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Announcements

Victoria University of Wellington Student and Alumni Sub-Series Issue 9: Environmental Law

Environmental Law is the ninth in 2020 of several issues of the Student/Alumni Sub-Series of the Victoria University of Wellington Legal Research Paper Series.

The Student/Alumni Sub-Series was launched in 2015. It distributes a selection of Honours and Postgraduate papers from Victoria University of Wellington Law School. The sub-series includes both general and thematic issues.

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VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"Wat-er We Doing with Our Water? Unbottling New Zealand's Water Management Framework in the Face of Climate Change"

Victoria University of Wellington Legal Research Paper No. 26/2020

DANIELLE KARL, Victoria University of Wellington, Faculty of Law, Student/Alumni
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Freshwater is an incredibly valuable resource, on which New Zealand – and particularly Canterbury – is hugely reliant. However, changes in temperature and rainfall patterns as a result of climate change threaten the availability of this resource and make the way in which freshwater is managed increasingly important. Recently, the issuing of water permits by the Canterbury Regional Council to allow for the take and use of water for commercial bottling purposes has drawn negative attention to the way in which freshwater management decisions are made in New Zealand. This essay explores the flaws that exist under New Zealand's current water management framework. It outlines the legislative process for issuing water permits under the Resource Management Act 1991, and uses the decision made by the Canterbury Regional Council as a case study that highlights the key issues that persist within this framework. Ultimately, this essay argues that an ever-present economic focus and reliance on bottom lines by council when making freshwater decisions, enabled by council discretion, fails to safeguard freshwater resources adequately in the face of uncertain climate impacts. In order to conserve this resource successfully, radical changes to the way in which water permits are issued must be made.

"Frustration and Failure: The Zero Carbon Bill and the Treaty of Waitangi"

Victoria University of Wellington Legal Research Paper No. 27/2020

HONOR KELLY, Victoria University of Wellington, Faculty of Law, Student/Alumni

The Climate Change Response (Zero Carbon) Amendment Bill fails to honour obligations under the Treaty of Waitangi/te Tiriti o Waitangi adequately, in particular the principles of partnership and active protection. The current Treaty clause circumscribes when Māori will be relevant in the decision-making process and implicitly considers Māori as one stakeholder among many others. This approach silences the unique worldview of tikanga Māori and the ability for Māori to practice kaitiakitanga, as well as ignoring the particular vulnerability of Māori and taonga to consequences of climate change. This paper discusses these shortcomings in light of the principles of partnership and active protection. It argues that both procedural and substantive reform is needed if the Bill is to comply adequately with obligations under the Treaty. The possible suggestions aim to give effect to partnership by incorporating tikanga Māori into the decision-making process, and to active protection by granting relevant Māori the ability to exercise kaitiakitanga.

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About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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