

## CHAIR



### **Christine Grice, New Zealand Law Society, Wellington**

Christine is the Executive Director and former President of the New Zealand Law Society. She has over 30 years experience as a commercial litigation and dispute resolution lawyer. Christine is a fellow of the Institute of Directors and has held a number of directorships including as Chair of Perry Group Ltd and Radio New Zealand Ltd. She sits as a judge in the High Court of the Cook Islands.



### **Andrew Logan, Mortlock McCormack Law, Christchurch**

Andrew has been practicing property and commercial law for 29 years. While his practice is varied, it maintains a strong property focus with a particular interest in trusts. From 2002 to 2015 Andrew served on the Executive of the Property Law Section of the New Zealand Law Society and was its Chair from 2013 to 2015. Andrew is currently a Board Member of NZLS, and has previously been a Director of NZLS CLE Limited.



### **Rebecca Smith, New Zealand Institute of Legal Executives, Blenheim**

Rebecca is the National President of the New Zealand Institute of Legal Executives. She attained her NZLS Legal Executive Certificate in 2007 and was made a Fellow of the Institute earlier this year. Rebecca moved to Blenheim in mid-2015 and is employed by Radich Law, working mainly in conveyancing.

## SPEAKERS



### **Michael Brunner, Crowe Horwath, Wellington**

Mike has over 20 years experience most recently Crowe Horwath where he specialises in tax consulting. He has particular expertise in all aspects of GST and indirect taxes. Mike works with a broad range of sectors, from finance and insurance, retail and manufacturing, to land development.



### **Joanne Chilvers, Auckland Council, Auckland**

Joanne has specialised in property law for nearly 15 years and works in the in-house legal team at Auckland Council. She has a particular interest in cross lease titles and the unique problems that arise and has previously presented on this topic.

## SPEAKERS



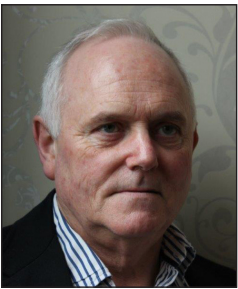
### **Alistair Clarke, Dyhrberg Drayton, Wellington**

Alistair joined Dyhrberg Drayton Employment Law in 2016, where he advises employers and employees on a range of employment law matters, including personal grievances, performance management, restructuring processes, disciplinary processes and investigations, and reviewing and drafting employment agreements and policies.



### **Wayne Coutts, Thomson Wilson Law, Whangarei**

Wayne is a Registered Legal Executive whose practice consists of commercial, property and trust law. His early career in the public service with the office of the Māori Trustee, resulted in Wayne having a comprehensive knowledge and understanding of Māori land law. Wayne acts for a number of Māori and forestry incorporations.



### **Dr Anthony Duncan, Capital Coast District Health Board, Porirua**

Anthony has worked in the psychiatry of old age for over 30 years. He is a Fellow of the Royal Australian and New Zealand College of Psychiatrists. Anthony holds an appointment as visiting psychogeriatrician at Wairarapa District Health Board.



### **Registrar John Earles, High Court & Ministry of Justice, Wellington**

John, Registrar and Sheriff of the High Court of New Zealand and Specialist Technical Advisor to the Ministry of Justice, is located at the High Court in Wellington. He is co-author of the 5th and 6th edition of *Dobbie's Probate and Administration Practice*.



### **Ish Fraser, Kensington Swan, Wellington**

Ish is a partner in Kensington Swan's Wellington office. He specialises in commercial leasing. Ish has extensive experience in the effects of earthquakes on commercial leasing and insurance arrangements

## **SPEAKERS**



### **Lisa Gerrad, REINZ, Auckland**

Lisa is General Counsel at the Real Estate Institute of NZ (REINZ). As well as being invited to be a member of the National Standards Committee responsible for drafting NZS 8510, Lisa is a member of the working group whose efforts led to the current review of the Unit Titles Act 2010.



### **Thomas Gibbons, McCaw Lewis, Hamilton**

Thomas works with all kinds of bodies corporate, and across a broad range of legal issues, with recent work including advising on management agreements, maintenance issues, and body corporate governance; as well as on unit title cancellation, redevelopment and subdivision work.



### **Lawrence Green, Leader Greatness Ltd, Wellington**

Lawrence is a leadership specialist with over 20 years experience working with the challenges of leadership. As a speaker, he presents powerful insights and ideas in an entertaining, inspiring, and practical way.



### **Pam Harliwich, Ryman Healthcare Ltd, Christchurch**

Pam is a Senior Registered Legal Executive and is the team leader responsible for administration and conveyancing of the sale and surrender of units at Ryman's retirement villages throughout New Zealand and Australia. She is a Fellow of NZILE and is the immediate past president.



### **Eddie Jackson, Succeed Legal, Wellington**

Eddie works with privately owned businesses on a range of matters including sale and purchase transactions, business structuring and corporate governance. He also advises on a range of not-for profit, trust and personal property matters.

## SPEAKERS



### **Ian Jespersen, Burton Partners, Auckland**

Ian is a Fellow of NZILE and a Senior Associate at Burton Partners. He has over 35 years experience dealing extensively with subdivisions (industrial, commercial and residential) including unit title developments and numerous complex canal and community based developments.



### **Chris Kelly, Greg Kelly Law, Wellington**

Chris is co-author of *Garrow and Kelly Law of Trusts and Trustees* (6th & 7th editions) and *Dobbie's Probate and Administration Practice* (5th & 6th editions). He has presented many trust papers and has chaired Elder Law Conferences.



### **Greg Kelly, Greg Kelly Law, Wellington**

Greg has 37 years experience in the wills, trusts and estate area. He is a contributor to Butterworth's *Law of Trusts*, probate and administration author for *McGechan on Procedure*, co-author of *Garrow and Kelly's Law of Trusts and Trustees* (6th and 7th editions) and of *Dobbies' Probate and Administration Practice* (5th and 6th editions).



### **Colette Mackenzie, Rachael Dewar Law, Wellington**

Colette has extensive experience in the areas of trusts, relationship property, and general property. She is a member of the NZLS Property Law and Family Law Sections, as well as the NZLS Wellington Branch Trusts and Estates Committee.

# CONTENTS

In session order

## **Methamphetamine and Property**

Methamphetamine and Property Issues: legal considerations ..... 1

*Lisa Gerrard*

## **Tax Statements and RLWT – what’s needed?**

Tax Statements and Residential Land Withholding Tax ..... 21

*Mike Brunner*

## **Commercial Leases – renewals and rent reviews**

Commercial Leases – rent reviews, renewals and holding over ..... 37

*Ish Fraser*

## **A Pot-Pourri of Māori Land Issues**

A Pot-Pourri of Māori Land Issues ..... 55

*Wayne Coutts*

## **Unit Titles – what are you actually buying?**

Unit Titles – what are you actually buying? ..... 89

*Thomas Gibbons*

## **Practical Aspects of Subdivisions**

Practical Aspects of Subdivisions: a walk through the process ..... 103

*Ian Jespersen*

## **Sale & Purchase of a Business and Employment Law**

Sale & Purchase of a Business – employment considerations ..... 153

*Alistair Clarke & Eddie Jackson*

## **Enduring Powers of Attorney**

Enduring Power of Attorney – new forms and continuing concerns ..... 169

*Chris Kelly*

**Capacity and Your Client**

A Clinical Perspective on Capacity Assessment in the Elderly ..... 193

*Dr Anthony Duncan*

**The PRA Post Clayton – where to now?**

The PRA Post Clayton – where to now? ..... 227

*Colette Mackenzie*

**Retirement Villages**

Retirement Villages..... 237

*Pam Harliwich*

**Is It a Will or Not?**

Is It a Will or Not? ..... 251

*Registrar John Earles*

**Post-Probate – issues to be alert to**

Post-Probate Issues ..... 267

*Greg Kelly*

**Cross Lease, Defective Title and Emerging Issues**

Cross Lease, Defective Titles and Emerging Issues ..... 283

*Joanne Chilvers*

**Leadership and Confidence**

Leadership and Confidence ..... 295

*Lawrence Green*

# CONTENTS

Alphabetical by author/presenter

<b>Author</b>		<b>Title</b>	<b>Page</b>
<b>Brunner</b>	Mike	Tax Statements and Residential Land Withholding Tax	21
<b>Chilvers</b>	Joanne	Cross Lease, Defective Titles and Emerging Issues	283
<b>Clarke</b>	Alistair	Sale & Purchase of a Business – employment considerations <i>Joint paper with Eddie Jackson</i>	153
<b>Coutts</b>	Wayne	A Pot-Pourri of Māori Land Issues	55
<b>Duncan</b>	Dr Anthony	A Clinical Perspective on Capacity Assessment in the Elderly	193
<b>Earles</b>	Registrar John	Is It a Will or Not?	251
<b>Fraser</b>	Ish	Cross Leases – rent reviews, renewals and holding over	37
<b>Gerrard</b>	Lisa	Methamphetamine and Property Issues: legal considerations	1
<b>Gibbons</b>	Thomas	Unit Titles – what are you actually buying?	89
<b>Green</b>	Lawrence	Leadership and Confidence	295
<b>Harliwich</b>	Pam	Retirement Villages	237
<b>Jackson</b>	Eddie	Sale & Purchase of a Business – employment considerations <i>Joint paper with Alistair Clarke</i>	153

<b>Jespersen</b>	Ian	Practical Aspects of Subdivisions: a walk through the process	103
<b>Kelly</b>	Chris	Enduring Power of Attorney – new forms and continuing concerns	169
<b>Kelly</b>	Greg	Post-Probate Issues	267
<b>Mackenzie</b>	Colette	The PRA Post <i>Clayton</i> – where to now?	227