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"Government Expression and the COVID-19 Pandemic: Advising, Nudging, Urging, Commanding" 

(2020) 31 *Public Law Review* 391

Victoria University of Wellington Legal Research Paper No. 45/2021

DEAN R. KNIGHT, Victoria University of Wellington - Faculty of Law

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Comment on *Borrowdale v Director-General of Health* [2020] NZHC 2090, especially the ruling that the government's messages during the early days of COVID-19 lockdown urging people to stay at home were not prescribed by law and unlawful.

"Accountability through Dialogue: New Zealand's Experience during the COVID-19 Pandemic"



Forthcoming, Joelle Grogan and Alice Donald (eds) Routledge Handbook on Law and the COVID-19 Pandemic (Routledge, London, 2022)

Victoria University of Wellington Legal Research Paper No. 46/2021

DEAN R. KNIGHT, Victoria University of Wellington - Faculty of Law

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New Zealand successfully pursued an elimination strategy during the COVID-19 pandemic, managing to stamp out community transmission of the virus through lockdowns, border control, contact tracing and other public health measures. This chapter evaluates the accountability of government during the height of the pandemic, while emergency settings applied and aggressive measures were deployed. The analysis adopts a relational or dialogical conception of accountability – focusing on explanation, interrogation, judgement and consequences – and looks across the political, constitutional and learning (continuous improvement) dimensions of accountability. Overall, concerns about an accountability deficit during the pandemic generally did not arise in New Zealand because the government continued to render account for its actions – the ability of various forums to scrutinise and judge the government's actions was maintained and, in some cases, was enhanced.

"Stamping out COVID-19 in New Zealand: Legal Pragmatism and Democratic Legitimacy"

[2021] Public Law 241

Victoria University of Wellington Legal Research Paper No. 47/2021

DEAN R. KNIGHT, Victoria University of Wellington - Faculty of Law

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This paper recounts the New Zealand government's legal response to the COVID-19 pandemic (up to October 2020), including legal underpinnings of the lockdown (and challenges to it); the bespoke legislative framework adopted during the pandemic for health orders; the way legitimacy for public health measures was built through accountability in various forms; and what the response tells us about New Zealand's constitutional culture.

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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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