CHAIR



Katherine Ewer, Tax & Trust Consultant, Christchurch

Katherine is a tax and trust specialist advising on a variety of income tax and GST issues relating to commercial and property transactions as well as tax issues specific to trusts. She is an experienced trusts practitioner and advises on complex trust issues. Katherine is a member of STEP, the NZLS Tax Law Committee, and is a guest lecturer at the University of Canterbury.

SPEAKERS



Stephen Caradus, Duncan Cotterill, Christchurch

Stephen is a senior associate in Duncan Cotterill's litigation and disputes resolution team. He has acted in a wide range of areas for insurers, financiers, private individuals and trusts. Stephen is an experienced solicitor with appearances at District Court, High Court and appellate level, as well as quasi-judicial tribunals and arbitrations.



Mark Lodder, BDO Christchurch Limited, Christchurch

Mark is the National Tax Leader for BDO New Zealand. As a Christchurch based practitioner, he works with all aspects of taxation and all types of clients – domestic, international, big or small. Outside of work Mark is involved in Surf Life Saving. He actively patrols, is the Chair of Sumner Surf Life Saving Club and was part of the Junior Surf Advisory Board looking to improve the national junior surf programme.



Philip Maw, Wynn Williams, Christchurch

Philip is the National Managing Partner of Wynn Williams and is a partner in the Environment & Planning and Local Government Team. Recognised as a leader in his field by The Legal 500, Chambers and Partners and Doyle's Guide legal directories, he is also highly respected for his leadership and expertise in freshwater management. A highly skilled advocate, Philip regularly appears on appeals to the Environment Court, High Court and Court of Appeal.



Steven Moe, Parry Field Lawyers, Christchurch

Steven is a Partner at Parry Field Lawyers with a focus on "for purpose" organisations ranging from businesses, social enterprises, charities and NFPs. He has worked as a lawyer for 20 years including in Wellington and 11 years overseas based in Tokyo, London and Sydney, and since 2016 has been based in Christchurch. Steven is on the XRB Panel, on Charities Services Sector Group and hosts seeds podcast, as well as a podcast on governance for the IOD called "Board Matters".

SPEAKERS



Dr Rhonda Powell, Walker Street Chambers, Christchurch

Dr Rhonda Powell TEP is a Christchurch barrister specialising in trusts, wills, estates, equity, family property and the PPPR Act. She offers consultancy to law firms as well as dispute resolution.



Sophie Tremewan, Parry Field Lawyers, Christchurch

Sophie is a solicitor at Parry Field Lawyers who works in our purpose driven team assisting many charities, for purpose organisations and companies. She works with Steven Moe on impact driven clients and enjoys doing meaningful work that helps clients such as assisting to review rules for Incorporated Societies, considering structure options or setting up charitable trusts. Sophie joined Parry Field Lawyers having graduated from the University of Canterbury with an LLB with first class Honours and BA with a double major in French and European & European Union Studies.



Katherine Wilmott, Katherine Wilmott Legal Ltd, Rangiora

Katherine is the sole director of her own practice. She specialises in property law including assisting elderly clients. Katherine is currently the Convenor of the Commercial and Property Law Committee for the NZLS Canterbury/Westland Branch, she serves on the NZLS National Panel of Friends, and was part of the Anti-Money Laundering/Countering Financial Terrorism Advisory Group.



Maria Young, Cavell Leitch, Christchurch

Maria leads the trusts and estates team at Cavell Leitch and is a member of STEP. She has a wide experience in trusts, wills, estates and elder law issues and frequently deals with issues of clients' mental capacity. Maria has presented papers for NZLS CLE and Legalwise.

CONTENTS

OF SUCCESSION LAW	
Introduction	
THE CRITERIA FOR GOOD SUCCESSION LAW	
SUCCESSION AND TAONGA	
INTEGRATION BETWEEN SUCCESSION LAW AND RELATIONSHIP PROPERTY LAW	
THE PROPOSED INHERITANCE (CLAIMS AGAINST ESTATES) ACT	
PROPOSED CHANGES TO THE INTESTACY RULES	9
PROPOSED CHANGES TO REMEDIES AND PROCESSES	
Conclusions	10
RMA REFORM: SIMPLIFICATION OR COMPLICATION?	13
Introduction	15
KEY CHANGES OF INTEREST	
WHAT THIS MIGHT MEAN IN PRACTICE	
Conclusion	26
PROTECTION OF PERSONAL AND PROPERTY RIGHTS ACT 1988 AND ENDUF	
POWERS OF ATTORNEY – PRACTICAL INSIGHTS	27
Introduction	
Part A	29
Part B	35
GUIDE TO THE INCORPORATED SOCIETIES ACT 2022	45
Introduction	47
PART ONE: THE MAIN CHANGES	
PART TWO: WHAT YOU SHOULD DO NOW	
PART THREE: WHICH MODEL IS RIGHT FOR YOU?	
PART FOUR: FREQUENTLY ASKED QUESTIONS	59
A THICK BRIGHT-LINE TO SUPPORT A THIN BLUE LINE	67
Introduction	69
What's bright-line land?	
ACQUISITION DATE	
BRIGHT-LINE PERIOD	
THE MAIN HOME EXCLUSION(S)	
THINGS I WOULD WANT TO KNOW	
INTRODUCTION TO INTEREST DEDUCTIBILITY	
TRUST LAW UPDATE – KEY ISSUES AND DEVELOPMENTS	85
Introduction	
THE OBLIGATION TO KEEP AND GIVE TRUST INFORMATION	
THE RIGHT TO ASSERT PRIVILEGE AGAINST BENEFICIARIES	
DISCOVERY IN CIVIL LITIGATION COMPARED TO DISCLOSURE	
Conclusion	
RETIREMENT VILLAGES – WHAT YOUR CLIENTS NEED TO KNOW	
INTRODUCTION	
BACKGROUNDLAWYER'S RESPONSIBILITY	
WHERE DO WE START?	
THE ORA	
RESIDENTS	
RETIREMENT VILLAGE	
ENDING THE ORA	
THE DEFERRED MANAGEMENT FEE – THOSE SCARY FIGURES	110
ACCOMPANYING DOCUMENTS	112

ORA – Family Trusts and the new Trusts Act 2019	. 113
Family involvement	. 119
GOOD CO-OPERATION FROM RETIREMENT VILLAGES	. 119
CONCLUSION	. 119