

GERALD ALLOWAY, ASSISTANT EDITOR
Victoria University of Wellington - Faculty of Law

FAYE MCINTOSH, ASSISTANT EDITOR
University of Otago

JOHN PREBBLE QC, EDITOR
Professor of Law, Victoria University of Wellington - Faculty of Law, Gastprofessor, Institut für
Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien, Adjunct
Professor of Law, University of Notre Dame Australia - School of Law

[Browse ALL abstracts for this journal](#)

[Links: Subscribe ~ Unsubscribe](#) | [Distribution](#) | [Network Directors](#) | [Submit ~ Revise Your Papers](#)

Announcements

Sir Kenneth Keith: Collected Papers Part I: Legal Method Including Law Reform

The Keith Papers collect some of the work of Sir Kenneth Keith. He studied law at the University of Auckland, Victoria University of Wellington and Harvard Law School. He was a member of the legal divisions of the Department of External Affairs and the United Nations, a law teacher at VUW, to which he has returned as professor emeritus, a member and president of the New Zealand Law Commission, a judge of appeal in various Pacific courts, an international arbitrator and a judge of the New Zealand Court of Appeal and Supreme Court and the International Court of Justice.

Table of Contents

Interpreting Treaties, Statutes and Contracts

[Kenneth J. Keith](#), Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

The Law Commission's 1988 Report on Accident Compensation

[Kenneth J. Keith](#), Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Law Reform

[Kenneth J. Keith](#), Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Making Law – Who, How and What?

[Kenneth J. Keith](#), Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Plain Language in New Zealand: The Drafting of Legislation

[Kenneth J. Keith](#), Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Stepping Away from the State

[Kenneth J. Keith](#), Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

The Process of Law-Making: The Law Relating to International Organizations as an Example

[Kenneth J. Keith](#), Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

[^top](#)

"Interpreting Treaties, Statutes and Contracts"

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 1/2018.

KENNETH J. KEITH, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Email: ken.keith@vuw.ac.nz

In this paper Sir Kenneth Keith draws on his years of teaching, law reform work and judging and considers the process of interpreting treaties, constitutions, statutes, contracts and other legal instruments. Courts and tribunals, lawyers in private and public practice and legal scholars have long been engaged in the interpretative process. Legislative bodies have also long been in the business of proposing and adopting rules or principles of, and approaches to, interpretation. This paper considers parts of those two enterprises. Firstly, how do interpreters go about their task? Secondly, do formally adopted codifications or statements of the processes, principles and rules assist the processes of interpretation? Finally, the author considers whether interpreters and codifiers concerned with one type of legal document can usefully draw on the experience of interpreting other types.

"The Law Commission's 1988 Report on Accident Compensation"

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 2/2018.

KENNETH J. KEITH, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Email: ken.keith@vuw.ac.nz

As economic restructuring was changing many state functions, the New Zealand Law Commission under the Presidency of Sir Owen Woodhouse undertook its own review of ACC, vigorously reaffirming the Woodhouse principles in its 1988 Report, while proposing further extensions of the scheme. This paper, written by a member of the Commission, summarises the Report's major recommendations, including a new strategy for accident prevention, extension of the scheme to include illness, and a generally sceptical approach to incentive-based premiums for employers.

"Law Reform"

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 3/2018.

KENNETH J. KEITH, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Email: ken.keith@vuw.ac.nz

This chapter, which necessarily looks back to the nineteenth century, attempts to give a sense of the role of New Zealand lawyers in the reform of the law. They participate as Judges, as legislators (especially as ministers of the Crown), as academics, as members of the profession, as concerned public citizens, and as representatives of and advisors to government. That advisory role may be from within, as members of the relevant ministries and departments, or from without, as members of official law reform and comparable bodies set up by government or Parliament. This chapter emphasizes that external advisory role, particularly the work of the New Zealand Law Commission and its predecessors. The author also gives some attention, especially in the first part of the chapter, to officials and members of the practicing profession, whose contributions are also critical.

"Making Law – Who, How and What?"

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 4/2018.

KENNETH J. KEITH, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Email: ken.keith@vuw.ac.nz

This paper was adapted from a speech given at the international conference "Fifty Years of the Law Commissions: The Dynamics of Law Reform Now, Then and Next". The speech aimed to offer a wider view of the matters discussed at the conference.

In the paper, the author comments on some of the choices which are made and which will continue to be made in codifying, developing and reforming the law and the broader constitutional system. Those choices involve three questions – who – the participants, how – the processes they follow, and what – the principles they apply and the product of the work, including its form. The author reflects on the bases on which those choices are to be made by drawing on examples from discrete areas of law: reform of electoral systems, equality and the prohibition of discrimination, the law of piracy and

maritime crime, and the laws of interpretation.

"Plain Language in New Zealand: The Drafting of Legislation"

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 5/2018.

KENNETH J. KEITH, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Email: ken.keith@vuw.ac.nz

In this article, Sir Kenneth Keith highlights some key changes in legislative drafting styles that have occurred as a result of the concern for increasing accessibility by the Law Commission and the Parliamentary Counsel Office in New Zealand.

"Stepping Away from the State"

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 6/2018.

KENNETH J. KEITH, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Email: ken.keith@vuw.ac.nz

Judge Kenneth Keith delivered the Keynote Address of the Third Annual CJICL Conference on Saturday 10 May 2014 at the Divinity School of St John's College in the University of Cambridge. He spoke to the Conference theme of 'Stepping Away from the State', and detailed the various institutions that may exist outside of the state but nevertheless prove capable of producing rules that provide structure to human interaction and which may furthermore contribute to the wider development of public international law.

"The Process of Law-Making: The Law Relating to International Organizations as an Example"

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 7/2018.

KENNETH J. KEITH, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

Email: ken.keith@vuw.ac.nz

Any legal system, whether national or international, has as essential elements means for clarifying, developing and modifying the law. This chapter focuses on aspects of these processes, taking the law of international organizations as an example. The author provides background on the challenges of codification before discussing the International Law Commission's (ILC) work on the law of international organisations, where he pays particular attention to the ILC's Survey of International Law. Finally, the author considers the ILC's work on the law of the Responsibility of International Organizations, against the background of its and others' work on international organizations. Abstract by Juliet Bull.

[^top](#)

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.

Submissions

To submit your research to SSRN, sign in to the [SSRN User Headquarters](#), click the My Papers link on left menu and then the Start New Submission button at top of page.

Distribution Services

If your organization is interested in increasing readership for its research by starting a Research Paper Series, or sponsoring a Subject Matter eJournal, please email: sales@ssrn.com

Distributed by

Legal Scholarship Network (LSN), a division of Social Science Electronic Publishing (SSEP) and Social Science Research Network (SSRN)

Directors

LAW SCHOOL RESEARCH PAPERS - LEGAL STUDIES

BERNARD S. BLACK

Northwestern University - Pritzker School of Law, Northwestern University - Kellogg School of Management, European Corporate Governance Institute (ECGI)

Email: bblack@northwestern.edu

RONALD J. GILSON

Stanford Law School, Columbia Law School, European Corporate Governance Institute (ECGI)

Email: rgilson@leland.stanford.edu

Please contact us at the above addresses with your comments, questions or suggestions for LSN-LEG.

[^top](#)

Links: [Subscribe to Journal](#) | [Unsubscribe from Journal](#) | [Join Site Subscription](#) | [Financial Hardship](#)

Subscription Management

You can change your journal subscriptions by logging into [SSRN User HQ](#). If you have questions or problems with this process, please email Support@SSRN.com or call 877-SSRNHelp (877.777.6435 or 212.448.2500). Outside of the United States, call 00+1+212+4482500.

Site Subscription Membership

Many university departments and other institutions have purchased site subscriptions covering all of the eJournals in a particular network. If you want to subscribe to any of the SSRN eJournals, you may be able to do so without charge by first checking to see if your institution currently has a site subscription.

To do this please click on any of the following URLs. Instructions for joining the site are included on these pages.

[Accounting Research Network](#)

[Cognitive Science Network](#)

[Corporate Governance Network](#)

[Economics Research Network](#)

[Entrepreneurship Research & Policy Network](#)

[Financial Economics Network](#)

[Health Economics Network](#)

[Information Systems & eBusiness Network](#)

[Legal Scholarship Network](#)

[Management Research Network](#)

[Political Science Network](#)

[Social Insurance Research Network](#)

[Classics Research Network](#)

[English & American Literature Research Network](#)

[Philosophy Research Network](#)

If your institution or department is not listed as a site, we would be happy to work with you to set one up. Please contact site@ssrn.com for more information.

Individual Membership (for those not covered by a site subscription)

Join a site subscription, request a trial subscription, or purchase a subscription within the SSRN User Headquarters: <https://hq.ssrn.com/Subscriptions.cfm>

Financial Hardship

If you are undergoing financial hardship and believe you cannot pay for an eJournal, please send a detailed explanation to Subscribe@SSRN.com

[^top](#)

To ensure delivery of this eJournal, please add LSN@publish.ssrn.com (**Alloway/McIntosh/Prebble**) to your email contact list. If you are missing an issue or are having any problems with your subscription, please Email Support@ssrn.com or call 877-SSRNHELP (877.777.6435 or 585.442.8170).

FORWARDING & REDISTRIBUTION

Subscriptions to the journal are for single users. You may forward a particular eJournal issue, or an excerpt from an issue, to an individual or individuals who might be interested in it. It is a violation of copyright to redistribute this eJournal on a recurring basis to another person or persons, without the permission of Social Science Electronic Publishing, Inc. For information about individual subscriptions and site subscriptions, please contact us at Site@SSRN.com

[^top](#)

