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VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS**

Vol. 4, No. 12: May 19, 2014

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Announcements

General Issue

To mark New Zealand's forthcoming election on 20 September 2014, this issue of VUWLRP reprints Professor John Prebble's paper criticising the Wicks Report on the enrolment procedures that preceded the 1978 election. The paper explains the significance of those procedures for the Hunua Electoral Petition that followed the election and that resulted in the Right Honourable Winston Peters being declared elected.

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["The Precautionary Principle in the New Zealand Fisheries Act: Challenges in the New Zealand Court of Appeal"](#) 
[Victoria University of Wellington Legal Research Paper No. 59/2014](#)


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The New Zealand Fisheries Act 1996 was enacted with the express purpose of protecting the marine environment. Notably, it incorporates the concept of precaution. In 2002-2004 NZ courts decided three cases on the section that incorporates precaution.

All these cases struck down decisions where the Minister of Fisheries purported to rely on precaution to support measures protecting marine mammals from the effects of commercial fishing activities.

This paper considers the 2004 Court of Appeal decision and assesses its implication for the use of the precautionary principle. The paper first outlines the precautionary principle in international law, and then in New Zealand law. It next describes its incorporation in the Fisheries Act, before focusing on the Court of Appeal decision. The paper concludes with observations that the section incorporating precaution is effectively being used contrary to its intended purpose. This suggests lessons for anyone considering statutory incorporation of the precautionary principle for purposes of environmental protection and is relevant to the regulation of the commercial use of any natural resources.


This paper was first written in 2005, presented as a conference paper in 2006, and is the basis for another paper (work in progress) on developments in this area 2010-2012.

["EmpowerNZ: Drafting a Constitution for the 21st Century"](#) 
New Zealand Journal of Public and International Law, Vol. 10, pp. 287-299, 2012
[Victoria University of Wellington Legal Research Paper No. 60/2014](#)

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New Zealand is once again reflecting on its constitutional arrangements, with the Constitutional Advisory Panel charged with considering a range of constitutional issues and engaging the public in discussion about the nature of New Zealand's constitution. As an independent precursor to the formal constitutional review, the EmpowerNZ workshop challenged 50 young people to draft a new constitution for New Zealand. The aim of the workshop was to create a space for young New Zealanders to explore the nation's future constitution, to sharpen their constitutional literacy and to inspire them to be engaged in future constitutional conversations in their communities.

The ultimate product of the workshop, the Draft Constitution for the 21st Century, is appended to this note. This note provides some context to the document: (a) characterising the workshop and its participants; (b) narrating the drafting and deliberative process; and (c) offering some personal reflections on the process, product and experience generally.

["Election Enrolment: The Wicks Committee Report"](#) 
New Zealand Universities Law Review, Vol. 9, No. 1, pp. 45-65, June 1980
[Victoria University of Wellington Legal Research Paper No. 61/2014](#)

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The Wicks Committee was commissioned to investigate the administration of the Electoral Act 1956 and the Electoral Regulations 1975, and, in particular, the registration of electors for the 1978 General Election. The article examines the Committee's evaluation of the adequacy of the Electoral Rolls for that election and the lack of evidence to support the Committee's assertion that the rolls were adequate. It argues that the Committee was wrong to use the judgment in *Re Hunua Election Petition* [1979] 1 NZLR 251 to conclude that the rolls were valid. It also criticises the Committee's methods of inquiry and its conclusions, including its treatment of the right to vote.

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About this eJournal

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

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

Since 1996 the [Law School](#) has occupied the Old Government Building in central Wellington. Designed by William Clayton and

opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

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

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

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

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