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Announcements

Lord Cooke of Thorndon: Collected Papers Part XVI: General Issue

The Cooke Series forms part of the Victoria University of Wellington Legal Research Paper Series (VUWLRPS). Lord Cooke (1926-2006) was one of New Zealand's most prominent jurists and the first and only New Zealander to sit as a judge in the House of Lords. He was a Distinguished Fellow of the Victoria University of Wellington Law Faculty. The faculty gratefully acknowledges the generous support of the Cooke family for their sponsorship of the series. Lizzie Chan and Tim Cochrane, Wellington solicitors, abstracted and posted Lord Cooke's papers.

Table of Contents

■ Intellectual Property: The Need for Cross-Frontier Protection

[Robin Cooke](#), Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords

■ Foreword: New Zealand Students' Law Journal.

[Robin Cooke](#), Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords

■ Crown Servants Immunity from Taxation

[Robin Cooke](#), Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords

■ Solicitor and Client – Privilege – Statutory Interpretation

[Robin Cooke](#), Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords

■ The Concept of Environmental Law — The New Zealand Law — An Overview

[Robin Cooke](#), Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords

■ Shoreham-by-Sea

[Robin Cooke](#), Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords

[^top](#)

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

■ "Intellectual Property: The Need for Cross-Frontier Protection"

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 67/2017

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords

Lord Cooke delivered this paper to the 26th Australian Legal Convention in Sydney in August 1989. In it, Lord Cooke argues for greater cooperation with other countries, especially Australia, to develop a common system for the protection of intellectual property rights. For example, he recommends creating a combined Australia-New Zealand register of business names and common patent protection in the two countries. He concludes by arguing that in making intellectual property law, whether statute law or case law, for Australia and New Zealand, the aim should be to achieve consistency. The onus should fall on those who propose differences to show why they are truly needed.

"Foreword: New Zealand Students' Law Journal."

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 68/2017

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords
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This paper is a foreword by Lord Cooke to the second edition of the New Zealand Students' Law Journal. This Journal has been replaced in spirit by the (on-going) New Zealand Law Students' Journal. Although Lord Cooke first provides "rather jaundiced comments" on the proliferation of new legal periodicals he quickly moves to commenting favourably on both The Oxford University Commonwealth Law Journal and the New Zealand Students' Law Journal. Lord Cooke highlights two purposes of the latter publication. First, it gives a picture of the present interest and concerns of lawyers of the future. Secondly, it provides discipline and satisfaction for successful contributors. He considers that the range of subject-matter and the fact that two thirds of contributors are young women are two particularly striking features of this publication. He concludes by noting that "[f]or the male chauvinist lawyer, the writing may be on the wall".

"Crown Servants Immunity from Taxation"

Criminal Law Journal, Vol. 12, p. 159, 1954

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 69/2017

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords
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In this case note, Mr Cooke comments on the then leading case on Crown immunity from statutes, *Bank voor Handel en Scheepvaart v Administrator of Hungarian Property* [1954] 2 WLR 867 (HL). This case concerned the immunity of Crown servants from taxation statutes. Mr Cooke remarks that although there was disagreement as to the result there was wide agreement on the relevant principles to be applied. He identifies three broad principles relating to the immunity of Crown servants from paying tax and then comments on the issue that divided the judges: whether payment of the tax would prejudice the Crown. Mr Cooke considers the different positions of the judges on this issue and concludes that the result of the case was "curious". Abstract by Elizabeth Chan.

"Solicitor and Client – Privilege – Statutory Interpretation"

Robin Cooke, "Solicitor and Client – Privilege – Statutory Interpretation" [1954] CLJ 156

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 70/2017

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords
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In this article, Mr Cooke discusses when a common law right will be considered so important that it will not be deemed removed by broadly phrased legislative drafting but will require specific reference, in light of *Commissioner of Inland Revenue v West-Walker* [1954] NZLR 191 (CA). Mr Cooke first discusses the issue raised in this case, which considered whether general words in the relevant statute were sufficient to limit the common law right to legal professional privilege. He contrasts the approaches of the majority, which refused to accept that this privilege could be taken away by a "side wind", with the minority judgment of Stanton J. Mr Cooke comments favourably on the majority's approach, particularly the value the majority places on ensuring the existence of effective machinery for the safeguard of individual rights, and draws analogies with *Chester v Bateson* [1920] 1 KB 829 and other English cases in which courts have been reluctant to allow others the power to conclusively interpret statutory orders.

"The Concept of Environmental Law – The New Zealand Law – An Overview"

New Zealand Law Journal, p. 631, 1975

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 71/2017

In this overview of environmental law, Cooke J first acknowledges that lawyers can contribute to the defence of the environment in their roles as legal advocates and judges, as well as by taking part in Royal Commissions. Cooke J then considers judicial and statutory remedies for redressing environmental harms. He discusses the law of public nuisance, an area governed almost entirely by the common law, mentioning some of the challenges of successfully proving a case in nuisance. In respect of statutory remedies, he states that the importance of the public aims promoted by environmental statutes must be balanced with the need to ensure that administrative authorities do not take short-cuts. Cooke J further observes that there is little consistency in the way that Parliament has allocated, by statute, the rights of objection and appeal between the courts and specialist administrative bodies. He argues that full rights of objection and appeal in environmental issues should be available to individuals and public authorities. Abstract by Elizabeth Chan.

"Shoreham-by-Sea"

Jack Beatson and Yvonne Cripps (eds) Freedom of Expression and Freedom of Information: Essays in Honour of Sir David Williams (Oxford University Press, Oxford, 2000) 197-204

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 72/2017

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (1926-2006), House of Lords

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In this book chapter, Lord Cooke comments on Sir David William's contribution to the development of the public law principle that lawful activities may be restricted by the police in order to maintain the peace, as recognised in *Beatty v Gillbanks* (1882) 9 QBD 308. Lord Cooke begins by discussing the recent House of Lords' decision *R v Chief Constable of Sussex, ex p International Trader's Ferry Ltd* [1999] 2 AC 418, [1999] 1 All ER 129. He then refers with approval to Sir David's work *The Law and Public Protest* (cited by counsel in *International Trader's Ferry*), which recognised limits on this public law principle. Lord Cooke goes on to criticise the result of *Beatty*, before turning to discuss the relevance of *DPP v Jones* [1999] 2 All ER 257 (HL) to this issue. He concludes by noting that this issue often reduces to a matter of fact and degree. Lord Cooke also refers in an addendum to a further relevant writing of Sir David and the recent Divisional Court decision, *Redmond-Bate v DPP* (1999) 7 BHRC 375 (QB).

Abstract by Tim Cochrane

[^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.

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[^top](#)