



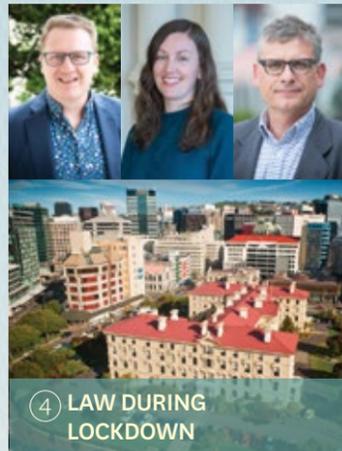
VICTORIA UNIVERSITY OF
WELLINGTON
TE HERENGA WAKA

V.ALUM 2020

Law Alumni Magazine



Contents



4 LAW DURING LOCKDOWN

- 4 Law during lockdown
- 6 Reflections of our Associate Deans
- 10 Extending diversity
- 14 Sir Joe builds a bridge at inspiring Robin Cooke Lecture
- 18 The End of Life Choice Act—a question for law or legislature



10 EXTENDING DIVERSITY

- 20 Law School wins big at writing awards
- 21 The power of people
- 22 A snapshot of 2020
- 24 Environmental Law Initiative offers research funding for staff and students
- 25 Graduating address: Fletcher Boswell, Class of 2020



14 SIR JOE BUILDS A BRIDGE

- 26 “Deeply rewarding” career for law alumna Victoria Hallum
- 28 The accidental lawyer—Nicholas Wood
- 30 Family ties to law school
- 31 New faces at Old Government Buildings
- 32 Forty years the charm
- 34 Progressing tikanga Māori in law



32 FORTY YEARS THE CHARM

- 36 Awards, honours and appointments
- 38 Published in 2020
- 42 2021 Postgraduate course timetable
- 44 Supporters’ circle

v.alum is published by Victoria University of Wellington’s Faculty of Law. Editorial team: Usha Nadarajan, Paul Gorman, Sarah Forster, Sarah Walker, Mo Farrell. If you have questions, comments or suggestions, email us at lawnews@vuw.ac.nz

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Cover image: Pou Whenua, Mount Victoria.

Image source: https://commons.wikimedia.org/wiki/File:Pou_Whenua_in_Mount_Victoria,_Wellington,_New_Zealand.jpg. Background imagework includes tinting the sky and extending the city lights.

Image content: With permission from Wellington City Council and Victoria University of Wellington’s Deputy Vice-Chancellor (Māori) Office. The pou is a carved post located on the summit of Matairangi Mount Victoria. Based on a design created under the supervision of Master Carver Rangī Hetet, it sits on the Te Ranga a Hiwi ridgeline and serves as a marker for the Māori Heritage Trail, Te Ara o Nga Tupuna (the Path of our Ancestors).

Welcome

from the Pro Vice-Chancellor and Dean of Law



Dear Alumni and Friends,
Te Herenga Waka—Victoria University of Wellington has been working very hard to address the various aspects of the COVID-19 outbreak measures since late January 2020, when the virus began to spread across the world.

Working and living through COVID-19

Academic and professional colleagues have done an incredible job in the Faculty of Law during what has been an undoubtedly extraordinary time. Everyone at our Faculty has worked assiduously in an unprecedented effort to keep our community safe, deliver our academic mission, and contribute to the fight against COVID-19. We have reinvented how we teach, learn and work in a rapidly evolving environment, and through it all, we have built new capabilities in the way we operate.

Research achievements

I am very glad to share with you—the Faculty clinched three awards at the 2019 Legal Research Foundation Writing Awards. This is testament to the high quality research that the Faculty conducts.

Increasing diversity

Diversity is important in the legal profession because it promotes the perception of a fair judicial system. Being a diverse profession allows us to reflect the perspectives of different cultures, ethnicities, religions and genders to allow us to effectively solve problems in our community.

As part of these efforts, we have introduced a new Pasifika admissions process for entry into second-year law courses. The Borrin Foundation has also awarded \$230,000 for a ground-breaking study on improving Pasifika legal education in Aotearoa. Assistant Vice-Chancellor (Pasifika) Honourable Luamanuvao Dame Winnie Laban and I will

lead this collaborative project, which seeks to bring together Pasifika academics, students, graduates, legal practitioners, and policy makers to take coordinated action to identify the barriers to Pasifika in law schools and recommend interventions for change. The Deans of the six Law Schools are supporting this venture as a collaborative group and we are very grateful for their support.

Tikanga Māori and Law

This year we have also been exploring the role of tikanga Māori in the law profession and the opportunity to recognise it as an integral part of our legal education. Tikanga Māori must become a foundational part of the law degree and valuing of Māori in the teaching of law is an important component of this.

Since October, working with Rawinia Higgins, Deputy Vice-Chancellor (Māori), and our wonderful colleagues Māmari Stephens and Carwyn Jones, we have convened two wānanga concerning *The Law Programme and Tikanga Māori* to examine ways of weaving tikanga into the core courses of the law degree. These wānanga were attended by indigenous members of the judiciary and legal profession, representatives of Ngā Rangahautira and staff from Te Kawa a Māui. This work is on ongoing and will be used to inform the New Zealand Council of Legal Education processes concerning tikanga and the law degree’s core subjects.

Amidst this pandemic, we recognise the financial hardship that some of our students are facing. To help these students, we have set up the Māori and Pasifika school leavers’ scholarship fund. Donations are welcome. In order to assist the University, along with many other senior colleagues, I opted to devote twenty percent of my income to this scholarship through the University’s ‘salary giving’ option, as a positive way of addressing the stresses that the pandemic placed upon us. I am very grateful to donors who have contributed to this important

kaupapa so far. Once again, I would like to thank you for your continued support and commitment to the Law School and especially to our students during these challenging times. Together we will continue making a meaningful difference to support changes in our communities—to educate the next generation, who will go out and do the same.

The pandemic has been a defining moment for our nation, our city and our Faculty of Law community. I am confident that we will continue to meet these trying circumstances with determination, fortitude and patience and come out stronger on the other side.

In these times of turbulence and challenge, please stay safe and stay strong.

Professor Mark Hickford
Pro Vice-Chancellor and Dean of Law

mark.hickford@vuw.ac.nz
04 463 6309
Room 203, Old Government Buildings, 55 Lambton Quay, Pipitea Campus

Law during lockdown

When COVID-19 extended its malevolent grip across New Zealand in March, it threw a lot of plans into chaos.

Te Herenga Waka—Victoria University of Wellington was not alone in having to effect rapid changes as the March lockdown extended into April.

However, at the Faculty of Law, the lockdown became an opportunity in itself.

As well as moving courses online and hosting a series of podcasts and webinars, a special Master's course looking at the legal implications of COVID-19 was quickly developed for Trimester 2.

"COVID-19 and the Law" (LAWS 542), convened by Associate Professor Dean Knight and Associate Professor Nessa Lynch, offered eight Master of Laws (LLM) students the chance to take a critical look at the Government's response.

It covered many aspects of the lockdown and the Government's response, including the legal underpinnings, efficacy and effects of the response, enforcement and challenges such as contact tracing and scientific risk assessment.

Dr Knight says the unprecedented nature of the nationwide lockdown posed real challenges for understanding how all the responses fitted together.

"The rule of law means we have got to make sure that what a government does is legal and proper.

The ends mustn't justify the means. How we respond to the emergency, and do so faithfully to the rule of law, is important too."

The Faculty's capital city advantage meant the movers and shakers could take part in the course more easily, including the Attorney-General David Parker, Police Commissioner Andy Coster, experts from the Ministry of Health, MPs and journalists.

"The people who are at the coalface of the pandemic were able to take a moment to breathe and step out into a safe environment and talk about what they were experiencing," he says.

"We are still in the pandemic—some are still living and breathing it."

A decision has yet to be made on whether the course runs again in 2021 but COVID-19 will continue to be explored in a number of different courses.

"There remain plenty of questions—questions about the borders and quarantine, the privacy of apps, around vaccinations. As we saw, these are fraught issues—there was almost a democratic meltdown around the election date.



Associate Professor
Dean Knight



Associate Professor
Nessa Lynch



Professor Geoff McLay
created the series
"LEX & LORE" and
"Legal lowdown on the
lockdown".



Associate Professor
Carwyn Jones produced
the webinar series
"Indigenous Peoples
and COVID-19".

"COVID-19 is going to remain a big player for a while to come and we have built up a lot of experience around COVID in the Faculty," Dr Knight says.

Other faculty initiatives this year to work around COVID-19 have included:

- numerous commentaries, webinar and podcast series, including the "Legal lowdown on the lockdown" (www.wgtn.ac.nz/law/research/legal-low-down-on-the-lockdown) LEX & LORE (www.wgtn.ac.nz/law/news-and-events/podcasts), and "Indigenous Peoples and COVID-19" (www.wgtn.ac.nz/law/news-and-events/podcasts).
- the Faculty hosting a livestream from July 27 to 29 of the High Court hearing challenging the legality of the COVID-19 lockdown (*Borrowdale v Director-General of Health*) in the Old Government Buildings for staff and students. The livestream initiative—broadcast across law schools nationwide—was a judicial first and was organised and coordinated by Dr Knight on behalf of the law schools.
- The NZ Centre for Public Law's repository of comment and scholarship: "COVID-19 and beyond: legal and constitutional dimensions" (www.wgtn.ac.nz/law/centres/nzcpl/projects/covid-19/), edited by a team of editors lead by Professor Joel Colón-Ríos and Dr Dean Knight.

• Moving all law courses online, including recorded lectures, live tutorials and discussion sessions, and assessments. Pro Vice-Chancellor and Dean of Law Professor Mark Hickford liaised with the Council of Legal Education (CLE) to ensure that the changed assessments were acceptable for accreditation purposes. The Faculty also contributed to the University's Trimester 2 scholarship programme for people who had been affected by COVID-19 by approving an extraordinary running of LAWS 121 in Trimester 2 so that they could begin a law degree then. Acting Associate Dean (Learning and Teaching) Dr Mark Bennett led this.

Professor Hickford says the Faculty's nimble, enthusiastic approach to the lockdown and pandemic is testament to its great academic leaders at every level of the Faculty.

"This reflects that we very much run our community as a community of scholars. And we have got very capable, thoughtful, academic leaders throughout the Faculty.

"Leadership is not just about a single person. This kind of enthusiasm, aligned with initiative, is absolutely vital to allowing us to progress as a Faculty community."

Reflections of our Associate Deans

Migrating to online learning and teaching

An unprecedented year

When I discussed taking up my role as Acting Associate Dean (Learning and Teaching) at the end of 2019 with the incumbent, Professor Graeme Austin, we identified a few policy changes that I could focus on in 2020. In that discussion, Professor Austin made the off-hand comment that “of course, other issues always come up”. How right he was.

At the beginning of 2020, COVID-19 made itself felt when some of our international students were unable to enter New Zealand. My first weeks in the role were spent discussing how recording of lectures could be made consistent with the participatory, Socratic style of teaching that the Faculty is known for. Even at that stage, we did not contemplate having to fundamentally change our teaching. However, not long after that, COVID-19 made it to our shores, spread in the community and, as instructed by the Government, the country moved swiftly into full lockdown. Having anticipated this in the weeks prior to this decision, we had begun organising the Faculty’s shift to online learning and teaching.

Identifying best practice

Identifying how to best provide learning and teaching in a completely online format was the first major challenge. The second challenge involved the logistics of providing online teaching from the isolation of our homes, without the usual resources and with limited experience using such technology. We had to learn how to schedule and manage video-calls and record ‘lectures’, while keeping our students interested and engaged. Luckily, there was many

a household cat ready to create a distraction when concentrations were waning. Web cams, headphones, extra screens and ergonomic chairs were whisked out of offices and into our new ‘teaching spaces’.

As lecturers, we are used to seeing our students in person, which allows us to ‘read the room’ and see how our students are understanding and engaging with our lectures. That ‘in-person’ experience was suspended overnight, and we would not see our students in person for months. Clearly, online learning was going to be very different. Although we pride ourselves on encouraging a participatory or Socratic learning relationship, experience overseas suggested not running all of our classes as live (or ‘synchronous’) discussions and instead having some students record ‘asynchronous’ videos with us as ‘talking heads’ explaining the law. This allowed those students whose schedules had changed or who did not have access to adequate internet to engage with the learning materials. Some lecturers also chose to divide topics into shorter ‘chunks’.

We did not lose all ‘live’ contact with our students. Courses supplemented the recorded lectures with synchronous online discussions, ‘office’ hours, as well as email correspondence and individual consultations over Zoom. The tutorial programme continued throughout lockdown, delivered over Zoom by our wonderful tutors.

In addition to a new learning and teaching model, there were daily Zoom meetings with Faculty leadership and weekly Faculty meetings to discuss learning and teaching. These meetings enabled us to discuss and develop best practice guidelines and share technology insights with each other. The Faculty’s Academic Administration team provided a pillar of support, including individualised assistance and advice for those less experienced with the new technology. Overall, the Faculty came together as one to provide our students with the best legal education possible.

Approach to online assessment

Transforming our assessments to fit the online setup was a challenging concept. With the support of the Council of Legal Education we began redesigning our tests and examinations to fit the online platform.

A number of considerations were immediately raised concerning the delivery of robust and fair assessments to all students. Different approaches were taken, and we learned the advantages and disadvantages of each. This experience has enabled us to refine our processes and procedures—in ways that will continue to evolve learning and teaching in the Faculty.

“I pared back readings, so that students would know what to read and be assured it would be time well spent. I revised my assessments and made the first test ‘double chance’ with the view to mitigating stress about the test—which was very early after their return from lockdown. I gave them a lot of guidance about the tests and spent time in class discussing approaches to answering problem questions of the kind in the test. I also took a rather humane approach to special provisions and extensions. Students were incredibly stressed in Trimester 1 and continued to be in Trimester 2.”



Dr Zoë Prebble

Supporting our students

Blackboard is the University’s main communication and resource repository tool. As soon as the decision was made to move our teaching online, we began updating and improving the Blackboard sites of each of our courses. Although Blackboard is a familiar resource to both students and lecturers, for many it had been used mainly to house course information and teaching materials, to support in-person learning. With lockdown, Blackboard sites became the central hub for courses; they were the one place where learning materials and opportunities provided by the Faculty were located. With the support of the Academic Administration team, we set about

transforming our existing sites to make them more intuitive, with the most important and up-to-date information immediately accessible. Some of our more tech-savvy colleagues thrived in the online teaching space, creating engaging online versions of their courses with quizzes, discussion boards and live interactive sessions.

The Centre for Academic Development (CAD) and Digital Solutions (formerly Information Technology Services) played an essential role in supporting the delivery of our courses and assessments. Both teams had staff working around the clock providing pedagogical advice and technological support. Yet, due to the demands on their time, they could not do everything that the Faculty needed to do. Luckily, we have an excellent Academic Administration team, led by Rozina Khan, who characteristically ‘stepped up’ and became experts in the logistics of online teaching, actioning many of the changes necessary to ‘upgrade’ our Blackboard sites and run our courses.

Communication is key

Throughout the COVID-19 crisis we have been in regular contact with the Victoria University of Wellington Law Students’ Society (VUWLSS)—particularly Jugjeet Singh, 2020 VUWLSS President, and Education Officers Billie Haddleton and Hannah Jones. We also consulted with other student representative groups including Ngā Rangahautira and the Pasifika Law Students Society. Together they were able to clearly articulate the perspectives, concerns and requests of the entire Law student body. Individual students also contacted members of the Faculty’s leadership, as well as their lecturers: 40% of students had an email exchange with their lecturer in Trimester 1.

This communication not only allowed us to learn what was, and was not, working, it also alerted us to how challenging COVID-19 and the lockdown had made it for students.

It is difficult to express the admiration we have for our students who have managed to navigate their way through a year so challenging and full of uncertainty.

They showed patience and understanding at times when we ourselves were struggling. An important insight to remember is that staff and students alike worked together and that affirmation is one of the positive aspects to come out of this year.

Looking to the future

When life goes back to normal, we look forward to returning to our lecture theatres and interacting in-person with our students.

In saying that, this year has truly catapulted us into the world of online learning and teaching, and what we have learned will contribute to enhancing the in-person experience.

We now have a new intuitive template for our Blackboard courses and have seen the advantages of providing online readings and video-recordings. As we moved out of lockdown and into Trimester 2, many colleagues kept using recordings to replace more ‘didactic’, information-heavy parts of their lectures—which allowed them to use class time for even more rigorous Socratic sessions, such as discussions systematically applying the law to a problem scenario. Socratic teaching has always relied on the recent educational concept of ‘flipping the classroom’ where students do their own work (‘the readings’) before class—but we have found ways to improve it. This is another example of the silver lining of 2020: sustained pedagogical thought and discussion with focus on our traditions, values, and graduate attributes; the drastic and universal upskilling in our capabilities for using digital teaching tools; and an emphasis on maintaining engagement and communication with our students, whether in or out of the classroom, to best support their learning.

No one knows what challenges we may face in the future, but I have confidence in our students and in our Faculty to make the best of any situation. We have learned a lot about how to learn and teach the law in 2020; we also learned a lot about ourselves—what we value, and how we should act to achieve the goals those values require us to aim to. I look forward to seeing what our community and its participants will achieve in the future, building on what we have learned this year.

Dr Mark Bennett

Acting Associate Dean (Learning and Teaching)

Dr Mark Bennett

Researching outside the box

The impact of COVID-19

2020 has proven to be a year 'out of the box'. Having taken up the mantle of Associate Dean (Research) in July (from Professor Joel Colón-Ríos, who did an amazing job) I have been extremely conscious of the impact that COVID-19 has had on the Faculty's research.

First, our academics have families and have had to cope with changes in personal circumstances due to the lockdown earlier in the year. This has affected all academics, but has been particularly onerous for those who had to take on significant child-care and schooling responsibilities. I have had a number of conversations with academics worried about the impact on their capacity to undertake the world-class research that they are used to doing. I am so proud of all my colleagues and have been sending the message that research cannot always continue as normal when everything else has been upended.

Second, all academics have had to cope with the heavy burden of altering their teaching to deal with the very real demands of online teaching, dual delivery and supporting students. Our academics have worked hard to prioritise the needs of students, but this has naturally come at a significant cost to their research. With dual delivery expected during 2021, that cost will continue to be paid.

Third, our academics are part of an international community. In any given month in normal circumstances we might have several academics travelling to present at conferences, collaborate with colleagues in other universities, participate in the work of international organisations and much more.

From March this year, that international travel stopped abruptly, disrupting many plans. What has been incredible to see is the efforts that have taken place to find solutions to the lack of travel. Zoom has shown that it is possible to bridge the physical gap, although it is not always ideal. New Zealand's time zone means that participation in a conference in the UK or Europe may mean staying up all night. And no technology can replace the

connections made, or the discussions had over a cup of coffee, in the sidelines of a meeting. Unfortunately it seems that the resumption of international travel will be delayed for at least another year, and this will be tough for those academics with an international research agenda.

Fourth, for a number of Faculty of Law researchers, the COVID-19 pandemic has raised fundamental questions about the role of law in New Zealand and beyond.

Our academics have drawn on their expertise to provide invaluable public and academic comment about the Government's legal response to the pandemic.

For example, Professor Geoff McLay organised a webinar series, available on the Faculty of Law website (wgtn.ac.nz/law), "Legal lowdown on the lockdown". A number of Faculty of Law academics contributed to the discussions, from a variety of legal perspectives. Other videos were produced looking at COVID-19 and international and domestic law respectively. Together, they have had more than 7,000 views. Associate Professor Carwyn Jones was involved in an international set of panels focusing on indigenous peoples and COVID-19 that ran under the Māori Law Review banner and featured a range of excellent scholars from New Zealand and beyond. Dr Ruiping Ye published commentary on China's response to COVID-19. Associate Professor Dean Knight, Professor Claudia Geiringer and Dr Eddie Clark have produced many articles and commentaries on the public law aspects of the pandemic response as well as being very active on social and in mainstream media in explaining aspects of the law. Professor Geiringer also authored a paper outlining problems with the legal restrictions that was forwarded with the New Zealand Law Society's submission to the Epidemic Response Committee. Four academics presented a joint submission under a very tight timeframe on an exposure draft of the COVID-19 Public Health Response Bill (Eddie Clark, Claudia Geiringer, Dean Knight and Geoff McLay) and they were

joined by Associate Professor Nessa Lynch in making a further detailed submission to the Select Committee inquiry on the COVID-19 Public Health Response Act. Professor Campbell McLachlan QC has been appointed as a member of a newly created 15-member International Commission of the Institute of International Law on 'Epidemics and International Law'. Still other academics have made media appearances, including Associate Professor Māmari Stephens and Associate Professor Grant Morris. The New Zealand Centre for Public Law has developed a website that has collated the scholarship, analysis and commentary on the legal and constitutional implications of the Government's response to COVID-19. The Centre has also partnered with International IDEA and produced videos from scholars from 50 countries explaining their government's approach to the pandemic.

Community impact

The above only scratches the surface of the scholarship and commentary that has been produced by Faculty academics in the post-COVID world. There is little doubt that the contributions have made significant practical impact in the community. For example, the Attorney-General in the House during the budget debate cited the views of academics on social media as a major reason why the Government was prepared to agree to the sending of the COVID-19 Health Responses Act to the Select Committee for post-enactment review. A blog co-written by Professor Claudia Geiringer was cited by the Court of Appeal in suggesting that there were significant issues relating to the legality of the lockdown that would best be sorted out in an expedited application for judicial review. The dedication of my colleagues to contributing to the public debate around the Government's response is truly humbling.

Rising to the challenge

Of course, life is not all about COVID-19. In August I was thrilled to hear about the outstanding performance of staff and students from Te Herenga Waka—Victoria University of Wellington in the latest New Zealand Legal Foundation Writing Awards. The winner of the prestigious JF Northey Book Award for a legal book published in 2019 was Professor Richard Boast QC for *The Native/Māori Land Court Vol 3, 1910-1953: Collectivism, Land Development and the Law*. Professor Claudia Geiringer won the Sir Ian Barker Published Article Award for "When Constitutional Theories Migrate: A Case Study". Claudia has now won this award an unprecedented three times. Finally, Nathan Tse was one of two winners of the best undergraduate paper award, for "Decentralised Autonomous Organisations and the Corporate Form". We extend our warmest congratulations to these individuals for their success.

2020 has been a difficult year for everyone in the Faculty of Law. However, it is heartening that my colleagues are continuing the tradition of producing exceptional legal scholarship even in difficult times.

Associate Professor Joanna Mossop
Associate Dean (Research)



Associate Professor Joanna Mossop

Extending diversity

Imagine how it feels when you are put out of your comfort zone and having to create a sense of whānau in your new study environment when just a small group of people identify as Māori or Pasifika amongst close to 1,000 first-year law students? Most Māori or Pasifika students come from tight-knit communities—in contrast to Wellington, a starkly different environment.



The Honourable Luamanuvao Dame Winnie Laban, Assistant Vice-Chancellor (Pasifika) (left), with Ella Risati.

At Te Herenga Waka—Victoria University of Wellington, the Faculty of Law is continuing to take steps to support Māori and Pasifika success in the Law programme. This includes targeted admissions, actively recruiting Māori and Pasifika school-leavers, and providing mentoring and support from senior students and dedicated advisors.

Improving legal education for Māori law students

Support for Māori law students builds on initiatives that have been in place since the late 1980s and early 1990s. Ngā Rangahautira, the Māori Law Students' Society, was established in 1988, and led the submissions and arguments for the introduction of what was then known as the "Māori Quota" that was instituted by the Faculty in 1990, with (now) Chief Judge Hēmi Taumaunu as a member of the very first intake, 30 years ago. The process is now known as the "Māori Admissions Process" or MAP. In this early era new Māori and Pasifika tutorial streams for compulsory courses were also implemented and the Ngā Rangahautira room in the Faculty was established. The tutorials and the MAP reflect the fact that some Māori students may require extra support in their law studies, but such initiatives also reflect the Faculty's commitments to its obligations under Te Tiriti o Waitangi and to ensure that legal education at this University reflects the central importance of Treaty partnership.

These initiatives and the Māori engagement advisor position remain the bedrock of support for Māori success. There have been additions to such support in recent years, including the establishment of a Māori and Pacific Island (MPI) tutorial academic coordinator position in late 2018, and of Te Kauwae Parāoa, a study room in the library primarily (but not exclusively) for Māori and Pasifika students in 2012. The whakataukī upheld at the time of

the opening of that room neatly encapsulates the connection between Māori and Pasifika initiatives in this Faculty, coming to greater fruition with the establishment of a targeted admissions process for Pasifika students:

‘He rei ngā niho, he paraoa ngā kauae’

This translates as 'To have a whale's tooth, one must also have the whale's jaw'. This illustrates the desire that Māori and Pasifika students have to excel at their studies, and the benefits of working towards the fulfilment of goals.

Improving legal education for Pasifika law students

The University and Law School will also be hosting a ground-breaking nationwide study to improve legal education for Pasifika, in collaboration with other law schools, thanks to the generosity of the Michael and Suzanne Borrin Foundation.

Working with the Pro Vice-Chancellor and Dean of Law Professor Mark Hickford, Assistant Vice-Chancellor (Pasifika), the Honourable Luamanuvao Dame Winnie Laban, will lead the work made possible by this \$230,000 grant. The study will explore equality, belonging and authority in law, identify hurdles stopping Pasifika entering and succeeding in New Zealand law schools, and recommend solutions.

The newest Faculty of Law Pasifika Engagement Advisor Leilani Taula, a key port of call for Pasifika students, wants to get the message out that law school is not as scary as it might seem.

"While we may be learning about an adversarial system, our Law School is not an adversarial community."

Leilani, from the village of Taga on the Samoan island of Savai'i, is close to completing her conjoint BA/LLB (Hons), majoring in philosophy, and has been Pasifika Engagement Advisor since August.

In her role she provides a friendly face and good advice for Pasifika struggling with "fitting in" to the Faculty.

"They might not know of, or feel comfortable, going to the other support services, so they can come and talk to me, knowing I've been there—studied law too. If I think there's someone better qualified to help, I'll help put them in touch with the right people."

So what are some of the statistics around Pasifika students' involvement in the Law School and in studying law more generally?

When it comes to second-year law students at the University, on average, just 5% identify as Pasifika. That

compares with 81% identifying as European and 13% as Māori.

According to the 2019 "Snapshot of the Profession", produced by the New Zealand Law Society, of all domestic students studying for an LLB in 2017, only 9.2% (855) were Pasifika.

Of those who completed an LLB that year, 6.5% (90) were Pasifika, while of those who finished LLB(Hons)

or postgraduate certificates, just 1.9% (5) identified as Pasifika.

Dame Winnie says Pacific people have been "consistently under-represented in law programmes in New Zealand, at undergraduate, honours and postgraduate levels".

"We are also under-represented in the legal profession, making up less than 3% of all lawyers in New Zealand, while we make up 8% of the general population."

The statistics reflect the discrimination and disadvantages experienced by Pacific people in Aotearoa. Yet, at the same time, Pacific people are over-represented at every stage of the criminal justice system, she says.

Increasing diversity

Professor Hickford says increasing diversity, including socio-economic diversity, is a key priority for the Faculty.

"We are committed to improving in this area. The law degree offers strong opportunities for young people on a personal and professional level and it is advantageous to New Zealand to have a talented legal profession that represents the diversity of our society.

"To ensure that law is viewed as a strong option, regardless of background, and that there is support to embark on this study, the Faculty will continue to strengthen its efforts to increase Māori and Pasifika student participation and achievement."

Initiatives to do that include:

- introducing a targeted Pasifika admissions process for entry into second-year courses, aimed at ensuring the student body pursuing an LLB better reflects the Pasifika make-up of New Zealand society. From 2021, up to 5% of the second-year class will be selected from Pasifika students who passed first-year courses but would otherwise not have been selected into second-year courses, according to their grade ranking. This will join the existing similar MAP.
- supporting the VUW Law Students' Society, which represents the interests of all law students, and related groups such as Ngā Rangahautira (the VUW Māori Law Students' Association) and the VUW Pasifika Law Students' Society.
- facilitating mentoring for younger students by senior students; cooperating with student representative groups; organising events throughout the year including the Pasifika Law Students' Society Moot; and offering several scholarships aimed specifically at Māori and Pasifika students such as the Quentin-Baxter Scholarship.
- The Law School was also a pioneer of the Māori and Pasifika Engagement Advisor roles which currently offer Māori and Pasifika students additional assistance with course advice, general progress in their academic journey and contribute to the pastoral care offered to Māori and Pasifika students.

"So, how do you ensure law school is seen as a place that is safe and welcoming? That tends to yield a diverse range of answers, depending

Former Pasifika Law Coordinator Lagi Tuimavave (left), with Pasifika Engagement Advisor (Law) Leilani Taula.



Pro Vice-Chancellor and Dean of Law Professor Mark Hickford and Chris Griggs from Barristers. Comm signing an MoU to establish the Māori and Pasifika Internship for Law students. Photo credit: NZ Law Society.



Judge Sir David Carruthers (left), with Emeritus Professor John Prebble QC

Māori Admissions Process (MAP)

Introduced in 1990, the supplementary admissions process assesses tangata whenua students for entry into second-year law courses if they would not otherwise be admitted. Ten percent of available places in second-year law courses are reserved for Māori students applying under the Māori Admissions Process

on who you are talking to. But there is no single set of answers.

The Borrin Foundation project is an "ambitious and positive step towards looking at instances of good practice that yield positive results", he says.

"This is very critical for what we need to do. It is a national project which we will host here."

It will allow for the creation of a collaborative research hub for multi-disciplinary talanoa (conversations) among leaders in different fields.

A series of virtual and in-person fono (meetings) will be held around New Zealand to soak up the experiences of current and former law students and also law graduates, including those who became lawyers and others who chose a different career.

Dame Winnie says it is in New Zealand's best interests that Pasifika "not only successfully complete their degree at law school, but thrive in the legal profession and judiciary".

"Pacific people are a dynamic and talented group with the fastest growing young population in Aotearoa New Zealand.

"We have some wonderful examples of Pacific people who have excelled and reached the top jobs in law, but we have a long way to go to ensure we are systematically removing the barriers to success."



Lady Catherine Carruthers (centre), with Pasifika advisors

Leilani says she has had interesting experiences as a Law School student.

"I started out like a lot of Pasifika students. I came from high school with straight excellences and was confronted by the startling fact I was no longer a big fish in a small pond, but a very small fish in a very large pond.

"I don't think high school prepared me with the resilience that is required to not win all the time.

"Eventually I found my way a bit more and got involved with the Pasifika Law Students' Society competitions and the Law Revue.

"I wanted to do law when I was very young. But what happens to stop Pacific people going into law in the first place is the self-perpetuating quality of not seeing many Pasifika lawyers, Pasifika academics. And because you don't see yourself represented there, you just don't think intuitively about joining in."

Borrin Foundation Chief Philanthropic Officer Tupe Soloman-Tanoa'i says the foundation believes the law is essential to a flourishing society which is just, inclusive, tolerant and free.

"Our focus is on areas where the law is not serving New Zealanders well. This project addresses the problem of under-representation of Pacific people in law programmes in tertiary education institutions and in the legal profession.

"When we make grants we take into account things like the potential of a proposal to have a significant and enduring practical impact on the lives of New Zealanders, to be a catalyst for change, and address systemic issues.

"We are pleased to support this project, which will bring together academics, students, graduates, legal practitioners and policy makers from across the country to take coordinated action to identify the barriers to Pasifika in law schools and recommend interventions to support Pacific people to succeed in law school and to take up a career in the profession."

Sir Joe builds a bridge at inspiring Robin Cooke Lecture

The Honourable Justice Sir Joe Williams delivered an inspirational 2019 Robin Cooke Lecture to not one, but two packed Old Government Buildings lecture theatres at the Faculty of Law on Wednesday 4 December.

As the first ever Māori judge ever appointed to the Supreme Court, alumnus Sir Joe (Ngati Pūkenga, Waitaha and Tapuika) spoke about the role of colonial dispossession in contemporary indigenous offending in a lecture titled 'Build a Bridge and Get Over It.'

Sir Joe described the opportunity to give the Robin Cooke Lecture as a terrifying thrill, saying, "Lord Cooke saw law as a fabric, as a tapestry, I know it sounds like a cliché, but he really did. You saw it in his judgments and in his extramural writing, and that was the kind of lawyer I always wanted to be. That's why he was one of my great legal heroes."

He began his formal lecture with a story, one of a 19-year-old Māori offender named Dawn who had a "criminogenic whānau". Between her alleged offending being committed and trial,

she became pregnant, and before sentencing she had a baby and turned her life around. The judge chose to punish her offending by a sentence of three-years of imprisonment, and her baby was removed from her at court. Sir Joe chose this story because it represented "everyday offending of its kind, and an everyday offender of her kind."

Sir Joe has had two very different judicial careers. The first was in the Waitangi Tribunal and the Māori Land Court, both of which (the Waitangi Tribunal in particular) have seen him "fix his gaze on our colonial past". The purpose of those jurisdictions was to make a positive contribution to tribal development. In one way or another, the governing statutes required him to take this approach. He said that "I cannot say I always achieved it, but I can say that I always tried to". His second judicial career he is still in, that is his work as a judge in the mainstream courts, and particularly his work when exercising criminal jurisdiction at trial and at the appellate level, which in the lecture was

an area he wished to address. Here, he said, his focus has been on ensuring that the defendant receives a "fair trial according to law and, if convicted, a just sentence". He notes, "the impact of that work on the Māori community and, I include there my own individual contribution to it, can only responsibly be described as destructive, even catastrophic".

He stated Māori incarceration statistics—Māori make up about 16 percent of our general population, but 38 percent of those charged with a crime, 42 percent of all adults convicted, and 57 percent of adults sentenced to prison—and compared it to incarceration levels for indigenous populations in Australia and Canada, and African-Americans in the United States.

There is another troubling, and related statistic he raised: nearly 70 percent of children subject to care and protection orders are Māori.

Sir Joe then explained the myriad sources of postcolonial trauma, highlighting physical loss due to population drop, combined with psychological trauma thanks to the removal of independent agency, to answer why Māori are still struggling with criminality.

He said, "The consensus in social science is that trauma, if it is severe enough, can transfer intergenerationally. The loss of Māori land was a hugely debilitating loss of land and dignity."

He carried on to explain that as Māori land was sold by their grandparents, the 1960s saw 70 percent of Māori living in urban centres, creating a loss of the village community which had helped their resilience during times of deprivation such as the Depression. The first urban-born generation of Māori was the largest cohort in the known "history of the race", he said, and was integrated into cities "in which they were a visible and self-conscious minority," with Government policy promoting assimilation.

"Many village-born Māori parents accepted the pākehā orthodoxy, feeling they had no choice

but to accept their own cultural obsolescence. The result was catastrophic; the rise of an unprecedentedly large generation of brown, anglophone, culturally lost, teenagers."

Sir Joe stated that in the 1970s, when half of the Māori population was under 15 years of age, one in 14 Māori boys was removed from their families and placed in Social Welfare-run boys' homes.

"Almost all of them graduated to adult prisons in due course. Of the Māori males in that generation, 40 percent served a prison sentence by the age of 35. Behind these stories is the story of the rise of the Māori gangs. In short, the story of the breakdown of the cultural and social fabric, and its replacement with noxious substitutes."

As a result of the economic reforms and restructuring that emerged during the 1980s, poverty and welfare dependency became entrenched and intergenerational, as the factory jobs disappeared, and unemployment became widespread.

The only light to be seen was the fruition of Treaty settlements, and the establishment of kōhanga reo.

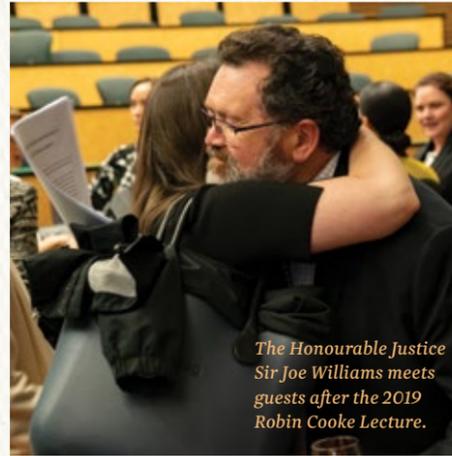
"Ironically, those elders who staffed the kōhanga and kura kaupapa were often the railway workers who had lost their jobs in the 1980s and found their formerly 'irrelevant' te reo and tikanga expertise had some value."

The way in which intergenerational trauma has dispossessed the Māori people

"Lord Cooke saw law as a fabric, as a tapestry, I know it sounds like a cliché, but he really did. You saw it in his judgments and in his extramural writing, and that was the kind of lawyer I always wanted to be. That's why he was one of my great legal heroes."

Guests of the 2019 Robin Cooke Lecture join in to close the celebration with 'Tūtira Mai Ngā Iwi'.

The Honourable Justice Sir Joe Williams addresses guests at the 2019 Robin Cooke Lecture.



The Honourable Justice Sir Joe Williams meets guests after the 2019 Robin Cooke Lecture.

is beginning to be recognised through section 27 of the current Sentencing Act, which requires the sentencing judge to take into account the racial and cultural background of the offender. The predecessor to this was section 16 in the Criminal Justice Amendment Act of 1985, and this required the court to hear from those who wished to speak for the offender about their background.

“This was an attempt to create a pathway for the offenders’ community into the sentencing process and was designed to address the disproportionate Māori imprisonment rate, which at that stage was a ‘mere’ 40 percent of the prison muster,” said Sir Joe.

Sir Joe highlighted the similarities between the legal responses to indigenous background requirements in Australia, Canada, and New Zealand.

He noted, “In my experience, judicial attitudes to the materiality of culture and background to sentencing fall somewhere on the spectrum between two points. At one end, judges who see it as their function to do all they can to alleviate systemic overrepresentation, who believe deeply in the power of redemption, and who accept that the provisional information about culture and history is essential to sentencing.

“At the other, there are those who are structurally skeptical about these issues, fail to see how they could be relevant except in very few cases, and believe references to a distant and traumatic past will lead to undermining the basis of the whole sentencing theory of free agency.

“Most are situated somewhere around the middle.”

In Canada, the Criminal Code section 718.2(e) served a similar function to our section 27, and saw a landmark case in 1999 give rise to the *Gladue* principles, similar to New Zealand’s



L-R: Marcia Murray, Professor Mark Hickford, The Honourable Justice Sir Joe Williams, Bernadette Arapere, Jason Gough

Matariki courts, generating a requirement for special background reports when indigenous people were to be sentenced.

Our landmark case was *R v Mika*, where Mika argued that he ought to get a 10 percent discount off his sentence due to the social deprivation he suffered as a Māori. This was declined at the time, but since this case, Māori imprisonment rates have risen sharply, and judges have become more active in requesting background information about indigenous offenders in New Zealand.

Sir Joe explained that a tipping point came in 2018, in the case of *Solicitor-General v Heta*, which saw a 30 percent discount of sentencing, judged by Justice Whata. “*Heta* produced a significant change in sentencing practice by the sheer power of its reasoning, the question is now whether the resources and infrastructure will follow its lead.”

In reference to an opposing judgment made by Justice Downs, he said, “Trauma in a person’s living or more distant past doesn’t guarantee the person will become an offender. This is dehumanising, reducing a person to victimhood and nothing more, and it denies their mana. Agency doesn’t come in one single unvariable quantum. It can be fettered or unfettered without losing its character.”

He pointed out, however, that 85 percent of Māori boys who were placed in abuse-ridden state homes in the 1970s graduated to jail.

“Can it really be said then that people with that particular background were capable of leading law-abiding lives? The numbers suggest that they were quite incapable of doing that.

“A proper rehearsal of those histories allows sentencing judges to calibrate to the best of their ability the degree to which free choice has been fettered by trauma, either directly experienced, or inherited.

“Without a thorough knowledge of an offender’s background there can be no perspective, only myopia.”

Sir Joe points out that none of the guideline judgments of the Court of Appeal used in sentencing took into account systemic deprivation, up until *R v Zhang*, which focuses on social and economic deprivation.

The first four of the court’s five points in that case were:

- ① Ingrained and systemic poverty are relevant to matters of choice where they are causally linked to the offending. This includes mana and rangatiratanga.
- ② Experience tells us that culture aids rehabilitation.
- ③ Section 27 should be how relevant information gets before the court.
- ④ Section 25 and section 27 ought to be available to all New Zealanders irrespective of ethnicity.

“It has not gone unnoticed that the court couched its sentencing of Māori offenders in terms of mana and rangatiratanga, as well as land, language, and culture. I see the court’s deployment of these terms as a sign of willingness to reach across the divide and place itself within te ao Māori. The significance of this cannot be overstated,” said Sir Joe.

To introduce these terms, he says, is to begin to normalise Māori ways of thinking and being. “Te ao Māori ceases to be other.” *Zhang* may be seen as the early scaffolding of the bridge we need to maintain active working partnerships between iwi and the crown.

“Right now, the system speaks with two mouths. One speaks of healing the past, Treaty-based reconstruction, and a newfound partnership between iwi and the Crown. That mouth speaks quite genuinely with hope and optimism. The other speaks of destruction on an unprecedented scale, using the powerful rhetoric of the sentencing act. Neither voice has the space or inclination to listen to what the other is saying. They need a bridge.”

Te Arawhiti, the name of the Office for Māori-Crown Relations means, ‘the path for crossing over’. Its job is to maintain active working relationships between iwi and the Crown, and ensure the Crown meets its Treaty obligations. “Te Arawhiti needs to build some bridge extensions, some clip-ons” to create a bridge between iwi and sentencing judges. “And let’s not forget the victims, nearly half of which are Māori.”

“Section 27 is a means of engaging with the resources of the child or offender’s community, those who have what the state doesn’t with the offender—an intimate relationship. If the Crown can recruit that, we could change many lives. This is a win-win. The Crown solves stubborn and significant social problems, the iwi become what they once were—a significant institution in the lives of their people.”

Reflecting on Dawn’s situation, Sir Joe said, “If this type of agency existed earlier, perhaps Dawn would not have ended up in jail away from her baby, and the historical trauma within her whānau was allowed to heal.”

The only way to change the status quo is to build bridges and get over them, said Sir Joe. “I think we are heading to a place where no child will be removed, and no Māori offender jailed, without advice from that person’s iwi or their community for their back story.”

The lecture ended with a standing ovation from both lecture theatres, accompanied by two waiata expressing aspiration and hope, one the waiata of Ngā Rangahautira, and the other Tūtira Mai Ngā Iwi.

The Robin Cooke Lecture was established in 2001 in honour of the late Lord Cooke of Thorndon. Lord Cooke was a Victoria University of Wellington Law alumnus and New Zealand judge, and later a British Law Lord and member of the Judicial Committee of the Privy Council. He is widely considered one of New Zealand’s most influential jurists and is the only New Zealand judge to have sat in the House of Lords. Several members of Lord Cooke’s family were in attendance at the lecture.

THE END OF LIFE CHOICE ACT

A question for law or legislature

The fifth lecture in honour of Lecretia Seales delivered an unprecedented insight into the way New Zealand's legal and parliamentary systems work when faced with moral decisions that affect all New Zealanders.

Delivered on the fifth anniversary of both the *Seales v Attorney-General* ruling and Lecretia's death, the event also saw the launch of the End of Life Choice Act Referendum Society by Dr Jessica Young, who completed her PhD on the views of the terminally ill on assisted dying.

Recorded remotely due to COVID-19 for the first time in its five-year history, speakers included Lecretia's widower Mr Matt Vickers; Court of Appeal Justice David Collins, who heard and made the decision on the case; Mr Andrew Butler, Lecretia's head lawyer; and Crown lawyers on the case Mr Mike Heron QC, and Professor Paul Rishworth QC.

Contributing from a law reform perspective were Members of Parliament Chris Bishop and Greg O'Connor, who were part of the select committee process; Associate Professor Māmari Stephens from Te Herenga Waka—Victoria University of Wellington, and Dr Jessica Young, CEO of the End of Life Choice Act Referendum Society. The group was chaired by Professor Geoff McLay from the Faculty of Law.

Mr Vickers spoke first, remembering Lecretia as a very private person who felt strongly enough to destroy her privacy in favour of the potential for law reform.

“New Zealand has never had such a sustained concentration on end-of-life issues as it did during Lecretia's case,” notes Mr Vickers.

“This is a good thing, no matter the outcome of the referendum. I can think of no better

outcome than one where ‘Lecretia's Choice’ is granted to everyone, by the people of the country that she loved.”

Professor McLay spoke next, reflecting briefly on his time working with Lecretia at the Law Commission. “She only mentioned her illness twice in the four-and-a-half-years we worked together. The second time was awkward, as she asked for my support for the Law Commission to conduct a review into the law of assisted dying. I said ‘no,’ and explained that I thought it was something politicians should be responsible for.”

He changed his mind about this later, as he thought this process towards law reform may have ironed out more issues for when the politicians took up the cause.

Mr Butler, who led the team from Russell McVeagh who worked pro bono to bring the case to court, then acknowledged his team and Lecretia's family, before explaining the case.

“There were two things we were trying to prove in this case: firstly, that the current law allows for legal aid in dying; and if that failed, that the fact that the law did not allow for legal aid in dying was a breach of Lecretia's human rights,” said Mr Butler.

Each of the lawyers who spoke, as well as Justice Collins, expressed what a privilege it was to be part of this case, which was brought to court as quickly as possible to ensure a ruling prior to Lecretia's death—in the event, it was given one day before she passed away naturally.

Mr Butler expressed the power of narrative in the case, saying, “With litigation like this, it's

critical there is a person who you can focus on, through whom you can tell the story.”

He learned a lot in litigating this case, which started from an unusual point for cases of this type. “Here was an articulate person saying, ‘this is what I want as a possibility,’ rather than somebody defending themselves by saying ‘I did this because I saw my relative suffering.’”

The power of the argument was such that Mr Butler found his own beliefs challenged over the course of the case, as did many others on the case.

“The complexity of the evidence was wonderful, with 36 witnesses and 51 affidavits,” says Mr Heron, who was Solicitor-General at the time, leading the team for the Crown.

“What stood out for me in the preparation and hearing of this case was the importance of people as you travel through life,” he said.

Even during the case in 2015, Mr Heron noticed the interest that Ministers were taking in this case, particularly then-Prime Minister John Key, who was in favour of assisted dying of some sort.

Professor Rishworth had only just begun work for the Crown when this case arose. He considered the international case law in his work for the case, and asked himself “Is the question of euthanasia for the courts to decide, or is it for the Parliament to decide?”

He believes that the outcome of the case showed that the “complex legal, moral, philosophical, and clinical issues, can only

More than 2.9 million New Zealanders voted in the End of Life Choice Act referendum in October 2020, with 65.1 percent voting in favour of the Act. The referendum was the first time legislation around assisted dying was put to the public in New Zealand. The Act will come into effect in November 2021.

be addressed by Parliament amending the Crimes Act.”

“Legislation is the right option, because it's not a legal question.”

As he saw it, the pivotal moment in the Seales case was the Justice's reading of section 41 of the Crimes Act which allows somebody to prevent another's suicide without checking whether it is done rationally by a terminally ill patient.

“I think Justice Collins' instincts were right in recognising this as important. It comes down to what the assisted suicide prohibition is actually for,” said Professor Richworth.

“A legislative scheme is required to understand the vulnerable and the non-vulnerable.”

Justice Collins then spoke, stating firstly that he was determined the courts would do right by Lecretia by providing a decision before she passed away. “That was the best way we could honour her.”

He believes the courts were the appropriate forum to discuss this, for two reasons. “First, Lecretia's case provided an opportunity for the law to be clarified, which was important in this case because there were a number of commentators making statements about what the provisions of the Crimes Act actually meant. I decided the presented statements were not correct,” said Justice Collins.

“It also provided the chance for society as a whole to reflect upon the complex issues that her case raised. It was thanks to Lecretia's determination to have the issues raised in the way that she did that saw Parliament take up the baton,” he finished, also noting that the case didn't go to the Court of Appeal as so many of its kind have, due to the professionalism of everybody involved.

Members of Parliament Mr Chris Bishop (National MP for Hutt South) and Mr Greg O'Connor (Labour MP for Ōhāriu) then appeared in conversation to speak about the select committee proceedings that saw the End of Life Bill proceed from private members' bill to become an Act.

“For a long time it didn't feel like the End of Life Act was going to get there,” began Mr Bishop, explaining the tension that arose within the Justice select committee as MP The Hon Maggie Barry and Hon Dr Nick Smith were placed on the committee after it began proceedings.

There were over 38,000 submissions for and against the End of Life Act proposal, and the MPs involved travelled around the country to receive around 4,000 oral submissions.

“The fault of the select committee was that while we had heard these submissions, at the end of the day, our vote wasn't worth any more than any other MPs,” noted Mr O'Connor. Both speakers found this frustrating, as there was a clash between members of the select committee over its purpose.

“We weren't allowed to debate the important parts of the bill, and the report we gave only dealt with the minor inconsequential parts of the bill,” he said.

Mr Bishop agreed, saying “It was an imperfect process, and it isn't the way that other conscience bills have been treated,” referring to the Marriage Amendment Act, another moral issue which saw a similar process end with recommendations to the House which saw it move through Parliament smoothly.

Both Members agreed that the process, while not satisfying, did test New Zealand's democracy at every level. However, Mr Bishop would like to have seen a special select committee set up for this, as it was for the Abortion Legislation Bill in 2019.

“The process was imperfect, but we got there in the end, and there are valuable reflections to be had if this type of bill comes around again,” said Mr Bishop.

Associate Professor Māmari Stephens spoke next, saying she was interested in the case from a personal perspective as her mum was in her dying days at the same time as Lecretia.

“My mum used to say, ‘If I can't have a drink or a smoke, what is the point. They may as well just pull the plug.’ But I couldn't help wanting to defend the small life that she now had. I couldn't help wanting to defend the dependent person that we in our society had become so afraid of,” said Associate Professor Stephens.

She watched the case closely, marvelling as Mr Butler did at the power of stories. “Tonight, I feel sadness for the many stories that were heard over the course of the passage of the Act, and the case. And sadness for the stories that haven't yet been told.”

“I applaud the work that has been done. And I wonder also in the wake of COVID-19 about the stories of those who have had to pass away alone, without comfort,” said Associate Professor Stephens, speaking further about palliative care within New Zealand and how inaccessible Māori and Pasifika find it.

“The question that remains for me is, how do we go forth with the lack of resources that we have and ensure that our lives are also lived well.”

After Dr Young launched the End of Life Choice Act Referendum Society, Professor McLay made some closing remarks, saying, “Good law reform is not about the law reform.

“My view of my job as Law Commissioner and Professor is not to expound my own view about what the law should be, it is about creating law that New Zealanders could live by.”

The video of this event is available at www.wgtn.ac.nz/law/news-and-events/news/the-end-of-life-choice-acta-question-for-law-or-legislature.

The End of Life Choice Act Referendum Society was formed shortly after the End of Life Choice Bill was passed in Parliament in 2019. The Society launched Yes for Compassion to ensure the public was well informed about the legislation ahead of the vote in October 2020.



End of life choice advocate Lecretia Seales



Matt Vickers, Lecretia's widower, speaking at the Lecretia Seales Memorial Lecture in 2017.

Law School wins big at writing awards

Professor Claudia Geiringer from the Faculty of Law at Te Herenga Waka—Victoria University of Wellington became the first person to be presented with the Sir Ian Barker published article award for the third time, in the 2019 Legal Writing Awards.



Professor Claudia Geiringer

Professor Geiringer's article 'When Constitutional Theories Migrate: A Case Study,' was awarded the Sir Ian Barker Published Article Award at the 2019 Legal Writing Awards. The article "displayed remarkable and comprehensive coverage of an acclaimed American constitutional theory", the adjudicator of the awards said.

Professor Geiringer is the first person to be presented with the Sir Ian Barker Published Article Award for the third time. She was previously presented the award for 'Tavita and All That: Confronting the Confusion Surrounding Unincorporated Treaties and Administrative Law' (2004) 21 NZULR 66; and 'Sources of Resistance to Proportionality Review of Administrative Power under the Bill of Rights Act' (2013) 11 NZJPL 123).

Professor Claudia Geiringer joined the Faculty of Law in 2002. Her teaching and research are primarily in the areas of the New Zealand Bill of Rights Act, constitutional and administrative law, comparative constitutional law and the laws of Parliament.



Professor Richard Boast QC

Professor Boast won the JF Northey Award for his book *The Native/Maori Land Court Vol 3, 1910-1953: Collectivism, Land Development and the Law*, the third volume of a study of major significance to the ethno-jurisprudence of Aotearoa New Zealand. It covers the period between the Native Land Act 1909 and the 1953 Māori Affairs Act.

Professor Richard Boast QC is a specialist in legal history, Māori land law and property law. He has considerable experience in private practice and has appeared before the Māori Land Court and the Waitangi Tribunal on many occasions both as counsel and as an expert historical witness. In 2015 Professor Boast was appointed as a Queen's Counsel in recognition of his contributions to New Zealand legal-historical scholarship.



Nathan Tse

Nathan Tse was an honours student at the University in 2019. He was awarded one of the Undergraduate Paper awards for his dissertation 'Decentralised Autonomous Organisations and the Corporate Form.' The dissertation assesses through a legal lens, the advantages claimed for databases on the internet like Bitcoin, using 'blockchain' open access and self-executing 'smart contracts'.

The Legal Research Foundation awards are held annually to acknowledge the legal writing of New Zealand-based authors. Victoria University of Wellington's Law School took out three of the four prizes for 2019; the JF Northey Memorial Book Award, valued at \$2,000; the Sir Ian Barker Published Article Award, valued at \$1,500; and the Unpublished Undergraduate Student Paper Award, valued at \$1,000.

The power of people

Professor Joel Colón-Ríos has marked the end of four years of research into constituent power with the publication of his book *Constituent Power and the Law*, published by Oxford University Press.

The book marks the completion of his 2016 Marsden Grant worth \$420,000, which allowed him to engage in four years of intensive research and writing on the relationship between constituent power and constitutional law, and saw him publish over 20 journal articles, chapters, and presentations. The work of research assistants Jhonny Antonio Pabón Cadavid, Alec Duncan and Luna Arango was also fundamental to the success of the project.

"Constitutional law is an area of law, just like contracts or torts, but it also provides the basis for the organisation of the state and the exercise of political power. I have always been fascinated by that latter aspect of constitutional law, because what lies behind it are fundamental choices that determine the type of political and economic structures within which we live. Constituent power, the power to create new constitutions, is what makes those fundamental choices possible," says Professor Colón-Ríos.

A commissioned review of the book in Political Studies Review by Dr Daniel Rosenberg notes, "Joel Colón-Ríos laid out what could be described as an intellectual biography of the concept of constituent power across 10 information-packed chapters. The strengths of the study are in the historical and conceptual arguments it lays out."

Professor Colón-Ríos notes that up until now, legal literature has associated constituent power with extra-legal acts like those that take place during political revolutions.

"What my book does is to show that, contrary to this view, constituent power has historically been treated as a juridical concept, a concept that can aid us in the making of determinations of legal validity."

"For example, the idea that 'constituent power belongs to the people' has allowed courts in different jurisdictions to declare the invalidity of constitutional amendments. Those courts have determined that if an amendment adopted by the legislature entails a change so fundamental that it amounts to the creation of a new constitution it would be invalid, as it would invade the exclusive constitution-making jurisdiction of the people."

While completing his study, he found himself surprised by the frequency with which political actors, lawyers, and commentators, particularly within the 19th century, deployed the concept of constituent power to advance different legal arguments.

"Constituent power is often seen as an obscure or even mythical concept used by constitutional and political theorists, so the extent to which it has been present in the constitutional practice of different jurisdictions, as I show in the book, will surprise some scholars," says Professor Colón-Ríos.

He has been happy with the academic response to the book thus far, which has seen strong interest from journals and colleagues in Europe, Latin America, and Australia in organising symposiums and events to launch the book.



Professor Joel Colón-Ríos

A snapshot of 2020

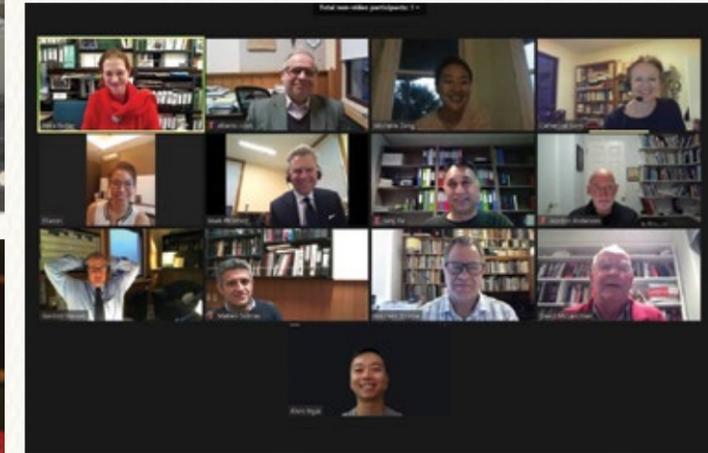
▶ Dr Maartje van Putten, Chair of the National Contact Point (the Netherlands), joins the New Zealand Centre for Public Law (NZCPL) to discuss 'Business and Human Rights'.



▶ A panel of experts, including Rt Hon Sir Geoffrey Palmer, discuss key developments at the 2020 Government Law Year in Review.



▶ Victoria University of Wellington Law Students' Society 2020 Executive.



▶ Alumni from Australia, the Pacific Islands and Asia reconnect via an online reunion amidst the COVID-19 pandemic.



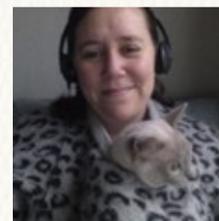
▶ Dr Matteo Solinas (right) welcomes iain MacNeil to the Faculty of Law.



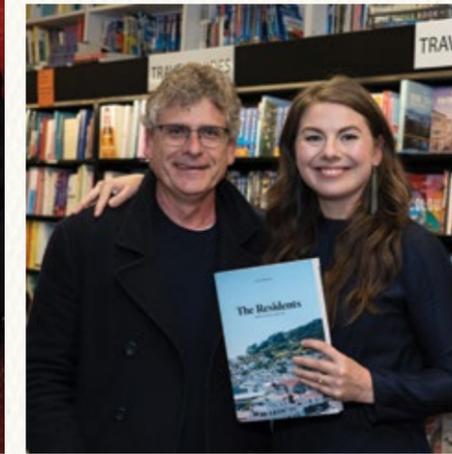
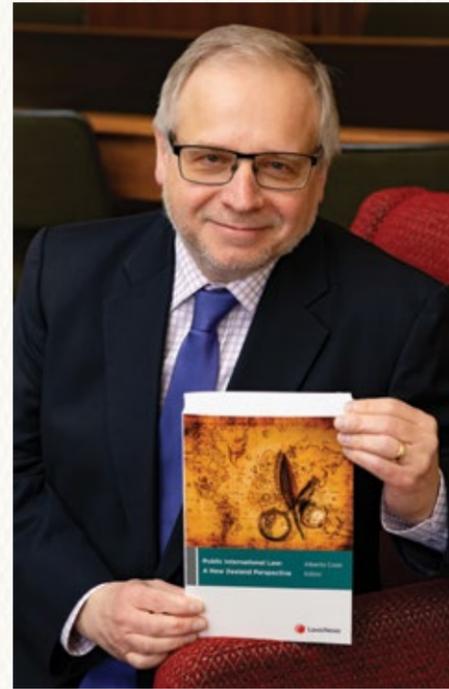
▶ Recipients of the 2019 Faculty of Law prizes gather at the 2020 Law Dean's Reception.



▶ Guests gather for the visit by United Nations High Representative for Disarmament Affairs, Ms Izumi Nakamitsu.



▶ Dr Zoë Prebble's teaching assistant was a hit with her students during lockdown.



▶ Professor Alberto Costi with his book *Public International Law: A New Zealand Perspective*.

▶ Professor Geoff McLay celebrates the launch of alumna Lucy Revill's book *The Residents*.



▶ Staff and students gather in the Socrates Room of Old Government Buildings to witness the live broadcast of the judicial review challenging the legality of the COVID-19 lockdown—*Borrowdale v Director-General of Health*.



▶ Professor Campbell McLachlan QC and The Honourable Justice Glazebrook present 'Populism, the Pandemic and Prospects for International Law'.

Environmental Law Initiative offers research funding for staff and students

What if... a new philanthropic fund established by the Environmental Law Initiative (ELI) Trust allowed both staff and students at the University to conduct research on environmental law topics in four very different areas?

This year, research grants have been awarded by the ELI Trust to Professor Catherine Iorns Magallanes, Faculty of Law; Dr Ocean Mercier, Head of School at Te Kawa a Māui; Dr Sarah Monod de Froideville from the School of Social and Cultural Studies; and Laws tutor Jonathon Sylvester.

Each of the four projects that have received funding aims to make a positive difference to the protection of New Zealand ecosystems and biodiversity.

Ocean Mercier says “Māori understandings of one of the most fundamental laws of nature—physics—can be found in oral histories such as whakatauki (proverbs), which embed natural laws alongside social laws. Whakatauki can reveal longstanding, deep and practical relationships with ‘te whanau o te taiao’, but to our knowledge have not been examined from this specific lens. Thus, whakatauki and our understandings of them have as yet unknown potential to influence contemporary New Zealand environmental law.”

Her project ‘Natural Laws: Physics in Whakatauki’ will examine more than 2,500 whakatauki from Ngā Pēpēhā o ngā Tūpuna (Mead and Grove, 2001), extracting those relevant to physics for further thematic analysis. Her analysis will be coupled with a scan and comparison of how iwi environmental management plans and other selected media are using whakatauki in relation to environment planning and management.

Sarah Monod de Froideville has received funding for her research, ‘Whose interests are protected?—The case of the EPA Board of Inquiry decision regarding Te Puka stream in the Transmission Gully project’.

Professor Catherine Iorns Magallanes (right) and Jasmine Cox

This project is concerned with the ability of national legislation to protect the environment in a situation where local authorities have jurisdiction over environmental resources in their area.

On receiving funding from the Trust, Sarah said “The law remains our best instrument for protecting the environment. By focusing on this relationship, this fund supports research examining how the law may do better in this regard. It has enabled me to employ a research assistant to help with data collection and the first stages of analysis for my project.”

The ELI has also helped to fund the Wellington Community Justice Project, which is a student-led investigation into the environmental and resource law issues relating to the quarrying of Te Weraiti a tūpuna maunga in Okauia Matamata.

Jonathon Sylvester says, “Our project will unpack the legal issues for Tangata Marae looking from the resource consent decision that continued the quarrying of their tūpuna through to the environmental issues to the water flowing from Te Weraiti.”

“The ELI Research Fund has given us the opportunity to visit Tangata Marae and connect with the community. As students, undertaking research to help a community can be difficult and the fund has created the opportunity for us to lend our skills to Tangata Marae.”

The fourth project to receive funding, ‘A Fundamental Environmental Rule of Law’, will look at how an environmental rule of law could be ‘developed’ (or discovered) within the legal system. It will involve drawing from various examples in New Zealand and other jurisdictions of rights and principles being drawn from the common law to provide an argument of why a fundamental right to a clean environment should exist within New Zealand law.

The hope is that the research and findings can be used by lawyers and judges to provide evidence and put forward an argument for this environmental rule of law.

This partnership is a great example of how important philanthropy is to the University. Without relationships such as this, research projects like those being funded by the ELI Trust would be unfeasible.

Jasmine Cox, who is working alongside Professor Iorns on her project says, “I am so excited and honoured as a student to be part of this research project. This scholarship enables students to use skills they’ve been learning for years, to contribute to a tangible project—an opportunity we seldom get at university. It will also allow me to continue developing research skills over the summer break and learn about something I am truly passionate about—which might have a significant impact.”



GRADUATING ADDRESS

Fletcher Boswell, Class of 2020

After a challenging year completing his studies amidst a global pandemic, Fletcher Boswell felt incredibly privileged for the opportunity to address the graduating class of 2020.



Fletcher Boswell

“I want to start by thanking Victoria University of Wellington and the Graduation Office for allowing this event to go ahead. Much like an 8.30 am lecture after T-Shirt Night or a Commerce Stein, I am sure it would have been tempting to opt for a recorded version to be watched from the comfort of our bubbles or flats. But particularly after the year that has been, there is something special about being able to celebrate the last three, four, five—dare I say six—years together in the same room.

And what a ride it has been. We have survived thousands of hours of lectures, tutorials and revision, several earthquakes, the MyAllocator tutorial signups, a global pandemic and the best efforts of our friends at Krishna food to talk us into yoga and veganism! If all those tossed together don’t build a sense of camaraderie—I’m unsure what would. But through all of this, I remember being told when I started at Victoria University of Wellington that university is a team sport. It is not something that you can do by yourself and it is not designed to be approached that way either. So, it is fitting that we sit here today surrounded by our team; our family, our friends, our lecturers, our tutors and so many others who have helped us, supported us and stood by us through our time at university.

The first part of that team I want to acknowledge are the lecturers and University staff. It is hard to articulate how generous you all are with your time and how much you care about the students at the University.

There are University staff, like Colin (Security Guard, Pipitea Campus), who would walk around telling people the library was closed and make sure they were getting some down-time in; or our tireless administrators, like Pauline Castle (Senior School Administrator) who, regardless of how busy she was, always made time to check in on students who looked a little stressed out to tell them things would get better.

And there are our lecturers, like Professor Yvette Tinsley, who encouraged us to go to the District Court so we could see first-hand the effects of New Zealand’s criminal justice system, teaching us to think more critically about where we find ourselves; or Professor Geoff McLay, who cared so much about building a sense of community at the Law School that he would turn-up at 7.00 am for a Friday morning run with the students—his tiny dog Coco in tow.

But never have I been so proud to be a student of this university than in 2018 when, during a protest against gendered violence and bullying in the law, our lecturers led by Professor Mark Hickford not only encouraged us to leave class but joined their students in advocating for a better legal profession.

The people behind me are more than just staff members, they are role models whose passion for their subjects is rivalled only by their concern for their students. Thank you.

To those family members and friends here today—while the certificates that were posted to us over lockdown had our names on them, the achievement is just as much yours as it is ours. Mum and Dad, I am sure having to put up with years and years of unsolicited hot takes on anything to do with law or commerce (and often things that weren’t) has no doubt tested your patience. But also, to all the loved ones here today, and to those who could not attend, I am sure I speak for all the graduates when I say thank you for everything you have done for us. Thank you for listening to stories about 200-level finance papers and responding with “oh that sounds interesting”. Thank you for the care packages and thank you for pretending that our complaints of self-inflicted all-nighters to get an assignment in, came anything close to the trials and tribulations you experienced raising us.

Now, at the risk of sounding like a philosophy student or a first-year tutorial icebreaker, it is worth reflecting briefly on what comes next for us as graduates. We have finished university at a strange time and the world is looking like a very different place to when we finished that final exam or handed in that final assignment. But despite this change, it is hard not to be excited about the next stage for us. It is hard not to be excited when—although we are dispersing into different careers, cities or causes—we have already seen that our cohort is one that wants to and in fact can make a difference in these areas that we choose. It is hard not to be excited when—even if tertiary education is unfortunately still a privilege in our society—each graduation cohort looks more and more like Aotearoa. And part of this is that our cohort has more than an opportunity but indeed a responsibility to use this education to push for a better New Zealand. It is hard not to be excited when—although our society and even the world is currently being gripped by major health, social and economic challenges—we have just received a world-class education in a very cool little capital city with very uncool weather, giving us the foundation to take on these challenges.

New Zealand is not a country that is renowned for gushing over milestones and Kiwis tend to play-down achievements. But the achievement of graduating today is one worth celebrating and one worth celebrating with the people we love. So, thank you everyone for being part of the last six years, congratulations on what you have achieved and good luck for the next chapter—I’m excited to see what comes next.”

“DEEPLY REWARDING” CAREER FOR LAW ALUMNA

Victoria Hallum

Is it any surprise for a well-travelled Kiwi who once called home an island in Canada’s immense Hudson Bay to be high up in the Ministry of Foreign Affairs and Trade (MFAT)?

Te Herenga Waka—Victoria University of Wellington Faculty of Law alumna Victoria Hallum is Chief International Legal Advisor at MFAT, a barrister and solicitor of the High Court, and has worked on high-profile cases that have made a huge difference to New Zealand’s global standing.

These include the International Court of Justice’s “Nuclear Tests” case challenging France’s underground nuclear tests in the Pacific, the New Zealand-China Free-Trade Agreement, and the “Christchurch Call” on online terrorist content in the wake of the March 2019 mosque attacks.

Victoria, who completed her Master of Laws (LLM) at the University in 2003, followed the road to MFAT after an itinerant childhood.

“There’s a connection, I think. Those of us who grew up moving around feel quite normal with the foreign affairs rotational cycle where you are constantly changing.

“I was a New Zealander, but didn’t really live in New Zealand until I was 14. My parents were school teachers and they moved around a lot—for no particular reason other than inclination.

“We lived in various places in Canada, ranging from the big city of Toronto, to the Belcher Islands (Sanikiluaq) in the middle of Hudson Bay, in the Inuit part of Canada. And also Atlantic Canada, New Brunswick, in the eastern provinces. We had time in Spain too.”

She says she hasn’t come across many other Kiwis who lived in Hudson Bay.

After completing law and arts degrees at the University of Canterbury, and a few years in a large law firm, she got a job at MFAT in 1995.

“My association with the University happened because Foreign Affairs was nice enough to give me a job without me knowing anything about international law. The head of the division said you might like to go up to the University and do the stage 3 paper. Then I continued and started my Master’s part-time while working full-time.

“I had to get an extension for my LLM because I was posted on my first posting, to New York, to New Zealand’s mission to the United Nations (UN). At the end of that I did a Master’s at the LSE (London School of Economics), and then eventually finished the Victoria Master’s.”

Working as a diplomat and international lawyer at MFAT has made for a deeply rewarding and varied career.

Going to the World Court in 1995 and “standing alongside others with wig and gown at The Hague at the Peace Palace” was an early highlight.

“We didn’t actually win that case, as there were some complex legal issues to establish our standing to take the case. And those didn’t succeed. But the mere taking of the case helped advance New Zealand’s commitment to a world free of nuclear weapons.”

France stopped its nuclear tests shortly after.

Her time at the UN from 1998 to 2001 was “fantastically interesting and rewarding”, and involved work on the formation of the International Criminal Court, the first permanent court with the mandate to prosecute for war crimes and other serious crimes against humanity, as well as work on oceans and the law of the sea.

From 2004 to 2008 she was the legal advisor on the team negotiating the China Free-Trade Agreement.

“New Zealand was China’s first FTA with a developed country. One of the things I really appreciated about this was how we got to know the negotiators on the other side so well over the three years of negotiations.

“We might be going hammer and tongs in the negotiation, as we each tried to get the best possible deals for our own countries, but you are going out for lunch together, having drinks together and getting to know them as people as well.”

Victoria stepped away from a legal role when she was posted to Paris as the Deputy Head of Mission of the New Zealand Embassy and Permanent Representative to UNESCO from 2008 to 2012.

“It was a great opportunity to get to know a country from the inside over a four-year period and develop some expertise on what was going on there and what the opportunities for New Zealand were.”

A recent highlight was leading the ministry’s work on the “Christchurch Call to eliminate terrorist and violent extremist content online”, an initiative of Prime Minister Jacinda Ardern and President Emmanuel Macron of France following the March 15 terror attacks.

“The two leaders took an initiative responding to the terrible issue of terrorist content being spread online and the way the attacker in the Christchurch atrocity weaponised the internet for his terrorist purposes.

“This required the ministry to bring together a team to deliver a significant diplomatic initiative for the Prime Minister over a short period. It was good to do this with a country that I knew well from my posting. It was also very interesting to work with the tech companies and civil society organisations focused on the internet and human rights.

“Terrorist content online is one of these wicked problems. The internet is a challenging entity in that no-one owns or governs it, but we all want to benefit from it. We need to find ways to make it not just free and open, but secure and not prone to misuse.

“The Christchurch Call has brought about concrete improvements to how well countries and companies can respond to those kinds of actions when they occur. But it is a call-to-action which requires ongoing work.”

Law appealed because of the role of argumentation—“the battle of words appealed”, she says.

“I did enjoy my time at Vic and I still have an association with the Victoria Law School through my ongoing relationship with the international legal academics there.

“I found the School was very well integrated with the public sector in Wellington – there is a lot of interaction, both informal and a bit

more formal, a lot of visiting lecturers, people who are practising particularly in public and international law.

“A lot of people working in the public sector are taking part in courses, and the Law School, being situated in the middle of town opposite Parliament and the Beehive, feels very integrated into the capital city. So I would say it is a great place to do law.”

Victoria is currently the most senior international lawyer in the New Zealand government system and manages a legal team of 25 lawyers at MFAT.

“That is an awesome responsibility, in both meanings of the word ‘awesome’.

“International law is constantly changing and wide-ranging. One day I might be talking to my staff about a dispute case we have on a trade matter, relating to one of New Zealand’s exports.

“The next day I could be talking to others who are advising on maritime border issues related to COVID restrictions or those participating in UN discussions on the law applying to cyberspace.”

Victoria, who has a 23-year-old son working in the United States and a daughter aged 17, has been a Red Cross refugee support volunteer, helping a newly arrived refugee family settle in to New Zealand.

She took up her job as MFAT’s Chief International Legal Advisor/Kāhui Kaitohu Ture at the start of 2017.

She highly recommends MFAT foreign affairs and international relations as a career for those with a legal background and an interest in how New Zealand makes its way in the world.



Victoria Hallum

THE ACCIDENTAL LAWYER

Nicholas Wood

The full weight and majesty of the law took a while to percolate for Faculty of Law alumnus Nicholas Wood.

Something of a self-confessed accidental lawyer at first, Nicholas is now special counsel in litigation and dispute resolution for Chapman Tripp in Wellington.

He is also a prize-winning legal author, capturing the J F Northey Memorial Book Award last year with his academic text *Sale of Goods in New Zealand*, published in 2018.

Nicholas recommends studying law but says “you have to be patient”.

“It took a while for me for the law to gel.

I didn't really enjoy it for the first few years—it didn't seem to make sense to me straight away,

it was more something that you absorb.

“You can do well, and memorise information and regurgitate it—I could do that—but to see the bigger picture, that took years.

“I'm still not entirely sure why I chose law. It looked interesting, and the unique blend of logic and language appealed to me. I also figured it would provide a way to make a living.

“But I never did law thinking, ‘oh yay, I'll get to be in a courtroom and how dramatic it will be’. As it happens, I am in litigation, so I am in courtrooms occasionally. But ideally you would resolve your client's dispute before you get to a courtroom.”

Nicholas was born and raised in Masterton. His family moved to Palmerston North when he was 12, where he stayed until he shifted to the capital aged 17 to study at Te Herenga Waka—Victoria University of Wellington.

He has been in Wellington ever since.

“I remember I wasn't happy to leave Masterton—children are never happy to move. In hindsight, though, the move was well-timed. As a teenager, Palmerston North had more happening.

“When we moved there, it had just opened New Zealand's first multiplex cinema complex (in 1990), Downtown Cinema 6, which was one way for a teenager to keep out of trouble.”

At the University Nicholas completed a conjoint LLB (Hons)/BA, in which he did a double major in French and politics.

“So I had a higher workload for five years, starting in 1996. If you were doing a conjoint degree, as I did, it was actually the fourth-year when you started to choose courses that interested you.

“Virtually all of this is accidental, really. After I had completed law school, I got a job at Chapman Tripp as a law clerk and we were allowed to do rotations in our first year.

“The idea was we would have one-third of the year in one department, one-third of a year in another and then the other third doing the profs course, which you have to do before you are admitted to the Bar.

“I originally thought I'd want to end up in one of the commercial teams but that it would be useful to have a little experience of litigation first, just to get the flavour of what it is like.

“So I started on my supposedly three-month rotation in the litigation department—and I haven't left yet.”

Nicholas says he enjoys litigating because it is problem solving.

“You are trying to sort out people's disputes for them, or maybe even trying to make sure they don't get into a dispute in the first place.”

“And you're not always dealing with individuals or organisations when they are at their best, which can be challenging.

“Litigation is quite varied. You get to look into other people's businesses or industries, and you know nothing about their line of work to start with and you leave knowing quite a fair bit.

“I did a lot of work over the last 10 years on Canterbury earthquake claims for an insurer, trying to sort out disputed insurance claims. Even though you are acting for the insurer, you are not going to get a good result unless, to some extent, the homeowner can be brought along. So you're always looking for a resolution that will be robust and sustainable.

“A couple of earthquake trials I acted on, in 2017 and in 2018, were complete victories for our insurer client. In each case, the claim was that the home was very badly damaged and needed to be rebuilt. And in both trials the High Court found, no, it's not badly damaged or damaged at all and it certainly doesn't need to be rebuilt.

“Each of those trials lasted about two weeks. They were very factually involved—we were going over each house, the foundations, the roof, the inside, the outside, room by room, down to the kitchen cupboards, basically every crack that could be found

“To have mastered something as factually detailed as that and have the court agree with you 100 percent and say, ‘actually you're right’, was very satisfactory.”

Most of his litigation work has been in the High Court. During the earthquake cases he had felt “more like a project manager”, supervising up to 30 other lawyers.

“That was one of the highlights. I've really enjoyed that mentoring of less experienced staff, helping them build up their skills and confidence.”

Nicholas recalls his first solo appearance for a substantive hearing in the High Court and how nervous he was.

“I was sick with nerves beforehand.

“I remember getting a question somewhat out of left field from the judge on a particular point of statutory interpretation, but if you've done your preparation (as I had) and read widely, you can usually find a creditable and sensible answer.

“Once you get into the swing of things, advocating in court can even be pleasurable. But I still get nervous before a hearing.”

Nicholas relished his time at the University but says it was hard work, particularly studying law.

“It was the people that made Vic such an enjoyable experience. Across law, French and politics, there were great and personable lecturers—including a few characters—who inspired and who also pushed you to do your best.

“I enjoyed my time in the Faculty, particularly in the last two years when I began to feel that I might actually understand this ‘law’ thing. But once I'd completed my degrees, I really wanted to try my hand at private practice.

“I was sure that I could have done postgraduate study and had a successful career as a legal academic, but I wasn't so sure whether I'd be much chop in practice. After nearly 20 years in practice, I think I've almost figured out what I'm supposed to be doing!

“One of the advantages of doing law at Te Herenga Waka is, of course, the proximity to the Court of Appeal and the Supreme Court, which didn't exist in my day, so you can go along and watch appellate cases if that takes your fancy.

“I also found the Faculty offered quite a wide range of courses at 300 level, which helps round out your legal knowledge, even if you don't end up using what you learnt in Law and Literature or Comparative Constitutional Law in your day-to-day legal practice.”

Outside work, Nicholas reads a lot of non-fiction and tries to keep up his French.

As the author of an award-winning book, he says there was “a lot of naivety involved”.

“The publisher approached me about writing a book for them, and at first you think, ‘I just have to write something, it won't take too long, yes

of course I can do that’. And then once you've committed to it and get into it, you realise, ‘oh, this is a ton of work’.

“I was writing between 2015 and 2018, so that's evenings and weekends. I was holding down a full-time job and writing a book from scratch.

Nicholas studied French through high school and university, and after his conjoint degree also completed a BA (Hons) in French.

“Something I did twice there was appear in plays that were staged towards the end of my time at the University. Both were comedies by Molière, whom English-speakers can think of as France's equivalent of Shakespeare.

“The first was *Tartuffe*, and I played the title role. I'm very introverted, but fortunately the director, one of my French lecturers, wanted my glasses off for the role.

“Since I'm extremely short-sighted, the advantage of glasses off was I couldn't see anything, and it's impossible to get stage-fright when you can't see the audience. But you can hear them when they laugh.

“I remember one night the audience just lapped up the comedy and the whole cast was on fire—it was an enormous rush to get such a good audience reaction.

“The second play was *Les Fourberies de Scapin*, another comedy, and I played the role of Géronte, one of the two old men in the play. It was glasses off again, as the (same) director this time wanted me to wear a face mask portraying me as a somewhat caricatured old man.

“Both plays were a real challenge to memorise the lines in French and deliver them with verve.”

While it is also easy to get stage-fright in a courtroom, Nicholas says he makes a point of keeping his glasses on in court.



Family ties to law school

When Dr Marie Bismark began studying at Te Herenga Waka—Victoria University of Wellington Law School in 2000, she had a six-week-old baby with her. When she finished her degree, she was eight months pregnant with her second child, Stella.

Stella now attends the same law school her mother graduated from, 19 years on. Professor David McLauchlan is one of the lecturers the mother and daughter have in common, along with Professor Petra Butler and Professor Geoff McLay.

“One of my strongest memories from law school was a personal one. One of our classmates had brought a shared lunch, and I couldn’t keep it down. I soon realised it was morning sickness, and was overjoyed,” says Dr Bismark, who had previously studied medicine at the University of Otago, as well as doing part of her law degree there and at the University of Auckland.

When Dr Bismark was close to graduation, Professor McLauchlan took her aside and asked her what she wanted to do with her career. “I said, ‘in ten years I’d like to be working in the medical human rights space’ and he said, ‘why wait ten years’, and introduced me to Ron Paterson, the then Health and Disability Commissioner.”

“One conversation changed the shape of my career and life, and I still work with Professor Paterson at the University of Melbourne. I really appreciated that side of the culture of the School, I felt like I was valued for my future as well as for my current status as student.”

“Another thing I loved about the Law School was how supportive they were of students from diverse backgrounds. Both myself and my classmate Tania Te Whenua had small babies, and there was a creche onsite we could put them in, and Petra made sure we had somewhere to breastfeed throughout the day.”

Dr Bismark holds a variety of roles and directorships, lecturing in Health Law at Melbourne Law School, and heading the Law and Public Health Group at the University of Melbourne. She is a director of Melbourne’s Royal Women’s Hospital and Summerset Aged Care.

She is currently involved in a study focused on the wellbeing of health practitioners, to understand the impact of the COVID-19 pandemic on front line staff, and she and her team have just completed the world’s largest study of sexual misconduct in the health professions.

“I am very interested in the interface of law and medicine,” she says.

“One of my other roles is working as a psychiatrist with the Royal Melbourne Hospital, and North Western Mental Health, and part of that role is applying for tribunal orders, which I enjoy thanks to my legal background.”

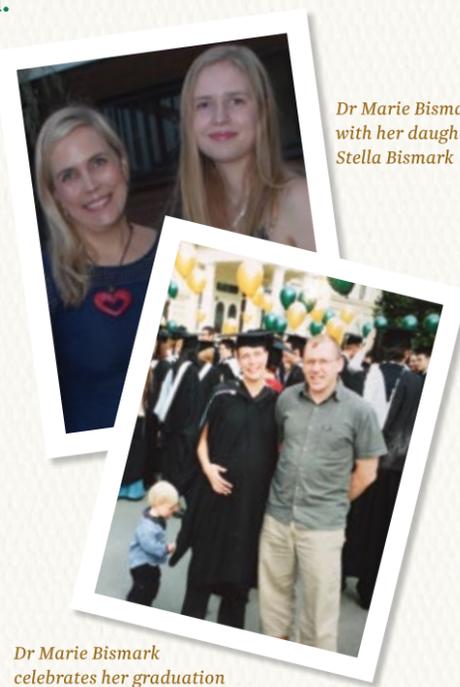
Meanwhile, Stella is in her second year of study of law and biotechnology at the University, working towards a BSc/LLB. She and her partner also run their own Taekwondo studio Mozhdeh Martial Arts, in Paraparaumu. Stella is on the New Zealand Taekwondo team and is hoping to be able to represent her country at the Olympics in 2024.

“I went to high school in Melbourne, but was born here, so studying here felt like coming home,” says Stella, who checked out other universities, but liked the atmosphere here, and enjoyed her time at Katharine Jermyn Hall.

The COVID-19 impact

Stella had a lot of sympathy for lecturers as COVID-19 hit, because she was also forced to adjust to the Zoom format for giving lessons for her Taekwondo group. “I appreciated the huge amount of energy and commitment required by the lecturers in moving to deliver lessons online, while struggling initially to get back into the swing of things. In-person lectures are much better.”

While she hasn’t had time to join any clubs, Stella is involved in the Wellington Community Justice Programme, a student-led charity at the Law School. “I am helping to set up the website for Asylum Seekers Equality Project, which aims to help asylum seekers in their human rights appeals.”



Dr Marie Bismark with her daughter Stella Bismark

Dr Marie Bismark celebrates her graduation from Victoria University of Wellington

Dr Bismark is grateful that Stella is safe in New Zealand, as she undergoes a second lockdown in Melbourne, and that she can continue with her sport, study, and business.

“I think that the most important thing law school taught me is simply how to think.

I won the Harkness fellowship to Harvard University in 2004, and I found it daunting coming from New Zealand to such an incredible institution. I soon realised how well I had been prepared by law school to think critically, and engage with the issues that matter.”

Asked whether her mum gave her any great advice when beginning her University years, Stella said, “she just put me on the plane.” Dr Bismark added, “I don’t think I’m a great advice-giver, Stella is so capable and independent, if anything she would be giving me advice.”

New faces at Old Government Buildings

Introducing

Dr Bjørn-Oliver Magsig

At the beginning of 2020, Dr Bjørn-Oliver Magsig joined the Faculty of Law to teach Climate Change Law and Policy, Law of Freshwater Resources, and Property Law.

What inspired your interest in the law and the environment?

A healthy environment is central to our very existence and I have always been interested in the complex challenges which hamper effective cooperation on protecting the environment. I am convinced that law has a key role to play in bridging the gaps between knowledge and action, and between inaction and responsibility. These issues are in my view the most critical of our time.

What made you choose Victoria University of Wellington?

The Faculty of Law includes a portfolio of locally and internationally focused research and teaching. Having worked in numerous countries around the world on cross-cutting environmental issues of global relevance, I believe the Faculty provides both a fantastic space to continue that work and new opportunities to expand this research in the Pacific region. Being an academic is a privileged vocation. Through academia, I am challenging others to engage with these critical issues.

What do you consider the highlights of your career to date?

The highlights of my career are where I have had the opportunity to translate academic research into high impact work. For example, I was invited by The Hague Institute for Global Justice as an expert in international law where I took part in the Geneva Initiative negotiations on ‘Water as a Permanent Status Issue in the Israeli-Palestinian Negotiations’ and advised the delegates on international law and human rights issues concerning their latent conflict over freshwater resources. I was pleased to see that the fruitful discussions during the seminar led to several collaborative projects between the generally hostile parties.



What do you enjoy doing in your downtime?

I love being in the outdoors and adventure travelling with my family. We have been fortunate enough to spend time tramping in the Italian, Austrian and German Alps and cycle touring along the Baltic Sea. My favourite things to do in Wellington include discovering the wild beaches and coastal walks of the south coast and then relaxing with a flat white in the many fantastic cafes.

Introducing

Marnie Lloyd

Marnie Lloyd, an alumna of Victoria University of Wellington, joined the Faculty of Law in September 2020 to teach Migration and Refugee Law and Comparative Indigenous Law.

What has been your career path leading up to your current role at the Faculty of Law?

During my career I have been involved in legal work with the United Nations Refugee Agency and the European Centre for Minority Issues, but my main professional experience is as a Delegate and Legal Advisor with the International Committee of the Red Cross (ICRC). That saw me working in conflict zones including the Democratic Republic of the Congo, Chad, Ethiopia, Sri Lanka and Afghanistan.

What are your research interests?

At its heart, my research is interested in how law both allows or facilitates and seeks to regulate and prevent violence and armed conflict. Those tensions within the law underlined my doctoral research undertaken at Melbourne Law School as the recipient of the University of Melbourne’s Human Rights Scholarship. My research considered the history of international legal debates surrounding key examples of foreign fighting throughout the 20th century to today.

What do you consider the highlights of your career to date?

Working with the ICRC gave me the privilege of going to places and encountering situations and people that I would otherwise never have been exposed to. Experiences have ranged from long field trips in the desert, being held up at gunpoint by armed rebels and fleeing from gunfire, sitting with victims of sexual violence and torture, seeing premature babies at Kandahar hospital, reuniting families displaced by conflict, and talking with detainees in many different countries, to discussing high-level international legal issues at US CENTCOM in Florida, at the Pentagon and at the UN in Geneva. The horror and the exquisite beauty are all highlights.

What was it like joining the Faculty during the COVID-19 pandemic?

COVID-19-related issues actually delayed my joining of the Faculty by a number of months and made packing up and moving internationally rather complicated. After many months in Melbourne without being able to see friends and colleagues in person, it has been so wonderful to be able to work alongside colleagues and students face to face.



Forty years the charm

Professor John Prebble QC is now Emeritus Professor, after 40 years dedicated to the staff and students of Te Herenga Waka—Victoria University of Wellington.

His mentorship of others, as well as his connections within Wellington city, his dedication to equal opportunities, his expertise in tax law, and his extensive publishing programme have played a part in elevating him to Emeritus as he retires.

An effective and generous mentor

Emeritus Professor Prebble is known as an effective and generous mentor to many at the University. He began as a mentor for women academics. He says, “A collective of female academics was seeking senior women as mentors. Someone left an application form lying about. I completed and returned it. Being broad-minded, the collective accepted me.”

“Some of my early clients were junior colleagues, all in departments other than law, who were victims of sexist behaviour on the part of staff or students. Some was advertent, though most was inadvertent. All was unacceptable and some egregious, though, thankfully, none plumbed the depths revealed by the Me Too movement. I tried to help, though the culture in several disciplines was challenging. Some years later the University picked up the mentorship idea and extended it to all academics.”

His niece, Dr Zoë Prebble, who is a former student and current colleague says, “John has an expert eye in spotting talent in students, and tends to scoop up bright students early in their law degrees as his research assistants. He frequently co-publishes with these students, and acts as a generous mentor.”

This mentorship also applies within the family. He has published chapters and papers alongside his daughter Rebecca Prebble (now Chief Policy Advisor, Ministry for the Environment) and Zoë, about tax avoidance. Zoë Prebble and John Prebble’s paper on morality and tax avoidance consistently scores the most downloads of a paper by New Zealand legal academics.

These papers merge the disciplines of philosophy and law, something which he continues to develop in his research. His current work applies Hans Kelsen’s *Pure Theory of Law* to the intricacies of taxation.

Fairness and opportunity provided for all students

Professor Prebble has been President of both the Rotary Club of Wellington and the Wellington Club. These connections allowed him to establish a partnership between the Rotary Club and the University’s Workplace Communications for

Skilled Migrants programme, founded and coordinated by his wife, Nicky Riddiford, a senior teacher in the English Language Institute.

The Programme continues today. It helps skilled migrants to thrive in the professional and commercial job market. “While the University had good funding for the programme, Nicky realised that participants needed opportunities to speak to professional New Zealanders and to get practice in employment interviews,” says Professor Prebble.

“There was a natural fit with the Rotary Club, with members visiting every week. Members of the Club also address students about the New Zealand constitution and workplace laws and culture. Sir Anand Satyanand, a former Governor-General, and Lady Susan Satyanand conduct a module on New Zealand citizenship. The club also initiated the University’s long connection with The Johnson Group, which arranges internships for the students, a core element of the programme.”

The relationship he developed between the University and Rotary Club, along with his mentorship, played a part in Professor Prebble’s winning of the Equity and Diversity Award at the 2013 Staff Excellence Awards. His initiation of a quota to ensure larger numbers of Māori law students many years ago also played a part in the award of this prize.

“Fairness and opportunity also plays a large part in his teaching career,” says Zoë.

His approach to multi-choice exams is particularly equitably minded. He has put a lot of thought into the pedagogy of these exams.

“John has considered how to design fair questions: there should never be marks removed for wrong answers, as this amounts to assessing someone’s risk profile rather than their knowledge,” says Zoë.

“Focus on risk profile may seem abstruse, but it has important fairness implications, which John is very aware of—those who will take risks are more likely to be male.”

A world-renowned expert in taxation law

Professor Prebble is one of only three professors who have been appointed Queen’s Counsel on the basis of tax law scholarship—ever. The others are from England and Canada.

People occasionally question whether tax law should have any place in universities: the stigma that, for some, attaches to the practice of tax law can carry over to academia. But Professor Prebble agrees with Justice Oliver Wendell Holmes that “Taxes are what we pay for a civilized society”.

He fell into tax law by chance, moving back to New Zealand after completing first a Bachelor of Civil Law (BCL) at Oxford University, then a Doctorate of the Science of Law (JSD) at Cornell University in the USA and after practising, finding a teaching position in tax law at the University of Auckland.

“I had studied law for nearly nine years, but almost no tax law. That gap was challenging when composing lectures, but it gave me an unusual outsider’s perspective on tax, which I found interesting but unusual. Compared with other law, tax is extraordinarily disjointed. I couldn’t initially see why that should be, but the evidence is abundant. For example, governments often need several tax reform statutes in any one year, something that does not occur in other law.”

“Analytical legal philosophy is well established as a discipline, though no scholar of legal philosophy had directed its light onto tax law, and no tax scholar seemed to employ the tools of analytical philosophy. It occurred to me that analysing tax law from the perspective of the great philosophers of law might shed some light. It did.

“For instance, taxation law is based on fictions, which are common enough elsewhere in law. But many fictions of tax law are not just fictions. They are what philosophers know as ‘ineliminable fictions,’” he says. “For instance, all of tax law assumes a factual difference between capital and revenue. From the point of view of economists, who deal with facts rather than norms, that distinction doesn’t exist. Differences are just questions of time.”

In offering courses at Auckland, and later Te Herenga Waka—Victoria University of Wellington Law School, Professor Prebble began the sub-discipline that became known as ‘Judisprudential Perspectives of Taxation Law.’

He put together a set of materials from legal philosophers for a Master’s class, and later founded Master’s courses in Wellington, Melbourne, and Sydney on this topic, as well as

teaching doctoral and Master’s courses at Vienna’s Wirtschaftsuniversität Wien.

The internal contradictions of taxation law allows for loopholes

Tax law’s internal contradictions, says Professor Prebble, enables it to be manipulated in ways that create loopholes that are exploited for tax avoidance. “There are several big international cases where courts have held in effect that law was used in ways that parliament wouldn’t have permitted had they thought about it. Inland Revenue’s wins in respect of arrangements in Eric Watson’s Cullen Group and Danone’s investment in Frucor are recent examples.”

By most standards, New Zealand’s tax laws are good, he says. “We don’t have a lot of industry-based incentives in New Zealand. We are also better at taxing the income of companies than most other countries.”

One thing we are missing is a capital gains tax, something he has been writing and working in support of since the 1980s. The closest New Zealand has come to a capital gains tax was in the late 1980s, he says, but such was the furore that a coalition against the tax was led by a retired Governor-General, and supported by the Police Association.

“If anybody tries to repair holes, as that government did, it causes all hell to break loose.”

New Zealand remains on a short list of developed countries that have no formal capital gains tax.

Professor Prebble has been on government committees across the years, including the Committee of Experts convened to discuss the Winebox cases in the late 1990s. “As it happened, the Winebox Inquiry was still proceeding, so we had to discuss something else. I had a list of 20 or so tax reforms with me as we began. The list became our agenda, with additions from other Committee members. Across the intervening years the Committee’s recommendations were enacted in one way or another,” he says.

Number one on the Social Science Research Network

A key part of his work throughout his career has been his strength in the field of legal research. A few years ago at a conference, Professor Prebble was approached by another delegate who asked, “Did you know you were number one?”

“I said, ‘number one at what?’ He said, ‘you have

more papers than any other legal scholar on the Social Science Research Network (SSRN)’. This information was a surprise, but it vividly illustrated the power of SSRN to overcome the tyranny of distance between New Zealand and the rest of the international scholarly community. SSRN became crucial to my efforts to place the Faculty of Law at the forefront of research.”

Professor Prebble founded and edits an SSRN e-journal, Victoria Wellington University Legal Research Papers (VUWLRPS). He changed the standard model, to add circulation to students, who generally maintain their subscriptions after graduation. VUWLRPS now has over 9,800 subscribers, mainly legal scholars and alumni, the third largest of any SSRN legal e-journal, with over 150,000 downloads, contributing considerably to the excellent international reputation of the Faculty of Law.



Emeritus Professor John Prebble QC and Dr Zoë Prebble

Baroque music and joke breaks

Emeritus Professor Prebble is also known for his unique manner of teaching. He plays baroque music in the background of each of his lectures, to aid with retention of information.

Dr Zoë Prebble says, “This isn’t just a quirk—as with pretty much everything with John, a lot of thought and research has gone into it: baroque music has a particular tempo that is in the perfect range to assist the brain in absorbing and retaining new information.

“He also provides for two exam rooms, so students can choose to sit in one with music, or without. He often remarks to me that most students will choose to sit in a room with the music and has based some research papers on this fact.”

As well as baroque music, Emeritus Professor Prebble allows for “joke breaks”—research indicated after 45 minutes students needed a moment to refresh.

“So for the past 30 years, John had made a careful practice of stopping at the midpoint of classes to read a joke or two from a file that he keeps for the purpose,” says Zoë.



Emeritus Professor John Prebble QC

Progressing tikanga Māori in law

The Faculty of Law's Associate Professor Carwyn Jones has been appointed Tumuaki Tāne of the Māori Law Society—Te Hunga Rōia Māori.

Co-President with Jamie-Lee Tuuta, Dr Jones (Ngāti Kahingunu and Te Aitanga-a-Māhaki) specialises in Māori legal issues, the Treaty of Waitangi, and constitutional law.

The initial two-year appointment comes as exciting progress is being made in many aspects of Māori law, he says.

"There are some very interesting things going on in the law at the moment, in terms of a recognition of tikanga Māori and what we will need our graduates to be well-equipped to engage with.

"I've been working with Māori legal academics across the country on a project aimed at

indigenising the LLB degree and part of that considers how we make it more accessible and attractive to a more diverse cohort of students. If you can see yourself reflected in what you are studying, you are more likely to engage.

"As a society we want to support our members in not just pursuing that diversity among students but at all levels of the profession and amongst judicial appointments."

The growing recognition of tikanga Māori in the law is encouraging, Associate Professor Carwyn Jones says.

"Consider the appeal over the Peter Ellis case. The Supreme Court had in the middle of last year granted Peter Ellis leave to appeal the [Christchurch Civic Creche child abuse] convictions relating back to the early 1990s. Then Peter Ellis died and the hearing happened at the end of last year and the question then had become, should the appeal continue, given he had died?"

"The assumption would be, it would stop at that point. But in the Supreme Court a couple of judges started asking lawyers at the hearing if tikanga Māori has anything to say about that?"

"The Supreme Court said 'go and prepare submissions and we'll have a hearing on that particular point'. That took place at the end of June, focusing on the role of tikanga and it is one of a couple of cases recently where Te Hunga Rōia has either been invited to intervene or applied to intervene and give a particular perspective.

"The Supreme Court has advised the appeal can continue. They haven't given their reasons yet, so we don't know exactly how they are treating tikanga, but it seems the role of tikanga is something lawyers are going to have to turn their minds to across a whole range of cases.

"Peter Ellis wasn't Māori. But it is an argument about New Zealand law developing based on tikanga Māori."

Associate Professor Jones' research is primarily focused on Te Tiriti o Waitangi and Māori law, which followed his interest in the work of the Waitangi Tribunal in his later years at high school during the early 1990s.

"It was that combination of law and history and politics, and engaging with the Māori world. They were issues that probably resonated because they were talked about at home.

"It was hard to have a conversation with my grandmother without her talking about Māori land issues in one shape or another.

Associate Professor Jones says he has been inspired by the mana and wisdom of Māori law experts Sir Edward Durie and Moana Jackson.

"I was inspired when I saw the way Eddie Durie, former chief judge of the Māori Land Court and leading Treaty expert, and lawyer Moana Jackson were writing and engaging with those issues. I heard Moana speak and was really inspired."

Associate Professor Jones completed a BA in history and LLB at the University and, after a couple of years working for the Waitangi Tribunal, completed a Master's degree at York University in Toronto in the interdisciplinary studies programme, and later a PhD at the University of Victoria in

British Columbia, well known for specialising in indigenous law.

In the classroom, he encourages students to think about what really engages them.

"I hope that with working on the issues that interest me I can at least convey why I am interested and that might encourage them too.

"I also encourage students to think about the groundedness of law, that it does have a real impact on people's lives, and you should always try to remember that.

inspired by the mana and wisdom of Māori law experts

"It can be easy reading a case in class and dissecting it and looking for the legal principles, but you can forget this was a decision that really affected someone's life."

As Tumuaki Tāne, Associate Professor Jones will work closely with the New Zealand Law Society and the Law Commission, organisations with which Te Hunga Rōia has recently signed memoranda of understanding.

"Something we have put a lot of effort into in recent years is engaging more with the law reform process. So we have specialist committees for different areas of law—criminal law, Māori land law/Treaty of Waitangi issues, family law.

"For example, one of the things we try to co-ordinate is that when there's legislation coming before Parliament, with an opportunity to submit to select committees, that we do that, particularly on issues that affect Māori."

Associate Professor Carwyn Jones (left), with Jamie-Lee Tuuta

Awards, honours and appointments

Congratulations to all those in our community—students, staff and alumni—who have been recognised with awards, honours, and appointments this year.

Alumni

Judge Alison McLeod (LLB 1997) was appointed a judge of the Hastings District Court.

Amanda Hyde (LLB 2010) joined the Keegan Alexander partnership on 1 January 2020, after seven years with the firm.

Clayton Stent (LLB 1985) became a member of the New Zealand Order of Merit for services to the community and governance.

Ezekiel Hudspith (LLB 2007) was appointed Special Counsel at Dentons Kensington Swan.

Hayden Wilson (LLM 2008) was appointed to Chair at Denton Kensington Swan.

Jacque Lethbridge (LLB 2003) was appointed to Vice-President of the Law Society for Auckland.

Judge Keryn Broughton (LLB 2004) was appointed a judge of the New Plymouth District Court.

Judge Michelle Duggan (LLB 1990) was appointed a judge of the Nelson District Court.

Nathan Tse (LLB(Hons) 2020) was awarded an Undergraduate Paper award at the 2019 Legal Writing Awards for his dissertation ‘Decentralised autonomous organisations and the corporate form’.

Judge Peter Winter (LLB 1980) was appointed a judge of the Auckland District Court.

The Honourable Justice Sir Joe Williams (LLB 1986) was named a Knight Companion of the New Zealand Order of Merit for his services to the judiciary.

Faculty

Professor Bill Atkin was reappointed to the Family Law Section Advisory Board—NZ Law Society.

Associate Professor Carwyn Jones was appointed Tumuaki Tāne of the Māori Law Society—Te Hunga Rōia Māori.

Associate Professor Carwyn Jones was appointed a member of the Kaiwhakatara Accountability Advisory Group—established by the Human Rights Commission to hold human rights duty-bearers accountable during the COVID-19 crisis.

Catherine Iorns Magallanes and **Dr Joel Colón-Ríos** were appointed professors, effective 1 January 2020.

Professor Claudia Geiringer became the first person to be presented with the Sir Ian Barker Published Article Award for the third time, in the 2019 Legal Writing Awards.

Associate Professor Dean Knight was awarded the Best Paper Prize at the Society of Legal Scholars 110th annual conference in late 2019.

Professor Graeme Austin co-authored the article “Trademarks and Private Environmental Governance” that was judged one of the top 20 articles on Environmental Law published in the United States in the 2017/18 academic year.

Professor John Prebble QC was appointed Emeritus Professor.

At the 2019 Victoria University of Wellington Staff Excellence Awards, **Dr Mark Bennett** received an Impact Excellence Award.

Professor Petra Butler was appointed a five-year term as Honorary Senior Fellow at the British Institute of International and Comparative Law.

Professor Petra Butler and alumnus **Audley Sheppard QC** (LLB(Hons) 1984) led a study developed by the Commonwealth Secretariat’s Office of Civil and Criminal Justice Reform.

Professor Petra Butler and alumnus **Dr Timo Bauer-Savage** assisted with repatriation efforts in New Zealand and the Pacific Islands during the COVID-19 pandemic.

Professor Richard Boast QC was awarded the JF Northey Memorial Book Award at the 2019 Legal Writing Awards for his book *The Native/Maori Land Court Vol 3, 1910-1953: Collectivism, Land Development and the Law* (Thomson Reuters, Wellington, 2019).

Professor Susy Frankel was appointed to the Waitangi Tribunal.

Students

At the New Zealand Law Students’ Association conference, **Anna Ou** and **Natalie Vaughan** won the Buddle Findlay Negotiation competition; **Islay May Aitchison** and **Kellee Candy** won the Institute of Professional Legal Studies Client Interviewing competition; and Victoria University of Wellington received the President’s Plate for performing the best across all four legal competitions.

Jamie-Lee Tuuta was appointed Tumuaki Wāhine of the Māori Law Society—Te Hunga Rōia Māori.

Jugjeet Singh was appointed the 2021 President of New Zealand Law Students’ Association.

Keely Gage had her article “Māori underrepresentation in the legal profession” published in the Employment Law Bulletin.

Student prizes for the 2019 academic year

A H Johnstone Scholarship in Law—Aimee Cox and Natalie Vaughan

AJ Park Intellectual Property Prize—Nopera Dennis-McCarthy

A L Hollings Trust Award—Georgia Kerr

Archibald Francis McCallum Scholarship in Law—Jessica Sutton

Bernard Randall Prize in Family Law—Madeleine Judd

Chapman Tripp Prize—Taz Haradasa

Chris Highfield Memorial Prize in Judicial Review—Siobhan Davies

Chris Highfield Memorial Prize in Public Law—Alexandra Briscoe and Kate Haszard

Coleman-Brown Memorial Award—Arielle Tracey

Colin Patterson Memorial Prize—Nathan Tse

Cullen Employment Law Prize 1st place—Shaun Baker

Cullen Employment Law Prize 2nd place—Kathleen Best

Cullen Employment Law Prize 3rd place—Irene McGlone

Faculty of Law Prize in Legal System—Jack Apperley

Flacks & Wong Prize in Company Law—Caitlin Hicks

Fran Wright Memorial Prize in Criminal Law plus a title by LexisNexis—Jordy Hermens

Gordon Orr Prize—Jess Smith

ILM Richardson Prize in Private Law—Jessica Sutton and Karan Venter

John Miller Award in Social Justice & Community Devt-U/G—Olivia Hyland and Komal Singh

Lord Cooke of Thorndon Prize—Natalie Vaughan

NZ Law Review Prize—Aimee Cox, Peter McKenzie and Natalie Vaughan

Quentin Baxter Prize in International Law—Jessica Sutton

Quentin Baxter Prize in Public and International Law—Wiliame Gucake

Robert Orr McGechan Memorial Prize—Charlie Cox

Sir John McGrath Distinguished Prize in Public Law—Emma Ricketts

Thomas Prize in Mooting—Taran Molloy (winner) and Siobhan Davis (runner-up)

Thomson Reuters Prize in Jurisprudence—Taran Molloy and Jessica Sutton

Thomson Reuters Prize in the Law of Contract—Maisy Bentley

Val Gormly Memorial Prize—Jessica Sutton

VicBooks Award for Best Tutor—LAWS 121—Hannah Jones

VicBooks Award for Best Tutor—LAWS 122—Barbara Graham

VicBooks Award for Best Tutor—LAWS 123—Ata Tomovski

VicBooks Award for Best Tutor—LAWS 211—Julia Marshall-Mead

VicBooks Award for Best Tutor—LAWS 212—Eloise Chin

VicBooks Award for Best Tutor—LAWS 213—Mitchell Fraser

VicBooks Award for Best Tutor—LAWS 214—Sam Coad

VicBooks Award for Best Tutor—LAWS 301—Billie Haddleton

Victoria University Medal for Academic Excellence—Taz Haradasa

The Dean’s List for academic excellence in 2019

Madeline Alison	Mitchell Fraser	Claudia Monkhouse
Jack Apperley	Marko Garlick	Marcus Noakes
Portia Baine	Paddy Gerard	Hannah Patterson
Sam Baker	Julia Glavovic	Hugo Plummer
Lucie Bardoul	Caitlin Goodier	Courtney Powell
Anna Becroft	Louise Goodwin	Anna Prestidge
Maisy Bentley	Alex Gordon	Kaitlyn Randal
Stella Bismark	Billie Haddleton	Francesca Reedy
Alexandra Briscoe	Joshua Hansen	Claire Rees
William Britton	Taz Haradasa	Nathan Regal
Cailin Broadley	Elliott Harris	Carys Robson
Sophie Brokenshire	Alana Harrison	Brooklyn Rogers
Ella Brownlie	Georgia Hawley	Ania Roznawska
Ella Buchanan	Cate Hensen	Leander Schubert
Sarah Burton	Michaela Hing	Jess Smith
Rose Byrne	Caleb Houghton	Lily Stelling
Kellee Candy	Hannah Houghton	Lilian Stott
Vijay Chand	Alister Hughes	Jessica Sutton
James Clark	Emma Jackson	Joe Sutton
Sam Coad	Lydia Jackson	Alexandra Templeton
Alice Coppard	Maddy Judd	Emily Thom
Charles Cox	Ngaronoa Kainamu-Davis	Ari Tracey
Kate Crichton	Tessa Keenan	Jayden van Leeuwen
Emma Croskery	Honor Kelly	Claudia van Zijl
James Daly	Olivia Kiel	Natalie Vaughan
Siobhan Davies	Lothar Krumpfen	Karan Venter
Rishabh De	Rosa Laugesen	Caitlin Walker
Finlay Dempster	Caroline Law	Thomas Walker
Nopera Dennis-McCarthy	Catharina Lee	Georgia Warwick
Sophie Dixon	Jessie MacEwan	Annabelle Webster
Anna Dombroski	Hanna Malloch	Emma Westbrooke
Georgia Drummond	Alice Mander	Toni Wharehoka
Jonty du Toit	Hine Markham- Nicklin	Lydia Whyte
Aidan Economu	Abigail Marshall	Rhianna Windle
Seb Ellice	Pete McKenzie	Jacqueline Yee
Rebecca Farquhar	Anna McTaggart	Philia Yeo
Megan Fell	Conor Meredith	
Devon Fisher	Taran Molloy	

Published in 2020

Authored Books

Bill Atkin, Mark Henaghan, Ruth Ballantyne, Shonagh Burnill, John Caldwell and Kirsty Swadling *Family Law in New Zealand* (LexisNexis, Wellington, 2020).

Bill Atkin *Family and Succession Law* (Kluwer Law International BV, The Netherlands, 2020).

Bill Atkin *Social Security New Zealand* (International Encyclopaedia of Laws, Wolters Kluwer, The Netherlands).

Richard Boast *The Native/Maori Land Court Vol 3, 1910-1953: Collectivism, Land Development and the Law* (Thomson Reuters, Wellington, 2019).

Joel Colón-Ríos *Constituent Power and the Law* (Oxford University Press, 2020).

Nessa Lynch *Youth Justice in New Zealand* (3rd ed, Thomson Reuters, Wellington, 2019).

Geoff McLay *Court of Appeal and High Court* (New Zealand Council of Law Reporting/LexisNexis, Wellington 2019 (Volumes 2 and 3)).

Geoff McLay *Supreme Court Cases* (New Zealand Council of Law Reporting/LexisNexis, Wellington 2019 (Volume1)).

Geoff McLay and Andrew Barker QC *Torts Update* (New Zealand Law Society, Wellington 2019).

Tony Smith *Glanville Williams, Learning the Law* (17th ed, Sweet & Maxwell, 2020).

Michelle Zang *Judicial Engagement of International Economic Courts and Tribunals* (Elgar International Economic Law Series, Edward Elgar, 2020).

Edited Books

Bill Atkin and Mark Henaghan (eds) *Family Law Policy in New Zealand* (5th ed, LexisNexis, Wellington, 2020).

Graeme Austin, Andrew F Christie, Andrew T Kenyon and Megan Richardson (eds) *Across Intellectual Property: Essays in Honour of Sam Ricketson* (Cambridge University Press, 2020).

Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, 2020).

Alberto Costi and James Renwick (eds) *"In the Eye of the Storm" – Reflections from the Second Pacific Climate Change Conference* (VUW, SPREP and New Zealand Association for Comparative Law, 2020).

Meredith Kolsky Lewis, J Nakagawa, R Neuwirth, C Picker, P Stoll (eds) *A Post-WTO International Legal Order: Utopian, Dystopian and Other Scenarios* (Springer Nature, 2020).

Nessa Lynch *Children's Rights in Aotearoa New Zealand – Reflections on the 30th Anniversary of the Convention on the Rights of the Child* (Law Foundation/Michael & Suzanne Borrin Foundation, Wellington, 2019) 128 pp.

Edited Journals

Alberto Costi *Special Conference Issue: 26th Annual ANZSIL Conference – From the Local to the Global* (2019) 17(1) *New Zealand Journal of Public and International Law* pp i-x and 1-125.

Guy Fiti Sinclair and Nehal Bhuta (eds) *Technologies of Stateness: International Organizations and the Making of States* 10 *Humanity Journal*.

Guy Fiti Sinclair and Jan Klabbers (eds) *Symposium: Theorizing International Organisations Law* (2020) 31(2) *European Journal of International Law* pp 489-619.

Chapters

Graeme Austin, Andrew F Christie, Andrew T Kenyon and Megan Richardson "Introduction" in Graeme Austin, Andrew F Christie, Andrew T Kenyon and Megan Richardson (eds) *Across Intellectual Property: Essays in Honour of Sam Ricketson* (Cambridge University Press, March 2020) pp 1-8.

Graeme Austin "Connecting Intellectual Property and Human Rights in the Law School Syllabus" in Graeme Austin, Andrew F Christie, Andrew T Kenyon and Megan Richardson (eds) *Across Intellectual Property: Essays in Honour of Sam Ricketson* (Cambridge University Press, March 2020) pp 189-200.

Graeme Austin "Anglo and EU Frameworks for Certification and Collective Trademarks" in Irene Calboli and Jane C Ginsburg (eds) *The Cambridge Handbook of International and Comparative Trademark Law* (Cambridge University Press, September 2020) pp 296-307.

Petra Butler "Awarding Damages to Expropriated Parties" in Sherlin Tung, Fabricio Fortese, Crina Baltag (eds) *Finances in International Arbitration* (Wolters Kluwer, 2019) pp 57-90.

Petra Butler "Businesses have human rights too" (2019) 50(4) *Victoria University of Wellington Law Review* pp 573-586.

Petra Butler and Ana Stanič "What Can Arbitration and Human Rights as Mechanisms of Dispute Resolution Learn from Each Other in Order to Meet the Challenges of Climate Change?" in Jean Kalicki and Mohamed Abdel Raouf (eds) *Evolution and Adaptation: The Future of International Arbitration* (ICCA Congress Series No 20, Wolters Kluwer, 2020) pp 1036-1057.

Joel Colón-Ríos "Judicial Review and the Democratic Judge" in Khurshid et al (eds) *Judicial Review: Process, Powers, and Problems: Essays in Honour of Upendra Baxi* (Cambridge University Press, 2020) pp 107-126.

Joel Colón-Ríos "Judge-Made Constitutional Change" in X Contiades and A Fotiadou (eds) *Routledge Handbook of Constitutional Change* (Routledge, 2020).

Joel Colón-Ríos "Constitution-Making through Law" in Gabriel Negretto (ed) *Redrafting Constitutions in Democratic Regimes: Theoretical and Comparative Perspectives* (Cambridge University Press, 2020) pp 33-52.

Joel Colón-Ríos "Creación Constitucional y Poder Constituyente" en Nicolás Figueroa et al (eds) *Poder Constituyente a Debate: Perspectivas desde América Latina* (Editorial Universidad de los Andes, 2020) pp 27-62.

Joel Colón-Ríos "The Constitution of Puerto Rico" in Albert, O'Brien, Wheatle (eds) *Oxford Handbook of the Constitutions of the Caribbean* (Oxford University Press, 2020) pp 391-420.

Alberto Costi "Introduction to International Law" in Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, 2020) pp 1-28.

Alberto Costi and Nathan Jon Ross "International Legal Personality" in Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, 2020) pp 75-152.

Alberto Costi, Scott Davidson and Lisa Yarwood "The Creation of International Law" in Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, 2020) pp 153-238.

Alberto Costi "Jurisdiction" in Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, 2020) pp 361-448.

Alberto Costi "Immunities" in Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, 2020) pp 449-506.

Alberto Costi and Conor Donohue "State Responsibility" in Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, 2020) pp 509-595.

Alberto Costi and Conor Donohue "International Law and the Use of Force" in Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, 2020) pp 861-908.

Alberto Costi and James Renwick "The Threat of Climate Change to the Pacific Region: Problems, Solutions and Prospects" in Alberto Costi and James Renwick (eds) *"In the Eye of the Storm" – Reflections from the Second Pacific Climate Change Conference* (VUW, SPREP and New Zealand Association for Comparative Law, 2020) chapter 1.

Alberto Costi "Addressing the Challenges to Statehood Arising from Climate Change: Future Bases for Action to Protect Low-Lying Atoll Nations" in Alberto Costi and James Renwick (eds) *"In the Eye of the Storm" – Reflections from the Second Pacific Climate Change Conference* (VUW, SPREP and New Zealand Association for Comparative Law, 2020) chapter 9.

Susy Frankel and Rochelle Cooper Dreyfuss "Trademarks and Cultural Identity" in Graeme Austin, Andrew F Christie, Andrew T Kenyon and Megan Richardson (eds) *Across Intellectual Property: Essays in Honour of Sam Ricketson* (Cambridge University Press, 2020) pp 227-239.

Susy Frankel "The Object and Purpose of Mingling Intellectual Property, Trade and Investment" in Christophe Geiger (ed) *Research Handbook on Intellectual Property and Investment Law* (Edward Elgar Publishing, 2020) pp 48-62.

Susy Frankel "International Trade Law" in Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, 2020) pp 775-820.

Susy Frankel "WIPO and Treaty Interpretation" in Sam Ricketson (ed) *Research Handbook on the World Intellectual Property Organization: The First 50 Years and Beyond* (Edward Elgar, 2020) pp 342-357.

Catherine Iorns Magallanes "New Zealand" in AR Zelle, G Wilson, R Adam, HF Greene (eds) *Earth Law: Emerging Ecocentric Law – A Guide for Practitioners* (Wolters Kluwer, 2020) pp 589-622.

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Course	Coordinator	Points	Type	Dates and times
New Zealand and Australian Copyright and Designs LAWS 530	Professor Susy Frankel	20	INTENSIVE	Wednesday 12, Thursday 13, Friday 14, Monday 17, Tuesday 18 May, 9.30 am–4.30 pm.
New Zealand and Australian Intellectual Property Law LAWS 551	Professor Susy Frankel	10	INTENSIVE	Friday 26, Saturday 27 March, 9.30 am–4.30 pm.
Advanced Legal Study LAWS 581	Professor Alberto Costi	10	INTENSIVE	Friday 26 February, 5.40–8.30 pm; Saturday 27 February, 9.30 am–3.20 pm; Friday 5 March, 5.40–8.30 pm; Saturday 6 March, 9.30 am–3.20 pm.
Public Law—Institutions, Norms & Culture LAWS 522	Associate Professor Dean Knight	40	BLOCK	Thursday 25 February, 6.40–8.30 pm; Saturday 20 March, 8.30 am–2.30 pm; Saturday 1 May, 8.30 am–2.30 pm; Saturday 10 July, 8.30 am–2.30 pm; Saturday 11 September, 8.30 am–2.30 pm; Thursday 7 October, 6.40–8.30 pm.
Trade Marks and Unfair Competition LAWS 536	Professor Susy Frankel	20	INTENSIVE	Wednesday 7, Thursday 8, Friday 9, Monday 12, Tuesday 13 July, 9.30 am–4.30 pm.
Patent Law LAWS 537	Professor Susy Frankel	20	INTENSIVE	Wednesday 18, Thursday 19, Friday 20, Monday 23, Tuesday 24 August, 9.30 am–4.30 pm.
Legal World of Small States LAWS 546	Professor Petra Butler	20	INTENSIVE	Monday 20, Tuesday 21, Thursday 23, Friday 24 September, 5.40–8.30 pm; Monday 27, Tuesday 28, Thursday 30 September, Friday 1 October, 5.40–8.30 pm.
Advanced Legal Study LAWS 581	Kate Tokeley	10	INTENSIVE	Friday 9 July, 5.40–8.30 pm; Saturday 10 July, 9.30 am–3.20 pm; Friday 16 July, 5.40–8.30 pm; Saturday 17 July, 9.30 am–3.20 pm.
International Arbitration LAWS 543	Associate Professor Meredith Lewis	20	INTENSIVE	Dates to be confirmed. Go to www.wgtn.ac.nz/course-finder for up-to-date information about the course.
Chinese Law in New Zealand Context LAWS 545	Dr Ruiping Ye	20	BLOCK	Tuesday 9, Tuesday 16, Tuesday 23 November, 1.40–5.30 pm; Tuesday 11, Tuesday 18, Tuesday 25 January 2022, 1.40–5.30 pm.

Weekly courses

Course	Coordinator	Points	Type	Dates and times
Trimester 1 Classes run from Monday 22 February until Friday 18 June, unless otherwise indicated.				
International Trade Law LAWS 504	Dr Michelle Zang and Associate Professor Meredith Lewis	30	WEEKLY	Tuesdays, 3.40–6.30 pm.
Health Law LAWS 531	Professor Bill Atkin	20	WEEKLY	Thursdays, 4.40–6.30 pm.
Counter Terrorism and Security LAWS 532	Marnie Lloyd	20	WEEKLY	Thursdays, 8.30–10.20 am.
Regulating Labour and Work LAWS 533	Professor Gordon Anderson	20	WEEKLY	Mondays, 8.30–10.20 am.
Law, Citizenship and Sexuality LAWS 534	Dr Eddie Clark	20	WEEKLY	Wednesdays, 4.40–6.30 pm.
Negotiation and Mediation LAWS 538	Dr Grant Morris	20	WEEKLY	Tuesdays, 4.40–6.30 pm.
Trimesters 1 and 2 Classes run from Monday 22 February until Friday 18 June, and from Monday 5 July until Friday 5 November, unless otherwise indicated.				
International Law LAWS 534	Professor Alberto Costi	40	WEEKLY	Mondays, 4.40–6.30 pm.
Organisational Law—Corporations, Trusts, Fiduciary Relationships LAWS 521	Dr Mark Bennett	40	WEEKLY	Wednesdays, 8.30–10.20 am.
International Climate Change LAWS 523	Dr Bjørn-Oliver Magsig	40	WEEKLY	Tuesdays, 8.30–10.20 am.
Trimester 2 Classes run from Monday 5 July until Friday 5 November, unless otherwise indicated.				
Consumer Law LAWS 535	Kate Tokeley	20	WEEKLY	Wednesdays, 4.40–6.30 pm.
Law of Freshwater Resources LAWS 539	Dr Bjørn-Oliver Magsig	20	WEEKLY	Fridays, 8.30–10.20 am.
Examining core public law and constitutional values in an inquiries' setting LAWS 541	Sir Terence Arnold and Sir Geoffrey Palmer	20	TBC	Dates to be confirmed. Go to www.wgtn.ac.nz/course-finder for up-to-date information about the course.
TradeLab Clinic LAWS 544	Dr Michelle Zang	20	WEEKLY	Thursdays, 3.40–6.30 pm.
Indigenous Land Issues in New Zealand and Pacific LAWS 548	Professor Richard Boast	20	WEEKLY	Tuesdays, 4.40–6.30 pm.
Internship LAWS 550	Kate Tokeley	20	WEEKLY	Thursdays, 8.30–10.20 am.



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