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Announcements

Victoria University of Wellington Student and Alumni Subseries Issue XII: Environmental Issues

'Environmental Issues' is the fourth in 2016 of several issues of the Student and Alumni sub-Series of the VUW Legal Research Papers. The Student and Alumni sub-Series was launched in 2015. It publishes a selection of honours and postgraduate papers from Victoria University of Wellington Law School. The sub-Series includes both general and thematic issues.

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LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"Can't see the science for the solicitors: Judicial Review of scientific research in light of Niwa's case"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 17/2016

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The existence of climate change remains an unjustifiably vexed issue worldwide. In New Zealand *Climate Science Education Trust v National Institute of Water and Atmospheric Research Ltd*, sceptics' attempts to challenge NIWA's temperature records allowed the Court to extend its reach into the heart of the scientific research process. Whilst this paper supports Venning J's determination that NIWA's decisions were within the Court's jurisdiction for review, his finding that individuals might suffer harm as a result of them is shown to be unjustified. Furthermore, the Court's inherent unsuitability to addressing matters with high scientific contents, due to its adversarial nature and judges' lack of

scientific training, supports a finding of non- or partial justiciability. Non-justiciability is here rejected for allowing scientists behaving fraudulently to escape rebuke. The standard of deference Venning J attempts to introduce is similarly flawed as it allows unwary judges to unintentionally judge matters of science. Concerns are also raised that research might stagnate if scientists must worry about judicial scrutiny of their work. Thus, a standard of flagrant impropriety, or "fraud, corruption or bad faith", is argued to be the ideal threshold for permitting judicial review of scientific research.

"Fishing for Answers: The Implications of Environmental Defence Society v King Salmon"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 18/2016

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The Supreme Court's decision *Environmental Defence Society v King Salmon*, released in early 2014, is a positive development in New Zealand's resource management law. The decision endorses the environmental bottom line approach and prohibits the use of the purpose section of the Resource Management Act 1991 when making operative decisions. If the decision is applied widely, there is scope for some of the problems with the resource management law framework to be addressed. In particular, it has the potential to reduce the uncertainty within the system caused by the lack of central government direction and the inconsistencies between local governments, and the issues when applying the purpose of the Resource Management Act. The paper also analyses the effect of *King Salmon* on the proposed reforms, and concludes that the arguments for the reforms are now much weaker.

"Migration with Dignity': Towards a New Zealand response to Climate Change displacement in the Pacific"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 19/2016

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The impacts of climate change threaten to cause the displacement of millions of people worldwide by the middle of this century. In spite of this looming crisis, international law provides insufficient protection to those who will be forced to migrate. In most cases, those who are displaced will fall outside of current protection frameworks. This paper examines why this protection deficit should be of particular concern to New Zealand, and it argues that there are significant incentives for New Zealand to develop a response to the issue of climate change displacement in the Pacific. The paper concludes that in order to ensure Pacific peoples are able to migrate with dignity, pre-emptive, voluntary migration schemes should be put in place to facilitate migration flows. These should build upon the current immigration framework, and include the extension of current permanent and temporary migration schemes, as well as the introduction of labour-training migration schemes.

"Improving Regional Fisheries Management Organisation decision-making: New hope in the South Pacific?"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 20/2016

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Regional Fisheries Management Organisations (RFMOs) play a key role in promoting the sustainable management of high seas fisheries. However, many RFMOs are not succeeding in this task. Whilst overexploited fish stocks can be blamed on illegal fishing and on States reluctant to implement robust conservation and management decisions, fault can also be found in the design of RFMO decision-making processes, specifically the use of consensus-based decision-making and objection procedures. This paper evaluates whether a new RFMO, the South Pacific Regional Fisheries Management Organisation, and its 'cutting edge' decision-making procedure, can act as a model for more effective RFMO decision-making.

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About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

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

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

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

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

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

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

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