



EDITORIAL

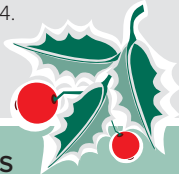
WELCOME

After another challenging year of being displaced from the City Centre, we are quite excited to bring you this edition of our newsletter as we release our plans to return to the heart of the CBD in December 2014. What better way to demonstrate our absolute commitment toward the Christchurch Rebuild? Whilst our temporary premise here in Clarence St has served a purpose, we are all bursting at the seams to get back to where we belong.

Enjoy reading about our intended return. We plan to regularly update you on our progress over the next 12 months.

As the festive and holiday season approaches, we take this opportunity to wish you a safe and happy holiday. See you in 2014.

Shayne Te Aika
General Manager



DEC - JAN OFFICE HOURS

Mon 23 Dec: 8.30am - 5.30pm

Tues 24 Dec - Sun 5 Jan: Office Closed

Mon 6 Jan Onwards: Normal Business Hours

Emergency contact during office closure:
Phone 021 283 3774, Tony Herring

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It's Official! We Are Heading 'Back To The Future'

Our biggest commitment EVER, to Christchurch and the CBD.



An architects impression of the building for MML, looking from the Avon River on to Oxford Terrace.

'It has been a long time coming,' says General Manager, Shayne Te Aika immediately after MML partners announced to staff that a tenancy agreement had now been signed with entrepreneur/developer Antony Gough, to lease office space in Stage 1 of 'The Terrace' development which is now under construction on Oxford Terrace/Cashel Mall.

An integral strategic team member/legal advisor to Antony Gough, MML partner Sue McCormack has worked for over two years alongside a small team to assist in bringing The Terrace vision to fruition. 'Since being displaced from the CBD in February 2011, the partners have always wanted to honour a pledge to return to the CBD and take a lead role in something very special. Without question, we feel The Terrace development provides that first real opportunity,' said Sue McCormack. The Terrace is a mixed development comprising commercial offices, retail, hospitality, hotel and car parking.

MML is to lease 720m² across the two top levels of a four storey complex which will border Oxford Terrace/Avon River and is due for completion in December 2014. Staff work space will reside primarily across the 4th level of the development whilst our client engagement and reception areas will be situated on the 3rd level overlooking the piazza. Creating and maximising effective work space will be a key

component of the final fitout which will most likely be a mix of open plan and offices.

Shayne Te Aika went on to say, 'Finding balance across the practicalities of our work space, our own expectations, and within acceptable financial tolerances will be an interesting challenge.'

The building shape lends weight to the partners desire to ensure staff and clients gain the most benefit of the floor space in terms of natural light, views, and relaxation/quiet spaces. Sue McCormack believes it is really important that 'our staff are proud of the end result and in particular that they enjoy their environment.' Sue McCormack thinks 'Staff should get some great views toward Oxford Terrace/the Avon, up to the port hills and back on to The Terrace overlooking the piazza.'

Collectively, the MML partners cannot think of any better demonstration of a commitment to the CBD rebuild other than to be right in amongst it, making things happen. The attraction to the Antony Gough vision for The Terrace was immediate, despite knowing there were easier and cheaper options by leasing elsewhere. Our point of difference? We are more than just a law firm - we are committed to the rebuild of our great city and there is no place we would rather be, than back in the CBD.

MML PEOPLE



MML Partner Tony Herring, meets with Andrew MacArthur - National Manager Asset Optimisation, Police National Headquarters at the site of the new Tauranga Police Station. Tony has maintained NZ Police as a key client of the firm since 2003.



Congratulations to **Partner Sue McCormack** on her re-appointment to Pro Chancellor of the University of Canterbury for 2014.

Additionally, Sue was also recently re-appointed to the Board of Directors, Public Trust for a second term.



Congratulations to **Partner Andrew Logan** on his appointment to the Chair of the Property Law Section of the New Zealand Law Society.

CONGRATULATIONS

Dr Tony Page, partner of **Associate Kathy Page** on Tony's recent appointment as All Blacks Doctor.

Associate Megan Brown, and husband Tim on the recent announcement that they are expecting their first child in late January 2014.

Legal Executive Tania Cochrane and her husband Matt, on the recent addition of baby Alyssa.

PA/Legal Executive Stacey Hogg on two counts: her recent graduation as a Legal Executive, and the recent announcement that she and partner Jimmy are expecting their second child.

PA/Office Support Manager Sarah Carr on her recent engagement to Matt Wenborn.

Senior Associate Kent Yeoman and Nicaela on the addition of their third child Penelope.

WELCOME

Jordan Hopkins, one of our young gun junior solicitors who was admitted to the bar in July. Jordan joined the firm in June, post graduating from Canterbury and will develop her interests in the legal profession under the keen tutelage of our Associates and Partners.

Shanti Niven, young gun solicitor number two joined the firm in late July 2013. Shanti possesses a good grounding in legal matters, particularly conveyancing and we have been quick to load her up with a broad range of commercial matters.

LAW CLERK

Mei-Chen Huang, our recently appointed Summer Law Clerk will spend a period with the firm over November 2013 to February 2014. Mei is a recent Canterbury graduate who excited the HR team with her all round excellence, humour and demeanour during a hotly contested selection process.

To our Extended Family, Clients, Fellow Business Entities, and Friends

We know you will be right behind us in our efforts to return to the CBD. We want to keep you fully apprised of timelines and across matters that may impact upon you.

We also understand that you may have specific questions. Please feel free to email our General Manager: shayne@mmlaw.co.nz with any questions about our new premise. Shayne will come back to you with a response and we will include your query on future updates to all of our clients to ensure we capture the widest audience.

Here are some potential questions and answers that already spring to mind:

- **Will there be any changes to fees and legal costs?**
We don't expect to implement any fee adjustments which will be directly or indirectly related to a return to the CBD. Occasionally hourly rates will change for specific staff who transition to new levels within the firm.
- **How will I gain access to the MML offices?**
When the development is further along and well before we actually move, we will provide updated information about any address details, inclusive of providing maps electronically and on our website about how to get to, and access our new premise. Visitors will be able to access our main entrance from pedestrian laneways off Oxford Terrace, Cashel Mall and Hereford Street.
- **Where will I park?**
'Pay to Park' space will be available within short walking distances of our offices. We will incorporate a parking concession in our fees.
- **Will I have to come to the MML offices to meet with you?**
Not always. Mobility of our staff will allow us to meet with you at your business or home if it is more convenient. We can also arrange to meet you within the new CBD area, either open space to enjoy the sunshine and 'The Terrace' areas, or indeed at one of the many cafés or restaurants if it's a social visit.
- **Will the MML office telephone numbers change?**
Probably not. Technology today allows more flexibility to port our numbers to the CBD. If there is an unforeseen need to change numbers, we will keep our existing numbers for a set period of time and inform you of any corresponding changes well prior.
- **Will the MML mailing address details change?**
We will keep our current PO Box. Our DX Mail identity recently changed to WX33515. Of course our physical address will change and we will advise you of those changes well before our intended move.



Review, Renew, Revise That Will

How is your Will looking? Does your family know how to find the original copy? Who are your executors? Have you established a Family Trust since you signed your Will? How old are your children now? Is time to review, revise and renew?

We recommend you review your Will at least every five years and sooner if significant events intervene – separation and re-partnering are obvious triggers that should make you think about your Will. But there are others.

Your Will should reflect your current intentions – how your assets are to be distributed. If what you want changes, then so should your Will.

Your Will is an important document – it is personal to you and only you. It follows, therefore, that you should regularly review it.

Your Will, regardless of how long ago you may have signed it, remains your last Will and if it doesn't take into account changes that have occurred around you since it was signed, then unnecessary complications can be the result. These may be costly to remedy and create unnecessary anxiety for family.

Dying without a Will might be better than dying with a Will that is out of date. The Administration Act 1969 provides an arbitrary but logical distribution of your estate if you die without a Will. However, we aren't recommending this!

So that we can advise you about your obligations at law, we need to understand your current living situation, know about your dependents and what assets you have, how you own them and who with. Together with your wishes, we will prepare a draft Will, explain the consequences and ensure that it reflects your intentions. Simple!

Margaret Mary De Goldi, Legal Executive

Changes to the Law for Family Trusts



Family Trust law is changing. Over the last five years the Law Commission has undertaken a major review of the Trustee Act 1956 which sets the rules around Family Trusts. Given the substantial number of Family Trusts currently in existence in New Zealand,

the amount of wealth they hold and their importance to many people, the 1956 Act needs to be modernised.

The new Act is likely to be called the "Trusts Act" and unlike the current law, will focus more on trusts than trustees. One of the main drivers for the new Act has been confusion around the role of Settlor(s), the duties of Trustees and the rights of Beneficiaries. The Law Commission felt this uncertainty threatens the very institution of the Trust.

The new "Trusts Act" will incorporate, modernise and make more efficient the current provisions of the Trustee Act and make day-to-day administration of trusts easier and the resolution of difficulties less expensive and more efficient. There will be clearer guidance as to the rights, obligations and duties of the Settlor(s), Trustees and Beneficiaries.

The Law Commission also made recommendations around the relationship between trust property and the Property Relationships Act 1976. Particularly, they recommended the Courts have greater powers to allow the transfer of trust assets out of the trust and into the relationship property pool in the event that a couple separates when those assets would have been relationship property but for the trust.

At this stage the Law Commission's report has not provided a draft Bill of what the new Trust Act might look like but as with any substantial change to law, there will be transitional periods to enable people to consider what the law change will mean for them.

We will be closely monitoring these changes and will advise you of what you need to know and do.

If you have any questions please contact us.

Andrew Logan, Partner

Family Court To Protect Those Who Need It Most



Justice Minister Judith Collins says the most significant changes to New Zealand's Family Court in thirty years are one step closer to becoming law.

Ms Collins says the Family Court Proceedings Reform Bill, which passed its Committee of the Whole House reading in Parliament today, puts children and vulnerable people first.

"This Bill aims to ensure a modern, accessible and sustainable family justice system – a system that supports children and vulnerable people who most need the Family Court's protection," Ms Collins says.

"Our reforms support people to more quickly resolve disputes out of court where appropriate. They will ensure the court focuses on the most vulnerable and the most serious matters."

Ms Collins says the Bill also brings much needed clarity to court processes and rules – users will have more certainty and it will be easier for them to understand and navigate the court system.

"The new Family Dispute Resolution (FDR) service will reduce the stress on children and families by avoiding the conflict, delays and expense that court processes can involve," Ms Collins says.

"Improved information, a simplified three-track court system, and easy-to-use forms will be introduced to reduce the need for a lawyer's involvement in routine matters. A Judge will still be able to appoint a lawyer for a child if there are concerns for the child's safety, and the appointment is necessary."

Ms Collins says if we can keep people out of the Family Court, except where they should be in the Family Court, we are going to have more time for those matters that we should be dealing with.

Source: Ministry of Justice

Company Director Sentenced for Pro Forma Invoicing

Former company director Sonia Klair, was sentenced to 10 months home detention at the Auckland District Court after pleading guilty to 64 charges brought by the Commerce Commission under the Crimes Act, in relation to her running a business which engaged in false billing practices, also known as pro-forma invoicing.



Ms Klair admitted operating a scheme which involved sending "special offer" documents to recipients offering to "renew" online business directory listings with Klair's company NZ Look Ltd (NZ Look), even though the recipients had no previous listing with that business. NZ Look subsequently forwarded invoices, and in some cases debt recovery notices, seeking payment for services recipients had not agreed to acquire, or had agreed to acquire on the basis of a misrepresentation made to them.

Judge Field said that this was sophisticated offending which occurred over a substantial period of time. The Judge considered Klair's motivation for the offending was pure greed.

Between July 2008 and August 2010 the offending resulted in a total turnover of more than \$719,000.

This is the first time the Commission has brought charges under the Crimes Act. Previous prosecutions and resulting financial penalties imposed under the Fair Trading Act (FTA) had provided insufficient deterrence from such conduct.

This type of offending is viewed seriously by enforcement agencies due to the significant financial gains that can be made by offenders and the consequent losses to New Zealand businesses.

The Commerce Commission's Consumer Manager Stuart Wallace warned businesses to be wary of any unusual invoices they received and to ensure that they had good payment systems in place.

"To avoid being scammed it is important that all businesses, no matter what size, have an established system for approving invoices and make sure that all relevant staff know how it works."

"That should give staff the confidence to ignore the pressure placed on them by people sending these false invoices. Some can be very pushy and persistent in their demands for payments which they have no legal right to receive," said Mr Wallace.

Source: Commerce Commission

New Child Restraint Rules

From 1 November mandatory use of child restraints in vehicles will be extended by two years, with all children required to be correctly secured in an approved restraint until their seventh birthday.

"When used correctly child restraints are proven to save lives and prevent serious injuries in a crash, and we want to make sure that all parents have the information they need to make sure their children are safely secured in an approved child restraint whenever they travel," said Transport Agency Road Safety Director Ernst Zollner.

An approved child restraint is one that meets approved standards so parents and caregivers can be sure its design and construction is laboratory tested under crash conditions.

Approved child restraints include:

- **infant restraints for young babies (often called baby capsules)**
- **restraints for older babies, toddlers and preschool children (often called car seats)**
- **booster seats for preschool and school-aged children**
- **child safety harnesses (used with or without a booster seat) for preschool and school-aged children.**

More information about approved standards for child restraints and list of certified Child Restraint Technicians can be found at: www.nzta.govt.nz/childrestraints

SNIPPETS

10 STRANGE BUT TRUE LAWS

- In Florida, unmarried women who parachute on Sundays can be jailed.
- In Kentucky, it is illegal to carry a concealed weapon more than six-feet long.
- In Ohio, it is against state law to get a fish drunk.
- In Minnesota, it is illegal to drive a truck or other vehicle whose wheels or tires deposit mud, dirt, sticky substances, litter or other material on any street or highway.
- In St Louis, it is illegal to drink beer out of a bucket while you're sitting on a curb.
- In Maryland, a woman may not go through her husband's pockets whilst he is sleeping.
- In Montana it is illegal for a wife to open her husband's mail.
- In Kansas if two trains meet on the same track, neither shall proceed until the other has passed.

JUDGE HOLDS HIMSELF IN CONTEMPT AFTER HIS PHONE DISRUPTS COURT

A US judge whose smartphone disrupted a hearing in his own courtroom has held himself in contempt and paid \$US25 for the infraction.



Michigan Judge Raymond Voet has a posted policy at Ionia County 64A District Court. It states electronic devices causing a disturbance during court sessions will result in the owner being cited with contempt.

On Friday afternoon, during a prosecutor's closing argument during a jury trial, Voet's new smartphone began to emit sounds requesting phone voice commands.

Voet says he thinks he bumped the phone, and the embarrassment likely left his face red.

During a break in the trial, Voet fined himself. He says if he can't live by the rules he enforces he has no business enforcing the rules.

Source: AP

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