



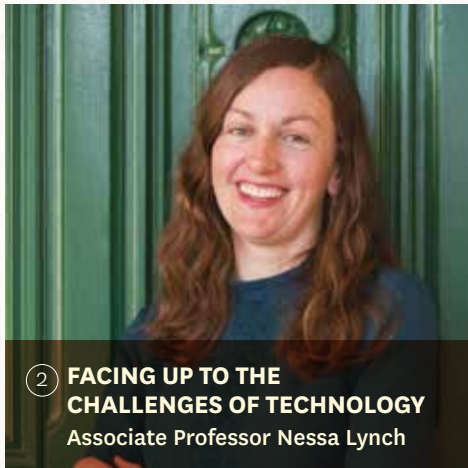
VICTORIA UNIVERSITY OF
WELLINGTON
TE HERENGA WAKA

V.ALUM 2019

Law Alumni Magazine



Contents



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Cover image: 'Memorial Wreath' at Pukeahu National War Memorial Park, by Niko Van Stichel and Lut Vandebos. Photographed by Mike Heydon, Jet Productions.

Welcome

from the Pro Vice-Chancellor and Dean of Law

Welcome to the 2019 edition of *v.alum*, the annual magazine for alumni and friends of Victoria University of Wellington's Faculty of Law. Writing this column gives me the opportunity to reflect on the year that's been—and unsurprisingly, it's been another extremely busy and rewarding year for our Faculty.

Our continued success in the Tertiary Education Commission's latest Performance-Based Research Fund once again demonstrated that our University has the highest proportion of world-class researchers in New Zealand. The overall results show the quality of legal research in New Zealand is high and so to have such a decisive lead in the subject of law is a remarkable achievement.

The New Zealand Centre for Public Law, based at the Faculty, has been chosen to host the International Society of Public Law: ICON.S conference in 2021, which will be the largest conference we have ever hosted. This is an outstanding opportunity to showcase our location in the heart of Wellington's legal and political district, which underpins our privileged position to inform thinking and lead debate on legal, policy, and governance issues that affect all New Zealanders and global citizens.

A significant initiative this year was the piloting of digital exams at both the Law School and the Wellington School of Business and Government (formerly, Victoria Business School), which allowed students to type, rather than handwrite, their answers to examination questions. One main aim was to improve the student experience while also better protecting and valuing the time of academic and professional staff. Participating students and staff received this change very well and we are hoping to build on this in the future.

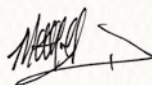
We were proud to see Professor Susy Frankel inducted into the Royal Society Te Apārangi—an honour given for distinction in research in or for advancing science, technology, and the humanities—the first Professor from the Law School to become a Fellow. Alumnus Professor David Vernon Williams was also inducted in recognition of his research and scholarship in the areas of constitutional law, colonial legal history and the Treaty of Waitangi. Warm congratulations to both colleagues.

Also on the staffing front, next year we look forward to welcoming two new members to our academic community—Dr Bjørn-Oliver Magsig and alumna Marnie Lloyd. Watching graduates cross the stage, and joining them in celebrating with their whānau, is a great honour and one

of the things I value most about my role here at the University. In our May graduation ceremony, the Faculty of Law's graduate speaker, Indiana Shewen (Te Atiawa, Ngāti Mutunga), spoke eloquently on the challenges, and rewards, of completing a programme as rigorous as a law degree—a journey most of us will be familiar with. You can read Indiana's full and thought-provoking address in this issue.

Our alumni community can be found in every corner of the globe, as leaders in legal practice and research. We are very proud of their accomplishments and their reputation for excellence. Following on from last year's reunion of those who graduated in the first half of the 1990s, it was a pleasure to host two other reunions at the Faculty this year, and to see so many of you return to Wellington for these events. Gatherings such as these provide a wonderful opportunity to remember your past, reconnect with fellow alumni, see what contributions others are making across the globe, and also experience a taste of student life at Victoria University of Wellington in 2019.

As the year draws to a close, I would like to wish you all the very best for 2020 and the many challenges and opportunities it will no doubt bring.



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Facing up to the challenges of technology

From unlocking phones, to tagging photos on Facebook, to using smart gates at border checks—automated facial recognition technology (FRT) is making our lives more streamlined and seamless.

However, Associate Professor Nessa Lynch says the increasingly ubiquitous technology also presents ethical risks and challenges, and requires thoughtful cross-sector collaboration to ensure we're moving in the right direction.

Nessa is the principal investigator for a research project called 'Facial Recognition Technology in New Zealand: Developing a Legal and Ethical Framework', which has received a grant of more than \$50,000 from the New Zealand Law Foundation. The project began in June this year and aims to examine the legal and ethical issues around the growing use of FRT in New Zealand.

FRT involves identification of an individual based on an analysis of geometric facial features, and a comparison between the algorithm created from the captured image and one already stored. Many governments around the world already employ this technology to monitor their citizens, including Russia, where plans have been mooted to equip police with FRT glasses for identifying 'people of interest' in a crowd, and China, where FRT is used to scan CCTV footage as part of a 'social credit system' that assigns citizens scores according to their social behaviour.

As Orwellian as these scenarios may sound, Nessa says the technology itself isn't inherently sinister—but we need to make sure it is properly regulated as it becomes increasingly commonplace in New Zealand. Nessa notes that there is currently no regulation in New Zealand that directly names or specifies FRT. "Obviously the technology has immense value in promoting societal interests such as efficiency and security, but it also represents a threat to some of our individual interests, particularly privacy and freedom from discrimination," she says.

Nessa's project is certainly timely—in September this year in Wales, human rights activist Ed Bridges lost the world's first legal challenge over police use of FRT. Bridges argued that the use of FRT by the South Wales Police caused him distress and violated his privacy and data protection rights by processing images taken of him in public.

However, the case was ultimately dismissed by the High Court, which ruled that the technology was not unlawful.

The project team comprises Nessa, Dr Marcin Betkier from the Faculty of Law, Professor Liz Campbell from Monash University, and Dr Joe Purshouse from the University of East Anglia. Nessa explains the project has several key aims and research questions. First they will undertake a mapping exercise to see how the technology is currently being used or may be used in New Zealand, informed by overseas experiences with the technology. "We know it's increasingly being used here, but it's such an emerging technology that we don't really have a sense of how New Zealand is using it yet," she says.

The group will also examine the rights and interests that may be affected by the use of FRT. The final part of the project will assess what regulation New Zealand has at the moment, and propose what potential forms of future regulation might look like. The group then aims to produce a report in mid-2020.

In October, Nessa hosted international experts at the Law School for a series of events including a public panel and a stakeholder workshop. Nessa and the project team were joined by Rachel Dixon, Privacy and Data Deputy Commissioner for Victoria, Australia, and Claire Garvie from the Center on Privacy and Technology at Georgetown Law in Washington D.C.

One of the issues raised during the panel discussion was the lack of transparency in some jurisdictions around how FRT is used. Claire Garvie said that in the United States, where FRT is a very common investigative tool for law enforcement, driver's licence databases provide police with an enormous library of facial images. "Over half of all American adults are enrolled in a database that's accessible for criminal investigations thanks to getting a driver's licence—this is not something that most Americans are aware of," she said.

“There are no rules when it comes to the use of facial recognition by public agencies in the United States. With very few exceptions there are no laws that govern the use of this technology. As a result it has been implemented largely without transparency to the public, and without rules around auditing or public reporting.”

FRT can also have a ‘chilling effect’ on public assemblies, freedom of expression, and the general use of public space by certain communities and demographics—as Claire noted, FRT has already been used in Baltimore during a protest against police treatment of people in custody.

Another issue raised was inaccuracy and the potential for FRT to produce false positives, and Rachel Dixon spoke about the distorting effect this can have. “It’s very hard to shake somebody’s perception that a match is wrong after the machine has said it’s right. There’s a lot of research to show that the first thing people are told is the thing they believe,” she said.

“Like DNA matches it’s not a perfect technology—it makes mistakes,” says Nessa. She notes a case where a Dunedin supermarket used FRT to run CCTV footage against a list of shoplifters and misidentified someone. “There’s also the potential for it to be used disproportionately against different groups.”

As the project evolves, Nessa and her team will work with sector stakeholders including the New Zealand Police, Immigration, Customs and security agencies to identify the key threats and opportunities that may arise from the use of FRT in New Zealand. To sum up the journey ahead, Nessa refers to a quote from the Bridges decision in the Welsh High Court: ‘The algorithms of the law must keep pace with new and emerging technologies.’

“We know it’s increasingly being used here, but it’s such an emerging technology that we don’t really have a sense of how New Zealand is using it yet.”

*Associate Professor
Nessa Lynch*

Making equality work —the Canadian experience

The Honourable Sheilah Martin from the Supreme Court of Canada visited Victoria University of Wellington's Law School in December 2018 to deliver the annual Robin Cooke Lecture.

Justice Martin's appointment to the Supreme Court of Canada was announced by Prime Minister Justin Trudeau in 2017. Titled 'Equality Jurisprudence in Canada', her lecture first touched on parallels between Canada's and New Zealand's legal institutions and colonial history.

"Most importantly, we share a common commitment to important values—democracy, the rule of law, respect for human rights, the protection of minorities, and a deep and abiding commitment to equality," she told the capacity audience.

Justice Martin noted that Lord Cooke, after whom the lecture is named, once remarked that while it was fashionable to have human rights in constitutional

documents, and while they must have a potent influence, "everyone knows that all too often, these are more castles in the air than realities on the ground".

In response to Lord Cooke's sentiment, Justice Martin said "What we need in respect of equality is a collective effort. The success of constitutions depends on the robust commitment on the part of the legislature and the executive and the courts, and of course the acceptance of the people".

Justice Martin outlined the main legal provisions for equality rights in Canadian jurisprudence. She explained that Canada has an entrenched bill of rights called the *Canadian Charter of Rights and Freedoms*, which was enacted in 1982 and includes equality rights.

"I think it's no exaggeration if I say that since its inception, the Charter has played a monumental role in shaping the contours of Canadian law," Justice Martin said.

She said there was a great deal of discussion and debate when Canada repatriated its constitution in 1982 and added in the *Charter of Rights and Freedoms*.

"Many people fought very hard to get equality rights into the Charter, especially women. [There was a] clear desire to have meaningful, transformative equality rights, especially considering that under the [earlier] Canadian Bill of Rights there seemed to be virtually no protections."

Section 15 of the Charter is the main equality rights provision in Canadian law, which Justice Martin said is far-reaching.





Justice
Sheilah
Martin

“It’s very difficult to deal with equality sometimes because it rests on comparisons and competing characterisations and larger social, political, historic and economic contexts.”

“Section 15 is the workhorse of the constitutional rights—it’s a separate, distinct provision that grants particular rights. [It] offers the equal protection of the law without discrimination on the basis of race, national and ethnic origin, colour, religion, sex, age, or mental or physical disability.”

She explained that section 15.2 permits affirmative action schemes with the understanding that section 15.1 and 15.2 are to be read together “to promote a certain vision of equality where affirmative action is not an exception to equality but one of its best manifestations”.

Justice Martin said that at the time of the Charter’s inception there was an expectation that equality rights would eliminate discrimination and redress the asymmetrical allocation of benefits and burdens in Canadian society.

“There was a firmly held belief that law could help effect positive social change—

that equality rights would encourage us to scrutinise and decode existing standards to check for domination, exploitation, and oppression.

“Equality rights may be grounded in human dignity, but they [were also expected to] help build community. They allow people to participate in life with all parts of who they are. [There would be] no cookie cutter citizens, and no need to assimilate or sublimate to belong. It was about full membership in society and equality of regard.

“The promise was as simple as it was profound, and that was that section 15 was to involve the fashioning of legal principles that provided substantive and effective equality rights which actually improved the lives of the disadvantaged.”

She said that equality rights seekers understood that the rights were aspirational. “Section 15 did not describe what existed—it expressed what they wanted and what they

believed society needed. It was to be a true beacon of justice for all, and you could say ‘OK Lord Cooke, they were knowingly building those castles in the sky.’”

While the Charter provided a more solid basis for the protection of equality rights, Justice Martin noted that the Supreme Court has stated that section 15 is ‘elusive’ and is perhaps the Charter’s most conceptually difficult provision—which Justice Martin said is code for ‘don’t expect clarity’.

“It’s very difficult to deal with equality sometimes because it rests on comparisons and competing characterisations and larger social, political, historic and economic contexts. While enjoyed by individuals, equality rights are tied to groups and collectivities.”

Justice Martin said there have been over 100 cases dealing with section 15 at the Supreme Court of Canada, which have provided insights into the practicalities of implementing the equality rights.

“We learnt that equality was a large, liberal, and remedial concept. That equality rights were purposive—they have a purpose, and their purpose was to protect and promote human dignity. Subsequently we’ve also learnt that the purpose was expanded to include the elimination of exclusionary barriers.

“We’ve learnt that identical treatment is no longer all that’s required. We know that a substantive view of equality is necessary and a formal view of equality must give way. We don’t care about what motivates the discrimination—we care about the conduct, actions, and impact.

“The discrimination can be direct and obvious, or it can be indirect, result from adverse effects of a neutral provision, or it can be systemic—that is, built into the structures of the system, but when they play out they play upon certain targeted groups.”

Justice Martin said that after almost four decades of interpreting section 15 of the Charter, the Supreme Court firmly rejected the Aristotelian notion that equality simply means treating likes alike.

“The Supreme Court said ‘this doesn’t work—identical treatment is not the model’.

“It may provide a remedy in certain instances... for example ‘one person, one vote’, but understanding that there’s been historic and systemic discrimination means that equality may sometimes require a difference in treatment, and that one law will not have the same impact on all people.

“Equality can’t be about difference, because we are all equally different from each other. Equality is as diverse as people are.”

Justice Martin said there has been mixed success in Canadian equality cases. “It’s very hard to make a section 15 case, and it’s even harder to get them to the Supreme Court. Most claimants fail because they can’t show discrimination the way it’s been defined over different time periods.”

She reflected that equality can be seen not just as a right, but as a process of thinking.

“It provides a way of thinking about difference, disparity, and disadvantage. It asks decision-makers to take into account the impact of laws on people who are differentially situated—how will real people be touched by this on the ground?”

“If law is to have an empire, perhaps there could be no better pillar than equal justice for all.”

“It forces us away from an assumed norm and asks us to consider how the proposed action will be affected by a person’s vulnerability. It tells us that the social context of an issue is a crucial part of legal methodology that binds us all—because equality places the focus

on the social situation of groups and requires us to turn our minds to the broader social, political and economic context.

“It reinforces that a single provision, even though it appears neutral, may have very, very different impacts.

What equality methodology and thinking require is looking at the past, looking at the practices and precedents and rules, and saying ‘should they be re-examined, stripped away, decoded?’”

To illustrate her point, Justice Martin explained how cases involving Aboriginal offenders have challenged the way Canadian courts view equality rights.

“In 1999 the Supreme Court of Canada gave direction to judges using equality principles to think differently about sentencing in general and the sentencing of Aboriginal peoples in particular.





L-R: Alice Cooke, Lara Cooke, Justice Francis Cooke QC, The Honourable Sheilah Martin, Lady Cooke, Professor Mark Hickford, Philip Cooke.

“The Court looked at the historic and systemically based discrimination against Aboriginal people and noted that there has been a disproportionate over-incarceration of Aboriginal offenders in Canada that had reached ‘crisis proportions’ and that the present system of justice... had failed Aboriginal people and was at odds with their cultural heritage and spiritual beliefs.

“The Court called on history, politics, social circumstances... and said we have to take into account poverty, dislocation, discrimination, poor social and economic situations... [they said that] Aboriginal people may be more affected by imprisonment, and less likely to be rehabilitated because the punishment is out of synch with Aboriginal values. They said that prison might not only be culturally inappropriate, but that Aboriginal peoples may be facing discrimination in jails as well.

“The Supreme Court rejected the argument that taking into account the particular circumstances of Aboriginal people amounted to any form of reverse discrimination. They outlined that differences in treatment were not unfair and that paying particular attention

to the circumstances of Aboriginal offenders is nothing more than requiring a specific application of the equal benefit of the law because an identical treatment model may produce further injustice.”

Justice Martin closed her lecture by alluding back to Lord Cooke’s remarks about the elusive nature of equality rights.

“There are many ways that we can translate aspirational rights into lived reality. Equality rights are so foundational, so fundamental, so formative, that it’s no surprise that they have multiple ways to influence the totality of a country’s jurisprudence.

“In Canada, whether invoked when balancing rights, justifying government actions or interpreting statutes... we’ve tried to remove myths and stereotypes from law even in evidence, procedures and process.

“If law is to have an empire, perhaps there could be no better pillar than equal justice for all. And so I say this to Lord Cooke: perhaps sometimes you first have to build the castle in the air, and then you pull it down and put it on the ground and make it firmly part of your lived reality.”

The Robin Cooke Lecture was established in 2001 in honour of the late Lord Cooke of Thorndon. Lord Cooke was a Victoria University of Wellington Law alumnus and New Zealand judge, and later a British Law Lord and member of the Judicial Committee of the Privy Council. He is widely considered one of New Zealand’s most influential jurists and is the only New Zealand judge to have sat in the House of Lords. Several members of Lord Cooke’s family were in attendance at the lecture.

Graduation address:

Indiana Shewen, Class of 2019

Traditionally, each Victoria University of Wellington graduation ceremony features an address by one of our newest graduates, who speaks on behalf of their peers. This honour is awarded to someone who, during their time at the University, has exemplified the qualities we seek to instil in all our graduates. This May, the address was given by Indiana Shewen (Te Atiawa and Ngāti Mutunga), who graduated with a Bachelor of Laws and a Bachelor of Arts majoring in Māori Resource Management.

At the completion of her studies at Victoria University of Wellington, Indiana undertook a full immersion te reo Māori course at Te Wānanga Takiura in Auckland under the tutelage of Papa Tāwhiri Williams, Whaea Kā Williams and her kaiako Jamal Peeni. In her career she hopes to use her legal knowledge to address legal issues facing tangata Māori.

She dedicated her speech to her late mother Larissa Nellie McDonald, who passed away during Indiana's first year of studies in 2014.

“*Mā wai rā e taurima, te kawē i waho nei? Mā te tika, mā te pono, me te aroha e (Pao).¹*

Tuatahi, tēnei taku mihi ki te Chancellor me te Vice-Chancellor. E tautoko ana rāua ki ngā taurira kātoa, nō reira tēna kōrua ko Chancellor Neil Paviour-Smith, ko Professor Grant Guilford.²

Tuarua, tēnei taku mihi ki, te Pro Vice-Chancellor. He tangata tino matatau ia, he tangata whakamauritau ia ki ahau, nō reira tēnā koe Professor Mark Hickford.³

Indiana Shewen

Tuatoru, e mihi ana ahau ki ngā tangata whakapōtai katoa. Kei te tino poho kereru ōu whānau me ōu hoa ki a koutou. Nā te mea, he tangata tino pukumahi koutou.⁴

Nō reira, tenei taku mihi ki a koutou kātōa. Ko Indiana ahau, he uri ahau o ngā tangata o Te Atiawa, me Ngāti Mutunga hoki.⁵

Good afternoon University staff, fellow graduates, family, and friends.

I feel immensely privileged to stand before you today and address you all as your graduate speaker. Today we are here to celebrate our successes. Today we are Victoria University of Wellington's most recent graduates. But while we celebrate the amazing achievement of graduating from University, I think it is important that we reflect on the journey we've taken to get here today. I am speaking from personal experience when I say that many of us here have wondered if this day would ever come. This might cross our minds while sitting in the library with two essays due the next morning and a closed-book exam in the afternoon. The workload of a student can seem unbearable at points, and I think this is illustrated well by a conversation I once overheard in the library. A girl was crying and her friend came up to her and said, "Is it a boy? Or is it just because you're doing a law degree?" It is true, getting a University degree is not easy, and I'm not just talking about the academic challenges.

Some of you graduating today have worked part-time jobs to support yourselves and your families during the course of your studies. Some of you travelled away from your homes and your families to be here. Some are parents, raising children. Some came back to University after making a change in your career. Some lost loved ones along the way. And many of you battled with your health—both physical and mental.

I would like to mihi to each of you for making it to this day. I believe it is truly an honour to celebrate with you today, because despite all of this—you prevailed.

Nō reira, tēnei taku whakatauki:⁶
***Ehara taku toa i te toa takitahi,
 he toa takitini.***
***My strength is not mine alone,
 it is the strength of many.***

While we graduates may think today is all about us, it really isn't. I am certain that each of us can name people without whom we would not be walking across this stage today. This might be a tutor who gave their extra time to assist you, or perhaps a family member who would send the occasional care package. It could be a lecturer who gave you empathy and support when life got in the way of studies. So on that note, I'd like to give thanks to the academics, tutors, and university staff for their incredible knowledge, patience, and passion. Thanks also to our families and friends for going above and beyond to make sure that each of us got here.

On a personal note, I would like to thank three people without whom I wouldn't be here today. First, Dr Carwyn Jones. Thank you for fuelling my passion for the law, and for helping me to recognise that my māoritanga (Māori culture) is the greatest tool I can use as I embark on my legal career. Second, my Dad. Thank you for instilling in me the belief that I can achieve anything I set my mind to, so long as I put in the hard work. And finally, my Mum, te poutokomanawā o tōku ngakau (the pillar of my heart of emotions) who taught me the importance of using my university education to give back to others.

Last year, the New Zealand legal profession embarked on a painful but much needed journey revealing sexual abuse, bullying, and a lack of cultural leadership by key institutions. I was extremely proud of the response from Victoria University of Wellington students.



This was demonstrated by the 'March on Midland' rally, which saw over 400 students, university staff and members of the legal profession join together to call for change.

To me, this cohort of graduates represent determination, intelligence, empathy, and passion for justice, and that helps me to know that with you all as leaders, the future of our profession is in very safe hands.

This year we celebrated the appointment of Justice Joe Williams as our first Māori lawyer to become a judge of the Supreme Court. This is an amazing milestone for the legal profession, and it serves as an indicator of the direction in which our profession is going. In our careers, we will be asked to address major issues that have been entrenched in our professions for too long. It is up to us to ensure that we do everything that we can to improve our professions, and leave them in a better condition than we found them. As we go into the future, we can go knowing that our education at Victoria University of Wellington has given us a strong foundation on which to build our careers. I have absolute confidence that this cohort of graduates is well equipped for the challenge.

*Nō reira,
 Ta piti hono tatai hono,
 Te hunga mate ki te hunga mate,
 Te hunga ora ki te hunga ora.⁷
 Tēnā koutou kātōa.*

”

▶ To watch Indiana's full graduation address, see bit.ly/indiana-shewen

1. Who will tend to the ceremony now? Truth, honesty, and love will (improvised singing).
2. Firstly, this is my acknowledgement to the Chancellor and the Vice-Chancellor. Every day these two people have shown their constant and unwavering support to all of the students here, therefore this is my acknowledgement to you both, Chancellor Neil Paviour-Smith and Professor Grant Guilford.
3. Secondly, this is my acknowledgement to the Pro Vice-Chancellor. In my opinion, he is an intelligent person, who holds leadership qualities through his ability to keep the peace and bring people together, therefore this is my acknowledgement to you Professor Mark Hickford.
4. Finally, this is my unwavering acknowledgement to all of you people graduating here today. Right now, your family and friends are all very proud of each of you. This is because all of you have worked very hard.
5. Therefore, this is my acknowledgement to all of you here today. My name is Indiana, I descend from the people of Te Atiawa and Ngāti Mutunga iwi.
6. Therefore, I give you this Māori proverb.
7. Depths to depths, to blessed death to blessed death, to blessed life to blessed life.

Conscious uncoupling

Relationship breakdowns can be the most trying times in people's lives, so it's vital that the laws concerning what happens to property and trusts in these situations are clear, comprehensive and equitable.

To this end, the Law Commission has recently undertaken a review of the Property (Relationships) Act 1976, and Professor Bill Atkin from the Faculty of Law has been a key member of the Commission's Expert Advisory Group. The task of reviewing the legislation was first referred to the Commission by former Minister of Justice Amy Adams in 2016, and the group was set up in the early stages of the project.

A leading expert on family law and relationship property in New Zealand, Bill has published numerous books and papers on these topics including one of the definitive works, *Relationship Property in New Zealand*. He says while the legal foundations laid by the 1976 legislation are still sound, the law requires modernising and clarification in order to remain fit for purpose.

"In 1976 we made significant steps in altering our system away from the conventional British approach—which was largely a matter of judges deciding what might be appropriate," says Bill. "But when you dig deeper there are some exceptions and curly technical issues to be worked through."

Bill says one of these issues is family trusts. "Trusts are an area where we need much more clarity. The relationship between property and trusts is really quite a tricky one—it's been the subject of major Supreme Court decisions and a lot of other litigation. The current law is ambiguous, it's inconsistent, and it's not based on clear principles.

"The Law Commission's proposal is to effectively treat trust property as relationship property unless it has nothing to do with the family, so most family trust property will be included in the pool for division. The current law goes down that route to a certain extent, but it's all over the place."

Bill also notes that the current law on trusts tends to favour male parties, and that the Law Commission's proposed changes may help to ensure a more equitable outcome for both parties in a relationship.

Another area under review is economic disparity between partners in a relationship. The general rule under the current law is that once you have been in a marriage, civil union or de facto relationship for more than three years, upon separation all relationship property is to be divided equally. However, the Court has the discretion to divide relationship property unequally in certain circumstances. The economic disparity provision is one of these circumstances, and ostensibly allows for one party to seek a greater than equal share.

This provision applies if the income and living standards of one partner are likely to be significantly higher than the other. In this situation, the Court can order a lump sum payment or transfer of relationship property to the economically weaker party to compensate for this economic disparity.

"Issues around economic disparity are quite prevalent in New Zealand and have been coming up a lot in family breakdown situations," says Bill. "One of the big problems with economic disparity is determining the amount of compensation. In the leading case that went as far as the Supreme Court, different courts and judges came up with wildly varying amounts, ranging from \$187,810 to \$895,439."

Bill says the Law Commission has proposed introducing a new mechanism called Family Income Sharing Arrangements (FISAs) to replace the court's compensatory powers.

"But when you dig deeper there are some exceptions and curly technical issues to be worked through."

*Professor
Bill Atkin*

Under a FISA, partners would share income for a limited period following separation in order to ensure the economic advantages and disadvantages arising from the relationship or its end are shared more fairly. The amount and duration of a FISA would be calculated by a formula that takes into account the partners' incomes before separation and the length of the partners' relationship.

"This would involve a radical change in the law," says Bill.

"It means removing the rules around economic disparity, getting rid of the law of adult maintenance, and in effect combining the two in this new proposal. The idea is it would be a bit like child support in that it would operate automatically. Now that's quite an ambitious proposal—the Government's going to have to work through the challenges and it might decide that it's too radical. On the other hand it can't leave the law as it is at

the present with a great deal of uncertainty."

Bill says the Commission's proposal to change rules relating to family homes is also significant.

"Often the home is the main family asset and some people, such as mothers, may miss out or will have nothing to show for their efforts in bringing up the children and looking after the family."

"At the moment, the family home is always treated as relationship property. The proposal is that pre-owned homes will be outside the pool of relationship property. However, if you sell the home and buy another one it becomes relationship property, and also any increase in the value of the home would be relationship property.

"It's going to make the law relating to the family home more complex and will potentially give rise to more disputes, but the Law Commission received evidence from a lot of people and some survey results indicating that this was an area where people felt the law was unfair—that you could bring a home into a relationship and lose half of it." Bill notes that this proposal is controversial. "Often the home is the main family asset and some people, such as mothers, may miss out or will have nothing to show for their efforts in bringing up the children and looking after the family."

There are several areas that still require further work, such as the interests of children and what happens in cases of inheritance when one partner dies—Bill notes that the Law Commission has started a new project looking into the latter issue. He also says a major question for the future is how tikanga Māori can be better used in procedures to do with relationship property. But while there are areas that need updating, Bill says New Zealand's relationship property laws compare favourably internationally. "I think we're ahead of the game. The Law Commission accepted that the core principles of our current law are sound. We're a long way ahead of the law in Australia, England and Wales, where they have very open-ended rules and it's very hard to determine what the outcome of any situation is."

In October 2017 the Commission released an Issues Paper of more than 800 pages, and after comprehensive public consultation it released its final report in July 2019. "It's been a mammoth task," says Bill.

The Government is now considering the recommendations and will make a decision on whether to implement any or all of them. Bill expects there will be an indication from the Minister of Justice before next year's general election. "Realistically I don't think we'll see legislation for around two years. If we can get it calibrated in the right way, it could lead to a fairer system for all."

Bill concedes that even with a fairer system, there will still be disputes and acrimonious settlements under the proposed new law. "It's pretty hard in some situations to avoid acrimony, but it helps if the law is reasonably clear. Certainly the Law Commission was looking to reduce acrimony by having clearer rules."

Ultimately, Bill hopes the updates to the legislation will better reflect the nature of contemporary relationships and values. "Relationship property law cannot be value-free. Like most law, in the end we draw pragmatically on a mélange of concepts to come up with a package that is widely accepted and understood within the community," he says. "But the make-up and values of New Zealand are not static: 2019 is very different from 1976. The work of the Law Commission can help New

Zealand take the next leap towards a re-fashioned regime, fit to serve the community."



International law and the origins of power

“My historical work has always been influenced by my interest in law as an instrument of power,” the Finnish legal scholar Professor Martti Koskenniemi told an audience at Victoria University of Wellington’s Faculty of Law in May.

“How does law channel power?

How does law help power to realise itself?

How do we use law in order to critique power?

Where might power lie?”

Professor Koskenniemi was visiting the Faculty of Law to present its annual Borrin Lecture, delivered in honour of the late Judge Ian Borrin, a Victoria University of Wellington alumnus and major supporter of the Victoria University of Wellington Law Review. Before his death in 2016, he established the Michael and Suzanne Borrin Foundation to support legal research, scholarship, writing and education in New Zealand.

Professor Koskenniemi is Academy Professor and Director of the Erik Castrén Institute of International Law and Human Rights at the University of Helsinki, a Professorial Fellow at Melbourne Law School, and Centennial Professor at the London School of Economics and Political Science. He has also been a member of the Finnish diplomatic service and of the UN’s International Law Commission.

Titled ‘History of the Law of Nations: Sovereignty and Property’, the lecture delved into the history of European power and international law, and the nexus of sovereignty and property that Professor Koskenniemi said lies at the heart of all European diplomacy, treaty making, war, and peace.

Professor Koskenniemi began by referring to the term ‘*dominium*’, the Latin phrase used by early European lawyers and theologians to address human power. The term stems from Genesis 1:26 in the Bible:

Then God said, ‘Let us make mankind in our image, in our likeness, so that they may rule over the fish in the sea and the birds in the sky, over the livestock and all the wild animals, and over all the creatures that move along the ground.’

“*Dominium* is the word that the Bible uses in this respect when it addresses the power that human beings are given to operate in the world. The Spanish scholars in Salamanca used not only *dominium* but also that specific paragraph from Genesis to begin thinking about why the Spaniards are able to exercise power over these lands in the Indies—over the people and the resources there.

“*Dominium* is the language that the Spanish scholars operated with when they tried to teach their students about their justification for being there (in the Indies).”

Professor Koskenniemi said theologians decided that this *dominium* needed to be divided into two parts—namely *dominium iurisdictiones* and *dominium proprietatis*—because they saw two things happening around them.

“When the Spaniards found themselves in the Indies, they didn’t go there just for the sake of tourism, but in order to find gold and silver. They made mines that started this enormous wealth that came to Europe, and that oiled the wheels of commerce—in Europe but also in China and elsewhere.

“With expanding commerce, an expanding commercial ethic started to emerge, and that worried the theologians. What about usury? What about selling more dearly than you had bought? Not only Aristotle but also Thomas Aquinas were against the ideas of amassing capital in the ways that the Spanish theologians saw taking place.

“So they developed a language to deal with both the claims of jurisdiction that Charles V made in the Indies, but also the claims of property—that the Spaniards, Germans, English, and Italians were making.”

“*Dominium* is the word that the Bible uses in this respect when it addresses the power that human beings are given to operate in the world.”



Professor Koskenniemi said at the time England was a poor country and it hired a number of companies, among them the Levant Company, which dealt with most British foreign trade between 1580 and 1620. The Levant Company also became a treaty partner with the Ottoman Sultan and until 1802 it appointed the British ambassador to Istanbul and paid the ambassador's salary.

"The Levant Company had collected its own capital from privateering activities—activities that were authorised by the English state in the name of Queen Elizabeth, to participate in the war against the Spaniards. Out of the 300 vessels that went to meet the Spanish armada, only three were owned by the Crown—the rest were privateers from companies such as the Levant Company. The Levant Company also had consular jurisdiction in the Mediterranean—it had consular posts in different harbours around the Mediterranean.

"But there's another aspect as well—which is our pathetic weakness."

"So from this we can see that diplomacy, war, and statehood aren't the prime locations of power. Rather power, historically speaking, has been distributed in immensely complex configurations between people representing states and people operating in trade."

Professor Koskenniemi said the first person to have articulated this idea clearly was the German natural lawyer Samuel von Pufendorf.

In his work *De jure naturae et gentium* (On the law of nature and nations) Pufendorf explained how sovereigns and individuals have certain rights stemming from their own nature.

"Pufendorf, whose family had suffered in the Thirty Years War, was a man of peace, but he was also a man of science. Law, morality, philosophy, theology—none of these had the same kind of certainty to offer as science.

So his ambition was to get rid of war and to organise society everywhere by a natural law that would have a similar kind of certainty.

"Pufendorf developed an immensely influential algorithm to think about law and obligation. He suggested that in order for us to get to the bottom of things, we should think of human beings as we really are.

"Now what are we, really? In the first place he thought, and few would object, humans are egoists—we think of ourselves. That's a really basic aspect of our being.

"But there's another aspect as well—which is our pathetic weakness. Unlike the other animals—lions, tigers or bulls—we don't have sharp teeth or claws to defend ourselves. But we are different from those animals in other ways: we have reason.



*Professor
Martti
Koskenniemi*



L-R: Professor Mark Hickford, Marc George, Jenny George, Professor Martti Koskenniemi

“And if you put those three aspects of humans together—self-love, weakness, and reason—what you get out of that algorithm is not that we love each other, but that we have a selfish interest to rely on each other, to join together, to defend ourselves, to get our livelihood.”

Professor Koskenniemi said at the same time the French and the English were at war in the Seven Years War. The British were able to sink all the French vessels going to the Caribbean, and got a great advantage in the continental war through their predominance on the seas.

“The French were understandably outraged by that and King Louis XV sent his ambassador to Frederic the Great in Berlin to solicit the Prussian King’s agreement to ally with France against the unacceptable ways of warfare that the Brits were waging.

“The proposal started by reference to European public law in the 18th century, the central rule of which was balance of power. In the Peace of Utrecht 1730 Europeans had by and large agreed that there should be a balance of armaments, and a balance of power in the continent and if possible also beyond. The French suggested that the British commercial warfare undermined that well established principle.

“Frederic received this proposal and turned to one of his natural lawyers from Göttingen, Johann von Justi. Justi said it’s very important that the balance of power is maintained as a European principle, but the balance of power is by nature a military-political arrangement.

“Conceptually speaking, it would be impossible to expand that balance into a balance of trade because trade, unlike politics, is global in nature, and it would be ridiculous to suggest that princes should prohibit businessmen from trading in situations where there are lucrative possibilities of making deals.

“And it’s not just that the businessmen would be hurt—it would be the business partners, the innocent third parties, who could not do deals. So he suggested, for the first time that I can see, that there is a distinction between politics and trade. Politics you can regulate with rules, politics can be confined by arrangements in separate states. But trade is global—trade cannot be confined.

“Politics you can regulate with rules, politics can be confined by arrangements in separate states. But trade is global—trade cannot be confined.”



“At the same time (the 18th century) the British were worried because although their trading relations were making Britain into the most prosperous country in Europe, common law had difficulties in accepting the kinds of commercial treaty making that the Brits were doing all over the place.

“Lord Mansfield is known as the father of British commercial law and in a series of judgments in the 1760s he made the point that the rules of common law, including the prohibition of new pacts, don’t apply to international deals. He said that all nations ought to have their laws conformable to each other. Britain became a powerful empire through its commerce. Law had a lot to do with facilitating that. Not really treaty making, but commercial law.

“In France it was slightly different. The moment when we think of sovereignty coming to us in its most crystallised, most powerful form, the moment when Louis XIV is reputed to have said “L’état, c’est moi”, a realistic response to the question ‘What is France?’ would have been: France is a composition of venal office holders, men who have bought their way into their offices, who own those offices as private property, whose eldest sons can inherit those properties, and that there were around 30,000 of those across France. So the question is, was France a state? Or was it a Mafioso arrangement between a series of ruling families who had contracted themselves into positions of power?”

Professor Koskenniemi said the 19th century was a “black hole” for international law and the law of nations, as it was a period when natural law had died away but there was not yet a system of international law.

Towards the end of the century, some European thinkers began to think of diplomacy as a form of legal system, including at the University of Göttingen in Germany, which laid some of the groundwork for what we know today as international law.

Professor Koskenniemi said that around the same time there was also a series of hugely influential international legal problems in the western hemisphere, including revolutions in Central America, in which the United States was called on to intervene.

“The Americans could not really do that because they had promised the Europeans. There was the Munro Doctrine that nobody should intervene, and they knew that if the Americans set foot in Central America there were French and British gunboats outside Venezuela at the same time, so in five minutes the British and the French would be there as well.

“So the State Department, with the help of a German lawyer, decided to set up claims commissions to deal with claims that American citizens had towards the Mexican government as a result of the destruction of their property. I mention this because it’s so important as a historical precedent for things that happen today.”

Professor Koskenniemi said that the legacy of these events can be seen in the fact that in the 20th century and today, a major aspect of international legal teaching in western universities is teaching investment law and investment arbitration.

Professor Koskenniemi closed his lecture by saying the relationship between sovereignty and property is still an important consideration when trying to understand how power operates in the world.

“My own work has tried to suggest that even though many people think that European power is the power of the sovereign, this is wrong. Or you may have thought that European power is the power of the property owner—also wrong.”

He said that in order to fully grasp European and western power, one must understand that it comes as a combination of the two.

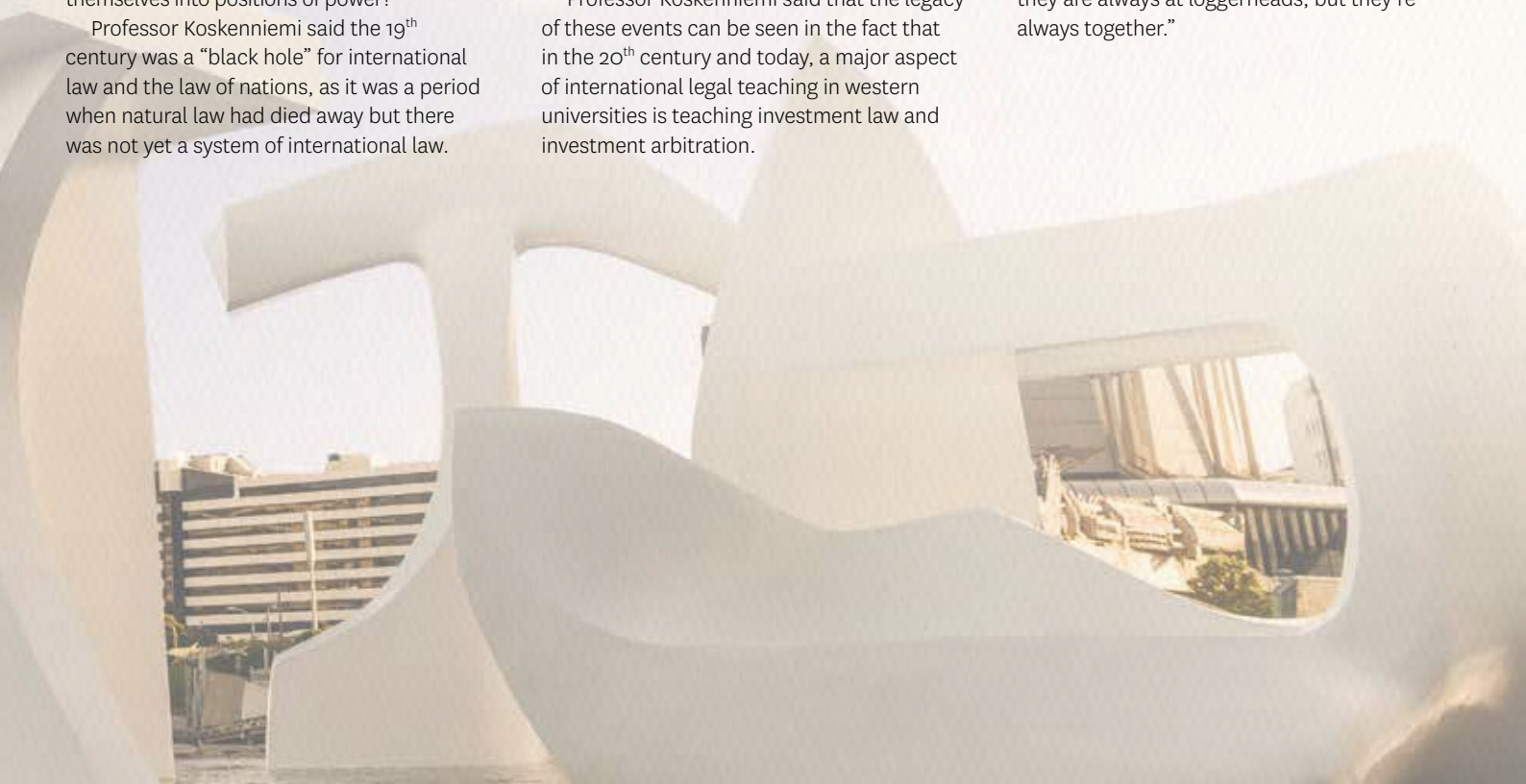
“Sovereignty and property are like yin and yang. They are inseparable, they always come together. You see sovereignty, but scratch the surface and very quickly relationships of

property emerge. You see property, but scratch the surface and very rapidly you see police, military, and institutions.

“We are being ruled by this complex combination of sovereignty and property that in different historical circumstances or geographical locations takes a slightly different form. And for legal analysis it’s fascinating to try to decipher that form. But the two come always together.

“It’s like mum and dad. They always quarrel, they are always at loggerheads, but they’re always together.”

“Sovereignty and property are like yin and yang. They are inseparable, they always come together. You see sovereignty, but scratch the surface and very quickly relationships of property emerge.”



The surprising history of welfare law

Associate Professor Māmari Stephens (Te Rarawa and Ngāti pākehā), author of the new book *Social Security and Welfare Law in Aotearoa New Zealand*, has been teaching welfare law since joining Victoria University of Wellington in 2006. Each year she starts by asking her class what they do when they are walking down the street and see somebody asking for money.

“Do you walk on by? Do you give them money? Do you go and buy them a sandwich and take them it? Do you cross the road? What is your response to other people’s statement of need? I get people to write down their answers on a piece of paper and give them to me. The range of answers is really interesting,” says Māmari.

“This exercise tells us something about welfare. Even though we’ve got this massive bureaucracy and all this legal structure around it, it’s real life, it’s ‘What do we owe our neighbour by way of obligation? How much do we owe each other to make sure each other survives? And who mediates that? What is the state’s role in that?’ These are really fundamental questions about how we live in society with one another.”

Welfare, Māmari points out, is a broad term.

“It incorporates everything from ACC to benefits to superannuation—which, of course, is a benefit too. I’ve deliberately included ‘social security’ in the title because that’s the narrow focus on benefits under the Social Security Act, but there are broader things talked about in the book in terms of welfare—Māori welfare, for example.”

Māmari’s mother was a solo parent beneficiary and *Social Security and Welfare Law in Aotearoa New Zealand* is dedicated to her and Māmari’s father.

Of her parents, who died while she was working on the book, Māmari writes in her acknowledgements that between them they “taught me so much about the welfare state in New Zealand”.

At the same time, she says, what she has learnt about the welfare state through writing

the book has given her new perspectives on her family experience.

When Māmari started teaching welfare law, there was, to her knowledge, only one other person doing so in New Zealand, John Hughes at the University of Canterbury, who happily shared course notes with her.

John has written the foreword for *Social Security and Welfare Law in Aotearoa New Zealand*, which is published by Thomson Reuters, with Māmari’s research supported by the New Zealand Law Foundation.

He describes it as “a highly readable account of an exceptionally technical area of law” and “an invaluable guide to welfare and social security for the general reader” that “should be required reading for lawyers, policy-makers and administrators and all who seek to frame, or participate in, recurring public debate on the issues it raises”.

At the centre of the book is its appreciation of the set of principles fundamental to welfare law—no matter what government is in power or how elements of the law might shift.

“Every time a government changes they bring in a new crop of old things,” says Māmari. “When Labour comes in there’s an expansion, figures for hardship grants go up, sanctions go down. And when National comes in again you see the reverse—there’s a stricter approach to hardship grants, a stricter approach to sanctions, some of the discretionary benefits around the edges get canned. It’s very predictable. But the core of the system never changes.



“One thing clear from the get-go is there has never been at the heart of welfare law a principle of poverty alleviation. Not in its nineteenth-century early manifestations, not in the 1938 Social Security Act or under the First Labour Government that brought the Act in, and not later. The workings of the law go towards alleviating poverty but that’s not the driving principle. The driving principle has been employment. So I had to bring that out.”

One thing Māmari hadn’t realised before teaching and researching the subject is how welfare law and social security law in particular are perhaps “the most highly moralistic, socially normative legislation we have.

“I teach criminal law as well. Criminal law is very directive and normative about what social behaviour is expected because this is the stuff you shouldn’t be able to do. Social security legislation works in the opposite direction: ‘If you want state assistance this is how you have to live.’ So it’s socially normative in a way other pieces of legislation don’t ever quite manage”.

That moralism is also reflected in the opprobrium frequently associated with welfare.

At what point did it become such a ‘stink’ word? “The 1500s?” says Māmari, first laughing but then seriously: “When you answer that question you’ve got to go back to the idea of the deserving and undeserving poor. That idea has been with us since just after the Middle Ages in England.”

It has meant, she says, “people on welfare or in receipt of state benefits have always had to justify themselves. There has always been a sense of pressure on them as to whether or not they really deserve that assistance”.

Māmari hopes that if there is any major reform in the wake of this year’s findings by the Government’s Welfare Expert Advisory Group, published in the report *Whakamana Tāngata— Restoring Dignity to Social Security in New Zealand*, those involved in delivering it read her book. “Because it helps to know how, for example, thinking about illness drives the shape of the sickness benefit, how we think about family formation drives the benefits that make up family support, how

what we think about young unemployed men and the dangers we presume they hold for society, and about young pregnant women, explains why we treat youth benefits separately to other benefits. There’s a history to all that stuff. I want policy-makers to read about that. The only chance you’ve got for good reform is to take all that into account.”

Meanwhile, Māmari continues to teach her welfare law course—and it’s a popular one.

“I think a lot of students might take it because it’s not tax,” she jokes.

“Although I have to say, if there’s something I think I should have taken when I was at law school, it’s tax law. Because there are a lot of those very same questions. It’s incredibly fundamental stuff. It’s all part of the same thing: What right do we have to take money off the general populace and what do we do with that money when we take it?”

“One thing clear from the get-go is there has never been at the heart of welfare law a principle of poverty alleviation.”

Associate Professor
Māmari Stephens



The power of scholarship

The Quentin-Baxter Memorial Scholarship is awarded to talented students who are in need of financial support. We caught up with two previous winners to discuss the role scholarships play in supporting law students to complete their studies and reducing some of the additional financial pressures students face, and to hear about their careers beyond Law School.

Judge Heemi Taumaunu (Ngāti Porou and Ngāi Tahu), Chief District Court Judge

LLB, 1993

While in the Army I was inspired by the writings of Sir Apirana Ngata, who was a land reformer, political leader, scholar and the first Māori to graduate from a New Zealand university. I chose to study law because I intended to follow in Sir Apirana's footsteps by obtaining a law degree. I chose Victoria University of Wellington because my parents lived in Wellington and at the time it was offering, for the first time, quota entry for Māori to Law School—Moana Jackson was a driving force behind that. Without that I would not have been able to gain entry to the Law School. Once

I did, I was then in the same position as everyone else at Law School. We all had to work very hard to continue through the law programme.

Receiving the Quentin-Baxter Scholarship made me more focused. The criteria included research and study in the Faculty of Law and also one's likely contribution to the Māori community. After receiving the scholarship, I felt an obligation to try and fulfil those criteria in the future.

**“Whaia te iti Kahurangi,
Ka tūohu koe me he maunga teitei”,
which translates as, “Pursue the
lofty heights, if you succumb, let
it be to the highest mountain.”**

The highlight of my time at the University was establishing life-long relationships with fellow students who went on to pursue careers using their law degrees. One thing that surprised me was how fierce the competition was for places in the second and subsequent years of the course. During my time at Law School the key skill I gained was that of critical analysis, something that I have been able to apply in my law practice and on the Bench.

After graduating from Victoria University of Wellington, I spent some time as a solicitor with Te Puni Kōkiri and with the Immigration Service in Wellington, before returning to Gisborne to practise law in 1994. I covered a range of legal work, including jury trials, acting as a Youth Advocate in the Youth Court and also as lawyer for the child and counsel assisting in the Family Court. I was appointed to the District Court Bench in 2004 and led the establishment of the first Rangatahi Court in Gisborne in 2008, which has now grown to 15 courts around the country. For that work I received the Veillard-Cybulski Award, which is an international tribute recognising innovative work with children and families in difficulty. I have been the tangata whenua representative on the Chief Judge's Advisory Group and I have tried to encourage the District Court to embrace tikanga as a way to enhance Māori engagement and confidence in the court.

My advice to new law graduates would be to commit 100 percent to the task at hand and give it their all. This is summed up in the Māori proverb, “Whaia te iti Kahurangi, Ka tūohu koe me he maunga teitei”, which translates as, “Pursue the lofty heights, if you succumb, let it be to the highest mountain”.

For the next eight years I will serve as Chief District Court Judge and my aim is to improve access to justice for all who are affected by the business of our Court. I want to focus on improving the delivery of equitable treatment, recognising that people come before the Court from different starting points. Integral to this is promoting procedural and substantive fairness in the Court.



Judge Taumaunu during a special court sitting held at Whangara Marae (near Gisborne) to mark his appointment.

The Quentin-Baxter Memorial Scholarship Fund was established in honour of Professor Robert Quentin Quentin-Baxter. Professor Quentin-Baxter taught international and constitutional law at Victoria University of Wellington for 16 years, until his death in 1984. His wife, Dame Alison Quentin-Baxter, also taught at the Faculty and has maintained a close relationship with the University. Dame Quentin-Baxter, a lawyer and expert in constitutional law, has worked extensively with island small states on the drafting of their constitutions.

Daniel Kalderimis Partner, Chapman Tripp

LLB (Hons), BA (English & Philosophy), 2000

I've always been fascinated by how we can use words to express concepts and ideas, to understand each other and the world around us. Which is good, as I'm not a very practical person. I would, for instance, make a hopeless engineer! At the beginning of my time at university, I was more inspired by my English and Philosophy papers, but as my law degree progressed I began to see how the language of law allowed for a counterbalance between theme and logic, providing a structured and powerful way to debate and test competing ideas.

Aside from the usual stories of supporting myself with odd jobs (I washed a lot of dishes), I didn't face particular obstacles. Compared to my father, who arrived in New Zealand as a refugee from Romania; and my mother, who did not attend university and passed away very young, I was very fortunate. I try always to be aware of this. I supported myself through my five and a half years of undergraduate study. The scholarship made a significant financial difference at an important time. More than this, it validated the connection I felt with international law. I remember being so excited by the prospect of doing the course, then taught by Judge Hastings (as he later became), and reading these famous and impenetrable cases. The scholarship was a significant honour and privilege.

In terms of highlights, the first was that my cohort, many of whom I am still friends with, were wonderful colleagues. Secondly, my experience of mooting and cross-examination at Law School led me to many different places and paved my way to becoming a litigation lawyer. Which, looking back, was definitely the right decision for me. Thirdly, graduating top student overall for my year is an achievement of which I remain very proud.

The thing I found surprising about Law School was the formality of the argumentation—which does leave considerable scope for creativity; but only once the structure is understood and applied. I had a frustrating time in first-year law adapting my thought process to the specific formula preferred for statutory interpretation problem solving. But I did get there in the end...

When I left Law School I had the privilege of working as a Judges' Clerk for Thomas J in the Court of Appeal, then with Jack Hodder QC at Chapman Tripp in Wellington, before attending Columbia Law School where (like Associate Professor Joanna Mossop) I taught and studied. I then sat the New York Bar exam, but moved

to London where I practised international arbitration at Freshfields Bruckhaus Deringer LLP. I returned to Wellington and Chapman Tripp a decade ago. I now wear two hats: I am a commercial litigator before New Zealand courts and teach civil procedure at the University (which I greatly enjoy). I also set up and lead Chapman Tripp's international law practice, which is a unique offering in the New Zealand market.

At Law School I learnt how to think and debate lucidly and persuasively. I indulged my curiosity about ideas with some brilliant minds. In particular, I learnt a great deal from Professor Geoff McLay, whose grasp of torts was (even all those years ago) profound. I don't believe that all problems can be solved by law. But I learnt how to analyse with rigour and passion those that can be. It was a privilege to be a part of this institution, during a period in my life in which I discovered who I was. I'll always be grateful.

My advice to law graduates would be don't be afraid to express yourself and test your ideas. Law School is a place to talk as well as be spoken to.

As far as the future goes, at some stage, I will move from my firm to the separate bar. And hopefully spend a little more time with my three wonderful children.

“The scholarship was a significant honour and privilege.”

Daniel Kalderimis



Distinguished alumni honoured

Two successful law alumni—Judge Carolyn Henwood and business leader Whaimutu Dewes—were among six people honoured by the University this year in the Distinguished Alumni Awards.

Every two years the University acknowledges a number of top-achieving alumni and holds a formal dinner in their honour.

Chancellor Neil Paviour-Smith said the award recipients had established themselves as leaders in their respective fields over the course of their careers, and were outstanding examples of what graduates from Victoria University of Wellington could achieve.

“These alumni have achieved at the very highest level and made an immeasurable difference to those around them. In their different ways, each of these award winners have demonstrated the best of our University’s values and the quality of an education from our institution. We are honoured to count them as alumni.”



Judge Carolyn Henwood

Judge Carolyn Henwood (LLB 1971) is a District Court and Youth Court judge, and a prominent supporter of the arts.

Outside the courtroom, she helped implement Te Hurihanga, a youth justice programme, and served as chair of the Confidential Listening and Assistance Service, which supported people who suffered abuse or neglect while in the care of the state before 1992. She also established, and currently chairs, the Henwood Trust, which provides independent policy advice on working with young offenders. The Trust has worked extensively with iwi on a number of key initiatives.

She is a founding member of Wellington’s Circa Theatre and a foundation trustee of the Theatre Artists Charitable Trust, and remains an active member of both organisations.

Whaimutu Dewes

Whaimutu Dewes (Ngāti Porou and Ngāti Rangitīhi) completed his BA in 1975, his LLB in 1977 and MPA in 1988.

He is a prominent business leader and a strong advocate for te reo Māori as well as Māori economic development.

He has held a large number of governance roles in various industries, with particular expertise in the Māori fisheries sector. He is the current chairman of Sealord Group, Moana New Zealand, and Ngāti Porou Seafoods, and served as a member of the Treaty of Waitangi Fisheries Commission in its first 10 years.

In 2018, Mr Dewes was awarded the Māori Governance Leader Award as part of the Māori Business Leader Awards.



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1. Justice Joe Williams
2. Rebecca Kitteridge
3. Gordon Stewart and Professor Susy Frankel

The Class of 1985–1989

Following the great success of our inaugural alumni reunion in 2018, in September this year we hosted a reunion with alumni from the class of 1985–1989, in an evening get-together at the Old Government Buildings. Alumni Rebecca Kitteridge and Justice Joe Williams spoke and others contributed photos and shared stories with fellow alumni and staff.

Deputy Dean of the Faculty Gordon Stewart, himself an alumnus of the group, welcomed everyone and reminisced about the tribulations of studying land law—“my memory of that course is that it demonstrated incredibly vividly that the world was split into two groups: Those that appreciate and understand and enjoy the rule against perpetuity and on the other hand, those who have friends.”

“Against that background of shared experiences, which is now unbelievably almost 35 years ago, it is delightful to see this evening contemporaries of mine from Law School.”

Professor Susy Frankel, also an alumna from the period, acted as MC for the event. She acknowledged current colleagues and former lecturers and paid tribute to the achievements of the alumni gathered for the reunion—“we have hardworking public servants, sole practitioners, partners, judges”—as well as those who were not able to attend.

The honourable Justice Joe Williams welcomed everyone “to this gathering of geriatrics”.

“I was reflecting on my time in Law School and how transformative it was of my life—how utterly, utterly transformative it was.”



▲ Dr Heather Heron-Speirs recalled the origin of this photo “and why it features a book of New Zealand landscapes”.

“Myself and several others (Mark Jones and I am not absolutely sure who else but have my suspicions!) organised to buy the book and have the photo taken, and asked everyone to sign the book, as a departing gift for Chew, who was returning to Malaysia. I remember thinking as we took the photo that it was the next best thing to a ‘class photo’, and we might be the only class to have one in the years to come, as Chew was much loved and so most people of our year made a point of participating... And here we are!”



- 4. L-R: Belinda Inglis, Anne Bogle, Joanna Holden
- 5. L-R: John Glengarry, Heather Heron-Speirs
- 6. L-R: Simon Watt, Ishmael Fraser
- 7. L-R: Clare Connell, Penny Elliott
- 8. Victoria University of Wellington News in 1987
- 9. L-R: Clare Connell, Tim Stevenson

Justice Williams said law school was the most exciting time of his life. “At the end of it someone gave you the words of power, and with those words, you could change stuff. You can change the lives of people around you who are your clients, or the people who come to your ministry or department, you can change the world at a wholesale or retail level, just with these skills that this outfit hands to you for \$200 a year and the standard tertiary bursary. I mean, how lucky were we?”

Alumna Rebecca Kitteridge recalled being introduced to the Socratic method of questioning, and revealed there was a spot in the lecture theatre where it was possible to lie on the floor and take notes without being noticed.

“I know that most of you were better law students than I was and I am sure you were better lawyers than me too, but law has stood me in very good stead in all the jobs I have done and even though I haven’t been a proper lawyer for years and years, it’s still incredibly useful to me in what I’m doing now and so like you, it’s been a massively important part of my life.”



Stu Webster (who graduated in 1985) is based in Los Angeles working as a Californian lawyer and a Kiwi lawyer. He recalled cultural moments of the time—“During Orientation Week 1980, Don McGlashan and Blam Blam Blam were touring, the Vic Union Cinema was showing re-runs of Stanley Kubrick’s *A Clockwork Orange*, Police were big in the popular music charts and Greg McGee was launching *Foreskin’s Lament*.”

He says the strength of the Law School was that it taught the basics extremely well.

“That grounding is essential as a platform from which to expand into different areas of law once in practice. Other institutions provide for brief “intro” courses that satisfy the Council of Legal Education requirements but do not prepare practitioners for the real world. It encourages specialisation way too early and leaves a gap in learning in important boilerplate areas of law. I view that as a mistake.”

What advice would he give current students? “Concentrate on the basics and achieve the best possible grade, uncluttered by everything else that may be going on in your life.”

Deborah Hart (Woolf) graduated in 1984 and is Director of Deborah Hart Consulting; Director ASH NZ; Chair of the Holocaust Centre of NZ and Panel Member of the Human Rights Review Tribunal.

She recalled her first day at the University. “I blithely walked past the McCahon, unaware that it was any kind of art and took my place in what seemed like a vast lecture hall in Maclaurin.

“A mix of excitement and fear, there beside me were my expectant peers. We were told to look to the left, look to the right. Apparently only one of us was going to get through. I confess I thought some very uncharitable thoughts about those two unfortunate students sitting next to me. I knew the one in three had to be me.”

She says she was quite unwell and disabled during much of her time at the University.

“An enduring memory is physically dragging myself up to the library and lectures. It was not a campus for the disabled, but it was a kind place with supportive academics and steadfast friends. I remain profoundly grateful to the University and lecturers like the late John Thomas, who showed me understanding and kindness, even when they were gunning for me in lectures with that dreaded Socratic method.

“They say the things that don’t come easy are treasured. Maybe that’s why to this day I treasure my law degree. I treasure the way it made my brain hurt extending myself academically. And I treasure the friends I made and the fabulous experiences that swirled around the University.”

“I was delighted to be able to give back to the University by enabling the proceeds of a trust in my father’s name, Ronald Woolf, to be gifted to the University and today I’m a life patron of the Adam Art Gallery. Plus I am about to have the great pleasure of seeing one of my children graduate law from Vic.”

“You can change the lives of people around you who are your clients, or the people who come to your ministry or department, you can change the world at a wholesale or retail level...”

Reunion: Graduating Classes of 1980, 1981, 1982, 1983, and 1984

Save the Date: Thursday 10 September 2020, 5.30pm

Location: Faculty of Law, Salmond Room (GB219), Old Government Buildings, 55 Lambton Quay, Wellington

Make sure your details are up to date:

- 📧 www.victoria.ac.nz/law-mailing-list
- ✉ law-events@vuw.ac.nz



Karl Upston-Hooper

Conrad Reyners

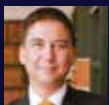
Chris Wilson

Fiona Aitchison Reid

From Wellington to the world

From Wellington to the United States, Asia and Europe, Victoria University of Wellington Law School alumni made a global impact during 2019.

Bruce Thomas—Wellington



Bruce Thomas began studying for his PhD ten years ago while working for government, and it resulted in the production of an international framework to automate the sharing of customs intelligence for security and law enforcement purposes. He graduated with his PhD in December 2018 and works for PAE (New Zealand) Limited.

"Intelligence-sharing is often done in a way that is secret and doesn't allow for public scrutiny and debate. I saw an opportunity to include transparent terms here for treating privacy and other human rights."

Lewis Gyson—San Francisco, United States



Lewis Gyson, who graduated with his Law degree in 2011, was named on *Forbes* magazine's 2019 30 Under 30—Asia list of innovators and entrepreneurs working in the retail and e-commerce sector. Lewis was recognised for his work developing software that streamlines the retail operation for independent businesses.

"Whilst it is not all that common for lawyers to transition to tech, some of my Victoria University alumni have also done so. It is encouraging to see that the rigorous learning and frameworks that we gained at Law School are in fact applicable outside the legal space."

Conrad Reyners—Salzburg, Austria



Conrad Reyners is the Global Regulatory and Government Affairs Counsel for beverage giant Red Bull, based in their Austrian headquarters. A former elected student representative on the University Council, Conrad did a Bachelor of Arts and Political Science with Honours in International Relations alongside his LLB.

"It's a fascinating role, with a strong focus on international trade law, food law, global and regional political institutions, and regulatory policy."

Nicci Coffey—Wellington



With a science degree and a journalism career under her belt, Nicci Coffey's journey to law had a few twists and turns. This year she was seconded from her role as a Solicitor for the Ministry of Primary Industries, to Oranga Tamariki—Ministry for Children.

"If you are inspired by an ethic of public service and a drive to do things better, and seek challenge and variety, then I guarantee that government has a place for you. You can work with front-line staff to problem-solve, prosecute, litigate, draft legislation, review contracts, write opinions, and work nationally or internationally."

Lewis Gyson

Mia Gaudin

Nicci Coffey

Bruce Thomas

Full profiles

To read full profiles on these alumni visit our website

www.victoria.ac.nz/law

Chris Wilson—Singapore



Wellington-born Chris runs the Singapore office of Simmonds Stewart, a New Zealand law firm that also has offices in Wellington and Auckland. The firm helps both early stage and established technology companies do business and raise capital from around the world.

“Venture capital is a large part of our practice in Southeast Asia—a lot of my day-to-day work is helping technology companies raise capital from institutional investors. They can be early stage start-ups raising seed funds, through to mature companies doing sizeable late stage investment rounds or pre-IPO funding.”

Karl Upston-Hooper—Helsinki, Finland



Karl is now based in Helsinki but his focus as general counsel at Camco Clean Energy is the importance of renewable energy and the development of a sustainable ecosystem of renewables expertise in Sub-Saharan Africa.

“There is sufficient capital available to implement a low-energy future for Africa, but it speaks a different language from those on the ground trying to make a difference in people’s day-to-day lives.”

Mia Gaudin—New York, United States



Mia combined her LLB(Hons) with a BA and she is carving out a niche career that capitalises on her unique strengths. She has held many roles and travelled widely, and earlier this year moved to New York City, which she says is a hub for jobs combining law and the arts.

“I spent all of 2018 travelling, which was a lot more challenging than I’d expected—I was outside of any institution for the first time ever, and I found it really confronting to not have any structure to what I was doing. But my research has been very fruitful and will become a travel memoir.”

Fionna Aitchison Reid—Queensland, Australia



Fionna was the first person in New Zealand to graduate with conjoint degrees in Law and Building Science. Now she and her husband have their own law firm which acts for homeowners, investors and developers and is also a vocal advocate for the rights of subcontractors.

“I think we have entered a new era in female leadership and that our leadership skills are no longer proven by how masculine we can be; female leadership is about balancing grit and determination with heart and authenticity.”



*Pictured L-R: Front row (seated): Brian Smythe, Sir Douglas Kidd
 Second row: Don Mathieson, John Shaw, John Upton, Sir David Gascoigne
 Third row: Lindsay Ferguson, Sir Anand Satyanand, Peter McKenzie, Bill Falconer
 Fourth row: Geoff Thompson, Roger Clark, John Clapham, Sir Ken Keith
 Fifth row: Maurice Rowe, Sir David Carruthers, Ross Mulholland, John Tripe,
 Barry Dineen*

Tales of the '60s: The class of 1964 reunites

A reunion was held in July this year for the Class of 1964, with 18 alumni and unofficial patron Sir Anand Satyanand attending the celebrations at Government House. Some answered questions for us about their fondest memories, their careers following Law School, advice they might have, or something surprising. Here are some snippets.

Bill Falconer

"I didn't practise law until briefly in my late 50s—but a legal education was invaluable in informing my otherwise diverse careers, though I was careful to employ lawyers rather than do my own lawyering."

His best advice? "Being a lawyer is not necessarily the object of the exercise. Rather, the objective should be to know what you enjoy, and to achieve things doing it. This may or may not be as a lawyer."

Roger Clark

"My fondest memory is of the quality of the Faculty, in particular, Colin Aikman, Ian Campbell, Don Inglis, George Barton, Don Mathieson, Shirley Smith and a young Ken Keith in the last year of my LLB. In terms of teaching styles, Ian Campbell was a terrifying exponent of the Socratic method; Don Inglis was a master at it also, but less terrifying. Shirley's early departure into private practice was a great loss to the Faculty. She was a great role model in a school with very few women students and I vividly remember her struggles with child care."

Sir Douglas Kidd

"It unlocked the door to a range and number of opportunities and career paths of which I haven't as yet finished!"

A career highlight? "Being unexpectedly elected to Parliament (in a marginal seat) in 1978 after the sitting Member resigned, and serving 24 years as a Member."

John Shaw

"I can't do better than adopt John Henry Newman's observation about the benefits of a university education: I hope it gave me a clear conscious view of my own opinions and judgments, a truth in developing them, an eloquence in expressing them and a force in urging them."

Geoff Thompson

"My career veered wildly from a term in Hong Kong as a Crown litigator to developing political interests, to becoming an MP and President of the National Party, to partner chair of some significant private firms. There is still great value in securing a quality degree—good marks set a good foundation for whatever career path you choose."

David Carruthers

"Advice to others... Take any opportunity to do different and other things and have as much fun as you can whilst doing so. Towards the end of my life it is clear that it is the things you didn't try that rile, not what you did."

And surprises? Many. One is that I was petrified of speaking in public and I now do it more times almost than eating."

Maurice Rowe

"My first thought regrettably was a vivid memory rather than a fond memory. It was of me one dark evening on the steps of the Hunter Building attracted by a blazing fire across the harbour in Roseneath where I was flatting at the time. I could see that it was in the vicinity

of our flat, and I was trying to decide whether it was the neighbour's property on the left or the one on the right of our flat, but I was unable to decide which. When I arrived in Roseneath Crescent someone rushed up to me and told me that it was our flat which was on fire. I can remember my complete surprise at the time, as that possibility had not even occurred to me, and I guess I then learnt that I was an optimist by nature. For better or for worse, I still hope for, expect, and strive for the best outcomes!"

Brian Smythe

Best advice? "Maintain a broad interest in local, national and international affairs, and an awareness that strict application of the law can, if not tempered with reality and sometimes a drop of mercy, result in injustice. Adversarial advocacy appears to be fading in favour of more balanced attitudes."

"Musical performance was always my second string. These days I enjoy playing banjo in a Dixieland jazz band with other enthusiastic retirees. I also do a weekly stint with the Citizens Advice Bureau, which keeps my remaining legal experience intact."

Sir Kenneth Keith

"My advice would be read and think widely, well beyond the law. Don't get stuck in a narrow rut."

A career highlight? "Participating in significant constitutional reforms; judging here and abroad; but probably first and foremost teaching, with many able students going on to a wide range of great careers."

Professor Susy Frankel made Royal Society Fellow

Chair in Intellectual Property and International Trade at the Faculty of Law, Professor Susy Frankel has been inducted as a Fellow of the Royal Society Te Apārangi.

She is the first-ever Professor from Victoria University of Wellington's Law School to receive this honour. Susy was one of 20 academics inducted in February 2019 as part of the Society's Academy Centenary, which marks 100 years since the first 20 Fellows were inducted in 1919.

The Society highlighted Susy's role as an international research leader and preeminent New Zealand-based scholar in international intellectual property law and its links with international trade, as well as the protection of Indigenous peoples' knowledge. It noted that her scholarship has influenced the

development of New Zealand's intellectual property law and the interpretation of international agreements in the formation of domestic policy.

Chair of the Academy and Royal Society Te Apārangi Vice President Richard Blaikie offered his congratulations. "The election process is rigorous and being elected recognises truly stellar achievements in uncovering new knowledge and innovative scholarship," he said.

"We're delighted for Susy and for the Faculty," says Pro Vice-Chancellor and Dean of the Faculty, Professor Mark Hickford.



Inaugural lectures

Professor Petra Butler and Professor Alberto Costi

Those appointed to the role of Professor at Victoria University of Wellington are asked to give an inaugural public lecture. This year saw two inaugural professorial lectures from Law School academics.



Businesses Have Human Rights Too

Professor Petra Butler discussed how human rights—based on dignity, fairness, equality, and respect—protect us all. When talked about in a business context, people generally see human rights in opposition to abusive business activities such as sweatshops or child labour. However, businesses have some rights too—in particular, the right to access justice. Petra explored why small- and medium-sized businesses in particular often do not have access to cross-border commercial justice. In her discussion she drew on global empirical research into contractual behaviour of small- and medium-sized enterprises and offered a new framework for how businesses can effectively realise their right to access to cross-border commercial justice.

▶ Watch online now <http://bit.ly/petra-butler>



International Law: A Discipline of Transition

Professor Alberto Costi explained his view of international law as a problem-solving, dynamic, and aspirational discipline in constant transition, with examples drawn from the law of armed conflict, human rights, and environmental law. As the world evolves, so does the international legal order. Alberto discussed how, from shared values to common language and legal norms, international law has metamorphosed from a set of rules governing relations between monarchs first, and then states, into a body of law regulating a growing community of legal subjects with various rights and obligations.

▶ Watch online now <http://bit.ly/alberto-costi>



Our year

🕒 **In January**, we hosted Samoa's first female judge, Justice Mata Keli Tuatagaloa, for a panel discussion about legal issues facing Samoa and New Zealand.



🕒 **In February**, we held Law alumni drinks in Singapore—an opportunity for our Singapore-based alumni to meet, connect, and reconnect with each other. Alumni Simon Briscoe and Nicholas Wong, partners at Clifford Chance, very kindly hosted the event.



🕒 **In February**, we co-hosted a panel conversation with the Intellectual Property Office of New Zealand and the Ministry of Business, Innovation and Employment. The panellists (pictured), discussed "Protecting traditional knowledge in the international intellectual property system". *L-R: Aroha Te Pareake Mead (Ngāti Awa, Ngāti Porou, Intellectual Property Office of New Zealand), Ian Goss (World Intellectual Property Organization), Professor Susy Frankel, Susan Hall (Ministry of Business, Innovation and Employment).*

► **In February**, the New Zealand Centre for Public Law hosted its Government Law—Year in Review Half-Day Seminar. A variety of local and international speakers explained and discussed key developments in government law over the last year. Associate Professor Dean Knight.



◀ **In March**, we hosted a launch for Dr Ruiping Ye's book *The Colonisation and Settlement of Taiwan, 1684-1945: Land Tenure, Law and Qing and Japanese Policies* (Routledge, 2018) L-R: Dr Ruiping Ye, Professor Mark Hickford.



◀ **In February**, the New Zealand Centre for Public Law hosted the Rt Hon. Dame Sian Elias, who spoke on the subject of judicial review and constitutional balance. Her expansive talk ranged from the weaknesses in our constitutional system, to her admiration for the common law method. *The Right Honourable Dame Sian Elias.*

◀ **In March**, Professor Petra Butler and Associate Professor Catherine Iorns were in Port Moresby, Papua New Guinea for the International Mediation and Arbitration Conference, and met up with a number of our alumni. L-R: Dr Vergil Narokobi, Ting-Chung (Daniel) Wu, Associate Professor Catherine Iorns, Sheila Sukwianomb, Professor Petra Butler, Mayambo Peipul.

🕒 **In April**, we hosted the United Nations Deputy High Commissioner for Human Rights, Kate Gilmore, who presented a lecture to students. Kate is second in command of the United Nations' leading entity on human rights, the Office of the High Commissioner for Human Rights. *L-R: Kate Gilmore, Professor Claudia Geiringer.*



🕒 **In April**, our Vis Moot team travelled to Vienna to compete in the 26th annual Willem C. Vis International Commercial Arbitration Moot. They made it through to the quarterfinals; an amazing feat considering the competition was made up of 372 teams from 87 countries. They are pictured inside the Austrian Supreme Court. *L-R: Shea-Lee Phillips, Rory Josayma, Melissa Lo, Sam Macintosh and the team's coach, Kalyani Dixit.*



🕒 **In April**, the former Attorney-General and Minister for Treaty of Waitangi Negotiations, the Hon. Chris Finlayson QC, presented a public lecture examining obstacles to the durability of Treaty settlements. The lecture, which was part of the Māori Law Review speaker series, was delivered to a full lecture theatre. *L-R: Professor Rawinia Higgins (Deputy Vice-Chancellor Māori), Dion Tuuta (Te Mātārae/Chief Executive, Te Ohu Kaimoana (co-sponsors of the lecture)), Sir Tipene O'Regan, the Hon. Chris Finlayson QC, Professor Mark Hickford and Dr Carwyn Jones.*



🕒 **In May**, the Faculty celebrated the exceptional efforts of our students at the annual Dean's Reception for prizewinners. Pita Roycroft and Maddy Nash were jointly awarded the Victoria University of Wellington Medal for Academic Excellence for the top students graduating with Honours from each Faculty.

🕒 **In May**, we celebrated a new group of alumni at graduation. Read the full address from graduate speaker Indiana Shewen on page 8.



🕒 **In June**, the New Zealand Centre of International Economic Law and the International Law Association co-hosted Professor Gabrielle Marceau (Senior Counsellor in the Legal Affairs Division of the World Trade Organization Secretariat), who gave a public lecture on “The World Trade Organization and climate change—actions are necessary, but how can we leverage trade in our climate change response?” Professor Gabrielle Marceau.



🕒 **In July**, Professor Frances Myrna Kamm (Harvard) gave the 2019 Lecretia Seales Memorial Lecture in Law Reform. She presented several arguments for the moral permissibility of actively assisting someone to end their life, with consideration given to whether they can be the basis for sound law and public policy. L-R: Matt Vickers, Professor Frances Myrna Kamm.



🕒 **In July**, we hosted the University of Canterbury’s 2019 Sir Eric Hotung Visiting Fellow, Justice Stephen Gageler (High Court of Australia), for a public lecture. Justice Gageler addressed criticism of court judgment delays in Australia in his lecture “The Quantity and the Quality of Justice: Constructivist and Ecological Rationality in a Common Law System”. L-R: Professor Philip Joseph (University of Canterbury), Justice Stephen Gageler AC, Professor Mark Hickford.



🕒 **In August**, we held a celebration of the multidisciplinary Master of International Trade, which is now in its third year. Former Wellington Mayor Justin Lester spoke at the event, giving his reflections on international trade and his own Master’s studies in Germany. L-R: Dr Guy Fiti Sinclair (Programme Director of the Master of International Trade), Justin Lester.



🕒 **In August**, we held a two-day symposium to mark the 30th anniversary of the United Nations Convention on the Rights of the Child. Leading international experts joined the New Zealand children’s rights community for the event, which culminated in a public panel discussion. L-R: Associate Professor Nessa Lynch, Professor Laura Lundy (Queen’s University Belfast), Professor Ursula Kilkelly (University College Cork), Bruce Adamson (Children and Young People’s Commissioner Scotland), Justice Vui Clarence Nelson (Acting Chief Justice of Samoa) and Judge Andrew Becroft (New Zealand Children’s Commissioner). Photo courtesy of the Office of the Children’s Commissioner, New Zealand.



🕒 L-R: Marcia Murray (Tumuaki Wāhine (female co-president) Te Hunga Roia Māori), keynote speaker Moana Jackson, Glenn Tootill (Tumuaki Tāne (male co-president) Te Hunga Roia Māori), keynote speaker Kiritapu Allan (Labour MP).



In August, we hosted Te Hunga Rōia Māori o Aotearoa, the Māori Law Society, for their annual Hui-ā-Tau (conference). 🕒 (The National Kaupapa Māori Moot final at the New Zealand Supreme Court) Victoria University of Wellington student Nopera Dennis-McCarthy (centre) presents to judges Horiana Irwin-Easthope (left) and Justice Joe Williams (right).

🕒 **In August**, the New Zealand Centre of International Economic Law hosted a lecture, as part of its Copyright Review Lecture series, by alumna Jo Oliver from Recorded Music New Zealand, who spoke about her work with copyright law in the music industry. L-R: Jo Oliver, Professor Susy Frankel.



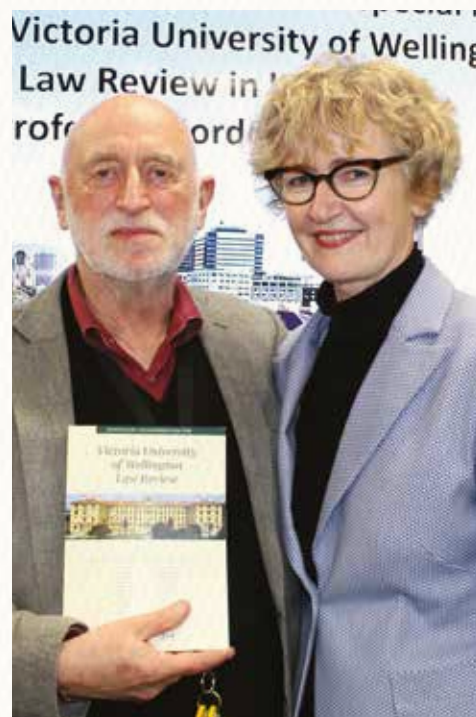
🕒 **In September**, the Māori Law Review and AlterNative: An International Journal of Indigenous Peoples hosted a public lecture by renowned Indigenous legal scholar, Val Napoleon, “Indigenous Legal Personhood: A Gendered Perspective”. Associate Professor Val Napoleon (University of Victoria, British Columbia).



🕒 **In September**, we hosted the 2019 Law Foundation Distinguished Visiting Fellow for a public lecture. The Rt Hon. Lord Thomas of Cwmgiedd PC gave a lecture on “The digital revolution, the rule of law and the relevance of the judiciary to society”. L-R: Professor Gordon Anderson, the Right Honourable Lord Thomas of Cwmgiedd PC, Lynda Hagen (New Zealand Law Foundation).



🕒 **In October**, we held the 2019 Sir Owen Woodhouse Memorial Lecture, which was presented by Associate Professor Susan St John (AUT), “Reflections on the Woodhouse Legacy for the 21st Century”. L-R: Professor Mark Hickford, Associate Professor Susan St John, Susan Buckland.



🕒 **In October**, we launched a special edition of the Victoria University of Wellington Law Review in honour of Professor Gordon Anderson—a celebration of his forty years at the University. This edition recognises Gordon’s continuing service to the Faculty, the wider University, and local and international legal communities. L-R: Professor Gordon Anderson, Associate Professor Jane Bryson.



🕒 **In October**, we hosted an expert panel for a discussion on the legal and ethical issues surrounding automated facial recognition technology. L-R: Dr Joe Purshouse (University of East Anglia), Clare Garvie (Georgetown University), Associate Professor Nessa Lynch, Rachel Dixon (Office of the Victorian Information Commissioner).



🕒 **In October**, we hosted the Vice-President of the German Parliament, Thomas Oppermann, for a public lecture on “The European Union, Multilateralism, and the Future of Democracy”. L-R: Thomas Oppermann, Professor Petra Butler.



🕒 **In November**, we launched Dr Marcin Betkier’s book *Privacy Online, Law and the Effective Regulation of Online Services* (Intersentia, 2019).

Join us

The Faculty of Law and associated research centres host a variety of events throughout the year. Find out more at:

Faculty of Law

🌐 www.victoria.ac.nz/law

New Zealand Centre for Public Law

🌐 www.victoria.ac.nz/nzcpl

New Zealand Centre of International Economic Law

🌐 www.victoria.ac.nz/nzciel

Awards, honours and appointments

Congratulations to all those in our community—students, staff and alumni—who have been recognised with awards, honours, and appointments this year.

Alumni

Terry Bellamak (LLB 2014) was a finalist in the ‘Community Hero’ category of the 2019 Women of Influence Awards.

Seb Bisley (LLB(Hons) 2002) was awarded New Zealand Lawyer of the Year in the Benchmark Litigation Asia-Pacific Awards.

Catherine Callaghan QC (LLB(Hons) 1996) was appointed a judge of the Commonwealth Secretariat Arbitral Tribunal.

The Honourable Justice David Collins QC (LLB(Hons) 1976, LL.M 1977, LL.D 1993) was appointed a judge of the Court of Appeal. Justice Collins has a long association with the Faculty and taught as an adjunct lecturer for a number of years.

Harriet Farquhar (LLB(Hons) 2016) was awarded both the New Zealand Law Foundation Ethel Benjamin Scholarship and the William Georgetti Scholarship. Harriet will use the scholarships to fund study at New York University Law School, where she will undertake an LL.M focusing on human rights, and constitutional and international law, in particular on issues of climate change related displacement and migration in the Pacific region.

Judge Ian Gault (LLB(Hons) 1987) was appointed a judge of the High Court.

Justice David Goddard QC (BA(Hons) 1984) was appointed a judge of the High Court and the Court of Appeal.

Lewis Gyson (LLB 2013) was named on *Forbes* magazine’s 2019 30 Under 30—Asia list of innovators and entrepreneurs working in the retail and e-commerce sector.

Judge Jonathan Krebs (LLB 1988) was appointed to the District Court. He will be based in Palmerston North.

A new prize in Public Law has been established in memory of **Sir John McGrath KNZM QC** (LLB 1986, LL.M 1970, LL.D 1992) who passed away in 2018.

A former Solicitor-General, Justice of the Supreme Court, and Chancellor of Victoria University of Wellington, Sir John was a much-beloved member of the legal community and friend of the Law School, displaying warmth and goodwill to all. Arising from funds donated by his friends and admirers, the prize will be awarded annually to the graduating student who has shown the most overall proficiency and promise in the field of public law.

Melanie Puka (LLB 2017) was awarded a Fulbright General Graduate Award. She will pursue a PhD in Geography at the University of Hawai‘i.

Judge Heemi Taumaunu (LLB 1993) was appointed Chief District Court Judge—the first Māori judge to fulfil the role.

Justice Viran Molisa Trief (LLB 2000) was appointed to Vanuatu’s Supreme Court. She is the first female Supreme Court Judge to be appointed in Vanuatu.

Professor David Vernon Williams (LLB 1969) was inducted as a Fellow of the Royal Society Te Apārangi in recognition of his research and scholarship in the areas of constitutional law, colonial legal history and the Treaty of Waitangi.



Justice Joe Williams (LLB 1986) was appointed to the Supreme Court.

Faculty

Professor Petra Butler and alumnus **Audley Sheppard QC** (LLB(Hons) 1984) are among those selected to lead an international study on settling cross-border commercial disputes. Led by the Commonwealth’s Office of Civil and Criminal Justice Reform, the research aims to find potential solutions to disputes, while highlighting the importance of diversity and the needs of small developing Commonwealth countries.

Professor Susy Frankel was appointed a Global Faculty Professor at New York University Law School.

At the 2018 Victoria University of Wellington Staff Excellence Awards, **Associate Professor Catherine Iorns** received a Research Excellence Award; **Associate Professor Joanna Mossop** a Teaching Excellence Award; and **Dr Carwyn Jones** an Impact Excellence Award. Two tutors, **Ruiteng Liu** and **Etienne Wain**, were recognised with Te Rautaki Maruako Tutor Excellence Awards.

Associate Professor Nessa Lynch was appointed to the new Data Ethics Advisory Group, which has been formed by Statistics New Zealand to bring in perspectives and expertise from outside government on the use of data.

Professor Geoff McLay was appointed to the New Zealand Law Society’s Rule of Law Committee.

Associate Professor Joanna Mossop was nominated (by the New Zealand government) to the list of arbitrators and conciliators under the United Nations Convention on the Law of the Sea—which specifies that those nominated have “the highest reputation for fairness, competence and integrity”.

Dr Guy Fiti Sinclair was appointed to the government’s Public Advisory Committee on Disarmament and Arms Control (PACDAC).

Students

Kellee Candy and **Islay May Aitchison** won the Victoria University of Wellington Feminist Law Society's inaugural Feminist Moot competition.

Nopera Dennis-McCarthy won the National Kaupapa Māori Student Moot competition (as part of a team with students from the University of Waikato and the University of Auckland).

Ben Julian and **Meghan Grant** won the 2019 national New Zealand Law Students' Association Legal Skills Competition in client interviewing. They will now represent New Zealand in the 2020 Brown Mosten International Client Consultation Competition in Florida in April.

Lucy Kenner and **Raphael Solomon** (coached by Associate Professor Grant Morris) placed sixth equal—out of 28 teams—in the International Negotiation Competition held in Tokyo. They were the only team representing New Zealand in the competition.

Irenë McGlone won the short essay prize in the Environmental Defence Society's annual Environmental Essay Competition.

Ash Prasad and **Leilani Taula** won the award for best team in the Pasifika Law Students' Society Mooting competition. **Mariam Rasheed** won best speaker, **Ash Prasad** won best written submission, and **Clara Whitcombe** received an honorable mention.

Clark Samuel was named Pasifika Sportsperson of the Year at the annual Victoria University of Wellington Blues Awards—the University's highest sporting accolade. Clark was a member of the New Zealand Men's U24 Underwater Hockey Team, which placed third at the 2019 Age Group World Championships.

Jessica Sutton was selected by the French Embassy to represent New Zealand at LabCitoyen in Paris. She was chosen as a result of her work with female refugees.



Student prizes for the 2018 academic year

A H Johnstone Scholarship in Law—**Hannah Patterson**

A H Johnstone Scholarship in Law—**Rosa Laugesen**

AJ Park Intellectual Property Prize—**Alex Moore**

Archibald Francis McCallum Scholarship in Law—**Dharani Tasneem Haradasa**

Bernard Randall Prize in Family Law—**Oscar Battell-Wallace**

Chapman Tripp Prize—**Pita Roycroft and Maddy Nash**

Chris Highfield Memorial Prize in Judicial Review—**Lucy Kenner**

Chris Highfield Memorial Prize in Public Law—**Hannah Patterson**

Coleman-Brown Memorial Award—**Amelia Retter**

Colin Patterson Memorial Prize—**Jared Cotton**

Cullen Employment Law Prize 1st place—**Dimitri Viatos**

Cullen Employment Law Prize 2nd place—**Kate Allan**

Cullen Employment Law Prize 3rd place—**Julia Maclean**

Faculty of Law Prize in Legal System—**Alexandra Briscoe**

Fran Wright Memorial Prize in Criminal Law—**Katherine Smyth**

Gordon Orr Prize—**Clara Lafont**

ILM Richardson Prize—**Dharani Tasneem Haradasa**

John Miller Award in Social Justice & Community Development (undergraduate)—**Melissa Harward** and **Izzy Wilson**

Lord Cooke of Thorndon Prize—**Hannah Patterson**

NZILA Insurance Law Prize—**Olivia Oldham**

New Zealand Law Review Prize—**Hannah Patterson**

New Zealand Law Review Prize—**Rosa Laugesen**

New Zealand Law Review Prize—**Jessica Sutton**

Quentin-Baxter Prize in International Law—**Pita Roycroft**

Quentin-Baxter Prize in Public and International Law—**Beatrice Tabangcora**

Robert Orr McGechan Memorial Prize—**Dharani Tasneem Haradasa**

Sir Edward Taihakurei Durie Student Essay Prize—**Nopera Dennis-McCarthy**

Thomson Reuters Prize in Jurisprudence—**Amelia Retter**

Thomson Reuters Prize in the Law of Contract—**Aidan Economu**

Val Gormly Memorial Prize—**Dharani Tasneem Haradasa**

VicBooks Award for Best Tutor—LAWS 121—**Aleisha Robertson**

VicBooks Award for Best Tutor—LAWS 122—**Fletcher Boswell**

VicBooks Award for Best Tutor—LAWS 123—**Matthew Rubery**

VicBooks Award for Best Tutor—LAWS 211—**Laurie Ingle**

VicBooks Award for Best Tutor—LAWS 212—**Dharani Tasneem Haradasa**

VicBooks Award for Best Tutor—LAWS 213—**Joshua Hansen**

VicBooks Award for Best Tutor—LAWS 214—**Sam Coad**

VicBooks Award for Best Tutor—LAWS 301—**James Keate**

Victoria Medal for Academic Excellence—**Pita Roycroft** and **Maddy Nash**

The Dean's List for academic excellence in 2018

Kate Allan	Aidan Economu	Catharina Lee	Nathan Regal	Sam Tremain
Portia Baine	Devon Fisher	Joanna Li	Amelia Retter	Mollie Tulloch
Cate Barnett	Boston Flanagan-Connors	Jack Liang	Emma Ricketts	Rebecca Tyler
Ollie Barron	Zachary George-Neich	Ruiteng Liu	Keir Robinson	Jayden van Leeuwen
Angus Bartlett	Paddy Gerard	Hanna Malloch	Carys Robson	Natalie Vaughan
Oscar Battell-Wallace	Billie Haddleton	Alice Mander	Raniera Ross	Karan Venter
Tamsin Black	Joshua Hansen	Julia Marshall-Mead	Ania Roznawska	Liesbet Vercruyssen
Jack Blakemore	Dharani Tasneem	Amy Izzati Masari	Max Salmon	Etienne Wain
Fletcher Boswell	Haradasa	Anna Mclean	Anna Schoonees	Khoti Walker-Clements
Sarah Bradley	Alana Harrison	Kelly Mitchell	Rita Shasha	Emma Westbrooke
Alexandra Briscoe	Kate Haszard	Phoebe Moir	Kris Singh	Toni Wharehoka
Ella Brownlie	Grace Henley-King	Taran Molloy	Miranda Smith	Saskia Whiston
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Vijay Chand	Michaela Hing	Ishmau Nasheed	Robert Speakman	Justine Zhang
Marina Chevalier	Lily Holder-Mcflinn	Catie Norman	Jonathan Stuart	Gavin Zhou
Amelia Cina	Caleb Houghton	Nisha Novell	Jessica Sutton	
Sam Coad	Alister Hughes	James O'Donovan	Frank Tame	
Tessa Cooksley	Sophia Hughes	Hannah Patterson	Finn Thompson	
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Charlie Cox	Tamara Jenkin	Anna Prestidge		
Emma Croskery	Danielle Karl	Tom Probert		
Siobhan Davies	James Keate	Manraj Rahi		
Nopera Dennis-McCarthy	Lucy Kenner	Anna Rayner		
Lilly Devine	Lothar Krumpfen			
Eilis Donnelly	Rosa Laugesen			
Chelsea Easter				



Published in 2019

Authored Books

Gordon Anderson *Labour Law in New Zealand* (3rd ed, Wolters Kluwer, 2019).

Marcin Betkier *Privacy Online, Law and the Effective Regulation of Online Services* (Intersentia, Cambridge, 2019) 281pp.

Grant Morris *Law Alive: The New Zealand Legal System in Context* (4th ed, Thomson Reuters, Wellington, 2019).

Matteo Solinas, J Birds, M Varney, M Leiser, D Attenborough and Z Zhang *Boyle and Birds' Company Law* (10th ed, Jordans LexisNexis UK, 2019).

Tony Smith, Sir David Eady and Dr P Londono *Arlidge, Eady and Smith on Contempt* (1st Supplement to the Fifth Edition, Thomson Reuters, 2019) 254pp.

Māmari Stephens *Social Security and Welfare Law in Aotearoa New Zealand* (Thomson Reuters, Wellington, 2019).

Edited Books

Bill Atkin, Stephen Todd, Cynthia Hawes and Ursula Cheer (eds) *Todd on Torts* (8th ed, Thomson Reuters, Wellington, 2019).

Joel Colón-Ríos and Richard Albert (eds) *Quasi-Constitutionality and Constitutional Statutes: Forms, Functions, Applications* (Routledge, 2019).

Alberto Costi and **Susy Frankel** (eds) *Do Cultural and Property Combine to Make "Cultural Property"?* (NZACL, Wellington, 2017 rev ed 2018).

Susy Frankel (ed) *Is Intellectual Property Pluralism Functional? ATRIP Intellectual Property Series* (Edward Elgar, Cheltenham UK, 2019).

Susy Frankel (ed) *The Object and Purpose of Intellectual Property ATRIP Intellectual Property Series* (Edward Elgar Publishing, Cheltenham UK, 2019).

Chapters

Bill Atkin "'Vulnerable' Children, Cultural and Social Realities and Regulation: Moving Towards Early Intervention in New Zealand" in Carol Rogerson, Masha Antokolskaia, Joanna Miles, Patrick Parkinson, and Machteld Vonk (eds) *Family Law and Family Realities* (Eleven International Publishing, The Hague, 2019) pp 403–419.

Bill Atkin "Distribution of Property on Divorce" in B Stark and J Heaton (eds) *Routledge Handbook of International Family Law* (Routledge, Abingdon, Oxon, 2019) pp 93–109.

Bill Atkin "An Overview of the Protection of Personal and Property Rights Act 1988" in I Reuecamp and John Dawson (eds) *Mental Capacity Law in New Zealand* (Thomson Reuters, Wellington, 2019).

Bill Atkin "Managing Assets and Money" in I Reuecamp and John Dawson (eds) *Mental Capacity Law in New Zealand* (Thomson Reuters, Wellington, 2019).

Bill Atkin "Will-making and Capacity" in I Reuecamp and John Dawson (eds) *Mental Capacity Law in New Zealand* (Thomson Reuters, Wellington, 2019).

Graeme Austin "Authors' Human Rights in the Intellectual Property Framework" in Rochelle Cooper Dreyfuss and Elizabeth Siew-Kuan Ng (eds) *Framing Intellectual Property Law in the 21st Century* (Cambridge University Press, Cambridge, 2018).

Petra Butler "CISG Remedies" in Peter Mankowski (ed) *Commercial Law* (International and European Business Law Series, Nomos, Germany, 2019) Chapter I, Articles 45–65 pp 232–296.

Petra Butler "A Survey of Human Rights Decisions in Fiji, Samoa, Tonga and Vanuatu" in Tony Angelo and Jennifer Corrin (eds) *Small States: A Collection of Essays* (CLJP Hors Serie Volume XXIII, Wellington) pp 109–137.

Joel Colón-Ríos and Richard Albert "The Space Between Ordinary and Constitutional Law" in Richard Albert and Joel Colón-Ríos (eds) *Quasi-Constitutionality and Constitutional Statutes: Forms, Functions, Applications* (Routledge, 2019).

Joel Colón-Ríos “Guardianes de la Naturaleza” in Estupiñán et al (eds) *La Naturaleza como Sujeto de Derechos en el Constitucionalismo Democrático* (Universidad Libre, Bogotá, 2019) pp 207–226.

Joel Colón-Ríos “Primary Assemblies, Constituent Power, and the Imperative Mandate” in Hannah Lerner and David Landau (eds) *Comparative Constitution Making* (Edward Elgar, 2019).

Alberto Costi “Addressing the Major Legal, Political and Practical Obstacles Facing Hybrid Tribunals in Post Conflict Situations: Learning from the Past Experience and Lessons for the Future” in Beth A Griech-Polelle (ed) *The Nuremberg War Crimes Trials and Their Policy Consequences Today* (2nd ed, Nomos, Baden-Baden, Germany, 2019).

Susy Frankel and Alberto Costi “Introduction: Do Culture and Property Combine to Make ‘Cultural Property’?” in Alberto Costi and Susy Frankel (eds) *Do Cultural and Property Combine to Make ‘Cultural Property’?* (NZACL, Wellington, 2017 rev ed 2018) pp 1–6.

Susy Frankel “The Fusion of Intellectual Property and Trade” in Rochelle Cooper Dreyfuss and Elizabeth Siew-Kuan Ng (eds) *Framing Intellectual Property Law in the 21st Century* (Cambridge University Press, Cambridge, 2018) pp 89–114.

Susy Frankel “The Interpretation of International Intellectual Property Instruments in National, Regional and International Courts and Tribunals” in Christophe Geiger, Craig Allen Nard and Xavier Seuba (eds) *Intellectual Property and the Judiciary* (Edward Elgar, 2018) pp 441–462.

Susy Frankel “Introduction” in Susy Frankel (ed) *Is Intellectual Property Pluralism Functional?* (ATRIP Intellectual Property Series, Edward Elgar, Cheltenham UK, 2019) pp 1–6.

Susy Frankel “Introduction” in Susy Frankel (ed) *The Object and Purpose of Intellectual Property* (ATRIP Intellectual Property Series, Edward Elgar Publishing, Cheltenham UK, 2019).

Claudia Geiringer “Moving Beyond the Constitutionalism/Democracy Dilemma: ‘Commonwealth Model’ Scholarship and the Fixation on Legislative Compliance” in Mark Elliott, Jason NE Varuhas and Shona W Stark (eds) *The Unity of Public Law? Doctrinal, Theoretical and Comparative Perspectives* (Hart Publishing, Oxford, 2018) pp 301–326.

Claudia Geiringer “The Comparative Examination of (Quasi-) Constitutional Statutes—An Unstable Discourse” in Richard Albert and Joel Colón-Ríos (eds) *Quasi-Constitutionality and Constitutional Statutes: Forms, Functions, Applications* (Routledge, 2019).

Claudia Geiringer “A New Constitutionalism?—The Anglo-Commonwealth Bills of Rights” in R Masterman and R Schütze (eds) *The Cambridge Companion to Comparative Constitutional Law* (Cambridge University Press, Cambridge, 2019).

Mark Hickford “Quasi-Constitutionality and the Treaty of Waitangi: Historicity and the Political” in Richard Albert and Joel Colón-Ríos (eds) *Quasi-Constitutionality and Constitutional Statutes: Forms, Functions, Applications* (Routledge, 2019) pp 94–116.

Catherine Iorns, S Ravi Rajan and Kirsten Davies “Identifying Human Rights and the Environment” in James R May and Erin Daly (eds) *Encyclopedia of Human Rights and the Environment* (Edward Elgar, 2019).

Catherine Iorns “Legal Personality for the Environment in Aotearoa New Zealand” in James R May and Erin Daly (eds) *Encyclopedia of Human Rights and the Environment* (Edward Elgar, 2019).

Carwyn Jones “Indigenous Law/Stories: An approach to working with Māori law” in Jo-ann Archibald, Jenny Lee-Morgan and Jason De Santolo (eds) *Decolonising Research: Indigenous Storywork as Methodology* (Zed Books, London, 2019).

Dean Knight, Bronwyn Haywood, Maria Bargh and Patrick Barrett “Why Review Civics and Citizenship Education” in Bronwyn Haywood and Patrick Barrett (eds) *Our Civic Future: Civics, Citizenship and Political Literacy in Aotearoa New Zealand* (NZ Political Studies Association, 2018) pp 3–5.

Dean Knight “Quasi-constitutionality and the Constitutional Jigsaw Puzzle: Characteristics, Directionality and Purpose” in Richard Albert and Joel Colón-Ríos (eds) *Quasi-Constitutionality and Constitutional Statutes: Forms, Functions, Applications* (Routledge, 2019) pp 197–203.

Bevan Marten “National Translations of the Arrest Conventions: Anglo-Common Law Jurisdictions” in Paul Myburgh (ed) *The Arrest Conventions: International Enforcement of Maritime Claims* (Hart Publishing, Oxford, 2019) pp 281–306.

Campbell McLachlan “Five Conceptions of the Function of Foreign Relations Law” in C Bradley (ed) *The Oxford Handbook of Comparative Foreign Relations Law* (Oxford University Press, 2019) Ch 2.

Geoff McLay “Justice Between Defendants: A New Zealand Note on (non) Law Reform” in Kit Barker and Ross Grantham (eds) *Apportionment in Private Law* (Bloomsbury, 2018) pp 321–341.

Guy Sinclair “Managing the ‘Workers Threat’: Preventing Revolution through the International Labour Organization” in Michel Erpelding, Burkhard Hess and Hélène Ruiz Fabri (eds) *Peace Through Law: The Versailles Peace Treaty & Dispute Settlement after WWI* (Nomos Verlag, 2019).

Matteo Solinas “Free Movement of Companies in the EU” (with Carsten Gerner-Beuerle) *Gore-Browne on EU Company Law* (Jordans LexisNexis UK, 2019) Ch 2.

Matteo Solinas “European Corporate Forms” *Gore-Browne on EU Company Law* (Jordans LexisNexis UK, 2019) Ch 8.

Yvette Tinsley and Warren Young “Overuse in the Criminal Justice System in New Zealand” in PPHMC van Kempen and M Jendly (eds) *Overuse in the Criminal Justice System: On Criminalization, Prosecution and Imprisonment* (Intersentia, Cambridge, 2019) pp 449–480.

Michelle Zang, Robert Howse, Geir Ulfstein and Hélène Ruiz Fabri “Introduction” in Geir Ulfstein, Hélène Ruiz Fabri, Michelle Zang, Robert Howse (eds) *Legitimacy of International Trade Courts and Tribunals* (Cambridge University Press, 2018) pp 3–19.

Michelle Zang, Robert Howse, Geir Ulfstein and Hélène Ruiz Fabri “Conclusions” in Geir Ulfstein, Hélène Ruiz Fabri, Michelle Zang, Robert Howse (eds) *Legitimacy of International Trade Courts and Tribunals* (Cambridge University Press, 2018) pp 511–534.

Journal Articles

Gordon Anderson and Lucy Kenner “Enhancing the Effectiveness of Minimum Employment Standards in New Zealand” (2019) 30 *Economic and Labour Relations Review* pp 345–365.

Tony Angelo (with Y-L Sage) “The Principles Governing Mediation in Land Matters in French Polynesia” (2018) 24 *Comparative Law Journal of the Pacific (JDCP)* pp 15–37.

Bill Atkin “Family Law—Solidarity or Disarray?” (2019) 50(2) *Victoria University of Wellington Law Review Issue in Honour of Professor Gordon Anderson* pp 369–386.

Petra Butler “40 Years Convention on the International Sale of Goods (CISG) – Even More Important Today than 40 Years ago to Encourage Trade?” (2019) *Zeitschrift für vergleichende Rechtswissenschaft/Journal of Comparative Law* pp 231–340.

Petra Butler “Book Review of J von Staudinger Kommentar zum Bürgerlichen Gesetzbuch mit Einführungsgesetz und Nebengesetzen Wiener UN-Kaufrecht (CISG) by T Ulrich Magnus” (2019) 27(3) *European Review of Private Law* pp 665–671.

Joel Colón-Ríos “Review of Eoin Daly’s Rousseau’s Constitutionalism: Austerity and Republican Freedom” (2019) 78(2) *Cambridge Law Journal* pp 471–474.

Susy Frankel and Rochelle Dreyfuss “Reconceptualizing ISDS: When is IP an Investment and How Much Can States Regulate It?” (2018) 21(2) *Vanderbilt Journal of Entertainment and Technology Law* pp 377–416.

Susy Frankel “The Continuing Excesses of Trade Agreements and the Object and Purpose of International Intellectual Property” (2019) *International Review of Intellectual Property and Competition Law* pp 1–4.

Claudia Geiringer “When Constitutional Theories Migrate: A Case Study” (2019) 67 *American Journal of Comparative Law* pp 281–326.

Mark Hickford “Historicity and the Political Constitution” (2019) 30 *King’s Law Journal* pp 97–124.

Carwyn Jones, A Samuels and C Southey-Jensen “Treaty Settlement Legislation Before the House of Representatives in 2018” (2018) December *Māori Law Review*.

Carwyn Jones and B Peat “Overlapping Claims and Crown Engagement—Will it Lead to Sustainable Reconciliation?” (2018) November *Māori Law Review*.

Dean Knight “Treaty of Waitangi Settlements and the Principle of Non-interference with Parliamentary Proceedings: Ngāti Whātua Ōrākei Trust v Attorney-General” (2019) *Public Law* pp 218–220.

Dean Knight “Reasoning Through Challenges to Prorogation: Cherry and Miller (No 2)” *UK Constitutional Law Blog* (16th Sept 2019).

Dean Knight “Prisoners’ Voting Rights, Declarations of Inconsistency and Legal Enforceability of Manner-and-Form Entrenchment” (2019) *Public Law* 797.

Nessa Lynch “Towards a Principled Legal Response to Children Who Kill” (2018) 18(3) *Youth Justice* pp 211–229.

Campbell McLachlan “The Assault on International Adjudication and the Limits of Withdrawal” (2019) 68 *International and Comparative Law Quarterly* p 499.

Campbell McLachlan “Equality of Parties before International Investment Tribunals” Institute of International Law, Session of The Hague, *Yearbook of the Institute of International Law, Preparatory Works* (2018) vol 79 (Pedone, 2019).

David McLauchlan “Contract Interpretation and Deleted Words: A Not So Pleasant Diversity of Authority” (2018) 35 *Journal of Contract Law* pp 90–117.

David McLauchlan “The Minimum Performance Rule in Contract Damages” (2019) *Lloyd’s Maritime and Commercial Law Quarterly* pp 75–90.

David McLauchlan “Form and Substance in Contract Damages” (2019) 70(2) *Northern Ireland Legal Quarterly* pp 221–239.

David McLauchlan “Contracts Don’t Always ‘Mean’ What They Say” (2019) *NZ Law Journal* pp 227–231.

David McLauchlan “A Conversation About the Contract and Commercial Law Act 2017” (2019) 50(2) *Victoria University of Wellington Law Review Issue in Honour of Professor Gordon Anderson* pp 387–400.

Nicole Moreham and **Yvette Tinsley** “The Impact of Grief Journalism on its Subjects: Lessons from the Pike River Mining Disaster” (2019) *Journal of Media Law* pp 1–30.

Grant Morris “Finding the Holy Grail of Commercial Mediation Research: An Empirical Study of Insurance Mediation Users in New Zealand” (2019) 38(4) *Civil Justice Quarterly* pp 440–458.

Joanna Mossop “Can we Make the Oceans Greener? The Successes and Failures of UNCLOS as an Environmental Treaty (2018) 49(4) *Victoria University of Wellington Law Review Special Symposium Issue: The Dynamic Evolution of International Law* pp 573–594.

Joanna Mossop “Can the South China Sea Tribunal’s Conclusions on Traditional Fishing Rights Lead to Cooperative Fishing Arrangements in the Region?” (2018) 3 *Asia-Pacific Journal of Ocean Law and Policy* pp 210–231.

John Prebble and Saurabh Jain “Conceptual Aspects of Beneficial Ownership in the Context of Property Law” (2018) 72 *Bulletin for International Taxation* pp 1–8.

John Prebble and Saurabh Jain “Conceptual Problems of Beneficial Ownership in Respect of Agents and Nominees” (2018) 73(1) *Bulletin for International Taxation* pp 1–7.

John Prebble and Saurabh Jain “Beneficial Ownership and the Contractual Obligation of an Interposed Company to Pass on Income” (2018) 72(12) *Bulletin for International Taxation*.

John Prebble and Saurabh Jain “Interpreting the Factor of Dominion in Conduit Company Cases” (2019) 73(5) *Bulletin for International Taxation*.

John Prebble and Saurabh Jain “Conceptual Problems of Beneficial Ownership and the Corporate Veil” (2019) 73(3) *Bulletin for International Taxation*.

Paul Scott “Unilateral Refusals to Supply and the Essential Facilities Doctrine under New Zealand’s Competition Law” (2018) 49(3) *Victoria University of Wellington Law Review* pp 371–408.

Paul Scott “Legitimate Business Rationale and Section 36 of the Commerce Act 1986” (2018) 26 *Waikato Law Review* pp 96–116.

Guy Fiti Sinclair “The International Labour Organisation: Origins and Evolution” (2019) 26 *International Union Rights* p 4.

Matteo Solinas “Bitcoiners in Wonderland: Lessons from the Cheshire Cat” (2019) *Lloyd’s Maritime and Commercial Law Quarterly* pp 433–456.

Victoria Stace “Compromises with Creditors—New Zealand Supreme Court Divided on Whether Class Composition Includes Consideration of Creditors’ Economic Interests” (2019) 37 *Company and Securities Law Journal*.

Victoria Stace “Consumer Credit Reforms—The Case of the Mysterious Disappearing Interest Rate Cap” (2019) *New Zealand Law Journal* pp 189–192.

Yvette Tinsley, Jonathan Clough, Ben Spivak, James RP Ogloff and Warren Young “The Judge as Cartographer and Guide: The Role of Fact-based Directions in Improving Juror Comprehension” (2018) 42 *Criminal Law Journal* pp 278–297.

Kate Tokeley and Trish O’Sullivan “Consumer Product Failure Causing Personal Injury Under the No-Fault Accident Compensation Scheme in New Zealand—a Let-off for Manufacturers?” (2018) 41(3) *Journal of Consumer Policy* pp 211–227.

Kate Tokeley “A Call for Radical Transparency: The Regulation of Camouflaged Online Advertising” (2019) *Journal of Law, Information and Science*.

Ruiping Ye “Chinese in New Zealand: Contract, Property and Litigation” (2019) 25 *Comparative Law Journal of the Pacific/Journal de Droit Comparé du Pacifique* pp 141–178.

Michelle Zang “When the Multilateral Meets the Regionals: Judicial Interaction of International Trade Courts and Tribunals” (2019) 18(1) *World Trade Review* pp 33–61.

Looseleaf Treatises and Commentaries

Gordon Anderson “Personal Grievances (Update)” in *Mazengarb’s Employment Law* (online ed, LexisNexis, Wellington, 2019).

Dean Knight and Chris Mitchell *LexisNexis Local Government* (2019 updates, LexisNexis, Wellington).

Nessa Lynch *Youth Justice—Brooker’s Child Law* (Thomson Reuters, 2018).

Reports

Richard Boast and Alexander P Boast *Ngāti Raukawa: Custom, Colonisation and the Crown* (Report Commissioned by the Crown Forestry Rental Trust, 2 vols, 5 December 2018).

Catherine Iorns and Greenaway et al *Advancing Ecosystem Based Management in Aotearoa New Zealand using current governance arrangements* (Manaaki Whenua Landcare Research, Auckland, March 2018) 41pp.

Catherine Iorns and Bioethics panel (2019) *Predator Free New Zealand: Social, Cultural, and Ethical Challenges. BioHeritage Challenge* (The Biological Heritage National Science Challenge – NZ, 2019) 26pp.

Catherine Iorns *Treaty of Waitangi duties relevant to adaptation to coastal hazards from sea-level rise* (Deep South National Science Challenge, 31 July 2019).

Catherine Iorns, Vanessa James and Jesse Watts *The extent of EQC liability for damage from sea-level rise* (Deep South National Science Challenge, 31 July 2019).

Catherine Iorns and Jesse Watts *Adaptation to Sea-level Rise: Local Government Liability Issues* (Deep South National Science Challenge, 30 September 2019).

Catherine Iorns, Vanessa James and Patrick Gerard *Sea-level Rise, Housing and Insurance: Liability, Compensation and Related Policy Options* (Deep South National Science Challenge, 30 September 2019).

ATH Smith and J Webb *Comprehensive Review of Legal Education and Training in Hong Kong: Final Report of the Consultants* (Hong Kong Standing Committee on Legal Education and Training, April 2018) 183pp.

Victoria Stace and J Finn *Working Towards a Fairer Consumer Credit Market, A Study of Issues in New Zealand’s Consumer Credit Market and Proposals for Reform – Interest Rate Caps* (Fincap, 2019) 60pp.



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WEEKLY

Weekly courses run with two-hour weekly meetings over one or two trimesters. The majority of 500-level courses are offered in the late afternoon or evening.

Course	Coordinator	Points	Type	Dates and times
LAWS 522 Public Law—Authority, Legitimacy and Accountability	Dr Eddie Clark	40	BLOCK	Thursday 5 March, 6.40–8.30 pm; Saturday 4 April, Saturday 2 May, 9 am–4 pm; Saturday 11 July, Saturday 5 September, 9 am–4 pm.
LAWS 536 Trade Marks and Unfair Competition	Professor Susy Frankel	20	INTENSIVE	Dates to be confirmed. Go to www.victoria.ac.nz/course-finder for up-to-date information about this course.
LAWS 537 Patent Law	Professor Susy Frankel (taught by Dr Jessica Lai)	20	INTENSIVE	Wednesday 18, Thursday 19, Friday 20, Monday 23, Tuesday 24 March, 9.30 am–4.30 pm.
LAWS 541 International Commercial Contracts	Professor Petra Butler	20	BLOCK	Thursday 9 July, 5.40–7.30 pm; Monday 13, Tuesday 14, Wednesday 15, Thursday 16 July, 5.40–8.30 pm; Thursday 3, Friday 4 September, 5.40–8.30 pm; Saturday 5 September, 9 am–3 pm.
LAWS 543 International Arbitration	Associate Professor Meredith Lewis	20	INTENSIVE	Friday 4, Monday 7, Tuesday 8, Wednesday 9, Thursday 10 December, 12.40–6.30 pm.
LAWS 544 Business, Rights and Environment	Professor Petra Butler and Associate Professor Catherine Iorns	20	BLOCK	Saturdays 7 March, 2 May, 9 May, 16 May, 10 am–4 pm.
LAWS 546 Legal World of Small States	Professor Petra Butler	20	BLOCK	Dates to be confirmed. Go to www.victoria.ac.nz/course-finder for up-to-date information about this course.
LAWS 547 Criminal Justice and Technology: Challenges and Opportunities	Professor Yvette Tinsley	20	BLOCK	Saturday 25 July 9 am–2 pm; Saturday 1 August 9 am–2 pm; Saturday 26 September 9 am–5.30 pm; Saturday 3 October, 9 am–5.30 pm.

Weekly courses

Course	Coordinator	Points	Type	Dates and times
Trimester 1 <i>Classes run from Monday 2 March until Friday 5 June, unless otherwise indicated.</i>				
LAWS 504 International Trade Law	Associate Professor Meredith Lewis and Dr Michelle Zang	30	WEEKLY	Tuesdays, 4.40–7.30 pm.
LAWS 531 Family Property	Professor Bill Atkin	20	WEEKLY	Thursdays, 4.40–6.30 pm.
LAWS 532 Comparative Indigenous Law	Dr Carwyn Jones	20	WEEKLY	Tuesdays, 4.40–6.30 pm.
LAWS 534 Feminist Legal Theory	Dr Zoë Prebble	20	WEEKLY	Mondays, 4.40–6.30 pm.
LAWS 549 International Climate Change Law and Policy	Dr Bjørn-Oliver Magsig	20	WEEKLY	Fridays, 8.30–10.20 am.
LAWS 581 Advanced Legal Study	Professor Alberto Costi	10	WEEKLY	Friday 13 March 5.40–8.30 pm, Saturday 14 March 9.30 am–1.30 pm, Friday 20 March 5.40–8.30 pm, Saturday 21 March 9.30 am–1.30 pm. This course is also offered in Trimester 2.
Trimesters 1 and 2 <i>Classes run from Monday 2 March until Friday 5 June, and from Monday 6 July until Friday 9 October, unless otherwise indicated.</i>				
LAWS 520 International Law	Professor Alberto Costi	40	WEEKLY	Thursdays, 8.30–10.20 am.
LAWS 521 Corporate Governance	Dr Matteo Solinas	40	WEEKLY	Thursdays, 4.40–6.30 pm.
LAWS 523 Children's Rights	Associate Professor Nessa Lynch	40	WEEKLY	Tuesdays 8.30–10.20 am in Trimester 1, and a Saturday in Trimester 2 (date to be confirmed).
Trimester 2 <i>Classes run from Monday 6 July until Friday 9 October, unless otherwise indicated.</i>				
LAWS 533 Regulating Labour and Work	Professor Gordon Anderson	20	WEEKLY	Thursdays, 4.40–6.30 pm.
LAWS 535 Consumer Law	Kate Tokeley	20	WEEKLY	Thursdays, 8.30–10.20 am.
LAWS 538 Welfare Law	Associate Professor Māmari Stephens	20	WEEKLY	Mondays, 8.30–10.20 am.
LAWS 539 Law of Freshwater Resources	Dr Bjørn-Oliver Magsig	20	WEEKLY	Tuesdays, 4.40–6.30 pm.
LAWS 545 Land Issues in New Zealand	Dr Ruiping Ye	20	WEEKLY	Tuesdays, 8.30–10.20 am.
LAWS 550 Internship	Kate Tokeley	20	WEEKLY	Thursdays, 8.30–10.20 am.
LAWS 581 Advanced Legal Study	Professor Petra Butler	10	WEEKLY	Friday 10 July 5.40–8.30 pm, Saturday 11 July 9.30 am–1.30 pm, Friday 17 July 5.40–8.30 pm, Saturday 18 July 9.30 am–1.30 pm. This course is also offered in Trimester 1.
Trimester 3 <i>Classes run from Monday 9 November 2020 until Friday 12 February 2021, unless otherwise indicated.</i>				
LAWS 548 Judicial Review and Constitutional Balance	Associate Professor Dean Knight	20	WEEKLY	Tuesdays 10 November, 24 November, 1 December, 8 December 2020, 19 January, 26 January, 2 February, 9 February 2021, 4.40–7.30 pm.



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The Hon. Justice Mark O'Regan

Matthew Bunting

Justice Matthew Palmer QC and Ruth Wilkie

Michael Dineen

New Zealand Insurance Law Association

Professor Nicole Moreham and Tim Smith

Professor Petra Butler

Phillips Electrical

Professor Roger Clark

Dame Sian Elias and Hugh Fletcher

The Hon. Justice Simon France and the Hon. Justice Ellen France

Simpson Grierson

Professor Tony Smith

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