

## ADLS COMMITTEE CONVENOR PROFILE

# Catherine Stewart, convenor Employment Law

This is the first in a series of profiles of ADLS committee convenors

## Where do you work, what's your role?

I work as a barrister in my own practice and I have a team of three staff barristers working for me.

## Where did you study?

Victoria University of Wellington, where I studied English, German and Law. I have a BA/LLB (Hons).

## What's been your career to date?

I worked in law firms for 20 years before starting my own practice seven years ago.

I have always been a litigator, starting my career in Wellington, where I worked across civil and commercial litigation, including employment law. I moved to Auckland for a role and continued that work.

I came to realise employment law was my passion. It's intellectually rigorous, dynamic and has a strong human element.

It impacts people's ability to earn a living and when that is under threat there is always a lot at stake. Finding your way to a satisfactory resolution is what employment law is about.

## How long have you been a member of ADLS?

My entire career.

## How long have you been involved with ADLS committees and which committees have you worked with?

I joined the Employment Law Committee as convenor six years ago. I recently joined the ADLS Conduct Committee.

## Why is committee work important?

Committee work brings together people with common interests and expertise to advance the interests of their speciality and the profession.

The Employment Law Committee is large, vibrant and diverse. It brings together unions, employer associations, big and small firms, barristers, University students from the Equal Justice Project and QCs.

We are lucky to have two former Employment Court judges as part of the team. This diversity is our strength and our discussions reflect the diverse viewpoints that are brought to the table.

Our committee is a forum for good solutions on employment law issues.

In addition, committee work provides the opportunity to forge connections and is a channel of communication between practitioners and judicial bodies such as the Employment Relations Authority, the Employment Court and interest groups.

Collegiality is another important aspect and we organise social events for the employment law bar.



Catherine Stewart

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The annual Employment Law dinner has become something of a highlight in the calendar for many employment lawyers, not to mention the friendly competition that the employment law quiz engenders.

Of course there is also the work we do around developing regulation and legislation through the submission process.

## How do ADLS committees make a difference?

Committees are involved at the cutting edge of the topical issues of the day.

Every year our committee holds the *Burning Issues* forum to debate the critical employment law issues of the day. Our committee also collectively drafts submissions to Parliament, debates issues of interest to employment law generally and is a sounding board for issues of concern that might come up in the profession.

The Employment Law Committee has the ability to be a channel to other interested bodies that help promote the interests of our speciality and the professionals working in it.

## What's been the most notable achievement or biggest focus of your committee in the past few years? Why was that important?

That would have to be our submission work; over the past 18 months, for example, we have submitted on the Employment Relations Amendment Bill and the Employment Relations (Triangular Employment) Amendment Bill.

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The Employment Relations Amendment Act makes a number of significant changes to the rules around collective bargaining, and the role of unions in the workplace and in collective bargaining.

This Act also makes changes to the ways trial periods and rest breaks and meal breaks are governed, and restores reinstatement as the primary remedy in cases of unjustified dismissal.

The Employment Relations (Triangular Employment) Amendment Bill aims to ensure employees who are employed in a triangular arrangement (ie, employed by one employer but working under the control of another) may still be covered by a collective agreement with the secondary employer and may allege a personal grievance against both the primary and secondary employers.

In both instances, committee members sought and were afforded the opportunity to appear before the select committee to speak to their written submissions, ensuring that our voice – literally and figuratively – was heard. Some of the changes Parliament made to these pieces of legislation reflected our recommendations and I'd like to think we as a committee had a part to play in this evolving law.

## What would you say to anyone thinking of becoming involved in an ADLS committee?

I'd highly recommend it. It's about being actively involved in your speciality area with a group of diverse members who bring their own perspective.

There's collegiality and connections to be made, along with the opportunity to give back to the profession. It's a great opportunity to be involved at the cutting edge of the law.

## What's the biggest issue facing your specialist practice area at the moment? And how does that affect lawyers, their clients and New Zealand?

Two issues spring to mind: access to justice and

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The upstairs hall where they allegedly ended up was the scene of perhaps the most extraordinary story told to police by one of the children.

The child claimed he and others were placed in a cage and strung up from one of the beams in the ceiling. As they dangled from the ceiling, animals were sacrificed down below.

Amazing as it may seem, this story, like all the others relating to the building, was taken seriously by the police.

They searched every corner of the structure looking for evidence of abuse, but none was ever found.

Marie Keys’ husband Roger told me the whole thing was a figment of the children’s imagination.

“There was no evidence. Where were the cages that, it was alleged, the children were hung up in? Where were the coffins that they were supposed to be buried in? Where’s the [body of the] boy who was supposed to have been murdered at the Civic? Stabbed in the head and laying in a coffin.

“It’s unusual that a parent would go to a childcare centre, ask for their child ... and what would the staff say? ‘Sorry, he’s dead in a coffin upstairs’ and they just go away and accept it like that? All of it was the word of children.”

But the police and some of the children’s parents thought otherwise, and Peter Ellis and the four women found themselves in court fighting for their personal and professional reputations.

**Next week: The long road to the Supreme Court** ❄

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## Wills

Please refer to deeds clerk. Please check your records and advise ADLS if you hold a will or testamentary disposition for any of the following people. If you do not reply within three weeks it will be assumed you do not hold or have never held such a document.

Stephen JENNINGS, Late of 36 Herbert Drive, Whangamata, Married, Retired, Aged 71 (Died 10’06’19)

John Patrick MCBRIDE, Late of Room 109, 194 Hinemoa Street, Birkenhead, Auckland, Single, Courier Sales Support, Aged 64 (Died 10’06’19)

Urmila PANCHA, Late of Papatoetoe, Auckland, Single, Caregiver, Aged 58 (Died 27’03’17)

Bih-Yuh TSAI LIN, Late of 6 Britton Avenue, Mt Roskill, Auckland, Widow, Retired, Aged 81 (Died 27’05’19)

Lin Yang ZO, Late of 1/81 Wellington Street, Howick, Auckland, Married, Teacher, Aged 74 (Died 06’06’19)

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**Continued from page 5, “New digital payment options trump cash and cheques”**

likely they are quietly pleased that another bank is the first cowboy up that particular pass.

In Australia the move to phase out cheques has so far been resisted. While the Reserve Bank of Australia made an announcement back in 2011, lobbying by various groups has resulted in a regular tracking of the use of cheques as part of a managed decline rather than an enforced cut-off point.

### New payment powerhouses

In some Asian countries new personal payment technologies such as Alipay and WeChat Pay are becoming pervasive.

While celebrating my eldest son’s birthday at a local Asian restaurant last week, I was intrigued to see several new payment options advertised alongside traditional credit card options. I suspect these new types of payment options will fast become mainstream.

And, with what could be a game-changer, social media juggernaut Facebook has entered the fray by announcing its proposed new digital payment option, a cryptocurrency called Libra.

Facebook describes Libra as a “global currency and financial infrastructure”. In other words, it is a digital asset built by Facebook and powered by a new Facebook-created version of blockchain, the encrypted technology used by Bitcoin and other cryptocurrencies.

It has several interesting features such as its value being tied to a basket of traditional currencies to avoid it becoming a highly-speculative asset like existing cryptocurrencies such as Bitcoin.

Instead, it appears to be aimed at becoming the payment option of greatest convenience.

This is significant because Facebook already has a devoted community of more than two billion users worldwide. Any bank would salivate over that sort of customer base.

As trusted professionals, much of what lawyers and accountants do for their clients revolves around money. But recent developments, such as those above, demonstrate what we have known, and perhaps taken for granted, as money is changing.

How quickly new methods of transacting are adopted will force change. And possibly sooner than we expect.

**Craig Fisher FCA (Fellow Chartered Accountants) is a consultant at RSM, a former audit partner and specialist in not-for-profit and charitable entity issues. He is also an ADLS councillor.** ❄

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migrant exploitation.

Both of these issues go to the heart of fairness in society.

As a committee we have had several discussions around our concerns on these issues. There are no quick-fix solutions but it is important to keep the conversation going and to continue to be vigilant about ways that we can play a role in resolving these important issues.

### What’s the best kept secret about ADLS committees?

Above all else, being involved with the Employment Law Committee is great fun.

I really enjoy the work I do with and through this group.

**To find out more about ADLS committees, contact Melissa Fini: [melissa.fini@adls.org.nz](mailto:melissa.fini@adls.org.nz)** ❄