

ACCESS TO JUSTICE 5 YEARS ON | IS WORD OF MOUTH DYING OUT | BEYOND BE CAREFUL –
TAUTORU AI | INTERIM REINSTATEMENT AND THE NEW SECTION 123C OF THE EMPLOYMENT
RELATIONS ACT | HOW TO KEEP YOUR BUSINESS MOVING WHEN THE LIGHTS GO OUT



At The Bar

AUGUST 2026



New Zealand Bar Association
Ngā Ahorangi Motuhake o te Ture



New Zealand Bar Association
Ngā Ahorangi Motuhake o te Ture

THE BAR SYMPOSIUM

3 September 2026 | The Northern Club, Auckland

Join senior judges and leading advocates for a practical programme focused on the skills advocates need to navigate a changing justice system while delivering fair, timely and cost-effective outcomes.

Featuring sessions on appellate advocacy, cross-examination, evidence-in-chief and re-examination, plus a keynote from **Roddy Dunlop KC**, Dean of the Faculty of Advocates of Scotland.

TICKETS

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Non-Members: \$350 inc GST

Limited tickets available.

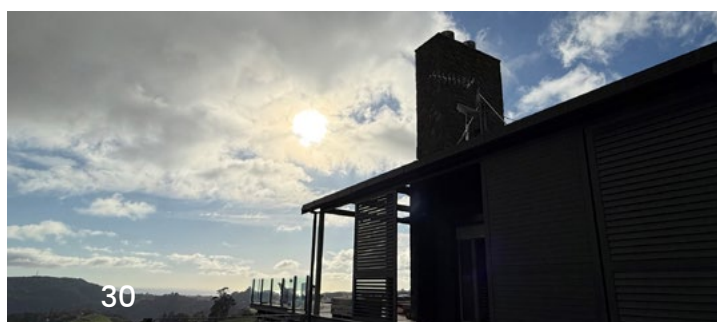
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President's Perspective

My term as President will come to an end at the end of September, and Simon Foote KC will take office for the next two years. I have enjoyed working with Simon, and I am sure he will do a great job in the role. He will be very well supported, as I have been, by our executive team and our Council.

The work as President is challenging, diverse, and enjoyable; perhaps the hardest aspect is deciding on what to prioritise where there are many things that you could devote time to but only so much time and resource.

A central part of the role lies in showing the importance of the work of independent barristers in the administration of justice. I have tried to underline this whenever I can, both when I speak publicly and privately in meetings. But there remains work to be done on

Top: Paul David KC and
Genevieve Haszard at the
Tauranga End of Year Drinks

increasing the understanding of our role and its importance.

A very important goal for the Association is to see that we are doing everything possible to give our members the support required to do their work well. This involves providing the right form of support and training internally on a regular basis; but it also requires regular attention to the external policies that shape the system in which we work.

Work in the first area, while challenging, is very rewarding because we have more control and we see the benefits for our members. The second area is harder, and ensuring support for the system by which justice is delivered is an ongoing task and can be frustrating. We continue to work hard to have the value of a well-funded legal aid system recognised; and we work with the courts in the introduction of measures aimed at improving the delivery of justice.

> We strive to support our members, but the problem is deep and philosophical.

The status of the system creates significant strain on those who do the work to make it function. We strive to support our members, but the problem is deep and philosophical. Addressing the issues requires a commitment to the value of a better funded system and steady steps to achieve this. We have made representations whenever we can, and we will be engaging with the review of the justice system that is underway, but we will need to make ongoing efforts to show that there is real value in having

a system that is better funded and functions more effectively.

There are difficult problems to address, but I am regularly struck by the commitment and dedication of barristers to their work. They find working independently to bring about just outcomes for their clients very satisfying and enjoyable.

On 3 September 2026, we will hold a Symposium in Auckland. This event replaces the World Bar Conference, which was cancelled when the global uncertainties caused by the Iranian conflict threatened attendance. We have a great programme for half a day on a mix of topics with great speakers, followed by an evening function. I am very much looking forward to the event, and to seeing as many of you as possible there.

It was very disappointing that we had to cancel the WBC because it was an opportunity to meet representatives of other independent bars who face similar issues sometimes in more developed form. I hope that we will have the opportunity to host the event again in the future.

Sir John Henry KNZM KC PC died recently. Sir John was recognised as a great New Zealand judge. His death did make me a little nostalgic and reminded me of the common attributes of good judges. I have fond memories of appearing before Sir John, so please excuse the personal aspect.

When I first appeared in the New Zealand courts in the early 1990s, Sir John was sitting as a High Court Judge in Auckland;

he was also in charge of the Commercial list. I was sometimes sent “up the road” to the Court from my firm to appear on various applications before him. I am not sure why, but I think that Sir John was seen as a judge who was more demanding of counsel than some, and I was keen to go to court! I also appeared as counsel in a jury trial over which Sir John presided.

I was immediately struck by Sir John’s robust but polite analysis and insistence on counsel being able to express exactly what the argument was orally in short propositions so that “he could note it down” and address it with equal precision; also, his insistence on cases being properly and fairly presented. Challenging as the experience could be, Sir John was everything that counsel should expect of a judge.

With these memories, it was good to read the Chief Justice describing Sir John as a model for many of our current judges. The volume and content of material may have changed, and the burden of the work on courts and counsel is perhaps greater, but Sir John’s approach remains the way for counsel and judges to get to the points in issue and deliver justice.

In running the Commercial List in Auckland, Sir John was business-like and his approach to contract interpretation remained faithful to the bargain while recognising commercial reality and context. The lineage of our recently reinstated Commercial List goes back to the Commercial Court established in the United Kingdom. In the early part of the twentieth century, the UK Commercial Court was the domain of great common law judges who helped establish modern

commercial law; they were led by Sir Thomas Edward Scrutton. Through my eyes Sir John had all the qualities that make such judges – robust analysis, insistence on proper advocacy and oral exchange as the best way to get to the point and succinct decisions. Parties and counsel could be confident that the judge would address the points at issue clearly. Sir John had none of the abrasiveness that is said to have been shown by Scrutton LJ when he did not think that counsel was doing a good job.

Not very long ago I spoke to Sir John as he walked near the local beach; I did have to pluck up courage because I remained nervous in saying more than “hello”, but I said that we missed him in the courts or something like that. He said “for the statement of basic principles” with a twinkle in his eye.

I hope to see you at the Symposium on 3 September.

Thanks for the support during my time as President. It has been a privilege to serve the Association. All the best for the future.

– Paul David KC, President

New Members

Malia Banks	Otago
Dave Barr	Wellington
Helen Bennett	Canterbury
Sam Bird	Auckland
Charles Boon	Auckland
Erana Breitmeyer	Canterbury
Sally Buckenham	Canterbury
Benjamin Cain	Bay of Plenty
Michael Cameron	Wellington
Edmond Carrucan	Waikato
Gabriel Clarke	Auckland

Glenn Cooper	Canterbury
Phillip Crabb	Auckland
Kalei Delamere-Ririnui	Bay of Plenty
Gerardus Elwell	Auckland
Nixon Fong	Auckland
Heather Froude	Taranaki
Cara Gelston	Taranaki
Bruce Hall	Bay of Plenty
Juan Hamber	Northland
Amanda Hyde	Auckland
Lauren Johnston	Auckland
Philip Joseph	Canterbury
Joanna Lorigan Innes	Canterbury
Wilson Main	Northland
Nicola Manning	Auckland
Jessica Manson	Canterbury
Philip Maw	Canterbury
Irene McGlone	Wellington
Adrienne McLean	Auckland
Carolyn Morton	Canterbury
Joanna Murdoch	Marlborough
Samuel Nicholson	Auckland
Benjamin Nicholson	Auckland
Thomas Pedlar	Auckland
Stephen Rankin	Auckland
Cindy Robinson	Canterbury
Hugh Russ	Canterbury
Mikaela Ryan	Auckland
Andrew Shaw	Canterbury
Tony Shepherd	Northland
Machrus Siregar	Indonesia
Nuwan Siriwardena	Hawke's Bay
Harrison Smith	Auckland
Ben Smith	Bay of Plenty
Zoe Stowers	Auckland
Richard Taylor	Auckland
Myles Thomas	Auckland
Aloalii Ulu	Auckland
Jori Whitfield-Topp	Wellington
Nicholas Wilkinson	Auckland
Saima Zafar	Canterbury

Kōrero Bar News



Top: Jonathan Coates

Jonathan Coates

Dr Jonathan Coates joined the independent bar in April 2026. Jonathan's expertise is in health law, professional regulation and discipline, and public law. He is one of New Zealand's leading health sector lawyers having specialised in the sector since the mid-1990s.

Jonathan was previously a litigation partner with Buddle Findlay before establishing Claro, a specialist health sector law firm, in 2012. His PhD thesis considered the regulation of medical practitioners in New Zealand. Jonathan has undertaken a number of independent investigations and reviews. In 2025 he completed the Institute programme of the Association of Workplace Investigators in Nashville, USA. He is available to be engaged to undertake independent investigations and reviews.

Jonathan has a national practice. He is a member of [Canterbury Chambers](#) and [Britomart Chambers](#).

Clifton Chambers is pleased to welcome Una Jagose to the independent Bar.

Una joined Clifton Chambers in May, following a decade as Te Rōia Mātāmua o te Karauna o Aotearoa/Solicitor General of New Zealand. Una is an experienced adviser and advocate across a range of public law, regulatory, and constitutional matters. She has appeared at all levels of New Zealand courts, and before commissions of inquiry. She has led significant public and constitutional law cases over two decades.

Una joins barristers from diverse practice backgrounds who specialise in a wide range of different legal work. As well as offering high-quality advocacy and legal

advice, Clifton Chambers have expertise in governance, alternative dispute resolution and investigations. Originally established with five members in 2012, the Chambers has grown and changed over the years, with former members leaving to take up bench appointments and newer members contributing to the breadth of the Chambers' expertise.

Clifton Chambers currently sits at 16 members; a diverse and collegial group working, among other areas, on public, employment, human rights, commercial, competition and intellectual property matters. You will find us at www.cliftonchambers.co.nz.



Left: Una Jagose KC. Right: Michael Cameron

Lambton Chambers

Lambton Chambers are very pleased to welcome Michael Cameron as a member of Chambers from 1 July 2026. Michael specialises in Legislative development and drafting, Public Law and Administrative Law.

With more than 20 years' experience in law, policy, and legislative development, he is a member of the Parliamentary Counsel Office's Legislation Services Panel and advises on legislative development, statutory interpretation, delegated legislation, judicial review and public law issues.

Michael has particular expertise in the design, drafting, interpretation, implementation, and operation of legislation. He has experience with both primary and secondary legislation. He

has worked on major legislative reform programmes and on complex statutory and administrative law issues.

Michael has held senior legal and policy roles in the public sector, working closely with Ministers, government agencies, and the Parliamentary Counsel Office. That experience gives him a practical understanding of how legislation is developed, how public powers are exercised, and how statutory schemes operate in practice.

Michael was awarded the New Zealand Law Society In-House Lawyer of the Year Award in 2015. He has also received the New Zealand Law Foundation International Research Fellowship and a Winston Churchill Memorial Trust Fellowship.

City Chambers expands and welcomes new members

Founded in 2003 by the late John Haigh QC and Paul Wicks KC, City Chambers is an Auckland-based set providing expert advocacy and advice across NZ. Chambers now has 12 members, including four silks: Paul Wicks KC, Rachael Reed KC, Sam Wimsett KC and Katie Hogan KC.

Members offer specialist expertise across serious criminal, regulatory, criminal proceeds, professional disciplinary, employment, and general and state-related civil litigation.

City Chambers has recently expanded its premises on Level 1 of the General Building, taking in part of the space formerly occupied by a neighbouring set. Chambers is delighted to welcome its latest members: Sarah Ongley, Garth Gallaway and Yvonne Mortimer-Wang. Sarah advises and represents both employers and employees on all

employment law matters, including disciplinary processes, dismissals, personal grievances, investigations and contractual disputes. She has 20 years' experience and appears regularly in mediations, the Employment Relations Authority and the courts.



Left: Sarah Ongley. Right: Garth Gallaway

Garth is a highly regarded advocate in regulatory, medical and professional indemnity matters, and is one of New Zealand's most experienced health and safety lawyers. He is also a member of Bridgeside Chambers, Christchurch.

Yvonne is an experienced barrister with expertise in commercial ("white-collar") crime, civil fraud, proceeds of crime, regulatory and professional disciplinary proceedings.

Further details of Chambers are available via its updated website, www.citychambers.co.nz and its LinkedIn page.



Top: Yvonne Mortimer-Wang

Barristers.comm

Barristers.Comm is pleased to celebrate the election of Christopher Griggs as President of the German-New Zealand Chamber of Commerce, which is New Zealand's second largest foreign chamber, at the Annual General



Top: Christopher Griggs and fellow board members

Meeting held 25 June. Chris has been on the chamber's Board since 2017, as a German-speaking barrister and legal advisor to the German Embassy.

Bankside welcomes new members

Bankside welcomed two new members earlier this year: Camille Butters and Mike Colson KC.

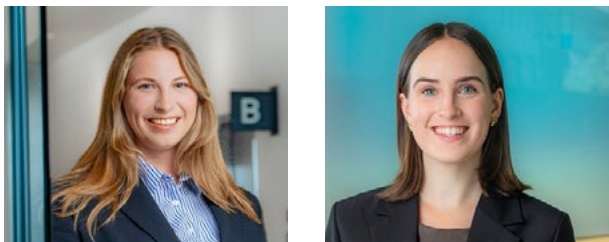


Left: Camille Butters. Right: Mike Colson KC

Commercial litigation and dispute resolution specialist Camille Butters has expertise in financial services litigation, with over a decade of experience advising leading corporates and participants in the financial services industry. Prior to joining the independent bar in 2025, Camille was a Senior Associate at Russell McVeagh in the firm's litigation team.

Admitted to the bar in 1991, Mike Colson KC began his career at Bell Gully. After two years with Herbert Smith in London, he returned to Bell Gully as litigation partner from 2001 to 2017. Mike's expertise spans commercial and public law, including insolvency, property, negligence, energy, and Te Tiriti o Waitangi matters.

Bankside also welcomed junior barristers Sophie Dixon and Meredith Walker.



Left: Sophie Dixon. Right: Meredith Walker

Sophie is employed by Rachael Jones and Josh Suyker and Meredith is employed by Sarah Jerebine KC. Sophie and Meredith were both Judges' Clerks at the High Court in Wellington and were admitted to the bar in December 2024.

Bankside barrister Aidan Cameron and Rowan Butler of Mills Lane Chambers, acted for the Attorney-General in *Sanctuary Community Organic Garden Mahi Whenua Inc v Attorney-General* [2026] NZSC 39, in which the Supreme Court dismissed an application for leave to appeal from a decision of the Court of Appeal.

Tiana Epati KC and Matanuku Mahuika acted for the successful appellant in a landmark Supreme Court decision, which declined the appellant's extradition to Australia: the combination of both the inexcusable delays by Australian authorities and profound changes to his personal circumstances rendered his surrender oppressive.

Bankside congratulates members who have been recognised so far in this year's Doyle's Guide, in their practice areas: Aidan Cameron, Bridgette White, Christine Meechan KC, Lady Deborah Chambers KC, Graeme Christie, James Cairney, Janette Campbell, Jason Goodall KC, Jeremy Johnson, John Walton, Kelly Quinn KC, Hon Paul Heath KC, Philip Skelton KC, Polly Pope, Sharon Chandra, Dr Simon Foote KC, Tom Weston KC.

Sangro Chambers

Sangro Chambers is delighted to announce that Lewis Turner and Bronwyn McKinlay have joined Chambers. Both bring substantial litigation experience and specialist expertise that complement and extend Chambers' existing offering.

Lewis joins after 19 years as a barrister sole, preceded by seven years at Russell McVeagh. He has built a broad commercial and civil litigation practice, appearing in the courts at all levels in matters spanning contractual disputes, directors' duties, competition, employment, and public law, together with shareholder, property, financial, and regulatory disputes. He also has particular experience in urgent relief and appellate advocacy.



Top: Bronwyn McKinlay.

Bronwyn joins with more than 30 years' experience in commercial litigation, regulatory investigations and disputes, and complex civil proceedings. She has been a barrister sole for the past seven years. Prior to that she practised at Bell Gully, Minter Ellison, Allens (Australia), and Duncan Cotterill. Bronwyn specialises in competition and regulatory investigations and disputes, insolvency, shareholder and governance disputes, trusts and fiduciary claims, and urgent interlocutory relief.

We warmly welcome Lewis and Bronwyn to Sangro Chambers and look forward to the contribution they will make to Chambers and to the wider profession.

Welcome to the Team: Kylie Barton



We are delighted to welcome new Education Manager, Kylie Barton, who joined the team in May. She has already made a significant contribution and impact on our training resources.

Many members will know Kylie from her nine years with New Zealand Law Society's Continuing Legal Education. Most recently, she managed the highly regarded Litigation Skills Programme, a role that required exceptional organisational ability, attention to detail, and a strong commitment to professional education.

Those skills are already proving invaluable at the NZBA. Kylie is currently juggling preparations for the Bar Symposium on 3 September, our upcoming Mastering Advocacy workshop on Openings and Closings on 31 October, and a busy programme of webinars, with her trademark calm efficiency.

Kylie is passionate about supporting professional development within the legal community. "I look forward to continuing to deliver high-quality education programmes and courses that provide practical value to our members, helping them build their knowledge, skills, networks, and confidence throughout their careers," she says.

Kylie has lived in Wellington for the past 20 years and works remotely for the NZBA (in common with the rest of the team). She will shortly take on the implementation of our new learning management system and enhancements to our mentoring programme. Kylie says she is thoroughly enjoying her new role. She has quickly become a valued member of the team, occasionally accompanied online by her cat, Jasmine, whose appearances have provided entertainment for her colleagues.

Access to Justice 5 years on

Frances Joychild KC was the inaugural winner of the LexisNexis New Zealand Bar Association Access to Justice Award in 2022. Here she writes on what is happening in the Access to Justice field today in civil law and makes two substantial recommendations for change.

There has been much activity in the New Zealand Bar Association, Law Association of New Zealand, Ministry of Justice and High Court Rules Committee in the last five years to try to improve access to justice for New Zealanders. It is commonly understood that over half of New Zealanders cannot access justice in the country they live in. Efforts to change the situation over the past five years are well documented and are described briefly here.¹

High Court Rules changes

The High Court (Improved Access to Civil Justice) Amendment Rules 2025 took effect on 1 January 2026. These have an objective of a just, speedy, and inexpensive resolution scaled to what the dispute is actually worth. Parties are required to file factual witness statements and key documents at the time of filing pleadings. There is an early mandatory judicial conference to isolate core issues and cut out peripheral arguments. It is too early to assess how this might make litigation less expensive and more efficient and speedier, but it is a worthy attempt at improvement.



Top: Frances Joychild KC with the Access to Justice Award in 2022

¹ Statistics and data cited in this article have been collected with the assistance of AI from sources such as the Ministry of Justice, and the New Zealand Law Society Te Kāhui Ture o Aotearoa Legal Aid Review 2025: Submission of the New Zealand Law Society Te Kāhui Ture o Aotearoa (1 August 2025). The original source documents themselves have not always been reviewed in their entirety.

Te Ara Ture pro bono clearing house initiative

There is a national Te Ara Ture pro bono clearinghouse operating out of Community Law whose purpose is to improve the pro bono culture in New Zealand. Six firms founded the effort, and there are now over 100 registered legal practices and individual lawyers in the scheme. Participating firms commit to a target of at least 25 pro bono hours per full-time lawyer per year. 17,589 pro bono hours were given last year, and 86.7 % of these were given to community organisations and charities.

They have been helped with corporate governance, tax structuring and property matters, for example. Individuals on low incomes can get help with matters such as employment, MSD debts, immigration matters, among other matters. Some of the 100 practices don't commit to the 25 hours but register to review the digital portal and log on and accept or decline individual cases.

Civil legal aid changes

There have been several activities in the area of legal aid. In 2023, the government removed the \$50 user charge. Legal aid remains a debt that can be waived for persons on a very low income, such as a benefit, but otherwise must be repaid. It is now an interest-free loan rather than one that accrues interest; eligibility thresholds have gone up 15%. There was a one-off 12% increase in lawyers' fees in July 2022.

Today, civil legal aid rates for junior,

intermediate and senior counsel respectively stand at \$103, \$130 and \$150 per hour for tribunal matters; \$108, \$134 and \$150 per hour for District Court matters and \$120, \$150 and \$178 for High Court, Court of Appeal and Supreme Court matters.²

In 2025, 513 lawyers nationwide were approved to provide civil legal aid (excluding family). However, only 175 lawyers, or 19%, were active providers.

An estimated 493,000 New Zealanders are now eligible for civil legal aid.³ However, in 2025 the government approved only 2,553 civil legal aid grants. This compared to 64,587 approved criminal legal aid grants.⁴

These figures say it all: civil legal aid is essentially not available for even eligible people with civil law problems. The reason, from the data and from my experience, is that there are almost no lawyers undertaking civil legal aid.

My experience of the massive civil lawyer gap.

I am well aware of this gap as I am a registered civil legal aid provider and am contacted weekly and sometimes daily by members of the public seeking a civil legal aid lawyer. This was the first sentence of the email I received today: I write in absolute desperation for someone like yourself to hopefully consider taking my case. They are typical words and in a typical tone.

These days I take on average three cases

² After rental, registration fees, professional indemnity insurance, income protection insurance, legal library facilities, the "profit margins" for civil legal aid can go into the red.

³ The Legal Aid Regulatory Impact Statement 2022 p14 n18 provides a rough estimate of approximately 400,000 eligible people. The Bill then increased the eligibility threshold by 93,000. [Regulatory Impact Statement: Improving access to legal assistance for low-income New Zealanders - 10 June 2022 - Regulatory Impact Statement - Ministry of Justice](#)

⁴ Ministry of Justice, Justice Statistics Data Tables 2016 – 2025, https://www.justice.govt.nz/assets/Documents/Publications/16NKQZO_Legal-aid_dec2025_v1.0.xlsx. Accessed August 2026.

a year and turn down around 95% of inquirers. I used to do more. I understand how I work is typical of many civil legal aid providers. Besides capacity issues, it is simply not affordable to take on a large civil legal aid practice. Besides the extremely low rates, the paperwork is a major hurdle, amendments to grant particularly so. Other lawyers I know would rather take a case pro bono, sometimes on a contingency basis with an agreement that if there is money recouped, they get a percentage. At other times they work pro bono but with an agreement that any costs awarded go to them. I do this also at times.⁵

People and small businesses needing lawyers do the rounds of every civil legal aid lawyer in their area and mostly no-one has capacity or availability. They often come back to me in a couple of months after they have first inquired about my availability. They might get friends, family members to ring and beg me to take the case.

The types of work they need lawyers to do for them is as varied as the practice of law : to enforce debts, issue or defend bankruptcy proceedings, deal with contractual matters that have gone off the rails, defend themselves in disputes with IRD, defend themselves in summary judgments, defend themselves in all sorts of civil litigation at all levels, challenge insurance claim decisions, take

proceedings in all sorts of civil jurisdictions; challenge ACC when it has declined their claim, challenge MSD's decisions such as debt calculations; that they are in a marriage; challenge an employment dismissal ... The list is endless.⁶

> Long term injustices that can't be resolved impact every aspect of their life. And that impacts society and the country.

People seeking civil legal aid are typically in high stress, high anxiety and fear when they contact me. And for most all I can leave them with is further despair. Those negative emotions affect their whole household and everyone they interact with. Long term injustices that can't be resolved impact every aspect of their life. And that impacts society and the country. When justice cannot be resolved through the courts, we lose the 'free and democratic society' that the Bill of Rights is predicated on. The fall out takes us to a time prior to the Magna Carta.

Legal aid review

Overall legal aid costs have risen from \$192m to \$304m over five years. It seems the criminal arena is where this has occurred. A programme has been established in the Ministry of Justice

⁵ However, working under legal aid has advantages for clients such as protection from adverse costs awards. Lawyers have to be careful to ensure the client understands this protection is lost under contingency fee arrangements.

⁶ An example of the matters people have wanted help from me in the last two months include: to stop the republication of the name of their charitable organisation in a damning media article; to take a claim for historic abuse in a private boys school; four wanted to challenge ACC decisions declining cover at various levels of the process; two wanted me to take over civil proceedings they had started themselves as lay litigants in contractual/commercial matters; one wanted to appeal against a Harmful Digital Communications Order; one had an issue in relation to a conveyancing transaction; one wanted to challenge a health professional destroying records; one wanted help judicially reviewing MSD; several sought help with MSD actions and decisions.

called the “Accessible and Affordable Justice Programme”. My initial read of the consultation leaves me thinking all civil law options are tinkering. The government currently has a budget blowout and is most unlikely to provide more funding to encourage more lawyers to undertake civil legal aid.

The growth in Lay litigants

Lay litigants are the result of a non-functioning civil law system, particularly non-functioning civil legal aid. In 2015 self-represented litigants made up 51.8% of litigants in the District Court. As of 2024, that figure was 74.2%. In the High Court they are estimated to constitute 10 to 20% of litigants, with notably higher concentrations in the appellate lists. Approximately 20 to 25% of litigants in the Court of Appeal are self-represented and 40% in leave to appeal to the Supreme Court applications. A small proportion are granted leave to argue their case substantively.

Lay litigants are recognised as placing significant pressure on the civil litigation system, contributing to court delays and increasing costs for opposing parties. They are always at a disadvantage because of their lack of knowledge of the law. Additional pressure goes onto the judge trying to ensure fairness. From the outcomes I have seen, I do not believe justice has always been served in such cases. More than once I have successfully appealed a decision or otherwise helped a lay litigant who failed in their initial action. The vast majority of lay litigants do not know how to identify the key legal issues, and they do not know how to adduce evidence

to prove or disprove the issues. They cannot identify fact from law. Facts that are important to them are often legally irrelevant. They are not the solution to the massive gap in access to civil law justice. Neither is AI, which in the hands of lay litigants is another major problem for courts to deal with.

Neither is AI, which in the hands of lay litigants is another major problem for courts to deal with.

Solutions

Enabling access to justice requires action on multiple fronts. Injecting more funding into civil legal aid is the obvious solution that could dramatically improve the situation more than anything else, overnight. However, that is in the hands of politicians. Below I discuss two solutions that could significantly improve people’s access to justice in the civil arena. There are other methods I think are also strong contenders for creating solutions. Among others, one is to reduce court fees for individuals or increase hardship level waivers. The other is to provide a specialist social security funded law centre. These are for discussion on another day.

1. Enable every qualified lawyer to be able to take civil legal aid cases.

At the moment a lawyer has to apply to become a civil legal aid provider, despite having a practising certificate. The extraordinarily burdensome process is well described by Alexandra Low⁷ in her article in Law News: Nightmare battle with a process fraught with difficulty. I recall it took me three full-time days and two part-time

⁷ <https://lawnews.nz/legal-profession/becoming-a-civil-legal-aid-provider-one-senior-litigators-nightmare-battle-with-a-process-fraught-with-difficulty/> 5 July 2026

days just to complete the form, when I did it as a senior lawyer in 2011. At that time, I had taken several successful cases in the appellate jurisdiction but despite my protest, I had to prove my capability. Now KCs are excused but other senior lawyers still have to go through the process.⁸

But it wasn't always like this. When I joined the independent bar in 1997 any lawyer (barrister or solicitor) could provide legal aid. A person seeking a lawyer would ring or write and explain their situation. If it was in the lawyer's field of expertise, drew the lawyer's interest, compassion or conscience, then they would accept the case and file an application on behalf of the client for legal aid. It could be slipped into among their caseload. It did require more paperwork; it was not well paid, but it was viewed as fulfilling a social duty and most lawyers I knew were happy to do the occasional legal aid case on that basis.

> The solutions devised in government after the Bazley Report have in my view had a catastrophic impact upon the provision of civil justice.

All that changed in 2011. The solutions devised in government after the Bazley Report have in my view had a catastrophic impact upon the provision of civil justice. The Legal Services Act and regulations of 2011 became the greatest disincentive possible to undertake civil legal aid.

Most of my colleagues, intermediate and senior, highly capable and experienced, simply walked away from providing civil legal aid in 2011. Law practices walked away. The time and hurdles now required to obtain 'accreditation' were seen for what they were, both unreasonable and unpalatable. As time went on without any adjustment to rates, civil legal aid has also become increasingly unaffordable to those who do it.

Now there is every incentive for lawyers to opt out of legal aid. All they need to say now to an inquiring potential client is that they are not accredited to do legal aid. 'Our firm doesn't do legal aid'. End of story.

> In my opinion, there is no justification for the 'accredited civil legal aid provider' hurdle.

In my opinion, there is no justification for the 'accredited civil legal aid provider' hurdle. Lawyers have all studied for five years, completed professional legal studies and must complete a fit and proper person declaration annually. They must complete 10 continuing professional development courses a year. There is a disciplinary process we are all subject to. Complaints can be made by clients about any aspect of lawyer's competence or ethics. It is a lawyer's responsibility to ensure the case they have taken is one where they are qualified. The legal profession is heavily regulated.

⁸ Reforms were announced by the Legal Services Commissioner's in August 2026 which acknowledge that the current system creates unnecessary barriers for practitioners. Possibly the introduction of simplified approval pathways for family and civil legal aid providers, together with new experience waiver provisions recognising equivalent experience gained in other jurisdictions and practice areas, aimed at making it easier for lawyers to enter (or return to) the legal aid scheme, will increase the number of lawyers taking legal aid cases, but I doubt it will be significant. More fundamental change is needed if legal aid is to attract and retain sufficient numbers of experienced practitioners. The current heavy handed 'control' has to stop.

There remains a legitimate role for oversight of quality and public expenditure. Legal aid administrators should continue to investigate complaints about provider performance, undertake file audits, ensure less experienced lawyers are appropriately supervised, and monitor spending and litigation decision-making. But these functions can be achieved through targeted, risk-based oversight rather than the current level of administrative control over a currently adequately regulated profession.

2. Enable and fund community law centres to take on small civil litigation cases.

Again, this is a return to the past. The first Community Law Centre was established by the Auckland District Law Society in the late 1970's as a pilot scheme in recognition of a major unmet legal need in the community.⁹

It was funded by interest on lawyers' trust accounts. It was managed by a head solicitor who had practical litigation experience and supervised the work of multiple enthusiastic junior employed lawyers. The centres were hives of legal activity for poorer citizens.

They also became great training grounds for young lawyers, giving them wide mediation and litigation hands-on experience. Many went on to have distinguished careers, including as judges. One former High Court judge, Ailsa Duffy, who worked in the Grey Lynn centre in the early 1980's, explained to

me the work she did in the civil arena: a wide range of civil litigation such as all aspects of tenancy disputes, consumer protection, damage to property, breach of contract, constructive trusts, challenging refusals of insurers to provide cover, tortious claims, real estate complaints, constructive trusts, undue influence against finance companies, judicial review, social welfare, immigration, employment disputes.

In 2011 the government, which had by then taken over the operation of the centres, removed funding from the law centres to undertake litigation. That was to go to private providers instead.¹⁰ But as discussed above there are almost no private providers doing this work. The funding not being used for civil legal aid could be transferred back so all these small people and businesses, formerly so well served by community law centres, could have some representation, somewhere to turn to.

- Frances Joychild KC

⁹ Initially it was funded by law firm donations, ADLS, Council and government employment schemes paid the lawyers salaries. In the 1980's registered trusts were established to run community law offices. There were regular funding crises and so it became that the centres were funded through interest earned on lawyers' trust account deposits. That ensured continuity of funding.

¹⁰ I understand centres still have the ability to take on a rare case, but standard practice is for them to decline requests to act in cases as lawyers before tribunals and courts.



A legislative collision or a workable accommodation?

Interim reinstatement and the new section 123C of the Employment Relations Act 2000

2026 has seen the biggest changes in employment law since the introduction of the Employment Relations Act 26 years ago. Among those changes are a radical overhaul of remedies for personal grievances, making it more difficult for an employee to obtain remedies for personal grievances in numerous circumstances. One of those circumstances is prescribed by the new section 123C of the Employment Relations Act, which prevents the Authority or Court from awarding reinstatement or compensation where it finds an employee's own conduct contributed to the situation giving rise to their personal grievance.

It appears that less attention was paid, at the time section 123C was enacted, to what would happen to the Authority's existing interim reinstatement jurisdiction under section 127 of the Employment Relations Act once that bar took effect. Several months into the new regime, a number of determinations have explored how the two provisions interact in practice, and the interlocutory landscape for reinstatement applications has changed as a result. Is this in fact a legislative collision, or is there a workable accommodation between the new law and interim reinstatement?

The statutory tension

Similar to other interlocutory applications, section 127 of the Employment Relations Act exists to preserve the status quo. It allows the Authority to order an

employee back into their role while a personal grievance is investigated, borrowing from the law of interim injunctions: some harms cannot be adequately remedied by money, and the balance of convenience may favour keeping someone employed until the merits are tested. Section 127(4) makes that injunctive law explicit, and section 127(2) requires the employee to file an undertaking to meet any damages later ordered arising from the interim order.

But the new section 123C operates differently from the prior law on remedies. It is not concerned with preserving positions pending determination; it mandates an outcome once determination occurs. Where the Authority or Court finds the employee's own actions contributed to their grievance, reinstatement and compensation are simply unavailable. There is no discretion left to weigh: the prohibition is a blanket one. Where does this leave interim reinstatement applications? Clearly a final outcome cannot be determined at this stage, and a finding on contribution cannot be made as the evidence is as yet untested. How is this conundrum to be resolved?

> Where the Authority or Court finds the employee's own actions contributed to their grievance, reinstatement and compensation are simply unavailable.

Putting section 127 and the new section 123C alongside each other, a question

arises: if an employee obtains interim reinstatement and the substantive hearing later finds their own conduct contributed to the dismissal, have they received the remedy section 123C was intended to foreclose? If so, have they received this remedy "unlawfully" (contrary to section 123C), and what consequences might flow from this?

Recent Employment Relations Authority determinations have touched on this issue but have not conclusively answered whether an employee in that position has received a remedy section 123C was intended to foreclose. None has expressly decided whether interim reinstatement itself falls within section 123C, or whether a later finding of contribution affects the validity of an earlier interim order. In *Waanders v MSX International Australia Pty Ltd* [2026] NZERA 411, the Authority instead considered section 123C within the arguable case for permanent reinstatement, recognising that contribution may not be capable of determination at the interlocutory stage.

That approach suggests that a later finding of contribution would bar final reinstatement and compensation, rather than retrospectively invalidate an interim order properly made under section 127. That approach seems consistent with the nature of an interim reinstatement order. It is a provisional order made without any finding on the merits, reversible, and backed by a damage undertaking directed at this contingency. Section 123C bars the Authority from awarding reinstatement as a final outcome; it does not address the interlocutory power to preserve a status quo while that outcome is pending. However, the precise relationship between the two

provisions remains open for authoritative determination.

The middle ground: integrating section 123C into the arguable case test

The interim reinstatement test requires an arguable case that the employee will ultimately obtain permanent reinstatement, alongside the balance of convenience and overall justice. Section 123C is relevant to this limb of the test: if permanent reinstatement is effectively unavailable because a finding of contribution is likely on the available evidence, the arguable case for the final remedy the interim order would protect is weakened or removed.

This was the approach taken in *Waanders v MSX International Australia Pty Ltd* [2026] NZERA 411. A technical trainer was dismissed after a training course was disrupted amid client complaints and his own lack of response to his employer during the events in question. The Authority found his standard of delivery and his absences were not, on the interim evidence, contributing actions, since a fair employer's assessment of that conduct remained contestable. His sustained failure to communicate during that period was, however, found to be "at the very least arguable" contribution, applying the culpability and blameworthiness approach drawn from established section 124 case law. This left only a weakly arguable case for permanent reinstatement, which, combined with a balance of convenience favouring the employer, resulted in the application being declined.

Where facts are contested, the Authority has not made findings on contribution at the interim stage. *Mitchell v Tasman*

Rugby Union Incorporated [2026] NZERA 435 is an example: despite the employer's submission that it held uncontested evidence of serious misconduct sufficient to engage sections 123B and 123C, the Authority declined to make the "definitive findings" needed to extinguish the remedy at an interlocutory hearing, on the basis that each allegation's characterisation remained disputed. An arguable case for reinstatement was found to exist.

Another case has found that section 123C can also operate alongside, rather than instead of, the practicability and reasonableness inquiry under section 125.

Another case has found that section 123C can also operate alongside, rather than instead of, the practicability and reasonableness inquiry under section 125. In *GLM v Kāinga Ora - Homes and Communities* [2026] NZERA 456, an employee dismissed while facing serious violence and firearms charges, and subject to a 24-hour bail curfew, sought interim reinstatement. The Authority found it was "not clear reinstatement is an appropriate interim remedy" whether considered "under s 125 of the Act or in light of s 123C" and declined the application on the basis that GLM had not met the threshold for an arguable case. The determination treats section 123C as an additional consideration within an assessment that already weighed against reinstatement on practicability grounds, rather than as a separate, standalone test.

A similar distinction emerged in *Doyle v New Zealand Steel Ltd* [2026] NZERA 536. The Authority considered that Mr Doyle's leave-recording errors "comfortably" established contribution, but there was insufficient information at the interlocutory stage to determine whether the conduct amounted to serious misconduct for the purposes of section 123B. Interim reinstatement was nevertheless declined because the loss of trust associated with his supervisory and payroll responsibilities made permanent reinstatement unlikely, and the balance of convenience favoured the employer. Doyle therefore shows that an unresolved statutory bar does not end the inquiry: the application may still fail under the orthodox practicability and balance-of-convenience limbs.

Allocating risk: the undertaking and its limits

Where contribution is arguable but unproven, the risk is managed through the section 127(2) undertaking. By seeking interim reinstatement, the employee accepts the financial risk of compensating the employer if the substantive claim is later barred by section 123C.

It has been rare, but not unheard of, in the employment law jurisdiction for an undertaking as to damages to be enforced. In the 2006 case of *Empress Abalone Limited v Langdon* AEA 29A/06, the Authority ordered the employee, who had been reinstated on an interim basis on garden leave only, to repay the exact wages plus interest when they were found to have been justifiably dismissed. However, the Employment Court has made it clear that imposing significant financial liability on an employee who

has given an undertaking for damages in a reinstatement case does not align with the statutory scheme of the Employment Relations Act, as noted by Chief Judge Inglis in *Vegepod v Lowe* [2025] NZEmpC 76 (at paragraph 93).

Will this approach change, now that section 123C (and its counterpart for serious misconduct section 123B) have been enacted? Courts generally apply ordinary commercial injunction principles to quantify liability under an undertaking, assessed on a "but for" contractual basis aimed at restoring the party to their original position, as noted by the former Chief Judge Goddard in *Empress Abalone Limited v Langdon* [2004] 1 ERNZ. Under the new law, if an employee actually worked pursuant to an interim reinstatement order, but was subsequently found to have contributed to the grievance disentitling them from being reinstated, would the employer be able to claim back the wages paid to the employee? And would the employee be able to offset the value of that labour against wages claimed back? A blanket refund seems unlikely, unless the employee was on garden leave or their presence was actively detrimental. However, this is uncharted territory in the employment law jurisdiction.

> However, this is uncharted territory in the employment law jurisdiction.

Mitchell v Tasman Rugby Union Incorporated (referred to above) also shows a further option available to the Authority: rather than an all-or-nothing order, it reinstated Mr Mitchell to payroll

only, backdated, without requiring or permitting a return to his substantive duties, in light of the breakdown in the governance relationship. A payroll-only order of this kind reduces the potential damages exposure under any later undertaking, since there is no labour value to offset and no risk of the employee's presence causing detriment.

Employers should not assume, however, that they can convert an interim reinstatement order into something payroll-only of their own accord. Where the order requires return to a substantive role, restructuring around it does not amount to compliance. This was seen in *Du Fall v Board of Trustees of Mokoia Intermediate School* [2026] NZEmpC 111, where an executive officer reinstated by an earlier interim order was placed by her school board into a lesser role on the same pay after her duties had been outsourced during the interim period. Judge Doyle held this did not comply with the reinstatement order, on the basis that an employer put on notice that reinstatement is sought "must be alive to the possibility" that organisational changes may need to be unwound. Clearly, the scope of any payroll-only accommodation is for the Authority or Court to fix at the time an order is made, rather than something an employer can determine unilaterally once a full reinstatement order already exists.

The tactical shield: strike-out and section 178A

Where an employer's evidence of contribution is not disputed, the application itself may be vulnerable to a more decisive response than opposing it on the merits. Clause 12A of Schedule 2 allows the Authority to dismiss, at any

time, any matter it considers frivolous or vexatious, though the threshold is high: a claim must be so clearly untenable it cannot possibly succeed. This standard is not intended as a shortcut around a genuine contest of facts, but could it be met by documentary, uncontroverted evidence of contribution such as gross misconduct? Employers facing an application built on a claim to permanent reinstatement that section 123C would bar on the employer's own unchallenged records have the option of a clause 12A application, in addition to resisting the interim application on its merits.

The safety valve for employees sits in section 178A. A clause 12A dismissal can be challenged in the Employment Court, and if the Court is not itself satisfied the matter is frivolous or vexatious, it must direct the Authority to investigate and determine it properly.

Practical implications

For employers, the response to an interim reinstatement application in the current legal landscape can be informed by these determinations. Presenting clear evidence of contribution at the interlocutory stage, as in *Waanders*, can be relevant to the arguable case limb. Where that evidence is not disputed, a clause 12A strike-out application, or the practicability arguments accepted in *GLM*, are available options in addition to opposing the application on its merits. Employers should also be aware, per *Du Fall*, that organisational changes made after reinstatement has been sought may need to be reversed if a permanent reinstatement order is subsequently made and the changes are inconsistent with it.

For employees and their advisers, seeking interim reinstatement carries a greater financial risk where contribution is arguable than under the old law, since an adverse substantive finding may result in liability under the section 127(2) undertaking. Where a working return is impracticable, but the underlying contribution case is contested, a payroll-only order along the lines made in *Mitchell* is one option that may be sought, rather than treating reinstatement as all or nothing.

Retrospectivity: when does the new law actually apply?

A separate threshold issue arose in *Ni Ding v Vice-Chancellor of the University of Auckland* [2026] NZERA 534. Although Dr Ding filed her Authority proceedings after s 123C commenced (on 21 February 2026), she had raised her grievances and consistently sought reinstatement before commencement. Applying section 33 of the Legislation Act 2019, the Authority held that reinstatement formed part of an existing legal position: the personal grievance could not sensibly be separated from the resolution sought, and filing proceedings was merely a step towards completing that pre-existing “matter”. Section 123C therefore did not remove reinstatement as an available remedy, even if there had been contribution (which was not traversed). The application was still declined on balance-of-convenience and overall-justice grounds.

The practical point is that practitioners should identify not merely when proceedings were filed, but when the grievance was raised and reinstatement was first communicated as the remedy sought.

Looking ahead

Waanders, Mitchell and *GLM* show section 123C being considered within the arguable case, balance of convenience, and practicability limbs of the existing section 127 test, rather than as a standalone statutory override. *Du Fall*, while decided under the general law of reinstatement compliance rather than section 123C itself, indicates that once an interim order is made, its terms are not open to unilateral variation by the employer.

Ni Ding adds an anterior question to the approach taken in *Waanders, Mitchell, Doyle* and *GLM*: before considering how s 123C affects the interim test, the Authority or Court must determine whether the provision applies to the grievance at all. Where it does, the cases generally treat the statutory bars as relevant to the arguable case, practicability and balance-of-convenience assessments, rather than as standalone overrides of section 127.

This area of law however is a rapidly developing one. Further determinations from the Authority and Court on these somewhat vexed issues are likely to keep employment law practitioners interested and engaged for some time yet.



– Catherine Stewart

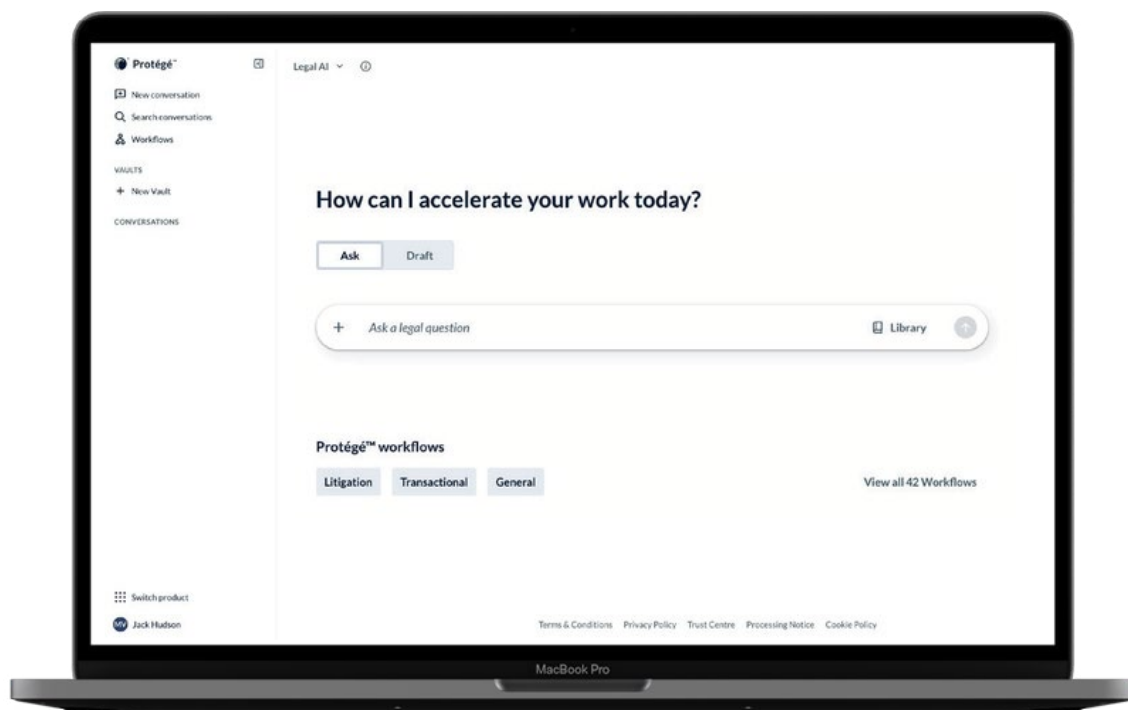
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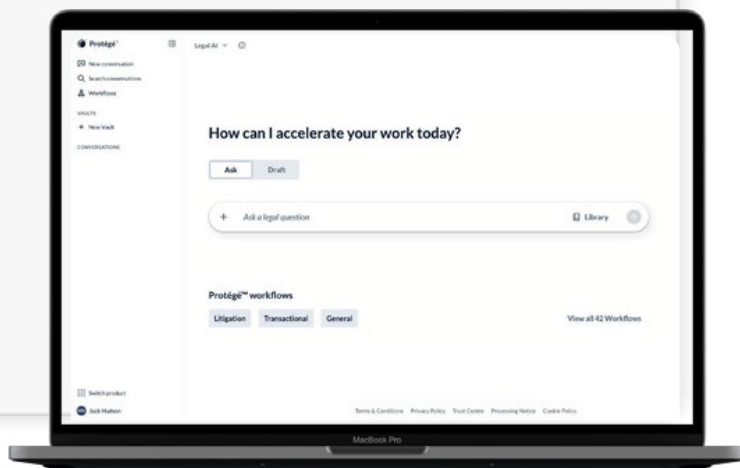
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Beyond “Be Careful” Josh McBride on Tautoru AI

Heard about Tautoru AI, but not quite sure what it is or why it matters? We spoke with barrister Josh McBride about the website he built, the problem it is trying to solve, and why lawyers need clearer guidance on using AI safely.

For barristers who haven’t come across Tautoru AI before, what problem are you trying to solve?

Tautoru AI was created to address a practical gap for lawyers: helping them make informed decisions about whether and how to use AI tools, and what guidelines they need where sensitive material is involved.

The problem is the complexity of working out what you can and can’t put into an AI chatbot. People are told to be careful, which is right, but that blanket caution doesn’t really help unless they know what ‘careful’ actually looks like. Tautoru is about giving people practical guidance on that – helping them understand what may be safe to input, what may not be, and how to take a sensible and defensible position on AI use.

There are plenty of AI tools on the market. Why are you focused only on general-purpose AI tools and not on the legal-focused ones?

The distinction between “public” AI tools and “legal” AI tools is not as clear as many people assume. Most legal AI products are still powered by the same frontier LLM models – such as those from OpenAI, Anthropic, Google, and xAI – usually through an API and with a legal-specific “wrapper” sitting over the top. It’s the same technology.

Lawyers therefore need to understand the basics of the underlying LLMs and how these are offered to the public

through chatbot “wrappers” like Claude or Chat GPT, not just the branded legal tool in front of them.

A legal AI product may look different from, say, Google’s Gemini chatbot product, and be more contained, but that does not necessarily make it safer or better.

The real questions are what LLM powers the tool, where the data goes when you interact with it, what the subscription or enterprise terms allow, and whether material could be retained, reviewed, or reused. These are difficult questions requiring careful consideration.

The issue is not only whether data is used for training the underlying LLM. Some providers also reserve the ability to review prompts and outputs for safety or policy reasons. For lawyers, that matters because sensitive file material, particularly in areas such as criminal work, may be escalated for human review. Whether that might breach professional or ethical duties is something lawyers need to actively consider.

As a rule, the frontier models such as ChatGPT or Claude are generally much safer than lawyers realise, provided the right sort of subscription is selected and lawyers actively consider what sorts of material they intend to input into it.

Can lawyers realistically assess AI products themselves, or is the market now too technical?

Most lawyers understand that AI matters, but many find it overwhelming.

What I’m seeing on the ground is that 5% of lawyers are really embracing it, but 95% aren’t. The 5% that do, are starting to accelerate away.

Lawyers are unsure what is safe and are already under enough professional pressure. This market is technical, and becoming more so, but that doesn’t mean lawyers can step away from it.

We’re seeing that at the moment, where lots of lawyers are complaining about AI-generated material from clients, and wanting it to stop. But if lawyers won’t use AI, the clients will. Nature hates a vacuum. So I tell my clients, please don’t provide me with your AI generated materials. I prefer to use the tools myself, and I will do it in a way that hopefully will deliver a better output than what they’ve come up with.

The point is not that every lawyer must become an AI enthusiast, but that ignoring the tools will not stop clients using them. In fact, the opposite.

What is the long-term aim of Tautoru AI?

Tautoru AI isn’t a commercial product. It is a side project. It’s a place to put my thinking on AI, and a resource people can look at when they want to understand the tools in more practical terms.

It’s free. It’s not anything that anyone has to pay for.

The long-term aim is modest. I want the site to remain useful and up to date while the issues stay live, but he does not suggest it will become a paid platform. In fact it may have a limited shelf life. It is a resource for the current stage of the conversation.

What concerns you most about how the profession is reacting to AI?

The risk is that the profession responds with blanket warnings and prohibitions,

rather than practical guidance. If lawyers are simply told not to use public AI tools, that will not stop the technology being used.

It will just mean people use it quietly, without clear standards around safety, privilege, subscription models or human review.

The problem with prohibition is that all it will do is effectively drive use underground. Of course, lawyers and clients are still going to use it. They're just not going to tell you that they are. This creates all sorts of problems.

This is the biggest change for our profession in its history. And it's accelerating. Lawyers are cautiously starting to think about how to use AI and how to deploy it safely and properly. I don't know that there's really much choice. If we are to remain relevant, the profession needs to understand how to use AI tools, and how to use them safely.

Where should lawyers start?

For lawyers unsure where to begin, start small. Choose one major platform and use it first for mundane, low-risk tasks involving non-sensitive material:

summarising a judgment, reviewing a non-work email, or helping draft a response to a personal communication.

The point is to build fluency before moving to harder or higher-risk work.



Josh McBride | Richmond Chambers

Josh is a commercial barrister practising from Auckland and Wānaka with a focus on complex commercial disputes, construction, arbitration, and technology-related matters, including cross-border and trans-Tasman work. He appears in the High Court, Court of Appeal, Supreme Court, and arbitral tribunals, and is admitted in New Zealand, New South Wales, Tonga, and Samoa.

Find out more on [Tautoru AI here](#).

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Keep Calm and Carry On

How to Keep Your Business Moving When the Lights Go Out

“The best time to repair the roof is when the sun is shining.” John F. Kennedy

Infrastructure failures can have an immediate impact on legal practice, whether caused by severe weather, internet or power outages, or transport disruptions. During the January 2026 storms, Tauranga Moana, where I live, was significantly affected. Roads were blocked for more than 24 hours, and power was out for nearly two days. Despite this, court filing deadlines and client commitments remained in place. Waiting for normal services to resume was not an option, and I had to adapt quickly to continue working.

These experiences have caused me to reflect on steps our profession can take to maintain practice resilience as we continue to face environmental and commodity challenges which are placing further stress on our country's infrastructure networks.

Working in rural locations necessitates being self-sufficient, particularly in respect to power and internet. It also requires using practice systems which can seamlessly continue even if required to work from a home office. However, as demonstrated by the widespread August 2026 internet outage on the North Shore in Auckland, urban New Zealand is not immune to infrastructure challenges. You can find yourself vulnerable, perhaps more so than those living in rural areas where many already have civil defence preparedness.



Top: Starlink Dish on roof.

In my view, given the current state of infrastructure in New Zealand and the events happening internationally, together with the increasing climate volatility and frequency of severe weather events, any practitioner at the independent bar should have a disaster plan which includes how to continue operating your practice when the power, internet and phone networks are not available. Ideally, practitioners should be able to seamlessly operate from either a home office or wherever they may find themselves when disaster strikes.

There are four key areas I consider practitioners should review and assess whether they have sufficient preparedness:

- a) Power generation when the main grid fails;
- b) Satellite internet and phone communication;
- c) Paperless file management; and
- d) External support networks.

Responding to Power Outages

Solar

An increasing number of households are opting to take advantage of low-interest-rate packages offered by many of the main lenders to instal solar energy systems. There are a number of specialist solar consultants that can assess your home and determine what type of solar system is right for you, as well as helpful websites like mysolarquotes.co.nz where you can compare different systems and get information tailored to your needs.

There are essentially two different types of solar systems which can be broadly described as *grid-connected* or *off-grid*.

As the name suggests, grid-connected systems still require maintaining a standard grid connection. It may take time to see the benefits of your solar system and there can be variability in benefits electrical suppliers provide for the purchase of surplus power. However, depending on your choice of system,

many modern solar systems may provide you with continued power if the main grid fails.

If you are wanting a truly self-sufficient system, off-grid is likely to be your preferred system. There can be significant cost variance between systems. You need to ensure when getting quotes for solar systems you are clear about what appliances you are running and what your electricity needs are. Technology is changing rapidly. For example, we obtained quotes for a large-scale solar system for our farm in mid-2025. Already the battery storage technology has evolved during this time, and this required a review of the entire system we were planning install to ensure we are future-proofing the farm for solar energy storage. It can be quite overwhelming at times, but the value of asking questions and taking time to compare different systems cannot be underestimated.¹

Ultimately, if you have a comprehensive home solar power system which is not reliant on grid supply, then you will be relatively unaffected by main grid power outages. If you do still require some grid supply, then having a further backup plan will be necessary, as will be the case for those households with no solar power system.

Generators

Generators are an alternative when the main power supply is interrupted either for either short or extended periods.

In the event of a power outage, a generator can enable you to continue

using key appliances including fridge/freezer, computers, phone/laptop chargers and basic kitchen appliances. They can range in size from portable to permanent. There are two different types of portable generator operating systems: inverter and conventional. Both are commonly powered by 4-stroke petrol engines, although diesel, LPG and dual-fuel models are also available.

In very simple terms they can be summarised as follows:

Inverter Generator – Pros & Cons

- **Power Quality:** Produces clean, stable power with low harmonic distortion, ideal for laptops.
- **Noise Level:** Significantly quieter due to enclosed design and variable engine speed.
- **Fuel Efficiency:** Engine speed adjusts to the load, saving fuel.
- **Portability:** Usually smaller and lighter.
- **Cost:** Generally more expensive per watt.

Conventional Generator – Pros & Cons

- **Power Capacity:** Best for high-wattage needs (tools, job sites, whole-home backup).
- **Cost:** Generally more affordable upfront for higher power output.
- **Noise & Fuel:** Generally operates at a fixed engine speed, which can result in higher noise levels and fuel consumption than an inverter generator.
- **Power Type:** Can produce “dirty” power that can potentially damage sensitive electronics.

There are a variety of different

¹ Independent information on power options is available on the EECA website: [Energy Efficiency & Conservation Authority | EECA](#)

manufacturers of both inverter and conventional generators and as is often the case, you do get what you pay for. We have several generators, ranging from small portable conventional models to large permanently installed industrial units. Each serves a different purpose.



Top: Portable Generator

Our portable Honda generator would now be at least 20 years old and still going strong. It can be lifted relatively easily by two people and is small enough to go in a car boot. It recently enjoyed a trip down south and was used daily to run a portable fridge, kettles and toasters lakeside in Twizel at this year's Maadi Cup. It did not miss a beat. During previous storms, it has helped local households keep fridges, freezers and other small appliances running.

It has been an invaluable tool in our civil defence kit, happy to sit in the garage until needed and doing its job when required.

Satellite internet and phone communication

During Cyclone Gabrielle, many parts of the North Island, in particular the east coast lost telephone networks for a significant period of time. It highlighted for many how vulnerable our mobile

networks are in New Zealand. Now, two of our major mobile network providers, One New Zealand and Spark, have introduced satellite connection utilising Starlink.

We have been using Starlink for our internet service on our farm for approximately four years. Prior to this, we had experienced ongoing instability of our internet connection. Starlink utilises satellites orbiting Earth to provide relatively consistent internet connection for its users. There is a range of monthly user charges depending on your needs. You have a Starlink dish which is ordinarily roof-mounted, although there are also portable options. The Starlink website has a [comprehensive summary](#) of the various options available.

Other satellite providers are [Gravity](#), [Farmside](#), and [Inspire Net](#). A useful blog that summarises six of the top satellite providers in NZ can be found [here](#).

You can use satellite internet to operate Wi-Fi phone communication such as WhatsApp, FaceTime, Messenger and other app-based calling services such as VXT. If you are still reliant on general mobile coverage to make calls, then you can enhance your coverage by selecting Wi-Fi calling on your phone.

App-based calling services such as WhatsApp are extremely useful in maintaining communication continuity when the main mobile networks either are compromised or overloaded. Having a combination of a generator and Starlink has meant that I am consistently able to continue working without interruption when there are power outages and the phone networks go down.

Electronic file management

The merits and necessity for electronic file management systems in our day-to-day legal practice have been the subject of previous webinars and articles published by the New Zealand Bar Association. I am by no means an expert in running a seamless and comprehensive paperless file management system. However, I am grateful for taking on board some of the pointers given by presenters such as Philip Cornegé in past webinars he has presented about operating a paperless office. Microsoft 365, particularly SharePoint, has been invaluable when I have needed to work from home or continue my practice from remote locations in New Zealand and Australia.

Being able to access my electronic files from any location as long as I can access the internet means I am not bound to a physical office space. I am also able to maintain contemporaneous records on each file, regardless of where I am operating from.

I also use a reMarkable Notepad for taking handwritten file notes. This allows me to upload my handwritten notes easily and save them in each client's electronic SharePoint file.

In January of this year, I had to prepare affidavits for clients remotely when I was unable to see them in my office due to road closure in every direction from my home. Because my electronic file was up to date, including all handwritten file notes, I was able to seamlessly prepare the affidavits without worrying that I could not get to my office and access a hard copy file. I was also able to access all of my legal databases and document

precedents from my home office with the benefit of a generator running and my Starlink satellite internet connection.

However, what I was unable to do was print my affidavits and have my clients collect the hard copy affidavits for swearing. It was this last part that highlighted the importance of my final tip.

External support networks

As Barristers we can be at risk of isolation. Unlike the independent bar in the UK and in parts of Australia, many barristers are not operating out of large chambers. Instead, many barristers will have small offices or be more regularly working from a home office. When disaster strikes, having external support networks is crucial, not only for general wellbeing support but also, if required, for professional support.

In my case, when I was preparing the affidavits, as noted, they needed to be printed, and I had to have my clients attend an office to have them sworn. Had it not been for the storm and associated road closures, I would have met my clients at my office. I would have given them printed copies of the affidavits before they attended another legal office to have them sworn. They could then have returned the affidavits to me for scanning and filing.

I had to quickly pivot, and this meant contacting a local firm and asking if they would be prepared to print the affidavits if I emailed them to them and to have my clients attend their office and arrange for someone suitably independent to assist in having the affidavits sworn. They would then need to scan and email them

to me so I could file them. Through my connections and collegiality, it was not difficult to find a practitioner ready and available to assist. As such, this final step occurred relatively seamlessly. I was grateful for the assistance.

Maintaining connection and collegiality with local practitioners and firms is so important. Being part of local network groups, attending local professional events, and being part of professional associations such as the New Zealand Bar Association should not be underestimated. It is often when unexpected events occur that you realise the benefit.

Final Reflections

I started writing this article earlier this year. Work intervened, and it was decided I would submit this article for the winter edition of *At the Bar*.

In that time, we have experienced, as a country, at least three further serious storm events throughout the country. The road I used to take to my office each day has been closed since the January 2026 storm event. What used to be a 15-minute drive to my office is now, on a good day, 45 minutes. Together with the current fuel cost increases, this means that I have had to completely rethink where I have my office and when I go to that office.

We have continued to have power outages in our area. Our power bill has increased dramatically. We are currently part way through a solar installation. We hope that this will further strengthen our infrastructure resilience and independence.

I encourage all practitioners, whether you live in a main centre, a regional area, rural or suburban, to:

- reflect on your disaster plan and level of preparedness;
- Take the opportunity while the sun is shining and the weather is settled to consider whether you could continue to operate your business if the power goes out and the internet goes down for a lengthy period of time;
- Look at the way you run your practice and consider whether you could work from a home office or some other place away from your office if required;
- Review your local professional networks and consider whether you need to take time to develop or at least check in with others, so you are not practising in isolation.



Genevieve Haszard | Kate Sheppard Chambers

Genevieve sits on the NZBA Council and is the Vice-President for Waikato/Bay of Plenty area. She chairs the Safety and Wellness Committee and is on the Management, Family, Trusts and Estates committees.

Is word of mouth dying out?

For years, barristers have built practices through reputation. A solicitor recommends counsel, a colleague mentions a name, and good work leads to more work. That model has not disappeared. The better question is whether it now operates alone.

The current evidence doesn't say that word of mouth is dead. It does, however, support the proposition that referrals are increasingly followed by independent checking, and younger clients are more likely to expect information to be findable, comparable and current.

For barristers, the issue is not whether they should become online personalities. The question is whether their professional reputation remains credible in the places where clients and referrers now look.

RESEARCH FROM THE UK

The strongest recent evidence comes from England and Wales, where the Legal Services Consumer Panel's (LSCP) 2025 tracker survey found that 44% of consumers shopped around before choosing a legal services provider.¹ The two most common routes to choosing a provider remained traditional ones: 19% said they or a family member had used the provider before, and 18% relied on a recommendation from family or friends. But the same report also found that 57% of consumers who received a recommendation still looked for additional information about the provider before contacting them.¹

The generational evidence is suggestive rather than conclusive. The LSCP data does not say, that younger consumers 'trust' more when they find an online presence, but it does show that younger consumers are more likely to shop around: in 2025,



Top: Alice Forman with Victoria Casey KC at the Bar Conference Formal Dinner 2025

¹ Legal Services Consumer Panel, 2025 Tracker Survey: How consumers are choosing legal services report (10 July 2025).

61% of consumers aged 25–34 shopped around, compared with 44% overall.¹

Digital discoverability is also becoming part of the UK legal-sector policy. The UK Legal Services Board's 2024 paper on consumer empowerment states that consumers need sufficient information about providers' price, quality, service, regulatory protections and redress so they can shop around and make informed choices.²

WHAT DOES IT MEAN DOWN HERE?

For an NZ barrister, that does not mean a website or profile will generate work on its own, or that a static profile is insufficient. The evidence supports a bit of both. Clients increasingly expect enough information to check who you are, what you do, and whether you appear credible. A sparse, outdated or hard-to-find profile may not destroy trust, but it removes a point of reassurance.

SO, WHAT'S NEEDED?

A barrister does not need to become a content producer. But they should be discoverable in a way that is credible, current and professionally controlled.

At a minimum, that means a clear online presence that supports the claims about who you are and what you do. Most barristers have a website, but there is still a portion who have no online presence via a Google search. The reality is that the generations coming through have been raised in an online world, and someone without a convincing online presence is a red flag.

So, is word of mouth dying out? No. But it is changing. The evidence supports the view that reputation now travels through both personal networks and online verification. A recommendation may

still open the door, but an online search increasingly follows it.

ADVICE FROM THE NZBA MARKETING MANAGER

There is no requirement for TikTok dances here. Having a credible online presence can be achieved in a few simple steps:

1. Have you googled your business? Do it via an incognito tab. This will give you a better overview, without the influence of recent history, of how you're seen by others.
2. Is your NZLS registry up to date with contact details and business name? A lot of Barristers change chambers without updating this.
3. Do you have a [find a barrister listing](#) with the NZBA? Professional bodies give credence to any online presence and can serve as a substitute website for those who don't have one. For NZBA Full Members, this is free. [Details are here.](#)
4. Are you on LinkedIn? It's a free professional network that can easily provide validation. You don't need to give your opinion on everything. A few likes and 'congrats' comments a couple of times a year show that you're still an active professional.

For barristers, the question is not whether to abandon tradition for marketing. It is whether professional reputation, once formed by word of mouth, can still be found by those who now expect to check.

With the wave of technology, it is evident things are changing quickly. Simple actions can ensure that you stay relevant without compromising your reputation or authority.

– **Alice Forman** BDes (Hons)
Marketing Manager – New Zealand Bar Association / Ngā Ahorangi Motuhake o Te Ture

² Legal Services Board, Consumer Empowerment – Update and next steps, Paper (24) 21 (30 April 2024).

Petrol Heads' Corner: Rolls-Royce Spectre



Last time I wrote this column, I promised you something special. I am now delivering on that promise.

A friend of mine owns a 2025 Rolls-Royce Spectre. This is a fully electric car with no gas tank in sight. It is the first fully electric car Rolls-Royce has produced – and it's a beauty.

I had it for just one day and, similar to the last Rolls-Royce that I drove, it is very quiet; in fact, whisper quiet and detaches you from the surrounding hustle and bustle. You waft along, cocooned in sumptuous leather, surrounded by the very best of fittings, completely detached from the real world.

This car, as you can see, is not your standard stately green or grey or whatever colour you might choose. It's purple and ivory (or clotted cream, if you like). Purple and ivory would not be to everybody's taste but, in an odd way, it works. Even the windows are tinted purple. I had a look online at the other Spectre that came into NZ. It was the Black Badge Spectre (a sort of faster model). Its interior was completely purple. That was a tad overwhelming, to say the least. The owner says the Spectre is his favourite car among all he owns and his daily drive. To give you some idea of what I am talking about, he has another Rolls-Royce, a Phantom, and approximately 20 Series 5 BMW's (see the pictures of the garage).

He is an avid car enthusiast and collector. The collection of Series 5 BMWs covers every model of Series 5 BMW ever made, right up to the latest electric model. Even the garage is uber-cool. It is down a longish driveway in town, with nothing to indicate that there is



Top: Rolls Royce Spectre

something special in there. You drive in through the enormous garage door onto highly polished concrete (you could use the floor for a mirror). All the cars are parked either side of the garage down to a special car lifter at the far end. At the other end is his office with a decent-sized conference room off to the side and a decent smattering of Karl Maughan paintings on the walls.



Left: Owners garage. Right: Car ceiling

The Car

The headlining in the car is the Milky Way picked out in LED lights. This is the Starliner headlining. The craftsmen make 800-1600 perforations in the headlining, and then hand-place as many LED lights as are needed to simulate the night sky. RR picked out the night sky for New Zealand, and the Southern Cross is featured in the back. You can even get shooting stars to “shoot” across the internal roof of the cabin.

There are only two doors on the car, and yes, there is an umbrella in a cubbyhole in the bodywork on each side (I didn’t take it out in case I wasn’t able to put it back in properly). It looks easy to get into the backseat, as the front seat glides forward, allowing a full-size adult to cocoon themselves in the backseat again in luxurious comfort. I didn’t try it in case I got stuck in there. I’ll take RR’s word for it that this car is a genuine 4-seater.

The base price for the Spectre in New Zealand is \$750,000. When you start adding the odd extra here and there, the price quickly climbs. I don’t know what this one cost, but as they say in RR land – “If you have to ask the price you probably can’t afford it”. I just kept my mouth shut.

Speccky Bits

- Length – 5475 mm – that’s really long. Longer than, for example, a Ford Ranger. It didn’t fit into my garage.
- Weight – 2.975 tonnes. Once I hopped in, it slipped into the 3-tonne range, as I am a little heavier than 25 kilos.
- Acceleration – 4.5 seconds 0-100 kmh. That is an impressive sprint time for a car the size of a barge.

- Range – 530 kms. Apparently, RR asked owners what they wanted, and the average requested range was about 450 km because they said that any further and they'd take a helicopter or the family jet – ho hum.....
- Battery – 102 kWh. I am not very savvy about electrical specs on these EVs, so can't comment on what this means. Apparently it charges from 10% to 80% with fast charging in about 28 minutes (just enough time to get a coffee and stretch your legs).
- A Three-Phase Wall box takes about 5.5-6 hours to charge from 0% to 100%.
- A Single-Phase Wall box takes roughly 16 hours from empty to full.
- If you can afford a Spectre, you can probably afford to put in a decent charging unit.
- Power/Torque – 430 kW and 900 nm – that's an awful lot of grunt and pulling power. However, I suspect it won't be used to tow the boat or a trailer.



Top: Spectre in Davids Garage. Bottom: Interior of Spectre.

What's it like to drive

You hop in the car and put your foot on the brake, and the door closes. If somebody in the passenger seat (which is quite a long way away) decides to hop out and leave the door open, you press a button, and the door closes.

The car's drivability is quite exceptional. It's whisper-quiet and moves off without any fuss, even for a big car like this. When you want to put your foot down, it accelerates very quickly, but it's a sort of car that's made for cruising rather than throwing into a corner or charging around the place because it is so effortlessly capable of being driven at a serene pace that it's silly to do otherwise.

The wheels are enormous. They are 23-inch wheels, and the back tyres are 295/40/23. The 295 is millimetres across, which, in the old parlance, is almost 1 foot wide. That's a monster tyre.

Practicality

First off, you have to ask – "so what about practical?" The boot is quite narrow but incredibly long and you could quite easily stuff two sets of golf clubs in there and the trundlers, in my view. Of course, if you couldn't, then you would get Jeeves to toss them in the back of the Land Rover and follow you around.

I didn't get the hang of all the buttons, knobs and dials, but suffice to say it's got everything that opens and shuts. The other thing you have to get used to is being stared at. Mind you, if you drive a purple Rolls-Royce, you're going to get looked at because of the colour as much as anything else. It's certainly not a car that could slip unnoticed into a stream of traffic or a car park. It's always going to be a head turner.

Nellie

The Spirit of Ecstasy, the figurine that sits on the bonnet edge of every new Rolls-Royce car, has been redesigned. The mascot was irreverently nicknamed 'Nellie in her nightie' when she first appeared in 1914, and since then has also been known as Emily, Eleanor, Silver Lady and Flying Lady. The emblem has a murky past, being the fruit of an affair between a famous Rolls-Royce customer and an actress.

In the early 1900's, Lord Montagu of Beaulieu commissioned a mascot for his car from a sculptor named Charles Robinson Sykes. Sykes based the figurine on Eleanor Velasco Thornton, an actress who also happened to be Lord Montagu's mistress – hence the finger on her lips and the 'Whisperer' nickname.

There have, in fact, been 11 previous figurines. But this time, the remodelling was done specifically to improve aerodynamics.

Nellie is 8.2 centimetres tall, making her 1.7cm shorter than the older version. All Spirit of Ecstasy ornaments are made using lost wax casting and are finished by hand, which means no two figures are exactly the same.

The Spirit of Ecstasy is made standard in stainless steel, but is available in carbon fibre, solid silver, plated gold, and illuminated crystal as options, as well as with a lit-up ring in the base. They were a favourite target for being nicked, so RR did what RR does so well—they made her very difficult to steal. When you lock the car, Nellie disappears into the bonnet, and I believe that if someone tried to grab her and rip her off the car, she also disappears into the bonnet.



More Practical Stuff

Compared to the Rolls-Royce Phantom I drove a few years ago, this car is much more advanced. Although, to be fair, the Phantom was at least a decade or more older than this one.

The one thing that Rolls-Royce has improved on is the steering wheel. The Phantom I drove previously had a thin, very hard, plastic-like steering wheel that was also enormous, and it was hard on the hands when I was driving it through the hills. This, on the other hand, is a very comfortable cushion steering wheel cloud clad in uber rare cowhide.

Summary

I have to say that if I had a spare million, I probably wouldn't spend it on this car, but then again, I probably wouldn't spend it on any car. If you are looking for something special, there is no need to go any further. This car is special, very special.

Rolls-Royce have a reputation for being one of the most luxurious cars in the world. The Spectre nails this.

– David O'Neill

Recently retired from practice as a Barrister, David, continues to accept instructions as an Arbitrator and Mediator.



After Five Social Drinks. ABOVE: Plymouth Chambers | Christchurch.
BELOW: Capital Chambers | Wellington.





After Five Social Drinks. ABOVE: 109 Chambers | Hamilton.
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