



Law Faculty News

January 2015

From the Dean of Law

My eight plus years as Dean of Victoria's great Law Faculty have elapsed with what seems like alarming rapidity. As you will read further in this letter, my successor Dr Mark Hickford has been identified and appointed. He will take over as I step aside on 11 May. In one respect in particular, the process by which this change has been effected greatly pleases me—there will not be a gap filled by an Acting Dean, as has happened on occasions in the recent past. I will do what I can to make the transition a seamless one.

On 29 January, a Memorial Service was held at Old St Paul's for Sir Ivor Richardson, who had died suddenly immediately before the New Year. Sir John McGrath delivered the eulogy bringing to light aspects of Sir Ivor's life and career of which I had been hitherto completely unaware. In retirement, Sir Ivor was a very regular attender at the Faculty (of which he had, of course, been Dean for three years), as one of our Distinguished Fellows. If invited, he was invariably willing to lend his huge experience to me and others in the Faculty. His presence in our midst will be much missed, and we extend our sympathies to his widow and family.

Best wishes for 2015,
A T H Smith

HIGHLIGHTS FROM THIS ISSUE



Dr Mark Hickford has been appointed Pro Vice-Chancellor and Dean of Law.
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New Year Honours

The Faculty was thrilled to see the following inclusions in the New Year Honours list:

- **Dr Warren Young**, former Professor of the Faculty, who received a QSO for services to the law;
- **Rosemary Gordon** of the Council for Legal Education, resident in the Law Faculty for many years, who received a MNZM for services to legal education;
- Victoria's Chancellor **Sir Neville Jordan CNZM** who received a Knighthood for services to business and science and the community; and
- **Emeritus Professor Pat Walsh**, former Vice Chancellor of Victoria University of Wellington, who received a CNZM for services tertiary education.

The full list of Victoria staff, alumni and friends also recognised in New Year Honours can be viewed on [Victoria's website](#).

Our congratulations to them all for these well-deserved accolades.



A study combining law and anthropology focusing on the Pacific region has been awarded a research grant.

[Read more.](#)



Four Victoria students form part of the first New Zealand delegation heading to the Harvard National Model United Nations conference.

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Victoria University appoints new Dean of Law

Victoria University has appointed a leading Wellington public and Māori law issues specialist, Dr Mark Hickford, as Pro Vice-Chancellor and Dean of Law from 11 May 2015.

Dr Hickford has held a range of senior management and leadership roles in the public and private sectors, including being in the Prime Minister's Policy Advisory Group in the Department of the Prime Minister and Cabinet for the past four years.

Prior to that, Dr Hickford spent eight years as a Crown Counsel at the Crown Law Office, specialising in public law, the Treaty of Waitangi, Crown-Māori relations and natural resources law.

Dr Hickford graduated from the University of Auckland with a Bachelor of Arts and a Bachelor of Laws with Honours and has a doctorate from the University of Oxford.

He worked as a litigation solicitor at a large commercial law firm in Auckland early in his career and spent two years with public law specialists Chen Palmer & Partners before joining the Crown Law Office.

Dr Hickford has an extensive research and publishing record having published on aboriginal title and customary rights as well as issues related to the Treaty of Waitangi and the history of New Zealand's



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constitution and laws. His most recent book—*Lords of the Land: Indigenous Property Right and the Jurisprudence of Empire*—was a shortlisted finalist for the best legal book of 2011 in New Zealand.

Dr Hickford says taking up the role of Pro Vice-Chancellor and Dean of Law at Victoria presents an exciting challenge.

“It will be a huge privilege to serve with such a world class community of scholars in a Faculty which enjoys such a great international reputation,” he says.

Professor Tony Smith will remain in his current role until Dr Hickford joins the Faculty. In September, Professor Smith will take up a distinguished legal role as the Arthur Goodhart Visiting Professorship in Legal Science at the University of Cambridge, returning to a professorial role at Victoria at the conclusion of his time in the United Kingdom.



Project combining law and anthropology awarded University Research grant

A study combining law and anthropology which focuses on the Pacific region has been awarded a grant from the University Research Fund.

Dr Petra Butler is leading the project, which will look at a number of ways anthropology and law interlock. These include the relationship between law and custom, the effects of external legal processes (such as colonial laws around land and land tenure) on Pacific people, and the effects of the appropriation of indigenous custom by judicial processes (for example the Waitangi Tribunal).

Other researchers involved are Professor Richard Boast also from Victoria’s Faculty of Law and Professor Brigitte Bonisch-Brednich from the School of Social and Cultural Studies. Their work will be part of a larger inter-disciplinary project exploring law and anthropology in the Pacific.

Dr Butler hopes the project will strengthen research synergies between anthropologists, Māori, Pasifika and legal academics. “It’s a puzzling fact that no coherent analysis of law and anthropology in the Pacific exists, notwithstanding that the Pacific region is fertile terrain for an exploration of this subject.”

New lecturer joins Faculty

Eddie Clark, a Victoria alumnus, returns to Wellington to join the Faculty of Law as a lecturer mid-February.

After graduating from Victoria in 2005 with a Bachelor of Arts and a Bachelor of Laws with Honours, Eddie worked for a number of years at a large corporate firm in Wellington, specialising in commercial public law and says this experience is what piqued his interest in administrative law.

Following a year-long break during his time in practice, Eddie completed his Master of Law at the University of Toronto. His research focused on the possibility of extending procedural fairness to the making of delegated legislation.



After two further years of practice, he returned to Toronto to commence his doctoral studies, which he hopes to complete shortly. His doctoral work builds on his Master’s and argues that one of the motivating factors underlying administrative law is a concern for a legitimate administrative state.

“I also argue that one of the implications of this concern with legitimacy must be an expansion of procedural fairness to cover ‘legislative’ executive decision-making.”

Eddie says that this work, and his practice experience, are really all about a fascination with the minutiae of government: how the everyday practices of the administrative state affect people and businesses.

“I look forward to continuing to puzzle out the role of the law in mediating this relationship between state and citizen at the coalface of government when I start at Victoria.”

“I am very excited to be joining the outstanding community of public law scholars at Victoria next month.”

New Zealand's Defective Law on Climate Change

The New Zealand Centre for Public Law at Victoria University of Wellington School of Law and 350 Aotearoa invite you to a public lecture presented by **Sir Geoffrey Palmer QC**.

This public lecture reviews both the international law and the state of negotiations on climate change that come to climax in Paris towards the end of 2015. It also reviews New Zealand's domestic laws, mainly the Resource Management Act 1991 and the Climate Change Response Act 2002. The conclusion reached is that the development of a credible climate change policy is urgently required in New Zealand, but we must guard against the despair. The challenges presented by climate change can be met.

About the speaker

Sir Geoffrey Palmer QC was admitted as a solicitor in 1965 and to the bar in 1966 and practiced in Wellington with O'Flynn and Christie before taking up a British Commonwealth Fellowship to the University of Chicago where he graduated JD cum laude in 1967. He was a law professor in the United States and New Zealand for some years before entering politics as the MP for Christchurch Central in 1979. In Parliament he held the offices of Attorney-General, Minister of Justice, Leader of the House, Deputy Prime Minister and Prime Minister. He was Minister for the Environment 1987-1990.

On leaving politics in 1990 he was a law professor at the University of Iowa and the Victoria University of Wellington. In 1994 he became a Foundation Partner of Chen & Palmer Public Law Specialists where he remained until 2005 when he was appointed President of the Law Commission, a position he occupied until 2010. During that period he also chaired the Legislation Advisory Committee. He has appeared extensively in the superior courts including the Privy Council. He is a member of the Her Majesty's Privy Council, was made a Knight Commander of the Order of St Michael and St George in 1991 and was made an honorary companion to the Order of Australia the same year. He was made a member of the Global 500 Roll of Honour by the United Nations Environment Programme. He holds four honorary doctorates. He was elected a member of the American Law Institute, a Member of the American Association of International Law and a Fellow of the World Academy of Arts and Sciences. He is a member of the New Zealand Law Society Rule of Law Committee.

In 2010 and 2011 he chaired the Panel of Inquiry on the 31 May 2010 Flotilla Incident for the United Nations in New York that reported to the Secretary-General. For eight years he was New Zealand's Commissioner to the International Whaling Commission. Sir Geoffrey is a Distinguished Fellow of the New Zealand Centre for Public Law and the Law Faculty at the Victoria University of Wellington. He has an extensive list of publications in legal periodicals that [can be accessed on the Social Science Research Network](#).

He is also the author or co-author of twelve books, the latest of which is *Reform – a Memoir* published by the Victoria University Press in

November 2013. He is a Distinguished Fellow at Victoria University of Wellington where he teaches and he also practises in Wellington as a QC. In 2014 he taught a course in the Faculty of Law, Climate Change and the Law.

Monday 16 February, 5.30pm – 6.30pm
Lecture Theatre 1 (GBLT1), Rear Courtyard, Old Government Buildings,
55 Lambton Quay, Wellington

Please RSVP to nzcpl@vuw.ac.nz by Thursday 12 February to confirm your attendance.

Students jetting off to be part of Model UN

Four students from Victoria University of Wellington have been selected to form part of the inaugural New Zealand delegation to the Harvard National Model United Nations (HNMUN) conference.

Elisabeth Brown, Finn Egan, Tim Gibb and Eleanor Green will meet students from around the world who are coming together to simulate the activities of the United Nations and to experience the challenges of international negotiation and diplomacy.

“It’s not an opportunity that lots of people in New Zealand get and I think there’s a bit of prestige attached to it,” says Finn Egan, a third-year International Relations and Development Studies student.

“We can bring a uniquely New Zealand perspective while also learning about countries and people from other corners of the world.”

The students will be representing Singapore throughout the conference, and had the chance to discuss foreign policy with the Singapore High Commission during a planning weekend in Wellington late last year. As well as learning more about their adopted nation, they will meet a delegation from that country.

The students are studying a range of subjects but agree that a shared passion for international relations brings them together.

“Even though we’re at different stages of our lives and are studying different things, we all have a genuine interest in how the world works,” says Eve Bain, a fourth-year law, French and international relations student, who is co-director of the New Zealand team.

Students across New Zealand were asked to submit an expression of interest in being selected for the first New Zealand team. UN Youth New Zealand was overwhelmed with more than 100 applications.

As well as attending the HNMUN conference in Boston, the group will enjoy a study tour, visiting San Francisco, Washington DC and New

York. There will be time for some sightseeing but the students will also meet with staff from the World Bank, various embassies and Oxfam America. The team's last stop will be in Honolulu to relax and debrief about their time in the United States.

"Anyone can go on holiday to America but you can't meet and have a roundtable with a New Zealander who now works as a policy adviser at Oxfam," says Eve.

"It's about getting insights that you can't get from a text book or a lecture."

Fifth-year law, international relations and criminology student Tim Gibb agrees and is looking forward to making connections with some role models.

"A lot of us are heading in the direction of working with these corporations internationally and it's great to see New Zealanders actually "making it" over there."

The students from Victoria will join seven students from the University of Auckland and three students from the University of Canterbury to make up the delegation.



Pictured (L–R): Eve Bain, co-director of the New Zealand team, and delegation members Eleanor Green, Tim Gibb, Elisabeth Brown and Finn Egan, who are all looking forward to heading to Boston for the Harvard National Model United Nations (HNMUN) conference.

Visiting researcher from Copenhagen

A PhD Fellow at the University of Copenhagen was a visiting researcher at the Faculty of Law from November 2014 to January 2015.

Miriam Cullen's research examines the UN Security Council and international justice. She has a particular interest in procedural fairness in the Council's decision making processes and the connection this may have to the development, interpretation and application of international criminal law and the establishment and practice of international criminal courts and tribunals. New Zealand's recent appointment to the Security Council made her visit especially fitting.



During her time here, Miriam participated in the Beeby Colloquium and gave a guest lecture on the practice and procedure of the UN Security Council as part of Professor Alberto Costi's summer course on the use of force, drawing on her work with the UN and the Australian Department of Foreign Affairs and Trade.

"I'm especially grateful to the Faculty whose wise guidance very much informed my own thinking about my research."

Miriam enjoyed a brief sojourn in Invercargill and Queenstown over Christmas and hopes to return to Wellington again next year.

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