

CHAIR



Thomas Gibbons, Director, McCaw Lewis, Hamilton

Thomas practises in commercial and property law. He has a special interest in unit titles and is the author of *Unit Titles Law & Practice* (LexisNexis, 2011). His recent work has included advising on management agreements, meeting matters, and body corporate governance; as well as unit title cancellation, redevelopment and subdivision work.

SPEAKERS



Michael Allen, Director, Allen Partners Pty Limited, Australia

Michael is a leading authority on airspace (stratum title) projects, planned communities, strata and cluster titles, community titles and strata leasehold titles. Michael has nearly 30 years' experience in strata and community title law and practice, and in the title, subdivision and management structuring of major projects. He has acted for developer, institutional, finance and government clients.



David Bigio, Barrister, Auckland

David has been a barrister sole since May 2003. He acts for body corporate owners in litigation regarding structural and weathertightness defects in unit title complexes. David has been involved in the drafting and adoption of reinstatement schemes under s 74 of the Unit Titles Act 2010 (or s 48 of the 1972 Act), and has appeared as counsel in a number of defended hearings relating to those schemes.



Lyn Clapperton, Crockers Property, Auckland

Lyn is the General Manager of Crockers Body Corporate Management. She has hosted countless AGMs, encountered queries from buyers, sellers and legal bodies alike on the practical application of the Unit Titles Act and seen its transition to the current version, during which Crockers served as a key consultant member on the drafting sessions. Lyn looks forward to sharing her experience of the Act in action.



Neale Faulkner, Principal, Yeomans Survey Solutions Ltd, Auckland

Neale has worked in both the public and private sectors and has had considerable experience in cadastral surveying, which has included numerous unit title subdivisions. Neale has been involved with the review of the former Unit Titles Act, Land Information NZ in terms of the development of the Rules for Cadastral Survey.



Liza Fry-Irvine, Associate, Pidgeon Law, Auckland

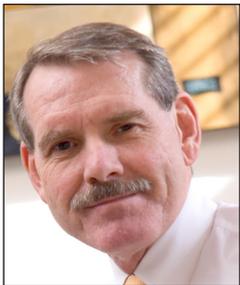
Liza specialises in property and commercial law, with particular expertise in unit title developments and Body Corporate Operational Rules. She drafted the ADLS Inc Model Operational Rules for residential, commercial/industrial and mixed use developments in 2011 and is a member of the ADLS Inc Property Law Committee and Documents and Precedents Committee.

SPEAKERS



John Greenwood, Greenwood Roche Chisnall, Wellington

John is editor of the *New Zealand Property Lawyer* and a moderator for the New Zealand Council of Legal Education for the land law and equity university papers. He was a member of the NZLS Property Law Section Committee that made submissions on the Unit Titles Bill, and since the early 1980s has had a strong involvement in the Unit Titles reform in NZ.



Tim Jones, Glaister Ennor, Auckland

Tim practises in the area of land development and property law. He has been involved with the Unit Titles Act 2010 from about 2003 when the first steps were taken to review and revise the 1972 Act. Tim is the convener of the NZLS/PLS Land titles committee, a council member of the NZLS Auckland Branch council, and a former member of the ADLS Inc Documents and Precedents Committee.



Storm McVay, Crombie Lockwood, Christchurch

Storm has extensive experience in advising professional and corporate clients on all aspects of liability risk and insurance. She has been exclusively engaged in earthquake claims management, advocacy and settlement on behalf FMR/Crombie Lockwood clients and other Christchurch property owners.



Tim Rainey, Rainey Law, Auckland

Tim has a broad commercial litigation and dispute resolution practice. He has acted in several of the leading cases under the Unit Titles Acts 1972 and 2010, including those considering the validity of management contracts under those Acts. He will give the litigators perspective on such agreements.



Annabel Sheppard, Wynn Williams Lawyers, Christchurch

Annabel is a partner at Wynn Williams. Her main areas of practice are private client, small business and property law. In recent times she has dealt with property owners and body corporates dealing with issues arising as a result of the Christchurch earthquakes. Her clients are involved in a wide range of activities which gives her experience in a broad range of legal and business issues.



Rod Thomas, AUT University, Auckland

Rod is a barrister and senior lecturer at the Law School at AUT University. He lectures in the areas of property law, sale of land, and unit titles ownership issues. Rod is co-author of *New Zealand Land Law* (now in its 2nd ed) and, since its inception some 17 years ago, Brookers loose-leaf publication *Land Law*. He is also the author of Brookers *Unit Titles Handbook* 2011.

SPEAKERS



Nicholas Till QC, Christchurch

Nicholas is a civil litigator specialising in commercial and insurance disputes. He has been at the independent bar since 1991 having previously been a litigation partner at Young Hunter in Christchurch. Nicholas took silk in 2007.



Hans van Schreven, Clark Boyce, Christchurch

Hans has been active in the law since 1976 and has developed a strong litigation practice, especially in civil matters. His other special interests are employment, education, family protection, relationship property, insurance and commercial law – especially receiverships and liquidations. Hans is also an accredited member of LEADR: Lawyers Engaged In Alternative Disputes Resolution.

CONTENTS

In session order

| | |
|---|-----|
| Chair's Introduction | 1 |
| <i>Thomas Gibbons</i> | |
| | |
| The Australian Perspective: strengths, weaknesses and the challenges ahead <i>There is no paper for this session</i> | |
| <i>Michael Allen</i> | |
| | |
| Body Corporate Governance – knowledge is power..... | 3 |
| <i>Liza Fry-Irvine and Tim Jones</i> | |
| | |
| Property Rights, Fairness and the Unit Titles Regime | 43 |
| <i>Rod Thomas</i> | |
| | |
| Maintenance | 63 |
| <i>Thomas Gibbons</i> | |
| | |
| Reinstatement Schemes Under Unit Titles Legislation..... | 77 |
| <i>David Bigio</i> | |
| | |
| Insurance Issues..... | 87 |
| <i>Storm McVay, Nicholas Till QC and Hans van Schreven</i> | |
| | |
| Basic Terms of Management Agreements | 101 |
| <i>John Greenwood</i> | |
| | |
| Management Agreements..... | 111 |
| <i>Tim Rainey</i> | |
| | |
| Unit Titles Act 2010 – developments and reassessments..... | 143 |
| <i>Neale Faulkner</i> | |

Unit Titles Act 2010 – cancellation of unit plans and reassessments of ownership interest 151

Annabel Sheppard

CONTENTS

Alphabetical by author/presenter

| Author | | Title | Page |
|---------------------|----------|--|-------------|
| Bigio | David | Reinstatement Schemes Under Unit Titles Legislation | 77 |
| Faulkner | Neale | Unit Titles Act 2010 – developments and reassessments | 143 |
| Fry-Irvine | Liza | Body Corporate Governance – knowledge is power | 3 |
| Gibbons | Thomas | Chair’s Introduction | 1 |
| Gibbons | Thomas | Maintenance | 63 |
| Greenwood | John | Basic Terms of Management Agreements | 101 |
| Jones | Tim | Body Corporate Governance – knowledge is power | 3 |
| McVay | Storm | Insurance Issues | 87 |
| Rainey | Tim | Management Agreements | 111 |
| Sheppard | Annabel | Unit Titles Act 2010 – cancellation of unit plans and reassessment of ownership interest | 151 |
| Thomas | Rod | Property Rights, Fairness, and the Unit Titles Regime | 43 |
| Till QC | Nicholas | Insurance Issues | 87 |
| van Schreven | Hans | Insurance Issues | 87 |