



*Ma pango ma whero, ka oti te mahi  
With black and with red the work is completed*

# Annual Report of the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture

Presented at the Annual General Meeting on  
12 August 2022 at 1:00 PM



**New Zealand Bar Association  
Ngā Ahorangi Motuhake o te Ture**



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## Foreword

Tēnā koutou katoa,

It is my pleasure to present the Annual Report for the New Zealand Bar Association. The report covers the Association's activities from 11 September 2021 to 12 August 2022. It includes the Association's financial statements for the year 1 April 2021 to 31 March 2022.

In this report I will not only tell you about some of our key activities over the last year, but I will also outline some of our plans for the coming year.

Our strategic plan guides our Association, but in many ways, it is not a typical strategic plan. Instead, it is in the form of a diagram that shows our structure and what we want to deliver through each of our committees. The deliverables define who we are and what we do.

The overall objective is to delight our members. 'Delight' is not a word that lawyers often use. But it is one that, in this role, I am quite keen on. Whether it is a point we make in submissions on a law reform proposal, or an opportunity to enhance camaraderie through training or a social gathering, we arrange our activities to that end. As each deliverable is achieved, it is replaced. We try not to bite off more than we can achieve at any one time. It is a dynamic process and we do hope that it produces real benefits for you.

If you have any comments to make on this report, our future plans or if you would like to share ideas, please do contact me.



Paul Radich QC

President

E: [president@nzbar.org.nz](mailto:president@nzbar.org.nz)

12 August 2022

## President's Report 2021 – 2022

### Introduction

Tēnā koutou katoa,

This is my second Annual Report as President of the New Zealand Bar Association | Ngā Ahorangi Motuhake o Te Ture, and therefore my final report. I have served as President at a time of great uncertainty and anxiety for all of us at the Bar. It has been challenging, but I hope that the Bar Association has done its part to support members where possible. In October I hand over to Maria Dew QC, who will be a superb leader for the Bar. I know that the Bar Association will prosper under her presidency.

### Our activities

The last two years of the Association's history have been quite remarkable. With the multiple problems brought about by Covid, we could simply have focussed on trying to keep ourselves going. Instead, we opted to do the opposite and embarked on a process of changing what we deliver to members, and how we go about it. We have been agile, innovative, and introduced substantive measures – not superficial ones. In the interests of brevity, this report will highlight only a few of the key items.

#### Focusing on members

One of our key themes has been what we can do to ensure that the Bar Association is an organisation that people not only want to belong to but are proud to belong to it. This required us to think in fresh ways about service delivery. We want to encourage a member driven Association, where all feel welcome, and which produces tangible benefits for members.

Some of our activities have been very practical:

1. *Education*: We introduced free training webinars in 2020 as an experiment to help deal with the impact of Covid. Over the last year we have formalised that programme. And we have expanded the number of webinars we provide and the breadth of their subject matter. It has proved very popular with our members.
2. *Member Benefits*: Our member benefit portfolio has continued to grow. Recently a QC noted that he had more than paid for his membership simply by using the app (let alone savings from the insurance and LexisNexis packages).
3. *Collegiality*: The Bar Association has been particularly active in promoting collegiality. This has not always been easy because of the effects of Covid, but we have come out of lockdowns and launched ourselves into a variety of events. Many of these are free of charge for members and are growing in popularity.
4. *Insurance Review*: We undertook a detailed review of our insurance scheme to ensure that it was fit for purpose and met members' needs. This resulted in changes to coverage under the policy and a reduction in premium rates for many. There is an explanation of the changes [on our website](#).<sup>1</sup> I want to highlight the very hard work undertaken by commercial barrister,

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<sup>1</sup> <https://www.nzbar.org.nz/news/2021-review-marsh-nzba-personal-indemnity-insurance-scheme>

Michael Webb, and Michael Robertson from the well-known insurance practice, Robertson's Law. They have made a real difference to the scheme.

Other activities have been based around organisational structure and governance.

1. *Regulatory Review*: Alongside this review, we undertook a regulatory review to ensure that the Bar Association is meeting its obligations under various legislative frameworks. We engaged Chapman Tripp to give us advice and a checklist to help guide our activities in commercial areas.
2. *Governance*: We have established an Audit Risk and Governance committee the remit of which is to enquire into the activities of the Association and ensure that we are following best practice in meeting our legal obligations. I will comment more on this work later.

#### *Highlighting diversity and representation*

In September 2020, we changed our rules to ensure that when co-opting members to the Council, diversity was considered. We included a requirement to ensure that there was at least one member of the Council who identified as being of New Zealand Māori descent.

When the new Council took over on 1 October 2020, one of its first orders of business was to consider the gender ratio and backgrounds of those on the Council. This was particularly important as the Council that was elected to begin its term on that date would serve for a two-year period.

While we have some way to go, the Council that we now have is significantly different to those in the past and the voices on that Council are supportive of diversity.

We hope in future that this trend will continue so that the faces in our organisation are reflected in the faces of our Council.

Another key piece of work has been our mahi on incorporating the Gender Equity and Equitable Instructions Policy into the Law Society's Gender Equity Charter. This is taken a very long time, but we believe that we should see real progress in the next few months.

Our Diversity Committee has several initiatives underway. The Bar Association is sponsoring a mooted competition for law students at AUT. One of the requirements of that competition is that 20% of the places be reserved for Māori law students. We hope that this will focus their attention on the Bar as a potential career choice in future.

Another initiative is the organisation of a mooted competition for students at schools in South Auckland. Again, the aim is to heighten awareness of the Bar so that students from different backgrounds will consider it as they progress through law school.

#### *Name change*

Earlier this year, the New Zealand Māori Council did us the incredible honour of gifting us a te reo Māori name. At a moving ceremony at the National Library, outside He Tohu (the resting place of Te Tiriti o Waitangi), I referred to the Māori philosophy of a gift, found in the expression "ko te hau tēnā o tō taonga", which refers to the spirit power and the vital essence embodied in a person that is transmitted with their gift. It is the life force of the giver. It signifies the reciprocity of giving and receiving; a system of mutual trust, obligation and solidarity.



I referred to Professor Dame Anne Salmond having likened that system of mutual trust and obligation, inherent in the giving of gifts, to the gift exchange that was the heart of the Treaty. She has spoken of the Treaty as a gift – a tuku from rangatira to the Queen of kawanatanga and of tuku from the Queen to them in return. “Ngā tikanga katoa rite tahi” – a mutual exchange of equal tikanga. She has spoken of the alliance, the tapu, that is created through the exchange.

I referred to the strength, the courage, and the wisdom that the New Zealand Māori Council has exhibited over many decades, indicating that, if we receive but a trace of those qualities, then we are re-energised; more determined, more focused than ever in being a voice for the rule of law, for the fundamental rights of all who live here, for the administration of justice and for access to it.

The New Zealand Māori Council would not accept a koha for this gift. So, the Bar Council is taking steps to put in place a scholarship in collaboration with a university to be made available to a student who has Māori whakapapa and can demonstrate strong community engagement. We look forward to being able to provide details of the scholarship shortly.

#### *Retaining and growing membership*

In 2020 the Bar Council considered how it could best support its members and grow the organisation. It resolved to focus on some core areas.

We introduced free training and focused on providing resources to retain and gather membership. We have grown in numbers in the last two years and have not lost as many as we have in the past. In fact, we are attracting people who would never normally have looked at us because of a perception of the Association reflecting big city, big chambers, and commercial practices. They are coming for the free training and resources and learning about who we are.

Increased member engagement has been achieved through virtual events and the ‘Chat with’ series, and free collegial end of year events. We have never before provided free end of year events for members. They are very well received. But we took the money from the travel budget and instead of spending it on Council or President travel, we now spend it on members.

#### *Outreach and Community Contributions*

The Bar Association has for many years encouraged the barristers of the future with their studies and development plans. We do this through our involvement in mooting and sentencing competitions and scholarships.

We are proud to once again sponsor the Sentencing Advocacy Competition. This event is run by the Ministry of Justice and is organised by the Judges' Clerks of the Auckland High Court. Students from the University of Auckland, the University of Waikato and the Auckland University of Technology take part.

We are also sponsoring the AUT Court Advocacy Training Programme and its accompanying mooting competition. The Programme is being run in 2022 by the AUT Mooting Society, which is a student-led organisation at the AUT Law School. The Programme is targeted at senior law students.

Finally, this year we are finally launching our inaugural Access to Justice Award – co-sponsored with Lexis Nexis. This award recognises the recipients outstanding contribution towards access to justice, whether it be through legal aid, pro bono, or other contributions. It will be presented at our conference.

*Improved Council governance and oversight.*

We are endeavouring, through the Audit Risk and Governance Committee, to introduce a range of new governance policies to run the organisation more professionally, providing greater protection for both members and the Council.

*Insurance scheme review*

We have reviewed our insurance scheme and our regulatory compliance. This was a massive task. The last time that the insurance was reviewed was in 2009. I thank the review team for their excellent work. The team comprises NZBA Governance Committee member, Michael Webb (who is leading the team); Michael Robertson and Helen Twomey from the law firm, Robertsons; our Executive Director, Jacqui Thompson and me.

**Bar Council 2022 - Election**

The names of the Bar Council members for the 2021-2023 term are listed on page 33.

Setareh Stienstra resigned as a member of the Council with effect from 30 June 2022. Setareh is leaving the bar for an inhouse position. We thank Setareh for all her work for the Bar Association and wish her the very best as her career continues to develop in positive ways.

Our rules provide:

- 6.4 If any casual vacancy occurs in the office of member of the Council, the Council may –
  - 6.4.1 Appoint a member of the Association to fill that vacancy; or
  - 6.4.2 Hold an election to be conducted as nearly as the circumstances may allow in the manner set out in Rule 7 on a date to be fixed by the Council to fill that vacancy

The Council considered its options under rule 6.4. Having regard to the length of time left in the Council term, the fact that there has been no recent election to guide us, and the need to encourage participation in a democratic process, the Council determined to hold an election to fill the remainder of Setareh's term in office.

The results of the election will be announced at the AGM.

**Secretariat**

We have an incredibly committed Secretariat team. The names and roles of the team are set out on p33. We could do with twice as many members given the breadth of our work. However, we match the output and the contributions of organisations many times our size. We achieve that because the members of our Secretariat team are so talented and committed. I could not be prouder to have such capable people on the bridge.

**Upcoming**

There are a number of areas that will be keeping us busy over the next year.

1. *Review of Rules of Association:* Last year I mentioned the review of our rules. It is likely that this will take place in stages. We will consult the membership on our objectives and the rules in general, as well as focussing on some specific areas, such as the admission provisions and



the disciplinary sections of the rules. The legal profession has changed, and we need to ensure that our new rules will reflect those changes while retaining our members' values.

2. *Website and online services:* Websites rapidly become out of date, but even more so when they are the front end of a sophisticated Client Relationship Management System (CRM). The CRM controls all our membership records, invoicing and bookings for events. It distributes communications to members and manages the website itself. It also produces a series of reports that we use to plan activities and manage our finances. And importantly, the CRM integrates with our Accounts package to push invoices and payments. We are starting the process of reviewing our CRM and website with a view to either upgrading or migrating to a new system. Scoping will begin later this year and is likely to take some months.
3. *External relations:* The Association is considering its relationships with external organisations and how we interact and co-operate with them. We are considering the forms of understanding we may need in place with those with which we collaborate.
4. *Understanding member views:* Although we often ask members for their views, we have not surveyed members for some years. We are finalising a survey which we will run in the final quarter of this year. The data from that survey will help us plan our activities and our focus for the next two years.

## Membership

Current membership statistics are set out later in this Annual Report on p 22. The Association has grown in our key demographic of barristers with seven years or more post admission experience. We are actively encouraging membership and look forward to reporting more on this over the next year.

## Engagement with Members

The education and social events programme appears on p 30. It lists activities since our last AGM.

## Annual Conference 2022

I mention the conference again when talking about our Education Committee, through which the conference is delivered. At this juncture, can I just say how delighted we are to be able to deliver our conference in September. It has been rescheduled so many times as a result of Covid related restrictions. The fact that it has been oversubscribed since the first scheduled set of dates in 2020 is a reflection of the importance our members place on the ability to get together socially and for sessions we have put a great deal of work into crafting. The topics are current, topical and important.

## Committee activities

We seem to be living in a whirl of never-ending consultation processes. Rather than list all of them, I will highlight a few key areas:

### *Advocacy and Law Reform*

The Bar Association has always adopted a careful approach to its advocacy on law reform and the courts. We do not fight our battles in the media as we believe that this will antagonise those we are trying to convince. We build careful relationships with key stakeholders to enable us to communicate effectively.

For this reason, you will not have seen a great deal about us in news items. Nor have we tended to go onto social media to claim successes as again, this can generate ill will and affect future negotiations.

We are selective in what we choose to submit or advocate on and often work in partnership with other organisations. We don't want to overburden our members and we therefore focus on matters that are directly related to advocacy, dispute resolution, the courts, the rule of law and access to justice.

For the last two years we have worked closely with the Courts and the Ministry of Justice to navigate the bumpy seas of Covid. Access to justice and legal aid payments are a major concern for us. We worked hard to provide information and arguments for the Ministry on the funding of legal aid. After the announcement of the budget increase, we received positive comments from members when we acknowledged the increase but expressed concern that it should not be seen as a solution to a much bigger problem.

While members support pro bono contributions, we consider that extreme caution is needed in this area. We asked the question about whether other businesses are expected to give away so much of their time and work. Our members' businesses are their livelihoods and there are people depending on them.

The Bar Association has also responded to several consultation processes, including the *Wayfinding for Civil Justice Report* and the Independent Review to examine the regulation and representation of legal services in Aotearoa New Zealand.

We are intervening in High Court cases relating to the claiming of legal aid for the time taken to meet legal aid administrative requirements and relating to reports under s 38 of the Criminal Procedure (Mentally Impaired Persons) Act 2003.

#### *Te Ao Māori*

When we restructured our committees in the first year of my term, the Bar Council considered the committees that were needed to ensure we achieved meaningful results through their work. We chose at that time to split off te Ao Māori work from our Diversity and Inclusion Committee. This allowed us to concentrate on some key initiatives. One of these was our te reo Māori name, which I commented on at p 6. We are building website resources and videos on the use of te reo Māori in the Courts and the law, understanding te Ao Māori and the basics of tikanga, and an introduction to concepts of mātauranga Māori.

A key initiative for this committee is to communicate with Māori advocates about joining the bar and the benefits of life at the bar. We hope to build a mentoring pathway to increase QC applications from Māori.

#### *Criminal*

Again, I am not going to outline every piece of work or consultation processes to which the Criminal Committee has contributed. Rather, I discuss some key themes that are affecting criminal barristers.

Since Covid and the lockdowns began, criminal barristers have been struggling to gain access to clients who are imprisoned. There has been a series of events (differing between prisons) that have resulted in access on a face-to-face basis being reduced or eliminated altogether.

Alongside this, the courts and the Department of Corrections have experienced difficulties in making AVL facilities available for the briefing of clients. Contact by phone has often proved difficult or impossible. While there has been some improvement, it remains a significant issue for the criminal bar.

The lockdowns resulted in backlogs that pushed trial dates out considerably. Added to this is the risk of infection from Covid on return to the court precincts. And there are significant reductions in registry staffing numbers because of illness.

This has all increased the pressure on the criminal defence bar to take trial dates when they are offered and sometimes irrespective of whether a practitioner is facing back to back hearings without a break for some months. We have a very tired and often dispirited criminal defence bar.

Everyone recognises the fair trial implications in ensuring speedy trials, and the impact on the alleged victims. However, the price that is paid for this cannot be at the expense of the wellness of members of the Bar. The Bar Association has been making this point to all involved in the criminal justice system and will continue to do so.

#### *Education Training and Annual Conference*

I begin the section with thanks to the Education co-chairs Chris Gudsell QC and James Rapley QC. A list of webinars can be found on p 30. In an ironic twist, at a time when one might expect a slowdown in training events, we have never been busier.

Our “Chat with” series has proved to be very popular. We have met some inspiring members of the legal profession and learned a great deal from their careers. There have been several superb webinars and we welcome the new Education Committee’s offerings in our training programme.

In the coming year we hope to continue our focus on our core subject of advocacy, while considering wider issues such as financial literacy and business skills for barristers, as well as cultural intelligence matters (in the association with relevant bodies and experts). We look forward to offering advocacy workshops, once the current Covid balloon subsides.

We are only weeks out from our annual conference, and it remains sold out with a waiting list. This has been the fifth time that we have scheduled this event. It has been very frustrating as we have a great programme, a great line-up of speakers and a wonderful location right on the harbour’s edge in Tauranga. We are all crossing fingers, toes and whatever else comes to hand that there will be smooth sailing from here on in.

#### *Diversity and Inclusion*

Recently, we revisited the Gender Equitable Engagement and Instruction Policy (GEEIP). This policy was one that we worked on with the Law Society. I am not able to say a great deal about this as there will be announcements made in the next month. However, I do thank all those who have been involved in this important piece of work.

The Diversity and Inclusion Committee recognised that it is important to engage with students of diverse backgrounds their final years at high school and as they travel through law school. This engagement will raise the profile of the Bar as a potential career choice. We have developed a school mooting project, that we are working on with a small group of schools in South Auckland. We hope that this will be expanded to other areas of the country. Our first competition will be in early 2023. While we had hoped to hold it this year, many of the students had been badly affected by Covid and had lost family members.

We are sponsoring the AUT Court Advocacy and Mooting Programme. This preserves 20% of the participant places to Māori and actively encourages participation by people of diverse backgrounds.

I do want to mention one very enjoyable initiative from this committee, which was the presentation of a webinar on Life at the Bar. The aim of this webinar was to inform those thinking of making a move to the Bar about the realities of practice and what to expect. I very much enjoyed being part of the webinar. One of the strong themes was that, far from being an isolating environment, the Bar is welcoming and collegial. I hope everyone will contact those who may be interested and suggest they contact us for the link to this video.

#### *Membership and Well-Being*

The activities of the Membership Committee involve a great deal of crossover with the other committees. However, in the last year it has focused on increasing collegiality. The feedback we have received from members is that they want to get out and about and catch up with colleagues.

Therefore, the committee is organising regular get-togethers at chambers in different regions. I acknowledge those chambers that are holding these events, which have proved to be popular and are much needed.

The Committee is reviewing the mentoring programme and you should be hearing more about this over the coming months.

Finally, we already at that time of year when we begin to organise our end-of-year events. Planning is underway and we look forward to seeing you.

#### *Commercial Bar/Specialist Committees*

We have several specialist committees including two new ones. However, I will begin with the Commercial Bar Committee. The commercial or advisory Bar is a growing area and I would encourage anyone who falls into this category to contact our committee chair, Stephen Layburn, and help us to understand how we can best meet the needs of commercial barristers.

This year we welcomed the Employment and Privacy Law Committee. In setting its work programme, the committee decided that it should not do the things that other employment groups already do. Therefore, it is focused on the skills of barristers at the Employment Bar and on giving information to other barristers on the benefits of employing junior barristers and what they need from a compliance perspective.

The Family Law Committee was no sooner established, than it lost two of its members to the bench. Currently it is considering applications to join the committee. It has a series of webinars

that it will present over the coming year. We welcome everybody on the committee and look forward to these events.

## Life membership – Sonja Clapham

As members are aware, the Association’s Rules allow the Council by a unanimous vote to appoint a life member. These appointments are made only rarely, in the words of the rule, “...in appreciation for and in recognition of a person’s work and service for, efforts on behalf of, and dedication to the Association”. Life membership has only been conferred on three other members; Sir Edmund Thomas QC, Dr James Farmer QC, and Stuart Grieve QC.

I am delighted to announce that the Council has conferred Life Membership on one of our founding members, Sonja Clapham. Many of you have met Sonja through her loyal attendance at our conferences and events over the years. When the Association was first founded, Sonja served on the committee that established it and promoted the formation of the NZBA. For some years, she took on the role of Secretary. We will be presenting Sonja with her life award at our Conference dinner in September, alongside that of Stuart Grieve QC, whose presentation has been delayed some two years by Covid. I am sure that members will join with me in congratulating Sonja and thanking her.

## Queen's Counsel Appointments

Applications for Queen’s Counsel closed on 17 July and, as I write, we are in the process of setting up our review panel. Panel members spend long hours reviewing candidates, including talking to nominated referees, reviewing the judgments and articles listed by the candidate and considering all the factors set down in the regulations and guidelines.

Every year we have comments about the transparency and objectivity of the process and often that is from those who are disappointed that their preferred candidate did not get through. It is important to make the point that the review panel’s process is robust and that is reflected in its deliberations. The 16 QCs involved are each committed to promoting excellence at the bar. The group operates conscientiously, thoroughly and robustly.

## Thank you

It is difficult to describe in just a few words how privileged I have felt, throughout my term, in being the President of the New Zealand Bar Association – Ngā Ahorangi Motuhake o te Ture. Virtually every day has brought a new challenge, a new interaction and has introduced me to a member of the Bar I didn’t otherwise know. I have enjoyed the opportunity to think deeply about issues across the areas in which we practice. I have formed the odd frown but, mostly, I have smiled as I observed both the strength and the camaraderie of the independent Bar. We are an organisation that is respected within the profession, the justice sector, and the government. It is down to all of us. I thank you most sincerely for having me here.

*Ehara tāku toa i te toa takitahi, engari he toa takitini*  
*My strength is not mine alone, it comes from the collective.*

Ngā mihi nui

**Paul Radich QC**

President | New Zealand Bar Association, 12 August 2022

## Presidents of the New Zealand Bar Association

Jun 1989 – 1990	Ted Thomas QC
1990 – 1992	Jim Farmer QC
Mar 1992 – Feb 1994	Jim Farmer QC
Mar 1994 – Feb 1996	Julian Miles QC
Mar 1996 – Feb 1998	Raynor Asher QC
Mar 1998 – Aug 1998	John Wild QC
Sep 1998 – Feb 2000	Stuart Grieve QC
Mar 2000 – Sep 2002	Stuart Grieve QC
Oct 2002 – Sep 2004	Robert Dobson QC
Oct 2004 – Sep 2008	Jim Farmer QC
Oct 2008 – Sep 2010	Colin Carruthers QC
Oct 2010 – Sep 2012	Miriam Dean QC
Oct 2012 – Sep 2014	Stephen Mills QC
Oct 2014 – Mar 2016	Paul Mabey QC
Apr 2016 – Sep 2018	Clive Elliott QC
Oct 2018 – Sep 2020	Kate Davenport QC
Oct 2020 – Sep 2022	Paul Radich QC



## Treasurer's Report – Year Ended 31 March 2022

Tēnā koutou katoa,

1. I present the Financial Statements for the year ended 31 March 2022, being the 2022 Financial Year (“2022 year”). These are reproduced in this document on pp 19 - 29.
2. I draw your attention to the following comment which appears on p 29 of this report, and which will be discussed at para 26 - 31

### ***Errors with CRM (Customer Relationship Management) System***

*Revenue and Accounts Receivable may have been understated in the financial statements due to unresolved issues with the society's CRM system. The management team has to the best of their knowledge, rectified the known errors based on other information available and will continue to make corrections during the period when errors are discovered.*

### **Overall performance – Surplus**

3. The Association recorded a surplus of \$143,137 before taxation for the year.
4. We are carrying forward losses incurred between 2016 to 2020, in the amount of \$325,514. This means our net income held at \$143,127. This is the second year in a row that we have made a profit. Last year our surplus was \$129,031
5. Our surplus was higher than expected. The Council budgeted for a \$80,000 profit in the 2022 year. The intention was to set this sum aside for capital expenditure in the 2023 and 2024 financial years, for regulatory compliance reviews of insurance, member benefit offerings and our governance, fees relating to re-registration under the new Incorporated Societies Act, and expenditure on the CRM and website (see below at 16).
6. In the end, while our expenditure was very close to budget (albeit slightly under), our profit was considerably higher than anticipated. We have traced this increase to the following changes:
  - a. We increased our income in the non-member category, including supplier commissions.
  - b. We received an unexpected jump in member numbers.
  - c. We made a profit from training and social activities. We did not allow for any income from these activities as we anticipated a quiet time because of Covid. However, we did have a Silks dinner in Wellington and our webinar programme is proving popular with non-members.
  - d. Although very near our expectations, we did spend a little less than originally budgeted.
7. We are conscious that as a not-for-profit, we are not aiming for commercial profits. We have been rebuilding our funds after having made losses from 2016 to 2019. The handling of this surplus is discussed further at para 17.

8. Within this context, the profit is not unwelcomed, and we acknowledge in the words of one of our accountants, that there are worse problems to have.
9. Furthermore, we do not expect to return a profit this year, having already encountered some unexpected items of expenditure.

### **Income**

10. In the 2022 financial year the Association's total gross profit (including both member and non-member income) was \$484,006.
11. We increased our membership, particularly in the 7 year + category.
12. While most of our webinars are free for members, we are marketing these to non-members and received nearly \$19,000. This was much higher than we had expected but appears to have been the result of a couple of very popular events.
13. The Association receives referral commissions for each member who signs up to the Marsh/NZBA Insurance scheme and the LexisNexis e-Library platform. More members have joined these schemes.
14. Our sponsorship and supplier income increase but we are expecting a significant decline in 2023. This is due to the rescheduling of the conference to 2023 but having received that income in 2022. In addition, we renegotiate our insurance scheme which led to lower premiums for members. While our income will therefore go down, this is something that causes satisfaction as our members will benefit from it.

### **Expenses**

15. Our Opex increased from \$293,705 in 2021 to \$340,869 in 2022. Significant areas of increased expenditure included:
  - a. Consultancy and Professional fees – this item includes fees for the review of the insurance scheme and a regulatory compliance check to ensure that we are operating appropriately within the legislative framework.
  - b. IT Costs – we replaced outdated equipment and had to rely more on IT consultants as staffing constraints meant we could no longer deal with some of these issues internally.
  - c. The figures for staffing costs for contractors have increased from 2021, but still considerably lower than previous years. We are operating with one less FTE contract position in the Secretariat, which is causing some strain on existing staff.
  - d. The wages and salaries figure increased from \$73,645 in 2021 to \$134,410 in 2022. This reflects the fact that the Executive Director did not work a full year in 2021, Only commencing employment in August.
16. Our expenses were in line with our budget expectations.

### **General Funds**

17. As mentioned above, we have rebuilt our reserves. These are not "dormant" funds and are being held for the following reasons:

- a. We have established a liability or contingency buffer of \$180,000. We estimated this amount as being equivalent to the cost of a conference being a total loss and having to pay all bills while return all income. The Conference is our highest single item of expenditure.
- b. We aim to update or replace our current Client Relationship Management system (CRM) and website. Aside from advances in technology, there have been significant issues with the CRM that have made it difficult for us to trust its interface with our accounting system. We also require a better range of reports, and our website is due for a refresh.
- c. We want to commission more member resources for members to use on the website, including templates, training videos, policies, and business advice.
- d. We are running a regulatory and governance review that is requiring payment of consultant fees. This is important in our move towards re-registration under the new Incorporated Societies Act.

### **Taxation**

18. The NZBA's status as a not-for-profit organisation impacts how its income is treated from a tax perspective. Membership income is non-assessable. It includes member levies, social events revenue and training revenue. The non-taxable membership income was \$352,528.
19. Taxable income includes supplier commissions, advertising, sponsorship, and interest income. For the 2022 financial year, NZBA received taxable income of \$131,478.
20. General expenses are incurred in deriving both taxable and non-taxable income and therefore are apportioned on a pro-rata basis (percentage of taxable income or non-taxable income/total income). Direct costs associated with attracting/deriving member income are non-deductible.
21. As a result of tax losses incurred between 2016 and 2019, our accountants applied for a change in our status in 2020. In the 2021 year we carried forward tax losses of \$362,685. In the 2022 year, we carried forward losses of \$325,514.

### **Levies**

22. Council decided not to raise the membership levy for full members and most associate members for the year 1 April 2022 – 31 March 2023.
23. However, it did vote to raise the membership levy for Associate Members – Barrister and Solicitor to \$250.00 (\$217.39 ex GST). This recognised the increased value of membership because of our free member webinars.
24. No other levies were raised.

### **Budget for 2023**

25. The Council has set a low or no profit budget for the 2023 year. It is continuing with its governance review programme, increasing the number of free social events, and resuming travel within New Zealand. There is also a QC round this year, which will involve expenditure on travel and accommodation.

### Errors with CRM (Customer Relationship Management) System

26. In 2022, we experienced two serious errors with our CRM sending invoices across to our financial accounts system, Xero. We discovered that all our membership invoices had been created and sent out on 31 March 2022 instead of 1 April 2022. The invoicing is an automated procedure that is controlled at the server. There was no user mistake involved.
27. This error meant that all our invoices were sitting in the wrong financial year. After investigating for some time, our CRM supplier admitted that they could not correct this mistake. As a result, we engaged our accountants to journal across the invoices in one amount.
28. The second error relates to the pushing of invoices from the CRM to Xero. In 2021 we were told by our CRM supplier that they would have to design a new API between their system and Xero. An API is a piece of software that allows different applications to talk to each other. In this case, we refer to this as “the integration”. It allows invoices to be sent from the CRM to Xero.
29. We discovered that many of our invoices had not been sent to Xero. We are not sure when this problem started and have not been able to get details from our supplier.
30. After weeks of waiting for a correction, the Secretariat worked out a way of checking for the missing invoices. It was labour intensive, but we are confident that we have discovered all of the missing 2022 invoices. While we believe that we have also identified most of the 2021 invoices, we are less confident about this aspect.
31. We have discussed the situation with our accountants and believe that we have done all we can to rectify this situation and that the sums involved in any missing invoices would be minor.

Ngā mihi,  
Phillip Cornegé  
Treasurer | New Zealand Bar Association  
12 August 2022

# Financial Statements

The New Zealand Bar Association | Ngā Ahorangi Motuhake o te  
Ture

For the year ended 31 March 2022

Prepared by Moore Markhams Auckland

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# Compilation Report

## The New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture For the year ended 31 March 2022

Compilation Report to the Members of The Committee of New Zealand Bar Association.

### Reporting Scope

On the basis of information provided and in accordance with Service Engagement Standard 2 Compilation of Financial Information, we have compiled the financial statements of New Zealand Bar Association for the year ended 31 March 2022.

These statements have been prepared in accordance with the principles contained in the current income tax legislation as described in the Statement of Accounting Policies.

These are special purpose financial statements and as such are intended for the purposes of meeting the society's income tax requirements and internal use and should not be relied upon for any other purpose.

### Responsibilities

You are solely responsible for the information contained in the financial statements and have determined that the financial reporting basis stated above is appropriate to meet your needs and for the purpose that the financial statements were prepared.

The financial statements were prepared exclusively for your benefit. We do not accept responsibility to any other person for the contents of the financial statements.

### No Audit or Review Engagement Undertaken

Our procedures use accounting expertise to undertake the compilation of the financial statements from information you provided. Our procedures do not include verification or validation procedures. No audit or review engagement has been performed and accordingly no assurance is expressed.

### Independence

We have no involvement with New Zealand Bar Association other than for the preparation of financial statements and management reports and offering advice based on the financial information provided.

### Disclaimer

We have compiled these financial statements based on information provided which has not been subject to an audit or review engagement. Accordingly, we do not accept any responsibility for the reliability, accuracy or completeness of the compiled financial information contained in the financial statements. Nor do we accept any liability of any kind whatsoever, including liability by reason of negligence, to any person for losses incurred as a result of placing reliance on these financial statements.



Moore Markhams Auckland

Level 1  
103 Carlton Gore Road  
Newmarket  
Auckland 1023

Dated: 3 August 2022

# Statement of Financial Performance

## The New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture For the year ended 31 March 2022

	NOTES	2022	2021
<b>Member Income</b>			
Membership Fees		360,017	334,019
Social Events		16,139	6,650
Training Revenue		18,889	3,960
<b>Total Member Income</b>		<b>395,045</b>	<b>344,629</b>
<b>Cost of Sales</b>			
Membership Admin		17,221	24,060
Social Events Costs		20,011	20,433
Conferences Costs		3,223	8,694
Training Costs		2,062	8,058
<b>Total Cost of Sales</b>		<b>42,517</b>	<b>61,245</b>
<b>Gross Profit</b>		<b>352,528</b>	<b>283,383</b>
<b>Non-Member Income</b>			
Advertising		1,738	1,339
Supplier Commissions		115,871	115,600
Sponsorship Income		12,500	19,417
Interest Received		1,369	2,997
<b>Total Non-Member Income</b>		<b>131,478</b>	<b>139,352</b>
<b>Gross Profit after Other income</b>		<b>484,006</b>	<b>422,736</b>
<b>Expenses</b>			
ACC		80	314
Accountancy Fees		8,105	10,112
Advertising, Marketing and PR		5,372	-
AGM, Election and Governance		265	1,404
Bank Charges		2,005	2,569
Committees		1,165	7,001
Consultancy and Professional Fees		18,335	6,120
Council Expenses		815	20,167
Depreciation		3,491	5,891
Loss on Scrapping Assets		-	32
Donations		2,340	801
Staffing Costs - Contractors and Non-Employed		82,070	71,752
Gifts		4,419	2,588
Insurance		5,292	5,292
IT Expenses		24,585	19,523
Membership Communications		15,585	26,068
Office Expenses		8,641	10,779
Other Meeting Expenses (not Council)		4,120	1,550

These financial statements are to be read in conjunction with the accompanying Notes and the compilation report. These statements have been compiled without undertaking an audit or review engagement.

	NOTES	2022	2021
Rents & Security		14,151	16,733
Scholarships & Sponsorships		1,000	1,000
Strip Fees		331	381
Subscriptions		4,015	8,328
Training		278	1,657
Wages & Salaries		134,410	73,645
<b>Total Expenses</b>		<b>340,869</b>	<b>293,705</b>
<b>Net Profit (Loss) Before Taxation</b>		<b>143,137</b>	<b>129,031</b>
<b>Net Profit (Loss) for the Year</b>		<b>143,137</b>	<b>129,031</b>

These financial statements are to be read in conjunction with the accompanying Notes and the compilation report. These statements have been compiled without undertaking an audit or review engagement.

## Statement of Movements in General Funds

The New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture  
For the year ended 31 March 2022

	2022	2021
<b>General Funds</b>		
Opening Balance	336,637	207,606
<b>Increases</b>		
Profit for the Period	143,137	129,031
<b>Total Increases</b>	<b>143,137</b>	<b>129,031</b>
<b>Total General Funds</b>	<b>479,775</b>	<b>336,637</b>

These financial statements have been prepared without conducting an audit or review engagement, and should be read in conjunction with the Notes to the Financial Statements and the accompanying Compilation Report.

# Statement of Financial Position

## The New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture As at 31 March 2022

	NOTES	31 MAR 2022	31 MAR 2021
<b>Assets</b>			
<b>Current Assets</b>			
<b>Cash and Bank</b>			
ANZ 2019 Conference		183	8
ANZ Call Account		105,641	80,544
ANZ Cheque Account		333,769	95,175
ANZ Donations Account		27,633	29,137
ANZ Foreign Currency Account		9	9
ANZ Term Deposits		145,000	120,000
<b>Total Cash and Bank</b>		<b>612,234</b>	<b>324,873</b>
Trade and Other Receivables		14,203	30,013
Prepayments		62,255	12,587
GST Receivable		3,075	-
Income Tax Receivable	2	-	76
<b>Total Current Assets</b>		<b>691,768</b>	<b>367,548</b>
<b>Non-Current Assets</b>			
Property, Plant and Equipment		4,461	6,444
<b>Total Non-Current Assets</b>		<b>4,461</b>	<b>6,444</b>
<b>Total Assets</b>		<b>696,229</b>	<b>373,991</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Trade and Other Payables		55,870	30,630
Receipts in Advance		150,566	5,954
Provisions	3	10,018	-
GST Payable		-	770
<b>Total Current Liabilities</b>		<b>216,454</b>	<b>37,354</b>
<b>Total Liabilities</b>		<b>216,454</b>	<b>37,354</b>
<b>Net Assets</b>		<b>479,775</b>	<b>336,637</b>
<b>General Funds</b>			
Retained Earnings		479,775	336,637
<b>Total General Funds</b>		<b>479,775</b>	<b>336,637</b>

These financial statements are to be read in conjunction with the accompanying Notes and the compilation report. These statements have been compiled without undertaking an audit or review engagement.



Certified true copies of Statement of Financial Position reports and all other documents in terms of Section 23 of the Incorporated Societies Act 1908 laid before the society in general meeting held on

\_\_\_\_\_ Signed \_\_\_\_\_ Date  
Officer

\_\_\_\_\_ Signed \_\_\_\_\_ Date  
Officer

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These financial statements are to be read in conjunction with the accompanying Notes and the compilation report. These statements have been compiled without undertaking an audit or review engagement.



## Depreciation Schedule



### The New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture For the year ended 31 March 2022

NAME	RATE	METHOD	PURCHASED	COST	OPENING VALUE	PURCHASES	DISPOSALS	DEPRECIATION	CLOSING ACCUM DEP	CLOSING VALUE
<b>App Development</b>										
NZBar App	50.00%	DV	12 Oct 2016	6,885	754	-	-	377	6,508	377
<b>Total App Development</b>				<b>6,885</b>	<b>754</b>	<b>-</b>	<b>-</b>	<b>377</b>	<b>6,508</b>	<b>377</b>
<b>Office Equipment</b>										
Projector	25.00%	DV	31 Aug 2011	1,030	65	-	-	16	982	48
Chairs	16.00%	DV	20 Mar 2013	550	134	-	-	22	437	113
HP Prodesk 600 Admin PC	50.00%	DV	11 May 2016	2,756	93	-	-	47	2,710	47
Dell Inspiron 15 5000 Series	50.00%	DV	7 May 2018	1,633	221	-	-	111	1,523	111
Office Desk	13.00%	DV	5 Jun 2018	697	471	-	-	61	288	409
HP ProBook 470 G5 (Melissa)	50.00%	DV	30 Jun 2018	2,707	395	-	-	198	2,510	198
Jacqui's Phone	67.00%	DV	7 Oct 2021	1,509	-	1,509	-	505	505	1,003
<b>Total Office Equipment</b>				<b>10,882</b>	<b>1,379</b>	<b>1,509</b>	<b>-</b>	<b>959</b>	<b>8,953</b>	<b>1,929</b>
<b>Website Redevelopment</b>										
Website	50.00%	DV	31 Mar 2016	73,056	4,311	-	-	2,156	70,900	2,156
<b>Total Website Redevelopment</b>				<b>73,056</b>	<b>4,311</b>	<b>-</b>	<b>-</b>	<b>2,156</b>	<b>70,900</b>	<b>2,156</b>
<b>Total</b>				<b>90,823</b>	<b>6,444</b>	<b>1,509</b>	<b>-</b>	<b>3,491</b>	<b>86,362</b>	<b>4,461</b>

These financial statements are to be read in conjunction with the accompanying Notes and the compilation report. These statements have been compiled without undertaking an audit or review engagement.

# Notes to the Financial Statements

## The New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture For the year ended 31 March 2022

### 1. Reporting Entity

New Zealand Bar Association is an Incorporated Society registered under the Incorporate Societies Act 1908.

### Statement of Compliance and Basis of Preparation

The special purposes financial statements have been prepared for the purposes of meeting the society's income tax requirements and internal use and should not be relied upon for any other purposes.

The accounting principles recognised as appropriate for the measurement and reporting of the Statement of Financial Performance and Statement of Financial Position on a historical cost basis are followed by the society, unless otherwise stated in the Specific Accounting Policies.

The special purpose financial statements are presented in New Zealand dollars (NZ\$) and all values are rounded to the nearest NZ\$, except when otherwise indicated.

### Specific Accounting Policies

The following specific accounting policies which materially affect the measurement of the Statement of Financial Performance and Statement of Financial Position have been applied;

#### Revenue Recognition

Revenue is recognised to the extent that it is probable that economic benefits will flow to the taxpayer and the revenue can be reliably measured.

#### Expenses

Expenses have been classified on their business nature.

#### Property, Plant & Equipment

Property, plant and equipment is recognised at cost less aggregate depreciation. Historical cost includes expenditure directly attributable to the acquisition of assets, and includes the cost of replacements that are eligible for capitalisation when these are incurred.

All other repairs and maintenance are recognised as expenses in the Statement of Financial Performance in the financial period in which they are incurred.

Depreciation has been calculated using the maximum rates permitted by the Income Tax Act 2007.

#### Income Tax

Income tax is accounted for using the taxes payable method. The income tax expense is recognised in the Statement of Financial Performance is the estimated income tax payable in the current year, adjusted for any differences between the estimated and actual income tax payable in prior years.

#### Trade Receivables

Trade Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less an allowance for any uncollectable amounts. Individual debts that are known to be uncollectable are written off in the period that they are identified.

#### Goods and Services Taxation (GST)

Revenues and expenses have been recognised in the financial statements exclusive of GST except that irrecoverable GST input tax has been recognised in association with the expense to which it relates. All items in the Statement of Financial Position are stated exclusive of GST except for receivables and payables which are stated inclusive of GST.

#### Changes in Accounting Policies

There have been no changes in accounting policies. All policies have been applied on a basis consistent with those from previous financial statements.



	2022	2021
<b>2. Income Tax Expense</b>		
Net Profit (Loss) Before Tax	143,137	129,031
<b>Additions to Taxable Profit</b>		
Non-Deductible Member Expenses	17,221	24,060
Movement in Holiday Pay Accrual	10,018	-
Non-Deductible Other Expenses	226,814	204,877
<b>Total Additions to Taxable Profit</b>	<b>254,052</b>	<b>228,936</b>
<b>Deductions from Taxable Profit</b>		
Non-Assessable Member Income	360,017	334,019
Losses Carried Forward	362,686	386,634
<b>Total Deductions from Taxable Profit</b>	<b>722,703</b>	<b>720,653</b>
Taxable Profit (Loss)	(325,514)	(362,686)
Tax Payable at 28%	-	-
<b>Deductions from Tax Payable</b>		
Opening Balance	76	27,701
RWT Paid	-	76
Prior Period Tax Paid (Refunded)	(76)	(27,701)
<b>Total Deductions from Tax Payable</b>	<b>-</b>	<b>76</b>
Income Tax Payable (Refund Due)	-	(76)
	2022	2021
<b>3. Provisions</b>		
Provision for Holiday Pay	10,018	-
<b>Total Provisions</b>	<b>10,018</b>	<b>-</b>

#### 4. Errors with CRM (Customer Relationship Management) System

Revenue and Accounts Receivable may have been understated in the financial statements due to unresolved issues with the society's CRM system. The management team has to the best of their knowledge, rectified the known errors based on other information available and will continue to make corrections during the period when errors are discovered.

#### 5. Contingent Liabilities

The society has no contingent liabilities as at 31 March 2022 or last year.

#### 6. Capital Commitments

The society has no capital commitments as at 31 March 2022 or last year.

#### 7. Events Occurring After Balance Date

No significant events have occurred subsequent to balance date.

## Education Programme and Social Events

September 2021 to June 2022

<b>Date</b>	<b>Events</b>	<b>Presenters</b>	<b>Location</b>
15 September 2021	How to construct an electronic casebook – step by step	Phillip Cornegé, Tim Rainey	Webinar
22 September 2021	Using an electronic casebook	Phillip Cornegé, Tim Rainey, Felix Geiringer	Webinar
29 September 2021	Laying the foundation for an arbitration	Christine Meechan QC, Dr Simon Foote QC, Mark Colthart	Webinar
27 October 2021	The dark art of cross-examination	Hon. Nick Davidson QC, David Jones QC, Phil Shamy	Webinar
9 November 2021	A chat with Dr James Farmer QC	Dr James Farmer QC, Paul Radich QC	Webinar
17 November 2021	The power of stories	Jehan Casinader, Paul Radich QC	Webinar
24 November 2021	Wellington Silks dinner	Speeches by Paul Radich QC, Greg Arthur QC, Michael Colson QC, Victoria Heine QC	St Johns Restaurant and Bar, Wellington
1 December 2021	Wellington end of year get together		Thistle Inn, Wellington
2 December 2021	Dunedin end of year get together		Dunedin Club
3 December 2021	Christchurch Silks dinner	Speeches by Paul Radich QC, Kerryn Beaton QC	Peppers Clearwater Resort, Christchurch
7 December 2021	Expert Evidence	Jack Hodder QC, Stephen Hunter QC, Stephanie Grieve	Webinar
10 December 2021	Tauranga end of year get together		Tauranga Chambers
24 February 2022	A Chat with Clive Elliott QC	Clive Elliott QC, Sarah Wroe	Webinar
15 March 2022	A chat with Colin Carruthers QC	Colin Carruthers QC, Maria Dew QC	Webinar
31 March 2022	Keeping up appearances	Paul Radich QC, Felix Geiringer	Online meeting
12 April 2022	How to distil your criminal case theory and strategy	Marc Colthart QC, Nicolette Levy QC, Marie Taylor-Cyphers	Webinar
5 May 2022	Criminal closing address	Julie-Anne Kincade QC, Susan Gray, Shane Elliott	Webinar

24 May 2022	Workplace investigations masterclass	Andrew Scott-Howman, Anne Toohey, Rachel Burt	Webinar
10 June 2022	Naming Celebration - New Zealand Bar Association   Ngā Ahorangi Motuhake o te Ture	Kura Moeahu, George Ngātai QSM JP, Dr Ken Kennedy, Paul Radich QC, Una Jagose QC	National Library, Wellington
15 June 2022	Life at the Bar	Paul Radich QC, Augustine Choi, Iswari Jayanandan, Dhilum Nightingale, Setareh Stienstra	Webinar
22 June 2022	Taking the plunge – employing a junior barrister	Maria Dew QC, Kathryn Dalziel, Asher Emanuel	Webinar

## Member Statistics as of 5 August 2022

Membership Type	Category	2021 Totals	2022 Totals
Full Member	Barrister 0-3	22	23
Full Member	Barrister 4-7	45	52
Full Member	Barrister 7 +	734	788
Full Member	Queen's Counsel*	112	112
Associate Members	Academic	2	4
Associate Members	Barrister International	4	4
Associate Members	Barristers & Solicitors	11	11
Associate Members	Crown Law Office	5	4
Associate Members	Crown Solicitors Individuals	13	13
Associate Members	Judges	50	49
Associate Members	Judges' Clerks	0	1
Associate Members	Parliamentary Counsel	19	14
Associate Members	Public Defence Service	189	189
Associate Members	SC/QC International	5	5
Associate Members	Non-Practising	5	5
<b>Subtotal Members who pay levies</b>		1216	1274
Honorary Members (do not pay levies)		26	26
Life Members (do not pay levies)		3	4
<b>Total</b>		1245	1304

## 2021 – 2022 Bar Council and Staff

### Council

#### President

Paul Radich QC

#### President Elect

Maria Dew QC

#### Secretary/Treasurer

Phillip Cornegé

#### Vice Presidents

Phillip Cornegé (Waikato/Bay of Plenty),

Simon Foote QC (Auckland)

Felix Geiringer (Wellington)

Anne Toohey (Canterbury)

#### Associate Member Representative

Richard McGuire

#### Council:

Victoria Casey QC (Wellington)

Gowan Duff (Co-opted)

Taryn Gudmanz (Otago/Southland)

Genevieve Haszard (Waikato/Bay of Plenty)

Iswari Jayanandan (Auckland)

Sam Jeffs (Junior member rep, (Co-opted))

Stephen Layburn (Co-opted)

Tiho Mijatov (Wellington)

James Rapley QC (Canterbury)

Kingi Snelgar (Co-opted)

Setareh Stienstra (Auckland) (resigned 10 June 2022)

Maggie Winterstein (Co-opted)

### Secretariat

#### Executive Director:

Jacqui Thompson

#### Education and Events Director

Lisa Mills

#### Accounts Administrator:

Dianne Tietjens

#### Administrator:

Carolyn Kay