

## CHAIR



### **Jane Meares, Clifton Chambers, Wellington**

Jane is a commercial barrister, with a wide range of public and commercial experience. She currently advises public and private sector clients on a range of commercial and public law matters, including on the interpretation and application of public sector statutes, as well as assisting with the development of legislation and the negotiation of complex commercial transactions. Jane has undertaken a number of independent enquiries and reviews, was counsel assisting Dame Silvia Cartwright and the Public Enquiry into EQC which reported last March and, along with a number of other governance roles, is currently the Chief Commissioner of the Transport Accident Investigation Commission and the Deputy Chair of the Electoral Commission.

## SPEAKERS



### **Renee Butler, Dentons Kensington Swan, Wellington**

Renee is a Senior Associate at Dentons Kensington Swan. She advises clients on a range of employment matters, including restructuring and redundancy, managing employee performance, and disciplinary and investigation processes. Renee has participated in numerous mediations and has appeared as legal counsel in the Employment Relations Authority and the Employment Court. She frequently leads independent investigations into the full range of workplace issues and has particular expertise in workplace health and safety related matters, including bullying and harassment, assists clients to meet their responsibilities under the Health and Safety at Work Act. Renee has appeared in the District Court in sentencing matters under the health and safety legislation.



### **Mark von Dadelszen, Bannister & von Dadelszen Lawyers, Hastings**

Mark has some 50 years' experience chairing meetings, including meetings of community and national organisations. In recent years, he has been called upon as an independent, experienced chairman for "difficult" meetings. In 1995 Mark published a book, *Members' Meetings*, now in its 3<sup>rd</sup> edition. He subsequently wrote a further text, *Law of Societies*. Mark has experience in most areas of legal practice but especially in civil and commercial negotiations, dispute resolution – arbitration and mediation and more broadly in litigation. He currently specialises in incorporated society and charities law.



### **John Edwards, Privacy Commissioner, Wellington**

John was appointed to the independent statutory position of Privacy Commissioner in February 2014. He is currently serving his second five-year term. Prior to his appointment, John practised law for over 20 years, specialising in information law while representing a wide range of public and private sector clients.

## **SPEAKERS**



### **Colette Mackenzie, Greg Kelly Law, Wellington**

Colette has extensive experience in the areas of trusts & estate planning, with particular expertise in the interrelationship between trusts and relationship property and dealing with the division of trust property on separation.



### **Catherine Marks, Russell McVeagh, Wellington**

Catherine practises in administrative and regulatory law and public law litigation. Her public law experience is extensive and includes advice on public sector procurement and governance issues, law reform and judicial review. Catherine was a member of the pro bono team that represented Lecretia Seales in her 2015 High Court case.



### **Karen Radich, Clifton Chambers, Wellington**

Karen is a specialist employment lawyer focussing on litigation, legal advice, and investigation processes. Previously a partner of Minter Ellison Rudd Watts for nine years, she has been a barrister since 2012. Karen is the Convenor of a National NZLS Standards Committee which investigates and determines conduct complaints against lawyers under the LCA 2006 and is a member of the NZLS employment law committee.



### **Tim Stephens, Stout Street Chambers, Wellington**

Tim has extensive experience in commercial, regulatory and public law matters, providing advice and advocacy for a wide range of public and private sector clients. He has appeared as lead counsel at all levels of the New Zealand courts and in numerous arbitrations. Tim has been in practice for 25 years, including time working at a leading litigation firm in London. He was a partner at Simpson Grierson from 2006 to 2016 and joined the independent bar at the start of 2017.



### **Kristina Temel, Electoral Commission, Wellington**

Kristina has worked in the area of electoral law since 2004 in roles in the Ministry of Justice and the Electoral Commission. The team she manages provides legal and policy advice and guidance within the Commission and also to parties, candidates, and third parties on matters including election conduct, and election advertising, expenditure, and donations. The team also has responsibility for managing compliance with electoral law and working alongside the Ministry of Justice and Justice select committee on electoral reform.

# CONTENTS

<b>ELECTORAL LAW: THE IMPLICATIONS OF DELIVERING AN ELECTION IN A COVID-19 ENVIRONMENT.....</b>	<b>1</b>
INTRODUCTION .....	3
PART ONE: LOGISTICS AND PLANNING AS OF 25 MARCH.....	4
PART TWO: COVID-19 RISKS TO DELIVERY .....	7
PART 3: HOW DID NEW ZEALANDERS RESPOND? TURNOUT AND ENROLMENT.....	18
CONCLUSION.....	20
<b>END OF LIFE CHOICE ACT.....</b>	<b>21</b>
INTRODUCTION .....	23
BACKGROUND.....	23
EOLC ACT – OUTLINE AND SAFEGUARDS .....	25
OVERSEAS EXPERIENCE – SUMMARY OF COUNTRIES WHERE ASSISTED DYING IS LEGAL .....	28
APPENDIX A – END OF LIFE CHOICE ACT – SAFEGUARDS .....	31
<b>TRUSTS ACT 2019 – OVERVIEW .....</b>	<b>37</b>
INTRODUCTION .....	39
IMPORTANT DEFINITIONS .....	39
TRUSTEES’ DUTIES .....	40
EXEMPTIONS/INDEMNITY CLAUSES.....	41
PROVISION OF INFORMATION .....	42
TRUSTEES’ POWERS .....	43
TRUST INDEMNITIES.....	44
APPOINTMENT/DISCHARGE OF TRUSTEES .....	44
REMOVAL OF TRUSTEES .....	44
REPLACEMENT OF TRUSTEES.....	45
VARIATION AND TERMINATION OF TRUSTS .....	46
REVIEW OF TRUSTEE DECISIONS.....	46
FURTHER IMPORTANT PROVISIONS.....	47
CONCLUSION.....	48
<b>MEETINGS – LEGAL ESSENTIALS.....</b>	<b>49</b>
INTRODUCTION .....	51
THE KEY PROCESSES AND RULES FOR LAWFUL, SUCCESSFUL, PRODUCTIVE MEETINGS .....	53
CHARACTERISTICS OF A GOOD CHAIRPERSON .....	69
FINAL FOOD FOR THOUGHT .....	70
<b>PRIVACY AND ACCESS TO INFORMATION.....</b>	<b>71</b>
INTRODUCTION .....	73
APPLICATION .....	74
A NEW PRIVACY PRINCIPLE – CROSS BORDER DISCLOSURES (IPP 12).....	75
MANAGING INFORMATION REQUESTS (S 92) .....	76
ACCESS DIRECTIONS: NEW COMMISSIONER POWERS .....	77
MANAGING PRIVACY BREACHES .....	77
INCREASED ENFORCEMENT POWERS.....	78
NEW CRIMINAL OFFENCES (S 212).....	79
NOTABLE ADVANCES IN PRIVACY LAW THAT COULD HELP EMPLOYMENT LAW .....	82
CONCLUSION.....	82
<b>NEW COVID LEGISLATION.....</b>	<b>85</b>
<b>RESPECT AND COURTESY IN PROFESSIONAL DEALINGS – RULE 10 .....</b>	<b>87</b>
RULE 10.....	89
CONDUCT IN AN EMPLOYMENT CASE .....	91
THE ROLE OF JUDICIAL OFFICERS .....	92

<b>2021 – A YEAR OF CHANGE IN EMPLOYMENT LAW .....</b>	<b>95</b>
EMPLOYMENT LAW DEVELOPMENTS IN 2020 .....	97
EMPLOYMENT LAW DEVELOPMENTS PENDING IN 2021 .....	100