

Chair



Chris Moore, Partner, Meredith Connell, Auckland

Chris has 30 years' experience in the areas of commercial and commercial property law, and heads his firm's commercial/commercial property team. He is the current chair of both Meredith Connell's Board and the NZLS Property Law Section Executive. Chris has presented addresses on commercial property and construction issues at a number of industry and NZLS CLE conferences.

Keynote speaker



Gareth Kiernan, Managing Director, Infometrics

Gareth joined Infometrics in 1999 and has been Managing Director of the company since 2006. Gareth is responsible for Infometrics' economic subscription services, which include industry-specific forecasts for the building, transport, and retail sectors produced three times a year. Within the forecast process, Gareth prepares the external markets and building and property forecasts, and has previously worked in the international and financial markets' areas. Gareth regularly presents Infometrics' forecasts to clients.

Speakers



Philip Blank, Partner, Blank Singh & Associates, Auckland

Philip has been in practice for 30 years and has been involved for most of that time in commercial leasing, with a particular emphasis on shopping centre work. Philip and his team handle the legal administration of a large number of centres throughout New Zealand. Until a year ago Philip was a partner in a medium size Auckland law firm, where he had worked for 25 years, and is now one of the principals in a small Auckland firm that specialises in commercial property.



Tony Brighthouse, Professional Trust Funds Manager, ASB Bank, Auckland

Tony has been with ASB Bank for 24 years – the last 6 years spent within the Professional Services area of Business Banking. The Professional Services department is dedicated to providing high level specialist support to ASB's Relationship Managers when dealing with law firms and other professional businesses. A large part of this service involves introducing electronic solutions which can enhance and improve efficiencies in a firm's day to day operation. His role includes promoting ASB's real time settlement and client funds management capabilities.



Anna Buchly, Partner, Bell Gully, Auckland

Anna advises on a full range of corporate matters, with a focus on capital markets and public and private mergers and acquisitions. She has recently worked on a number of transactions involving private equity. Her international experience includes working for Clyde & Co in Dubai and for Mallesons Stephen Jaques in Sydney.

Speakers



John Clark, Management consultant and executive mentor, Auckland

After completing an LLB (Hons) at VUW and an LLM at Illinois, John practised law in Wellington and Auckland and served as the managing partner of Rudd Watts & Stone for seven years. He has been giving management advice to law firms since 1994. John is a Sloan Fellow of the London Business School. He is the author of the much acclaimed book *The Money Or Your Life* (Tandem Press, 1997 - published in the US in 2003 under the title *The Money Is The Gravy*), a guide to mid-life change for professionals.



David Chisnall, Partner, Greenwood Roche Chisnall, Wellington

David is an experienced commercial property lawyer who specialises in commercial and financing aspects of property acquisitions and developments. He has advised issuers and financiers in respect of public offers of property securities over many years.



Jonathan Flaws, Partner, Sanderson Weir, Auckland

Jonathan has practised as a banking law and property lawyer for over 35 years. Originally a partner at Bell Gully, he established his niche law firm in 2001. He has been a director of First American Title Insurance Company of Australia Pty Ltd (First Title) for over 6 years. He is a keen advocate of title insurance as a means of protecting both solicitor and client from risk. In 2003, Jonathan presented a paper on the use of private title insurance at the Torrens Conference in Auckland.



Murray Gilbert, Partner, Gilbert Walker, Auckland

Murray is a partner at Gilbert Walker, a specialist litigation and arbitration practice. He has had considerable experience in dealing with property related disputes, including acting for lawyers when property transactions have turned sour.



John Greenwood, Partner, Greenwood Roche Chisnall, Wellington

John is editor of the *New Zealand Property Lawyer*. He is a moderator for the New Zealand Council of Legal Education for the Land Law and Equity University papers and Chair of the Trinity Schools Trust Board. John was principal external adviser to the Ministry of Social Development on the draft of the Retirement Villages Act and is now adviser to the Retirement Commissioner on the impact of the Retirement Villages legislation. He is also adviser to the Office of Senior Citizens on a draft Code of Practice on equity/reverse mortgages.



Jim Guest, Partner, Downie Stewart, Dunedin

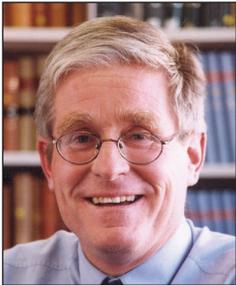
Jim has been a partner in the Dunedin firm of Downie Stewart since 1982, having been admitted in 1977. He has practised in most common law areas, but now concentrates on family and civil litigation, ADR and advisory work. He is one of the authors of the soon to be published work on insolvency by LexisNexis, and is a contributor to a number of chapters of Brookers *Practice and Procedure*. Jim's practice necessarily involves advising and litigating on the fundamental aspects of property law: ownership, transfer (especially of less than full interests), securities, and entities.

Speakers



John Harkness, Partner, Harkness & Peterson, Wellington

John obtained his LLB degree from Victoria University and was admitted to the bar in 1972. Since then he has practised in Wellington, specialising in property law. He was a member of the establishment committee and the inaugural Property Law Section Executive. He is the convener of the Property Law Section Unit Titles Working Party. John has been a regular presenter at NZLS CLE seminars, workshops and conferences.



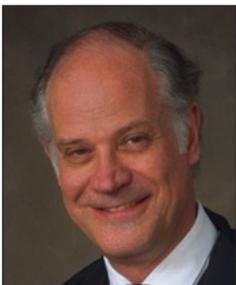
Mark Henaghan, Professor of Law and Dean of the Law Faculty, Otago University, Dunedin

Mark has published extensively on family law, both nationally and internationally. He is co-author of *Relationship Property* and *Relationship Property on Death*. He has just written an article on the New Zealand Court of Appeal's performance on relationship property covering the 50 years the Court has been in operation.



Dave Kelly, Deputy Chief Executive, Building Quality, Department of Building and Housing, Wellington

Dave has responsibility for the technical work of the Department, including review of the Building Code and development of the technical documents for compliance with the Code. He is also responsible for determinations on Council building consent decisions, the development of the Department's approach to building sustainability, establishment of the statutory product certification scheme and developing a research framework.



Tómas Kennedy-Grant QC, Auckland

Tómas is a barrister of 43 years' experience, including 10 as a Master of the High Court of New Zealand. Since leaving the Bench in February 2002, he has practised as an arbitrator, mediator, adjudicator and legal adviser. He took Silk in 2005. His areas of practice are commercial law, construction law and dispute resolution. He has lectured and written widely in all three areas. He is author of *Construction Law in New Zealand* and co-author of Bayley & Kennedy-Grant: *A guide to the Construction Contracts Act*.



John Meads, Senior Partner, Kensington Swan, Wellington

John heads the National Property Work Group for his firm. His principal area of speciality is commercial leasing and he currently undertakes a considerable amount of legal work for Government departments in the Wellington office environment. John has recently worked on a development project for a Government department which has involved a commitment by the parties to achieve a 5 Star "Green Building" rating and which has involved the adoption of the NZGBC design rating tool.



Helen Melrose, Partner, Burke Melrose, Auckland

Helen specialises in the practice of retirement village developments and aged care services. Burke Melrose has registered over 70 villages under the Retirement Villages Act 2003 and advise operators in all aspects of their development, operation, compliance with the Act, issues arising out of the implementation of the Act, and resident issues including disputes. As a former President of the Retirement Villages Association, Helen was involved in the establishment of directions for the industry, the setting of standards for operators and liaising with government in relation to policy matters and legislation affecting the industry.

Speakers



Phillip Merfield, Partner, Simpson Grierson, Auckland

Phillip has over 35 years' legal experience in commercial property. He has delivered papers on property insurance law, subdivisions, unit titles, the Public Works Act and more recently the new Property Law Act 2007. He is a contributing author to Brookers Building Law and Brookers Land Law. He is also the author of the Unit Titles chapter in the Auckland District Law Society Legal Practice Manual. Phillip is the convener of the Public Sector and Resource Management Technical committee of the Property Law Section and is a Director of the Property Institute of New Zealand.



Pedro Morgan, Overseas Investment Office, Wellington

Pedro is responsible for the Overseas Investment Office's enforcement activities. He also provides technical advice about the Overseas Investment Act and Regulations. Pedro has contributed to *Adams Land Transfer* and written three titles in *New Zealand Forms and Precedents*. His background is in insolvency law and litigation.



Robbie Muir, Registrar-General of Land, LINZ, Wellington

Robbie Muir has extensive experience working 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 has been involved in the development of New Zealand's Landonline system and related legislative reforms to enable electronic registration. He has been a regular contributor to various property law publications and has presented at several NZLS CLE seminars on conveyancing matters over the years, including a national seminar series on electronic registration.



Graeme Olding, Senior Associate, Bell Gully, Auckland

As a senior associate in Bell Gully's tax team, Graeme advises both domestic and offshore clients on all aspects of New Zealand taxation; including income tax, goods and services tax, customs duty and accident compensation matters. He also advises clients on Australian GST. He has assisted with the resolution of disputes with Inland Revenue and the preparation of submissions for both the New Zealand and Australian tax authorities. Graeme has also advised major corporates on cross-border transactions.



Andrew Petersen, Partner, Bell Gully, Auckland

Andrew is a partner in Bell Gully's commercial property team. Prior to joining Bell Gully in 2003, he spent two years in the London office of Freshfields Bruckhaus Deringer. Andrew's experience includes acquisitions and divestments, project developments and finance, listed and unlisted securities offerings, joint venture and shareholder arrangements, and advising on New Zealand's overseas investment laws.



Stuart Robertson, Partner, Kensington Swan, Auckland

Stuart has over 10 years experience as a construction lawyer in Kensington Swan's Auckland office. He uses his previous experience as an electrician and computer hardware engineer to benefit a wide variety of construction clients on all aspects of construction law. Stuart regularly presents seminars on construction law topics and represents clients in traditional and alternative dispute resolution forums including mediation, court, arbitration, adjudication and the WHRS.

Speakers



Phil Shannon, Senior Associate, Simpson Grierson, Wellington

Phil has over 20 years' experience working in private practice specialising in the areas of commercial property and property development. He is part of the Local Government and Environment team at Simpson Grierson. Much of Phil's present practice relates to acquisition of land for infrastructure projects under the Public Works Act and advising Councils and Government agencies in relation to compensation issues under that Act. Phil is a member of the Executive Committee of the Property Law Section.



Jacqui Sibbald, Consultant, Keegan Alexander, Auckland

Jacqui has been in practice for nearly 28 years, approximately 20 of those as a partner of Keegan Alexander and for the last four years as a consultant to that firm. She has wide experience in commercial leasing and other commercial property work and general property work. Jacqui is a member of the Property Law Section, Property Transactions Technical Committee.



Willy Sussman, Partner, Bell Gully, Auckland

Willy has a broad range of experience in all aspects of goods and services tax (GST). These include advising on and implementing GST-efficient structures for numerous financial and insurance organisations; advising on GST in relation to forestry transactions and successfully lobbying for changes to the GST legislation dealing with matters such as the zero rating of exported goods and financial services. Since 1998, Willy has advised a wide range of Australian clients on GST issues. Chambers Global 2008 names Willy as a leading tax lawyer and an "indirect tax specialist" while Chambers Global 2007 described Willy as "the best GST lawyer in New Zealand".



Vaughan Underwood, CEO Sentinel, Auckland

Vaughan spent the first half of his working life in sales and marketing roles within NZ and in international, fast moving consumer goods businesses including Nabisco, Phillip Morris and Lion Nathan. He entered the financial services sector in 1998 to eventually head Sterling Grace, one of Australasia's largest financial adviser practices. In 2002 it was sold to the global financial giant, AXA. He was asked to lead AXA's NZ business which he did successfully before joining Sentinel as CEO for their NZ operation in January of 2007. He has an MBA from Henley.



Stuart Walker, Anderson Lloyd, Dunedin

Stuart practises in the areas of commercial and banking law. He is co-author of the Bills of Exchange and Credit and Finance titles in LexisNexis New Zealand Forms and Precedents. Stuart lectures in banking law at the University of Otago. He has been a presenter of a number of NZLS CLE seminars and a consulting editor to Butterworths' Conveyancing Bulletin.



Duncan Webb, Professor of Law, University of Canterbury Consultant, Lane Neave, Christchurch.

A key area of scholarly and professional interest for Duncan has been the regulation of the profession and the apparent tension between traditional views of ethics and the business environment in which lawyers actually work. He has recently presented on client care for the NZLS CLE and been closely involved in the drafting of the proposed new Rules of Conduct and Client Care. Duncan is the author of *Ethics Professional Responsibility and the Lawyer* and regularly speaks to professional groups on ethics and professional conduct.

Speakers



Anne Wilson, Partner, Anderson Lloyd, Christchurch

Anne works predominantly in the commercial areas of company structuring, corporate advice, commercial transactions, commercial property, drafting commercial contracts, transactional banking work, mergers and acquisitions, securities law and listed company advice. She does regular presentations to the Canterbury Development Corporation programmes on company structuring and is presenting this year, for the fourth year running, the NZLS CLE workshop "Introduction to Company Law".



Sam Wimsett, Solicitor, Meredith Connell Auckland

Sam is a litigator specialising in commercial, regulatory and employment litigation. He works closely with the commercial property team at various stages of transactions providing ongoing advice from a litigation perspective. Sam also undertakes a wide variety of prosecution work including Securities and Companies Acts prosecutions.

CONTENTS

In session order

Key property reform legislation – The Property Law Act 2007	1
<i>Jim Guest</i>	
Property and banking transactions – beware of aiding and abetting fraud	25
<i>Stuart Walker</i>	
Settlement protocols – dotting the i’s and crossing the t’s	57
<i>John Harkness</i>	
Reverse equity mortgages	67
<i>John Greenwood and Vaughan Underwood</i>	
Construction contracts – prevention is better than cure	91
<i>Tómas Kennedy-Grant QC</i>	
The personal side of property.....	119
<i>Prof Mark Henaghan</i>	
The Overseas Investment Act – protecting you and your client	143
<i>Pedro Morgan and Andrew Petersen</i>	
Retirement villages – ironing out some wrinkles	219
<i>Helen Melrose</i>	
Billing – beating the clock – alternatives to time-based billing	235
<i>Prof Duncan Webb</i>	
Succession planning for practitioners – it’s time to get real	259
<i>John Clark</i>	
Risk mnagement – managing risks – especially your own.....	269
<i>John Flaws, Murray Gilbert, Jacqui Sibbald and Sam Wimsett</i>	

Buying and selling a business – thinking outside the square	315
<i>Anna Buchly</i>	
GST – it's easy to make mistakes so G-rab S-ome T-ips.....	331
<i>Graeme Olding and Willy Sussman</i>	
e Dealing – fine tuning the system	349
<i>Robbie Muir</i>	
Present and future lease issues	369
<i>Phil Blank and John Meads</i>	
Compliance with the Securities Act for developers	393
<i>David Chisnall and Anne Wilson</i>	
The Building Act – recent developments	415
<i>Dave Kelly and Stuart Robertson</i>	
The Public Works Act – what to do if your client's land is going to be taken for public use	455
<i>Phil Shannon</i>	
Indemnity clauses.....	467
<i>Phillip Merfield</i>	

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Blank	Philip	Present and future lease issues <i>(joint paper with John Meads)</i>	369
Buchly	Anna	Buying and selling a business – thinking outside the square	315
Clark	John	Succession planning for practitioners – it's time to get real	259
Chisnall	David	Compliance with the Securities Act for developers <i>(joint paper with Anne Wilson)</i>	393
Flaws	Jonathan	Risk mnagement – managing risks – especially your own <i>(joint paper with Murray Gilbert, Jacqui Sibbald and Sam Wimsett)</i>	269
Gilbert	Murray	Risk mnagement – managing risks – especially your own <i>(joint paper with Jonahtan Flaws, Jacqui Sibbald and Sam Wimsett)</i>	269
Greenwood	John	Reverse equity mortgages <i>(joint paper with Vaughan Underwood)</i>	67
Guest	Jim	Key property reform legislation – The Property Law Act 2007	1
Harkness	John	Settlement protocols – dotting the i's and crossing the t's	57
Henaghan	Mark	The personal side of property	119

Kelly	Dave	The Building Act – recent developments <i>(joint paper with Stuart Robertson)</i>	415
Kennedy Grant QC	<i>Tómas</i>	Construction contracts – prevention is better than cure	91
Meads	John	Present and future lease issues <i>(joint paper with Philip Blank)</i>	369
Melrose	Helen	Retirement villages – ironing out some wrinkles)	219
Merfield	Phillip	Indemnity clauses	467
Morgan	Pedro	The Overseas Investment Act – protecting you and your client <i>(joint paper with Andrew Petersen)</i>	143
Muir	Robbie	e Dealing – fine tuning the system	349
Olding	Graeme	GST – it’s easy to make mistakes so G-rab S-ome T-ips <i>(joint paper with Willy Sussman)</i>	331
Petersen	Andrew	The Overseas Investment Act – protecting you and your client <i>(joint paper with Pedro Morgan)</i>	143
Robertson	Stuart	The Building Act – recent developments <i>(joint paper with Dave Kelly)</i>	415
Shannon	Phil	The Public Works Act – what to do if your client’s land is going to be taken for public use	455
Sibbald	Jacqui	Risk mnagement – managing risks – especially your own <i>(joint paper with Jonathan Flaws, Murray Gilbert and Sam Wimsett)</i>	269

Sussman	Willy	GST – it's easy to make mistakes so G-rab S-ome T-ips (joint paper with Graeme Olding)	337
Underwood	Vaughan	Reverse equity mortgages (joint paper with John Greenwood)	67
Walker	Stuart	Property and banking transactions – beware of aiding and abetting fraud	25
Webb	Duncan	Billing – beating the clock – alternatives to time-based billing	235
Wilson	Anne	Compliance with the Securities Act for developers (joint paper with David Chisnall)	393
Wimsett	Sam	Risk mnagement – managing risks – especially your own (joint paper with Jonathan Flaws, Murray Gilbert and Jacqui Sibbald)	269