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Announcements

Sir Kenneth Keith: Collected Papers Part II: Freedom of Information

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

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

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Kenneth Keith considers this topic within the broader context of access to government information. He first discusses the law relating to government information; in the course of that discussion some of the relevant policy factors are examined, for there is no clear divide between much of the law and the policy. Secondly, the author notes some of the ways in which government has become more open. Thirdly, he looks at the impact of such policies on government science. Finally, in concluding, he makes a brief reference to the proposals for amendments to the Official Secrets Act and for freedom of information legislation.

"Resolution of Disputes Under the Official Information Act 1982"

Information Authority, Wellington, 1984

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 5/2017

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

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A controversial matter in the preparation and enactment of the 1982 Official Information Act was the method for the resolution of disputes arising under it. In particular, the Government of the day had said it intended to eliminate the power of ministerial veto over the release of information. Given the important consequences of this potential change, the Information Authority requested the preparation of this paper. The author first considers the processes for resolving disputes presently provided for in the Act. In the second part the author discusses the ways in which the existing processes could be improved, and then offers several recommendations.

Abstract by Juliet Bull.

"Open Government in New Zealand"

(1987) 17 Victoria University of Wellington Law Review 333

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 6/2017

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

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In this tribute to Sir Guy Powles, Kenneth Keith discusses New Zealand's move towards more open government, under the principle that official information is to be made available, unless there is a good reason for withholding it. The author considers the role and actions of various institutions – Parliament, the courts, the executive, the Royal Commission on Official Information, and the Ombudsman – in bringing about this change. This discussion is placed in its wider context, in which new attitudes towards public power, particularly in favor of the introduction of greater controls over the executive, were developing in New Zealand and elsewhere in the common law world.

"Freedom of Information and International Law"

Jack Beatson and Yvonne Cripps (eds) Freedom of Expression and Freedom of Information: Essays in Honour of Sir David Williams (Oxford University Press, Oxford, 2000) 349

Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 7/2017

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In this tribute to Sir David Williams, author of "Not in the Public Interest – the Problem of Security in Democracy", Sir Kenneth Keith discusses some of the categories of official information with which Sir David was concerned – especially information relating to foreign, defense and security matters. The author considers them in terms of international law as well as national law. He begins with a brief account of the deferential attitudes often adopted by legislatures and courts to foreign, defense and security matters, and also to Cabinet proceedings, while recording some significant qualifications to those attitudes. The second part summarizes the reasons for changing to a more open approach to the release of official information. Those reasons are taken up in the international context in the third part of the paper, which also calls attention to the requirements of open processes and disclosure of information increasingly imposed by international law. The paper concludes by suggesting some

consequences for constitutional, legal and educational practices and attitudes.

"Naval Secrets', Public Interest Immunity and Open Justice"

In Karine Bannelier, Sarah Heathcote and Theodore Christakis (eds) The ICJ and the Evolution of International Law: The Enduring Impact of the Corfu Channel Case (Routledge, New York, 2012) 124. Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 8/2017

KENNETH J. KEITH, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law
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This chapter concerns one particular potential obstacle to a court's access to relevant evidence: a claim that evidence should not be made available in order to protect rights to confidentiality or other important public interests. It broadly considers how, in the evidentiary context, the law should treat the competing claims, and whether one interest or the other should always prevail or, if not, how the balance should be struck. To answer these questions, Sir Kenneth Keith examines the major ways in which law and practice in national and international jurisdictions have changed in the sixty years since the Corfu Channel case was decided. He considers changing practice in common law courts and the role of national and international legislatures in regulating disclosure. The author then provides a 'behind the scenes' look at the Corfu Channel case; this provides the background for an analysis of the case in light of subsequent practice. The chapter concludes with some suggested lessons for the future.

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About this eJournal

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

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

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

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

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

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

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

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

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