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# ALWU NEWSLETTER



THE OFFICIAL NEWSLETTER OF THE AOTEAROA LEGAL WORKERS' UNION

*a better deal for legal workers across Aotearoa*

## Presidents' update

### Mānawatia a Matariki!

I hope you all had a relaxing and reflective Matariki. It was fantastic seeing Aotearoa come together to celebrate Matariki; reflect on the turbulent year that has been, acknowledge those that have passed, share kai and release our wishes for the coming year. I had the privilege of heading out onto Tīkapa Moana (Hauraki Gulf) with Ngāti Paoa at dawn (I'm definitely not used to a 3am wake up) to celebrate Matariki and learn more about the cluster. If you're looking for a great explanation of Matariki, I recommend [watching this seminar by Dr Rangī Mātāmua](#).

Next weekend, we are bringing the ALWU Executive together (for the first time this year!) to plan for the upcoming year, and form our strategic plan for the next five years. We look forward to sharing these plans with you!

### Ngā mihi

**Isabella, ALWU Co-President**

## Fair pay agreements

ALWU has made a submission on the [Fair Pay Agreements Bill](#). The Bill would provide a framework for collective bargaining for fair pay agreements across entire industries or occupations, rather than just between unions and particular employers.

We consider this Bill to be a key step to safeguarding workers' interests!

## Personal Grievance for Sexual Harassment Amendment Bill

### Have your say!

ALWU is planning to make a submission on the [Employment Relations \(Extended Time for Personal Grievance for Sexual Harassment\) Amendment Bill](#) which, if enacted, would extend the time for making personal grievances that involve allegations of sexual harassment from 90 days to 12 months.

If you would like to assist ALWU with preparing the submission, please contact us at [contact@alwu.org.nz](mailto:contact@alwu.org.nz).

## What does ALWU even do?

ALWU was born out of an unmet need. When many of us just joined the profession, we had no one in our corner. This led to **poor pay and unsafe working conditions** which have persisted for decades. Things have improved for some junior lawyers, but there is so much still to do for all legal workers.

We take action to advocate on behalf of legal workers. This includes industry education & awareness, individual advocacy, pro-bono legal support and collective bargaining.

Much of our individual advocacy is confidential so we can't report it here, but you can always reach out to us for help on [contact@alwu.org.nz](mailto:contact@alwu.org.nz) or through social media.

## Should a person suspended from practice be allowed to appear as a representative and advocate in the Environment Court?

In January 2022, [James Gardner-Hopkins was suspended](#) from practice for 2 years because of inappropriate sexual conduct amounting to six instances of professional misconduct. ALWU has become aware that [an application was made to the Environment Court](#) for Gardner-Hopkins to appear as a representative and advocate under s 275 of the Resource Management Act 1991 (**RMA**). The Environment Court refused the application.

ALWU has assessed the decision and we consider there are a few problems with the law here, but particularly with the Disciplinary Tribunal's penalty decision. The Court appears to have applied a strained interpretation of the relevant Acts and the Disciplinary Tribunal's penalty order in order to reach its decision.

On an ordinary reading of s 27(1)(b)(ii) of the Lawyers and Conveyancers Act 2006 (**LCA**), Gardner-Hopkins should have been allowed to appear as a representative for this RMA matter, as the representation was allowed by s 275 of the RMA. The Court effectively interpreted both of those sections as being read subject to the penalty order (at [20]) despite the pretty plain wording of s 27(1)(b)(i) and the court's recognition that the penalty order didn't discuss this issue (beyond acknowledging that there were roles within the resource management area Gardner-Hopkins could undertake without the need for a practising certificate) or make orders relevant to it (at [7], [8]).

It is concerning there is a possibility under our statutory framework that a person suspended from practice could still appear as a representative and advocate in Court in certain circumstances. In this particular case, it would be hard to divorce Gardner-Hopkins' "representation" in a court from him essentially acting as a lawyer. Having observed the penalty hearing, ALWU understood that Gardner-Hopkins could advise people as an RMA expert behind the scenes despite being struck off or suspended, but it was not intended to allow him to be a representative in a court setting. The policy question here is whether the LCA should be amended to make it clear that s 27(1)(a) and (b) should be read subject to any disciplinary orders.

We consider the issue lies with the Disciplinary Tribunal's decisions - it's concerning that neither the liability decision nor the penalty decision of the Disciplinary Tribunal discussed this matter in any depth or addressed it through the orders (as the Court here recognised). Leaving it up to judges to interpret the exceptions in s 27(1)(a) and (b) is risky, especially with what we know about the lack of diversity within the judiciary. The Tribunal should have addressed this issue properly so that the courts have guidance if the issue did arise and to give the victims and the wider public assurance about what Gardner-Hopkins can and can't do.

ALWU will raise this issue through the [Independent Review of the Law Society](#) - our initial impression of the Panel is one of confidence and we consider they are probably the most productive route forward for issues with professional conduct and regulation. We encourage members to visit their website and provide feedback to the Review!



## Student committee

The ALWU National Student Committee is moving from strength to strength, building our future capabilities and collective bargaining power with an official launch on May Day!

If you want to find out more about our Student Committee you can check out [this short interview](#) given by our very own Student Rep Charlie. If you are a current student and wish to get involved just flick [students@alwu.org.nz](mailto:students@alwu.org.nz) an email and you can be a part of the change!



## Ethics 101: the system may not have your back, but ALWU does

Over the last couple of months, ALWU has had the privilege of visiting ethics classes at universities across the motu. We presented on why ALWU was formed and our work's role from an ethics point of view in a lawyer's career.

At AUT South, many students study law as a second career and had found their way to law via diverse routes, opportunities, cultures and backgrounds. The issues these students face are familiar: despite excellent grades, they still struggle to secure summer clerkships in big firms - and some are not aware of any alternatives to the 'big law' model. Some feel as though they have failed, before they have even begun.

Other issues of concern to students are starting salaries, hours, and lack of true flexibility. Luckily we could point them to ALWU's work in 2021 which led to new lawyer salaries increasing significantly across the big firms, and our advocacy services for members who are being exploited, suffering unfair treatment or harassment, or any other workplace issue.

ALWU is here to support and work with students to get the best outcome for the significant investment they have made in their careers and the law.

## ALWU attends International Labour Conference in

### Geneva



The CTU asked ALWU to nominate a representative to attend the International Labour Organisation's annual conference in Geneva from 27 May - 12 June. ALWU nominated co-president Tess Upperton and her name was pulled out of the hat!

Tess joined the team as part of Aotearoa's delegation, made up of representatives of employers, workers, and government. Shout out to MBIE for funding the trip!

This was a huge opportunity to represent and promote ALWU on the international stage, as well as participate in multilateral discussions on topics like the social and solidarity economy, apprenticeships, and safe and healthy working conditions. ALWU thanks MBIE and the CTU for the incredible opportunity to attend the ILC and develop our international profile and knowledge.

## Spotlight on unpaid internships

Like you, ALWU is frustrated to still see unpaid internships offered by law firms and promoted by other institutions.

Let's make this clear: **all workers deserve to be paid fairly for their time and labour.**

Where we see this conduct, we will reach out to organisations about the many issues these unpaid internships perpetuate and ask them to reconsider their hiring practices.

Besides being immoral, unpaid labour perpetuates privilege and exacerbates the unequal opportunities available to those who are fortunate enough to be able to work without pay and those who cannot.

That said, we recognise that many non-profit organisations rely upon volunteer labour to achieve their community aims. We absolutely tautoko volunteer work for the benefit of our communities and those in need. Our issue here is unpaid labour that essentially increases the profit margins of business owners.

**Unpaid labour? No thanks, pay your workers!**

### WE ALWAYS LOVE HEARING FROM OUR MEMBERS

IF YOU HAVE FEEDBACK FOR US OR YOU WANT TO GET INVOLVED IN A CAMPAIGN OR AS A DELEGATE, GET IN TOUCH AT [CONTACT@ALWU.ORG.NZ](mailto:CONTACT@ALWU.ORG.NZ).

YOU CAN ALSO REACH OUT TO US ON SOCIAL MEDIA

**ALWU** ▼  
AOTEAROA LEGAL WORKERS' UNION

Get in touch!

## A LITTLE NUDGE TO INCREASE DIVERSITY...

Recently, a speaker event was promoted through the Law Society with an all-male panel presenting on a topic that many people of all genders are qualified to speak on.

We approached meeting organisers via the Wellington Branch Council and provided a list of suggested speakers qualified to speak on the topic. We were really happy to receive confirmation that they had approached those speakers and added a woman to the panel.

We are grateful to the organisers for taking our suggestion on board. We are all learning together - if you see something that doesn't sit right, speak out!

## MEME CORNER

Some comic solidarity to provide relief from the strain of collective action.

