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Announcements

Victoria University of Wellington Student and Alumni Subseries Issue XXIII: State Power and Accountability

State Power and Accountability is the sixth in 2017 of several issues of The Student/Alumni sub-Series of the VUW Legal Research Papers.

The Student/Alumni sub-Series was launched in 2015. It publishes 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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LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES

VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"Cross-Claims and the Obligations of the Crown Under the Treaty of Waitangi" 
Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 23/2017

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The Treaty of Waitangi settlement process occupies a significant role in New Zealand. Though it aims to start the healing of historical grievances, the process has often created and deepened grievances because of its inability to respond to the dynamic relationships that exist between Māori. Over the course of several settlements, the Crown has demonstrated poor understandings of tikanga, the relationships between iwi and its own role in creating disputes and grievances, deepening the very wounds it wishes to heal. This paper reconceptualises the Crown's obligations in order to respond to these concerns, focusing on the challenges presented where multiple iwi have interests in the same area of land (cross-claims). It argues that the Crown must act as an honest broker and facilitate the resolution of cross-claims. This requires the Crown to actively and meaningfully engage with iwi in order to understand their perspectives and grievances, and reflexively adapt settlement processes in order to better reflect those perspectives and grievances.

"The Proposed Fairfax-NZME Merger and its Implications for Democracy: What the Merger Reveals About New Zealand's Legal Commitment to Protecting the Constitutional Role of News Media"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 24/2017

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The Commerce Commission is currently reviewing the proposed merger of Fairfax NZ Limited and NZME, which would see nearly 90% of New Zealand's newspaper market held by a single company. However, it is unclear that the review process is designed to ensure that any changes in media ownership result in the right kind of important public consequences: the preservation of the constitutional role of the media. In this paper I seek to analyse what the merger process reveals about New Zealand's legal commitment to protecting the public role of journalism. Ultimately, I conclude that there is a failure to promote diversity in the news media and ensure the right kind of consequence – a thriving democracy.

"Not for the Faint of Heart: The Right to Self-Representation in New Zealand"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 25/2017

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The approach of common law jurisdictions to the right to self-representation is contradictory. Although strongly upheld, in practice its exercise is challenging and frowned upon. Discourse around self-represented litigants is often negative and frames these individuals as problematic for the civil justice system. This paper seeks to reframe the self-representation debate. Firstly, I explain the context behind the self-representation phenomenon and explore why this rise in self-represented litigants is viewed negatively. I then evaluate options for reform, before acknowledging that there will always be some disparity between parties to a civil dispute. Nonetheless, I reaffirm the importance of the right to self-representation in New Zealand despite recent calls for its removal or restriction. The self-representation phenomenon is indicative of a wider issue of access to civil justice, which must be addressed for meaningful change to occur.

"On the Precipice? The Operation of the Official Information Act within Government Agencies and Assessing the Efficacy of Results-Based Accountability Regimes"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 26/2017

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When the 1982 Official Information Act (OIA) became law in New Zealand it ushered in a new era of open, transparent governance which has since developed in a keystone of the nation's democracy. However, nearly 30 years later, the purposes of the Act and its constitutional role have come under threat as government agencies and Ministers alike increasingly utilise the Act improperly and illegally to further their political interests. This paper seeks to elucidate the contemporary state of official information law in New Zealand and expose the dire state of the Act's operation at present. In light of this state of affairs, this paper then turns to look at the new proposal and policy approach the Office of the Ombudsman announced in early 2016. The strategy the Ombudsman intends to utilise to address the current problems facing the Act is an example of a 'results-based accountability model', an approach of public sector management which has become relatively common over the past few decades. However, while these models can have notably positive effects on internal management and performance, when the Ombudsman's proposal is analysed against the theoretical framework of a successful results-based model it becomes apparent that there is a significant disparity. The

Ombudsman's specific proposal is incapable of being implemented as a results-model should be and indeed the particular context of the OIA's operation in government agencies is largely incompatible with some of the fundamental aspects of such a regime. As such concerning position of official information in New Zealand will remain effectively unaddressed so long as the Ombudsman continue to pursue their current policy.

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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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