

**BELL GULLY**



**2015/2016**

# **A Helping Hand**

**Bell Gully's Pro Bono  
& Community Report**







# Hello Welcome

Haere mai



**B**ell Gully's Pro Bono and Community Programme was formalised in 2009. We started with an annual budget of NZ\$330,000, which grew to NZ\$1 million in 2012.

In the past seven and a half years, we have had the privilege of working with a broad range of pro bono clients, all of whom are passionate about their efforts in our local communities and overseas.

Sometimes, that work is very well publicised, like the Awaroa Beach purchase which we highlight in this issue of *A Helping Hand*. But for every well publicised effort, there are hundreds of charitable organisations working hard behind the scenes, and each year we like to showcase some of those that we work with.

This year, we hope you enjoy reading about the work we did establishing the Mackenzie Country Trust to help protect this unique environment, how Tauhara North No.2 Trust ensures its profits benefit its local communities, and the regional approach Transparency International New Zealand is taking to combat corruption in the Pacific, together with some of the other good work our clients have been doing.

A stylized, handwritten signature in white ink.

**Hugh Kettle**  
CHAIRPERSON  
PRO BONO COMMITTEE



# We see Awaroa Beach as a gift to future generations.

**O**n Christmas Day 2015 brothers-in-law Duane Major and Adam Gard’ner had more than turkey on their minds. They had heard that a pristine piece of beach in the Abel Tasman National Park area was up for private sale. Then and there they hatched a plan.

“We believed there were lots of people out there who wanted the opportunity to have this picturesque piece of New Zealand permanently off the property market and in the hands of future generations of New Zealanders and visitors.”

They were right. They started a *Givealittle* campaign but as they cheerfully admit, “We had no idea what we were getting ourselves into.”

The campaign caught the imagination and hearts of the nation and momentum quickly began to build over the next few months, with money from the public pouring in.

In typical laid back kiwi fashion, some partners at Bell Gully wondered if the campaign team might need legal assistance. Bell Gully partner Mat McKay called Geoff Harley, the Wellington tax lawyer working on it, to offer a helping hand, an offer Geoff gratefully accepted.

Says Bell Gully chairman Chris Gordon, “It was a privilege to be a part of something this special. This was an idea that, as a firm, we

were very excited to have as part of our Pro Bono and Community Programme.”

Within 24 hours Bell Gully partner Andrew Petersen and his team were deeply immersed in the job and did the hard yards to get this unique transaction over the line.

Says Andrew “It was a negotiation with elements that nobody had dealt with before. The team resolved to put their best foot forward from the outset of the tender process in order to get the best result for New Zealand. We weren’t the only bidder. However, the vendor wanted to work with us as much as we wanted to get this done, and ultimately we won the race.”

The title was officially transferred to the trust Bell Gully established in a completion celebration at Bell Gully’s Auckland office. Eventually the land will be transferred into the Crown estate and the National Park once the Department of Conservation has worked through its processes. Perhaps the highest accolade of all came from Duane and Adam who described their “crew” - comprising Harcourts chief executive Chris Kennedy, Wellington lawyer Geoff Harley and Bell Gully – as “flippin’ legends”.

Forty thousand New Zealanders contributed to the campaign raising NZ\$2.3 million. Bell Gully’s very own Kathryn Wheeler was one of them. She said on the day of settlement, “Awaroa is ours! I was lucky enough to meet Duane and Adam at the handover today. What an inspirational couple of kiwi blokes.”





# Saving lives on the Northern beaches.

**S**alt water and black sand runs in the Sharpe family veins. In his younger days, Bell Gully partner Toby Sharpe, along with his two younger brothers and father, would often patrol Piha Beach together.

Toby worked his way through the ranks from Nippers at the age of five right up to Patrol Captain, Vice President of the club and then sat on the Board of Surf Life Saving Northern Region for four years.

“Surf clubs are fantastic organisations to be involved with. There are a lot of passionate volunteers doing an incredible and essential service for the community over the summer months.”

Toby was looking for a way to keep contributing to the organisation he loved when he was approached to advise them on constitutional and governance issues.

“People are a lot more willing to volunteer with an efficiently run organisation. Governance is an area where I felt we could add a lot

of value for Surf Life Saving Northern Region and then they could get on better with the job of saving lives.”

Surf life saving often comes down to very fine margins.

Says Toby, “When I was about 17, a mate and I had to rescue a brother and sister from the surf who were about our age. They were in a bad way when we got them out of the water and we had to perform CPR then call for the helicopter. They both survived and were incredibly grateful.”

Unfortunately surf life saving organisations are forced to operate on very fine margins too. Surf Life Saving Northern Region covers the largest region in New Zealand – from as far south as Raglan up to the Far North with 17 surf clubs based in the area. They primarily rely on sponsorship, gaming grants and community trusts for funding – they receive no government funding.

Says Toby, “Any value we can add under the pro bono umbrella means precious volunteer time and donated money can be used in the most productive way possible – saving lives on our beaches.”





# Helping Transparency International to fight against corruption worldwide.

**T**he “Panama Papers” and the FIFA scandal have put global corruption back in the spotlight with ramifications reaching even the relatively corruption-free shores of New Zealand.

Since 1993 global anti-corruption organisation Transparency International (TI) has been working with governments, businesses and citizens to stop the abuse of power, bribery and secret deals. The New Zealand branch of TI (TINZ) was formed in 1999.

Bell Gully senior associate Fiona Tregonning has been a keen supporter of TINZ for many years, sitting on the board from 2010 to 2014 and helping them prepare free online anti-bribery training modules for New Zealand businesses.

Fiona explains, “In the past, corruption was accepted in many places around the world as the norm - companies regularly wrote off bribes as business expenses in their tax filings, corrupt leaders lined their own pockets and international agencies were resigned to the fact that corruption would sap funding from many development projects globally. TI was established to challenge that norm. Although there is a low level of corruption in New Zealand, there is still work to be

done, both at home in raising awareness, and with our neighbours in the Pacific, and I was motivated to get involved.”

TINZ’s strategy has emphasised anti-corruption efforts from a regional perspective. TINZ is working with TI chapters in the Pacific Islands, which includes managing a financial support programme for the TI chapters in Papua New Guinea, Solomon Islands, Vanuatu and Fiji to undertake anti-corruption initiatives in those countries. This programme for the 2015/16 year is supported through a grant funding agreement between TINZ and the Ministry of Foreign Affairs and Trade. As part of Bell Gully’s Pro Bono and Community Programme, Bell Gully senior associate Claire Harmsworth advised TINZ on this agreement and the associated arrangements to flow funding down to the TI chapters in those Pacific Islands.

The activities that the funding is designed to support include anti-corruption initiatives such as monitoring the conduct of elections, leadership and media training on anti-corruption, undertaking research reports, and providing advice to government on policies and legislation for minimising corruption.

While New Zealand continues to rank as one of the least corrupt countries in the world according to TI’s annual Corruption Perceptions Index, it did fall from the number one spot to fourth

this year, so we can’t afford to be complacent. By comparison, Papua New Guinea is ranked 139 out of 167 countries and Vanuatu has had well-publicised political corruption issues in the past year, with 14 MPs jailed for bribery and corruption.

Says Claire, “New Zealand plays an important role in supporting our neighbours through providing developmental aid. TINZ is a New Zealand organisation working with its developing Pacific Island neighbours to play its part in working to reduce corruption in these countries with the support of government funding. It was great to be able to contribute to that by supporting TINZ through the Pro Bono and Community Programme.”



Continuing the good work of

# Tauhara North No.2 Trust.

**“Profit with purpose” has been the motto of the Tauhara North No.2 Trust since 1993. It’s a motto that guides the sustainable use of its central North Island land – some of it in geothermal power generation - with the aim of providing support to the owners and their descendants.**

Since 2007, Bell Gully partner Garry Downs and his team have helped on both sides of the equation. “On the commercial side, which the Trust refers to as its ‘right hand’, Tauhara North No.2 Trust’s projects are seen as role model projects for Māori landowners. They have worked in partnership with a generator-retailer to develop geothermal resource in a sustainable way while at the same time protecting the Trust’s guardianship and resource,” says Garry.

The Trust sits on the Deloitte Top 200 as the fourth largest iwi commercial business in New Zealand behind Ngāi Tahu, Tainui and Aotearoa Fisheries.

On the other hand, the Trust ensures that returns are used, through its charitable company, for the benefit and wellbeing of its people

in the form of educational grants, apprenticeship programmes, leadership development programmes, sporting scholarships, and health benefits such as hearing aids, glasses and false teeth. The Trust charity has also run very successful youth camps for the owners’ children for the past five years with impressive engagement and outcomes.

Garry says, “The Trust puts sustainability and its people first. The scale of its commitment is probably not widely known - it makes annual grants of approximately NZ\$1 million for the health and education of its people plus a further NZ\$1 million to youth programmes. It’s not often that you get to work on commercial and philanthropic endeavours with the same client. We’re pleased that our Pro Bono and Community Programme has been able to assist the Trust in its charitable activities.”

Chairperson Wikitoria Hepi-Te Huia says “We are so appreciative of all the work the Bell Gully team does in advancing the aspirations of our tupuna and therefore our owners and descendants. The kindness they have extended our roopu through their pro bono initiative is very humbling for us and we are so very grateful - he tino taonga tēnei ma tō tātou roopu. Nō reira, he mihi maioha kia koutou.”

The two aims of the Trust are represented by Tohu – E Te Iwi.

Ringa Matau (right hand) is the commercial entity that manages the Trust’s assets and investments in a sustainable way.

The Charitable Company Limited (left hand) provides support in the areas of health, wellbeing and education to its owners and their descendants.

Tauhara North No.2 Trust acknowledges Ngatoroirangi and his sisters Hoata and Te Pupu, for carrying the heat source to save his life from the freezing cold of Tongariro Mountain.

The swirls on each side of his face represent the geothermal steam. His hands are extended to embrace all.





# The future of Mackenzie Country Trust is in good hands.

**T**he Mackenzie Country has long been an iconic and desirable piece of New Zealand's heartland. So desirable in fact that it has been hard fought over for years between farmers and conservationists when pressure came for increased dairy farming.

The establishment of this Trust had its beginnings in November 2010 with a collaborative process involving 26 interested parties, supported by the then Minister of Environment, the Honourable Nick Smith. This work resulted in the Mackenzie Agreement being signed in 2013 to allow the competing interests to co-exist.

Conservationists identify two issues with intensive farming – the protection of the landscape and protection of water quality. One of the recommendations of the Agreement was to establish the Mackenzie Country Trust as a charitable vehicle to implement the proposed strategies.

Fast forward to 2016, and this has now happened largely due to Bell Gully's Pro Bono and Community Programme and the work of charitable trusts expert and Bell Gully senior associate, Campbell Pentney.

Says Campbell, "It's always a privilege to be involved in this kind

of pro bono work. We worked collaboratively with the trustees in drafting this unique Trust deed. It wasn't straightforward - the fact it is a charitable trust (now registered with Charities Services), the sophistication of the trust instrument and the stated purposes all made it a complex structure. But given the unique landscape and the fiercely competing interests in it, it needed to be a robust instrument. It's something worth fighting for."

The Trust is made up of many and varied interests – farming, conservation, tourism and recreation and iwi – and means that the future of the Mackenzie Country is firmly in the hands of local communities.

Many are delighted to see progress with the launch of the Trust which has been cited as a "real game changer".

New models of conservation are proposed, including payments for ecosystem services programmes and a stronger focus on user pays. The Trust hopes to establish a Central Drylands – a first of its kind in New Zealand – and a network of privately protected areas.

On 20 February 2016 at a launch event in Tekapo, the Trust was signed by the seven trustees and settled by the Honourable Nicky Wagner, acting in her capacity as the Associate Minister of Conservation. Bell Gully's pro bono work means the Trust has a "foundation document" to go forward, and the future looks a lot brighter.







# How else do we help?

**A**t Bell Gully, there are plenty of opportunities to get involved in good causes and no shortage of volunteers. Some of these have been:

## Building hope

Our Auckland summer clerks volunteered at a Habitat for Humanity building site and, in Wellington, assisted the Salvation Army.

## Tickled pink

The firm hosted fundraising Pink Ribbon morning teas in both offices to support The New Zealand Breast Cancer Foundation.

## Singing in the rain

We participated in a KidsCan 'jacket drop' to Avalon Primary School providing raincoats to kids in need.

## Jammie army

In June, the firm joined the 'Jammie Army', with partners and staff donating warm PJs to Kidz First Children's Hospital at Middlemore.

Bell Gully partners and staff are always willing to get involved, often off their own bat and in their own time.

## On fire

This year partner James Cooney continued the Bell Gully tradition of competing in the Firefighter Sky Tower Stair Challenge in full

firefighter kit as part of a team of leading Leukaemia and Blood Cancer NZ corporate supporters.

## Lapping the lake

Each year our staff have run the Taupo Great Lake Relay on behalf of The New Zealand Breast Cancer Foundation.

## In the zone

The firm continues its successful mentoring programme with InZone Education Foundation, matching young solicitors to students.

*"Not many young people get the chance to have access to the corporate, legal and business world, so it was great to see that so many boys and girls have taken the chance to be mentored by the Bell Gully team. We look forward to some informative, inspiring and rewarding sessions with Bell Gully."*

**Terrance Wallace**, Managing Director, InZone Education Foundation

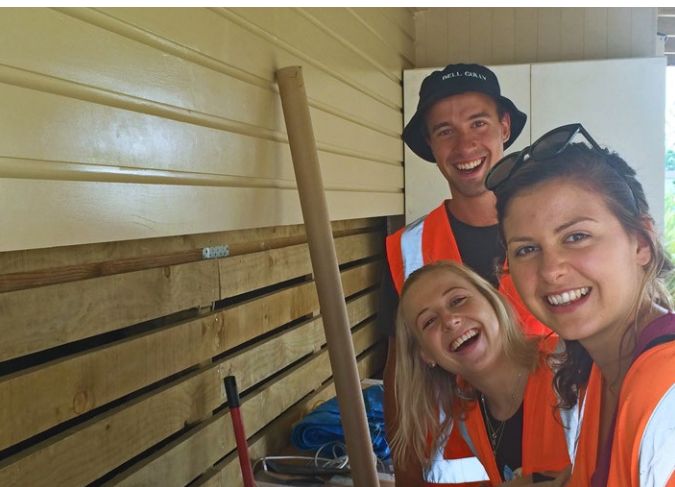
## Losing it

Every two years, we find plenty of brave volunteers to shave their heads for Leukaemia and Blood Cancer NZ. Last year partner Toby 'Razor' Sharpe led the charge.

These inspiring acts of kindness are over and above our formal programme and are a great testament to the spirit of giving back that exists amongst our partners and staff.









Pro Bono and  
Community Programme

# 2015 facts

and figures.




**NZ\$245,898**  
went to three local  
Community Law Centres



**NZ\$1 MILLION**  
Annual fee equivalent budget



**52** Clients



**165** Matters

Committee of



**6** Partners and **3** Senior associates



**100** Authors  
**25** Partners  
**2643** Pro bono hours

Some of the

# organisations

we support.


ChildFund  
New Zealand

INZONE

KidsCan

leukaemia & blood cancer  
new zealand

TRANSPARENCY  
INTERNATIONAL  
New Zealand



New Zealand AIDS Foundation  
Te Tūāpapa Mate Āraikore o Aotearoa



**SURF LIFE SAVING**  
NORTHERN REGION

MAKE-A-WISH.  
New Zealand



THE NEW ZEALAND  
BREAST CANCER  
FOUNDATION

IN-KIND PARTNER









# BELL GULLY

For more information about Bell Gully's Pro Bono and Community Programme please contact:

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