notice of Response, than it was using the traditionally formatted Statements of Claim and Defence. That is particularly the case when a lay litigant has prepared the Claim. Despite this, His Honour also noted that lay litigants do seem to appreciate the forms.

Discussion continued with questions from the floor raising issues including the abolition of discovery and its implications for counsel where adverse documents are known to exist but disclosure is not required by the new rules, and the use and desirability of a summary judgment process.

Participants then shared a light refreshment, and some lively discussion, assisted by wine provided by Duncan Cotterill and Luke Cunningham & Clere. Thanks go to both firms for their generous contributions, and to Crown Law for providing the venue. Particular thanks also go to Judges Thomas and Tuohy for the interesting and valuable presentation.

Challenges facing mediators in handling human rights complaints

By Steven Price

HUMAN rights complaints tend to come in swarms. When the press revealed Hone Harawira's email accusing "white mother—ers" of "raping our lands and ripping us off for centuries", 800 complaints rolled into the Human Rights Commission.

As Susan Freeman-Greene pointed out to a Wellington Branch Human Rights Committee seminar recently, the Human Rights Commission's dispute resolution process covers only complaints about discrimination. Freeman-Greene is the HRC's strategic policy manager, and for five years before that, was its chief mediator.

The HRC's limited complaints jurisdiction doesn't put off the complainants, she said. "Everyone thinks their issue is a human rights issue, even if it's their neighbour's dog barking at 2am."

Freeman-Greene had been invited to provide an address on the role of the HRC's mediators in the field of human rights. They deal with 1200-1500 discrimination complaints a year, though the commission fields another 3,500 other complaints and inquiries, she said.

Most are about race or disability, with gender and age discrimination complaints also common. Most involve employment or government activities.

One of the problems facing the mediators is a lack of law. Ironically, the more successful they are at resolving complaints informally, the fewer legal precedents there are for them to draw on in the mediation process. "A lot of areas are not straightforward," she said. "Mediators need jurisprudence because that's where you get your traction". Often, it's difficult to tell what sorts of accommodations the courts are likely to regard as reasonable, or who should be used as a

comparator for deciding whether treatment is discriminatory.

Another issue facing mediators is the HRC's dual role. It is first and foremost an advocacy organisation, charged with promoting human rights in law, policy and practice. But its mediators must provide a neutral mediation service. This can produce "tension", said Freeman-Greene.

For all that, she said she thought the mediation team was doing a pretty good job. She has found that employers are generally ready to be reasonable when issues are pointed out to them. Sometimes, employers adamantly deny discriminatory behaviour. But after hearing from the commission, she says, the behaviour often stops.

In many cases, she says, the problem is based on miscommunication. Sometimes, simply getting the parties discussing about rights is a big step forward. Other times, complainants are gratified simply to get things off their chests.

The most intractable issues arise when there's a clash of rights. What if women's rights to equality and speech come up against cultural practices that dictate different roles for women? What if the rights of parents to determine their children's education and religious upbringing conflict with the children's or school's rights to teach particular material or impose school uniform rules?

When passions are aroused, and the law is contestable, Freeman-Greene says the HRC sometimes has to reach toward a pragmatic solution. In the end, the best solution to knotty human rights problems is sometimes the kiwi fencing wire one: whatever works in the context.

LIBRARY

Library News

Canterbury staff working hard to restore library

By Robin Anderson, Wellington Branch Librarian

CANTERBURY staff are working with the Branch staff from a temporary base in Burnside. However, the library staff have temporary passes that are allowing them to go to the courthouse. They are working there to tidy up the library, reshelving books, trying to make shelving more secure and to estimate what will need to be done to have a working courthouse library again when the time to move back in arrives.

Internet resources

NZLII (New Zealand Legal Information Institute) now has the 1908 consolidation of the statutes available. This means that all NZ statutes from 1841 to date are now available electronically as they were enacted. This is an excellent achievement and resource and congratulations to those who did it. Of course, this is not the only useful information you will find there and the site is worth bookmarking in your browser if you haven't already done so. Go to <http://www.nzlii.org>

New books

Animal Law in New Zealand Wellington : Thomson Reuters
KN186.8.L1 WEL 2011
Doing business in Australia Wellington : NZLS
KN250.K1 NEW 2011
Legal, tax and practical issues when choosing and structuring business entities Wellington : NZLS
KN260.L1 NEW 2011
Valuation and expert financial evidence in relationship property matters Wellington : NZLS
KN58.2.L1 NEW 2011



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LICENSED PRIVATE INVESTIGATORS

OBITUARY

Dr George Paterson Barton QC – 13 May 1925-17 May 2011

DR GEORGE BARTON QC was an institution in Wellington and national legal circles. In practice for 63 years (he was admitted on 24 March 1948), for many it is almost as if he has always been there. Until quite recently one might have seen him walking smartly along Lambton Quay to buy a morning paper, holding court in Parson's coffee shop or attending law society events. Always genial, for ever happy to assist, advise or counsel his colleagues, he will be sorely missed.

The following draws on eulogies presented by his son David Barton, and nephew Frazer Barton, and from an interview conducted with Dr Barton at the time of celebrating his sixty years in practice three years ago.

George Barton was the fourth in a family of nine children. He was a "son of the manse", with his father Frazer Burnett Barton a Presbyterian minister. His mother, Jeanie Cordiner Read, had emigrated from Scotland with her family when very young. George was born in the manse itself, at 10 Cameron Street, Herne Bay.

His father was appointed as Minister at Gore when George was about nine or ten and his family moved south. He enrolled at Gore High School, then Otago Boys' High School where he got the second highest mark in Scholarship for his class.

He met his beloved wife Ailsa Begg while he was at the University of Otago where initially he studied theology.

Wishing to study law, he headed for Victoria University College in Wellington which had two full-time law professors (there were only 13 law students at Otago at the time). He won a junior university scholarship and a senior scholarship on the way to earning an LLB and LLM, and in 1948 was elected to the Humanitarian Trust Fund Studentship to study international law at Cambridge University. The studentship was an initiative of the renowned Professor Hersch Lauterpacht, one of the most distinguished international lawyers of his time. Dr Barton spent four years researching his dissertation entitled *Jurisdiction over Visiting Forces*.

At United Nations in New York

After two years at Cambridge Dr Barton went to work at the Human Rights Division of the United Nations and he and his wife moved to New York. He was working with a committee dealing with repatriation of prisoners of war and also spent time in Geneva.

Back in Wellington at the end of 1952 Dr Barton began teaching law at Victoria, at the same time practising at the Wellington Bar.

In 1955 he became a partner in the practice of Morison Spratt Taylor & Co [now, after several mergers and permutations, part of Kensington Swan], while continuing to teach at Victoria. Although he taught part-time, he had a heavier

teaching load than previously and he said he was really doing two jobs at once.

Dr Barton's double life continued into the 1970s. He became Professor of Jurisprudence and Constitutional Law and was Dean of Law from 1972 to 1974. In his time in the Law Faculty he taught nearly every branch of law, including international law, contract, torts, criminal law, evidence, procedure, and trusts.

While still teaching at Victoria, Dr Barton appeared before the Privy Council for the first time in 1964. This was a case about fluoridation of water in Lower Hutt, *Attorney-General ex rel Lewis v Lower Hutt City Corporation* [1965] NZLR 116. Dr Barton said that this case may have set a record for the fastest litigation from beginning to end. From the 2008 interview, he explains:

"The Attorney-General Ralph Hanan, also Minister of Health, whose consent to bringing the case was necessary, required that it be pursued as quickly as possible. We began in the High Court in May 1963, were in the Court of Appeal in October, and in the Privy Council in May 1964. My instructing solicitor was Michael Hardie Boys and he had also been my junior in the High Court and Court of Appeal. We did the case on the smell of an oily rag – I was in London on a Nuffield Fellowship doing further study in international law at the Institute of Advanced Legal Studies at the University of London, so I just argued the appeal myself. Richard Savage from Crown Law, who was also in England at the time, was asked to represent Hutt City."

Samoan citizenship case

Dr Barton appeared before the Privy Council another ten times, including several tax cases and the very significant Samoan citizenship case *Lesa v Attorney-General* [1982] 1 NZLR 165. *Lesa*, with its elements of international law, was very interesting to Dr Barton. The case arose out of a deep-seated sense of grievance about the claims of Western Samoans born between 1924 and 1948 to be British subjects, and therefore to become New Zealand citizens in 1949 with the passing of the British Nationality and New Zealand Citizens Act 1948. The Court of Appeal ruled this claim to be invalid in a 1979 decision.

In the context of crackdowns on immigrants overstaying their entry permits, and the notorious dawn raids instituted under the Muldoon government of the time, the issue was highly charged. On the advice of Dr Barton one of the immigrants, Falema'i Lesa, brought a case in the (then) Supreme Court in which she sought a declaration that she was a New Zealand citizen. She was unsuccessful but she appealed to the Privy Council. The Court of Appeal had considered it "inconceivable" that Parliament had intended to make all persons born in Western Samoa British citizens. The appeal



succeeded and Lesa won a declaration that she and thousands of other Samoans were citizens of New Zealand.

Although Parliament quickly legislated against that decision, Dr Barton is something of a hero in Western Samoa as a result of this and of other high-profile cases he took there. Their gratitude was such that they conferred upon George Barton the honour of matai with the title of *Vaitoa Sa*, translated as Guardian of the Sacred Fountain. He continued to be involved in the issue through a petition in his name to the New Zealand Parliament and to one submitted to the United Nations Human Rights Committee.

Speaking at the funeral, Dr Barton's nephew, Dunedin practitioner Frazer Barton, mentioned several other notable cases:

"In 1971 he was counsel in *Parsons v Burk* which case affirms the continuing availability in New Zealand of the Prerogative Writ *Ne Exeat Regno* in the plaintiff's attempt to prevent the 1971 All Blacks' tour of South Africa..."

"In 1976 he argued and won the groundbreaking case of *Fitzgerald v Muldoon*. Three days after Mr Muldoon had become Prime Minister he issued a press statement purporting to suspend statutory obligations to pay into a superannuation fund. In what is widely regarded as a masterpiece of pleadings and submission – and drawing on his own religious tradition of the Scottish Covenantors and their refusal to acknowledge the 'divine right' of kings – and no doubt influenced by his former mentor Professor Lauterpacht as to the importance of the rule of law, he secured a Supreme Court declaration that the Prime Minister's press statement was unlawful because only Parliament can repeal its own statutes.

"In the judgment that resounded throughout the common law world Chief Justice Wild stated: *'It is a great illustration of the depth of our legal heritage and the strength of our constitutional law that a statute passed by the English Parliament nearly three centuries ago to extirpate the abuses of the Stuart Kings should be available on the other side of the earth to a citizen of this coun-*

try which was then virtually unknown in Europe and on which no Englishman was to set foot for almost another 100 years. And it is not disputed that the Bill of Rights 1688 is part of our law.' ...

"In 1982 George was successful in a case establishing that the correct process had not been followed to enable construction of the Clyde Dam. Once again, Parliament had to pass legislation to overrule the effects of that decision.

"Around this time George was also involved in representing Justice Mahon in relation to the Mt Erebus Commission of Inquiry. I recall a docudrama that was shown on television with an actor portraying George. One of the critical discussions that took place between counsel occurred in the changing room of a golf club. This involved some degree of licence because there is one thing we can be quite sure of and that is that George has never been on a golf course."

Dr Barton was active over the years in other legal spheres including his membership of the NZ Council of Law Reporting from 1977-1983, the Disciplinary Committee of the NZ Law Society 1979-1983, and the NZ Law Practitioners' Disciplinary Tribunal 1983-1989; he was a representative of the Commonwealth Lawyers Association on the Advisory Group of the Commonwealth Human Rights Initiative 1989-1993; he appeared as a barrister in the Cook Islands, Niue, Sabah and Sarawak as well as Samoa. He was appointed Queen's Counsel in 1990.

United Bible Societies

George Barton was involved with the worldwide United Bible Societies for many years and was its world president from 2004 to 2010. He joined the board of the NZ Bible Society 45 years ago and was New Zealand president from 1996 to 1998. He had a life-long association with the Presbyterian Church and was a corresponding member of the church's legal committee.

Frazer Barton said George had assisted, counselled and inspired countless practitioners over the years. "And in the coffee shops he has generously given fellow practitioners tips about pleadings, wisdom as to practice, references to particular legal authorities, and above all encouragement. This is especially so at Parson's where he would meet fellow practitioners on a daily basis to discuss and debate. Many great issues have been determined there over the years. On Wednesday his colleagues raised their cups in his honour."

Speaking in 2008 Dr Barton said he had immensely enjoyed his six decades in the law, particularly its collegial character. "The nature of our profession means that in a collegial sense we are on the same side but at the same time can be on the opposing side in cases. The strong sense of professional collegiality is very rewarding."

At a dinner held at Government House three years ago to celebrate Dr Barton's sixty years in practice, the Governor General, Hon Anand Satyanand, said he joined those at the celebration "...who know him as a respected friend and colleague. His service to the community and as Queen's Counsel has been extraordinary."

"In sixty years of service, from the District Court to the Privy Council, he has represented people from all strata of our society and of all races and creeds without fear or favour. He has served in academia, educating succeeding generations of young lawyers.

"He thus has a great advantage over a number of judges before whom he appears, as he taught most of them and, it is said, that he remembers their grades!"

David Barton said his father was a product of his presbyterian upbringing. "[He was] a humble and abstemious man with modest wants, but he was extraordinarily generous with his time and advice to anyone who needed help..."

"As a member of the legal profession he had absolute probity and a passion for justice, as a member of the church he was faithful and reverent, and as a family man he was loving and put others first."

The following is part of a statement issued by Attorney General Christopher Finlayson:

"Dr Barton was accepted by many as the father of the profession in New Zealand. No greater contribution can be made to justice than by a fiercely independent Member of the Bar who will take on unpopular cases or act for unpopular litigants. Dr Barton was in this category. He was first and foremost a servant of the law and throughout his career exhibited qualities of excellence, fortitude and independence. He was quite simply one of the finest legal practitioners New Zealand has produced. His example was an inspiration for generations of New Zealand lawyers. George Barton was a leader of the Bar, a mentor to many and highly respected by all."

MADESIGN™

Answers for puzzles from page 2

- 1 **K**. Numbering the letters of the alphabet 1 to 26 starting with A, the letters in the middle column are the sums of the letters in the left and right hand columns: D = 4, G = 7, and ? = D + G = 4 + 7 = 11 = K, as K is the eleventh letter of the alphabet.

HUTT VALLEY LAWYERS DINNER



His Honour Judge Broadmore and Briar Gordon.



Finn Collins and Michael Hofmann-Body.



Alastair Gilchrist, Mervyn Gaskin and Nicola Jones.



Ian Feist, Ian Miller, Katie Mortimer, Rachel Vickers, Sophie Kirton and Melanie Fayen.



Daryl Strachan and James Young.



His Honour Judge Bruce Davidson, His Honour Judge Stephen Harrop, John Tannahill and David Butler.

More pictures from the Hutt Valley Dinner on page 8



Rosey McVey, Johanne Greally and Vivienne D'Or.



Lesley Grant, Catriona Doyle and Nerissa Barber.



Matthew Anderson, Shanna Bolland, Christopher Pointer, Alexander Watt, Samuel Walker

MEET THE JUDGES...



The Hon Justice Arnold, The Hon Justice Glazebrook and Geneva Lowe.



Ellie Wilson, Jessica Willis and Clare Murphy.



Chris Pointer, Chelsea Fewkes, John-Wayne Howell.



Katty Lau, The Hon Justice Dobson and Owen Jaques.



Georgina Whata and Aravinda Abeygoonsekera.



Andrew Greig and Sarah Cates.

More pictures page 1



Hannah Stallard, Bridget Fenton and The Hon Justice Wild.



Richard Berkeley, Rachel Hogg and Briar Gordon.

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Unit Titles Regulations passed – Act comes into force this month

By John Greenwood

BY Order in Council dated 9 May 2011 the Unit Titles Regulations have finally been passed into law resulting in the Unit Titles Act 2010 also coming into force with the start date being 20 June 2011.

With the passing of the Regulations it is timely to highlight some of the features, both from the Act and the Regulations, which will result in the landscape changing significantly to satisfy the boom in the unit title industry. According to the Department of Building and Housing the industry has produced over 18,000 unit title developments, 12,650 of which are residential developments, comprising over 90,000 units, since 1972.

What the 1972 Act did not cater for was the development of quite different developments from apartment blocks to office, commercial, industrial, retirement villages and retail developments, some of which are mixed. The inflexibility of the 1972 Act also has resulted in a plethora of *ultra vires* High Court cases where lawyer-drafted revised rules breach section 37 of the 1972 Act.

With the coming into force of the 2010 Act and the Unit Title Regulations from 20 June 2011 as well as the Residential Tenancies (Unit Title Disputes) Rules 2011 and Unit Titles (Unit Titles Disputes – Fees) Regulations 2011 it is worth reporting on the following features:

- Only unit owners may become Chairpersons and members of a body corporate committee;
- If a company, corporation or corporation sole is the owner then a director may fulfil the role as Chairperson or committee member. The definition of “director” in the Regulations is somewhat curious and may allow abuse in a situation where a director is not actually the owner of a unit. Perhaps the focus should have been on the beneficial shareholding and not directors per se;
- Practitioners will need to get used to the fact that body corporate secretaries do not feature in the new Act or Regulations although there will of course continue to be a role for secretaries and property managers, with their roles expanding considerably. Rather, the Chairperson will have the primary role of carrying out a number of duties referred to in Regulation 11 including maintaining a register of unit owners, chairing meetings in the normal fashion, keeping financial accounts and records and submitting financial statements to an independent auditor. Duties may be delegated to the body corporate committee;
- It is important to note that from 20 June 2011 common property will no longer vest in unit owners in shares proportionate to

their unit entitlement, but to the body corporate. The body corporate may then grant a lease, licence, easement or covenant over common property and even sell the common property either in whole or in part to land outside a unit title development; in addition, a body corporate by special resolution is entitled to grant to itself an easement or covenant over anyone’s principal or accessory unit or any land which is not common property for the benefit of the common property;

- The register of unit owners needs to contain reasonably private details including the owner’s full name, contact details and preferred method of contact, the unit owner’s ownership interest and utility interest, and, if a corporation, the contact details of the director or representative of the corporation and referencing that a unit owner’s preferred method of contact must be either by post or email. The only persons who may search a register of unit owners include the Chairperson, the body corporate committee or any person approved by the body corporate or by the body corporate committee. The purposes of disclosure are limited as set out in Regulation 4(3) and would appear to preclude disclosure to third parties;
- The disclosure requirements being pre-contract, pre-settlement, additional disclosure and turnover disclosure as set out in Regulations 33 through to 36 are reasonably robust but still exclude important matters such as whether investigations are underway by the body corporate as to whether or not there is a leaking building problem. Disclosure for leaking buildings is limited to whether a unit or common property is already subject to the claim under the Watertight Homes Resolution Services Act or any civil proceeding. Disclosure around financial performance and maintenance funds and the like is reasonably detailed, and will presumably open up the need to consider amounts held in maintenance funds and the like in any pricing of the sale of a unit, which in some cases may be reasonably significant, and to which a vendor owner is not entitled to receive repayment on sale;
- A feature of the Regulations is the operational rules. The old second and third schedules will go although body corporates will have 15 months from 20 June 2011 to reorder their affairs and create new Rules consistent with the new Act and Regulations. Existing Rules which are *ultra vires* will remain *ultra vires* in terms of the Interpretation Act 1999. Practitioners should be

aware that many of the provisions in the existing Second Schedule Rules or as revised by body corporates will nevertheless be overridden by the 2010 Act, particularly concerning the duties of owners and the body corporate, operation of a committee and meetings and voting as well as a range of maintenance issues. It is therefore likely that body corporates and their advisers will need to get up to speed urgently, since the more important operational requirements will from 20 June 2011 be those set out in the Act and not in the body corporate’s existing rules, whether or not governed by the Schedules of Rules to the 1972 Act or revised rules. Also, there are 33 Forms to become familiar making up the Regulations flowing from the requirements of the new Act;

- Schedule 1 in the 2011 Regulations only has two Rules and they are akin to the old Third Schedule rules relating to damage to the common property, controlling noise and disposing of rubbish hygienically and tidily;
- The other most significant change is that body corporates (unless they opt in by passing a special resolution) from 15 months out from the new Act coming into force assume total responsibility for repairs to all building elements which go beyond common property, although the ability to recover from one or more units which benefit more than others remains. In this regard, see section 138 which is a more specific provision than section 126, and which provides for the general responsibility to ensure that repairs are carried out. The problem remains, however, that the true cost of betterment is not known until actual work completion so body corporates will need to assess early on how they deal with levies since those units not benefiting at all will have a natural resistance to pay, and create a natural tension and require a balancing act and common sense when raising special levies to get the remedial work done;
- A rather controversial requirement is the fact that many disputes will now be referred to the Tenancy Tribunal which may not be equipped to deal with owners’ issues for some period of time. A disquieting feature of referrals to the Tenancy Tribunal is the charging regime for category/proceedings which relate to disputes covering repair and maintenance of common property, the governance of a body corporate and decisions and procedures of a body corporate, for which the filing fee is \$3,300. For disputes styled as

category 2 proceedings, being day-to-day management, the effect of the behaviour of an owner or occupier on the other owners and the non-compliance of body corporate rules, the fee is \$850. No doubt, the fee structure will act as a disincentive to refer matters to the Tenancy Tribunal and many body corporates will opt for mediation in the first instance;

- The Residential Tenancies (Unit Title Disputes) Rules 2011 cover methods of service where any disputes are triggered under the Tribunal’s jurisdiction.

Another perhaps controversial feature is that the unanimous approval regime goes and voting on significant issues will only require a special resolution of 75 percent although there are reasonably robust provisions concerning majority and minority rights in the new Act.

An important feature which practitioners should note relates to redevelopments. There are two types of redevelopment, one requiring a mere amendment to an existing unit plan, the second the deposit from new unit plans. In the former case, provided a boundary adjust-

ment between one or more units does not materially affect the use and enjoyment or ownership interest of any other unit or the common property, then a plan change will suffice, avoiding collapsing an existing unit title plan – one of the more frustrating features of the 1972 legislation.

With the coming into force of the Act and Regulations the bureaucracy of body corporates will substantially increase. The ability, however, to delegate and engage professional help remains available to body corporates but primary responsibility will reside with Chairpersons and the body corporate committee, and will demand much more vigilance and discipline, particularly around the giving of notices, voting requirements and production of financial statements. Long-term maintenance plans will be mandatory although the levying of plans is not. A number of body corporates may choose to pay their Chairpersons and body corporate committees for the burdens of office. Some body corporates already pay for services rendered but that is likely to increase with the new legislation.

Applications to Council

27 May 2011

The Council of the Law Society considers it appropriate that names should be published to the profession of applicants seeking to practise on their own account, seeking a Practising Certificate pursuant to s41 of the Act, or a candidate seeking admission.

If you have any comments to make

Applicants to Practise on Own Account

Pursuant to section 30(1)(a) of the Lawyers and Conveyancers Act 2006, applicants seeking to practise on their own account are required to satisfy the Council that they are a suitable person to practise on their own account. To assist in this assessment, the Society seeks references from persons, including previous employer(s), nominated by the applicant and conducts an interview with the applicant.

Brown, Alison Patricia **Stace, Victoria Helen** **Whata, Frances Georgina**

Candidates for admission as a barrister and solicitor

Candidates for admission as a barrister and solicitor are required to produce to the Court evidence to establish that they are of good character and that they are fit and proper persons for admission. The Law Society is required to certify that it has made full enquiry and is satisfied that the candidate is of good character and that the Society’s Council knows of no objections to the granting of the application for admission. To assist in this assessment, the Society seeks references from persons nominated by the applicant and also a certificate of standing from the Dean of the law school attended.

Baldwin, Samuel Jeffrey
Baxter, Kirsty Michelle Bettye
Benjamin, Claire Rochelle
Berry, Andrew Craig
Blair, Bryce Young
Chin, Sarah Jayne
Coburn, Emma Grace
Cook, Helena Margaret
Dalit, Kristina Denise Rusiana
Ehrhardt, Penelope Ann Elisabeth

Foster, Darren Edward
Gazley, Scott Fuller
Goguel, Robert Leopold
Harawira, Ngahuia Ramari
Knighton, Deborah Marie
Ko Legaspi, Maria Francesca
Stone, Kate Georgina
Leslie, Katherine Anne
McCrea, Robert George

Mumford, Nicholai John
Munro, Mathew James
Neil, Michael James Joseph
Percival, Latoya
Taylor (Nee Rowe), Caroline Louise
Tejano, Ronn Michael
Thurlow, Annika
Townshend, Leith Donald

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COMMUNITY LAW CENTRE

Review of the treatment of young people in detention

By Alexandra Keeble, Community Worker
Wellington Community Law Centre

MANY in the legal community will be aware that the Independent Police Conduct Authority (IPCA) recently called for submissions on their *Joint Thematic Review of Children and Young Persons' Detention Issues*. The review is part of the broader work of the IPCA, the Office of the Children's Commissioner, the Human Rights Commission and other agencies, to monitor conditions of detention and, in doing so, to meet New Zealand's obligations under the UN Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). In addition to simply visiting places of detention, these agencies are encouraged to invest resources in prevention and education to stop abuses happening in the first place.

WCLC interest in this area

The Wellington Community Law Centre (WCLC) has, over the past year and a half, been expanding the work we do with Wellington's youth communities. At the beginning of 2010, we launched an education programme called The YEP (the Youth Education Project), a joint venture between the law centre, the Wellington Citizens Advice Bureau and the Community Justice Project (law students at Victoria University). The YEP comprises 25 volunteers, supervised by education staff at the Wellington Community Law Centre. Our volunteers deliver a course

of six one-hour education sessions to young people in 'alternative' education contexts, including the Salvation Army Youth Services Equipt Programme; the Mission for Youth at the Wellington City Mission; and the YMCA education programme. The YEP is education for young people by young people, and as a strategic project it has been crucial in helping us to strengthen our ties with Wellington's youth communities. Consequently, we now have a more direct line of communication with young people at the margins. Thanks to The YEP, we were able to respond to the IPCA's review by going straight to the source, asking young people themselves about their experiences of police detention.

Survey approach and findings

We asked young people in each of the alternative education providers to respond to a straight-forward questionnaire derived from the IPCA's call for submissions. We received 18 responses, all from young people under 17 who had been held in police detention themselves, or whose friends or family had been detained. Our sample population was small, however their responses were candid and nuanced, and from them, we felt able to draw some basic conclusions about the conditions of young people's detention:

- The cells where young people are held are not typically clean. All but four respondents answered

that the conditions and cleanliness of their detention were not adequate. Several described urine and/or vomit in their cells, and one respondent described sharing a cell with three others, and only a bucket for a toilet.

- Young people want better access to food and water when they are detained. Twelve respondents received either no food, or water, or both. One respondent, an asthmatic, was not allowed water or medication. Another described the experience of a friend who was detained for four days with only one meal a day. That person was allegedly beaten when they asked for more food, and though they laid a complaint with the IPCA, they did not receive the response or solution they were hoping for.
- Young people want to be treated with more respect by officers.
- Young people say they experience discrimination in Police custody – nearly half of the responses we received on this point reported discrimination or abuse on the basis of race, gender or sexuality.
- Young people expect that Police should follow proper and lawful policy and practice, particularly with regard to the use of force, and feel a keen sense of injustice and negativity towards Police when this does not occur.

Overall, the responses suggest that the standard of Police youth detention in Wellington is presently unsatisfactory. Some of the responses identified trends that have already been identified in human rights reports. Others

contained serious allegations which merit further specific investigation.

Discussion

The young people in our survey are typically marginalised, and their views of the Police are at a formative stage. The actions of Police towards these young people now, will almost certainly effect their interactions with Police in the future. In this context, Police practice needs to recognise difficulties associated with dealing with young people, and officers need to be supported to be the "grown up" every time they deal with young people. The good practice noted in a number of responses illustrates the potential for positive interactions between Police and young people. That good conduct should be universal.

The many thoughtful responses to our questionnaire indicate that these young people are willing and able to engage maturely when given the opportunity. The young people in our survey suggested a number of ways to improve Police practice in the detention of young people. Some common suggestions included:

- More training for Police about the specific needs of young people
- More compliance with existing policy and procedure
- Always keeping young people separate from other people in custody.

The *Joint Thematic Review* did not call for input into the operations or role of the IPCA itself, which under the IPCA Act 1988 receives and manages complaints about Police conduct. Nevertheless, in respect of the role the IPCA might play with young people, we would suggest personal contact with young complainants to ensure that they understand the process and its outcomes. Though we expect that the IPCA is under resource pressure, young people nevertheless need to know the name of the IPCA staff member responsible for their complaint, and need to be able to contact that person.

Conclusion

It has been only three years since New Zealand ratified OPCAT – which means that agencies with the power to detain people have only been monitored under the OPCAT framework for a relatively short period. This *Joint Thematic Review* is a ringing endorsement of the value of OPCAT in identifying issues and situations that are otherwise overlooked or do not meet the international standards for safe and humane detention. The Wellington Community Law Centre hopes to continue to engage with the IPCA and others to ensure the voice of young New Zealanders is heard on these issues.

COUNCIL BRIEF

The monthly newspaper of the

WELLINGTON BRANCH
NEW ZEALAND LAW SOCIETY

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Crossword Solutions

From page 2
Cryptic Solutions

Across: 1 Play; 3 All sorts; 8 Asps; 9 Intended; 11 Board meeting; 13 Letter; 14 Ormate; 17 Schoolmaster; 20 Class war; 21 Asti; 22 Steeples; 23 Sees.

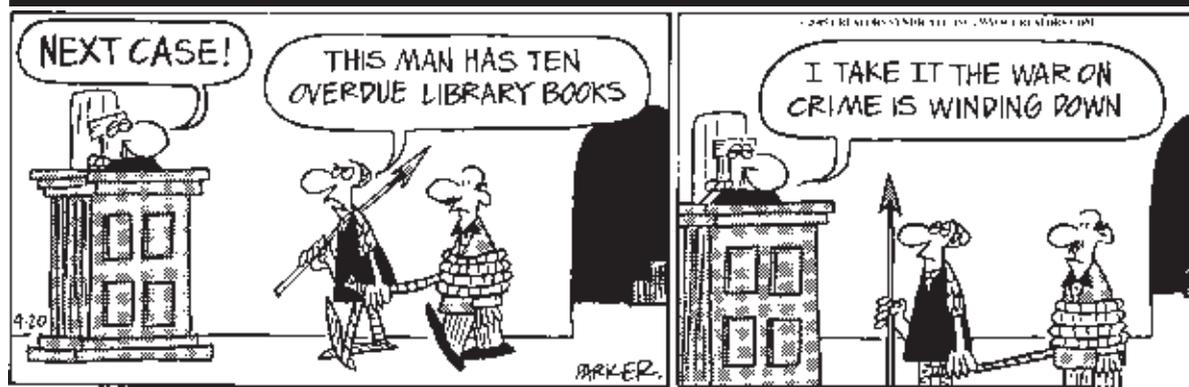
Down: 1 Play ball; 2 Asphalt; 4 Linnet; 5 Stentorian; 6 Redan; 7 Side; 10 Idle gossip; 12 Near miss; 15 Artiste; 16 Please; 18 Clare; 19 Acts.

Quick Solutions

Across: 1 Iran; 3 Precious; 8 Site; 9 Unfasten; 11 Accumulation; 13 Coeval; 14 Income; 17 Effervescent; 20 Horrible; 21 Damp; 22 Extolled; 23 Mere.

Down: 1 Instance; 2 Article; 4 Rangle; 5 Craftiness; 6 Outdo; 7 Send; 10 Immaterial; 12 Sextuple; 15 Overawe; 16 Evolve; 18 First; 19 Shoe.

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SITUATIONS VACANT



Team Leader Criminal Law Team

Crown Law, based in Wellington, provides legal advice and representation services to the Crown. Crown Law is headed by the Solicitor-General who is the senior professional legal advisor to the government and its chief advocate in the courts. A vacancy has arisen within our Criminal Law Team, and applications are now invited from lawyers who are seeking to advance their career in a supportive and stimulating work environment.

The core work of the Criminal Law Team is to provide advice to the Solicitor-General on matters concerning criminal process and to conduct criminal appeals in the Court of Appeal and Supreme Court. The team has responsibility for the supervision and management of the prosecution of indictable crime through the national Crown Solicitor network. The Team provides advice, legal research and support to the Crown Solicitors. The Team is also responsible for handling requests for mutual assistance in criminal matters and extradition, representing the Crown in judicial review matters arising from the criminal prosecution process, and acting for the Parole Board and Corrections Department in civil litigation.

We are seeking to appoint a **Team Leader** who has significant criminal litigation experience and who possesses an aptitude for leading and managing a small group of dedicated professionals. The position of Team Leader incorporates the role of Crown Counsel.

The Team Leader will be expected to work closely with, and report to, the Deputy Solicitor-General (Criminal). The Team Leader is a part of Crown Law's wider management group. You will be expected to have an understanding of, and ability to work with, other Government departments and agencies.

The Team Leader will ensure the team provides quality effective advice and representation on behalf of the Crown. You will monitor and review the quality and effectiveness of that advice and representation, and the performance of staff within the team.

As a Team Leader you will role model the behaviours expected of an advisor and advocate for the Crown. You will ensure the professional development of team members through looking for and providing opportunities for continuous learning and maximising potential.

As a lawyer you will have sound judgement, strong analytical and advocacy skills and be an effective communicator. You will encourage the sharing of information and knowledge and contribute to developing and maintaining a collegial work environment.

All applications should include a covering letter, curriculum vitae and academic transcript, citing the above vacancy and where the vacancy was seen. Please send applications to Jackie Nixey, Human Resources Advisor, Crown Law, PO Box 2858 Wellington, marked 'Private and Confidential' or by email to jackie.nixey@crownlaw.govt.nz.

Applications close at midday on Friday 24 June 2011.



Ben Sheehan, Jennifer Dawson and John-Wayne Howell.



John Grigg, Edward Cox and Mike Basil-Jones.



Crown Counsel Criminal Law Team

Crown Law, based in Wellington, provides legal advice and representation services to the Crown. Vacancies have arisen within our **Criminal Law Team**, and applications are now invited from lawyers who are seeking to advance their career in a supportive and stimulating work environment.

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Applicants will need to have considerable criminal litigation experience at a senior level and appellate advocacy experience is desirable. You will need to possess strong written and oral communication skills and be able to demonstrate a commitment to providing exceptional client service.

All applications should include a covering letter, curriculum vitae and academic transcript, citing the above vacancy and where the vacancy was seen. Please send applications to Jackie Nixey, Human Resources Advisor, Crown Law, PO Box 2858 Wellington, marked 'Private and Confidential' or by email to jackie.nixey@crownlaw.govt.nz.

Applications close at midday on Friday 24 June 2011.



Expressions of Interest

Te Mana Pira Tūranga Rerenga

Judge of the Māori Land Court

The Minister of Māori Affairs wishes to hear from suitably qualified persons who would like to be considered for the position of Judge of the Māori Land Court. This position is to be based in Wellington.

The Māori Land Court's primary objective under Te Ture Whenua Māori Act 1993 is to promote and assist in the retention of Māori land in the hands of its owners, and the effective use, management and development of that land by or on behalf of its owners, their whānau and hapū.

The Māori Land Court also has jurisdiction to determine disputes under the Māori Fisheries Act 2004 and the Māori Commercial Aquaculture Claims Settlement Act 2004, and has jurisdiction under the Protected Objects Act 1975.

The successful candidate for the position of Māori Land Court Judge should demonstrate legal excellence, as well as knowledge and experience of te reo Māori, tikanga Māori and the Treaty of Waitangi. Candidates must also have held a practising certificate as a barrister or solicitor for at least seven years. A full Position Description incorporating the relevant appointment criteria, and an Expression of Interest form, can be accessed via Te Puni Kōkiri's website at www.tpk.govt.nz

Please forward the completed Expression of Interest form and a current curriculum vitae to the Chief Executive of Te Puni Kōkiri, PO Box 3943, Wellington, or fax (04) 819 6267 by 5pm, Tuesday 14 June 2011.

For further information, or for a copy of the Position Description or Expression of Interest form, contact Lizzie Wesley-Smith at Te Puni Kōkiri on telephone (04) 819 6211 or email wesll@tpk.govt.nz

**Pictures from
Hutt Valley
Dinner –
more page 5**



Vicki Nathan and Vivienne D'Or.

WILL ENQUIRIES

FOR URGENT ACTION

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

McCALLUM, Michiko
Formerly of Wellington.
Home Manager. Died at Wellington on 28 January 2011.
Burns Metcalf & Co (Bob Metcalf)
PO Box 38, Wellington 6011
DX SP22046
Tel 04 472 0071 Fax 04 471 1568
bob.metcalf@clear.net.nz

SALMOND, Jane Kemp
Formerly of Paraparauamu. Retired.
Died on 4 April 2011.
Terry Killalea
PO Box 174, Paraparauamu 5254
Tel 04 904 2628 Fax 04 904 2640
killaflea@paradise.net.nz

TERRY, Bennett Watisoni
Late of Featherston and Levin.
Died on 1 May 2011 at Levin.
Ainslie Hewton (Frank Minehan)
PO Box 382, Masterton 5840
DX PA89049
Tel 06 377 5537 Fax 06 370 8688

WEAVER, Evelyn May
Late of 37 Bird Grove,
Stokes Valley. Widow.
Died between 6 April 2011
and 11 April 2011.
Chapman Tong Law (David Chapman)
PO Box 10 614, Wellington 6143
Tel 04 499 3311 Fax 04 499 3350
david@chapmantonglaw.co.nz

■ The charge for publishing a will notice is now \$57.50 including 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.

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