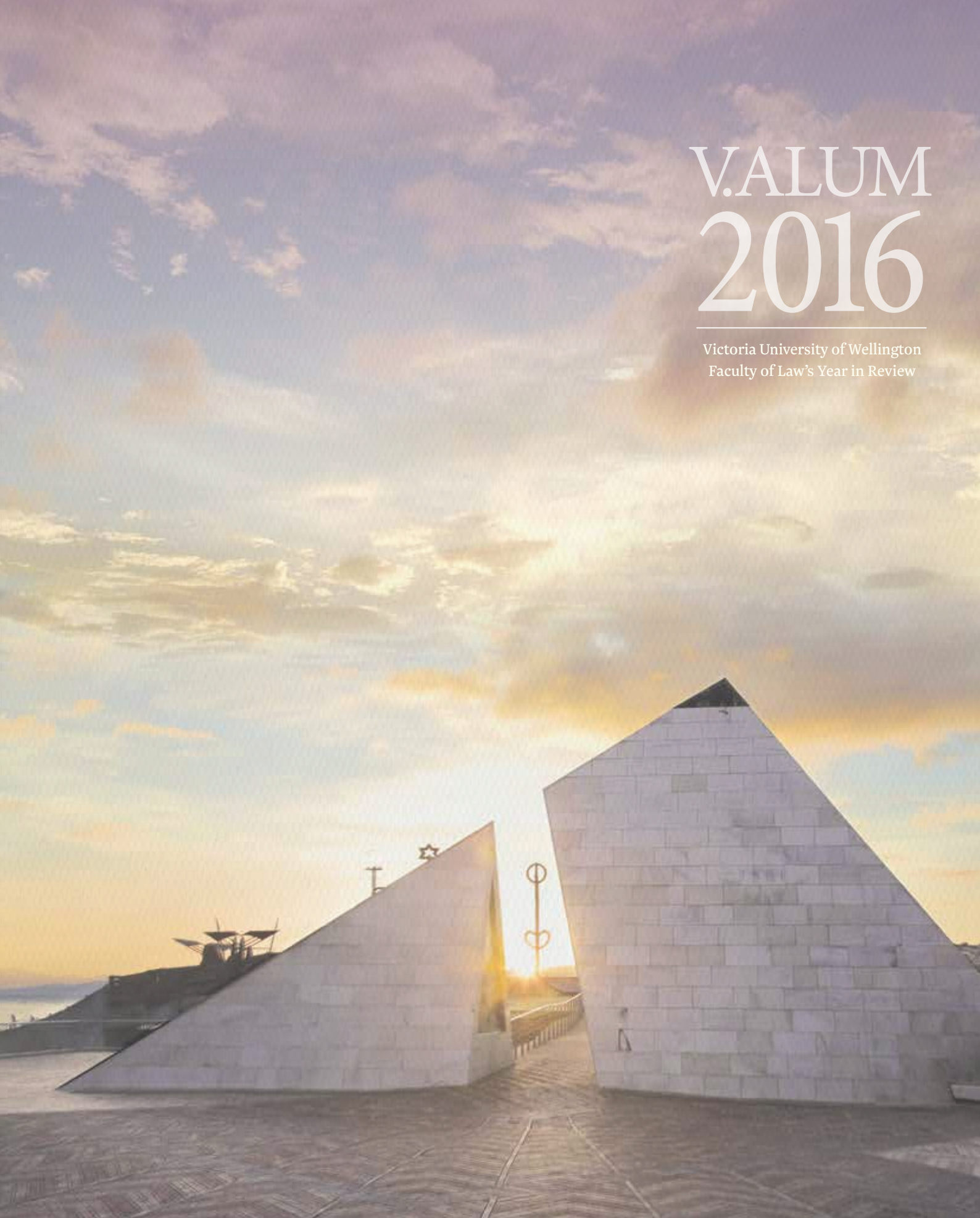


V.ALUM 2016

Victoria University of Wellington
Faculty of Law's Year in Review



Welcome

From the Pro Vice-Chancellor and Dean of Law



Professor Mark Hickford

Pro Vice-Chancellor and
Dean of Law

BA Auck, LLB(Hons) Auck,
DPhil Oxon

✉ mark.hickford@vuw.ac.nz

☎ 04 463 6309

📍 Room 203,
Old Government Buildings,
55 Lambton Quay,
Pipitea Campus

Welcome to *v.alum*, our Law School's 'year in review' which provides an opportunity to reflect on the recent endeavours and successes of our academics, students and alumni.

This year has been a challenging and rewarding mix. As I noted in last year's introduction to *v.alum*, my focus since I took on the role of Pro Vice-Chancellor and Dean in 2015 has been on enhancing the standing of this faculty—looking ambitiously to the future while honouring our rich inheritance. This has included exploring new ways to connect and forge stronger relationships with alumni and other important stakeholders, evolving our programmes at both undergraduate and postgraduate levels and working more collaboratively across the University.

Change is never easy, and I would like to take this chance to acknowledge the unwavering strength and dedication of faculty members in their work as scholars and teachers. In 2016 they have continued to contribute to legal scholarship both locally and internationally and in preparing the next generation of legal minds for exciting and fulfilling futures. These achievements would not be possible without the loyal and enthusiastic support of the professional staff.

I am particularly proud of three initiatives led by the Faculty of Law this year which demonstrate our renewed focus as much as the calibre of our people.

In July we opened our doors to around 150 delegates from New Zealand, Australia, the Pacific Islands and Canada for the annual conference of the Australasian Law Teachers Association. The conference explored the role of law in promoting good governance, strong and resilient economies mindful of the environment, as well as multicultural, diverse and thriving societies. We also discussed the role law teachers and scholars should play in forming the next generation of graduates, practitioners, government officials and civil society advisers. The conference was a resounding success for which I would like to acknowledge Associate Professor Alberto Costi, who ably chaired the organising committee.

The New Zealand Centre for Public Law and the Institute for Governance and Policy Studies recently co-hosted a conference, Advancing Better Government Through Legislative Stewardship, to lead thinking and discussion about stewardship in the state sector and beyond. Held at Parliament with a capacity crowd, the conference not only explored the concept of legislative stewardship with leading experts, but also delivered a series of workshops and how-to seminars—bridging academia and practice. Credit to Dr Dean Knight, co-director of the New Zealand Centre for Public Law, who was instrumental in the success of this two-day conference.

I am also very proud of the role the Faculty of Law has played in launching Victoria's first multidisciplinary degree programme, the Master of International Trade. Led by Professor Susy Frankel, the programme steps beyond traditional academic divides to offer students a unique opportunity to explore the role of trade from a range of perspectives, including international legal rules, economic rationales and political, cultural and social impacts. It is a sign of things to come as the University works more collaboratively beyond disciplinary, school, faculty and other traditional boundaries.

It was a year of considerable sadness, too, with the passing of Judge Ian Borrin, a wonderful, steadfast source of support for the Faculty of Law. As Professor Geoff McLay said in his tribute in the *Victoria University of Wellington Law Review*, Ian was "one of [the] best friends [of the VUWLR] and ... one of [the] best supporters [of the faculty]". His example of generosity and encouragement to legal researchers, students and practitioners will live on.

I look forward to what 2017 brings. Thank you for being part of our Victoria Law community.

Professor Mark Hickford
Pro Vice-Chancellor and Dean of Law

Law at Victoria: Snapshot 2016



Leading Law Faculty in New Zealand for research quality.



First in New Zealand and Australia: the multidisciplinary Master of International Trade—now open for 2017 enrolments.



More than 150 attendees at our Advancing Better Government Through Legislative Stewardship conference.



More than 65 published articles, papers and book chapters.



Host to 150 delegates from New Zealand, Australia, the Pacific Islands and Canada for the Australasian Law Teachers Association annual conference.



Five Queen's Counsel now among our ranks: Professor John Prebble (2016), Professor Richard Boast (2015), Victoria Distinguished Fellow Sir Geoffrey Palmer (2008), Professor Campbell McLachlan (2007) and Emeritus Professor Sir Kenneth Keith (1994).



More than 30 public lectures, seminars, conferences and other events.



13 books published by faculty members.



219 LLB graduates.
31 LLB(Hons) graduates.
19 LLM graduates.

Our highlights

We asked the faculty what stood out for them in their academic endeavours during the year...

Professor Gordon Anderson



Being on research and study leave at King's College, London, which enabled me to make significant progress on two writing projects with British academics and discuss labour law developments with other scholars.

Editing the labour law special issues in the *New Zealand Journal of Employment Relations*, featuring papers presented at the 2015 New Zealand Labour Law Conference.

Spending January as the Hicks-Morley Professor in International Labour Law at Western Law in London, Ontario.

Professor Tony Angelo



The publication of two seminal pieces: *The private international law monograph for the Pacific* and 'Intergenerational trust funds in the Pacific' (with Dr Brian Bell and Bailey Roylance) in the *Journal of Pacific History*.

Formally completing the revision of the *Civil Code of Seychelles*—2,000 articles, with accompanying commentary, draft legislation for implementation and full cross-referencing detail.

The Pasifika Law and Culture conference, which was wonderfully organised by our Pasifika students' coordinator, Lagi Tuimavave, had great support and attendance from other law schools in New Zealand and the Pacific, and—thanks to sponsors—was a financial success. Image ①: Judge Andrew Becroft, with Tony Angelo and Lagi Tuimavave.

Professor Bill Atkin



Being a visiting scholar at Trinity College in Cambridge.

On invitation, delivering two seminars on family law, 'Children, parents and families in New Zealand law: The basic elements' and 'The New Zealand family court, the family justice system and the rule of law' at Osaka University in Japan.

Being invited to join the advisory board of the new Cambridge Family Law Centre, a centre of excellence for research and teaching in all aspects of family law and policy, domestic, comparative and international.

Professor Graeme Austin



Co-convening a symposium and research project at the National University of Singapore on

'International intellectual property law: Pathways to interoperability in ASEAN and beyond' and securing a book contract for this project with Cambridge University Press (NYC).

Publishing 'EU and US perspectives on fair dealing for the purposes of parody and satire' in the *University of New South Wales Law Journal*.

Delivering a keynote address at the conference of the Centre for Media and Communications Law in Australia, entitled 'Trademarks are like sex', arguing that trademark theory is (inappropriately) embarrassed by consumer desires.



Dr Mark Bennett



Presenting a paper, co-authored with Sarah Bierre of the University of Otago, at the New Zealand Private Law Roundtable arguing that New Zealand should follow the Irish and Scottish reforms of security of tenure in residential tenancies.

Giving a public presentation about New Zealand's Foreign Trust regime on a panel considering the implications of the Panama Papers for journalism, policy and law.

Participating in the Feminist Judgments Project Aotearoa: Te Rino, providing an additional judgment for the landmark de facto relationship property decision *Lankow v Rose*, a much-cited authority concerning constructive trusts.

Professor Richard Boast QC



Preparing and presenting comprehensive submissions (along with colleagues from Kensington Swan) to the Māori Affairs Select

Committee on the current Te Ture Whenua Māori (Māori Land) Bill.

Having an article on the Land Claims settlement process published in the *Journal of the History of International Law* (Germany).

Preparing a report for the Waitangi Tribunal on the life and times of Judge Acheson (an important judge of the Native Land Court based in Northland from 1934-1943) to present in evidence to the Tribunal's Northland Regional inquiry.

Associate Professor Petra Butler



Teaching human rights at the new Hamad Bin Khalifa University North Western School of Law in Doha, Qatar.

Giving a paper on small states and the United Nations Commission on International Trade Law (UNCITRAL) draft convention on mediated settlements at the International Bar Association conference in Washington DC.

Co-organising the Integration and International Dispute Resolution in Small States conference for the Centre for Small States in London.

Eddie Clark



Presenting at the Cambridge Public Law Conference—it was fantastic to be in a place full of other public lawyers from around the world, with a chance to discuss my ideas with people who really got it.

Teaching a new administrative law course with Dean Knight. The subject is so much more than judicial review, and it's great to have the chance to convey that to students.

The arrival of Little Donut Co donuts at Vic Books in Rutherford House. Best donuts in Wellington!

Our highlights—continued

Dr Joel Colón-Ríos

Publishing an article, '[Rousseau, theorist of constituent power](#)' in the *Oxford Journal of Legal Studies*.

The article offers a novel interpretation of Rousseau's conception of law and of the relationship between sovereignty and government.

Being invited to Mexico by Professor Gabriel Negretto of the Centro de Investigación y Docencia Económicas to present a paper on constitution-making.

Completing a translation to Spanish (with Amaya Alvez, Universidad de Concepción, Chile) of the work of Aharon Barak, the former President of the Supreme Court of Israel, who has published widely on issues of constitutional interpretation and judicial decision-making.

Associate Professor Alberto Costi

Chairing the organising committee of the annual conference of the Australasian Law Teachers Association. *Image:* ②

Giving papers at two American Society of International Law events in Washington DC: The Intersections in Cultural Heritage Law conference at Georgetown University Law Center, and the International Legal Theory Interest Group annual symposium, The Future of the State.

Receiving a grant from the New Zealand Law Foundation to research and write a monograph on legal implications of climate change, 'Climate change impacts on statehood for atoll nations and potential responsibilities for New Zealand'.

Professor Susy Frankel

Hosting, as president, the International Association for the Advancement of Teaching and Research of Intellectual Property (ATRIP) conference in Krakow, Poland, with the Jagiellonian University.

Being a visiting professor at the Centre for International Intellectual Property Studies at Strasbourg University, including teaching a Master's class and giving a keynote address at a conference about intellectual property and the judiciary.

Teaching a class of more than 140 students the law of intellectual property, and working across the University to establish a multidisciplinary Master of International Trade.

Professor Claudia Geiringer

Delivering a keynote lecture on comparative bill of rights scholarship at the biennial Public Law conference at the University of Cambridge.

Spending six weeks at McGill Law School's Centre for Human Rights and Legal Pluralism in Montréal as an O'Brien Visiting Fellow.

Being involved in the successful legal intervention to obtain New Zealand citizenship for persecuted Nauruan politician Roland Kun and securing his return to his Wellington-based family.

**Professor Mark Hickford**

Participating with a range of gifted colleagues (including organising committee chair, Alberto Costi) in organising the successful

Australasian Law Teachers Association conference.

Assisting in the organisation of the Advancing Better Government Through Legislative Stewardship conference, a wonderful team effort with great colleagues including Anna Burnett, Eddie Clark, Claudia Geiringer, Dean Knight, Michael Macaulay and Geoff McLay.

Managing to continue scholarly efforts alongside Faculty of Law management commitments, including delivering papers at the Treaty of Waitangi symposium, the Quasi-constitutionality symposium and other events, and publishing a piece, 'Interpreting the Treaty: Questions of native title, territorial government and searching for constitutional histories', in Brad Patterson, Richard Hill and Kathryn Patterson's book, *After the Treaty: The Settler State, Race Relations and Power in Colonial New Zealand*.



Associate Professor Catherine Iorns



Being one of five educators brought in to assist the Native Hawaiian self-determination 'Aha, delivering a session on 'International law:

De-occupation, de-colonization, indigenous rights'.

Participating in Victoria University's Pacific Climate Change conference, speaking on the Paris Agreement, on West Papua and on teaching environmental law.

Winning a Thomson Reuters Publication Award for a 2015 article 'Māori cultural rights in Aotearoa New Zealand: Protecting the cosmology that protects the environment.' Image: ③

Dr Carwyn Jones



Being awarded a Victoria Engagement Excellence Award for demonstrating how academic thought can inform and stimulate public debate.

Image ④: Dr Carwyn Jones (centre), with MP and Victoria law alumnus Chris Bishop (left) and Vice-Chancellor Professor Grant Guilford (right).

The publication of *New Treaty, New Tradition: Reconciling New Zealand and Māori Law*.

Being invited to speak at a seminar in Lima on the impact of free trade agreements in Peru.

Emeritus Professor Sir Kenneth Keith



Delivering a paper 'The academic endeavour 1956–2016–????' at the Australasian Law Teachers Association conference.

Giving a public lecture, 'At home and abroad—a life in the law', co-hosted by the Stout Research Centre and the Faculty of Law.

Contributing the chapter 'Making law—who, how and what?', to Matthew Dyson et al's book *Fifty Years of the Law Commissions: The Dynamics of Law Reform Now, Then and Next*.

Dr Dean Knight



Presenting a paper on the modulation of the depth of scrutiny in judicial review at the biennial Public Law conference at the University of Cambridge.

Securing a contract with Cambridge University Press for the publication of my PhD thesis.

Delivering, with Eddie Clark, a revived elective course in administrative law, focusing on non-judicial accountability in the administrative state and built on a series of guest lectures from public office-holders, watchdogs and other officials.



Associate Professor Meredith Kolsky Lewis



Co-chairing the Society of International Economic Law's biennial conference in Johannesburg, which also marked the end of my

second three-year term as Co-Executive Vice President of the Society.

Visiting Geneva to serve as rapporteur of the International Law Association's Sustainable Development and the Green Economy in International Trade Law committee meetings, present at the British Institute of International and Comparative Law's annual World Trade Organization conference and judge the European Law Students' Association World Trade Organization Moot Court Competition's final oral rounds.

Contributing to a range of publications, including *International Economic Law and Governance: Essays in Honour of Mitsuo Matsushita* and *The Political Economy of International Law: A European Perspective*.

Our highlights—continued

**Dr Nessa Lynch**

Being involved with the campaign to raise the age of criminal majority from 17 to 18 years.

Seeing the results of the DNA project (2013–2015) being used by the Law Commission in the initial stages of their Review of the Criminal Investigations (Bodily Samples) Act.

Publication of the second edition of *Youth Justice in New Zealand*.

Dr Bevan Marten

Publishing articles in *law&history* and the *Journal of Legal History* on the British Empire's vice admiralty courts in the mid-nineteenth century.

Spending July in Hamburg at the Max Planck Institute of Comparative and International Private Law, and October/November in New Orleans at Tulane University Law School, on research leave finishing the manuscript for *Maritime Law in New Zealand*.

Hosting a workshop on maritime law in the Asia–Pacific, and editing the resulting articles for the *Australia and New Zealand Journal of Maritime Law*. Image: ⑤

Associate Professor Elisabeth McDonald

Co-convening, with Māmari Stephens, the New Zealand Law Foundation-funded Feminist Judgments Project Aotearoa:

Te Rino, involving the feminist (or mana wāhine) reimagining of past judgments.

Speaking on the 'New directions in justice' panel at the Women's Studies Association Pae Akoranga Wāhine conference at the University of Auckland.

Successfully initiating a Supplementary Order Paper to the Evidence Amendment Bill 2015 on an issue that will have importance for the prosecution of family violence.

Professor Campbell McLachlan QC

Being elected as the Arthur Goodhart Visiting Professor in Legal Science at the University of Cambridge.

Completing the second edition of *International Investment Arbitration* to be published by Oxford University Press, lecturing on 'Investment arbitration and general international law' at the Paris Arbitration Academy and being awarded a New Zealand Law Foundation grant to support research on 'Equality of the parties in investment arbitration' as rapporteur of the 18th Commission of the Institut de Droit International.

The publication of *Foreign Relations Law* (Cambridge University Press) in paperback and delivering lectures on the topic in Ottawa and Tokyo.

Professor David McLauchlan

Presenting a paper and participating in a panel discussion at the Obligations VIII: Revolutions in Private Law conference held at the University of Cambridge.

Presenting an assessment of damages for breach of contract to the Australasian Appellate Judges conference in Melbourne.

The publication of 'A better way of making sense of contracts?' in *Law Quarterly Review*.

Professor Geoff McLay

Publication of the Law Commission's report, *Modernising New Zealand's Extradition and Mutual Assistance Laws*.

Chairing the external subcommittee of the Legislation Design Advisory Committee. First year as editor of the *New Zealand Law Reports*.

Associate Professor Nicole Moreham

Being cited with approval by the Supreme Court of the United Kingdom in the high profile celebrity threesome case, *RJS*, and, in the satirical magazine *Private Eye*.

Speaking at various local events including the inaugural New Zealand Private Law Scholars' Roundtable, the Lawyers in Government conference and the Victoria University Spotlight Public Lecture Series.

The publication and launch of leading British privacy treatise, *Law of Privacy and the Media*, of which I am principal author and editor. Image: ⑥

**Dr Grant Morris**

The publication in a top US dispute resolution journal, *Conflict Resolution Quarterly*, of the article 'Eclecticism versus purity: Mediation styles used in New Zealand employment disputes' which was used prominently in the review of the Ministry of Business, Innovation and Employment's employment mediation services earlier in 2016.

Delivering a keynote address on commercial mediation at the 2016 Conflict Resolution conference in Wellington.

Doing a fortnightly slot on RNZ throughout 2016 on New Zealand history.

Joanna Mossop

The publication of *The Continental Shelf Beyond 200 Nautical Miles: Rights and Responsibilities* by Oxford University Press, supported by a grant from the New Zealand Law Foundation.

Participating as a senior scholar in the Four Societies conference in Canada, an initiative between the American, Canadian, Japanese, and Australian and New Zealand Societies of International Law.

Publishing 'Protests against oil exploration at sea: Lessons from the Arctic Sunrise Arbitration' in the *International Journal of Marine and Coastal Law*.

**Victoria Distinguished Fellow
Sir Geoffrey Palmer QC**

The publication of *A Constitution for Aotearoa New Zealand*.

Delivering the inaugural Lecretia Seales Memorial Lecture in Law Reform, entitled 'Law and life'. Image: ⑦

Professor John Prebble QC

Being appointed as Queen's Counsel. Image ⑥: From left: Sir John McGrath QC, Sir Geoffrey Palmer QC, Professor John Prebble QC, Professor Campbell McLachlan QC, and Hon Douglas White QC.

On a lecturing visit to Europe, conducting 20 doctoral seminars in Vienna, addressing the annual congress of the International Fiscal Association in Madrid and delivering a seminar at the Complutense University of Madrid on tax incentives.

Publishing half of the Cooke Series as part of the [Victoria University of Wellington Legal Research Paper Series](#).

Paul Scott

The publication of the sixth edition of *The New Zealand Legal System: Structures and Processes*, co-authored with Professor Jacinta Ruru and Professor Duncan Webb.

Contributing a chapter on New Zealand telecommunications regulation in *Competition in Telecommunications Markets: Key Regulatory Challenges*.

Returning Law and Economics (LAWS 335) to the Faculty of Law.

Dr Guy Fiti Sinclair

Completing and submitting a book manuscript, *To Reform the World: International Organizations and the Making of Modern States*, to Oxford University Press, to be published in February 2017.

Being appointed as Senior Fellow at Melbourne Law School and teaching a Master's course on the law of international organisations.

Co-organising the Technologies of Stateness: International Organizations and the Making of States workshop (co-sponsored by the New Zealand Centre for Public Law) at the European University Institute in Florence, Italy, and presenting a paper entitled 'The United Nations, public administration, and the making of postcolonial states'.

Our highlights—continued

**Professor Tony Smith**

Being the Arthur Goodhart Distinguished Visiting Professor at the University of Cambridge for the academic year to September 2016—meeting new members of the faculty and catching up with former colleagues.

Initiating, with Professor David Feldman, a new Master's seminar course in legislation, which he is carrying on.

Giving lectures at Bologna University (probably the oldest Law Faculty in the world), to a class of more than 300 and at Padua where John Caius had been a medical student.

Dr Matteo Solinas

Presenting a paper on the regulation of distributed ledgers at the London School of Economic's Blockchain and Financial Markets Technology: Perspectives from Law, Finance and Computer Science conference.

Being invited to join the Editorial Board of the *Journal of Banking and Finance Law and Practice* and the academic committee of the Banking and Financial Services Law Association.

Publishing a chapter entitled 'I finanziamenti mezzanini' in a leading Italian commercial law treatise, *Contratti e Operazioni di Finanziamento*.

Victoria Stace

Receiving the award for Best Early Career Academic Conference Paper at the Australasian Law Teachers Association conference for a paper entitled 'Liability of directors in tort for misleading prospectuses: The New Zealand Supreme Court considers the scope of the duty'.

Getting a paper, 'Mis-selling financial products: When can the customer claim in negligence?' published in a leading British law journal, *The Journal of Business Law*.

Establishing (with Matteo Solinas) a new legal interest group at Victoria to provide a link to the profession in the area of financial services law and hosting three very successful seminars on a variety of interesting topics.

Māmari Stephens

Seeing the enactment of Te Ture mō te Reo Māori 2016 (The Māori Language Act 2016), as a member of the Māori Language Quality Assurance Group that oversaw the correction and completion of the Māori language version of the Act.

Co-convening, with Associate Professor Elisabeth McDonald, the Feminist Judgments Project Aotearoa: Te Rino, including my primary focus on the mana wāhine strand. Image 9: *Feminist Judgments Project Aotearoa workshop*.

Presenting a paper on Māori and the welfare state at the International Symposium on Citizenship in a Transnational Perspective in Edmonton, Alberta.

Gordon Stewart

The Law Faculty's involvement in and drive behind the creation and launch of the new Master of International Trade. This is a wonderful

development in the University's offerings, and a solid step towards more pan-University/multidisciplinary offerings.

An increase in 100-level enrolments in 2016—acknowledging and endorsing the value of the skills and content of the LLB.

In a very bittersweet way, the launch of the Michael and Suzanne Borrin Foundation. Bitter, for obvious reasons. Sweet, because of the effects it will have on legal research in New Zealand, and because it will ensure that the Borrin name remains at the forefront of those developments.

Associate Professor Yvette Tinsley

Attending and chairing a session at the International Penal and Penitentiary Foundation colloquium on overuse in the criminal justice system, from which a book chapter about New Zealand's possible overuses in the system will be published in 2017.

Creating and extending existing links with the English judiciary (particularly in relation to jury trials), including as a consultant at the Judicial College course on judicial directions and vulnerable witnesses.

Seeing the first results from a research project on improving judicial communication to juries, including presentations to the judiciary and academia, and invitations to speak in the United Kingdom and Australia.

Fond farewells...

Kate Tokeley



Finding out that my article 'When not all sellers are traders' has been accepted to be published in the *Sydney Law Review*.

Being invited to give a presentation at the Australasian Consumer Law conference on the topic of 'Who is a trader?'.

Publishing my paper on legal paternalism in the marketplace in the *Australian Competition and Consumer Law Journal*.

Estair Van Wagner



Publishing papers in two special edition journals: 'Law's rurality: Land use law and the shaping of people-place relations in rural Ontario' in the *Journal of Rural Studies* special edition on Rurality as a Dimension of Environmental Justice and 'Law's ecological relations' in the Massachusetts Institute of Technology's Planning Journal *Projections* special edition on law and planning.

Participating in the Feminist Judgments Project Aotearoa: Te Rino, with a feminist reimagining of the New Zealand Supreme Court's climate change decision in *West Coast ENT v Buller Coal*.

Being awarded a Victoria Teaching and Learning grant to continue to develop the digital teaching tools I have been using to support my place-based approach to teaching and learning in resource management and natural resource law.

Elisabeth McDonald



The Faculty of Law's longest serving female academic—and one of the leading feminist scholars within the discipline of law in New Zealand—Associate Professor Elisabeth McDonald left Victoria in November to take up a Chair in Law at the University of Canterbury.

Elisabeth's association with the Faculty began in 1985, when she started her Bachelor of Laws. After an interlude in Washington DC and the University of Michigan, where she completed a Master of Laws on a Fulbright Scholarship, Elisabeth returned to Victoria in 1989 as a temporary lecturer, a position that was made permanent in 1990. She was promoted to senior lecturer in 1995 and to Associate Professor in 2005.

Elisabeth's research is informed by four distinct subject areas—criminal law, the law of evidence, law and sexuality, and feminist legal theory. Her current research includes co-convening the Feminist Judgments Project Aotearoa: Te Rino (the two-stranded rope), part of a global project in which lawyers and legal academics rewrite key judgments through a feminist lens. She is also continuing her work on rape trial process reform as part of a Marsden grant.

Pro Vice-Chancellor and Dean of Law Professor Mark Hickford says that while there are many positives for Elisabeth regarding the move, the Faculty will miss her many and outstanding contributions.

"She has been a wonderful colleague and a vital contributor to legal scholarship in New Zealand."

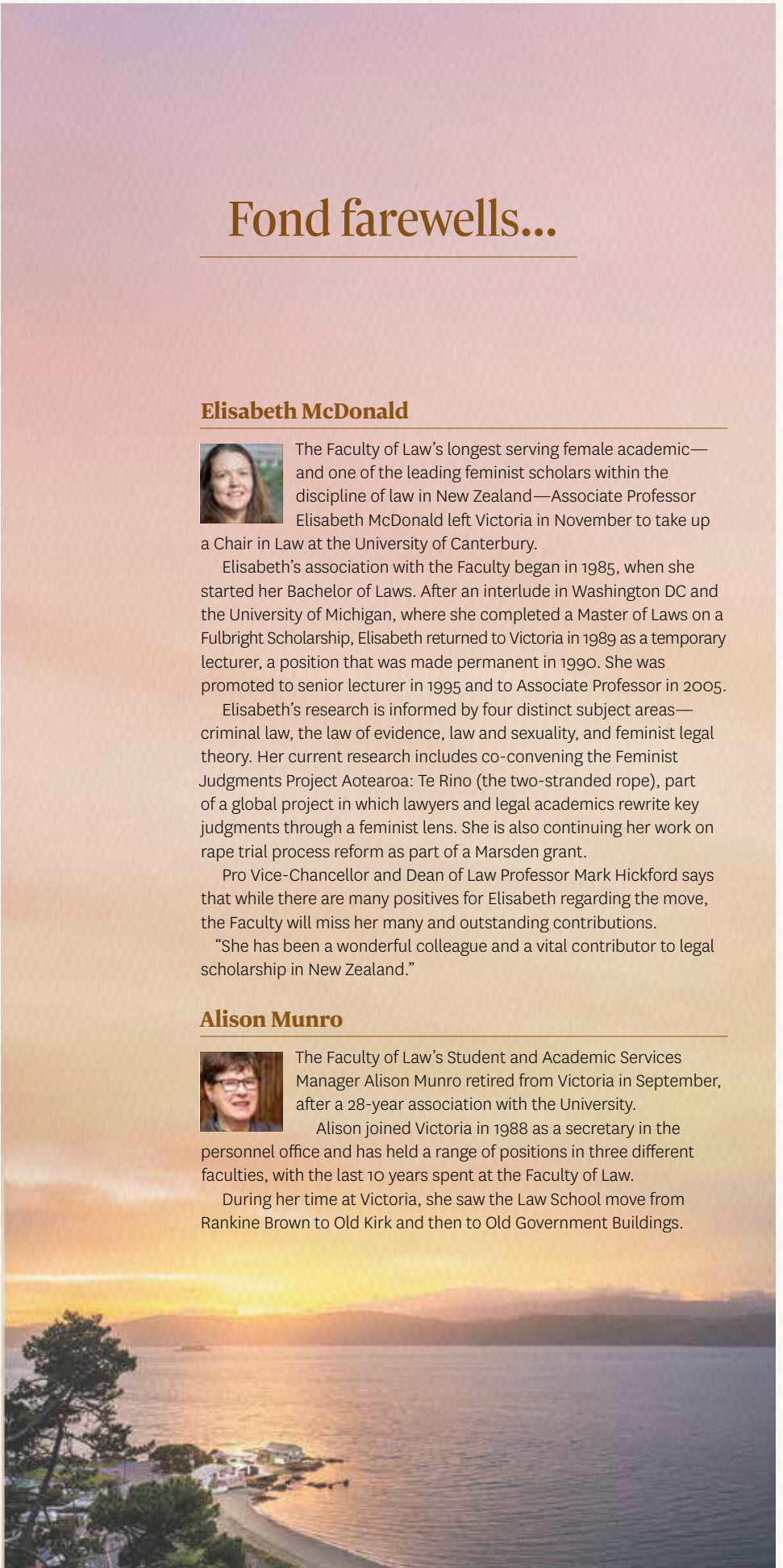
Alison Munro



The Faculty of Law's Student and Academic Services Manager Alison Munro retired from Victoria in September, after a 28-year association with the University.

Alison joined Victoria in 1988 as a secretary in the personnel office and has held a range of positions in three different faculties, with the last 10 years spent at the Faculty of Law.

During her time at Victoria, she saw the Law School move from Rankine Brown to Old Kirk and then to Old Government Buildings.



An eventful year

Some highlights from the Faculty of Law calendar

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February

The New Zealand Centre of International Economic Law held a panel discussion: **'The Trans-Pacific Partnership Agreement—what lies ahead?'**

The New Zealand Centre for Public Law co-hosted a symposium with the Ministry of Culture and Heritage and supported by the New Zealand Law Foundation: **'175 Years of interpreting the Treaty of Waitangi—legal, historical and political dimensions of interpreting the Treaty through time'**.

Dr Bevan Marten chaired the **Maritime Law in the Asia-Pacific Region conference** co-hosted by the New Zealand Centre of International Economic Law and the Maritime Law Association of Australia and New Zealand.

(February continued)

The inaugural **New Zealand Private Law Scholars' Roundtable**, chaired by Professor Graeme Austin (Victoria) and Associate Professor Jessica Palmer (Otago) and supported by the New Zealand Law Foundation, brought together 16 private law scholars from New Zealand law schools, as well as renowned international private law academic Professor Andrew Robertson from the University of Melbourne, who delivered a public lecture 'The limits of interpretation in the law of contract'.

April

The New Zealand Association for Comparative Law at Victoria co-hosted a **Small States seminar** with the Centre for Small States, Queen Mary University of London.

Sir Michael Cullen delivered a public lecture, **'Independent review of intelligence and security'**, to kick off the New Zealand Centre for Public Law's four-part Security Series, which included addresses from Cheryl Gwyn and Rebecca Kitteridge.

May

The New Zealand Centre for Public Law, Boston College Law School and the International Society of Public Law co-hosted a two-day symposium on **'Quasi-constitutionality and constitutional statutes'**.

June

Professor David E. Adelman, the Harry Reasoner Regents Chair in Law at the University of Texas, delivered a public lecture for the New Zealand Centre for Public Law entitled **'Climate change and executive action in the United States'**.



Australasian Law Teachers Association conference



Sir Kenneth Keith: At home and abroad—a life in the law



Hon Nathan Guy launching the Master of International Trade

J

July

The Faculty of Law hosted the 2016 Australasian Law Teachers Association conference, [Advancing Better Government, Sustainable Economies, Vibrant Communities: Law's Role?](#) Keynote speakers included Professor Sheryl Lightfoot from the University of British Columbia, Professor Lorne Sossin from Osgoode Hall Law School and Chief Justice Dame Sian Elias.

Chief Executive of the Centre for Public Integrity in Washington DC Peter Bale and the Faculty of Law's Dr Mark Bennett joined a panel discussion on 'The Panama Papers, lessons for law, policy and journalism', co-hosted by the New Zealand Centre of International Economic Law, New Zealand Centre for Public Law and Victoria Business School's Institute for Governance and Policy Studies.

A

August

Sir Geoffrey Palmer spoke on 'Law and life' at the inaugural **Lecretia Seales Memorial Lecture in Law Reform**. The lecture was established by Lecretia's husband Matt Vickers, in partnership with Dr Andrew Butler, Lecretia's lead counsel in *Seales v Attorney General*, and the Faculty of Law. The evening also marked the launch of Matt's book, *Lecretia's Choice*.

The New Zealand Centre of International Economic Law held a two-day conference, **Geographical Indications: The International Debate and Possible Ways Forward for New Zealand**, an interdisciplinary event including participants from across government and speakers from the Faculty of Law, Te Kawa a Maui (the School of Māori Studies) and the School of Geography, Environment and Earth Sciences.

S

September

George S. Ford, Chief Economist at the Phoenix Center for Advanced Legal and Economic Public Policy Studies in Washington DC, gave a lecture on 'The status of empirical evidence on copyright policies' as part of the New Zealand Centre of International Economic Law's Innovation and Investment Lecture Series 2016–2017.

O

October

The Faculty of Law and Victoria's Stout Research Centre co-hosted a public lecture by Emeritus Professor Sir Kenneth Keith 'At home and abroad—a life in the law'.

The New Zealand Centre for Public Law and the Institute for Governance and Policy Studies co-hosted a conference, **Advancing Better Government Through Legislative Stewardship**. The conference was opened by its parliamentary host, the Hon Christopher Finlayson Attorney-General, with Brenda King, First Legislative Counsel for Northern Ireland delivering a keynote address.

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November

The new multidisciplinary **Master of International Trade** degree was officially launched by the Hon Nathan Guy, Minister for Primary Industries.

Dawn Oliver, Emeritus Professor of Constitutional Law at University College London, was the fifth visiting Borrin Fellow in the Faculty of Law and delivered a public lecture on 'Constitutional guardianship: the roles of public or state sector bodies'.

D

December

The New Zealand Centre for Public Law, the International Law Association (New Zealand branch) and the New Zealand Association for Comparative Law co-sponsored an **International Humanitarian Law seminar**.

University of Oxford Professor of Legal Philosophy Timothy Endicott will deliver the annual Robin Cooke lecture on 'Lawful power'.

World class, world reaching research



Improving communication between judge and jury

The ability of juries to understand the task at hand is the focus of a trans-Tasman research project that compares the New Zealand fact-based summing up method with the law-based jury instructions given in Australia.

Associate Professor Yvette Tinsley has been working with Dr Warren Young on the New Zealand arm of the project, undertaking a field study of 44 jury trials in New Zealand—observing opening and closing addresses and summing ups, analysing transcripts of evidence and interviewing judges and jurors about comprehension and the outcome of the trial. The results are being compared with a similar field study in the state of Victoria as well as a simulated Australian study using 89 mock juries under different conditions.

The project, funded by the Australian Research Council and the New Zealand Law Foundation, builds on the original New Zealand Jury Study in 1999 which found traditional methods of summing up were perceived by jurors as too detailed, too technical, too long and delivered poorly. In response, the New Zealand judiciary introduced reform including a fact-based summing up method known as the question trail.

With the first stage of analysis near completion, Yvette says the initial results clearly show the benefits of fact-based summing up, both in terms of the efficiency of deliberations and the experience of jury members.

“The focus of the project is on improving judicial direction and communications to juries, so our next step, alongside releasing our research findings, is to continue to analyse the rich data and to make recommendations for the future.”





Beyond 200 nautical miles

Several years of research on the high seas has culminated in the book *The Continental Shelf Beyond 200 Nautical Miles: Rights and Responsibilities* for senior lecturer Joanna Mossop.

Joanna's research interests lie in public international law, including the United Nations Convention on the Law of the Sea—an international agreement covering the use of the world's oceans. Her book was supported by a grant from the New Zealand Law Foundation, and published by Oxford University Press.

The Law of the Sea Convention prescribes exclusive economic zones (EEZ) for nations that extend 200 nautical miles beyond their shores. Within these boundaries, all the seas' resources are covered by national laws. Beyond this mark, it becomes a bit more ambiguous.

"In New Zealand's case, the United Nations Commission on the Limits of the Continental Shelf has confirmed our rights over resources on our extended continental shelf that covers approximately 1.7 million square kilometres of seabed beyond the EEZ."

Joanna says the world's governments have been so focused on establishing the outer limits of their continental shelf that nobody has had a good look at the ensuing rights and responsibilities, which she has done in this book.

"I hope this book will lay the groundwork for international law discussions on this important area."



Murder, she wrote

The sentences handed down to children and teenagers convicted of murder in New Zealand are being examined to form a clearer picture of how judicial discretion is exercised in this complex area.

Dr Nessa Lynch's research involves analysing the judicial sentencing notes for almost all the convictions of children and youth for murder in the 2002 to 2015 period in New Zealand, considering how the limited judicial discretion is exercised within the presumptive sentencing regime under the Sentencing Act.

"As one of the most serious, if not the most serious offences on the statute books, the trial and punishment of murder is an exception to the separate and specialised youth justice system. This leads to incongruous situations such as a 16-year-old young person receiving a life sentence with a minimum period of imprisonment of 17 years—longer than their own lifespan to date," says Nessa.

Nessa says the sentencing of such youth involves a complex interplay between penal populist policies such as mandatory minimum sentences, and the characteristics of the young person as vulnerable and of lesser culpability.

"My research will contribute to questions around the application of mandatory and presumptive sentencing laws to young offenders, and to the relationship between public opinion, legislative response and judicial application of such laws."



New treaty, new tradition

The seed for Dr Carwyn Jones' new book, *New Treaty, New Tradition: Reconciling New Zealand and Māori Law*, was planted while Carwyn was completing his PhD research on the Treaty of Waitangi in New Zealand legal history at the University of Victoria in British Columbia in 2013.

"I started to think about turning my research into a book at that stage. I received a publication support grant from Ngā Pae o Te Maramatanga (New Zealand's Māori Centre of Research Excellence) and after spending a year or so re-working my dissertation, I got to the point where I was able to spend part of my research and study leave last year working on the final revisions to the manuscript at the Ka Huli Ao Center for Excellence in Native Hawaiian Law at the University of Hawai'i."

The book, published by the University of British Columbia Press and Victoria University Press, looks at how the resolution of historical Treaty of Waitangi claims continues to shape Māori and state legal traditions and suggests ways in which indigenous legal traditions can form an important part of reconciliation processes in other parts of the world.

Carwyn says that thinking about the consequences for Māori law in the Treaty settlement process has inspired further research.

"It made me want to do more work around the practical application of Māori legal traditions and to examine how the Māori legal system works on its own terms or from an internal perspective. That is what my current Marsden-funded project 'Exploring Māori legal traditions' is all about."



Better safe than sorry laws focus of sustainable seas research

The expertise of environmental law specialist Associate Professor Catherine Iorns is being called on for a major science research project that aims to enhance use of New Zealand's vast marine resources.

Sustainable Seas is one of the Government's 11 National Science Challenges designed to tackle New Zealand's biggest science-based challenges. This Challenge is focused on developing an ecosystem-based approach to managing our marine resources that integrates management of natural resources, recognises the full array of interactions within an ecosystem—including human—and promotes both sustainable use and conservation in an equitable way.

Catherine says her research focuses on New Zealand's "better safe than sorry" laws.

"I have a research grant to study how risk, caution and cumulative effects are being considered and responded to in New Zealand's legal framework, and how they might better be handled in order to implement an ecosystem-based approach. For example, some laws implement a precautionary approach but they each do it differently and none were developed with the aim of implementing a modern ecosystem-based approach. We first need to make an assessment of the current laws and then need to make recommendations for how we might do it better."

Catherine has four research assistants, each working on different aspects of the project. Results are due at the end of 2017.



Access to justice for small and medium-sized enterprises

Expanding into foreign markets can be daunting for New Zealand businesses—particularly small and medium-sized enterprises (SMEs)—not least because of issues around accessing justice when disputes arise.

"Because of the barriers, SMEs are often dissuaded from engaging in international trade, even though to do so would be beneficial for both the businesses and the economy generally," says Associate Professor Petra Butler.

Petra is involved in a research project with Chris Nixon from the New Zealand Institute for Economic Research, graduate Hanneke van Oeveren and student Georgia Whelan looking at how SMEs negotiate cross-border contracts and which dispute resolution mechanism best takes account of the realities of SMEs.

"Research so far suggests that SMEs do not seek justice when a dispute arises but instead will choose to not trade again," says Petra.

The research team has been conducting empirical research in New Zealand and is about to take its research overseas to get a more comprehensive picture on the needs of SMEs worldwide.



Legal lens on climate change relocation

The legal implications of climate change for low-lying Pacific Island nations is the focus of a research project undertaken by Associate Professor Alberto Costi and research fellow (and PhD candidate) Nathan Ross, funded by the New Zealand Law Foundation.

They are examining the future legal status under international law of low-lying atoll nations whose territories are threatened by climate change, and how international law can support the relocation of people from Pacific Island states to other territories not threatened by rising sea levels.

“We are looking at ways to prevent fragmenting the populations and instead maintain statehood, national identity, language and culture, and protect existing rights,” says Alberto.

Their research also looks into the policy implications for New Zealand if it partners with any of these low-lying nations on possible relocation options.

Image: In Samoa, Alberto Costi and Nathan Ross with the Secretariat of the Pacific Regional Environment Programme's Director-General Kosi Latu.

Constituent power project attracts Marsden funding

Senior lecturer Dr Joel Colón-Ríos has been awarded a \$420,000 Marsden Fund grant to support a research project on constituent power and the law.

“Constituent power—the popular power to create a constitution—has been traditionally associated with revolutions and extra-legal actions. Nevertheless, this concept has been used by judges, government officials, jurists and citizens in different jurisdictions to challenge or justify the legal validity of governmental and popular action,” says Joel.

“By studying the functions played by constituent power in the constitutional law of different jurisdictions, the project will consider the extent to which constituent power should be understood as a concept that, like the ‘rule of law’ or ‘parliamentary sovereignty’, is not part of positive law but can be used to assess the legal acceptability of political action.”

Joel’s project will result in a number of articles, as well as a book currently under contract with Oxford University Press.





Intellectual property for a small developed economy

Much research and thought about the history, framing and consequences of intellectual property law in New Zealand has led to the publication of *Patent Law and Policy*, authored by Professor Susy Frankel and Dr Jessica Lai from Victoria's School of Accounting and Commercial Law.

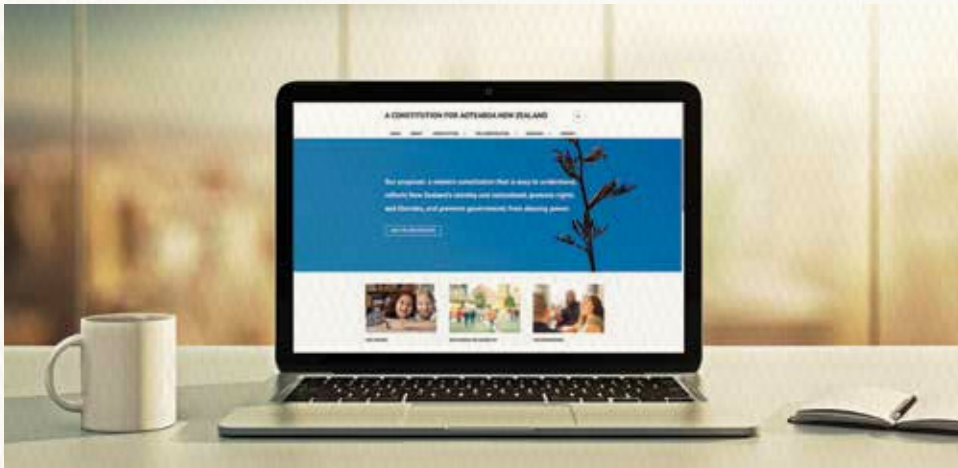
The book follows hard on the heels of Susy's 2015 book, *Test Tubes for Global Intellectual Property Issues: Small Market Economies*, which explored the unique position of small market economies and international issues in intellectual property law.

"In large developed economies, patent law tends to serve the local industry. But while New Zealand is developed, it is more like a developing country due to its reliance on importing the products of science and technology," says Susy.

"At the same time, research and development in New Zealand means that patent law should be fit for encouraging local innovation and, therefore, the law needs to take into account more than just incentives for large overseas-based scientific developments."

Patent Law and Policy addresses two core questions—what is the law in New Zealand and what is the policy behind the law—and makes suggestions about law and policy in light of New Zealand's particular situation as a predominantly importing small market economy.

"It was great to have financial support for both books from the New Zealand Law Foundation. Research in this field never finishes as intellectual property law is so dynamic, just like the subject matter that it attempts to regulate."



New Zealanders asked how much power the government should have

A book on a proposed new constitution for New Zealand is just the starting point for a nationwide conversation about how New Zealanders want their government to work.

A Constitution for Aotearoa New Zealand, written by Victoria Distinguished Fellow and former prime minister Sir Geoffrey Palmer and constitutional expert Dr Andrew Butler, was launched in September along with the website constitutionaotearoa.org.nz.

The authors are seeking New Zealanders' views about whether we should have a written constitution and, if so, what should be in it, whether New Zealand should replace the monarchy with a New Zealander as Head of State, whether the Bill of Rights or the Treaty of Waitangi should be included in a written constitution and what limits there should be on government powers, among other topics.

Sir Geoffrey and Andrew plan to publish a revised edition of the book at the end of 2017 after considering feedback and submissions.

Join the conversation:

- 🌐 constitutionaotearoa.org.nz
- 📘 @constitutionaotearoanz
- 🐦 @ConstitutionNZ

Research in 2016 supported by:

- 8 x New Zealand Law Foundation grants
- 4 x Marsden Fund grants
- 1 x Rutherford Discovery Fellowship
- 1 x Ministry of Foreign Affairs and Trade grant
- 1 x Landcare Research grant
- 1 x Parliamentary Counsel Office grant

Published in 2016

Authored books

Bill Atkin (with others) *The Law of Torts in New Zealand* (7th ed, Thomson Reuters, Wellington, 2016).

Susy Frankel (with Daniel J Gervais) *Advanced Introduction to International Intellectual Property* (Edward Elgar, Northampton USA, 2016).

Susy Frankel (with Jessica C Lai) *Patent Law and Policy* (LexisNexis, Wellington, 2016).

Dean R Knight and Edward Clark *Regulation Review Committee Digest* (6th ed, New Zealand Centre for Public Law, Wellington, 2016).

Carwyn Jones *New Treaty, New Tradition: Reconciling New Zealand and Māori Law* (University of British Columbia Press, Vancouver, 2016).

Nessa Lynch *Youth Justice in New Zealand* (2nd ed, Thomson Reuters, Wellington, 2016).

Paul Scott (with Jacinta Ruru and Duncan Webb) *The New Zealand Legal System: Structures and Processes* (6th ed, LexisNexis, Wellington, 2016).

Edited books

Tony Angelo *The Cook Islands Legislation: A Finding List as at 1 March 2016* (Law Publications, Wellington, 2016).

Tony Angelo *The Cook Islands Legislation Supplement 2013–2016* (Law Publications, Wellington, 2016).

Bill Atkin (General Editor) *The International Survey of Family Law 2016 Edition* (Jordans, Bristol, 2016).

Susy Frankel (with Daniel J Gervais) *The Internet and the Emerging Importance of New Forms of Intellectual Property* (Wolters Kluwer, The Netherlands, 2016).

NA Moreham and Sir Mark Warby (Eds) *Tugendhat and Christie Law of Privacy and the Media* (3rd ed, Oxford University Press, 2016).

ATH Smith (Ed) *Glanville Williams: Learning the Law* (16th ed, Sweet & Maxwell, London, 2016).

Scholarly works of Lord Cooke

Lord Cooke of Thorndon's perspectives on administrative law, a Bill of Rights for New Zealand and indigenous rights were published as a series of collected papers in Volume 6 of the *Victoria University of Wellington Legal Research Papers E-Journal*. www.victoria.ac.nz/legal-papers

Special issues

Two special issues of the *Victoria University of Wellington Law Review* were published in 2016, featuring papers from the New Zealand Private Law Roundtable, held at the Law School in February. The *New Zealand Journal of Public and International Law* also published a special symposium issue on 'International organisations and the rule of law: Perils and promise'.

For a full list of published research in 2016:

victoria.ac.nz/law/research





Centres of research excellence

THE NEW ZEALAND CENTRE OF INTERNATIONAL ECONOMIC LAW *Innovation Trade Investment*

The New Zealand Centre of International Economic Law (NZCIEL) had a great year focused on research and diffusion of that research.

The year began with a panel discussion, 'The Trans-Pacific Partnership Agreement—what lies ahead', with NZCIEL Associate Director Associate Professor Meredith Kolsky Lewis, Professor Gordon Anderson, Dr Carwyn Jones and NZCIEL Director Professor Susy Frankel. Image: ①

A book of essays from scholars around the world, *The Internet and the Emerging Importance of New Forms of Intellectual Property*, was published, bringing together papers from a conference that was sponsored by InternetNZ. The path from conference to published work is often a busy one involving much behind the scenes review and editorial work and it is

sponsorship and support that make this kind of work possible.

NZCIEL's faculty affiliates have been busy. Highlights included a conference, Maritime Law in the Asia-Pacific Region, chaired by Dr Bevan Marten in conjunction with the Maritime Law Association of Australia and New Zealand, and supported by the New Zealand Law Foundation. The conference included presentations from Professor Henrik Ringbom (Scandinavian Institute of Maritime Law, Norway) and Professor Hong Jun Shan (Vice President, Dalian Maritime University, China). Papers from the conference have been published in the [Australia and New Zealand Maritime Law Journal](#).

Another important development was the establishment of a Corporate and Financial Law Reading Group, an initiative to provide a forum for discussion of common interests and work-in-progress presentations from academics, solicitors and other professionals working in the fields

of corporate and financial law, co-founded by Dr Matteo Solinas and Victoria Stace.

Susy and NZCIEL research affiliate Professor Daniel Gervais from Vanderbilt Law School, hosted a successful conference, Geographical Indications: The International Debate and the Best Way Forward for New Zealand, which attracted policy makers and practitioners from around New Zealand and Australia. Speakers included Daren Tang, Head of Singapore's intellectual Property Office, Professor Justin Hughes of Loyola Law School and Elizabeth Barham, American Origin Products and University of Missouri.

NZCIEL is grateful to the Wellington government and business community for its ongoing and important support of the Centre's activities.

① victoria.ac.nz/nzcziel



This year has been another bumper year of events and activities for the New Zealand Centre for Public Law.

The Centre hosted a number of conferences and symposia on a diverse range of topics, including the Treaty of Waitangi (Image: ②), constitutional law and—notably—a conference on legislative stewardship, co-hosted with the Institute for Governance and Policy Studies. Advancing Better Government Through Legislative Stewardship attracted more than 150 officials, drafters, lawyers, scholars and others with an interest in the legislative enterprise. Image: ③

In addition, the Centre supported a number of other conferences such as the Lawyers in Government conference and a conference at the European University Institute, Technologies of Statelessness: International Organisations and the Making of States.

The Centre's major lecture series for the year focused on security, with Sir Michael Cullen addressing the independent review of security and intelligence, Cheryl Gwyn on her role as Inspector-General of Intelligence and Security, and Rebecca Kitteridge speaking about the New Zealand Security Intelligence Service that she leads. The series was rounded out by a panel discussion, with a number of commentators providing an external perspective on matters of security and intelligence.

As usual, a number of members of the Centre and visiting scholars also presented seminars and lectures, including Professor John Borrows (Uvic)

Prof Jerry Mashaw (Yale), Dr Niami Creutzfeldt (Oxford), Joanna Mossop (Victoria), Sir Geoffrey Palmer (Victoria), Professor Thomas Poole (LSE) and Professor David Adelman (Texas). The Centre also co-hosted an address from Peter Bale and associated panel discussion on the Panama Papers. Dr Jason Varuhas' book was also welcomed by an address from him followed by a panel discussion.

Steven Price, as senior research fellow of the Centre, was commissioned to produce an independent report card on the New Zealand Government's Open Government Partnership action plan. The plan sets out the Government's commitments to deliver improved integrity, transparency, participation and accountability over the forthcoming years. Steven's report noted that the Government had made some progress in achieving its commitments but that the goals "could have been more clearly focused and ambitious". victoria.ac.nz/nzcpl

Māori Law Review

A MONTHLY REVIEW OF LAW AFFECTING MĀORI

The Māori Law Review engaged in a range of activities in 2016, with co-editors, senior lecturer Dr Carwyn Jones and Crown Law Office team manager Craig Linkhorn, supported by student editor Indiana Shewan.

With support from the Faculty of Law, the Māori Law Review also hosted Emerald UnRuh as a Visiting Indigenous Scholar from Canada. Emerald is of Métis descent and spent three months here as part of a prestigious Loran Scholarship.

Our annual Indigenous Law Speaker Series included Professor N. Bruce Duthu, the Samson Occom Professor and Chair of Native American Studies at Dartmouth College, whose seminar was entitled 'Indigenous law, the state and legal pluralism', and Assistant Professor Craig Kauffman from the University of Oregon who spoke about his work with indigenous people in Ecuador on the rights of nature.

The Māori Law Review and Ngā Rangahautira (Victoria's Māori Law Students Society) also jointly hosted a seminar on He Ruruku Whakatupua—the Whanganui River settlement that will establish the river itself as having legal personality. There is significant global interest in this ground-breaking settlement and the Māori Law Review's coverage of the issue was picked up in a feature on the

[New York Times](#) website. He Ruruku Whakatupua was also the subject of Tyson Hullen's winning entry in the 2016 Sir Edward Taihakurei Durie essay competition, sponsored by the Māori Law Review.

The Te Ture Whenua Māori Bill was introduced in 2016, representing a major reform of Māori land law. Our 2015 Māori Law Review student editor, Toni Love, was awarded a summer scholarship (jointly funded by Victoria and Te Puni Kōkiri) to analyse the changes proposed. The Māori Law Review June issue was devoted to a series of pieces written by Toni examining different aspects of the Bill. This provided the basis for seminars convened by the Māori Law Review and supported by Buddle Findlay featuring a range of Māori land law experts and practitioners and chaired by Māori Law Review consultant editor, Professor Jacinta Ruru.

Jacinta this year became the first Māori person to be appointed as a Professor of Law and Carwyn and Craig were privileged to be amongst a full house at her inaugural lecture at the University of Otago in September. The Māori Law Review co-editors are very proud of the Review's association with the range of impressive people who contribute as consulting editors, authors and student editors and their achievements.

📧 maorilawreview.co.nz

Student life



2016 has been a great year for student life at the Law School. The year was packed full of social, educational and careers events, and saw more and more students engaging in what the Victoria University of Wellington Law Students' Society (VUWLSS) has to offer.

A highlight of the year was our new partnership with the Auckland District Law Society which saw the introduction of work experience opportunities throughout Wellington for students in their penultimate and final years of study.

With sport a focus, VUWLSS was successful in rugby against the Geology Society and netball against the Psychology Society, but unfortunately just missed out against the Commerce Society in soccer. A hardy group of four travelled up to 'Log of Wood' in Hamilton—a sports tournament between Auckland and Waikato Universities and the Auckland University of Technology—and this may be an opportunity offered to a wider range of students in the coming years.

The social calendar was as jam-packed as ever—Wine and Cheese, T-Shirt Night, Cocktail Night, the Law Ball, Leavers Dinner and VUWLOOSE were all well attended and successful events. A new initiative—Fun Day—run conjointly with the Commerce Society on the last day of the term included free food and a visit from SPCA puppies.

In addition to the many legal skills competition successes we had this year, including winning the President Shield for the most successful university at the New Zealand Law Students' Association conference, the education side of VUWLSS activities really took off. More students than in previous years were engaged in study groups, the Kensington Swan mentoring programme and the Bridging the Gap mentoring programme, run in conjunction with the Wellington Young Lawyers Committee.

Massive thanks to the 2016 executive team for the year and good luck to the 2017 team!

Victoria Rea
Outgoing VUWLSS President

New president

The end of Trimester Two brought an end to the reign of the 2016 VUWLSS executive. Incoming president Charlie Wilkinson who hails from Auckland and is in her fourth year, plans to focus on the equity of law students, alternative career paths and support for an academic dinner in 2017.

Image ①: Outgoing and incoming VUWLSS Presidents, Victoria Rea (left) and Charlie Wilkinson (right).



Cover story

The Wellington Community Justice Project (WCJP) made the front cover of *LawTalk* with students Yousuf Ahmed and Ruby King featured outside of Wellington District Court cell bars. The cover story focused on the vital role of WCJP in improving access to justice and legal services, the role played by Victoria law students and the opportunity it offers students to gain practical legal experience while effecting positive change in the community.

© wellingtoncjp.com Image: ②

Know Your Mind

Law student Joshua Trlin may be a familiar face. As part of Victoria's *Know Your Mind* campaign, Josh was part of our national 'Apply Now' campaign, featuring on billboards, adshels, bus backs, cinema digital and other advertising. *Image* ③.
 ④ www.victoria.ac.nz/josh-trlin



After Paris, after Winston—the Pacific

The Pasifika Law and Culture conference was hosted by the Faculty of Law for the first time in July, bringing together Pacific law students with legal scholars to increase the understanding of Pacific legal issues and strengthen relationships.

Organised by Pasifika Law Coordinator Lagi Tuimavave and Professor Tony Angelo, the two-day conference was opened by former Governor-General and Chair of the Commonwealth Foundation Sir Anand Satyanand and Dr Teresia Teaiwa, Director of Va'aomanū Pasifika at Victoria. Children's Commissioner Judge Andrew Becroft opened day two with an engaging presentation on youth justice and the challenges facing young people.

Image ④: Lagi Tuimavave (centre) with other Pacific law students.



Student successes

Caleb O'Fee received the Judge Les Atkins QC Memorial Prize in Evidence Law for 2016, the first year in which the prize has been awarded.

Eve Bain and **Hayden Dempsey** argued their way into the quarterfinals at this year's Asia–Pacific International Humanitarian Law Moot in Hong Kong.

Mariah Hori te Pa represented Ngā Rangahautira (the Māori Law Students' Association) at Te Hunga Roia National Moot at Hui-ā-tau.

Katja Heesterman won the national EC Adams Memorial Prize in Land Law with her LAWS 317 Natural Resource Law research essay.

Fayez Shahbaz and **Eve Bain** won the Louis M Brown and Forrest S Mosten International Client Consultation Competition in Canada, beating 18 teams from around the world. *Image:* ⑤

Callum Beattie and **Jack Barclay** joined 800 other climate champions from 58 countries at Al Gore's Climate Change Reality Leadership Training in Manila in The Philippines.

Toni Love won the prize for the best student oral presentation at the Society for Conservation Biology Oceania conference in Brisbane.

Geordie Johnson and **Victoria Rea** represented Victoria at the Asian Law Students' Association Forum in Bangkok, Thailand.

Marek Townley, **Anna Prestidge** and **Isobel Pepper** were among only four students selected to take part in the 33Sixty Commonwealth-focused leadership programme in Singapore.

Eve Bain, **Sean Brennan**, **Harrison Cunningham**, **Morgan Evans**, **Cameron Martin**, **Stephen Woodward** and **Darryn Ooi** represented Victoria—and New Zealand—in the legal skills competitions at the Australian Law Students' Association Asia–Pacific conference in Tasmania. *Image:* ⑥

Victoria Rea was elected as President of the New Zealand Law Students' Association for 2017.

Eru Kapa-Kingi featured on Māori TV with his triplet brothers Hemi and Tipene, who are also studying at Victoria, about their plans to help improve the Māori economy, health and alleviate poverty in Northland.

For more student prizewinners:

④ victoria.ac.nz/law-awards-scholarships

Law alumni—here and abroad



Chris Bishop (BA 2007, LLB(Hons) 2009) was a finalist in the Government category for Wellingtonian of the Year.

David Bullock (LLB(Hons) BCom 2012) won the prestigious William Georgetti Scholarship and received a Fulbright New Zealand General Graduate Award to study for a Master of Laws at Yale.

Professor Roger Clark (BA LLB 1964, LLM 1967, Hon LLD 2014) was nominated for a Nobel Peace Prize.

Helen Cull QC (LLB(Hons) 1978) was appointed as a Judge of the High Court.

Harriet Farquhar (LLB(Hons) 2016) was awarded the prestigious Victoria University Medal for Academic Excellence and was chosen to deliver a speech on behalf of all graduates at Victoria's May graduation ceremony.

Sally Fitzgerald (LLB 1992) was appointed as a Judge of the High Court.

Sarah Grimmer (BA LLB 1997) was appointed as Secretary General for the Hong Kong International Arbitration Center.

Una Jagose QC (LLM 1995) succeeded Michael Heron QC as Solicitor-General.

Jessica Kerr (LLB(Hons) 2006) was appointed as a Magistrate in the Judiciary of Seychelles.

Hon Justice Stephen Kós (LLB(Hons) 1984) was appointed as President of the Court of Appeal.

Dr Jennifer Moore (LLB(Hons) 2010) was the 2015–16 New Zealand Harkness Fellow in Healthcare Policy and Practice and undertook health law research at Stanford and Harvard Universities.

Former Faculty of Law Lecturer and Victoria University Council member **Her Excellency The Rt Hon Dame Patsy Reddy** (LLB 1976, LLM(Hons) 1979) was sworn in as the 21st Governor-General of New Zealand on 28 September 2016, a role she will hold for five years. *Image: ①*

Stacey Shorthall (BCom 1994, LLB 1995) won a Blake Leader Award for her passionate advocacy for the wellbeing of women and children, particularly in the prevention of violence.

Tuiloma Neroni Slade (LLB 1968) was awarded an Honorary Doctorate from Victoria University of Wellington for his pioneering work in new fields of law and his outstanding service in the Pacific.

Alexandra Sinclair (BA LLB(Hons) 2013) received a Fulbright New Zealand Science and Innovation Graduate Award to complete a Master of Laws degree specialising in intellectual property and civil and indigenous rights at Columbia Law School.

Judge John Walker (LLB 1975) was appointed as a Principal Youth Court Judge.

New Year's and Queen's Birthday Honours 2016

- **Hon Justice Pamela Andrews** (LLB 1983): Companion of the New Zealand Order of Merit for services to the judiciary.
- **Hon Justice Terence Arnold** (BA 1968, LLB(Hons) 1970, LLM 1972): Knight Companion of the New Zealand Order of Merit for services to the judiciary.
- **Judge Leslie Atkins QC** (deceased) (LLB 1971, LLM 1977): Companion of The Queen's Service Order for services to the judiciary.
- **John Chadwick** (LLB 1971): Member of the New Zealand Order of Merit for services to Māori and the law.
- **Reverend John Drylie** (LLB 1971): The Queen's Service Medal for services to the community.
- **Heta Hingston** (LLB 1969): Companion of The Queen's Service Order for services to Māori and the judiciary.
- **Hon Justice Alan McKenzie** (BA 1966, LLM(Hons) 1971): Companion of the New Zealand Order of Merit for services to the judiciary.
- **Catherine Quinn** (LLB 1986): Officer of the New Zealand Order of Merit for services to the law and women.
- **Conrad Smith** (LLB(Hons) 2004): Member of the New Zealand Order of Merit for services to rugby.
- **Phillippa Smith** (BA LLB 1979, MPP 1996): Companion of The Queen's Service Order for services to the state.
- **Victoria Spackman** (BA 1998, LLB 2001): Officer of the New Zealand Order of Merit for services to theatre, film and television.
- **Rachel Taulelei** (LLB 1998): Member of the New Zealand Order of Merit for services to the food and hospitality industry.



Obituaries

In March the legal community lost **Judge Ian Borrin** (LLB 1958). A retired District Court judge, he dedicated his life to the law and was always a welcome face around the Law School, helping with the *Victoria University of Wellington Law Review*, supporting the development of a room for postgraduate study in the law library and creating the Ian Borrin Visiting Fellowship. He was as generous in passing as he was in life with a \$30 million charitable trust devoted to legal education and research established in the names of his late parents Michael and Suzanne Borrin.

Judge Leslie Atkins QC (LLB 1971, LLM 1977) died in May. A former student and lecturer at the Faculty of Law, Les established a successful career as a criminal defence lawyer in Palmerston North. Made a Queen's Counsel in 1990, he served as a District Court judge from 1997 until 2015, also working with the Law Commission. Les was honoured for his services to the judiciary in the New Year's Honours in 2016.

We were saddened to hear of the death of **Dr Guy Powles** (BA LLB 1959, LLM 1974) in July in Melbourne. Guy was a student at the Faculty of Law in the 1950s, in practice in Wellington, a magistrate in Samoa and a long-time member of the Law Faculty at Monash University. The Powles family has many connections with the University, with Guy's brother Michael and father Sir Guy both law graduates. Guy's great grandfather Charles Plummer Powles was the first Registrar of Victoria.



Fran Wright Memorial Prize in Criminal Law

Associate Professor Elisabeth McDonald and former faculty member Dr Caroline Morris have established a prize to honour Fran Wright, a valued former member of the Faculty of Law who died in 2014. The prize is for a criminal law student who best continues the legacy of Fran by approaching the study of criminal law with diligence, thoughtfulness and an excellent understanding of the social and policy implications of New Zealand criminal law. The inaugural recipient was Joshua Trlin.



Private law prize honours top New Zealand judge

A bequest from Sir Ivor Richardson has enabled the Faculty of Law to acknowledge his impact on New Zealand's legal landscape and his long association with Victoria University. The I.L.M. Richardson Prize in Private Law recognises outstanding performance by a law student at Victoria across contract, equity, property and tort law. The prize will be awarded in 2017 for the 2016 academic year.

Where are they now?

Recipients of the John Miller Award in Social Justice and Community Development



“Prior to studying law, I was a social worker. On reflection, that early experience had a profound and positive impact on my subsequent

legal career. This award celebrates those students for whom law is a passion, and a vehicle for change.”

Alumnus John Miller is one of New Zealand’s leading ACC law experts. A former senior lecturer at the Faculty of Law, John has represented injured people for the last 30 years and is a tireless campaigner for ACC claimants’ rights. He is a sought after public speaker, media spokesperson and author on personal injury law.

Established in 2006, the John Miller Award in Social Justice and Community Development is an annual undergraduate and postgraduate award (\$1000 each) that aims to recognise and promote:

- the provision of leadership in significant practical or theoretical contributions to social justice and/or community development
- the spirit of social responsibility amongst future lawyers and legal professionals
- the public function of the law and legal study
- a body of research into the issues of social justice and community development.

The award also allows the recipient to nominate a charity of their choice for a \$250 donation.

We spoke to some previous award recipients:



2010: Helena Cook (nee Nunn)

Where are you living and working now?

I’m living in Wellington and work for the Ministry of Foreign Affairs and Trade on New Zealand’s bilateral relationship with Fiji.

What’s a stand-out memory from your time at Law School?

The launch of the Community Justice Project in 2010, where Judge Becroft spoke about the honour of the legal profession and the virtue of using our budding legal skills to engage with the community in public interest activities, particularly access to justice.

Which charity did you choose?

The Prisoners Aid and Rehabilitation Society.

What social justice/community development issue are you passionate about?

I think often about the crisis in Syria and the virtual impotency of the United Nations Security Council to take action in light of the P5 veto right. In domestic social issues there are often opportunities to take pragmatic steps that can relieve the situation (even if in small ways). The complexities and political tensions surrounding social justice in the global arena appear to frustrate attempts to make even small change. So I’m thoughtful of where there could be opportunities within global diplomacy for innovative initiatives that serve to restore the dignity and rights of those suffering.



2012: Anna Whaley

Where are you living and working now?

I’m working at DLA Piper, in their Wellington office, as a solicitor in the corporate team.

What’s a stand-out memory from your time at Law School?

My participation in the Wellington Community Justice Project. I was at its first AGM, and went from a volunteer on the human rights team, to a project leader of the advocacy team, to the student director in my final year. I was so fortunate to experience it from all of those different angles, and loved seeing it develop and grow.

Which charity did you choose?

The Wellington Community Justice Project, which had just become a registered charity the year before!

What social justice/community development issue are you passionate about?

Within New Zealand, I’m really affected by the refugee issue. There are so many displaced people in the world at the moment, and I am concerned to see New Zealand (and New Zealanders) doing as much as we can to help solve that issue—whether it’s by taking more refugees, helping them settle into our communities or by simply increasing our awareness of the issues that refugees are facing. I’m fortunate to be currently volunteering with New Zealand Red Cross, allowing me to address some of these issues.



2013: Julia Whaipooti

Where are you living and working now?

I live in Wellington and work for Community Law Centres o Aotearoa. I am the Kaitakawaenga/National Māori Coordinator, responsible for ensuring Community Law works more effectively with Māori communities. I am also the Chair of JustSpeak, an organisation that empowers young people to speak out for change in the criminal justice system.

What's a stand-out memory from your time at Law School?

I recall sitting in one of my first lectures and being told, "Look left, look right. Only one of you will be here at the end of the year." That was quite a violent introduction! For those of us who did not come from a 'legal' family, we already felt quite out of place. As I progressed, I became driven to shift the 'norm'. In my final years, I was President of Nga Rangahautira/Māori Law Students' Association, helping to empower Māori Law students to feel we belong at Law School too.

Which charity did you choose?

The Taitimu Trust, a Napier group that works closely with young 'at risk' Māori communities, particularly in the area of suicide prevention.

What social justice/community development issue are you passionate about?

I am a passionate advocate for transformative law changes within the criminal justice system. Māori represent 50 percent of our prison population, but just 15 percent of our national population. Unfortunately this has become a 'normal' statistic. The drivers that lead to crime reflect broader social failures in our communities. I see the system as being the end of the conveyor belt of these failures and am driven to shift it to one that reduces harm.



2015: Mariah Hori Te Pa

Where are you living and working now?

I have just finished my fifth year at Victoria, studying an LLB/BA. Next year will be my last. Over the summer I will be working on a summer research project with Nessa Lynch, around children's rights and interests in youth justice. I also work part time at the Ministry of Justice.

What's a stand-out memory from your time at Law School?

My last three years have been wonderful because of the student communities I have been a part of. The Wellington Community Justice Project has definitely been a highlight, and I know many of the other John Miller Award recipients have been influential members of the team, so I feel honoured to follow in their footsteps. I also feel so blessed to have my Māori whānau and Pasifika aiga within the Law School. When I leave university, it is the people and the community feeling that will be the stand-out memories for me.

Which charity did you choose?

Wellington Rape Crisis. This charity is so important for survivors of rape and sexual abuse and their whānau.

What social justice/community development issue are you passionate about?

I am passionate about many social justice and equity issues, and have my fingers in so many pies here at Victoria! In particular I am involved and interested in youth justice, and justice for Māori, Pasifika, women, Mana Wahine and queer circles. I try to do what I can, where I can, to lend an ear and my voice when needed. I feel so grateful for my law degree enabling me to become a confident advocate and activist for the issues and people I care deeply about.



2015: Lida Ayoubi

Where are you living and working now?

I'm living in Auckland and working as a lecturer at the Auckland University of Technology Law School.

What's a stand-out memory from your time at Law School?

Many stimulating discussions with my fellow PhD colleagues and the faculty members, and of course the day I received hard bound copies of my thesis, 'The Interface of Copyright and Human Rights: Access to Copyright Works for the Visually Impaired'.

Which charity did you choose?

The New Zealand Blind Foundation as its work is invaluable and directly related to my research on copyright and accessibility for the blind and visually impaired.

What social justice/community development issue are you passionate about?

I continue to focus on human rights and their realisation. I passionately follow many causes particularly the current refugee crisis, climate change and indigenous rights in New Zealand and globally. Through my academic research on the interaction of human rights and intellectual property law I aim to contribute to the advancement of rights such as equal access to information, culture, science, and education that are crucial to social justice and the development of any community.

Alumni championing new talent

Victoria Law Alumni Scholarship Programme

Victoria law alumni from all corners of the globe are behind a new scholarship programme designed to ensure Victoria's Faculty of Law continues to attract the very best students who represent the diversity of New Zealand society.

From 2017, Victoria Law Alumni Scholarships will offer financial support to New Zealand's brightest young students, who would not otherwise have the opportunity to attend university. They have been made possible thanks to the generosity of alumni who have contributed to the new Victoria Law Alumni Scholarship fund.

Pro Vice-Chancellor and Dean of Law Professor Mark Hickford says the Faculty of Law is committed to supporting and growing its global alumni network and the initiative is about more than just financial support.

"Our alumni represent an extraordinary international network and at all stages of their careers can benefit from the connections and opportunities the network offers. Often it is the simple gesture of opening a door that may have otherwise remained shut."

Keen to pay it forward?

By supporting the Victoria Law Alumni Scholarship Programme, you can experience the personal satisfaction of giving school leavers the opportunity—that you once had yourself—to study at Victoria and to realise their potential.

Contact Anna Burt

Development Manager—Law

✉ anna.burt@vuw.ac.nz

☎ +64 22 067 7290

Law alumni leading the way



Catherine Callaghan

Barrister, Blackstone Chambers, London

✉ catherinacallaghan@blackstonechambers.com

Who helped open a door for you as a young lawyer? Jeremy Carver, a partner in the international law group at Clifford Chance in London. He gave me a place in his team as a Pegasus scholar, then offered me a permanent position. Working at Clifford Chance set me on my way to becoming a barrister at the English bar.

What's a stand-out memory from your time at Law School? There are so many but I remember the high adrenaline excitement of winning the Victoria mooting competition and then the national mooting competition with my friend and teammate John Peterson. Together with Ben Perham, we went on to represent New Zealand at the Jessup International Law Moot Court competition in Washington DC, which was an amazing experience.

What are three career highlights?

1. Acting for the British Government in the High Court and Court of Appeal this year defending the Government's tobacco plain packaging legislation against the forces of Big Tobacco.
2. Representing the United Kingdom's fertility regulator in a case concerning whether a woman should be able to give birth to her own grandchild, using her dead daughter's frozen eggs.
3. Taking a sabbatical from the English bar to come back to the Victoria Law Faculty to teach Public Law and Comparative Human Rights in 2007.

Why is supporting current and future Victoria law students important to you? It's really important that bright young people in New Zealand are given the opportunity to attend university and to discover what they are great at and what they are passionate about. I hope that they will be able to experience some of the opportunities that I was lucky enough to have.

What piece of advice would you give a 2016 law graduate? Aim high—your education at Victoria will open doors for you around the world.





Fleur Knowsley

Senior Counsel, Google Inc, San Francisco
 © fleur.knowsley@gmail.com

Who helped open a door for you as a young lawyer? I was lucky enough to have many supporters early on in my career, all of whom have been incredibly influential. The two who provided the biggest (and scariest!) open door are Allen Parker and Tim Cameron who recruited me to the New York Law firm of Cravath, Swaine & Moore during a trip to New Zealand. Everything else has followed from that critical meeting where I actually asked them “So, I’m probably going to London, why should I come to New York and work for you?” In hindsight, a bold and naïve move!

What’s a stand-out memory from your time at Law School? Being randomly called on to answer tough questions during Professor David McLauchlan’s contracts classes! Do the reading! Fantastic preparation for everything the US has thrown at me.

What are three career highlights?

One from each location:

1. In Wellington, while at Kensington Swan, being given the opportunity to write numerous articles for publication and present papers during key conferences.
2. While in New York, having to work with US law enforcement on an insider trading case.
3. At Google in the Bay Area, being on a team that has been instrumental in advocating to improve access to high speed broadband.

Why is supporting current and future Victoria

Law students important to you? My law and economics degrees from Victoria are the foundation of my entire career and I’m proud to have such practical, useful and well-respected qualifications. The ability to pay that forward and support the next generation of young Kiwi lawyers is something I’m really excited about!

What piece of advice would you give a 2016

law graduate? Relationships are everything. Form them, be active in maintaining them, treat them with care and love. Treat every interaction as a future job interview—you never know where you’ll be or how the connections will work out. Kiwis can do anything!





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 ☎ +64 22 067 7290 or ✉ anna.burt@vuw.ac.nz

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