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APPOINTMENT OF THE HON JUSTICE MARY PETERS

AWLA is delighted to congratulate one of its former presidents and long-time supporter, the Hon Justice Mary Peters, on her appointment to the High Court Bench.

The appointment is richly deserved. Justice Peters has a reputation both as a fearless advocate and as a person with strong principles and sense of justice. Justice Peters also brings a wealth of experience to her new role. She has broad experience as counsel in the New Zealand Courts, and has advised on claims arising in contract, tort and equity; property, leasing and resource management matters; shareholder and company disputes; and trust and estate administration matters.

Most recently, Peters J practised as a barrister at Bankside Chambers. She is also a former partner of Russell McVeagh, and has worked both in New York (Arthur Anderson & Co) and London (Allen & Overy). Last year she was also appointed as Deputy Chair of the Real Estate Agents Disciplinary Tribunal.

No doubt Justice Peters will make significant contributions to the law in her new role, and we look forward to watching her career continue to progress.

AWLA will be organising celebratory drinks for her Honour, further details of which will follow in next month's newsletter.

From the President...

Congratulations to the Hon Justice Mary Peters for her appointment to the High Court bench. AWLA is especially proud of Justice Peters' appointment as she is a past president of AWLA and a long time supporter. We will be hosting drinks to celebrate Justice Peters' appointment in September. Watch this space for more details!

We are also very excited about our charity event coming up on the 25th of August to support the charity, Dress for Success. It should be a fabulous and fun event so do come along to try your hand at bidding at our charity auction. We'll also have goodie bags, raffles and silent auctions. We thank Bell Gully for their sponsorship of this fun event.

Our flagship Dame Silvia Cartwright Lecture for 2010 is also fast approaching. We are delighted that the Hon. Georgina te Huehue QSO has agreed to be our speaker this year. The event is going to be held on 4 November – so watch this space for more details.

It's also that time of the year when you should start thinking about whether you'd like to get more involved with AWLA next year. Nominations will open around October, with the AWLA Executive Committee finalised at the AGM. Our AGM this year is scheduled for late November or Early December and will be held immediately before our year end Christmas Dinner.

Sarah Carstens
President, AWLA

Low Odds on Female Partnership in Australia

A recent article in *The Australian* explains that women are struggling to attain partnership status in Australian law firms. The article, which can be obtained through the link below, refers to the results of an annual survey that found women accounted for just 21.9% of all new partners promoted in the preceding 6 months, down from 26.8% in the previous year.

The article includes a number of interesting quotes from senior professionals in top Australian firms. In considering the results the Managing Partner of Marque Lawyers said "There is still a fair bit of sexism in a lot of firms where men are standing in the way of women's promotion... There are still a lot of unreconstructed chauvinists out there. It's not so much rank sexism, it's just much more convenient to promote people who don't have other things to deal with, people who don't have kids or don't have other interests. It's just much easier to have partners who don't have to go home at 5pm."

Sex Discrimination Commissioner Elizabeth Broderick, a former partner of Blake Dawson, is quoted as saying "It's just clear that merit isn't the basis on which people get to the top in law firms... The numbers speak for themselves, if you assume merit is distributed equally between the sexes."

The survey results may not be surprising to those who have practised in Australia, but do act as a reminder that the challenges faced by Kiwi women seeking partnership are echoed elsewhere.

<http://www.theaustralian.com.au/business/legal-affairs/women-sidelined-in-partnership-race-in-legal-firms/story-e6frg97x-1225882954318>

New Domestic Violence Legislation in Force

Stephanie Earl

Last year AWLA made submissions in respect of proposed additions to the Domestic Violence Act 1995.

The legislative changes, which arose out of the Domestic Violence Enhancing Safety Bill 2009, came into force on 1 July 2010.

The Act now provides for the issuing of on-the-spot "police safety orders" (PSO), which can be made by a qualified constable if they are satisfied that the respondent is or has been in a domestic relationship with another person ("the protected person"), and has reasonable grounds to believe that the issuing of a PSO is necessary to ensure the safety of the protected person. These orders are only made where the respondent is not arrested for an offence involving domestic violence. The matters that are to be taken into account in assessing whether a PSO should be made include the likelihood that the respondent has used, or is using, domestic violence against the protected person and whether the respondent has used, or is using, domestic violence against any other person with whom he or she has a domestic relationship. The officer must also have regard to the likelihood that domestic violence will be repeated, the welfare of any children residing with the protected person, the hardship that may be caused if the order is issued, and any other matter that the officer considers to be relevant. The conditions of a PSO are the same as those of a protection order with the exception that the protected person cannot consent to residing with the respondent. A PSO can be made without the consent of the protected person.

A PSO can be made for a period of no longer than five days, and a respondent can be taken into custody for breaching an order. While the order is in force, the provisions of any parenting order or agreement affording day to day care or contact with a protected child are suspended.

The Bill also amended the Sentencing Act, with the effect that a Court can now

issue a protection order as part of sentencing an offender. The Court is able to issue a protection order at sentencing where at least one of the charges on which the defendant is being sentenced is a "domestic violence offence" (an offence involving the use of violence against a person with whom the offender has been in a domestic relationship, excluding children), where the order is necessary for the protection of the victim, and if the Court is satisfied that the victim does not object to the order being issued. The Court can only issue a protection order where one is not already in place. If proceedings for a protection order have commenced, the sentencing order can be made and will have the effect of bringing the Family Court proceedings to an end.

In its submissions to the Select Committee, AWLA supported the spirit and intent of the legislation as improving protection of victims of domestic violence by strengthening police enforcement of the Act and distancing the victim from the 'responsibility' of a protection order. AWLA also acknowledged the significant effect an order will have on the person against whom it is made, and the lack of review provisions should a PSO be issued on insufficient grounds. For those reasons, the possibility of a shorter timeframe of three days, being the equivalent duration of the orders in Western Australia (on which the Bill was modelled), was raised. The Bill as introduced gives the issuing officer the discretion to make an order of a shorter duration if that is appropriate in the circumstances. AWLA encouraged further funding and training to police officers to develop and maintain a greater understanding of the needs of victims of domestic violence and their reliance on the police for enforcement and protection as well as the new obligations on police in issuing a PSO.

As at 3 August, 289 orders have been issued and 20 of those have been breached.

Giving Something Back

Angela Stafford

“Does your workplace offer payroll giving? If not, why not?”

Changes to tax rules are not always exciting news but some recent changes have provided New Zealanders with an opportunity to make a real difference.

On 7 January 2010 a new voluntary scheme called payroll giving became an option for New Zealand workplaces. Payroll giving creates a mechanism that enables employers (and their employees) to donate a portion of their income to a chosen donee organisation each payday and receive an immediate 33.33 percent tax credit via PAYE on the donation. For example, this means if an employee donated \$15 from each payday the actual cost to the employee would be about \$10 and the donee charity would still receive \$15.

According to the Office for the Community & Voluntary Sector *“approximately 794,000 people in employment are already committed givers (ie: making regular contributions of time or money to causes that are important to them). By switching to payroll giving, many of these workers could potentially get money back that they might not have bothered to claim from the tax department in the past – effectively making donations more affordable, which may encourage some people to increase the amounts they give.”*

Payroll giving is a voluntary scheme. This means not all employers currently provide this option to their staff. AWLA wants to encourage all law firms, large and small, to look into payroll giving and consider whether they can introduce a payroll giving scheme in their workplace.

Some employers have expressed doubts about offering this service because of the potential burden of administering the

system. For instance, if an organisation has 50 staff who choose to donate but each employee chooses a different charity some time would need to be spent setting up the payments and administering them (and making changes if employees change their minds). Where an organisation has up-to-date payroll management software this may be less of an issue. According to the Office for the Community & Voluntary Sector, upcoming updates to software packages are likely to make administration of a payroll giving scheme relatively straightforward for employers.

The Office for the Community & Voluntary Sector says research indicates payroll giving provides benefits to employers as well as the organisations receiving the donations including:

- increased employee morale and retention;
- an improved social responsibility profile; and
- stronger partnerships with the community.

To get the ball rolling why not speak to the partners or payroll administrators in your firm about payroll giving, or ask other staff if they would be keen to participate. Think about it. Even if only 1% of all staff in all NZ law firms chose to sign up that would represent a significant contribution to the charitable sector in New Zealand. For more information about payroll giving please go to www.ocvs.govt.nz/work-programme/three-key-projects/payroll-giving.html.

If your firm is currently implementing payroll giving and you have any good stories to share we would be keen to hear them.

Executive Profiles



Antoinette Golden

Antoinette works at Russell McVeagh in the resource management team. She joined Russell McVeagh in 2009 and before that spent some time overseas travelling.

This is Antoinette's first year on the AWLA executive and she is looking forward to contributing to the success of the Association.



Eesha Karamchandani Student Representative

Eesha is the Student Representative of AWLA and as part of her role she acts as a university and student liaison, and attends Executive board meetings and AWLA functions. Eesha is currently in her penultimate year of study at the

University of Auckland Law School and is also a volunteer at the Waitakere Community Law Centre. Eesha is a music and sports enthusiast and enjoys travelling.



Suits to Self-Sufficiency



AUCKLAND WOMEN
LAWYERS' ASSOCIATION

Dress for Success Charity Auction

Wednesday 25 August 2010 at Bell Gully

Join us to support Dress for Success Auckland.

Enjoy wine & nibbles, participate in a live auction, enter into a raffle draw, enjoy a fashion show by Liz Mitchell, take part in silent auctions and take the opportunity to meet other women practitioners – all in support of a worthy cause.

Drinks will begin at 5.00 pm, with events to start at 5.30 pm.

Tickets – \$10.00

Kindly sponsored by

BELL GULLY

Numbers are strictly limited. RSVP now by emailing awla@xtra.co.nz

All proceeds from ticket and auction sales will go to Dress for Success Auckland, a charity which helps women in need enter or re-enter the workforce by providing free interview-appropriate clothing and advice.

Dress for Success Charity Auction, Wednesday 25 August 2010

Please RSVP by Friday 20 August 2010 to: AWLA Functions, PO Box 6568, Wellesley St, Auckland

Name/s: _____

Employer: _____ No of Persons Attending: _____

_____ Tickets at \$10.00 = _____

Please tick if you require a receipt to be posted Cheque enclosed for \$ _____

Cheques should be made payable to "AWLA" and posted to AWLA Functions, PO Box 6568, Wellesley St, Auckland

Paying via Internet Banking

Please credit your payment to:

Name of Account: The Auckland Women Lawyers' Assn Inc Bank: BNZ Auckland Branch

Account Number: 02-0100-0147026-00

Please insert your name and "Charity" in the particulars section before making the transfer, and let us know the date it will go in so that we can trace it as your payment.

AWLA EXECUTIVE COMMITTEE 2010 – CONTACT DETAILS

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2010 PORTFOLIOS

Membership & Promotion subcommittee:

Mentoring:

Dame Silvia Cartwright Lecture subcommittee:

Legislative Watch:

Scholarship & Writing Prize:

Marie Kissick, Maria Taylor, Angela Stafford & Hyo-Jung Kim

Felicity Monteiro

Rachael Reed, Kate Lane, Katherine Burson & Hayley Miller

Angela Hansen & Stephanie Earl

Farzana Nizam