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At The Bar

APRIL 2026

New Zealand Bar Association
Ngā Ahorangi Motuhake o te Ture

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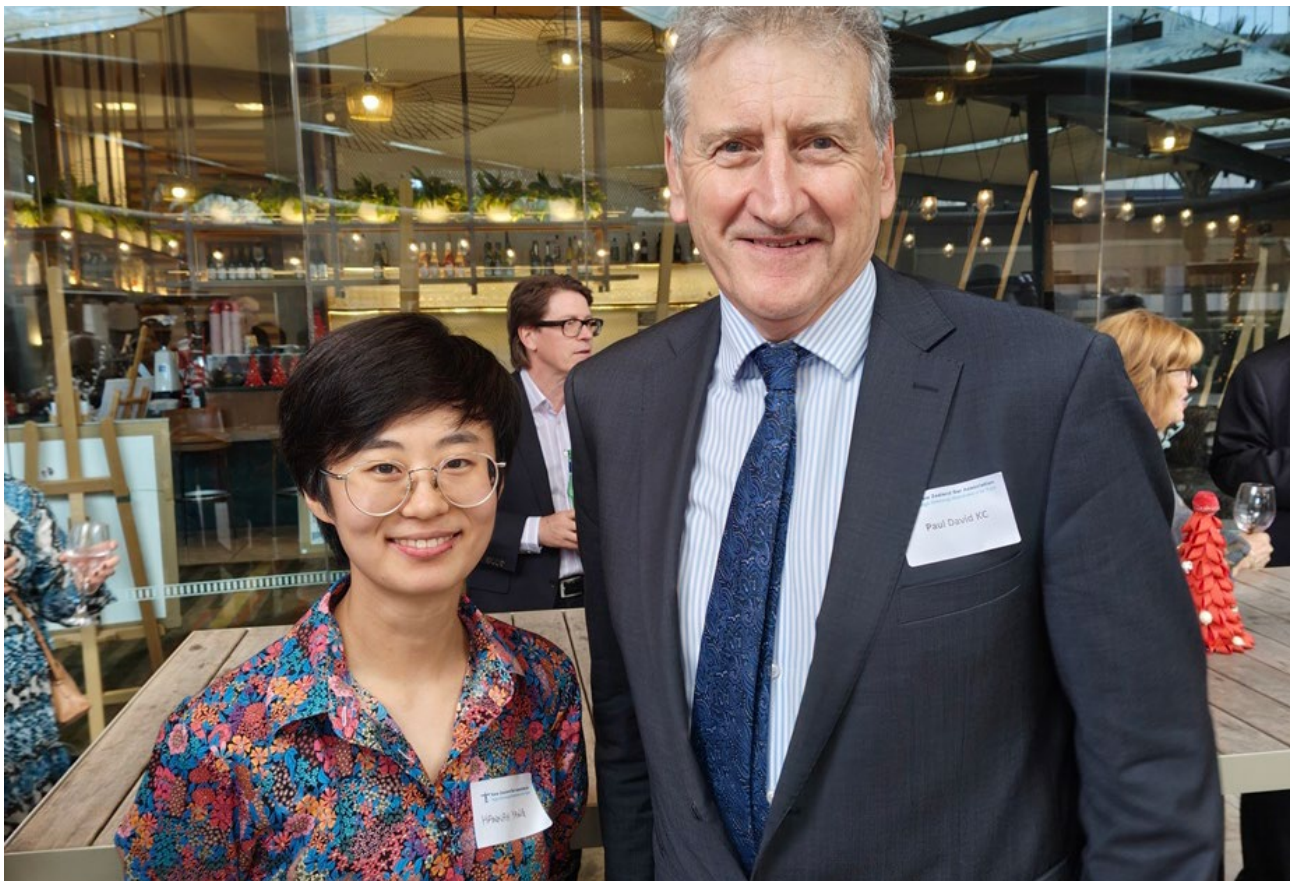

President's Perspective

I am grateful for the opportunity to serve the Association, and looking back, the work as President has certainly broadened my horizons.

Preparing for the different tasks involved has made me think more deeply about our legal system and how it functions, and the important work of independent barristers in it.

In the past few weeks, I have spoken at a valedictory sitting for Justice Glazebrook in the Supreme Court, met with the Minister of Justice and the Chief Justice, and most recently, I attended an informative seminar for our members demonstrating the use of AI by a barrister in practice.

Preparing to speak about Justice Glazebrook's contribution to the law in Aotearoa New Zealand, meeting with

Top: Paul David KC and Hannah Yang at the Auckland End of Year Drinks

the Minister to speak on behalf of the Association on the working of the justice system and seeing the technological advances in machine learning systems made me think about what the future will look like for the members of our profession in particular those who are starting out on the career.

Naturally, as an older lawyer working with younger lawyers who are training to be barristers at this time of change, you are asked what the future holds and what skills you think will be needed.

Many young lawyers wonder what the job will involve and how they should best approach learning the work, and indeed what exactly their work will involve. I thought that I might give my best guess about the future and what a young lawyer should do to train for this job. I stress that there will be many who say that I am completely wrong and wide of the mark!

I think that there will always be a need for those who wish to take the role of representing parties to present cases before decision makers. But I am sometimes asked questions by young lawyers and ask them myself (usually as I read an email from someone whose writing style in emails has suddenly become more detailed and organised and full of helpful headings).

What will be important as AI develops? Will we have jobs? If so, what will our work be? What do I need to learn to do this job well?

The developing technology means that it is highly unlikely that lawyers will be paid large sums for document management or work of summary because this can be done more quickly and well by machines. Hourly billing for work like this (and probably more generally) should become a thing of the past. This should not concern those who wish to work as barristers.

The core skill of precise written and oral presentation of facts and law, whether that is written in advice, pleadings, submissions or in oral presentation, before decision makers, remains. Machines will be able to provide significant assistance with this work, no doubt, in assembling material and checking documents; and they are likely to be well trained to present both sides of disputes and make decisions on them if we want them to do this.

But do not despair or be deceived by the ever more able machines. I think that human beings will always want to have a system of justice in which fellow human beings are responsible for decisions and for adversarial argument, whether the dispute is between the State and an individual or between private parties.

This may be challenged by those who say that the human system does not work well, and that there is too much delay in it: why not submit more disputes to machines on grounds of efficiency? I believe the answer will lie in our preference and in the improvement of the human system by better funding and performance of those who work in it.

For the young barrister (or for any barrister, even an old one), the way to develop and maintain the skills required for the role is to write and formulate arguments and presentations yourself, whether with your own keyboard or

with your own pen. The new tools may assist if properly managed in collating information and checking documents that have been produced, but carry out the core work yourself.

I suspect that one of the features of AI generated material that may give the courts headaches for some time (before active case management curtails this) will be the production of overlong, over-complicated written material that embraces a wide range of relevant and not so relevant points of fact and law.

In the wrong hands, we can already see that machine learning systems can produce disastrous results and, even in good hands, they may simply produce too much that is not on point unless carefully managed. Such a product can lead, if decision makers are not aware of the possible issues, to the rejection of simpler statements, to "simple truth" being "miscalled simplicity".

> I think that barristers should be trained to produce this precise presentation as a matter of first instinct because this allows for decisions to be made effectively

It is true that not every case can be reduced to a short, succinct written or oral argument, but many can. I think that barristers should be trained to produce this precise presentation as a matter of first instinct because this allows for decisions to be made effectively and without unreasonable delay and cost, and that we should be seen as representing excellence in this skill.

So, my recommendation to a young barrister would be to write legal documents for yourself when you have obtained and checked your source material – and spoken to your client. Do not have a machine do it for you, just because it is quicker. The best way to learn to present to a decision maker is to think and actively create the substance of your presentation, whether it is a legal submission or the examination of witnesses.

Try to work with others who work like this – if you can, ask them to read your work and hear you practice oral presentation. You are likely to begin with small cases – take your time to learn the craft. If you work as a junior with a more senior lawyer, ask to discuss the approach to the case and factual and legal issues, ask to draft and ask for feedback; watch the process closely and review the final product; ask why a particular approach was taken.

If you don't think you write well, buy a style guide. My personal preference is to discuss the argument. I enjoy the flexibility of oral argument, and I am always nervous about the finality of writing, but for our work in the courts today, committing argument concisely to writing is fundamental. This should allow judges to do the same in producing a decision in good time.

Long ago, I was introduced to a book called The Elements of Style by Strunk and White; I still read it from time to time. It is about a hundred pages long and shows you how to write clearly with a

straightforward, effective style. If you think the text is a little dated now, find another good writing guide. Do not be too proud to ask another person who you think writes well to review your draft, if that is possible.

Of course, you can ask AI to do all this for you and more, and you can train and coach AI to produce a draft in your preferred "style", but if you want to learn to do the work of a barrister and present a case well, do the work of preparation or drafting yourself. By writing a pleading or an argument, you organise the material in your mind; you will be much better at presenting the points.

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This cannot be achieved in one or two cases. The work is learned over time. There are many shortcuts available now, but if you take time to produce the central written documents yourself, you will develop the skills required to stand on your own; you will have a much better chance of presenting effectively and efficiently before a court or decision maker.

But how will I be paid for the time that this work takes?

I suspect that you will not be paid for all the hours if you live by hourly billing, but time recording is a construct, and hours spent are only one factor in setting a fee. You will likely learn the job in smaller cases where legal fees should be proportionate to the matters in issue. So, it may be better to try and work to a reasonable fixed fee that allows you to dedicate the required time and effort to produce the document or argument. The work done will pay dividends over time as your career develops.

We are living at a time when analysis and decision making is changing very rapidly, and it is hard to speculate about the final effects of this on our lives. The current situation seems to be both a challenge and an opportunity for us to use the new tools effectively in our work.

But I think the core work of barristers in our system will remain; this is the privileged and vital role of advising and representing those with disputes before courts and tribunals. Our role as independent barristers carries significant responsibilities and is important.

This work will remain challenging and hugely rewarding. Laying a solid foundation in training on which to develop is essential.

In addition to my thoughts as I went about my work, I had an exchange with a young barrister. She told me she was busy with a lot of work, but mostly she spoke about a case she had done on a pro bono basis.

The case had involved understanding the claimant's evidence, advising the claimant against accepting a settlement proposed, preparing written submissions so she and the tribunal understood the case, and proceeding to a hearing at which the claimant and counsel were heard. The barrister thought that the fact that the decision-makers heard from

the claimant led to a just decision for that claimant. This was a great example of the kind of case that might, on a time-saving analysis, be decided by a decision-making machine - but never should be. This was a human decision, based on evidence from the claimant. The barrister was pleased to have made a difference for a person claiming compensation.

I believe that the Association offers great training and professional development for its members and that this focus will pay dividends as our members develop their skills to perform their work.

Of course, we need to learn how to use advanced learning systems in our work, and the advances in technology provide a great opportunity for smaller groups to deliver what is required in the courts. But to learn the work of a barrister, which is likely to remain central to the process, there is no substitute for direct involvement in understanding your client's case, in thinking about it, in drafting for it, and in presenting it. This makes training for our barristers to stand up and present all important.

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

In my role as President, I have tried to emphasise the work that we do as independent barristers and ensure that our Association offers every assistance to help its members to do their work well. I believe that our training and education is delivering what is needed, and we will continue to develop this. We welcome your views on your experiences and suggestions.

- Paul David KC, President

New Members

Stephanie Ambler	Waikato
Angus Baker	Auckland
Findlay Biggs	Wellington
Luke Borthwick	Hawke's Bay | Wellington
Jacob Bourke	Auckland | Taranaki
Madison Bradley	Waikato
Sarah Burton	Wellington
Alexander Campbell	Wellington
Catharina Chung	Auckland
Linda Clark	Wellington
Ana Coculescu	Wellington
Jade Cookson	Auckland
Sir Mark Cooper	Auckland
Philippa Daniels	Auckland
Shannon Darroch	Auckland
Hunter De Groot	Wellington
Sophie Dixon	Auckland
Luke Elborough	Auckland
Ian Farquhar	Bay of Plenty
James Gardner-Hopkins	Auckland
Connor Gedye	Auckland
James Gilbert	Manawatu-Wanganui
Jessica Gilby-Todd	Waikato
Elizabeth Gordon	Canterbury
Leo Grimshaw	Auckland
Tyrone Hack	Auckland
Isabella Hawkins	Auckland
Ella Hoogerbrug	Auckland
Jane Hunter	Auckland
Kim Johnson	Waikato
Hannah Johnson	Auckland
Melissa Johnston	Auckland
Ben Jones	Auckland
Guneesh Jubal	Auckland
Claire Kirman	Auckland
Harriet Krebs	United Kingdom
Simon Lamain	Auckland
Allanah Leerdam	Auckland
Lisa Lefever Black	Nelson
Andrew Logie	Canterbury
Tina Love-Hudson	Wellington
Jamie McPherson	Auckland
Alexandra McPherson	Waikato
Tim Mullins	Auckland
Scott Nicholas	Canterbury
Thomas Russ	Northland
Manisha Saini	Auckland
Elisa Saunders	Waikato
James Seaton	Canterbury
Ella Shepherd	Auckland
Kushali Tuinder	Auckland
Jen Vella	Otago
Meredith Walker	Auckland
Jessica Wang	Auckland
Alan Williams	Auckland
Joseph Williams	Waikato

Kōrero Bar News

Kristina Behn Opens Kōtare Chambers

Kristina is a Barrister specialising in Family Law and is a Legal Aid Provider based at Ōkahukura on the North Shore, Auckland. She delivers high-level representation across a broad spectrum of family law matters, with expertise in cases involving Oranga Tamariki. Before joining the bar, Kristina was the Regional Legal Manager for Oranga Tamariki in South Auckland. This role equipped her with deep specialist knowledge of the Oranga Tamariki Act, statutory processes, and the complexities inherent in child-protection litigation.

Kristina frequently acts in complex and high-stakes matters, including wardship applications, proceedings involving expert psychological evidence, and cases characterised by psychological abuse, push–pull dynamics, and risk assessment concerns. Her experience also includes matters involving Fictitious Disorder (FD) and FD by Proxy (Munchausen Syndrome), cognitive impairment, serious addiction, diagnosed mental illness, and capacity issues.

Top: Kristina Behn
Below: Kōtare Chambers

Alongside her litigation practice, Kristina has significant experience as a legal trainer. She has presented on the Puawai Induction Training Course for Oranga Tamariki social workers and has delivered regular legal education sessions across the South Auckland region. Her contributions have supported the capability development of lawyers and social workers working at the frontline of child-protection matters.

Kōtare Chambers is Kristina's contribution to the Te Ao Mārama vision. It has been made possible with the support of many friends and colleagues. It imagines a journey towards a better place (the world

of light) by ensuring that everyone who comes to Court can seek justice, be seen, heard, and understood, and meaningfully participate.

Kōtare Chambers is a boutique Legal Chambers for Barristers Specialising in Family Law. Based next door to the North Shore Court, you will often see the Kōtare, the Kingfisher, patiently waiting and observing life in the gardens and many beaches of the North Shore.

Kōtare Chambers values the human aspect of family law: authentic connection, legal excellence, access to justice and whānau. It is a reimagined workspace - modern and fit for purpose. It provides collegiality and supports each barrister's independence.
To instruct Kristina, email Kristina@huialegal.co.nz.

Top: Anna Adams KC

Bankside Chambers

Bankside congratulates **Anna Adams KC** on her appointment as Solicitor-General and Chief Executive of the Crown Law Office, announced on 11 March 2026. Anna will be Aotearoa New Zealand's 18th Solicitor-General.

"I am honoured by this appointment and grateful for the Government's confidence in me," says Anna. "I intend to deliver the Crown and the people it serves with high-quality legal advice, robust representation in the country's courts and measurable legal outcomes in the community. This is an exciting and energising opportunity, and I'm looking forward to getting started." Anna was appointed silk on 13 March 2026.

Bankside is delighted to welcome The Honourable **Sir Mark Cooper, KNZM, KC** to its set. A partner in the national firm Simpson Grierson from 1983, Sir Mark was admitted to the bar in 1979. He practised in Auckland, serving as principal legal advisor for Auckland City Council, North Shore City Council, and Rodney District Council. In 1997, he commenced practice as a barrister sole in Auckland. In 2000, Sir Mark was appointed Queen's Counsel, among the first Māori to take silk.

In March 2004, he was appointed to the High Court, sitting in Auckland. In September 2014, he became a Judge of the Court of Appeal and was appointed President of the Court in 2022.

"It's a pleasure to be back in Auckland and reconnecting with the profession here after an extended period in Wellington," says Sir Mark. "Bankside Chambers is a great base for the next stage of my career practising as an arbitrator."

Left: The Honourable Sir Mark Cooper KNZM, KC.
Right: Bridgette White and Lauren Lindsay.

Bankside hosted its second Commercial Women's Breakfast on Tuesday, 17 February at Ortolana, with women from across Auckland's business and legal sectors. Organised by Bankside

commercial barristers **Lauren Lindsay** and **Bridgette White**, the initiative was launched in November 2024 with the aim of creating a dedicated space for commercial women in business and in law. This year's discussion covered a range of current issues, including the use of generative AI, access to justice, and gender inequality within the profession.

In March, **Polly Pope** was appointed to the NZ Markets Disciplinary Tribunal, the independent body responsible for determining breaches of NZX's market rules and imposing penalties. "I am grateful to be able to contribute to the success and reputation of New Zealand's markets through a well-functioning disciplinary model," Polly says. "This is an opportunity for me to make a contribution using my experience as counsel in regulatory enforcement matters as well as my decision-making experience as an arbitrator."


Left: Polly Pope. Right: Stephen Rankin.

Bankside has welcomed back **Stephen Rankin**. Stephen first joined Bankside in 2020 as an employed barrister before moving to London. Stephen is a barrister employed by Philip Skelton KC, Kelly Quinn KC, and Dr Anna Kirk. He practises across a broad range of civil and commercial litigation.

He has appeared as counsel in the District Court, High Court, and Court of Appeal on both civil and criminal matters, and has provided advice and advocacy in international and domestic arbitrations and mediations. He regularly publishes on litigation-related topics, including in an international litigation journal.

Yukie Tan joined chambers in February as a barrister employed by Sharon Chandra. Yukie graduated with a Bachelor of Laws and a Bachelor of Arts (majoring in Psychology) from the University of Auckland in 2020 and was admitted to the bar in 2021.

Yukie has broad experience across all areas of family law, including relationship property, spousal maintenance, family violence, parenting and guardianship disputes, applications under the Protection of Personal and Property Rights Act (PPPR) 1988, and matters involving Oranga Tamariki. She appears regularly in the Family Court and has also appeared in the High Court.


Left: Yukie Tan. Right: Dr Timothy Pilkington

Bankside has also recently welcomed **Dr Timothy Pilkington**, who is employed by Jason Goodall KC and Dr Simon Foote KC. Tim has a broad commercial, trusts, and international law practice. He has been involved in cases at all levels of the court system and in ICSID, ICC, and ad hoc arbitrations, frequently acting as junior counsel to leading senior counsel.

Between 2023 and 2026, Tim practised from Thorndon Chambers in Wellington. Prior to that, he completed a D.Phil at the University of Oxford.

Richmond Chambers Welcomes Four New Members

Richmond Chambers is pleased to announce the addition of Mark Davies, Erin Davies, Julia Carlyon, and Nikki Foulis to its barristers' set.

Mark Davies, Erin Davies, and Julia Carlyon join from Meredith Connell, where each held senior positions in litigation and dispute resolution.

Mark Davies spent more than 20 years as a lead partner at Meredith Connell, building its commercial and civil litigation practice. He has particular expertise in construction disputes, contractual matters, directors' duties litigation, Fair Trading Act issues, and sports law. Earlier in his career, he served as Crown Counsel at the Crown Law Office and practised at Freehills in Sydney.


Left: Erin Davies. Right: Mark Davies.

Erin Davies founded and led Meredith Connell's employment law team for nearly a decade before commencing practice as a barrister sole in 2024. Her practice spans employment litigation, workplace investigations, mediation, and the full spectrum of employment advisory work. She is a qualified independent investigator with specialist expertise in workplace, sport, and education environments.

Julia Carlyon was a partner in Meredith Connell's commercial litigation team. Julia has a broad commercial and civil litigation practice encompassing construction claims, regulatory proceedings, including acting for the FMA and Commerce Commission and contract claims. She brings additional depth from time spent at a specialist fraud firm in London earlier in her career.


Left: Julia Carlyon. Right: Nikki Foulis

Chambers is also pleased to announce that **Nikki Foulis** has become a full member, having joined Richmond Chambers as a junior barrister. Dual qualified in Scotland and New Zealand, Nikki has a broad commercial, civil, and regulatory litigation practice, with particular expertise in contractual disputes, trusts, and public law. She has appeared in the High Court, Court of Appeal, and in arbitration proceedings.

Any new updates in your chambers?

If you are a member of the NZBA and have some news you would like to share with our profession, then please get in contact: nzbar@nzbar.org.nz

Law Reform and Justice Committee

Giving the Independent Bar a Voice

The New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture exists, among other things, to promote the rule of law and access to justice.

The Law Reform and Justice Committee is the principal vehicle through which the Association does that work in practice, making submissions, engaging with government, monitoring legislation, and occasionally seeking to intervene in significant court proceedings.

The Committee was formed in 2020 by combining the former Law Reform Committee and the Access to Justice Working Group, bringing those two related strands of the Association's advocacy together. It operated for several years as the Advocacy Committee before recently adopting its current name, which more accurately describes the scope of what it does.

Who leads the Committee

The Committee is co-chaired by Felix Geiringer and Yvonne Mortimer-Wang.

Felix is a Wellington barrister at Lambton Chambers and the Association's current Wellington Vice-President. He practises across a broad range of fields and has appeared frequently in the appellate courts. He represented the Bar Association in its Legal Aid interventions before the High Court and Court of Appeal. He has a particular depth of experience in public interest litigation and human rights work.

Yvonne Mortimer-Wang practises at Britomart Chambers in Auckland, with particular expertise in commercial crime, civil fraud, proceeds of crime, and regulatory and professional disciplinary proceedings. She has appeared as counsel representing both the Bar Association and the New Zealand Law

Society in notable cases, and has been appointed as counsel to assist the High Court and the Supreme Court. She is a senior prosecutor on the Serious Fraud Office panel.

What the Committee does

The Committee's work spans several areas: reviewing proposed legislation and identifying its implications for barristers and the justice system; preparing submissions to select committees and government agencies; engaging directly with the Ministry of Justice, the courts, and other organisations; and monitoring access to justice issues, including legal aid and court resourcing.

One continuing focus is the proposed reforms to the Lawyers and Conveyancers Act 2006, which have potentially significant implications for how barristers practise and for the independence of the bar. The Committee has been analysing those proposals and engaging with the New Zealand Law Society to ensure that the interests of the independent bar are properly represented in any reforms that follow.

The Committee also considers, from time to time, whether to seek leave to intervene in court proceedings. That decision is not taken lightly. The Committee asks whether the Association can assist the court without causing delay or prejudice to the parties, whether it has a genuine and substantial interest in the matter, and whether it can offer a perspective the existing parties cannot. Where direct engagement with ministers or officials is likely to be more effective, the Committee will generally prefer that path.

Working alongside others, not duplicating them

One of the Committee's disciplines is avoiding duplication. The New Zealand Law Society and other bodies are active on many of the same issues, and there is limited value in the Association adding its voice simply for the sake of it. The Committee focuses its efforts where the perspective of the independent bar is genuinely distinct, where barristers can offer something that other parts of the profession cannot, and where the matter falls within the purposes of the Association as set out in its constitution. The independent bar has a particular vantage point on questions affecting the administration of justice, and that is where the Committee concentrates its energy.

The Committee depends on its members

Every piece of work the Committee produces is done by volunteers, practising barristers giving time they do not have in surplus. The Committee is realistic about that. Members are not expected to contribute to every project. The Committee deliberately maintains a broad membership so that different people can step forward on different matters as their expertise and availability allow.

That model works, but it requires a sufficient pool of people willing to contribute when something arises that calls for their particular knowledge or interest. There is consistently more work than there are hands to do it.

If you have an interest in law reform, access to justice, or the legal and policy questions that affect barristers and their clients, the Committee would welcome your involvement. To express interest in joining, please contact Felix Geiringer or Yvonne Mortimer-Wang, or reach out to the Association's Chief Executive through the NZBA office.

- Felix Geiringer

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THE INTERNATIONAL COUNCIL OF ADVOCATES AND BARRISTERS

New Zealand Bar Association
Ngā Ahorangi Motuhake o te Ture

ABA Australian Bar Association

Welcome legal reforms in the family violence space

In recent times, there have been some significant statutory strides taken in the family violence space to better protect victims.

The purpose of this article is to summarise the key features of four pieces of legislation which have recently or will soon come into force, and which family law practitioners should be familiar with.

Family Proceedings (Dissolution of Marriage or Civil Union for Family Violence) Amendment Act 2024

Under this Act, family violence victims need no longer wait the two year 'stand down period' before obtaining a dissolution of their marriage or civil union to their perpetrator - representing a substantial reform to our longstanding laws in this area.

Previously, the single ground for making an application to dissolve a marriage or civil union was that it had broken down irreconcilably; established on the Court's satisfaction that the parties to the union are living apart and have been for a minimum period of two years preceding its filing.[1]

Whilst this ground remains, a second has been introduced where the applicant is a protected person under a protection order made against their spouse or civil union partner.[2] In this case, the wait period does not apply. [3]

Matters to note include:

a) a copy of a protection order is

1 Pursuant to section 39 of the Family Proceedings Act 1980

2 Under section 39A

3 See section 39A(4)

sufficient evidence that the applicant is a protected person;[4]

b) a protection order in this context means a final protection order under the Family Violence Act 2018;[5] and

c) any dissolution order made under this additional ground remains valid even if the protection order relied upon is discharged.[6]

A joint application can be filed if both parties have final protection orders in place against each other.[7]

An early dissolution may impact other claims that a family violence victim intends to make following separation,[8] and that will require careful consideration before launching an application under this ground. **This Act came into force on 17 October 2025.**

Victims of Family Violence (Strengthening Legal Protections) Legislation Act 2025

Having received unanimous parliamentary support, this Act took effect on 17 February 2026 and gives the court a new statutory tool to protect parties in family violence proceedings from being abused through the continuation or commencement of the court process.

It provides that the court must take a broad view of conduct both in and out of court proceedings to determine whether a person's behaviour constitutes 'litigant abuse.'[9] This is defined in the Act as using the court system to harass, annoy, harm, or psychologically abuse another party to the proceedings.[10]

Where satisfied that litigant abuse has occurred, the court has the power to make a new type of order – a 'litigant abuse order' – restricting the offending party from taking any further steps in new, related or existing proceedings without first obtaining leave of the court to do so. An order will usually last for up to three years but can be extended to five years in extraordinary circumstances.

Such order can be applied for by a party,[11] or imposed by a judge on their own initiative, across courts[12] in a range

4 And if the protection order is a registered foreign protection order, evidence of its registration under section 219 of the Family Violence Act 2018S – see section 39A(5)

5 Or a protection order made under section 123B of the Sentencing Act 2002 and that becomes a final order under section 123G of that Act – see section 39A(9)

6 Or is a registered foreign protection order that had its registration cancelled or ceases to be enforceable in the country in which it was made – see section 39A(8)

7 See section 39A(2)

8 Including for spousal maintenance under the Family Proceedings Act 1980 (where the grounds differ before and after dissolution), for orders in respect of settled property under section 182 of that Act (where an application cannot be lodged until a marriage or civil union is dissolved), or for relationship property division under the Property (Relationships) Act 1976 (where proceedings must be brought within 12 months of a final dissolution order absent leave being granted otherwise)

9 At sections 12B(4), 216A(5) and 169A(3)

10 At sections 12B(8), 216A(9) and 169A(7)

11 Noting the Family Court Rules 2002 will be amended to set out and give effect to the application process. The respondent to any application must file and serve any notice of opposition and affidavit within ten working days after receiving the application, or three working days before the hearing, whichever occurs first

12 Via amendments to the Family Court Act 1980, District Court Act 2016 and Senior Courts Act 2016 (though noting that in the case of the Court of Appeal, such order can only be imposed by a judge)

of proceedings.[13]

Where a litigant abuse order is in force and the court grants leave to the person subject to that order to take further steps,[14] they may only take the specific steps authorised by that decision (and the original order otherwise remains in full effect).

Notably, such orders may be made in relation to proceedings that commenced on or after 17 February 2026, and also proceedings that commenced before that date but have not been finally determined. However, when deciding whether to make an order, the court must only consider a party's conduct occurring after 17 February 2026.[15]

Evidence (Giving Family Violence Evidence in Family Court Proceedings) Amendment Act 2025

This Act came into force on 26 February 2026 and amends the Evidence Act 2006 so as to confer an entitlement to a party of witness to give evidence of family violence in family court proceedings in an alternative way. It establishes various additional protections to reflect those available to similarly vulnerable complainants and witnesses in criminal proceedings.

The Act provides that written notice is to be given as follows:

a) Any party intending to give family violence evidence or call a witness who will give family violence evidence, must provide every other party and the court with a written notice stating the one or more ways in which the evidence will be given. This may include giving evidence in the ordinary way;

b) This notice, unless a judge permits otherwise, must be given as early as practicable and no later than 28 days before the hearing;

c) If notice has been given, and it is no longer possible or desirable for the witness to give evidence in the stated way, then the party may file an amended notice, but they must do so as early as practicable.

The Act further provides that evidence may be given differently either by application or judicial initiative:

a) Notwithstanding the above entitlement, a judge can make a direction that the witness give their evidence or part of their evidence either:

   i) In the ordinary way,[16] or

   ii) In a different alternative way.[17]

b) The direction can be made in response to an application filed by any other party, or on the judge's own initiative;

c) The application must be made as early as practicable before the hearing, or a later time permitted by a judge;

13 Under the Status of Children Act 1969, Domestic Actions Act 1975, Property (Relationships) Act 1976, Family Proceedings Act 1980, Child Support Act 1991, Care of Children Act 2004 and Family Violence Act 2018 (only)

14 Noting again, the Family Court Rules 2022 will be amended to set out the leave application process

15 See schedules 1, 2 and 3

16 Under section 83 of the Evidence Act 2006

17 Under section 106BB of the Evidence Act 2006

d) Before giving the direction, the judge:

   i) Must have given each party an opportunity to be heard in chambers; and

   ii) May request and receive a report from a person considered by the Judge to be qualified to advise on the effect on the witness of giving evidence in the ordinary or any alternative way.

e) When considering whether to give a direction, the judge must, in addition to any other relevant matters, have regard to:

   i) Whether the interests of justice require a departure from the usual procedure[18] in this case; and

   ii) The matters detailed in the Evidence Act 2006.[19]

Importantly, these changes only apply to proceedings commenced on or after 26 February 2026.

Crimes Legislation (Stalking and Harassment) Amendment Bill

Again, with unanimous parliamentary support, this Bill was passed to introduce a new standalone offence to the Crimes Act 1961 for stalking and harassment. It carries with it a maximum sentence of five years' imprisonment,[20] which appears to reflect the well-known risk that such behaviour can escalate to serious physical violence.

For now, in law, stalking is considered and treated as a form of criminal harassment, which has been long regarded as providing an inadequate response. This means that otherwise lawful behaviours, such as watching another person or giving them an unwanted gift, are not captured under the existing regime.

However, under this Bill, a person is liable to prosecution for the offence of stalking and harassment – which is defined as covering a wide range of 'specified acts'[21] – if they:

a) Engage in a pattern of behaviour by doing any specified act to the other person on at least two separate occasions in a two-year period; and

b) Engage in that pattern of behaviour knowing it is likely to cause fear or distress to the other person.[22]

It also amends other statues including the Family Violence Act 2018[23] and Evidence Act 2006[24] (among others).

This law comes into effect in **May 2026**.

- Kesia Denhardt
Kate Sheppard Chambers

18 At section 106BB(1)
19 At section 103(3) and (4)
20 See section 216Q
21 See section 216P
22 See section 216O (noting that the specified acts on each separate occasion may be the same type or different types)
23 So as to include stalking in the definition of psychological abuse in section 11
24 Including section 95 of that Act, so as to extend the restrictions on cross-examination by parties in person to cases of stalking and harassment

Building a Practice in International Criminal Law

Practical steps, strategic moves and professional networks to help you build a sustainable and impactful practice in this field. A guide by Michael Herz.

This is an abridged version of an article which first appeared in the October 2025 issue of Counsel, the Magazine of the Bar of England and Wales. These views are the author's own and not those of the International Criminal Court.

Britain has a rich tradition of producing leading lawyers who have shaped international criminal law. Nevertheless, to many members of the Bar, this field may appear mysterious or impenetrable. This article provides practical guidance on how you could build an international criminal practice, with a focus on the International Criminal Court (ICC).

Practising opportunities have admittedly declined since a peak of around 15 years ago when there were more international tribunals than today. But the field remains resilient. Accountability initiatives emerge for every new armed conflict, so professional opportunities continue to appear.

What is international criminal law?

International criminal law is a relatively new branch of international law that seeks to hold individuals criminally accountable for crimes such as genocide, crimes against humanity, and war crimes. The international community first conducted such prosecutions at Nuremberg and Tokyo following the Second World War, and then again in the 1990s at tribunals established after conflicts in the former Yugoslavia and in Rwanda. A permanent international court, the ICC was created in 1998 to ensure that a forum to prosecute international

crimes always exists, although this court can only exercise jurisdiction when the crimes are perpetrated on the territory of a state party or by one of their nationals, and when national authorities are unwilling or unable to conduct prosecutions themselves. New Zealand, along with 124 other countries, are states parties to the court. Despite the existence of the ICC, other tribunals continue to be created to address accountability issues falling outside of the ICC's jurisdiction, including a recently announced special tribunal to prosecute aggression against Ukraine.

Roles at international courts and tribunals

Opportunities can be distinguished between employed roles or roles for self-employed practitioners. The prosecution function is carried out by lawyers employed by the tribunal, led by an elected (or appointed) chief prosecutor. International judges have legal officers who are also employed lawyers. These positions are advertised on the websites of the tribunals, and they involve a competitive recruitment process like Civil Service jobs.

The function of representing accused persons, victims or governments in proceedings is usually carried out by self-employed practitioners. To represent such clients, you need to be admitted to the list of counsel at the relevant tribunal, which is discussed below. Accused and victims are often indigent, meaning that their legal teams are funded by legal aid (see the ICC's legal aid policy). Representing accused persons or victims is an undertaking that may involve several years of full-time work, given the scale of allegations and length of proceedings.

Tribunals also need a wide range of inhouse legal officers not specialising in crime. This includes lawyers in employment law, contract law and international public and institutional law to manage the administrative functioning of the organisation. These opportunities are also advertised on the tribunals' websites.

Being admitted to the list of counsel

If you wish to represent clients as an independent practitioner, you must be admitted to practise at the relevant court or tribunal. There is no universal international Bar; each tribunal independently regulates the admission of counsel appearing before them. The admission requirements often rely on your membership of a domestic Bar in combination with a certain number of years of criminal law experience. At the ICC, you must demonstrate ten years' experience in 'criminal proceedings as a judge, prosecutor, advocate or in other similar capacity' to be admitted as lead counsel. You can also be admitted to the list as associate counsel, for which you need eight years' experience. Application forms and guides to join the list of counsel at the ICC can be found here.

Getting instructed as defence or victims' counsel

Being admitted is far from a guarantee of being instructed. At the ICC, there are hundreds of counsel on the list yet only a handful of new cases each year at best. Here are some ideas to increase the odds of being instructed; note the differing dynamics of how counsel for the defence/victims are selected.

For the defence, suspects are responsible for directly choosing their lead counsel, which usually happens after they are

arrested and transferred to The Hague. Spoilt for choice, suspects tend to select someone who has previously been lead or associate counsel at the ICC or another tribunal.

Your more realistic entry point, therefore, may be as associate counsel or in a non-counsel supporting role and then working your way up. This involves networking with and applying to the appointed lead counsel, who has wide discretion in selecting other team members. You can find out who the lead counsel is through the case record, and you can often find their contact details through their law firm or chambers.

The best moments to approach lead counsel are just after their appointment (when they are still building their team) and when charges are confirmed for trial (when the legal aid allocation increases). You have a better chance of recruitment to a team if you can demonstrate international litigation experience, and there are suggestions below on how to acquire this.

In principle, victims also get free choice of counsel (called 'legal representatives'). But there are potentially thousands of victims participating in proceedings, so the judges usually appoint common legal representatives to represent groups of victims. When and how this happens differs case to case, and the judges have the option of appointing external independent practitioners or the ICC's inhouse victims' representation office (called the Office of Public Counsel for the Victims ((OPCV)).

You could try joining an existing team by contacting an appointed legal representative or by applying for employed positions with OPCV. But if you wish to be instructed as a legal representative yourself, at least two factors appear to increase your chances.

The first is if you have previous experience as a legal representative. The second is if you already represent the participating victims in another capacity. To this end, some victims' lawyers work with non-governmental organisations (NGOs) long before any proceedings at the ICC have even started to help victims of atrocities. They advocate on behalf of these victims and lobby the ICC prosecutor to initiate investigations into their crimes.

This is a long-term strategy that might never even result in any proceedings, but the work is rewarding in and of itself, and some NGOs may provide funding for it. If proceedings do eventually commence, those victims' lawyers are well positioned to be appointed legal representatives in the case.

Building up international litigation experience

Whichever route you take, building up international litigation experience is essential to sell yourself to lead counsel or clients. Counsel can do this through acquiring shorter-term assignments at the ICC, including appointments as:

- duty counsel to represent suspects at the initial stages of the proceedings – with the added advantage that suspects sometimes decide to keep their duty counsel as their lead counsel (Regulations of the court, reg 73);
- rule 74 adviser to advise a witness against self-incrimination during their

testimony (Rules of evidence and procedure, r 74);

- article 55 counsel to represent suspects during interviews (Rome Statute of the International Criminal Court, art 55); or
- article 56 counsel to represent the interests of the defence when taking evidence before the trial which may otherwise be lost (Rome Statute of the International Criminal Court, art 56).

These assignments typically last between a week and a month, and the selection is usually made by the ICC's registry (rather than the client), based on factors such as rotation, availability and proximity of counsel. Be sure to indicate that you are willing to take on these types of assignments when applying for admission to the list of counsel.

For those who can take a three-to-six months' break from practising, you could also apply to be a 'visiting professional' at the ICC with one of the inhouse offices, such as the defence office (called the Office of Public Counsel for the Defence (OPCD)). Opportunities are advertised on the ICC website.

Building up experience in a supporting role

For those early enough in their careers, they could apply for a role supporting counsel. At the ICC, you can be an assistant to counsel with five years' domestic criminal law experience, or a legal assistant or case manager with two years' experience. Despite their titles, these are substantive legal roles in which you will likely have significant responsibilities and reasonable remuneration (see ICC legal aid policy, pp 38-39). Each defence or victims' team is responsible for recruiting these positions, so keep an eye out for vacancies on professional social media platforms or lead counsel's law firm or chambers websites. Applicants have had success with good speculative applications as well. For those with less than three years' experience, internships are also available and are advertised on the ICC website.

Professional networking

If you are interested in attending a conference, the International Bar Association's War Crimes Committee holds a great annual conference in The Hague each spring. It is also advisable to get involved with the ICC Bar Association and run for one of its many committees to network with global practitioners, stay up-to-date with latest developments and contribute to influencing policy.

The views expressed in this article are those of the author alone and do not reflect the views of the International Criminal Court.

- Michael Herz.

Michael Herz is a door tenant at 33 Bedford Row. He has worked for over 15 years in the international criminal law field, including for over seven years as a legal officer at the International Criminal Court. He is a member of the Executive Council for the International Criminal Court Bar Association (ICCBA).

World Bar Conference

World Bar Conference 2026

Post Conference Skiing

The World Bar Conference is being held in NZ's winter months, next to some of NZ's best ski mountains. Any delegates interested in 1-2 days' skiing with other barristers, post-conference, are invited to express their interest below.

I'M INTERESTED!

If there is enough interest in this, we will be in touch with further instructions and options. For any questions, please contact: Tom Ashley | ashley@eldonchambers.nz

THE INTERNATIONAL COUNCIL OF ADVOCATES AND BARRISTERS

New Zealand Bar Association
Ngā Ahorangi Motuhake o te Ture

ABA Australian Bar Association

Farewell and Best Wishes

After 15 years of outstanding service, we farewell our Education and Events Director, Lisa Mills.

Lisa joined the Association as our administrator, and for many years she was quite literally the voice of the organisation - the first person members spoke to when they called, and the person they turned to whenever they needed help.

As the Association grew, Lisa grew with it. She played a central role in developing new member benefits and services, and her contribution spanned everything from core administrative work to delivering education programmes, managing events, and securing sponsorship.

When the Education and Events Director role became available, Lisa stepped up to do it. She brought deep institutional knowledge, strong relationships with members, and a genuine commitment to quality education and professional connection. Alongside this, Lisa took on responsibility for compiling At the Bar, and until very recently, curated its content with care and consistency.

Lisa's commitment to members has always been excellent. Over the years, she consistently reminded the team why we do what we do: we work for the members.

Lisa is moving on to a new but similar role. The members, Council and Secretariat will miss her greatly, but her mantra, that it's the members that count, will remain with us.

- Paul David KC, President

Employment Relations Act Amendment

On 21 February 2026, the Employment Relations Amendment Act 2025 came into force, bringing significant changes to collective bargaining obligations, worker classification, remedies for personal grievances, and loss of personal grievances for high income earners. This update outlines the key features of the Act.

Collective Agreements

The Act retains core requirements for employers when engaging new employees. Employers must continue to inform new employees if a collective agreement covers the work to be performed, advise that the employee may join the relevant union, provide information on how to contact that union, and supply the employee with a copy of the applicable agreement.

Where multiple collective agreements apply, these obligations attach to the agreement that covers the greatest number of the employer's current employees performing similar work. Employers must also notify the employee of any other applicable collective agreement.

A major change is the removal of the 30 day rule, which previously required new employees who were not union members to be employed on the terms and conditions of the collective agreement for their first 30 days.

Another important change affects the sharing of new employee information with unions. Previously, employers were required to provide this information unless the employee objected. The new Act reverses this presumption: employers must now obtain the employee's express

agreement before notifying the union and must do so as soon as practicable after the employee enters into an individual employment agreement.

Employee vs Specified Contractor

The Act introduces a new classification, the "specified contractor," which is excluded from the statutory definition of "employee" under section 6 of the Employment Relations Act 2000.

A person will be a specified contractor if:

- they have a written agreement clearly stating they are an independent contractor, not an employee;
- they are not restricted from performing work for others (except while actually performing contracted work), noting that contracted hours alone do not amount to a restriction;
- they are either not required to work at specified times or may subcontract their work (subject only to lawful vetting requirements);
- they cannot be terminated for refusing additional work beyond what was agreed;
- they had a reasonable opportunity to obtain independent advice before entering the agreement.

If these criteria are not met, the Authority or Court must still consider the real nature of the relationship, including the traditional control, financial, and integration tests.

Remedies for Employees

The Act materially changes the personal grievance remedies framework. Where a grievance is upheld:

- all remedies must be denied if the employee's contributing behaviour amounts to serious misconduct;
- reinstatement and compensation must be denied if the employee's conduct contributed in any way to the situation leading to the grievance;
- remaining remedies may be reduced by up to 100%.

Remuneration Thresholds

Employees earning $200,000 or more per year (adjusted over time in line with the Quarterly Employment Survey) are subject to modified rights. For such employees:

- employers are not required to meet good faith procedural obligations relating to termination, including providing relevant information and an opportunity to comment;
- employees cannot raise personal grievances for unjustified dismissal or unjustified disadvantage relating to dismissal.

Parties may contract out of these provisions if they wish. There is a transitional period of 12 months for employees: working for the same employer or a different employer as a result of a restructuring, and who are earning $200,000 or more per year prior to 21 February 2026.

Test of Justification Amendments

When assessing employer actions, the Authority or Court must continue to consider established expectations of a fair investigation as well as whether the employee obstructed the employer's investigative process.

Additionally, a dismissal or action cannot be found unjustifiable solely because of procedural defects unless those defects resulted in the employee being treated unfairly. The previous distinction between major and minor defects has been removed.

– Kathryn Dalziel

Kathryn is a senior barrister practising from Christchurch. She is an adjunct professor of practice, Faculty of Law at the University of Canterbury, with 35 years' experience in civil litigation, employment and privacy law, and is a member of the Bar Association's Employment Law and Privacy Committee.

Keeping your Private Life Private

As a private investigator, I am often asked to find people for my clients. It may be to serve a document on that person, perhaps they have skipped town after emptying their employers' till, or maybe the client has lost touch with someone and wants to reconnect.

Whatever the circumstances, one of my first go to's is a social media search. On an open account, it's like mining for gold in a barrel full of gold, and I'm often surprised by how much people do share.

If the initial name search doesn't automatically bring up my person or their account is private, I'll start looking at the people around them and see if they have accessible accounts. If I find my person just sifts around the edges of social media and adds the odd comment on others' posts, I can often find out more about them through these comments.

If the person I'm searching for is 'Jennifer Jingles', I might find out her handle might be 'Joe90' on a closed account, as she's left comments on her friends' birthday timelines. If that friend acknowledges 'Joe90' with, "Thanks for the well wishes, Jennifer! Hope you and Tim are doing great in your new home in Taihape!" as an investigator, I've suddenly got lucky.

Every time you celebrate your birthday, or the birthday of your children or family members, I now have another piece of information about you. So, first word of advice, keep your settings private, as it creates one layer of protection.

Another area that had up until recently been a great mine of personal information is the Companies Register, as up until recently, all personal addresses

were public. Over the years, I have acquired a lot of information from here. If you haven't already done so and you are a registered company, check you have ticked the 'private' box for your address. LinkedIn is a little less open to viewing people's information, but it is still accessible. Again, celebrating milestones in your business is great, but each occasion you post here is open to anyone's eyes, and it is one more piece of your life that you are sharing with the public.

A quick case study on finding a person – my overseas client wanted to find a family member from an open adoption from the 1960's. I was provided a first name, a 'care of' NZ address from 1990, and a date of birth (which turned out to be incorrect). In this case, as I had no idea of their last name, I had to start with the last address from 1990. I used property title searches to see if I could find a family name, and once I had a possible, I began social media, LinkedIn and company searches. I knocked on a few doors and rang lots of numbers, but eventually I found the subject.

Aside from phone calls and door knocks with individuals, I got all I needed through publicly accessible information, which was cross-checked and examined. Not everyone wanted to speak to me, but those who did provided me with a surprising amount of information. This entire search took me 10 hours. The missing family member I found had a beautiful reunion recently, but this case demonstrates how, even when little information exists about you, for a determined person, you can still be found.

Top: Liz's faithful assistant Bryan the dog.

If you're not sure how public or private you actually are, get someone you know to Google you and try to track down your home address. Through this exercise, you'll often be surprised by how many places you appear and how much you may have inadvertently shared publicly. My advice is, this exercise is worth doing; if you know where your exposure comes from, you can safeguard yourself and your family's privacy better.

- Liz Williams

Liz Williams is an ex-police officer (Detective and Detective Sergeant) with 24 years' service. During her policing career, she worked on and led teams on major crimes around New Zealand and Australia. As a private investigator, she works with the same high standard of investigations for defence teams, family court matters, and other legal work.

Williams Investigations is a NZBA member benefit provider.

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Robert Smellie CNZM KC 1930–2025

NZBA Honary Member, the Hon. Robert Smellie CNZM KC passed away on 23 December 2025. Tributes have been paid to him by the Chief Justice and by Business Desk (Thomas Manch, 24 December 2025). Both outline his distinguished career as a practicing lawyer, first as a partner at Grierson Jackson and later as a Queen's Counsel at the Independent Bar. They then traverse his Judicial career, initially as Chair of the Equal Opportunities Tribunal, then from 1985 as a High Court Judge, followed after his retirement from that Bench as a member of the Fiji Court of Appeal. In 2007, after a military coup in Fiji, he was among 6 expatriate Judges who resigned from that Court as a matter of principle.

He was active in supporting Law Society matters, serving on the Council of the Auckland District Law Society and chaired both the Auckland and New Zealand Law Society's legislation committees. He was active in Anglican Church matters and drafted the first Constitution of the Province of the Anglican Church in Melanesia and served for many years as Chancellor of the Province, assisting the Archbishop on issues of canon law. In 1973, he was awarded the Bruce Elliott Prize for service to the public and to the law.

Outside his work, he and his wife Lyndsay, were enthusiastic sailors, and Rob participated in annual Law Society regattas in his keel boat.

One of his more notable cases as a QC was a brief from the New Zealand Government to represent the Attorney General before the Privy Council in an appeal by the Royal Commissioner, former High Court Judge Peter Mahon,

who had reported on the Erebus crash, against the Court of Appeal's ruling that the Commissioner's finding that Air New Zealand had presented "an orchestrated litany of lies" was unlawful. While in London, he was asked to interview Terry Clark, the convicted leader of the Mr Asia drug smuggling organisation who was serving time in an English prison.

As a High Court Judge, Smellie is best known for having presided over the longest trial in New Zealand's history – 198 days continuously and 204 days in total.

This was the Equiticorp case, which arose from the sale of New Zealand Steel by the Crown to Equiticorp on 19 October 1987 in return for cash and Equiticorp shares. Part of the deal was that the following March, the shares would be bought back. The sharemarket crashed on 20 October 1987 and Equiticorp shares dropped in value from $3.52 to under $1.00. The buy back was effected by a sale to an Equiticorp subsidiary, which was financed by Equiticorp in breach of a provision in the Companies Act.

The effect of the buy back was to transfer the loss from the drop in value of the Equiticorp shares from the Crown to Equiticorp. The statutory managers of Equiticorp sued for the return of the moneys paid both for breach of the Companies Act and also alleging that the Crown had knowingly assisted in a breach of fiduciary duty and misappropriation of trust property. Justice Smellie upheld these claims and, with an award of interest, judgment was entered for $328,393,641. An appeal was filed by the Crown which was the subject of a mediation that resulted in an ultimate payment of $267,500,000.

At the trial, the Crown was represented by Don Mathieson QC, Arthur Tompkins, Karen Clark and Rachel Sussock (the last 3 of whom went on to Judicial appointments). I led the Statutory Managers' legal team, which comprised as well Sian Elias QC, Stuart Grieve, Bill Manning, Helen Winkelmann, Anna-Lee Cook and Lisa Way (two of whom became Chief Justices of New Zealand). Peter Woodhouse (later Justice Woodhouse) and Andrea Challis represented Glenbrook Steel Holdings Ltd. in related proceedings against the Crown.

While Equiticorp was his most notable Judgment, he gave many others and had a reputation for being a sound and fair Judge. He was, for a period, the Chief Executive Judge of the Auckland High Court and increased the efficiency of that Court.

The obituary in Business Desk contained the headline: "Robert Smellie, an open-minded judge with a socialist heart." It recorded that he was a committed Anglican and, after retirement, became one of the Labour Party's largest donors ($550,000) as well as being a contributor to other causes, including the Auckland City Mission. When asked about his support of the Labour Party, Robert Smellie said that as a practising Anglican, he saw socialism as being closer to the Gospel than free enterprise and referred to a statement by Michael Joseph Savage that Labour was Christianity in action.

Rest in peace, Robert.

- Jim Farmer KC

Protégé Workflows: what it means for you at the Bar

You don't need another AI "chat bot". You need help getting from research to court ready submissions faster.

That's how LexisNexis frames Protégé Workflows: workflow automation that links tasks (research → analyse → draft → refine) into one managed process, backed by LexisNexis authoritative legal content.

Why this matters to barristers

The central issue is trust because unreliable outputs are a liability in court facing work. The practical question for you is straightforward: can you verify what the AI relied on, quickly and defensibly? If you cannot trace an output to sources, it is not fit for filing.

Where you'll feel the benefit

- Research that feeds drafting: the value rises sharply where authorities and citations are connected to drafting with visible, checkable references.
- Faster document analysis: find issues, citations, facts and arguments
- Drafting with a head start: a structured first draft you can add to with your own voice and theory of the case.

> *Used responsibly, Workflows can reduce time taken to draft and analyse so you can spend more time with higher value tasks. Responsibility does not shift, if it goes before the court under your name, it must be checked by you.*

Use of firm content: think governance first

Where Workflows can draw on a user content (eg: via Vaults or secure one time uploads), it is essential to ensure that confidentiality and privilege are protected, that retention and deletion rules are clear, that access to uploaded material is properly controlled and that an audit trail is maintained.

If governance is not clear in writing, keep sensitive inputs out and keep the use case narrow. For a barrister, the practical driver is that your duties and professional liability stay with you.

Practical stance for chambers

1. Set permitted use cases (internal drafts/research support vs filed material).
2. Require verification (authorities, quotations, record references).
3. Define "do not input" categories (suppression, sensitive privilege, unclear platform terms).
4. Keep an audit habit (what you relied on and what you checked).

Jack Oliver-Hood 1987–2026

NZBA member Jack Oliver-Hood passed away suddenly on 19 January 2026. We are grateful to Andrew Brown KC for allowing his funeral eulogy to be used in the preparation of this obituary.

Jack Oliver-Hood was an exceptional barrister whose intellect, generosity of spirit, and distinctive presence left a lasting mark on those fortunate enough to work alongside him. In just 37 years, Jack had extraordinary talent and ability. He displayed character, kindness, perseverance and courage. His intellectual range was as impressive as it was rare.

Jack was a man of many facets: a devoted son, a much-loved partner and fiancé to Elise, a trusted colleague, and a loyal friend. Professionally, he was an advocate of the highest calibre, admired not only for his formidable legal skills but also for his enthusiasm, originality, and kindness. Those qualities defined his practice and the relationships he built throughout his career.

After completing his LLB at the University of Auckland, where he distinguished himself academically and through mooting, Jack clerked at the Auckland High Court for several leading judges. He then spent a brief period as a junior barrister before studying for an LLM at Columbia University in New York. Covid interrupted those studies, and Jack was forced to return to Aotearoa New Zealand, to complete his LLM online. It speaks volumes for Jack's intellectual tenacity and ability that, despite all this, he finished in the top 2% of scholars and won a Kent Scholar award – a significant honour.

When Jack joined intellectual property expert Andrew Brown KC at Bankside

Chambers, he had little formal background in IP law. That gap proved no barrier. Within three years, he had assimilated the full breadth of IP practice, from trademarks and copyright to trade secrets, patents, and plant variety rights. His capacity to absorb complex legal frameworks, identify strategic advantages, and contribute meaningfully at the highest level was exceptional.

> His capacity to absorb complex legal frameworks, identify strategic advantages, and contribute meaningfully at the highest level was exceptional.

By the end of that period, Jack contributed at the highest level and worked with many leading counsel. He worked on many of New Zealand's most significant IP cases, often alongside senior and eminent counsel. In several of those matters, his arguments were decisive and later echoed in judicial reasoning. His written advocacy was particularly admired: clear, incisive, and enduring. Judges remembered it, quoted it, and relied on it. He had developed a particular interest in musical copyright and was part of a copyright tribunal case involving the licensing of sound recordings to commercial radio.

Jack's practice was broad and included high-profile cases such as the Lundy appeal. He appeared in constitutional law cases for Te Pati Māori and was in demand for evidence cases. While not every case was successful in its ultimate result, Jack's arguments often succeeded, such as his argument on the brain splatter evidence in Lundy.

Jack's professional brilliance was matched by his individuality. He had his own style. He pushed the boundaries of fashion. While some of the legal teams were in suits or jackets, Jack would turn up in shorts and sneakers and a colourful music t-shirt. Andrew Brown loved that about him, saying, "He developed a stylish moustache which always reminded me of the famous Jimmy Buffett song I wish I had a pencil-thin moustache."

Andrew concluded his eulogy with the following words: "Jack was a lovely man. He was so easy to work alongside and was boundlessly enthusiastic. When we were facing a mountain of work for a case, Jack would tear into it with relish. He energised those who worked with him. We all drew confidence from his positive attitude and his clever and incisive contributions. I know that many of us here today will carry these abiding memories of a truly wonderful young man and what might have been."

The Bar Association extends its deepest condolences to Jack's family, to Elise, and to all who loved him. He will be remembered by many with admiration, affection, and enduring respect.

Rest in peace, Jack.

Thanks to Andrew Brown KC for providing his Eulogy of Jack, which informed this obituary.

Choosing house insurance that can weather the storm

By MAS Team

The climate in Aotearoa New Zealand is changing. We're facing the prospect of more extreme temperatures, more destructive winds and more rainfall more often. Severe weather events can increase the strain on our infrastructure, creating a greater risk of property damage. With this increased risk, it may be time to reassess your house insurance to ensure it meets your expectations.

Atmospheric rivers and weather bombs have entered the chat

For a number of years, 'unprecedented' was the go-to word to describe shocking weather occurrences, things we've never seen before or that were completely unexpected. 'Unprecedented' was used almost on repeat to describe the extreme weather event we now call the Auckland Anniversary Weekend floods. In the 2 years since, other weather-related terms, like marine heatwave, atmospheric river, and weather bomb, have entered our daily newsfeeds, showing how common extreme weather is becoming.

Natural events have changed the insurance landscape

Natural events leave scars, and for many, the ripples are felt for years afterwards. Sometimes, people and property are changed forever. Adding to the lasting effects, exposed to natural disaster events, inflation and rising building costs, many insurance companies have been moving away from Full Area Replacement in favour of Sum Insured policies.

Sum Insured versus Full Area Replacement

Sum Insured is an agreed value policy. It provides a maximum dollar amount,

proposed by the homeowner and agreed by the insurer, based on the estimated cost to rebuild or repair the home if it's damaged or destroyed.

It puts the onus on the homeowner to undertake the research required to make sure the insured value will cover replacement costs, which can be difficult to get right.

The alternative to Sum Insured (also called Agreed Value) is Area Replacement. This is where the insurer agrees to rebuild the home to the same size and standard it was before the loss. There's no fixed dollar cap, and you're covered for the reasonable costs of a full rebuild. That's why Area Replacement Insurance is also often known as Full Area Replacement or Full Replacement Insurance.

The drawback of Sum Insured

The critical decision with a Sum Insured policy is choosing the amount of cover. The amount of cover is agreed at the time the policy is created. It's based on a rebuild estimate at the time the policy was taken out and doesn't account for any changes in building costs that may happen later.

The rising cost of construction has made headlines in recent years. Combined with a period of high inflation, this means homeowners with Sum Insured policies can be at risk of being underinsured.

With Full Area Replacement, you get full replacement

With Full Area Replacement insurance, there is no fixed dollar cap. You're covered for the reasonable costs of a full rebuild. You can be confident your home

will be fully replaced to the same square meterage and condition as it was before the loss. That's great peace of mind.

Not all insurers offer Full Area Replacement

In recent years, many insurance companies have moved to Sum Insured. At MAS, we're bucking the trend. As a New Zealand-owned insurance and investments mutual, we help protect what matters most with trusted insurance solutions, and in most cases, offer Area Replacement insurance as standard.

MAS is a mutual company, which means we're owned by our Members, and our insurance policies are created with Members' best interests at heart. Combined with our exceptional service and claims experience, MAS Members have voted us Consumer People's Choice for 10 years in a row for House, Contents and Car insurance.

Unlike some other insurers, MAS has a comprehensive Area Replacement policy that provides a full rebuild for all damage, including in the event of fire or resulting from natural hazards.

Which option is right for me?

There's no one-size-fits-all answer. The best insurance for you will depend on your property, its location, and the complexity of the rebuild.

In some cases, Sum Insured will be useful for homes with unique features or partial rebuild plans, but that benefit will need to be weighed against the risk of underinsurance if rebuild costs rise or the estimate is inaccurate.

Full Area Replacement insurance gives the homeowner greater peace of mind that if the house is a total loss, we'll pay the reasonable costs to rebuild their home to the same floor area as in the policy schedule.

You can learn more about Full Area Replacement insurance or get an estimate to help guide your decision.

This article provides general information only and is not intended to constitute financial advice. Before taking out any insurance product, you should carefully consider the terms and specific policy wording. Underwriting criteria will apply.

MAS is proud to be a New Zealand-owned insurance and investment provider that's been enhancing the financial health and wellbeing of their Members since 1921. MAS offers a range of solutions to help grow Member's wealth and protect what's important to them.

Petrol Heads' Corner: Finland

To start with, I offer an apology. I have been away travelling overseas for a month, and haven't been able to get hold of a car to review.

I can promise you that the next petrolheads corner will have something quite different, if and only if I can talk the owner of the vehicle into letting me have his pride and joy for a short period of time.

I'm not going to spoil the surprise (mainly in case I don't succeed), but suffice to say, it will be worth it.

Instead, I am going to talk about the various forms of transport in Scandinavia. We recently spent three weeks in Finland, travelling around the area and up into the Arctic Circle. At one point, we were only 8 kms from the Russian border.

I had visions of Vlad and his boys coming over the border and across the lake on snowmobiles, where we were staying, to take over Finland.

On our trip, we managed to utilise almost every form of transport available in Finland. The forms of transport were as follows;

- Plane
- Boat
- Train
- Car
- Bus
- Snowshoe
- Husky sled
- Reindeer sled
- Snowmobile
- On foot

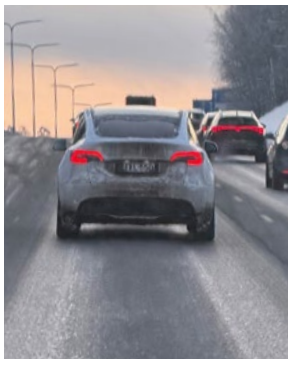
Plane

We travelled on Air New Zealand and Finnair. Finnair flew us nonstop from

Singapore to Helsinki. We stumped up the extra and flew Premium Economy. Finnair was touting this class as something akin to the second coming. Their advertising agency got carried away. For starters, there was no room between the rows. Granted, the seats were wider. If a window passenger wanted to get out, the aisle passenger had to get out too.

Food was served in cardboard cartons, and if you wanted wine, it was "do you wanna red or white", and the hostess gave out a plastic bottle and cup. Even Air New Zealand Economy offers a variety of red or white wines. Other airlines we have flown offer food that is usually identifiable and edible. Not so with Finnair.

I appreciate that some of you will say the food and booze are not that important, but it was really at the end of a long list of deficiencies, with the amount of space available to premium economy passengers being the biggest gripe. I'm positive Finnair pioneered sardines in a can. All in, it was economy with wider seats.



Top Left: diry cars in Helsinki. Top Right: The Bus. Bottom: Small campervan covered in snow.

Car

When we arrived in Finland, Helsinki, the southernmost city in Finland, it was blanketed in snow. In Helsinki, clean cars are not an option. Travelling north, we encountered more snow, and there was at least 30 cms falling each night.

As you can imagine, coming from a New Zealand summer, we were "climate shocked". Snowfalls such as these would've sent our central and local government civil defence into a complete tailspin.

Bus

Not so for the Finns (I mean, these people were born on ice). As far as they are concerned, this is just an everyday occurrence. All cars, trucks and buses are equipped with studded tyres. This gives extraordinary grip to the vehicles on ice and snow-covered roads. Our bus driver, for example, was quite happy to pull out and pass other vehicles that were slower than it. There was no way he was going to let a slower car deflect him from his timetable. The bus appeared more tank like than NZ buses.

I have to say that the first time he undertook a passing manoeuvre, I was a bit "heart in the mouth". Buses passing cars is a reasonably rare event in New Zealand, particularly on 2 lane roads. Finns appeared to be very patient on the roads, contrary to New Zealand drivers. Apart from our bus driver, I didn't see any other car pass another except on a motorway.

Snowmobiles

In Lapland, they are a common form of transport. Frozen waterways are the usual highway used to get from one point to

Top: David after a tough day at the office..

another. In Helsinki, it was a very common sight to see a person walking along the frozen river to do their grocery shopping.

We visited a small historic town called Porvoo. The locals used the river that bisected the town as their means of getting around. Our guide suggested we walk down the river for a coffee. I confess to being somewhat nervous.

Anyway, back to the snowmobiles up in Lapland. We were staying at a resort on the edge of Lake Inari. This lake was 1014 sq kms in area. To give that perspective, Lake Taupo is 616 sq kms in area.
It was a common sight to see locals whizzing down the lake at high speed on their snowmobile to get to a small town where they would do their grocery shopping.

Huskies

Husky sledding is mainly a tourist attraction, as far as I could tell, but I suspect it is used more widely the further north you go. Huskies are an incredible animal. They need between 1 and 2 hours of exercise every day. We had six pulling our sled. Mrs Petrolhead sat in the sled, and I did the driving.

It wasn't really driving because all it involved was yelling "okay "and pushing off to get the husky team going. Once they got the sled moving, they were away. They kept trying to pass the sled in front, which was slower than ours. Apparently, it is absolutely forbidden to pass another sled on this activity. However, our huskies didn't get that memo. We were told that the previous day they had to harness two extra dogs to one of the sleds because the sled had two enormous Russians on board and the poor Huskies could hardly move them.

Reindeer sledding

This is similar. Reindeer love to run. Our trip behind the reindeer was a lot shorter but just as enjoyable.

Snowshoes

The snowshoe trip was good exercise, particularly for me, because I sank into the snow, rather than tripping across the top and had to keep leaping about trying to get out of the stupid stuff. Then my snowshoe fell off, and I fell over. I began to wonder why I felt it necessary to do this.

I can't say that it was as enjoyable as the other forms of transport, but I am sure

Top: Huski sledding. Bottom: Reindeer sledding

Bottom: Northern Lights

snowshoes are important for those who want to walk across fresh snow drifts. Apparently, the advent of the snowmobile was a game changer for the people of Lapland, and particularly the reindeer herders. Instead of having to trek with the reindeer right across Scandinavia, the herders could attach GPS tags to the reindeer and bring them in whenever they wanted by hopping on the snowmobile and going out to fetch them.

One night we went out onto the lake to spot the northern lights, and reindeer came to where we were sitting because the noise of the snowmobiles usually meant they were about to be fed.

If you park up your small camper van out in the north, it can have consequences, (see photo on page 43). This takes freedom camping to new heights.

I have included various pictures of some of the forms of transport we used, and to cap it all off, a couple of the better photos of the northern lights.

Those of you who have been to see the northern lights will know this, but for the uninitiated, the northern lights cannot be seen with the naked eye. Apparently, it's all to do with the rods and cones in our eyes, and all you can see is a faint, vague, almost invisible green mist. It's only when you put the camera up that you capture the beauty of the northern lights.

- David O'Neill

Recently retired from practice as a Barrister, David, continues to accept instructions as an Arbitrator and Mediator, when he's not swanning around the world.

EVENTS

Mastering Your Voice Masterclass | February 2026

End of Year Drinks. ABOVE: Christchurch.
BELOW LEFT: Tauranga. BELOW RIGHT: Auckland.

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