

# CONTENTS

In session order

## **Red Flags, Sign Posts and Road Maps**

Relationship Property – useful pointers ..... 1

*Isabel Mitchell*

## **Red Flags, Sign Posts and Road Maps**

Wills and Trusts — topical issues ..... 7

*Peter Eastgate*

## **“Joy’s Soul Lies in the Doing” — getting agreements for sale and purchase of a business right**

“Joy’s Soul Lies in the Doing” — getting agreements for sale and purchase of a business right ..... 21

*Kathryn Dalziel and Mike Kerr*

## **Crime and Consequences**

Crime and Consequences ..... 29

*Craig Ruane*

## **Cyber Law — how the internet has disrupted the legal landscape**

Cyber Law — how the internet has disrupted the legal landscape ..... 43

*Gareth Abdinor and Rachel Triplow*

## **Conflicts of Interest – what would you do?**

Conflicts of Interest – what would you do? ..... 53

*Austin Forbes QC*

## **Insolvency – managing the next financial collapse**

Insolvency – managing the next financial collapse ..... 61

*Willie Palmer*

## **Health and Safety at Work Act 2015 – a change in law and a change in culture**

Health and Safety at Work ..... 75

*Dean Kilpatrick*

**Managing Conflict in the Workplace**

Managing Workplace Bullying ..... 85

*Madeleine Hawkesby and Linda Penno*

# CONTENTS

Alphabetical by author/presenter

<b>Author</b>		<b>Title</b>	<b>Page</b>
<b>Abdinor</b>	Gareth	Cyber Law – how the internet has disrupted the legal landscape <i>Joint paper with Rachel Triplow</i>	43
<b>Dalziel</b>	Kathryn	“ <i>Joy’s Soul Lies in the Doing</i> ” — getting agreements for sale and purchase of a business right <i>Joint paper with Mike Kerr</i>	21
<b>Eastgate</b>	Peter	Red Flags, Sign Posts and Road Maps	7
<b>Forbes QC</b>	Austin	Conflicts of Interest — what would you do?	53
<b>Hawkesby</b>	Madeleine	Managing Conflict in the Workplace <i>Joint paper with Linda Penno</i>	85
<b>Kerr</b>	Mike	“ <i>Joy’s Soul Lies in the Doing</i> ” — getting agreements for sale and purchase of a business right <i>Joint paper with Kathryn Dalziel</i>	21
<b>Kilpatrick</b>	Dean	Health and Safety at Work Act 2015 — a change in law and a change in culture	75
<b>Mitchell</b>	Isabel	Red Flags, Sign Posts and Road Maps	1
<b>Palmer</b>	Willie	Insolvency — managing the next financial collapse	61
<b>Penno</b>	Linda	Managing Conflict in the Workplace <i>Joint paper with Madeleine Hawkesby</i>	85
<b>Ruane</b>	Craig	Crime and Consequences	29

**Triplow**

Rachel

Cyber Law – how the internet has disrupted  
the legal landscape

43

*Joint paper with Gareth Abdinor*

## CHAIR



### **Kathryn Dalziel, Taylor Shaw, Christchurch**

Kathryn is a partner at Taylor Shaw in Christchurch specialising in employment and privacy law as well as civil litigation and professional ethics. In her 25 year career, she has also worked as a senior Crown prosecutor as well as a lecturer in employment law, privacy and legal ethics at the University of Canterbury. Kathryn regularly presents seminars on behalf of the Office of the Privacy Commissioner, is the author of “*Privacy in Schools*” and co-authored the chapter on Health Information in “*Health Care and the Law (4th ed)*”.

## SPEAKERS



### **Gareth Abdinor, Taylor Shaw, Christchurch**

Gareth is a specialist employment, privacy and technology lawyer with Taylor Shaw. He has a particular interest in the legal and practical implications of new and emerging technologies and provides advice of social media and technology, claims for interference with privacy, cyber-security and cyber-bullying. Gareth also provides privacy training and has delivered training on behalf of the Office of the Privacy Commissioner. Gareth is a member of the Law Society (Canterbury-Westland branch) Employment Committee.



### **Peter Eastgate, Cavell Leitch, Christchurch**

Peter has specialised in the areas of wills, estate and succession law, elder law, attorneyship, asset protection and all aspects of trust law (including charitable trusts) for over 35 years. He is a member of the Convenors Committee of the Trusts Special Interest Group (Canterbury) and a member of the Law Society (Canterbury-Westland branch) Trust Committee. He has presented at numerous law conferences for NZICA, LexisNexis, the NZ Law Society and Legalwise.



### **Austin Forbes QC, Christchurch**

Austin practises and has a wide experience in all areas of commercial and general civil litigation and arbitrations. He has appeared as counsel in numerous cases in the High Court, Court of Appeal and, as well, in the Privy Council and Supreme Court. He is a former President of the NZLS. He was appointed a QC in 1996 and awarded a CNZM in 1997. In his spare time Austin enjoys reading the High Court Rules.



### **Madeleine Hawkesby, Hawkesby & Co, Christchurch**

Madeleine is a Director of Hawkesby and Co. She qualified as a lawyer in 1996 and since then has gained extensive experience in New Zealand and in the UK in employment law and human resources, including teaching employment law and human resource management at a tertiary level.

Madeleine specialises in employment law advice and HR management for employers. Her approach is pro-active and pragmatic and grounded in the practice of working in partnership with her clients. Madeleine is a trusted advisor for a wide range of clients in a variety of sectors.

## **SPEAKERS**



### **Mike Kerr, Anderson Lloyd, Christchurch**

Mike is a partner in the commercial team of Anderson Lloyd. He advised clients on a range of matters including business acquisitions and sales, commercial property, construction and development matters. Mike joined Anderson Lloyd in 2005 after returning from London where he worked for a firm based in Westminster. Among other Law Society roles, he is a member of the ADLS documents and precedents committee.



### **Dean Kilpatrick, Anthony Harper, Christchurch**

A specialist employment lawyer at Anthony Harper acting for multinational and national corporations, government bodies, small owner operators and private clients. Dean's work includes advising on all employment matters, health and safety, ACC and contracting arrangements.

In addition, with his history in cycling, Dean has a clear understanding of issues that arise when advising sporting bodies, coaches and athletes.



### **Isabel Mitchell, Cuningham Taylor, Christchurch**

Isabel is a partner in Cuningham Taylor. She is a member of the International Academy of Matrimonial Lawyers (soon to be renamed IA of Family Lawyers). Isabel's main focus is relationship property/trust/estate matters and the associated litigation if settlement by agreement is not achieved.



### **Willie Palmer, Buddle Findlay, Christchurch**

Willie is a commercial litigation partner at Buddle Findlay in Christchurch. His specialties include insolvency litigation and advice. He has acted in numerous liquidations and receiverships and as counsel in related proceedings under insolvency and companies legislation. He is a member of RITANZ



### **Linda Penno, Johnston Penno Limited, Christchurch**

Admitted to the Bar in 1988, Linda's initial legal career was in civil litigation and subsequently in employment law. She has practised in a variety of settings including partnership in a law firm, in companies and, since 2000, as a Director of Johnston Penno Limited, blending human resources, employment relations and employment law. Internationally Linda has spent over ten years on the regional and central governance structures of a London based NGO.

She also has broad governance experience, spanning the not-for-profit and commercial sectors including the retirement village industry.

## **SPEAKERS**



### **Craig Ruane, Barrister, Christchurch**

Craig was a litigation partner in a Christchurch firm, a senior prosecutor with the Crown Solicitors Office in Christchurch and now practises as a barrister. A faculty member of the Litigation Skills programme since the early 90's, Craig was the Director of the 2008 Lincoln programme and of the 2010 and 2013 programmes held in Wellington. He has presented various NZLS seminars and criminal advocacy seminars and workshops.



### **Rachel Triplow, aRc Intellectual Property, Christchurch**

Rachel is a UK and NZ qualified solicitor, who has specialised in intellectual property law for more than 15 years. Her experience includes practicing in a London media law firm; leading the IPONZ trade marks team as Assistant Commissioner; and acting as General Counsel for IP commercialisation company Powerhouse Ventures Limited. Rachel founded aRc last year in response to requests from solicitors and business owners for specialist IP assistance.