

CHAIR



Andrew Logan, Mortlock McCormack Law, Christchurch

Andrew has been practising property and commercial law for 24 years in a number of firms in Auckland, London and Christchurch. While his practice is varied, it maintains a strong property focus. Andrew is a partner of Mortlock McCormack Law in Christchurch and Deputy Chair of the Property Law Section as well as a past director of NZLS CLE Limited.

KEYNOTE SPEAKER



Hon Maurice Williamson, Minister for Building and Construction, Wellington

Maurice Williamson is a Minister outside Cabinet in the National-led Government. He has been MP for Pakuranga since 1987. Maurice is a former Minister of Research, Science & Technology, Communications, Statistics, Information Technology, Transport, Local Government and Broadcasting. He is a member of the Pakuranga Rotary Club and a member of the International Federation of Operations Research Societies (IFORS). Maurice was Auckland Toastmasters Club Communicator of the Year in 1993 and appointed a Fellow of the NZ Computer Society in 1995.

SPEAKERS



Allison Adams, Allison Adams Limited, Auckland

Allison is an Auckland Barrister. She has been in practice 23 years, the last 15 exclusively in family law. Allison worked initially at Simpson Grierson, before focusing her family law practice in a smaller Auckland firm. In 2000, she co-founded the Auckland law firm LawWorks where she was a partner for 11 years before commencing practice as a barrister from Vulcan Building Chambers in September 2011. Allison's practice is predominantly relationship and trust property litigation and settlement.



Lesley Brook, Anderson Lloyd, Dunedin

Lesley is a partner in Anderson Lloyd's commercial team. She has experience spanning 17 years, working with companies and other organisations on a range of commercial issues and projects. Lesley specialises in overseas investment and employment law in addition to being familiar with the Emissions Trading Scheme, particularly as it impacts on clients within the agricultural and forestry industries.

SPEAKERS



Vanessa Bruton, Taylor Grant Tesiram, Auckland

Vanessa leads the litigation team at Taylor Grant Tesiram, a boutique trust firm, which she was invited to join in March 2011 as a result of increasing demand for advice in contentious trust matters. She was previously a general litigation partner at Brookfields Lawyers for seven years. Vanessa now practises almost exclusively in trust and estate disputes, including relationship property disputes where trusts are involved. Her practice includes both domestic and international trust disputes where there is a New Zealand law or jurisdiction aspect. Vanessa is a member of STEP (Society for Trust and Estate Practitioners) and a frequent speaker at NZLS, ADLS and other seminars.



Michelle Burke, Burke Melrose, Auckland

Michelle is a partner at Burke Melrose. She specialises in commercial and property law with an emphasis on retirement villages, aged care services and sales and purchases of both villages and rest homes. Michelle advises retirement village operators on all aspects of their development and on-going compliance. Resident complaints, disputes and issues arising from community living are increasingly a part of Michelle's practice. She has presented seminars and education workshops on retirement village law and elder law from a provider's perspective, for both the legal profession and other interested parties.



Hamish Douch, Mortlock McCormack Law, Christchurch

Hamish is a partner in Mortlock McCormack Law where he has been practising for 12 years and has been a partner since 2006. He specialises in property law, conveyancing, residential and commercial subdivision and company/commercial law. Hamish's work includes acting for New Zealand Police in relation to property matters. He was involved in all aspects of development work for WFH Properties Limited, including the purchase and finance of the land and due diligence and all aspects of subdivision and sale of sections. Hamish has also acted on hundreds of subdivisions, including 3,000 lot multi-stage subdivisions.



Liza Fry-Irvine, Pidgeon Law, Auckland

Liza is an associate at Pidgeon Law specialising in property and commercial law, with particular expertise in unit title developments and body corporate rules. She has presented several seminars on various aspects of the Unit Titles Act 2010 and the old 1972 Act for ADLS Inc, body corporate managers, real estate agents and many other industry groups. In 2011 she co-presented the seminar roadshow *Unit Titles Act 2010 – A Survey Perspective* for the New Zealand Institute of Surveyors touring the North and South Islands. Liza was approached by ADLS Inc to advise on and subsequently draft the ADLS Inc *Model Operational Rules* for residential, commercial/industrial and mixed use developments under the Unit Titles Act 2010 which were released in October 2011. She is also a member of the ADLS Inc Property Law Committee and Documents and Precedents Committee.



Thomas Gibbons, McCaw Lewis, Hamilton

Thomas is a director of McCaw Lewis in Hamilton, practising in commercial and property law. He has a special interest in unit titles and he is the author of *Unit Titles Law & Practice* (LexisNexis, 2011). Thomas's recent work has included advising on transitional issues, AGM procedures, compliance for property managers, body corporate governance, and whether management/secretary agreements can be challenged. He also has had extensive practice in company/commercial law. Thomas has presented seminars on the Unit Titles Act 2010 for a range of audiences, and he is a regular contributor to legal publications.

SPEAKERS



Sandra Grant, Barrister, Auckland

Sandra is a barrister specialising in commercial litigation. She has represented parties involved in disputes in most forms of commercial endeavours, but has particularly specialised in recent times in contract, construction, company, land law and information technology. Sandra appears regularly in the High and Appeal courts, has appeared in the Privy Council and has an appeal to the Supreme Court pending.



John Greenwood, Greenwood Roche Chisnall, 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. John is a strong advocate for change to our standard sale and lease documentation.



Paul Grimshaw, Grimshaw & Co, Auckland

Paul has expertise in construction disputes which require careful analysis of the Building Act, the Building Code and environmental and resource management. He has specialised in the leaky building area, currently acting for 6,000 leaky home owners around the country. His expertise extends across councils, including contract enforcement, caveat hearings, injunction hearings, disputes over land, rating sales and debt recovery. Paul has also acted on behalf of various professionals including solicitors, accountants, liquidators, receivers and valuers. He was also involved in acting for the insurers of Mercury Energy during the complete month long blackout in the CBD. Paul has wide experience in arbitration hearings and alternative forms of dispute resolution.



Ian Haynes, Kensington Swan, Auckland

Ian is a consultant with the firm Kensington Swan. He is a past-president of NZLS, a former president of ADLS and a former board member of NZLS. Ian is a former Judicial Conduct Commissioner. He chairs the College of Law New Zealand and the Spencer Mason Trust. He has been a member of the Property Law Section's Executive Committee for many years. 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 Committee. 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.



Prof Mark Henaghan, University of Otago – Law Faculty, Dunedin

Mark is Dean and Professor of Law at the University of Otago. He specialises in family law and is a barrister and solicitor of the High Court of New Zealand. Mark is co-author of *Family Law Policy in New Zealand*, 3rd edition, LexisNexis Butterworths 2007. He is joint author of *Family Law in New Zealand*, 14th edition, LexisNexis Butterworths 2009. Mark is the joint author of *Relationship Property on Death* (2004 Thomson Brookers, which won the 2005 J F Northey prize for the best published law book in New Zealand), and *Relationship Property Consolidated Legislation and Analysis* (2001 Brookers Thomson Group). He is also the sole author of *Care of Children* (2005 LexisNexis Butterworths).

SPEAKERS



Kay Keam, Martelli McKegg, Auckland

Kay is one of Auckland's leading commercial property lawyers. She has considerable experience in leasing, subdivisions, property development, acquisitions and sales. Clients particularly value Kay's calm, measured and expert approach to property-related problems. Her simple approach to very complex issues has seen her develop a strong reputation. This in turn has led to her being instructed on some of Auckland's most complicated commercial property transactions. Kay is very involved in the Auckland District Law Society's activities. She has been a past convener of the Property and Business Law Committee, and a member of the Forms Committee. Kay is the secretary of the Orakei Marina Management Trust. She joined Martelli McKegg in 2002, becoming a partner in 2003.



Lisa Murphy, nsaTax Limited, Auckland

Building on almost two decades of professional practice, Lisa has a vast amount of experience in managing IRD investigations and year-end tax computations, in addition to a solid grounding in corporate tax issues which face companies both domestically and internationally. Lisa has a Bachelor Degree in Business Studies and a Masters of Taxation with first class honours and she is also a member of the NZICA CA College. Her career commenced at the IRD where she spent the majority of her time as an IRD investigator. From there she spent four years at Pricewaterhouse Coopers on briefs based around clients in the TICE (technology, information, communication and entertainment) industry, where she progressed from being a senior tax consultant to a tax manager. In 2003 she joined nsaTax where she continues to grow her highly regarded reputation.



Peter Nolan, Lawyer, Auckland

Peter has been in sole practice since 2005 and was previously a partner in Kensington Swan (1986 to 2005) and Brandon Brookfield (now Brookfields) from 1981 to 1986. He specialises in property work, including sales, acquisitions, developments, joint ventures, construction, subdivisions and leasing and property finance. Peter has extensive experience in mortgagee recovery work, acting for banks and other lending institutions. He was also a principal drafter of the ADLS 8th edition of the *Agreement for Sale and Purchase of Real Estate* and of its subsequent revisions, in addition to ADLS agreements for the sale and purchase of real estate by auction and tender. He was a member of the NZLS working party that prepared submissions on the Property Law Bill before it was enacted as the Property Law Act 2007.



Adrienne Olsen, Adroite, Wellington

Adrienne is a director of Adroite Communications in Wellington. She has spent the last 20+ years working with New Zealand companies and professional service firms to develop and market their businesses, and to help them communicate better with their clients and prospects. She presented the enormously popular NZLS workshop series in 2001 *How to develop your property law practice*, wrote a regular column for the Property Law Section's newsletter, and has also contributed to LawTalk.

SPEAKERS



Rick Shera, Lowndes Jordan, Auckland

Rick has a Masters degree with first class honours in copyright and internet law from Auckland University. He heads up Lowndes Jordan's intellectual property/information communication and technology team, which acts for telcos, ISPs, media companies, digital publishers and authors, software developers and network providers/integrators, in addition to providing IP and ICT law advice to general business and corporate clients. Rick was a member of a four person working group whose report gave rise to the current .nz domain name governance structure and headed up the group that wrote the .nz domain name dispute resolution service policy. More recently, he has been heavily involved in the development of New Zealand's copyright "graduated response" regime. Rick was the first lawyer to become a New Zealand Computer Society Information Technology Certified Professional.



Stephen Tomlinson, Tomlinson Law, Christchurch

Stephen is the principal of Tomlinson Law. He has lectured in taxation, finance and business law at the University of Canterbury and is a well-known presenter of taxation and trust seminars. Stephen has assisted in preparing submissions on the Law Commission's issues papers on the review of the law of trusts. He is a past convener of the NZLS taxation committee and was runner up in the CCH Tax Lawyer of the Year category at the 2011 New Zealand Law Awards.



Neville Tuck, Simpson Grierson, Auckland

Neville has extensive experience in mortgagee sales and related Land Transfer Act and Property Law Act issues. His areas of expertise include chattels, fixtures, Māori land issues, and GST, as this affects mortgagees, commercial sales, farm sales, the Property Law Act, the Land Transfer Act, caveats and rate arrears. Neville's expertise also includes issues that affect mortgagees, restraining and forfeiture orders under proceeds-of-crime legislation as these affect mortgagees, and the landonline system (for land dealings). Before joining Simpson Grierson, Neville spent 15 years with the Justice Department, including as a Registrar of the High Court, Auckland, controlling its civil proceedings section.



Mark Vickerman, Barrister, Auckland

Admitted to the bar in 1980, Mark has been a barrister since 1999. He specialises in relationship property, trust and family law. Mark has also written papers (and presented at many NZLS, ADLS and ACA seminars) on relationship property, Family Court procedure and trusts. He has also taught at NZLS CLE Ltd litigation skills courses.

CONTENTS

In session order

Keynote address: Lessons from the Canterbury earthquakes.....	299
<i>Hon Maurice Williamson</i> <i>(Appendix 1)</i>	
Land subdivisions	3
<i>Hamish Douch</i>	
Unit Titles Act 2010 – reading between the lines	17
<i>Liza Fry-Irvine and Thomas Gibbons</i>	
Commercial leases	51
<i>John Greenwood</i>	
Green building and leasing	73
<i>Kay Keam</i>	
Maintenance and repair obligations under commercial leases	107
<i>Peter Nolan</i>	
Occupation rights agreements	127
<i>Michelle Burke</i>	
Mortgagee and receiver’s sales – purchaser’s perspective	139
<i>Neville Tuck</i>	
Contract drafting under the emissions trading scheme	149
<i>Lesley Brook</i>	
Property transactions and e-dealing practice guidelines	165
<i>Ian Haynes</i>	
Drafting and dispute issues with agreements for sale and purchase.....	309
<i>Sandra Grant</i> <i>(Appendix 2)</i>	

Prying into your clients' affairs – when and why this is necessary.....	177
<i>Allison Adams</i>	
Are you my partner? Is that my trust?	191
<i>Mark Vickerman</i>	
Social media for lawyers – a snapshot.....	203
<i>Rick Shera</i>	
Business structures – trends and hot tax topics	209
<i>Lisa Murphy</i>	
Leaky homes	239
<i>Paul Grimshaw</i>	
Doing the business on your business.....	255
<i>Adrienne Olsen</i>	
Trusts under attack – will your fortress hold?	267
<i>Vanessa Bruton, Prof Mark Henaghan and Stephen Tomlinson</i>	

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Adams	Allison	Prying into your clients' affairs – when and why this is necessary	177
Brook	Lesley	Contract drafting under the emissions trading scheme	149
Bruton	Vanessa	Trusts under attack – will your fortress hold? (joint paper with Prof Mark Henaghan and Stephen Tomlinson)	267
Burke	Michelle	Occupation rights agreements	127
Douch	Hamish	Land subdivisions	3
Fry-Irvine	Liza	Unit Titles Act 2010 – reading between the lines (joint paper with Thomas Gibbons)	17
Gibbons	Thomas	Unit Titles Act 2010 – reading between the lines (joint paper with Liza Fry-Irvine)	17
Grant	Sandra	<i>Appendix 2</i> Drafting and dispute issues with agreements for sale and purchase	309
Greenwood	John	Commercial leases	51
Grimshaw	Paul	Leaky homes	239
Haynes	Ian	Property transactions and e-dealing practice guidelines	165

Prof Henaghan	Mark	Trusts under attack – will your fortress hold? (joint paper with Vanessa Bruton and Stephen Tomlinson)	267
Keam	Kay	Green building and leasing	73
Murphy	Lisa	Business structures – trends and hot tax topics	209
Nolan	Peter	Maintenance and repair obligations under commercial leases	107
Olsen	Adrienne	Doing the business on your business	255
Shera	Rick	Social media for lawyers – a snapshot	203
Tomlinson	Stephen	Trusts under attack – will your fortress hold? (joint paper with Vanessa Bruton and Prof Mark Henaghan)	267
Tuck	Neville	Mortgagee and receiver’s sales – purchaser’s perspective	139
Vickerman	Mark	Are you my partner? Is that my trust?	191
Williamson	Hon Maurice	<i>Appendix 1</i> Keynote address: Lessons from the Canterbury earthquake	299