

CHAIR



John Greenwood, Greenwood Roache Chrisnall, Wellington

John is Editor of the *New Zealand Property Lawyer* and moderator for the New Zealand Council of Legal Education for property law and equity and succession law university papers. He has a long involvement in property law reform and has presented at Select Committee hearings and at numerous NZLS CLE Ltd seminars.

KEYNOTE SPEAKER



The Honourable Gerry Brownlee, Minister for Canterbury Earthquake Recovery, Christchurch

Gerry is the Member of Parliament for the Christchurch constituency of Ilam, a seat he has held comfortably since 1996. He has been Minister for Canterbury Earthquake Recovery since soon after a devastating 7.1 magnitude earthquake struck Christchurch on 4 September 2010. His role got much larger following the 22nd of February 2011 when a 6.3 magnitude quake hit the city, killing 185 people and resulting in widespread residential and commercial property destruction. Gerry is also Leader of the House, managing the Government's legislative programme, Minister of Transport, and Minister Responsible for the Earthquake Commission. During his political career he has served as Junior Whip and Deputy Leader of the National Party, Minister for Economic Development, Minister of Energy and Resources, and Associate Minister for the Rugby World Cup. He is ranked third in the Cabinet. Gerry has always been involved in the local community and served on the Riccarton Bush Trust. He is a strong advocate for sport and cultural activity for all New Zealanders.

SPEAKERS



Stephanie Ambler, Tompkins Wake, Hamilton

Stephanie graduated from Auckland University in 1999 and has practised in family law since that time. Prior to joining the litigation team at Tompkins Wake in Hamilton in 2013, Stephanie was the sole family law practitioner at Simpson Grierson for seven years. She has extensive family law and civil litigation experience. Stephanie specialises in family, matrimonial and trust law, particularly in the areas of relationship property disputes and claims against estates and trusts. She has presented a number of seminars for NZLS CLE.



Allan Beverwijk, Marsh New Zealand, Auckland

Allan began his insurance career in 1974. His insurance broking experience began at Sedgwick in 1983, which was subsequently bought out by Marsh. Allan had extensive corporate broking experience before becoming Director - Technical in 1995. He left Marsh in 2000 then returned in 2011 from QBE Insurance where he held a variety of roles including Commercial Underwriting Manager, Engineering Manager and National Property Manager. Allan was awarded the IBANZ Insurer Professional of the Year in 2010.



Tim Clarke, Bell Gully, Auckland

Tim is a litigation partner specialising in employment law with a particular focus on health and safety matters. He has practised as a general commercial litigator in New Zealand, Hong Kong and the British Virgin Islands since the mid-1990s. Tim advises employers on health and safety obligations and liability, risk management and compliance programmes for occupational safety and health. The firm's clients include some of the biggest industrial employers in the country. Tim's recent experience includes representing numerous clients in investigations and prosecutions for fatalities, serious harm incidents and other offences under the Health and Safety in Employment Act; advising a number of major corporate clients in relation to their obligations under the Act in relation to earthquake-prone buildings; and advising clients on the proposed health and safety reform.



Marcus Elliot, Barrister, Christchurch

Marcus is a barrister at Canterbury Chambers specialising in civil litigation. He is a member of Canterbury/ Westlands Standards Committee 1, the Council of the New Zealand Bar Association and the Council of the Canterbury Branch of the Law Society. Marcus was a member of the Ethics Committee of the Canterbury District Law Society between 2008 and 2011. He was counsel assisting the Canterbury Earthquakes Royal Commission and is on the Christchurch Crown Prosecution Panel. Marcus regularly writes articles on legal issues which can be found at www.marcuselliott.com



Andrew Field, RCP, Wellington

Andrew leads the Wellington office of RCP, a nationally recognised project management firm. He holds a Master of Architectural Studies (Hons) from The University of Auckland and joined RCP in Auckland in 2005. He subsequently moved to Las Vegas, Nevada in 2005 to manage a range of commercial and hospitality projects before moving to run the Las Vegas office of a Project and Cost Consultancy, overseeing the successful completion of a number of high value projects including high-rise residential developments, hotel re-positioning and refurbishments, development management and litigation support work. Andrew returned to RCP in 2010 to manage the Wellington office and since this time the Wellington team has delivered an extensive range of projects including seismic strengthening of occupied buildings with retail, commercial and residential tenants, commercial building refurbishments with seismic improvements and building services upgrades and multi-family residential construction (new build and upgrading existing assets).



Steve Flynn, Simpson Grierson, Wellington

Steve has specialised in banking & finance law, and corporate insolvency law, for nearly 30 years. He is also an Honorary Lecturer in the Faculty of Law at Victoria University of Wellington, and since 2000 has lectured on the Personal Property Securities Act as part of the Faculty's undergraduate Banking Law, and Commercial Law, courses. Steve was a member of the NZLS Sub-committee which reviewed the Personal Property Securities Bill, and co-authored and co-presented the NZLS introductory booklet and national "roadshow" on PPSA. He has regularly published articles, and given presentations (including in Australia and Singapore), on securities (including PPSA) and corporate insolvency topics. Steve has acted in many of New Zealand's most prominent corporate insolvencies and restructurings, including: HIH Insurance; Lombard Finance; Strategic Finance; Pike River Coal; Terralink; Weddel and, most recently, Solid Energy.



Ish Fraser, Kensington Swan, Wellington

Ish specialises in commercial leasing, and acts for listed property trusts, shopping centre owners and other major landlords. He also acts for many national tenants. Ish co-presented the NZLS CLE *Commercial Leases* seminar (April 2008), and has extensive experience in the effects of earthquakes on commercial leasing and insurance arrangements.



Garth Gallaway, Chapman Tripp, Christchurch

Garth specialises in insurance-related and civil litigation. He has appeared before all levels of the court system and before numerous specialist tribunals. Garth is a trusted advisor to a number of leading New Zealand insurers in the area of liability underwriting, and has acted for a large number of insurers throughout his career on professional indemnity, statutory liability and public liability matters. He has also advised a number of private and public sector organisations on their insurance claims in the wake of the Christchurch earthquakes. Garth is also experienced in alternative dispute resolution, especially mediation. He acted for HNZA and CDHB in negotiating their settlements (\$330m and \$320m respectively) arising out of the Christchurch earthquake events. Garth is listed as a leading insurance lawyer by independent legal directory *Chambers Asia Pacific 2014*: “Clients admire his practical and attentive approach, with one noting ‘He was there every minute we needed him’.” – *Chambers Asia Pacific 2014*.



Annette Gray, Buchanan Gray, Wellington

Annette is a Family Court practitioner with 25 years’ experience. She has a broad Family Court experience in all aspects of family law but has a particular interest in rights based law. Annette has been counsel for subject person for many years and is currently a District Inspector of Mental Health. She has an interest in inter-country adoptions and is also lawyer for child and acts for parties in family court matters. Annette spent a year doing volunteer service abroad acting as legal counsel for the Family Support Centre, an NGO, providing education and legal support mainly to women in domestic violence and child custody cases.



Mary Haggie, Kensington Swan, Wellington

Mary is a partner at Kensington Swan and specialises in all aspects of construction and infrastructure law. Mary advises clients on legal issues in major building and infrastructure projects, including government buildings, offices and apartments, prisons, courts, and schools, retail developments, industrial plants, irrigation and oil projects, and roading. She is experienced in drafting and advising on the entire range of project documents including tender documents, development agreements, construction and consultant contracts, insurance documents and funding agreements. Mary is also a specialist in resolving construction disputes. She is highly experienced in adjudications and enforcement under the Construction Contracts Act, as well as acting for clients in numerous negotiations, mediations, and court proceedings. She has wide experience in leaky building claims and she has also acted for clients in many earthquake strengthening projects and disputes arising from failures to meet earthquake standards. Mary is practical, straightforward and collaborative. Her advice will be accurate and relevant to your business.



Ian Haynes, Kensington Swan, Auckland

Ian is a past-president of NZLS, a former president of ADLS and a former board member of NZLS. He is a former Judicial Conduct Commissioner and has been a member of the NZLS Property Law Section's Executive Committee for many years. Ian currently chairs the College of Law New Zealand and the Spencer Mason Trust. Throughout his legal career Ian has specialised in property law. He has prepared NZLS submissions on the Property Law Bill, the Land Transfer Bill and a variety of other Bills. Ian has frequently presented submissions to Parliamentary Select Committees. He is often called upon to give expert evidence in property law and in professional standards matters. Ian is Counsel for the New Zealand Law Society.



Anne Hinton QC, Barrister, Auckland

Anne practises in relationship property and civil litigation. Until 1997, she was a civil litigation partner at Simpson Grierson. Anne is a past chair of the New Zealand Law Practitioner's Disciplinary Tribunal and of the St Johns College Trust Board and is a current trustee of a number of charitable trusts. She has presented many NZLS CLE seminars on relationship property, trust law and common law topics.



Tim Jones, Glaister Ennor, Auckland

Tim practises in the area of land development and property law. He has been involved with the Unit titles Act 2010 from about 2003 when the first steps were taken to review and revise the 1972 act. Tim is the convener of the NZLS/PLS Land titles committee, a council member of the NZLS Auckland Branch council, and a former member of the ADLS inc Documents and Precedents Committee. He is currently the Auckland NZLS branch President.



Kerry Knight, Equinox Capital Ltd, Auckland

Kerry was a founding shareholder in Equinox. He was also a partner in Auckland legal firm Knight Coldicutt for over 25 years. Kerry's interests have been focused on business and property law and he has been involved from a legal and financing perspective with some of New Zealand's largest property transactions. He now works with Equinox and is involved in all aspects of the business.



Christine Le Cren, Check it, Whitianga

Christine started her legal career in the public sector with Christchurch City Council. In 1996 she took the opportunity to enter the private sector. A large private family company employed her as their Legal Services Manager. This company not only has an extensive property portfolio, but it's also involved in a wide range of industries (many high risk). Then Christine moved to become the Chief Executive Officer (and Compliance Manager) for the Real Estate Institute of New Zealand. She was leading the Institute when it was the real estate industry's regulator, and when the industry went through its major legislative change.



Ian McCombe, Brookfields Lawyers, Auckland

Ian is a senior partner in Brookfields Lawyers business, property, finance team. He has a broad background in all aspects of property law. Ian's clients include corporates, local government, public institutions and individuals. As part of his daily practice, Ian provides advice on the use and drafting of easements, covenants and encumbrances. For local government clients this includes RMA covenants, consent notices, bonds, esplanade strips, access strips and conservation covenants arising out of resource consents.



Anne McLeod, Anderson Lloyd, Dunedin

Anne is a corporate commercial lawyer. Her work includes large acquisitions and divestments, corporate structuring, banking and insolvency and Securities Act advice. Anne advises the firm's property clients in relation to securities law issues for land developments and has previously spoken on this topic at NZLS CLE Property Law Conferences in 2006 and 2008.



Natalie Muir, Financial Markets Authority, Wellington

Since establishment of FMA in May 2011, Natalie has managed FMA's exemptions work. This involves managing FMA's consideration of whether exemptions should be granted from standard financial markets law requirements, including to facilitate the provision of effective information to assist investors' decision making. Currently Natalie is leading FMA's work to prepare itself, and market participants, for the new financial products offers regime coming into effect in 2014.



Robbie Muir, LINZ - National Office, Wellington

Robbie has extensive experience as a solicitor in the area of land title registration. He was appointed to the position of Registrar-General of Land for New Zealand in 2000. Robbie was involved in the development of Landonline and related legislative reforms to enable electronic registration. He is charged with regulatory oversight of the title system and works closely with the NZLS Property Law Section on education and compliance arrangements for property lawyers. His office is currently engaged in further legislative reform, following work with the Law Commission on a review of the Land Transfer Act 1952. Robbie is also a contributor to property law publications and has presented at various seminars and conferences on conveyancing and title registration over the years.



Rod Thomas, AUT University, Auckland

Rod is a barrister and senior lecturer at the Law School, AUT University, Auckland. In 2014 he will be teaching the following papers under an LLM Property Law specialisation launched by AUT; Sale of Land in New Zealand (with Dr Don McMorland), and Unit Titles, Cross Leases and Land Ownership Issues (with Thomas Gibbons). Over 2013 and early 2014 Rod was invited to Cambridge University as the inaugural Visiting Fellow to the new Centre for Property Law set up at that University. He is co-author of *Brookers New Zealand Land Law* and *Brookers Unit Title Handbook* 2011. He writes prolifically on unit title issues.



James Thompson, Logan Gold Walsh Lawyers Ltd, Masterton

James graduated from Otago University in 1999. He has worked in commercial legal practice and senior management functions across various sectors, both in New Zealand and overseas. James has particular experience in the entertainment sector, focussing on collaborative projects that involve multiple sources of equity and debt finance. He joined Logan Gold Walsh in early 2013 and now works mainly in commercial and rural practice areas. The firm acts for various professional farm syndicators and a large number of closely held syndicates.



Elizabeth Toomey, University of Canterbury, Christchurch

Elizabeth specialises in the areas of real property law, resource management law, public works and sports law; and is a barrister of the High Court in New Zealand. She publishes widely in her areas of expertise both in New Zealand and internationally. She has presented papers at numerous conferences, is a co-author of *Brookers New Zealand Land Law* (2009) and is a regular contributor to *Butterworths Conveyancing Bulletin*. She has advised the New Zealand Law Commission on real property issues, and undertakes consultancy work for the legal profession. She is a member of the Environmental Law Reform Committee, a member of the Legal Aid Review Panel and an adjudicator in the Residential Tenancies Tribunal. She plays an active role in the wider university environment.



Paul Withnall, Barrister, Wellington

Paul is a Wellington based barrister with over 20 years experience in a wide range of property and construction work, mainly but not exclusively at the dispute level, both in the courts and in such alternative forums as mediation and arbitration.

CONTENTS

In session order

Torrens in the digital age – a new Land Transfer Act.....	1
<i>Ian Haynes, Robbie Muir & Elizabeth Toomey</i>	
Property insurance – it’s not boring anymore	65
<i>Allan Beverwijk & Garth Gallaway</i>	
Lessons learned from a successful construction project	69
<i>Andrew Field & Mary Haggie</i>	
Property disputes – some insights	83
<i>Paul Withnall</i>	
There’s no such thing as a “get out of jail free” card.....	91
<i>Tim Clarke</i>	
Easements and covenants	113
<i>Ian McCombe</i>	
Farm syndications – a developing trend.....	137
<i>Presented by James Thompson, Author: Brett Gould</i>	
Horror in 3D – panel discussion of unit title problems	171
<i>John Greenwood, Tim Jones & Rod Thomas</i>	
The complete idiot’s quick guide to ethics.....	177
<i>Marcus Elliot</i>	
Property developments and securities law	199
<i>Anne McLeod & Natalie Muir, Author: Anne McLeod</i>	
The art and craft of drafting	221
<i>Christine Le Cren</i>	

Fence or ambulance? – tips for property lawyers.....	239
<i>Stephanie Ambler & Anne Hinton QC</i>	
Look before you lease	275
<i>Ish Fraser</i>	
PPSA on one page (nearly)	307
<i>Steve Flynn</i>	
Wills and enduring powers of attorney – asking the hard questions – a family lawyer’s perspective	327
<i>Annette Gray</i>	
How to catch, tame and know when to release a property developer client! A lawyer’s guide to (fishing and) working with property developers	357
<i>Kerry Knight</i>	

CONTENTS

Alphabetical by author

Author		Title	Page
Amber	Stephanie	Fence or ambulance? – tips for property lawyers	239
Beverwijk	Allan	Property insurance – it’s not boring anymore	65
Clarke	Tim	There’s no such thing as a “get out of jail free” card	91
Elliot	Marcus	The complete idiot’s quick guide to ethics	177
Field	Andrew	Lessons learned from a successful construction project	69
Flynn	Steve	PPSA on one page (nearly)	307
Fraser	Ish	Look before you lease	275
Gallaway	Garth	Property insurance – it’s not boring anymore	65
Gould	Brett	Farm syndications – a developing trend	137
Gray	Annette	Wills and enduring powers of attorney – asking the hard questions – a family lawyer’s perspective	327
Greenwood	John	Horror in 3D – panel discussion of unit title problems	171
Haggie	Mary	Lessons learned from a successful construction project	69
Haynes	Ian	Torrens in the digital age – a new Land Transfer Act	1

Hinton QC	Anne	Fence or ambulance? – tips for property lawyers	239
Jones	Tim	Horror in 3D – panel discussion of unit title problems	171
Knight	Kerry	How to catch, tame and know when to release a property developer client! A lawyer’s guide to (fishing and) working with property developers	357
Le Cren	Christine	The art and craft of drafting	221
McCombe	Ian	Easements and covenants	113
McLeod	Anne	Fence or ambulance? – tips for property lawyers	199
Muir	Robbie	Torrens in the digital age – a new Land Transfer Act	1
Thomas	Rod	Horror in 3D – panel discussion of unit title problems	171
Toomey	Elizabeth	Torrens in the digital age – a new Land Transfer Act	1
Withnall	Paul	Property disputes – some insights	83