



ADLSI

Independent Voice of Law

LAWNEWS THIS ISSUE:

More protection for building contract consumers
A window to your soul? Privacy issues with Windows 10
New addition to Lawyers' Lunch calendar goes down a treat

LAWNEWS

ISSUE 30 4 SEPTEMBER 2015

www.adls.org.nz

+ *Building law, consumer law*

BUILDING ACT 2004 – AMENDMENTS AND IMPACT ON BUILDING CONTRACTS

By Christina Tan, Director, Christy Law, and member of ADLSI's Commercial Law Committee

Important new legislative measures for protection of consumers in the area of building work came into force on 1 January 2015.

These protection measures are the result of amendments to the *Building Act 2004* (the Act) introduced by the *Building Amendment Act 2013* (the Amendment Act) and the Building (Residential Consumer Rights and Remedies) Regulations 2014 (the Regulations).

The changes apply to residential building work carried out by a building contractor, in particular, where the price of the work is \$30,000 (inclusive of GST) or more. They affect any building contractor who is contracted directly by a client homeowner to carry out residential building work.

The consumer protection measures contained in the Act are found in sections 362A to 362V of the Act. The salient protection measures can be summarised as follows:

- The Act now makes it mandatory for a building contractor to make certain pre-contract and post-contract disclosures including:



Practitioners from Central Auckland converged in Ponsonby for ADLSI's recent Central Auckland Lawyers' Lunch. Pictured here are Emma Davis and Karyn Hardley. For more, please turn to page 3.

- providing pre-contract disclosures to clients in the form of a prescribed "Disclosure Statement" and a prescribed "Checklist", prior to entering into a residential building contract for work priced at \$30,000 (inclusive of GST) or more or if the client requests such disclosures; and
 - providing certain written information post completion of work to the client, regardless of the price of work carried out.
- Written building contracts are mandatory for work priced at \$30,000 (inclusive of GST) or more.
 - There are new implied warranties and remedies for breach of implied warranties.
 - A 12 months' defects liability period is implied in all building contracts.

Pre- and post-contract disclosures

Disclosure Statement

The information to be disclosed in the Disclosure Statement is prescribed by regulation 5 of the Regulations and the form of the disclosure is contained in Schedule 1 of the Regulations. The building contractor is required in the Disclosure Statement to provide information regarding the contractor's business, the skills and qualifications of any identified key person involved in the building work, information on relevant insurance policies carried by the contractor and on guarantees or warranties it provides in connection with the work.

Failure to provide a Disclosure Statement exposes the building contractor to a fine not exceeding \$2,000. A contractor who knowingly

Continued on page 2

BUILDING ACT 2004 - AMENDMENTS AND IMPACT ON BUILDING CONTRACTS

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provides false or misleading information in a material particular or makes a material omission in the Disclosure Statement is on conviction liable to a fine not exceeding \$20,000.

Checklist

The Checklist is prescribed by regulation 5 of the Regulations and the form of the Checklist is contained in Schedule 2 of the Regulations. The Checklist is intended to inform the client homeowner of matters and risks the homeowner should consider or attend to when entering into a building contract.

Failure by a building contractor to provide the Checklist exposes the contractor to a fine not exceeding \$2,000.

Post completion of work information

The required information post completion of work must be provided by the building contractor after completion of the residential building work regardless of the value of the work. This requirement is found in section 362T of the Act and regulation 9 of the Regulations. The information must include:

- information about processes and materials for ongoing maintenance of the building work;
- copies of every insurance policy that the contractor holds in relation to the building work; and
- copies of guarantees or warranties that apply to the building work.

Failure by a building contractor to provide the post-completion information exposes the contractor to a fine not exceeding \$2,000.

Mandatory written building contracts

For residential building work costing \$30,000 (inclusive of GST) or more, there is now a requirement for provision of a written contract by the building contractor to the client. The building contract must be in writing, be dated, and must comply with the requirements of sections 362F and 362G of the Act and regulations 6, 7 and 8 of the Regulations.

If there is no formal written building contract entered into, or the contract does not contain the minimum content prescribed in the Act or the Regulations, the contract between the building contractor and the client is deemed to include



Christina Tan

the default building clauses set out in Schedule 3 of the Regulations.

The act of entering into an unwritten contract for residential building work with a price of \$30,000 or more constitutes an infringement offence. It exposes the non-compliant building contractor to a fine not exceeding \$2,000.

Implied warranties and default clauses in building contracts

Sections 362H, 362I and 362K of the Act impose mandatory implied warranties, which are deemed included in residential building contracts. These warranties are set out in section 362I. They apply to oral and written building contracts. They can be summarised as follows:

- The building work will be carried out in a proper and competent manner and in accordance with the plans and specifications and with the relevant building consent.
- All materials supplied will be suitable for the purpose for which they will be used.
- All materials supplied will be new unless otherwise stated in the contract.
- The building work will be carried out in accordance with, and will comply with, laws and legal requirements.
- The building work will be carried out with reasonable care and skill and be completed by the date specified in the contract or, if there is no date specified, within a reasonable time.

- The household unit will be suitable for occupation on completion of the building work.

If the contract specifies the particular purpose for which the building work is required, the work and materials used in carrying out the work will be reasonably fit for that purpose.

If the contract specifies the result that the client owner wishes the building work to achieve, the building work and materials used in carrying out the work will be of such nature and quality that they might reasonably be expected to achieve that result.


Remedies for breach of implied warranties

New remedies for breach of implied warranties are prescribed in sections 362M to 362P of the Act. These include:

- A requirement for the building contractor to remedy breach of implied warranties within a reasonable time.
- If the contractor refuses, neglects or fails to remedy the breach, the client homeowner can have the breach remedied by someone else and recover the costs from the contractor and (where appropriate) claim damages, or cancel the building contract (if work is not completed) and claim damages.
- For breaches that cannot be remedied, or where the breach is substantial, the client can seek damages for any resulting reduction in value and for other loss and damage, or cancel the building contract (if work is not completed) and claim damages.

The Act also now allows the owner of the building or land on which the work was carried out under a residential building contract to take action against the contractor for breach of implied warranties, even if the owner was not a party to the contract. As such, the benefit of the warranties can be passed to and may be enforced by subsequent owners.

Defects liability period of 12 months

From 1 January 2015, a defect liability period of 12 months' warranty is implied in every building contract for work carried out to household units. Pursuant to section 362Q of the Act, a building contractor must, within a reasonable time of receipt of written notice given within 12 months of completion of the work, remedy any defect in work (capable of remedy) carried out on or after 1 January 2015. 

LAWNEWS

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+ **ADLSI event review**

Central Auckland Lawyers' Lunch

Practitioners from Central Auckland joined together at The Cav on College Hill on Tuesday 18 August 2015 for the inaugural ADLSI Central Auckland Lawyers' Lunch, a new addition to our successful Lawyers' Lunch series this year.

Guests enjoyed an afternoon of mingling and networking and enjoying the Ponsonby vibe with fellow Central Auckland practitioners. Presentations from ADLSI and sponsor Mainprice King followed a delicious lunch.

Thank you to Mainprice King for sponsoring this event. 



John Collinge, Jonathan Flaws and John Holmes



Alex McDonald and Stuart Lloyd



Kirsten Martelli and Marie Dyhrberg QC



Connecting over lunch

+ **ADLSI event**

South Auckland Lawyers' Lunch

ADLSI is continuing its successful Lawyers' Lunch series for 2015. Held regularly across Auckland, these Lawyers' Lunches offer lawyers the opportunity to meet and network with fellow practitioners in their local area.

We have a Lawyers' Lunch coming up in Manukau on Wednesday 23 September 2015, at Republic Bar & Kitchen. Practitioners from across South Auckland are invited to join us for a relaxed lunch and to enjoy a short presentation by ADLSI and Lawyers' Lunch sponsor OfficeMax.

The lunch will be \$24.95 (incl. GST) from a set menu, and we are pleased to offer ADLSI members an exclusive Lawyers' Lunch rate of \$14.95 (incl. GST). Numbers are limited, so register now to avoid missing out.

Time & date: 12.30-2pm, Wednesday 23 September 2015

Venue: Republic Bar & Kitchen, Shop 260 Westfield Amersham Way, Manukau

Registration: \$13.00 + GST (\$14.95 incl. GST) per person for ADLSI members;
\$21.70 + GST (\$24.95 incl GST) per person for non-members.



Register before 18 September 2015 to secure your spot, subject to availability. Visit www.adls.org.nz to register and pay online; alternatively, contact adls.events@adls.org.nz or 09 303 5287.

ADLSI's standard cancellation policy applies for this event.

ADLSI South Auckland Lawyers' Lunch sponsored by OfficeMax



Windows 10 – privacy issues

*By Lloyd Gallagher,
Director/Arbitrator/
Mediator, Gallagher & Co
Consultants Ltd*

Introduction

Windows 10 launched on 29 July 2015 with 14 million devices reported to have since adopted the new operating system (OS). However, a close inspection of the OS revealed a number of privacy issues due to the data reporting systems that are on by default.

These data reporting systems send large amounts of user experience and OS usage information directly to Microsoft, which argues this is used for bug reporting and system improvement.

This type of reporting is not new – Microsoft has been collecting such data since Windows XP. However, unlike Windows XP, the data collected is not just for error reporting and users have less control over what is sent. It has been discovered that much of the data relates to the development of personalised advertising for the Microsoft Store, and possibly other uses will be found as time goes on.

For law firms and clients alike, this poses a number of privacy issues as Windows 10 begins to gather information automatically for delivery to Microsoft's Cloud as well as potential third parties.

This article will explore the issues and give some tips on how to protect your information if you have chosen to implement Windows 10.

The issue

By default, Windows 10 is given permission to collect data. The range of data collected includes, but is not limited to, typing, search queries, drive usage, crash reporting, contacts, calendar information, store browsing preferences, error reporting, and a host of other data that relates to how and what you do with your computer. This information is gathered and periodically sent to Microsoft to be used in anything from targeted advertising to reporting.

Microsoft's reason to support data collection is to better enhance the user experience. However, this is questionable based on some of the reports already finding their way onto the internet from various industry experts.

One such example was a post from Cory Doctorow on Monday 10 August 2015, where a client reported to him that, following an upgrade of his 14 year old's PC to Windows 10, he was provided with a weekly activity report sent to his email showing his son's usage.

The report detailed what websites the 14 year old had visited, how many hours he had used the PC, and a break-down of how much time he had spent using his favourite applications. This was of great concern to the parent who considered that he was spying on his son due to the level of detail that was included in the report. After testing, it was found that every family member/user set up on the PC had the same level of activity reporting.



This level of reporting is on by default unless the installer manually opts out by forgoing the express installation and choosing their privacy settings.

This approach to privacy is questionable in light of Principle 3 of the *Privacy Act 1993*. As Principle 3 outlines, an agency that collects information from a subject is required to confirm that the person is aware of what data is being collected and how it will be used. This is obviously not going to happen where a person purchases a Windows 10 device that has Windows 10 pre-installed, as there is no warning dialogue box to check or any other agreement that confirms the user is happy for this information to be collected, sent, and used. Neither will users be adequately aware if they were to allow Microsoft to upgrade their PC to Windows 10 and used the express install option.

There is no information on how data will be used once collected and no easily obtainable information on how to disable the sending of the data. Some functions of the OS even provide a warning dialogue that the OS may become unusable if some of this data is not collected and, due to this, many keep the function enabled.

While it is generally accepted that Microsoft and others collect data for the Cloud and error reporting, the law requires that the information collected is only used for the purposes of which it is collected. I argue that the level of data collection goes far beyond this purpose. Further, I argue that even if the data is used for the proposed purpose, users have a right to decide what, when, and how the data is collected or to opt out of that collection.

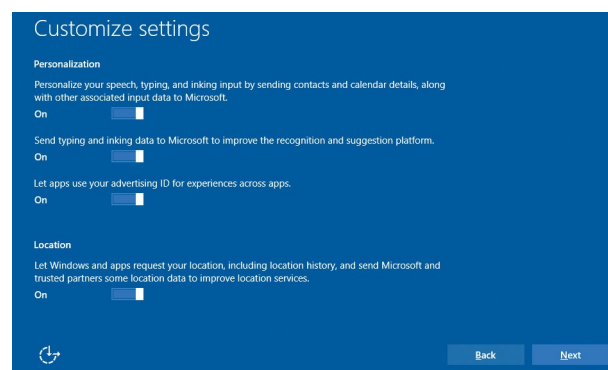
This comes in the wake of Microsoft fighting a losing battle against US courts to protect client data held on servers in Ireland (*Microsoft v United States of America*), where the courts contend that all emails relating to an account held on Microsoft's data centre in Ireland must be handed over.

If Microsoft now has the ability to collect and retain data from all over the world then, arguably, it has a duty to protect that data. Based on the ruling of this recent case it is unclear whether Microsoft can do so. There is an argument that the collection of data without informed consent, knowledge of what is collected or how it will be used, defies the principles of privacy in New Zealand and may see data being released to US courts or others that a law firm is under a statutory duty to protect.

How to disable functions

A number of issues arise for the protection of user data when implementing the new Windows 10 OS. In order to assist in mitigating the data collection, I have outlined some tips to reduce the amount of data collected and revert the OS back to a more anonymous reporting system.

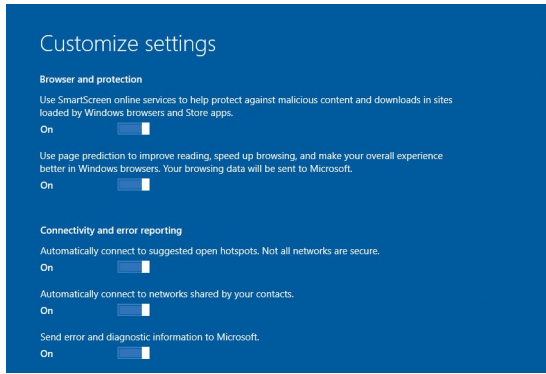
First, do not use the express install, even if you are upgrading, as this will result in all data retention and sending policies to be enabled by default. Instead, choose "custom install" from the small button hidden near the bottom and turn off all sliders for "personalisation", "typing and linking data", and "letting apps use advertising ID and location":



Continued on page 5

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Next turn on the slider for “browser and protection” and “use page prediction”:

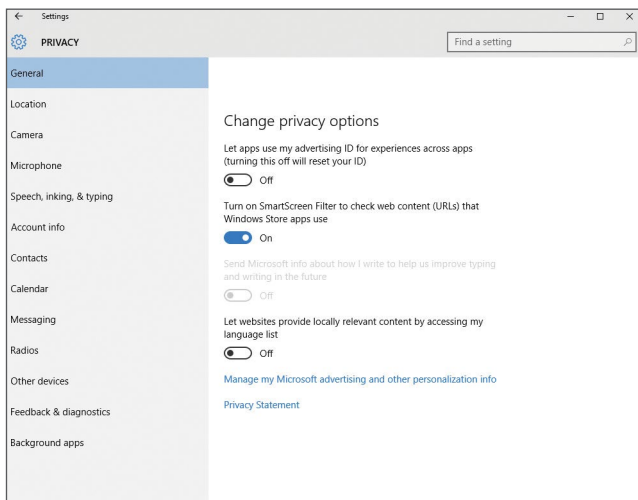


Turn off the slider to “automatically connect to hotspots” and turn off the slider to “connect to networks shared by contacts”. This has particular implications if a hacker uploads to your contacts and enables a malicious wifi hotspot.

In addition, when creating a user account, do not login to a Microsoft account. This account is stored on the Microsoft Cloud and acts as a hub for snapshotting your data. This system also syncs information between the Cloud and your PC applications, such as contacts and calendar to name but two, resulting in all information being retained and stored on the Microsoft data centre and subject to release. A better approach is to have a local account so that data becomes individualised to your local machine and only transfer to the Cloud the information you wish to be stored and have no privacy concerns about if released. While this may limit some of the OS functionality, these should be functions which a PC in a law firm does not require.

Now you can complete the install and move to the next section.

Once the install is complete, or if you have already installed, follow these steps to better protect your privacy:



Access the privacy settings window by clicking on the Windows icon on the bottom left of your screen and then click on “Settings”; then click “Privacy” in the window that appears. Here, you should disable the advertising ID, if not already disabled. The smart screen filter is safe to keep enabled so feel free to do so, but disable all other settings.

Next, choose the “Location” tab and disable your location, if not already disabled. In New Zealand, these settings do not yet work, but it is better to disable these for the day when Microsoft extends the network into New Zealand.

In the “Speech, inking and typing” section, disable all functions. Yes, this will disable “Cortana” (Microsoft’s version of a voice-activated assistant, similar to “Siri” on iPhone) and you may wish to enable some aspects. However, enabling this will re-enable the typing, text and speech information sharing you disabled above, so activate with caution and be

warned that your data will once more be regularly sent to Microsoft.

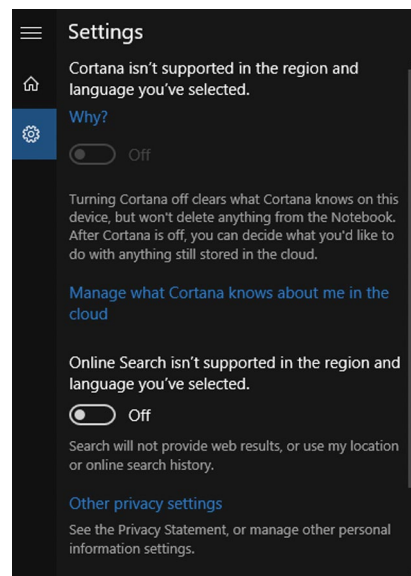
The next tab is “Account Info”. Here, you should disable “app access”. By doing so, you will be able to choose the apps you wish to allow access to your information. Note, some apps, such as contact and calendar applications, may fail at first try due to the default denial of access and will require you to come back to these settings and approve the apps access before it will function correctly.

For users using Microsoft Office, disabling this function will not affect the contacts or calendar within Outlook, as this setting is only for applications from the App Store.

The final section in this menu is the “Feedback and Diagnostics” tab. Here, set the feedback frequency to “never” and the diagnostic and usage data to “basic”. Disabled is not available to non-enterprise, but by setting the slider to basic, testing has revealed that the OS now falls back to the anonymous reporting mode and no longer sends usage data from each account.

On a personal note, I also disable the running of store and Xbox applications in the background, which further protects against store and Xbox applications accessing personal data that is sent to Microsoft for analysis for advertising etc.

Next click the Windows button and just start typing a few letters of the word “Cortana”. Even though you have no text box, the “Start” screen will be replaced by a grey search window that shows Cortana and search settings. Click “Cortana and search settings” to reveal Cortana’s settings pane as shown below (you can also click on the cog icon if shown in your menu):




Set the toggle to “off” (usually disabled for New Zealand due to it not being available in our region). However, check and make sure as data will still be sent for the day it becomes available.

A final note is that while this will help to better protect privacy in Windows 10, it does not cover every possible data-sending policy. If you are concerned, it is recommended that you call your IT person and have them make the necessary changes to the group policies and registry to prevent any data moving out of your control.

Conclusion

Windows 10 provides a range of new features and stability that will be beneficial to both law firms and clients alike, and this article is not meant to discourage its use. However, there are a range of serious privacy issues with data retention and reporting to Microsoft. It is imperative that firms check their installations to make sure their data remains private and within the compliance requirements lawyers have under New Zealand law.

While this article provides information about protecting such data, it is not yet clear just how much data can be prevented from being sent. Firms may wish to see this as a cautionary sign before they rush out and upgrade. As a final disclaimer, the tips to aid you in the DIY solution set out in this article are a first step only and cannot guarantee anonymity. It is recommended that advice is taken from your IT support staff to maintain your privacy and that of your clients. 

+ ADLSI event

Breakfast with the Hon Amy Adams

ADLSI invites members of the legal profession to a breakfast with Minister of Justice, the Hon Amy Adams, to be held at the Northern Club on Friday 18 September 2015.

We would be delighted if you would join us at this event to hear an address from the Minister. The Minister will also be happy to answer questions following her presentation.

Date: Friday 18 September 2015

Timing: 7.15am (for 7.30am start)

Dress code: Business attire

Venue: Northern Club, 19 Princes Street, Auckland

Tickets: \$40.00 + GST
(\$46.00 incl. GST) for
ADLSI members and
the judiciary;

\$55.00 + GST
(\$63.25 incl GST) for
non-members.

Spaces are limited so register before
Friday 11 September to secure your
space, subject to availability.

To register and pay for this breakfast
online visit www.adls.org.nz; alternatively contact adls.events@adls.org.nz
or (09) 303 5287.



The Hon Amy Adams

+ ADLSI Committees

Committee membership applications for 2015/16

ADLSI has a proud history of contributing to the law through its active member Committees programme.

Fourteen ADLSI Committees operate at present, comprised of volunteers who carry out a wide range of activities in their specialist areas.

Earlier this year, the ADLSI Council took the decision to align Committee appointments with the financial year. This was done to make the application process easier for our members (previously it took place over the busy Christmas/New Year period) and to enable greater continuity of Committee work.

Applications for places on Committees for the 2015/16 financial year are now open. ADLSI encourages applications from members throughout New Zealand, and attendance at meetings includes remote participation via phone and Skype conferencing.

Successful Committee applicants appointed by the ADLSI Council will be notified in late September this year, with the first Committee meetings taking place in October.

New Committee members (and existing Committee members wishing to remain on Committees) should apply online at www.adls.org.nz/for-the-profession/application-for-membership-to-adlsi-committees/ by 5pm, Tuesday 8 September 2015.

For further information or assistance, please contact Helen Young on 09 306 5744 or by email at helen.young@adls.org.nz.



Helen Young, Vivian Zhang, Gardenia Atimalala and Denise Wallwork at the 2014 Committees "Thank you" evening

ADLSI has Committees in the following key areas – which might be the one for you?

- Civil Litigation
- Commercial Law
- Continuing Professional Development
- Courthouse Liaison
- Criminal Law
- Documents & Precedents
- Employment Law
- Environment & Resource Management Law
- Family Law
- Immigration & Refugee Law
- Mental Health & Disability Law
- Property Disputes
- Property Law
- Technology & Law
- Members' Special Fund

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+ *Upcoming event*

Te Rangimarie Charitable Trust fundraising dinner



Te Rangimarie Charitable Trust

Te Rangimarie Charitable Trust invites you to its inaugural fundraising dinner to be held at the Northern Club in Auckland on Friday 2 October 2015.

In addition to a fine Northern Club dinner, there will be a fundraising auction and a guest speaker, his Worship Tim Shadbolt.

The purpose of the Te Rangimarie Charitable Trust is to support the vulnerable and underprivileged members of society who are affected by the criminal justice system and help rebuild their lives. It does this through personal contact and by developing and promoting productive dialogue, co-operation and understanding between the communities, social services and the justice system.

The aim of the Trust is to deliver this invaluable service in the Auckland District Court through the ongoing funding of Michelle Kidd QSM. Ms Kidd has worked tirelessly at the Court for over 16 years and is now employed within the security of the registered Trust. The intention is to maintain these activities with your help and support, and expand this service to other courts (where feasible and appropriate) in the future.

The Trust is completely reliant on donations for funding and would welcome your attendance at the dinner (and participation in the auction) to support it. Eftpos and credit card facilities will be available on the night for auction purposes.

Date: Friday 2 October 2015
Timing: 6.30pm Arrival and drinks (for 7.15pm start)
Venue: The Northern Club
19 Princes Street, Auckland
Dress code: Business attire
Tickets: \$150.00 per ticket. Tables of 8 can be purchased for \$1,200 and tables of 10 for \$1,500.

Register before Friday 25 September 2015 to secure your space, subject to availability. To register and pay for this dinner, please phone (09) 303 5287 or email terangimarietrust@adls.org.nz. (Note: ADLSI is providing administrative support to the Trust for this event.)

If you are unable to attend, and would still like to make a contribution to the Te Rangimarie Charitable Trust, please visit its Give-a-little page <https://givealittle.co.nz/org/terangimariecharitabletrust/donations>.

+ *Upcoming event*

South Pacific Lawyers' Conference

2ND SOUTH PACIFIC LAWYERS' CONFERENCE

17-18 SEPTEMBER 2015. BRISBANE, QUEENSLAND



The South Pacific Lawyers' Association (SPLA) invites you to attend the second biennial South Pacific Lawyers' Conference, Brisbane, Queensland on 17-18 September 2015.

The SPLA was established in 2007 by a joint initiative between the Law Council of Australia, the New Zealand Law Society and the International Bar Association (IBA). The mission of SPLA is to promote the administration of justice and the interests of the legal sector by assisting developing law societies and bar associations improve and advance law in the South Pacific.

Following on from the success of the inaugural conference in Vanuatu in 2013, the theme of this year's Conference is "Helping the South Pacific Legal Professional – Practice, Reform & Grow".

The Conference aims to attract more than 100

legal professionals from across the South Pacific region with a programme of eminent speakers from the Pacific who are leaders in their field and community.

Amongst this year's speakers will be Jonathan Temm, past President of the New Zealand Law Society, who will run a workshop on "Drafting better court documents".

A series of practical presentations and interactive workshops will address key topics and skills for the profession, as well as promote discussion on increasing trade and improving business environments in the South Pacific.

Session topics include:

- Drafting court documents;
- Case analysis – effective preparation for court;
- Commercial law;

- Ethics and the law;
- Enhancing negotiation and mediation skills;
- Judicial review;
- Practice management;
- Legal aid and pro bono assistance;
- IT, women in law and discrimination;
- Better adapted laws for enhanced law reform;
- Domestic violence and protection orders;
- Regulation of the legal profession;
- Intellectual Property and the region; and
- Independence of the legal profession.

For more information or to register, please visit www.southpacificlawyers.org/. Registrations must be returned to events@lawcouncil.asn.au no later than 7 September 2015.

Featured CPD

Saturday
19 September
2015
9am – 5.30pm

Followed by drinks
and time to
mix and mingle
with the panel

**7.25 CPD
HOURS**



Intensive

Running an Effective Judge-Along Trial Early-bird rate ends 4 September – see the website for pricing

Judge-alone trials are the norm for criminal matters in the District Court. But just how well do lawyers do when acting as advocates in this forum, and how could they be more effective? During this intensive day, attendees will receive guidance on judge-alone trial advocacy skills, through presentations, demonstrations and commentary.

Learning Outcomes

Learn how to plan and run a Judge-alone trial, including taking instructions, keeping a trial file and developing the theory of the case; how to deal with pre-trial applications; about how processes work from the Police prosecutor's perspective and how to be effective in your dealings with them; how to deal with Judges and Legal Services; to whom to turn for help and support; techniques to structure effective witness examination and cross-examination; how to produce and deal with exhibits properly; how to make and respond to objections; and how to recognise and manage some common ethical problems in this context.

Who should attend?

Defence counsel who conduct Judge-alone trials, who wish to upskill or receive a refresher. The Secretary for Justice will take into account completion of the intensive when assessing an application for Criminal Provider Approval at any level.

Presenters: **Marie Dyhrberg QC; Simon Lance; Mark Edgar; Belinda Sellars; Aieyah Shendi; Sergeant Ian McMeeking**

Chair: **His Honour Judge Collins**

Thursday
10 September
2015
4pm – 6.15pm

2 CPD HOURS



Seminar



Live stream

Preserving Assets: A Litigator's Armoury for Interim Relief

Preserving assets may mean the difference between a Pyrrhic victory and a truly valuable one. Litigators' weapons to achieve this objective are an array of orders (eg search, freezing, pre-trial charging) and the Court's jurisdiction to appoint receivers.

Learning Outcomes

- Gain a deeper understanding of the various ways to preserve assets, their respective advantages and disadvantages and how they interrelate.
- Receive guidance on practical issues, such as how to identify assets and how to make applications; and
- Gain insights into the utility of the various forms of relief for particular contexts, such as situations involving trusts.

Who should attend?

Civil litigators and in-house counsel. Accountants, insolvency practitioners and insurers may also benefit from attending.

Presenters: **Seb Bisley**, Partner, Buddle Findlay; **James Nolen**, Partner, Lowndes *Chair:* **The Honourable Justice Andrews**

Tuesday
22 September
2015
12pm – 1pm

1 CPD HOUR



Webinar

A 'Capital Idea' – Getting to Grips with the New Residential Land Tax Rules

Taxing the gains from property speculation as a mechanism to cool down the overheated Auckland property market is a significant Government initiative with proposed new "bright-line" tax rules designed to take effect from 1 October 2015.

Learning Outcomes

Become familiar with:

- the new bright-line tax rules and what land transactions they apply to;
- any exemptions from the rules and how the rules interact with existing tax rules applying to land transactions;
- the nature of advice and warnings that will need to be given to clients in terms of reporting and other related obligations; and
- the rules that will capture transactions made through related-ownership vehicles.

Who should attend?

Property lawyers and legal executives, trust lawyers, commercial lawyers and general practitioners advising clients on property investment strategies.

Presenter: **Denham Martin**, Barrister

Wednesday
16 September
2015
12pm – 1pm

1 CPD HOUR



Webinar

Rural Law Series: The Ins and Outs of Rural Syndications

As farms have grown in size, value and complexity there has been a clear move away from family-owned enterprises to syndicated agricultural entities. Syndication has obvious advantages for farmers and investors alike but the process is complex and needs to be handled with care from start to finish. This webinar will discuss why farmers may want to syndicate in the first place and how the syndication process is managed.

Learning Outcomes

- Gain insights into farm syndication trends, who is entering into syndications, the reasons why and in which sectors the process is occurring.
- Obtain an overview of the syndication process.
- Understand better the syndication models of Closely Held and Professionally Promoted Entities and the implications of the Financial Markets Conduct Act on the latter.
- Gain a more comprehensive understanding of the key agreement and other transaction documents.

Who should attend?

Rural lawyers, and property and commercial practitioners who have clients, both farmers and investors, involved in syndications.

Presenter: **Brett Gould**, Partner, Gibson Sheat

CPD in Brief

Professional Disciplinary Tribunals – 1 CPD hr

Wednesday, 30 September 2015, 12pm – 1pm

For many practitioners, the realm of disciplinary tribunals, which relate to numerous professional bodies, is somewhat of an unknown, particularly in respect of procedural matters. Yet, because the livelihood and reputation of clients are involved, the stakes are high. This webinar will provide insights from both someone who acts for professional disciplinary bodies and someone who represents clients at hearings.

Presenters: **Michael Hodge**, Partner, Meredith Connell; **Sam Wimsett**, Barrister, 22 Lorne Chambers



Burning Issues in Employment Law Forum 2015 – 2 CPD hrs

Tuesday, 13 October 2015, 4pm – 6pm

This year's 15th annual Burning Issues Forum is a conflagration of scorching topics delivered by a sizzling line-up. Prepare to swelter around a blazing inferno fuelled by the searing presentations of our red-hot presenters.

Presenters: **His Honour Chief Employment Court Judge Colgan**; **Peter Churchman QC**; **Peter Cranney**, Partner, Oakley Moran; **Phillipa Muir**, Partner, Simpson Grierson; **Catherine Stewart**, Barrister



PowerPoint for Lawyers: How to Enhance your Presentations – 1 CPD hr

Wednesday, 23 September 2015, 12pm – 1pm

Studies show we only retain about 10% of what we hear after a few days and between 10% and 35% of what we read; but we retain about 65% of oral presentations supported by visual aids. This webinar will show you how you can use PowerPoint professionally to maximise the impact of your address.

Presenter: **Zureen Ali**, IT Training Analyst, Russell McVeagh



Property Law Pot Pourri – 2 CPD hrs

Thursday, 24 September 2015, 4pm – 6:15pm

This year's Property Law Pot Pourri will provide informative content on three important topics: the sale and purchase of units under a management agreement, easements and covenants, and the potential problems and solutions around Authority and Instruction (A&I) Forms.

Presenters: **Denise Marsden**, Partner, Alexander Dorrington; **Thomas Gibbons**, Director, McCaw Lewis; **David Chapman**, Senior Advisor, LINZ



CPD On Demand

Privacy in the Digital Age – 1 CPD hr

Technology and social media are now inescapable aspects of modern life. Privacy issues have, as a result, become increasingly complex. It is essential for lawyers to know how their clients' professional and personal privacy may be affected by technology and how to advise clients on avoiding privacy breaches or protecting them from unwanted attention. This On Demand webinar explores such issues. *Presenters:* **Daimhin Warner**, Customer Governance & Privacy Manager, Sovereign Insurance; **Joe Edwards**, Senior Associate, Russell McVeagh



Commercial Law Series: Takeovers Code – Refresher & Update – 1 CPD hr

Could you 'take on a takeover'? Would you be able to advise a company with close to fifty shareholders of the implications of the Takeovers Code? Are you aware of the Takeovers Panel's attitude to schemes and amalgamations? This On Demand webinar will equip you with information about these issues.

Presenters: **Andrew Matthews**, Senior Associate, Simpson Grierson; **Joshua Pringle**, Senior Associate, Chapman Tripp



Excel for Lawyers – A Survival Guide – 1 CPD hr

Excel, for some an enigma wrapped up in gridlines and columns. For those in the know, it's a useful tool that marshals complex sets of data, displays information graphically, analyses billing, and creates a case status or workload database, amongst many other things. Find out when and how to use Excel to best effect.

Presenter: **Sally Ratapu**, Project Support/Technology Learning Advisor, Simpson Grierson



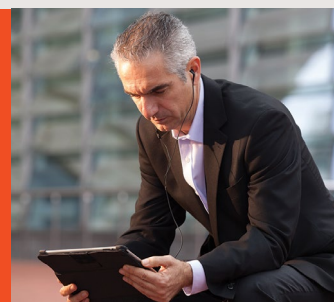
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On Demand (1-hour recording)	\$85.00 + GST (= \$97.75 incl. GST)	\$110.00 + GST (= \$126.50 incl. GST)
On Demand (2-hour recording)	\$95.00 + GST (= \$109.25 incl. GST)	\$130.00 + GST (= \$149.50 incl. GST)

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Phillip John BANKS, late of Apartment 1104, Scene 3, 30 Beach Road, Auckland Central, previously Waiheke Island, Aged 62 (Died 10'08'2015)

Kathleen Joyce CARBIN, late of 163 Portland Road, Remuera, Auckland, Office Administrator, Single, Aged 51 (Died 03'05'2015)

Annette Lorraine DIXON (aka Courtney) (nee Johnston), late of Glenburn Private Hospital, 33-41 Astley Ave, New Lynn, Auckland, Aged 69 (Died 19'04'2013)

Talalelei LAUNI, late of 9 Palermo Place, Clover Park, Auckland, Postal Worker, Aged 54 (Died 02'04'2015)

Darin Patrick McKAY, late of 23 Kenny Road, Remuera, Auckland, Aged 54 (Died 09'05'2015)

Barry Langdon PENNY, late of 10A Dominion Road, Tuakau 2121, Aged 65 (Died 07'08'2015)

Anzac Piwi PIKIA, late of 16/8 Quay Street, Auckland Central, Auckland, Aged 86 (Died 26'07'2015)

Warren Neil Repa POHATU, late of 5/89 Glendale Road, Glen Eden, Auckland, Aged 52 (Died 25/26'04'2014)

Lafitaga Vaega POLEVIA, late of 24 Nola Crescent, Otara, Auckland, Machine Operator, Aged 60 (Died 02'06'2015)

Eileen TAUHINU, late of 40 Ferguson Street, Mangere, Auckland, Hotelier, Aged 64 (Died 08'11'2014)



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