

V.ALUM 2022

Law Alumni Magazine



VICTORIA UNIVERSITY OF
WELLINGTON
TE HERENGA WAKA



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He mihi nā te toi tātāriki

Welcome from the Pro Vice-Chancellor of Government, Law and Business.

Dear alumni and friends,
It has been an extraordinary year for the staff and students of Te Kauhanganui Tātai Ture— Faculty of Law at Te Herenga Waka— Victoria University of Wellington.

From the spread of the Omicron variant of COVID-19 and the parliamentary precinct protest to the impressive research and teaching work our staff have completed notwithstanding these turbulent times, it has also been a year of often unanticipated highs and lows. As I am now Pro Vice-Chancellor of Government, Law, and Business, I have spent time getting to know academic and professional colleagues from across the Wellington School of Business and Government this year. I can see many opportunities for collaboration between staff there and at the Faculty of Law.

Maintaining high standards

The Government has moved through different phases of dealing with the COVID-19 pandemic this year, as it spread nationwide. My academic and professional colleagues, ably led by Acting Dean of Law Professor Petra Butler, have worked assiduously to keep our community safe, and maintained academic and professional standards

throughout changes in levels and settings. I wish to acknowledge all of my colleagues and to express my personal gratitude for their energy and work this year. It has been undoubtedly hard and exhausting. You all help ensure this enriched community of legal research and teaching is successful and, along with our students and alumni, you ensure our excellent standing and reputation is maintained. As we reach the end of 2022, and welcome back our international students, we do so with what we hope will be an increasing sense of relief and belief in the future, and its possibilities for our colleagues and students.

From acting dean to new dean of the Faculty of Law

On Monday 14 November 2022, Acting Dean Professor Petra Butler handed her leadership of the Faculty of Law over to our new dean, Professor Lee Godden, formerly of Melbourne Law School at the University of Melbourne. Petra became acting dean just over a year ago, and I greatly enjoyed working with her throughout this year of change. It has been a privilege, and she has managed the acting role with aplomb in circumstances that have proven to



be continuously challenging. I am so very grateful that she expressed interest in the role. We have collaborated on some significant work, including the Pasifika research event and various initiatives for the Faculty, with analytical, statistical, and leadership support from my office.

I welcome Professor Lee Godden and am very much looking forward to working with her in 2023 and beyond.

Diversity in the Faculty

As you read this issue of *V.Alum*, I hope you come away with a greater concept of the way in which the Faculty of Law embraces diversity. This year saw the Pasifika Legal Education Project get underway, under the leadership of

Assistant Vice-Chancellor (Pasifika) Associate Professor Dame Winnie Laban working with me. We look forward to working with our two new Pasifika lecturers, Solamalemalo Hai-Yuean Tualima and Dr Mele Tupou-Vaitohi to carry the project's relevant findings forward into our practice.

We are also carrying on our work focused on the role of tikanga Māori in the law profession. Our colleague Reader Māmari Stephens (Te Rarawa, Ngāti Moetonga) received a Borrin Foundation grant for her creation of *He Tahuu: A Tikanga Companion*, a digital companion to tikanga Māori in law.

In this issue, we also hear about a new emphasis for Rainbow Law, several alumni working on fairer employment law, and our researchers centring research on kaupapa Māori and international climate law, as well as enjoying a rundown of some of our key events.

Governing for the Future initiative

The Faculty of Law and the Wellington School of Business and Government, both situated at the University's Pipitea campus, include seven schools and account for around a fifth of the University's staff. There are synergies between these Faculties, as well as other faculty communities at Victoria University of Wellington, that can and do positively influence the governance of Aotearoa, and the cross-University strategic initiative. Governing for the Future aims to leverage these synergies, integrating our strengths, and making the most of our location and connections in Wellington.

Under this initiative we have also explored opportunities for closer connections with the public sector, building on the many centres and chairs we have in place. This has confirmed public sector interest in our support to progress academic-led 'safe' conversations and foresight projects on areas of national significance for New Zealand, many of which were discussed at an event in October, and reported on within this publication. Common themes where our support is sought are the future of democracy, social cohesion, economic frameworks and public value, and the future of nature. There is also interest in support to build the capability of the public sector broadly. We aim to pursue these opportunities in 2023 through a series of pilots that will demonstrate the value of, and provide the basis for, deeper and longer-term engagements with the public sector.

Whakanuia—Celebrating 125 years of our university

In 2022, Te Herenga Waka—Victoria University of Wellington marks an important milestone: 125 years since our University was founded.

The original Victoria College was established on 22 December 1897 and teaching began two years later, with

115 students enrolled in the first year. Law subjects were first taught at the University in 1900. The University now has more than 3,000 staff and more than 22,000 students, and has grown into a large network of campuses, research centres, and institutes.

It is your support and commitment as alumni of the Faculty of Law that ensures the continuing success of our staff and students. Whether this is through support for targeted scholarships such as the Māori and Pasifika First-in-Family scholarship, or through guest lectures, support with mooted competitions, or funding and professional support, I want to thank you all sincerely.

We look forward to the coming year of opportunities to collaborate and share knowledge, while fostering the next generation of lawyers, government advisers, business leaders, and policy makers like those within these pages.

Ngā manaakitanga Mark

*Professor Mark Hickford
Pro Vice-Chancellor, Government,
Law and Business*

**...I hope you come away
with a greater concept
of the way in which
the Faculty of Law
embraces diversity**



Connecting research and teaching across Australia and Aotearoa

Professor Lee Godden—formerly of the University of Melbourne—is the new dean of Te Kauhanganui Tātai Ture—Faculty of Law.

A leading researcher in environmental law and property law and its intersections with Indigenous peoples' rights to land and resources, Professor Godden is delighted to be joining what she describes as “an outstanding faculty of law with a high-standing research reputation”, and with a strong focus on quality teaching and student support.

“I do feel very honoured to be taking up the role. I am aware that there are some very eminent people who go before me as dean”.



Professor Lee Godden

Part of the attraction for Professor Godden in coming to Wellington is the opportunity to work with communities and with Faculty of Law members, including those with a background in Te Tiriti o Waitangi principles, who are working in te Tiriti research.

Building on her PhD thesis, she has undertaken research and publications over 25 years at the interface of environment, property, and native title in Australia, but also comparative research in Aotearoa New Zealand, Canada, South-East Asia, and South Africa on these issues.

In her time at Melbourne, she was part of a university-wide multidisciplinary group, led by Indigenous scholar Professor Marcia Langton, working on a 10-year project looking at agreement-making between settler institutions, settler law, and Indigenous peoples. “Agreement-making has been an important aspect of my work, where you’re navigating a wide range of interests, not all of them always congruent.”

Later, as an Australian Law Reform Commissioner (2013–15), she led a review of the Native Title Act, the Australian legislation governing Aboriginal land claims. Professor Godden hopes that her experience and research background will assist her in contributing to the co-governance discussion in Aotearoa. She emphasises that she would “never presume to speak

for Aboriginal law or to speak in relation to iwi and Māori law and custom. That is always for those peoples with authority in their communities to do.”

Further, she has a longstanding interest in the law of the peoples across the Pacific in relation to environmental protection. “This crosses into my research on the utilisation of traditional ecological knowledge in environmental law.” More recently, she has undertaken projects working with communities and government on the integration of Indigenous peoples’ decision-making into structures such as co-management of biodiversity and water law.

As environmental law and property law cover a wide spectrum, Professor Godden’s other research interests include climate change and energy transition, “I’ve worked on renewable energy transition and electricity markets, which is a hot topic. Ensuring a ‘just transition’ is going to be a big issue for every nation.” This research dimension extends to issues of climate change adaptation and disaster planning.

As the director of a research centre, she has fostered the research of many early career researchers, “with many former PhD students now academics.” She is very keen to continue a mentoring role in her new position.

“I’d like to be seen as very strongly engaged with, and supportive of, the research and teaching of my colleagues.”

Law's new distinguished fellows

Te Kauhanganui Tātai Ture—Faculty of Law is delighted to welcome three alumni and high-profile leaders in the legal community as distinguished fellows for 2022.



Honourable Justice Stephen Kós KC (LLB(Hons) *Well* 1981, LLM *Camb.* 1985) graduated from Te Herenga Waka—Victoria University of Wellington in 1981 where he won the Chapman Tripp Centenary Prize for his graduating year. He lectured at the Law School for three years, then studied at Cambridge University in 1984/85 where he graduated with an LLM. Upon returning to New Zealand, he became a litigation partner at Russell McVeagh in 1988.

Justice Kós served as the Pro-Chancellor of Massey University and Chairman of the NZX Disciplinary Tribunal. He joined the independent bar in 2005 and was appointed Queen's Counsel in 2007. He was appointed a High Court judge in 2011, a judge of the Court of Appeal in 2015, and president of the Court of Appeal in 2016.

Justice Kós has interests in the fields of contract, equity, and legal history.

He was appointed a judge of the Supreme Court on 22 April 2022.



Honourable Justice Sir Mark O'Regan KNZM (BA 1975, LLB(Hons) 1977, LLM 1980) was admitted as a barrister and solicitor of the High Court in 1977 and became a partner with Chapman Tripp in 1984.

As a lawyer, he practised primarily in the areas of commercial law and Treaty of Waitangi settlements. He co-authored the New Zealand Law Commission paper that led to the eventual adoption of a register for personal property securities in New Zealand.

He was appointed a High Court judge in 2001 and a judge of the Court of Appeal in January 2004. He became president of the Court of Appeal in 2010. In 2013, he was made a Knight Companion of the New Zealand Order of Merit for services to the judiciary. Justice O'Regan was elevated to the Supreme Court of New Zealand in 2014.



Judge Ida Malosi (BA 1985, LLB 1989) has spent around 30 years as either a lawyer or judge in the Youth Court jurisdiction. She was appointed to the District Court with a Family Court warrant in 2002, becoming New Zealand's first female Pasifika judge.

On secondment, she served as Samoa's first female Supreme Court judge of Samoan descent in 2013 and 2014, where she established the Family Court and Family Violence Court.

Judge Malosi led the establishment of Pasifika Youth Courts in Mangere and Avondale, and the Cross-over Court at Manukau.

In September 2021, she became the national executive judge for the District Court and in November became the first female Principal Youth Court judge and the first Pasifika head of bench.

Distinguished fellows are first approached to see if they are agreeable to accept the position nominated by representatives from the Faculty of Law.

The honorary roles are titular and there is no remuneration associated with them. The fellows sometimes teach as an adjunct or teaching fellow. They can also provide stewardship and mentoring support.

We are honoured that all three distinguished fellows have accepted this position and look forward to our continued association with these outstanding leaders of the legal fraternity.

“In the end, law reform is a political activity” —Sir Geoffrey Palmer

The Rt Hon. Sir Geoffrey Palmer is a former prime minister, a professor, a lawyer, former law commissioner, and a law-maker. He is a champion of constitutional law, and during a symposium that aligned with his 80th birthday year it was clear his impact on our justice system is immense and continual.

The Governing for the Future symposium gathered 130 lawyers, law-makers, members of the judiciary and Parliament, and public servants at the Banquet Hall at Parliament on 13 and 14 October.

Speakers tackled the future of democracy and of world governance systems, the legitimacy of the state, rights, and legal and government reform. Each speaker also reflected

on their relationship with Sir Geoffrey, as mentor, as prime minister, or as professor.

“Governing for the future is trans-temporal, it engages past, present, and future dynamically and requires us to reflect on inheritances as much as the possibilities of imagination in these islands,” said Professor Mark Hickford, Pro Vice-Chancellor of Government, Law and Business as he launched the event.

Constitutional optimism

Sir Geoffrey is a tireless proponent of the need for Aotearoa New Zealand to have a written constitution, and to separate from the Crown and become a republic. He continues to drive a campaign for constitutional reform, with his books *A Constitution for Aotearoa New Zealand* (2016) and *Towards Democratic Renewal* (2018), both co-authored with Andrew Butler, reflecting this.



As Minister of Justice in the 1980s, he was responsible for reforms of New Zealand’s constitutional framework, including the Constitution Act 1986 and what became the New Zealand Bill of Rights Act 1990, both of which were mentioned frequently throughout the symposium.

In a keynote speech on the first day, Rt Hon. Dame Sian Elias GNZM KC reflected on how well Sir Geoffrey’s constitutional optimism serves us as we deal with many elements that endanger our democracy or render it more fragile.

“In my time as chief justice, I kept in mind Sir Geoffrey’s advice to talk about the constitution wherever I could, to raise public interest in it,” said Dame Sian, noting that “law doesn’t exist in a vacuum, we have the opportunity to reform it to meet current needs.”

The Hon. Kiritapu Allan (Ngāti Ranginui, Ngāti Tūwharetoa), Minister of Justice, was host for the event, and spoke in response to Dame Sian. She said, “I see my role as that of future-proofing the cornerstones of democracy, law, and government for Aotearoa New Zealand.”

A theme that started with Dame Sian and Hon. Kiritapu Allan, and which was repeated by many speakers, was the fact that Te Tiriti o Waitangi—the Treaty of Waitangi is foundational for the constitutional process for New Zealand. “Te Tiriti is, and should continue to be, the backbone of our nation,” said Ms Allan.

Deputy Vice-Chancellor (Māori) Professor Rawinia Higgins (Tūhoe) also spoke to this, considering the increased inclusion of tikanga and te reo Māori in the law. “We have a long way to go until we can say tikanga and te reo Māori have been fully included in our law as we govern for the future, but reform is a relay, not a marathon. We need to learn from our past, before we can pass the baton to the next generation.”

The Hon. Kiritapu Allan agrees with Sir Geoffrey that Aotearoa would benefit both from having a written constitution and becoming a republic—acknowledging that this is her personal position, not the Government’s. “This symposium will sow the seeds on how these discussions could be socialised. In the meantime, we are indebted to Sir Geoffrey Palmer for the constitutional arrangements that exist. He continues to have an influential impact on the constitutional landscape of New Zealand,” she said.

Politics and climate change

Sir Geoffrey became Minister for the Environment in 1987, and in this role initiated the law process that eventually led to the enactment of the Resource Management Act 1991.

The Hon. David Caygill CNZM—who served alongside Sir Geoffrey in the fourth Labour Government—argued that Sir Geoffrey knew what he wanted to achieve and knew how to bring about change.

“He had a vivid sense of justice, and the vision and skill to implement reforms to that end.”

He explained the inescapable challenge that politicians face, to prioritise public demands that cannot all be met. “Above all, central government needs to think strategically about the challenges—both social and environmental—that currently face us.”

The Parliamentary Commissioner for the Environment, Rt Hon. Simon Upton, said that the environment of the future was unimaginable. He stressed the importance of processes that engaged ordinary citizens and avoided complexity, and identified select committees as the weakest link in our system of government, suggesting that

a second chamber could avoid the serious motivational conflict that afflicts backbenchers in a unicameral system.

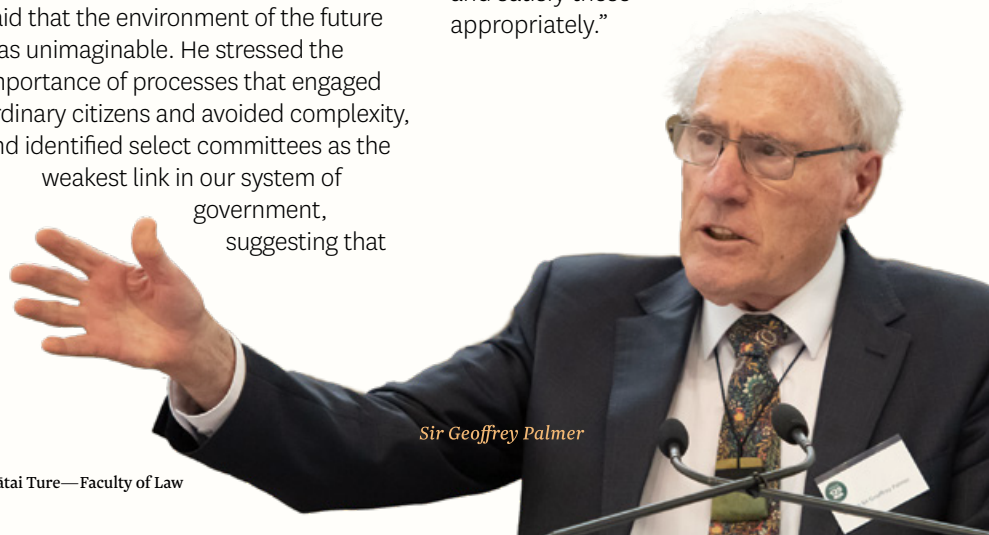
The research work of academics can impact dynamically on public policy, and this was clear within the symposium. Emeritus Professor Jonathan Boston spoke, and contributed a paper explicitly outlining the kinds of measures governments worldwide must take to prepare for the impacts of climate change.

He said, “Climate change poses huge challenges. We will need to undertake managed retreat in response to sea-level rise and more severe riverine flooding, and the Government will need to consider compensation for private property losses due to managed retreat.”

He said it is essential that we uphold democracy in the face of the existential threat climate change poses to humanity. “We need public policy to support the significant changes necessary to respond effectively and equitably to climate change.”

Professor Jonathan Carlson from the University of Iowa appeared virtually to present on the future of world governance systems, reflecting too on the role of international law in climate change.

“I see the International Climate Convention as a failure—greenhouse gas emissions have increased, not decreased. To create an international agreement that succeeds on a global scale, we must consider local norms and satisfy these appropriately.”



Sir Geoffrey Palmer

Governance and Indigenous rights

As our speakers considered constitutional reform, Indigenous rights, particularly with regards to Te Tiriti o Waitangi, were referenced either explicitly or implicitly.

Reflecting on the risks faced by democratic governments worldwide, former Secretary for Justice and Ambassador to the United Nations Colin Keating stressed the global trend towards greater diversity and devolution in governance. He warned that New Zealand should take more account of this in debates about Indigenous rights and participation in governance.

He also expressed concern about the still immature understanding of human rights in New Zealand. “Human rights are being used as a shield by those with extremist views. No rights are absolute. The flipside of all rights are duties owed to others and to the community.”

Both Dr Claire Charters (Ngāti Whakaue, Tūwharetoa, Ngāpuhi, Tainui) and Dr Alex Frame spoke about how to legitimise the relationship between Māori and Crown in the future. “Since the Privy Council case in 1941, it has long been held and assumed that, for the courts, te Tiriti is not directly enforceable unless it is incorporated within legislation,” said Dr Frame.

“But with a more nuanced reading of the authorities relied on by the Privy Council under wartime conditions in 1941, the Supreme Court in New Zealand could find that the rights created by the Treaty of Waitangi were fully recognised—cumulatively through executive and legislative actions since that case—and that henceforth the Treaty of Waitangi imposes enforceable duties on all branches of the New Zealand Government, including the legislature.”

Dr Charters said, “Aotearoa New Zealand needs a constitution that can reconcile (in James Tully-esque fashion) New Zealand’s basis in the coming together of two peoples and two legal orders and that can justifiably claim to regulate multi-cultural and multi-ethnic contemporary New Zealand.”

Along the line of fruitful partnership, Hon. Justice Sir Joe Williams KNZM (Ngāti Pūkenga, Te Arawa) explained historical indigenous constitutional moments across time, and how those bonds continue to be seen today through iwi connections. He also said, “For Māori, the State does not yet have legitimacy in fact, whatever might be the position at law. As the demographics of Aotearoa evolve over the next 50 years, the Pākehā and Māori dimensions will be steadily diluted—we need to have become comfortable with the idea of te Tiriti as the seedbed of our constitution before then.”

Governing for the future

Reflecting on a lifetime of scholarship by a law reformer such as Sir Geoffrey seems an apposite way to broach our ultimate purpose for this event: to discuss governing for the future.

Speakers, including Chief Justice Rt Hon. Dame Helen Winkelmann, discussed the movements already undertaken to ensure Aotearoa is governing itself, with the establishment of the Supreme Court under the Supreme Court Act 2003, thereby ending appeals to the Judicial Committee of the Privy Council in relation to all decisions of New Zealand courts made after 31 December 2003.

The chief justice, along with Rt Hon. Sir Kenneth Keith, and Professor Claudia Geiringer, discussed the way in which the New Zealand Bill of Rights Act 1990 impacts how we govern our society—from the justice system, to Parliament, and on the streets with the police.

This was followed by a session in which Hon. Sir Bruce Robertson, Jack Hodder KC, and Dr Andrew Butler spoke about the need for law reform to ensure society has the right tools to govern for the future. They discussed in particular the role of lawyers in this reform, though of course as Sir Geoffrey himself says, “In the end, law reform is a political activity.”

During his speech on the first day, Dr Dean Knight summarised something many expressed throughout the event: “Our success or failure in governing for the future relies on bright sparks asking the right questions and those that govern being provided with the right tools.”

With the challenges on our plate—with misinformation, disinformation, low engagement in elections, economic disparity, and anti-government and anti-intellectual sentiment—those who govern have their work cut out for them.

Sir Geoffrey perhaps says it best, in his summary keynote: “We can’t see the future, but we do know enough to know that governance is going to be much more challenging in the future than it has been in the past. Universities teach students to think—and help them to learn to govern for the future.”

The *Governing for the Future* symposium was hosted by the Minister of Justice, Hon. Kiritapu Allan. It was planned by the Pro Vice-Chancellor Professor Mark Hickford, along with members of the Palmer family (including Hon. Justice Palmer), and staff from across the Pipitea campus in Government, Law and Business. Professor Hickford would like to thank the Palmer family in particular for their help, and all the speakers involved.

Participation, engagement, and diversity

Tom Simmonds, incoming president of VUWLSS, discusses his vision for 2023.

I am extremely grateful to have been elected VUWLSS president for 2023 and can't wait to see what the year ahead brings.

I was born and raised in Auckland before deciding to move down to Wellington for university, and I have loved it ever since. Next year I'm going into my fifth year at Victoria University of Wellington, studying an LLB and BA majoring in politics and international relations. Outside of my studies I'm a big sports fan. I enjoy playing cricket during the summer, and I'm always keen to spend time with my mates on the weekends. Despite an unprecedented few years with COVID-19 and protests, I have loved the experience I've had at Law School, and have made many great memories and friends during my time at the old Government Buildings (OGB).

As president for 2023, it's my goal to increase engagement on campus and bring the Law School back to life after the interruptions of the past few years. Socialising with others is crucial for the mental health and wellbeing of students, and being able to connect with my peers in person has made a huge difference for me as I've worked through my law degree. Facilitating engagement on campus through events and initiatives will be a key priority for VUWLSS in the new year.



As teaching shifts back towards in-person learning in 2023, supporting students who can't attend in-person classes is also extremely important, and VUWLSS will continue to advocate on their behalf and make sure their concerns are addressed by the Faculty. Additionally, I know that OGB can be a pretty daunting and challenging place, particularly when you're a younger student in second year, and I want to make sure that campus and library aren't too intimidating for new students.

Despite significant improvements, the Law School is not as diverse a place as it ought to be. Māori and Pasifika are systemically disadvantaged by New Zealand's legal system and are also underrepresented in the Law School community, and these institutional problems must be better addressed. The representative groups—Ngā Rangahautira, Pasifika Law Students' Society, Asian Law Students' Association, VUW Feminist Law Society, and Rainbow Law—are an integral part of our community at Law School, and VUWLSS will continue to support the incredibly valuable work they do to enrich the experiences of students.

I've met terrific people during my time at Law School and made great memories, and it's my goal as president to help ensure that others leave the halls of OGB with the same positive experiences that I've had.

Celebrating Rainbow Law

Student representation groups are the lifeblood of the student experience at Te Kauhanganui Tātai Ture—Faculty of Law.

When the University’s Rainbow Law Students Association (Rainbow Law) was inaugurated in late 2019, it added an important and very welcome voice to the Faculty’s whānau.

This year the Faculty established the role of adviser to rainbow law students, supporting students whose gender identity, sexuality, gender expression, or sex characteristics don’t fit within binary norms.

Professor Graeme Austin, the first to take on the position, is quick to point out there has been some excellent mentoring over many years. “But with 20 percent of young people in Aotearoa identifying as something other than ‘heterosexual’, it was time to make things official.”

Rainbow Law has been busy this year. Among other activities, it has organised careers panels, bringing in queer lawyers from a variety of different firms and sectors to discuss being queer in the workplace, alongside running study sessions, and social events.

Newly elected co-director Isaac Linstrom says, “We are aware Law School can be quite an isolating place, so we try to build a sense of community. We are also continually working on advocacy, engaging with parliamentary bills that impact the rainbow community each year.”

In September, Professor Austin and Rainbow Law collaborated to bring together Celebrating Rainbow Law at



Professor Graeme Austin, Professor Elisabeth McDonald, Dr Eddie Clark, Professor Petra Butler, Paul Diamond, Amelia Bryant, Claire Downey

Te Herenga Waka, a public event at which featured speakers discussed the history of rainbow law, as well as research and activism in the legal sphere.

“It was an ideal opportunity to do something for Pride Month that engaged with the wider legal community,” Professor Austin says, “and aligned with the key activities of the Faculty of Law—teaching, research, scholarship, and student activities.”

Isaac says events like this are ideal ways to engage the wider staff with issues facing rainbow students.

“While many of our whānau continue to experience harm and discrimination, we will continue to hold our place in this Law School and back rainbow people inside and outside the old Government Buildings.”

At the event, the 2022 co-directors of Rainbow Law, Claire Downey and Amelia Bryant, spoke about the campaigns behind the two recent bills that have had implications for members of the Rainbow/LGBTQI+ community—namely the Conversion Practices Prohibition Legislation Bill, and the Births, Deaths, Marriages, and Relationships Registration Bill.

The first bill legally prohibits the offering of conversion therapy to rainbow teens. The second ensures people can amend the sex shown on their birth certificate via a self-selecting administrative process. Both bills passed, and both were the subject of submission campaigns run by Rainbow Law.

Claire said the group hoped its “out-and-proud” presence at the Law School would fortify the work of rainbow people in the legal sphere at the School now and in future.

“While many of our whānau continue to experience harm and discrimination,

we will continue to hold our place in the Law School and back rainbow people inside and outside old Government Buildings.”

Professor Elisabeth McDonald, who worked at Te Herenga Waka for many years, also spoke at the event. She founded a special topic in Feminist Legal Theory in 1991, and in 2000 developed the Law and Sexuality course, a very popular elective.

Now deputy director of Te Kura Kaiwhakawā—the Institute of Judicial Studies, Professor McDonald commented on ways the court system is improving its engagement with the rainbow community.

At the event, Dr Eddie Clark of the Faculty presented research taking stock of judicial attitudes toward LGBTQI+ litigants.

“Things have changed for the better,” he said, “but there is still an insistence on over-defining ‘homosexual’, where language has changed. This now rings poorly and could do with a refresh.

“It can be difficult to appreciate the progress we are genuinely achieving in the queer legal space while refusing to tolerate injustices that continue against our queer community, especially our transgender whānau. We need to maintain the anger without exhausting ourselves.”

The final speaker at Celebrating Rainbow Law was Paul Diamond, whose book *Downfall: The destruction of Charles Mackay* was published recently. It tells the story of Charles Mackay, then-mayor of Whanganui, who in 1920 shot a young gay poet, D’Arcy Cresswell, who was blackmailing him.

Paul reflected on how researching this book forced him to consider cycles in history.

“Writing this was like gathering a collection of hidden traces. When he was charged, his name was taken off a street, removed from buildings, he

was divorced by his wife. The absences were telling.”

The stories and ideas shared at Celebrating Rainbow Law prompted Professor Austin to reflect on his own journey in the law.

“I started my law degree here at around the time—with the Homosexual Law Reform Act 1986—my country decided that I was no longer a criminal. That type of experience brings the law’s impacts on people’s lives into sharp relief.”

The Law School is a different place now.

“The amazing work being done by our Rainbow Law students is something that the Law School—and the legal profession as a whole—should take pride in.

“As a discipline and a culture, the law can seem quite conservative. It is important that we help our students understand that they have an important role to play in shaping both the law and the legal profession.”

We need to maintain the anger without exhausting ourselves

Professor Austin is looking forward to the day when we all celebrate the rich diversity rainbow law students bring to any table.

There is more work to do, he says.

“My hope for our students is they are able to contribute to those discussions, and that their contributions are welcomed and celebrated.”

A champion of good faith

Throughout his 45 years with Te Herenga Waka—Victoria University of Wellington, Professor Gordon Anderson has been a champion of good-faith interactions between employee and employer.

Te Kauhanganui Tātai Ture—Faculty of Law’s Professor Gordon Anderson is now an emeritus professor, recognising his contribution to employment law in New Zealand.

During a career spanning nearly 50 years, Professor Anderson taught thousands of students, researched and analysed employment law through four major reforms, advised unions, and sat on international employment law bodies. Most recently, he chaired the Ministerial Taskforce on the Holidays Act.

He says that employment law, or labour law as he prefers to call it, is an area of the law he was always drawn to.



Professor Gordon Anderson

“The sort of law I’m interested in tends to involve other things, like politics and economics, industrial relations. Labour law is a subject with a lot of social and economic context, which makes it more interesting to me than ‘black letter’ law.”

Professor Anderson completed a Master of Laws at the University of Canterbury before teaching business law at Massey University’s Department of Agricultural Economics. He began teaching at Victoria University of Wellington’s Accounting Department in 1977 and moved to the Faculty of Law in 2002.

“I started teaching about the time the Industrial Relations Act 1973 came into force ... and with it a staple of current legal practice—personal grievance disputes.”

In that time, he says there have been four major “reformulations” of New Zealand’s labour law, the most significant being the Employment Contracts Act 1991.

“It destroyed the collective ethos of employment relations and left individual workers at the mercy of employers—hence the minimum wage is now a target to be aimed at rather than a safety net. That Act was a major part of the reforms responsible for much of contemporary poverty in employment and worker exploitation.”

Professor Anderson says as a 13-year-old harvesting potatoes in Canterbury he was paid well over the then minimum wage of half a crown. That was the rate per bag. Now, many people have to work 50 hours on the minimum wage just to survive.

Professor Anderson sees labour law as providing a protective function.

“That’s where you get your minimum wage from, your right to holidays and your right to bargain collectively. In the absence of that protective system, employees are voiceless and at the mercy of employers.”

“Labour law is a subject with a lot of social and economic context, which makes it more interesting to me than ‘black letter’ law.”

New Zealand has not gone down the full track towards the deregulation of labour but sits to the right of what happens in many European countries where a strong social democratic ethos underpins what they do, he says.

“We have elements of it here, but we’re not really prepared to pay for it. Someone once said, quite correctly I think, that we have European social values and American tax values.”

His views have not been without adverse comment.

At the time of the 1991 Employment Contracts Act Hon. Bill Birch stated, “Mr Anderson’s assertions stray into the domain of the wild and erratic.”

He was once described by National MP Hon. Gerry Brownlee as a left-wing activist and member of the Labour Party.

“I was never active and I was never a member of the Labour Party,” Professor Anderson says.

He believes New Zealand’s employment law needs further reform if it is to achieve the things it claims to do.

“International research now shows fairly clearly that better wages and working conditions are obtained if there are strong unions and collective bargaining—the law needs to be strengthened to achieve that.”

Another area of the law he believes needs to be closely examined is “exploitative migrant worker contracts”, which could be minimised with straightforward legislative reform and a stronger inspectorate.

Despite describing the health of New Zealand employment law as “ailing”, Professor Anderson believes the introduction of a statutory duty of good faith—one of his principal areas of research—has made a significant long-term difference.

“Good faith effectively requires that the parties interact in a way that promotes mutual trust and confidence in each other.

“It applies not only to collective bargaining but to all employment interactions, from redundancy dismissals to personal grievances, and starts from the premise that employment involves a medium- to long-term relationship between the parties which should therefore be conducted in good faith. It reinforces the core ILO (International Labour Organization) principle that labour is not a commodity.

“The Supreme Court has recently affirmed that the Employment Relations Act views employment as an ongoing relationship, not a one-off purely contractual relationship.”

Among his career highlights Professor Anderson counts his promotion to professor, opportunities to work with domestic and international scholars, including his wife, Professor Jane Bryson (current Dean of the Business School), and his election as Asian vice-president of the International Society for Labour and Social Security Law in 2003 and again in 2021.

He was also a member of the Advisory Committee of the Labour Law Research Network and president of the Labour Law Society.

A recent highlight was chairing the Holidays Act Taskforce, which produced a consensus report making 22 recommendations, agreed to by union and business representatives. Those recommendations, which primarily relate to how leave entitlements are calculated, have been accepted by the Government and will now go through the legislative process.

Over the years Professor Anderson has provided advice to various unions and the Council of Trade Unions on aspects of labour law reform. He has also taught and written on international trade law, in particular New Zealand’s trade agreements, both multilateral and bilateral.

New Zealand’s employment law needs further reform

Professor Anderson has taught thousands of students over his 45 years with the University and continues to supervise PhD students.

“It is hard to bemoan the state of modern youth when you interact with the impressive range of highly intelligent and committed students we have in law.”

Seeing students succeed—“especially those who go on to become academics in your own discipline”—has been one of the highlights of his career. Among those are chief judge of the Employment Court, Chief Judge Christina Inglis, who he taught at postgraduate level.

Former student Guido Ballara, who is now an employment lawyer and partner at Wellington law firm McBride Davenport James, remembers Professor Anderson’s teaching as “clear, practical, and helpful—and all with a sense of humour”.

“I would say Professor Anderson has made a broad, thoughtful, and insightful contribution to the study of employment law—both in terms of legal analysis and in relation to the history of labour law in New Zealand and what could, or should, come next,” Mr Ballara says.

Professor Anderson says while there have been numerous changes at the University over the past 45 years, one key change has been the growth in the University, with multiple campuses operating around the city.

He has also seen employment law go from being an area lawyers had “little to do with”, to becoming one of the key subjects for law students planning to go into general practice.

Technology has also had a major impact in terms of doing the job.

“When I first started I would spend half my life in the law library looking things up. Now I feel slightly resentful if I have to get out of my chair because it’s all online. Productivity has increased massively as a result.”

In the legal and political weeds

The “lack of political courage” across Parliament over the 2020 cannabis referendum disappointed Green Party MP Chlöe Swarbrick.

Ms Swarbrick, the MP for Auckland Central, presented the seventh Lecretia Seales Memorial Lecture in Law Reform at Te Kauhanganui Tātai Ture—Faculty of Law on Tuesday 7 June.

This year’s topic was ‘In the Legal and Political Weeds: The 2020 cannabis referendum and beyond’.

The theme of the lecture was New Zealand’s slow progress on drug reform, its achievements, and the razor-thin ‘no’ vote at the last general election against legally regulating the sale of cannabis.

When the 2,908,071 votes were counted, 1,406,973 people (48.4 percent) had voted ‘yes’ to the question “Do you support the proposed Cannabis Legalisation and Control Bill?” and 1,474,635 (50.7 percent) voted ‘no’, with 26,463 (0.9 percent) informal votes.

“Had just fewer than 35,000 people who voted ‘no’ voted ‘yes’, we would have had legally regulated cannabis in this country,” Ms Swarbrick said. “That’s how close we got.

“What gutted me additionally was the lack of political courage that we saw from across our Parliament. Now I have been loath to make any commentary on the

position of our Prime Minister—[but] again, 35,000 votes could have swayed this, it’s less than half the size of most electorates in this country.

“I also know for a fact there are a number of National Party MPs who disagreed with the position that their party took but who prioritised their career over that change of the thing that they sincerely believed in,” she said.

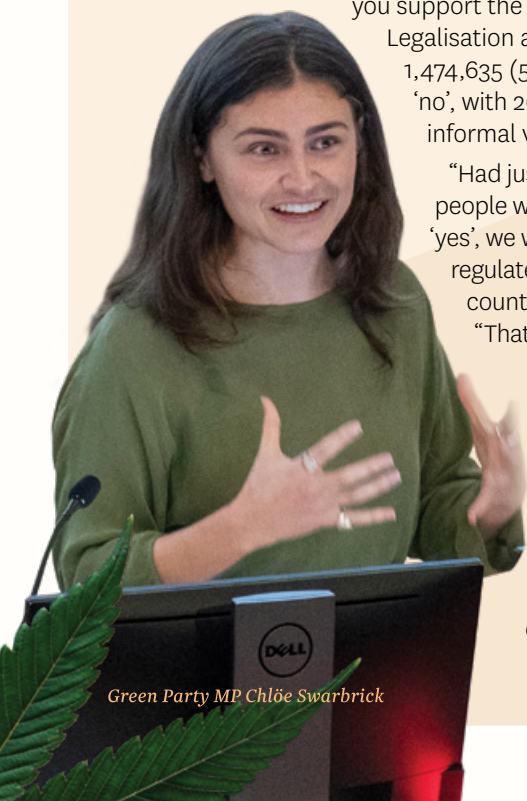
She named the “Frankenstein” Misuse of Drugs Act 1975 as her “arch-nemesis,” adding that drug-law reform in New Zealand had become “one of the greatest examples of injustice, of inequity and, frankly, of moral bankruptcy, in our Parliament, and one of the most anti-evidence pieces of legislation that we still have on our law books”.

New Zealand’s favourite drugs

Ms Swarbrick highlighted that alcohol remained New Zealanders’ “favourite” legal drug, given there aren’t good measurements of how much caffeine and sugar is consumed. According to the 2010/2011 New Zealand Health Survey, about 78.5 percent of Kiwis drank alcohol, and of those one-quarter drank it hazardously.

However, controls over tobacco were a “relative success story”, she said.

“One of the main arguments frequently put to me throughout the cannabis referendum, [was] why are we trying to legally regulate cannabis when we’re trying to get rid of tobacco to get to



Green Party MP Chlöe Swarbrick

Smokefree 2025? Great question. The answer is, the way that we're getting towards Smokefree 2025 is through sensible regulation of tobacco—which is exactly what we're trying to do with cannabis.

"Cannabis is our most commonly used illicit drug. Fifteen percent of New Zealanders have used it in the past year which interestingly, despite criminal prohibition, is actually up from 12 percent five years ago. That translates to 635,000 New Zealanders using cannabis on an annual basis.

"Weekly, we're looking at use rates of around 4.5 percent of adults over 15 years and 44 percent of the population using it regularly at some point in their lives." She added that the Christchurch longitudinal study indicates that 80 percent of New Zealanders will have at least tried cannabis by the age of 21.

Hypocrisy in action

Ms Swarbrick questioned the composition of the Global Commission on Drug Policy.

"It has a bunch of former heads of state, including our former prime minister Helen Clark, on board, and a number of those former heads of state who now are all gung-ho for us to do everything that we can to sensibly regulate drugs, but without much of a track record on doing it while they were in Parliament."

She said many of our parliamentarians are happy to respond to media queries about the last time they used cannabis with quips like "back in the mists of time" or "I didn't inhale".

"But those parliamentarians are now overseeing law that criminalises and penalises and ruins the lives of people who are doing exactly the same thing that they did. And if that's not hypocrisy in action, I don't know what else is."

Pointing out that drug use is a reality saw some responding that car crashes were a fact of life and should be legalised too, she said.

"To extend that metaphor... we don't ban cars. We accept that they exist. And we then say, well, we're not going to ban cars, we're going to regulate them as far as possible in order to reduce that harm and the potential for car crashes."

Cannabis consumption was still going up, in spite of more money and time being spent on cannabis seizures and convictions.

"Despite all of these efforts, we continue to have some of the highest illicit drug consumption, particularly of cannabis, in the world."

Ms Swarbrick thinks the referendum question should have been simpler and more direct, perhaps, "Cannabis exists, do we want to regulate it?"

Instead, the debate became more about whether people liked cannabis, or used it, or wanted it to exist.

"The whole point of our kind of proposed legal regulation was in fact to make cannabis quite boring. The reality is that cannabis can cause harm, much like any other substance ... but if you look at it through a public health lens, you say, how do we regulate that substance in order to reduce that harm, much like the conversation around alcohol."

No more drug-related law reform?

Then-Minister of Justice and current Minister of Health Hon. Andrew Little stated that after the referendum, there were no other plans for drug-related law reform, she said.

However, at the end of last year, New Zealand was the first country to legalise drug-checking services.

"We've also seen throughout COVID-19 that things can change really fast when there is the political willpower to do so.

"Politics isn't just something that happens every three years with the general election. It happens literally every single day with laws that have been passed and things that are being negotiated and regulations that have been created."

Ms Swarbrick told *V.Alum* that her frustration with discussions about law was the belief "its inherent value judgments and reflections of power are natural".

"If you look at it through a public health lens, you say, how do we regulate that substance in order to reduce that harm."

"The status quo so infrequently has to justify itself, while the case for change is always required to meet nearly impossible standards. The Lecretia Seales lecture is a hopeful and robust space to unpack those assumptions.

"If we're willing to genuinely reflect on all drugs in this country and regulate to reduce harm accordingly, we can do better with everything from alcohol to methamphetamine."

The annual lecture honours Lecretia Seales, the lawyer and law reform advocate who in 2015 approached the High Court for a ruling to allow a doctor to assist her to die with her consent. It is made possible through the generous support of donors including family and friends of Lecretia. Justice David Collins declined the application and Ms Seales died on 5 June that year.

Her case ignited a nationwide debate and paved the way for the End of Life Choice Act, following a majority 'yes' vote in a referendum at the 2020 General Election.

Co-governance: contentious or just misunderstood?

Co-governance is a hot-button topic that is set to become a key issue in the lead-up to next year's election.

As a Treaty of Waitangi obligation, co-governance aims to give the Treaty partners—the Crown and Māori—shared decision-making powers. But why does the concept face such vocal opposition?

Senior lecturer Morgan Godfery and lecturer Dr Luke Fitzmaurice from Te Kauhanganui Tātai Ture—Faculty of Law, explain how co-governance actually works, why it might be misunderstood, and how it could be applied in Aotearoa in the future.

The idea of co-governance goes far deeper than the recent controversies many people would have seen and heard recently in the media.

“There’s a bigger, broader conversation that is ongoing, pre-dating this media coverage,” says Dr Fitzmaurice. “It’s about the Treaty of Waitangi and rangatiratanga and the set of promises that were made to Māori in the Treaty that are only now—belatedly—beginning to be acknowledged.

“It’s happening now because the Government has decided it’s a good idea to honour those promises, but also because Māori are asserting more authority—that’s often the result of Treaty settlements which mean some iwi groups feel more equipped to take control of things themselves.”

What that looks like in practice is a power-sharing arrangement between the Crown (central and local governments) and Māori (often, but not always, iwi groups).

“That institutionalises a Māori voice as part of the decisions that are made for the particular agency involved—it can vary from equal decision-making to Māori getting just one seat at the table,” Dr Fitzmaurice says.

“That’s one of the unfortunate things about how Three Waters is playing out—co-governance is being wrongly blamed for the loss of control that the reform will enact.”

But why is co-governance seemingly so widely misunderstood? Mr Godfery says a big reason is that many people lack knowledge of its important historical context.

“It exists on a spectrum but also on a timeline. The co-governance spectrum goes from consultation to partnership, right through to—ultimately—constitutional transformation. At every point there’s a form of co-governance: consultation with iwi, having Māori representation on decision-making groups, all the way to constitutional reform which would be an even power split at the top level.”

But it also exists on a fraught timeline, says Mr Godfery.

“Iwi representation on decision-making bodies has existed for a few decades, although we’re still a long way off going from that sort of representation to full constitutional transformation. That’s why it can be such a hard debate, because people come to it with different prior knowledge: some people only know what they’ve heard in the media recently, and others come to it with vast historical knowledge of how it’s worked over the years.”

The two agree that co-governance has become an unwitting pawn in the high-profile debate around the Three Waters proposal.

“Three Waters has become a lightning rod for all sorts of opposition,” says Dr Fitzmaurice. “On the spectrum of political ideas, some of the opposition is valid—some people don’t want the decision-making to move away from local authorities and become too centralised. But unfortunately there are other viewpoints that are just straight racism in my opinion, and they have been directed towards Three Waters.

“That’s why it’s become so controversial—it’s a dumping ground for all sorts of different grievances.”

Mr Godfery agrees, saying, “For those honest critics who oppose the reform because it takes away control, the problem is they then go on to blame the wrong target—many opponents

blame iwi, and Nanaia Mahuta as some kind of iwi agent—for this, rather than acknowledging that Three Waters is a genuine attempt to better manage and better finance infrastructural reform.

“Instead, the detractors see iwi representation on boards and somehow make the leap to Māori trying to take control off local authorities, which obviously isn’t what’s happening at all.

“That’s one of the unfortunate things about how Three Waters is playing out—co-governance is being wrongly blamed for the loss of control that the reform will enact, when in fact the loss of control is the trade-off for being able to finance and manage water infrastructure more effectively.”

Dr Fitzmaurice says co-governance, as the future governing model of Aotearoa, honours and embraces te Tiriti and will create a more resilient and agile democracy. Changing the conversation from it being this big, scary idea to demonstrating where it’s already working well would help the public get on board. It seems to work best at a local level, so we need to start talking about where it’s succeeding, he says.

“Te Whānau o Waipareira in West Auckland, for example, is a health service



provider that is deeply connected to its community—it had the highest COVID-19 vaccination rates of anywhere in Auckland.

“Or we could look to smaller, local environmentally focused projects where iwi have hands-on involvement protecting waterways—they’re not huge nationwide issues, they’re just showing how communities can work together to keep their water clean and drinkable.

“Once you localise the issue with examples of existing arrangements that are operating at a community level, co-governance feels a lot less scary.”

So ideally what shape might co-governance take in Aotearoa in the future? The ultimate goal, says Dr Fitzmaurice, is constitutional transformation.

“That would look like the upholding of rangatiratanga and those things the Treaty guarantees Māori, whereby sole decision-making sits with them. It might be a separate parliamentary or government structure, or it might be an institutional arrangement whereby Māori have a stronger or equal voice in certain decisions. It would definitely look like a relational institution of some sort whereby many of those decisions were made jointly between Māori and the Crown.

“But where the rubber hits the road is whether the Government is willing to share power, because often all we see is just a veneer—yes, we’ve seen more te reo Māori used by government departments which is really cool, but there’s often less willingness to have structural change and shared decision-making.

“As academics, it’s our job to interrogate that—is this actually power-sharing or is it just another veneer? Is it simply co-opting things Māori rather than actually including and honouring them and elevating them to their rightful place?”

Mr Godfery agrees, saying there can’t be a conversation about co-governance without a conversation about constitutional transformation.

“There’s a lot of frustration among iwi rūnanga—many perform quasi-governmental roles in that they help fund social services or healthcare for their iwi members and carry out all these roles that a government should be doing. But the iwi don’t have the same powers as the Crown, for example to tax in order to fund the social or healthcare services they’re providing, because the Government reserves that particular power for itself.

“A conversation needs to happen around what kinds of things the Crown is willing or not willing to share with or give up to iwi. And from there, the question is around what constitutional transformation—true power-sharing—looks like. That’s where people like Luke and I come into it—our role is to continually push and push and push to get the answers.”

Co-governance is a long game, says Dr Fitzmaurice.

“I have this faith that all of this—including constitutional transformation—is going to happen one way or another. This might sound corny, but there’s a quote by Martin Luther King that the arc of the moral universe is long, but it bends toward justice. For us here in Aotearoa, I think the long arc of history bends towards rangatiratanga and it shouldn’t be scary.

“It’s in many ways inevitable—we’re heading towards it and, yes, it’ll suffer setbacks on the way, but one way or another rangatiratanga is where our country will end up and that’s something to be embraced rather than feared.”



Children's online privacy under spotlight

In the past two and a half years, children in Aotearoa New Zealand and worldwide have been introduced by necessity to online learning systems.

But is the software our kids are using up to scratch in terms of securing their privacy?

Te Kauhanganui Tātai Ture—Faculty of Law lecturer Dr Marcin Betkier with the Privacy Foundation New Zealand has identified 13 potential issues with software used by schools in Aotearoa to deliver online teaching and learning services. They found that schools are using at least 15 types of software, or they can choose to use centralised contracts the Ministry of Education (MOE) has with Microsoft and Google.

The aim of their investigation into privacy is to “ensure that our children are brought up in a safe educational environment in which their privacy is respected and their personal information is used only for the goals of their education and in their best interest”. They have identified the current potential issues through conversations with schools, MOE, Netsafe, the New Zealand School Trustees Association, and the Office of the Privacy Commissioner; and through OIAs to MOE and the Privacy Commissioner.

“There are two types of issues. Firstly, there are governance issues—the governance of privacy within online learning, and of the educational platforms themselves. The decisions to use particular software are shifted to schools and parents, but they have no expertise and no negotiating

power—they use the tools as they are provided,” says Dr Betkier.

The second set of issues is related to the educational environment. “The schools are using the educational software purchased for them, often without a full picture of what data the educational software analyses and uses. We can't see anything that indicates the data gathered won't be used outside educational purposes, or for commercial purposes—some data is collected overseas, and outside New Zealand jurisdiction.”

Dr Betkier sees the central issue as one of consent. He says the students must use the software provided by the school, usually consenting explicitly to the use of their data. But, the consent is meaningless if they are told by the teacher to click ‘consent’. The school, in turn, has often had very little choice in what software to use.

“Data practices should not be justified by the questionable consent of individuals, or even of institutions that cannot change the way the software works and can only accept the presented terms and conditions.”

He would like to see some functions of choosing educational software dealt with centrally, by experts in educational technology working alongside MOE to ensure children's data are used only in their best interest and the legal requirements in the Privacy Act 2020 are fulfilled. “Our education system is

decentralised—decisions sit with the board of trustees of each school—but in this case, it is better that the software is purchased by someone with expertise and its safety and legality verified.”

Dr Betkier would like to see more education for children around privacy. “If we don't ensure the tools for online learning aren't gathering their data for secondary use, this normalises surveillance. If their data is being collected, it allows bad actors to advertise to our children, who are vulnerable in cognitive and developmental aspects.

“We need these tools—we are in a world in which we could flip into another pandemic—but they should be deployed with clear guidelines and restrictions that the data is only for educational purposes.”



Dr Marcin Betkier

The impact of trade on Indigenous peoples

Two key Waitangi Tribunal claims inspired Dr Michelle Zang to study how Indigenous groups are being affected by international trade agreements and investment.



Dr Michelle Zang

A senior lecturer in international trade law and European Union law, Dr Michelle Zang came to Te Herenga Waka—Victoria University of Wellington in September 2018 after four years at the University of Oslo.

In September this year, she received a \$120,000 grant from the Michael and Suzanne Borrin Foundation to spend a year as a Borrin Foundation justice fellow overseas. She is now a visiting scholar at the Faculty of Law at Charles University in Prague.

As a Borrin fellow, she is comparing the inclusion of, and impact of, trade on iwi in New Zealand and the Sami group in Norway, and investigating how their rights and interests are being protected in the face of global pressures.

Dr Zang says her move to Wellington opened the doors for her work on international trade law and policies.

“The position I was offered was very inspiring, with the chance of working on a postgraduate programme in trade policies of a multidisciplinary nature. I was coming from the University of Oslo, where I had been at the PluriCourts—Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order.

“Once I was in New Zealand, I became deeply interested in the topic of Indigenous interests, having witnessed dynamic developments in the field. I also began to think this is a significant research subject which deserves dedicated comparative research on a global scale.”

She says two Waitangi Tribunal judgments in particular were a catalyst for this research—WAI 262, the complex, landmark and massive claim to restore to Māori tino rangatiratanga over flora and fauna and all taonga, and WAI 2522, covering the Treaty of Waitangi-exception clause of the Trans-Pacific Partnership Agreement.

“I am also looking into the treatment and involvement of the Sami group in Norway over that country’s trade policies and how

that compares with iwi in New Zealand.”

The Sami are the Indigenous peoples of the northernmost parts of Norway, Sweden, Finland, and the Kola Peninsula of Russia. There are about 80,000 Sami, about half of whom live in Norway. The Sami’s languages, culture, fashion, and crafts are undergoing a significant renaissance.

“Norway and New Zealand are two countries which have taken the effects of global trade on Indigenous peoples seriously. Theirs is the most advanced approach to promoting and protecting Indigenous interests, yet each nation has completely different political settings and dynamics.

“I only started the fellowship in September, so I have no substantive findings to report yet. But so far I’ve found that, although promotion and protection of Indigenous interests have generally been accepted by many developed countries, their strategies to undertake this vary significantly.

...each nation has completely different political settings and dynamics

“My main aim is to find out why and how that is and, most importantly, what the limits and outcomes of the current strategies are.”

Dr Zang aims to present her research to several law schools across Europe and the United Kingdom, as well as at international conferences.

In future she wants to investigate the sustainability of international trade laws and policies, and also explore links between those and global climate-mitigation strategies.

Growing skills with Borrin grant success

A focus on collaborative practice and how it might look in Aotearoa, and professional development in women's leadership, including study of tikanga Māori, are among a range of projects by staff, students, and alumni of Te Herenga Waka—Victoria University of Wellington's Law School that were awarded prestigious grants from the Borrin Foundation.

In the latest round of funding from the Michael and Suzanne Borrin Foundation—a philanthropic organisation that supports legal research, education, and scholarship in Aotearoa—five applications with links to the University were successful.

Dr Marnie Lloyd's professional development goals

Faculty of Law lecturer Dr Marnie Lloyd received \$9,340 towards professional development. Dr Lloyd hopes

to enhance her research and teaching by pairing globally focused professional development at Oxford University with locally focused study of te reo Māori and tikanga Māori. "In my work I like to link what's 'out there'—the violence and international conflict—with how that impacts Aotearoa," she says. "And vice versa—how

can New Zealand have an impact on these international issues?"

She plans to pursue the Women's Leadership Development Programme offered by Oxford, and to study towards the Heke Akunga Tikanga (Diploma in Māori Laws and Philosophy) at Te Wānanga o Raukawa in Ōtaki. Dr Lloyd specialises in international law related to armed conflict, forced migration, foreign fighting, and humanitarianism. Her teaching at the University builds on her extensive experience in the international humanitarian sector.

Dr Lloyd believes strongly that all of the Faculty has a responsibility to ensure te reo Māori and tikanga Māori are supported at the University. "Because I'd been out of New Zealand for so many years, I felt I had quite a lot of catching up to do in terms of te reo Māori and tikanga Māori when I returned to Te Herenga Waka in 2020. I'm very aware we shouldn't claim any competence or teach things without the appropriate capability to do so, but at the same time, I think we all need to do that work—we need to be an ally for



Dr Marnie Lloyd

colleagues and students teaching and learning tikanga. That's partly why I wanted to do this formal programme at the Wānanga—to have the chance to learn more and find an appropriate way to engage.”

Dr Lloyd says the grant feels like a strong endorsement from New Zealand's legal community. “It's a vote of confidence and a message of support from my legal peers here in New Zealand. Even though I've only been at the University for two years since returning from overseas, I felt that the Borrin Foundation selection committee saw me as a whole person and took into account all the work I've done elsewhere that I've brought back to New Zealand as I continue to transition into my new role at Te Herenga Waka,” she says.

“I'm very grateful for the grant and I'm looking forward to doing these courses—it's extremely meaningful to me to receive that encouragement to keep doing what I'm doing, and to have it recognised that it's important to talk about these very difficult issues of violence, military conflict, and humanitarian action.”

Jamie-Lee Tuuta's research into collaborative practice

Another successful Borrin Foundation grant recipient is Jamie-Lee Tuuta (Ngāi Tahu, Ngāti Mutunga o Wharekauri, Ngāti Toa Rangatira), a current Master's student at Te Herenga Waka, who was awarded \$9,910 to travel to the United States to attend a forum about collaborative practice. This practice is an alternative disputes resolution process that allows parties to keep proceedings out of court and negotiate outcomes that are in the best interests of both parties.

Jamie-Lee is studying towards her Master's part time while working full time as a barrister in Christchurch, predominantly in family law and Māori land law. She says she has always been interested in justice reform, and had the opportunity to train as a collaborative practitioner when she first started as a barrister.

“Collaborative practice helps both parties move through disputes without the risk and stress of litigation, and there's also the opportunity to involve neutral professionals—such as financial experts or mental health practitioners—to help the process,” she explains. “It's particularly beneficial in disputes where ongoing relationships are important. It's a safe, dignified environment for whānau, allowing them to reduce conflict in what's already a stressful time.”

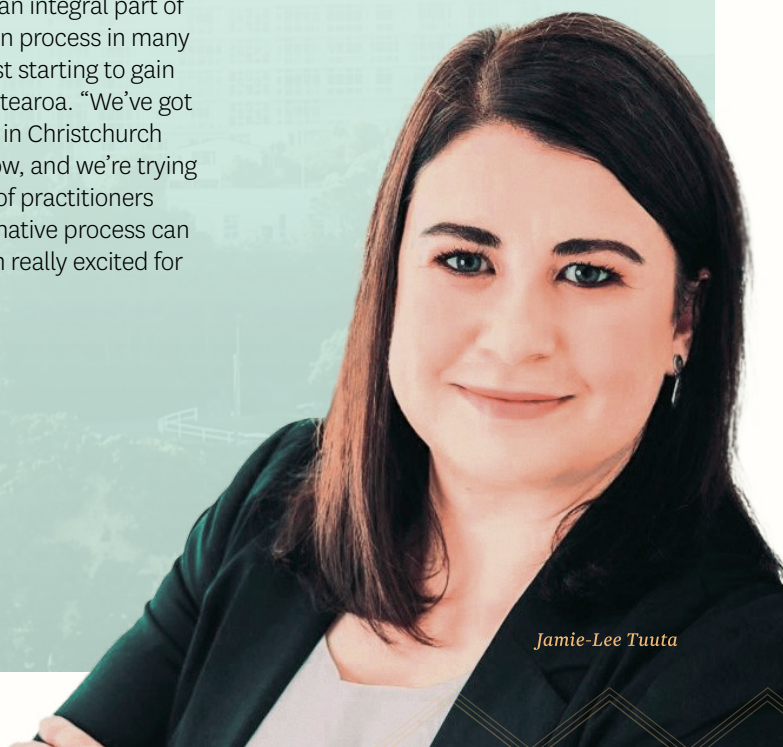
Jamie-Lee used her Borrin grant to attend the annual forum of the International Association of Collaborative Practice in Orlando, Florida in October. She says it was a fantastic opportunity to learn from her peers overseas who are using collaborative practice and explore the use of this in Indigenous communities.

Jamie-Lee says while collaborative practice has become an integral part of the disputes resolution process in many countries, it is only just starting to gain real momentum in Aotearoa. “We've got 17 family lawyers here in Christchurch who are trained up now, and we're trying to get a critical mass of practitioners here so that this alternative process can become the norm. I'm really excited for that,” she says.

“I'm also really keen to look into a collaborative process that incorporates tikanga Māori—New Zealand is unique in that respect, but there's a lot we can learn from work that's happening in Indigenous communities around the world, which is why I was so grateful for this opportunity to meet colleagues working in this area at the forum in Florida.”

She says Christchurch has had a tough time in recent years, and she can see a real need for an out-of-court alternative for people who find themselves in conflict. “Many whānau in Christchurch are facing a number of challenges, alongside the COVID-19 pandemic. There's a cocktail of challenges which are impacting the wellbeing of whānau in Christchurch that are only starting to emerge and be understood.

“This grant provided me with the opportunity of a lifetime to learn more about collaborative practice—providing a strong foundation to grow the practice in Aotearoa so that it can be available to those who would benefit from it the most.”



Jamie-Lee Tuuta

Giving employment law access to justice and diversity

Chief Judge Christina Inglis aims to make a quantifiable contribution to access to justice and enhanced judicial diversity. In her role as Chief Judge of the Employment Court, along with roles on boards and advisory groups, she is working to ensure this comes to pass.

Chief Judge Christina Inglis, the first female chief judge of the Employment Court, received an honorary Doctor of Laws from Te Herenga Waka—Victoria University of Wellington at its December 2022 graduation.

It is an honour the Wellingtonian was delighted to receive but she says her work is not yet done. There is still progress to be made in improving access to justice and diversity across the courts.

Chief Judge Inglis completed a Master of Laws with Honours at Victoria University of Wellington in 2001. She served as a Crown counsel at Crown Law for 18 years, was appointed to the District Court in Manukau in 2010, and the Employment Court in 2011, and became the court's first female chief judge in 2017.

For many years she has drawn attention to issues relating to access to justice, rights, and responsibilities in the employment relationship and the impact of changing social norms on the evolution of the common law.

“We are facing particularly acute problems in employment law—such as the cost of pursuing a claim and the time it takes to do it. We need to be

sure that what we are doing and how we are doing it is fit for purpose.

“The law doesn't operate in the ether. It's connected to resolving human problems. We need to ensure that our courts are doing that in the most effective way they can.”

Chief Judge Inglis sits on the board of the Access to Justice Advisory Group.

“Access to justice and judicial diversity are interlinked, she says, as it is crucial that people see and feel that the justice administered by the courts is accessible to them.”

Access to justice has two strands—people must have access to the courts and tribunals that uphold their rights, and the content of the law itself needs to be more accessible, with clearly articulated applicable principles “so that the people the law is designed to serve don't feel they need to get legal advice at every turn”, she says.

“It's one of the things that wakes me up at 3 am. We know the number of cases coming through to the court is dropping off. What does that suggest? It doesn't suggest to me that employment relationship issues are miraculously

resolving—far from it. It suggests to me there is an unknown, unmet, unidentified, unseen legal need out there which may be increasing.

“If you make it all too hard, too expensive, people give up. Why would they seek to bring their problems to the court if it's going to take them two years to get there, they have to mortgage their house to pay the legal fees, and they have no job? The chances are they will settle for \$3,000 at mediation.

“That's the sort of issue I think we need to address, and digitisation might present some opportunities.”

Chief Judge Inglis sits on the Digital Strategy (for Courts and Tribunals) Advisory Group and says there are a range of ways technology could be used to support informed and effective participation in the court system.

At the same time, she is aware digital technology may pose dangers—for example, the potential to put a focus on financial settlements when employment legislation is primarily focused on supporting and restoring relationships.

“If the right cases are not coming through the courts, how do we get clarity of the law? How do employers and employees know what their

legal rights and obligations are? It is problematic, and inconsistent with the legislative framework, if employment litigation is reduced to a financial exercise, treating the employment relationship as a commodity.”

In addition to equitable access to justice, Chief Judge Inglis wants to see the judiciary better reflect the community it serves. She chairs the judicial diversity committee Te Awa Tuia Tangata, established by the chief justice and heads of bench.

Access to justice and judicial diversity are interlinked, she says, as it is crucial that people see and feel that the justice administered by the courts is accessible to them.

Chief Judge Inglis decided to pursue a legal career after initially completing a Master of Arts with Honours at the University of Canterbury, focusing on pre-colonial history.

“It just came to me. It was an epiphany walking across a bridge in Christchurch. I stopped midway and said out loud ‘I’m going to go back and do law’. People around me looked at me in a most peculiar way.”

The choice was perhaps unsurprising given her strong family ties to the profession. Her father, Don Inglis, was a Professor of Law at Victoria University of Wellington, who wrote the first family law text and numerous other text books. He was a barrister and Queen’s Counsel and later a Family Court judge.

“I have always been interested in the law and no doubt that was dripped through to me by way of osmosis via Dad’s huge commitment to, and love of, the law.”

Her decision also reflected the value both her parents placed on higher education—her mother, Susan, who she describes as “full of integrity and intelligence”, studied French on a scholarship at the Sorbonne in Paris

The law doesn’t operate in the ether, it’s connected to resolving human problems

after leaving school and then completed a Master’s degree at Victoria University of Wellington.

In 1988, Chief Judge Inglis moved back to Wellington with her husband, Peter, and they started a family.

Her undergraduate years passed in a “blur”. She was working full time at the then Land Transport Safety Authority and given seven hours a week to attend lectures.

“I was just doing what I had to do to get through. After we got the kids off to bed we would have one hour to study and one hour for renovation work on our dilapidated house. It did teach me to focus and pick out what was relevant and important very quickly.”

The mother of four completed her Master of Laws while working full time and pregnant with her third child and says it was a completely different experience.

“With my Master’s, I was much more reflective and able to think through legal issues.”

The quiet, reflective approach of lecturers, including Professor Gordon Anderson with his “deep understanding of the law in operation”, had a big impact on her, she says.

Chief Judge Inglis maintains links with the University with an annual talk to Professor Anderson’s employment law class. She also takes part in the annual seminar series run by the University Centre for Labour, Employment and Work.

Asked what she is most proud of in her legal career, Chief Judge Inglis says that is a “work in progress”.

“I hope to be able to give a more illuminating answer when I retire ... but I don’t think I’m ever going to feel like I’ve nailed it.

“I will be proud if, at the end of my career, I’ve managed to make some sort of quantifiable contribution to access to justice and judicial diversity.”



Chief Judge Christina Inglis

Looking back on 2022

▶ Dame Patsy Reddy and Honourable Justice Joe Williams at the Distinguished Fellows dinner.



▲ Former VUWLSS president Manraj Singh Rahi passing the baton to 2023 VUWLSS president Tom Simmonds.

▶ Distinguished Fellows dinner. Clockwise: Professor Mark Hickford, Sir Joe Williams, Distinguished Justice Stephen Kós, Sir Geoffrey Palmer, Sir Mark O'Regan, Dame Susan Glazebrook, Judge Ida Malosi, Professor Petra Butler, Dame Sian Elias, Dame Patsy Reddy, Judge Karen Fox, Sir Kenneth Keith.



▲ Gwen Palmer Steeds and Sir Geoffrey Palmer signing their book.

Image: Te Herenga Waka University Press.

▶ Professor Petra Butler and Manraj Singh Rahi at the Dean's reception.



- ⌚ Professor Mark Hickford addresses guests at the Governing for the Future symposium inside the Banquet Hall at Parliament.
- ⌚ Audience at the Sir Owen Woodhouse memorial lecture.
- ⌚ Award-winners at the Dean's reception.



- ⌚ Graduates at the May 2022 Law graduation at Parliament.
- ⌚ Kathryn Ford and Lydia McIvor at the International Negotiation Competition Final.

⌚ John Sibanya at the Dean's reception.

▶ Justice David Goddard, Professor Catherine Iorns, Professor Liz Fisher, Tupe Solomon-Tanoa'i, and Professor Lee Godden at the Borrin Lecture delivered by Professor Fisher.



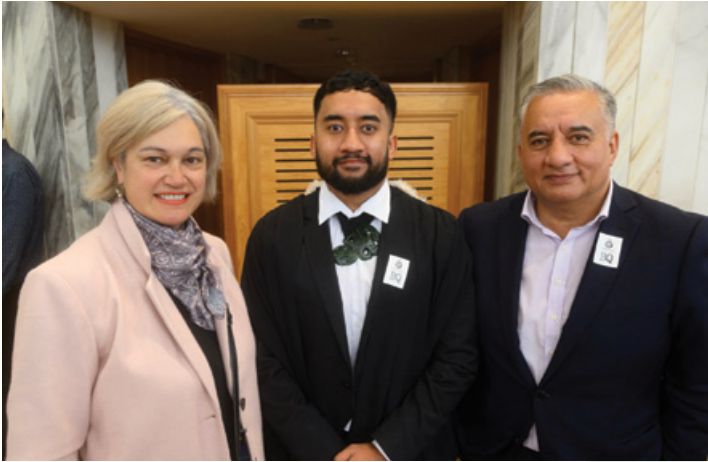
▶ Professor Mark Hickford and Lady Jocelyn Keith at the Borrin Lecture.

▶▶ Alison Kay and Aimee Cox at the Dean's reception.



▶ Researchers and supporters of the Improving Pasifika Legal Education Project. L-R: Semisi Pohiva, Solamalemalo Hai-Yuean Tualima, Rhegan Tu'akoi, Dr Mele Tupou Vaitohi, Fa'alagilagi Tuimavave, Wiliame Gucake.





◀▶ Harete Hipango, MP, Herewini Ammunson, Paora Ammunson.
◀▶ Kaea Hudson and Issy Jensen at the Dean's reception.



◀▶ Melissa Tahere and Phoebe Sullivan at the Dean's reception.
◀▶ VUWLSS Executive 2022. Back row left to right: Natalie McDonald, Manraj Singh Rahi, Kirsty McCulloch, Stuart Leslie, Jemma Greenhill, Izzy Sheild, Nikita Taiapa, Anjali Rajiv. Front row left to right: Abby Jones, Laurelei Bautista, Grace Hancox, Kaea Hudson, Chelsea Simmons. Absent: Erika Elers.



▶ Law Graduation—December 2021 and May 2022 graduates.

Working for the good of people and place

Charles Chauvel’s career in law, as an MP, and in his work for the United Nations, has taken him around the world, convincing him of the strong link between more inclusive representative institutions and better governance as a foundation for peace, sustainability, and human rights.

“Try to take the generous, compassionate option when faced with a choice,” says alumnus Charles Chauvel to those from Te Herenga Waka—Victoria University of Wellington ready to take on the world.

The Bangkok-based international civil servant points out that as New Zealanders—and graduates of the University—we can afford to.

“By most measures, New Zealand consistently ranks as one of the world’s 25 or 30 wealthiest countries, as well as one of the most peaceful and least corrupt. These are significant, but sadly often underappreciated, comparative advantages.”

Mr Chauvel would know. Not only is he a former Labour MP but he has just finished nine years working with the United Nations Development Programme, and is several months into a new role as the United Nations (UN) regional ombudsman for Asia and the Pacific.

“I was hired initially to do parliamentary strengthening work in developing countries.”

He recalls some of the challenges, such as being asked to work with the Parliament of The Gambia, rebuilding its processes for representation, engagement, lawmaking, and holding government to account after two decades of one-party rule.

The work was not limited to countries emerging from crisis—

many middle-income countries found, after using self-evaluation tools developed by Mr Chauvel, his team, and their partners, that they operated surprisingly weak representative institutions.

“To the credit of many member states, once they were in possession of such a diagnosis, they realised that action was needed. There was a general acceptance that a weak parliament was one of the factors that would allow corruption to flourish; that an electoral system that failed to deliver diversity would exacerbate the crisis of faith in governance; and that the lack of scrutiny and accountability flowing from a rubber-stamp legislature generally made for poor governance processes and outcomes.

“Of course, helping implement solutions to problems like this was easier said than done, with progress needing to be measured over time and qualitatively. But watching a representative body setting up a committee structure with strong, systemic civil society input for more effective accountability, or enacting measures to guarantee the seating of more women members, was extremely rewarding.”

His current role, as regional ombudsman for the Pacific, is focused on resolving complaints and conflicts between anyone with a contractual relationship with the UN secretariat, and the organisations for which they work.

“This includes everything from disputes over performance evaluations, to complaints of abuse of authority, through to concerns about discrimination. The ombudsman’s role—wherever possible—is to empower the parties to the conflict to resume their workplace relationship sustainably.”

Mr Chauvel was born in Gisborne, was dux of Gisborne Boys’ High School, and started studying law at the University of Auckland before transferring in 1989 to complete his Bachelor of Laws at Victoria University of Wellington’s Te Kauhanganui Tātai Ture—Faculty of Law, upon being offered the inaugural chief justice’s clerkship with the late Sir Thomas Eichelbaum.

“I enjoyed the public law focus at the University. It helped me much better understand the public, international, and comparative aspects of my real interest—employment law. A faculty that included Professors Tony Angelo, Ken Keith, Jo Morris, and Bill Hastings was full of energy and quite often a lot of fun.”

While the fact his father was a lawyer—one of the first Pacific Islanders to get a law degree in Aotearoa—initially meant he wasn’t necessarily keen on a law career, he settled on law as a good analytical degree to keep his options open.

On moving to Wellington, he also volunteered with the Burnett Foundation (then the New Zealand AIDS Foundation), working in particular on their human rights campaign.

“We knew that if we didn’t have human rights laws that prevented discrimination against key populations at risk of HIV, we wouldn’t have a chance of really controlling the pandemic,” he says.

He helped lobby to see discrimination on the basis of ‘disability’ and ‘sexual orientation’ outlawed under the Human Rights Act and the New Zealand Bill of Rights Act.

Later he joined the Crown Law Office, after working for a union, and also studied Honours and a Master’s degree focused on labour law.

Moving into private practice with Rudd Watts and Stone resulted in him quickly becoming a partner, then moving to Sydney to work on the trans-Tasman amalgamation of Rudd Watts and Stone and MinterEllison. Soon after returning to Aotearoa he stood for Parliament in 2006.

“We knew that if we didn’t have human rights laws that prevented discrimination against key populations at risk of HIV, we wouldn’t have a chance of really controlling the pandemic.”

Mr Chauvel recalls that on his first day in caucus, he had the unenviable job of arguing with the then foreign affairs minister Phil Goff about advice he had received about the legal implications of signing up to the Declaration on the Rights of Indigenous Persons.

“However, my proudest achievement in Parliament wasn’t entirely my own—I worked with Louisa Wall to gather support for her on the marriage equality bill—the Marriage (Definition of Marriage) Amendment Bill—which passed its third reading about a month after I left Parliament. That was a very long process, starting for me when I was justice spokesperson for Labour in 2011, but that helped lay the groundwork for Louisa to present the bill.”

While in Parliament, Mr Chauvel also served on the 14-member High Level Global Commission on HIV and the Law, which gave tools to nations worldwide to help them end the global AIDS pandemic.

He says some 89 countries have taken action on the recommendations of the report *Risks, Rights and Health*, and is proud that the Supreme Court of India cited the report favourably in its landmark decision to strike down the colonial-era sodomy law.

Reflecting on his time in Parliament, he recognises his legal background was helpful.

“It meant I got opportunities that I may not have had without it—like my role as parliamentary secretary to Attorney-General Michael Cullen in 2007, and chairing the Regulations Committee.

“The ability to sift evidence and work out whether you’re being told something not entirely accurate by officials, or interest groups, has been essential to any success that I have had in my legal career, in Parliament, and at the UN.”



Charles Chauvel

Climate mobility and resilience building in the Pacific

From erosion, to flooding, and soil salinisation, climate change is a frontline reality for many Pacific peoples.

The frequency of extreme weather conditions means whole communities are now facing the possibility of displacement. To remain on their ancestral lands, nations are turning towards the law to help develop solutions and protections for affected people and communities.

Te Herenga Waka—Victoria University of Wellington’s Professor Alberto Costi believes that international law can help develop resilience and secure mobility rights for those displaced due to climate change.

Professor Costi considers himself a generalist with interests in many areas of international law, including the law of armed conflict and transitional justice, and climate change. He is working on a book about climate mobility, drawing on research that looks at adaptation strategies to build resilience in the Pacific.

In his view, the issues raised by climate change challenge traditional legal principles relating to statehood, self-determination, the law of the sea, and jurisdiction.

He believes law practitioners must find suitable solutions that protect the rights and the future of our Pacific neighbours.

“Climate change forces us to adapt existing [legal] concepts and think outside the box so that we can tackle the most important problem facing the country, the region, and the globe.

“We are talking here about policies and instruments that aim to ensure that the peoples of the Pacific are not forced to leave their lands and homes.”

Professor Costi notes that discussion about Pacific climate change over the past decade has shifted focus from the notion of ‘migration with dignity’—the need for Pacific nations to prepare to leave their homelands eventually—towards the idea of ‘resilience building’.



Professor Alberto Costi

“We are seeing the development of strategies to mitigate climate risks, build and replace infrastructure to withstand environmental hazards and stresses, and foster sustainable communities where they currently live.”

These are two sides of the same coin, he says.

“Pasifika peoples do not want, and should not have, to leave their traditional lands and their livelihoods, and risk losing their cultural identity, because of a problem for which they are not responsible: global warming.

“At the same time, Pacific nations must also prepare for possible internal displacement that will require efforts within the state or, in some cases, relocation to another state.”

Professor Costi believes it is through state cooperation, but also multidisciplinary academic events and publications, that we will be able to tackle the many facets of the problem comprehensively at regional and international levels.

Conferences on Pacific climate change—such as those he has helped organise with scientific experts including Professor James Renwick and Pacific leaders such as Dame Winnie Laban (both from Victoria University of Wellington)—since 2016 have broadened his horizons and understanding of the problem.

At the centre of the issue is whether there is sufficient appetite within the international community to interpret the existing, and emerging, legal principles to ensure Pacific nations’ continued statehood and the permanent recognition of their maritime boundaries.

“That said, the concept of planned relocation should remain central to discussions and national and regional efforts. We have little time to overturn the current course towards the irreversibility of the change in climate.”

He believes the survival of several small developing island nations in the Pacific region and beyond can only be safeguarded through concerted global effort.

Legally, this means it is important to ensure respect for the preservation of Pacific nations’ sovereign rights over maritime zones surrounding their territories and for keeping their place as independent states in international political spaces, such as the United Nations.

“Practically, ongoing international efforts are required to provide technical and financial assistance so these nations can withstand sea-level rise and extreme weather events.”

Professor Costi believes there are three key things when considering Pacific climate change.

Firstly, it is important to be sensitive about vocabulary.

“There are still too many people who use expressions they should not, such as ‘climate refugees’ or ‘disappearing states’ or ‘sinking isles’. These terms are offensive and in fact do not depict the reality.

We have little time to overturn the current course...

“Also, Pasifika peoples have strong traditions of mobility and adaptation to the elements—and they are not inherently vulnerable. Efforts at regional and international levels should be to reduce greenhouse gas emissions, decarbonise the energy sector, and provide assistance as and when needed, in a spirit of cooperation, and in a way that suits their needs.”

He acknowledges we cannot ignore the possibility that some relocation will be required. Efforts are needed by neighbouring states to enable Pacific peoples to obtain lands and basic rights that will allow them to thrive in their new environment and preserve their cultural identity and language.

“Aotearoa New Zealand, for instance, should ensure that we have in place the necessary legal and policy frameworks, if needed, to welcome a large influx of migrants from the region.”

Professor Costi aims to complete his book on climate mobility in the coming months and, in 2023, will begin an update of the first textbook on international law from a New Zealand perspective. The textbook brings together a team of collaborators from academia (law schools around New Zealand), government, and legal practice.

“This will be an important tool for students, practitioners, and legal experts. Some of the many problems climate change raises will feature within this book.”

Doing justice to his father's legacy

Supreme Court Judge Honourable Justice Stephen Kós has always felt a responsibility to contribute to public life.



Stephen Kós

Although he describes his first experience as counsel in court as “a disaster, absolutely”, alumnus Stephen Kós, the country’s newest Supreme Court judge and distinguished fellow at Te Herenga Waka—Victoria University of Wellington’s Te Kauhanganui Tātai Ture—Faculty of Law, is nonetheless incredibly grateful for the valuable learning opportunity that early experience provided.

“I’d been rather thrown into my first court case. I gave a very learned discourse, which had caused [District Court Judge] Neville Jaine to look more and more puzzled,” Hon. Justice Kós explains.

“Eventually he simply said ‘that submission is curious and unsatisfactory’. He completely put me down with that epitaph but I’ll tell you what, you learn quickly. The Socratic teaching method at the Law School helped hugely in doing court work.”

Despite originally wanting to study architecture (his marks for secondary school art were “abjectly dreadful”), Justice Kós made a brilliant law student, winning the Chapman Tripp Centenary Prize for his graduating year.

He was a junior lecturer at the Law School for three years, and also holds an LLM (Cambridge, 1985). His stellar legal career has seen him be a partner in Perry Wylie Pope & Page, and Russell McVeagh. In 2005, he founded Stout Street Chambers, now the third largest barristers’ chambers in the country.

He was appointed Queen’s Counsel in 2007, and joined the judiciary in 2011, first at the High Court in Wellington, and then as a judge of the Court of Appeal in 2015. He was made president of that court the following year, and took the opportunity to make some positive changes, including adding sittings in Christchurch and Dunedin.

Justice Kós says with a background in commercial and environmental litigation, his work at the Court of Appeal provided another important learning opportunity.

“Apart from a few unavailing efforts at the start of my career, I didn’t do crime. No sensible criminal would have instructed me. But crime was perhaps the most interesting work I did at the Court of Appeal—I found a whole new intellectual satisfaction in grappling with it.”

He says he has always felt a responsibility to contribute to public life, having been strongly influenced by the experiences of his father, who had come to New Zealand as a refugee from Hungary after some harrowing experiences during World War II, including nearly dying at a prisoner-of-war camp in Siberia.

...there was a responsibility for me with that background to do more

“These things give you a particular perspective of justice—even though I’d had a successful career at the bar, I’d always seen that there was a responsibility for me with that background to do more. For me the response was to become a judge and to contribute, both to doing practical justice and maybe making the law a little bit better.”

Although he was a “reluctant convert” to the idea of New Zealand moving away from the Privy Council to having its own final court, Justice Kós now champions the institution as providing greater connection to New Zealand’s unique conditions.

He was made a Supreme Court judge in April this year.

“The opportunity here is to read, write, and research more deeply—I’m looking forward to the challenge.”

A Fellow destined for the law

Emeritus Professor Tony Smith has made an impact in criminal, public, and contempt law across a career taking him from Christchurch, to Wellington, to Gonville and Caius College at Cambridge, and beyond.

Not many 8-year-old children would enjoy reading about the lives of the leading English barristers, but Emeritus Professor Tony Smith was one of them.

A former pro vice-chancellor and dean of Te Kauhanganui Tātai Ture—Faculty of Law at Te Herenga Waka—Victoria University of Wellington, Professor Smith was made an emeritus professor this year. He has taught Criminal Law, Public Law, and Contempt Law over his years at Victoria University of Wellington.

He is quietly spoken and modest about his achievements over a lengthy academic career, much of which has been spent in the United Kingdom. He became a fellow of Gonville and Caius College at Cambridge in 1973 and is proud to continue to hold this position, as a life fellow.

“Upon being made a professor at Cambridge, you are permitted to create your own title. I chose the title of Professor of Criminal and Public Laws. Now I’ve noticed that a number of people have followed suit.

“Most people are satisfied with saying they are professors of criminal law. As a crossover between the two, I’ve always been interested in the constitutional position of the criminal law.

“In New Zealand, you can only be prosecuted for an offence if it’s in

a statute. In England, you can be prosecuted at common law. In England, I spent a lot of time on committees trying to get England to produce for themselves a criminal code, but they have never managed it.”

He was called to the bar in New Zealand, and in the UK by the Middle Temple, of which he was made an honorary bencher.

“My most important case was representing major newspapers at the European Court of Human Rights on the protection of journalistic sources, as a member of 5RB Chambers—the leading set of media and communications law specialists in London. The clients included the *Financial Times*, the *Observer*, the *Times* and *Sunday Times*, and the *Guardian*. It required several years’ work to extract a decision in our favour.”

Professor Smith returned to New Zealand in 2007 as pro vice-chancellor and dean of Victoria University of Wellington’s Faculty of Law until 2015. Since then, he has focused on his specialist areas and is adamant he hasn’t yet retired.

A peripatetic upbringing and a promising scholar

Professor Smith had a peripatetic upbringing. Born in Christchurch in 1947, he moved with his family to the UK,

before returning and moving several times around New Zealand as his father was posted to Royal New Zealand Air Force bases including Wigram, Woodbourne, and Shelly Bay.

He went to secondary school at St Patrick’s College, Silverstream and St Bede’s College in Christchurch, and then on to the University of Canterbury, where he began studying towards his first law degree.

Law had taken an early hold on him and his imagination.

“I just knew somehow, when I was 7 or 8, that I wanted to study law. I was reading about the big cases and the stories of the great barristers—flamboyant and major public personalities—and how they managed to secure acquittals of people featured in death penalty cases.

“My mother decided to march me off fairly early on to our solicitor, who gave me advice about what to do. He said, ‘read, just read all the time’. Which I did.”

At the University of Canterbury in the mid-1960s, he became good friends with Austin Forbes, now a King’s Counsel, who was also in the first year of studying towards his LLB.

Mr Forbes KC, of Clarendon Chambers in Christchurch, says Professor Smith has had an “illustrious career” across a wide range of legal subjects and recalls them competing.

“In our first exam, Legal Systems, I got the highest mark. Tony said, ‘So you’re the competition, are you?’

“Even from the time he was a student I regarded him as a true academic. He was gregarious and we often talked about the law. Sometimes we carried on our discussions about the law at the Gresham Hotel, along with other law students.”

Another contemporary, Chris McVeigh KC of Merely Chambers in Christchurch, believes it was at the Gresham he met Professor Smith.

“Tony then, as now, had a deceptive air of laconic detachment about him. He was always a diligent and industrious man whose keen intelligence was underpinned by an abiding spark of originality, perfectly suited to the discipline of legal analysis,” Mr McVeigh says.

From Canterbury, to Wellington, to Cambridge

Professor Smith was a batsman in the First XI at St Bede’s College for three years and also played a couple of games for Canterbury in an under-age grade.

Towards the end of his LLB study, he won a bursary to work at the Treasury for a year.

“That meant I had to come to Wellington. But working at the Treasury put me off the idea of being a civil servant.”

After that, Professor Smith took up a junior lectureship at the University of Canterbury. He completed his LLM there on the topic of provocation as a defence.

“I really wanted to go to Cambridge. I had been reading a novel called *The Masters* by C.P. Snow about the selection of a new master of Christ’s College. It was a great book and showed how small a community the college actually was.

I just knew somehow, when I was 7 or 8, that I wanted to study law

“I was very keen to study with a Welshman, Glanville Williams, the great scholar of Criminal Law, and author of *Learning the Law*. I was fortunate to win a Tapp Scholarship to Cambridge’s Gonville and Caius College, and then became a fellow. That was reasonably well-remunerated with a stipend and rooms in which to live and teach.

“I was also made a college tutor fairly soon after becoming a fellow, which involved assisting the senior tutor in interviewing all of the candidates for admission in the arts subjects, with comparable activities in the sciences.

“I was tutor to a number of scientists, the best known of whom is Sir Peter Ratcliffe, who won the Nobel Prize a few years ago.”

Fellows were expected to undertake extensive research, lecture, and examine. That led to his appointment as a lecturer, reader, and then professor over many years, says Professor Smith—and the awarding of a PhD and later a Doctor of Law at Cambridge.

Professor Smith also spent time as an academic at Durham University and the University of Reading.

His high-profile publications include *Offences Against Public Order* (1987), *Property Offences* (1994), *Harm and Culpability* (1996, with Professor Andrew Simester), and *The Law of Contempt* (fifth edition, 2017, co-written).

Cricket remains an abiding love, as are cooking, architecture, and good wine.

He is keen to get back to the UK.

“I’d love to go over. I have to write a new edition of Glanville’s *Learning the Law*.

“Glanville wrote it in 1945. As he got older, he asked if I would like to take it over. It’s now in its eighteenth edition. It’s a small book but a very good one.

“It’s time for another edition.”



Emeritus Professor Tony Smith

Celebrating five years of scholarship partnering with LexisNexis

Te Herenga Waka—Victoria University of Wellington Faculty of Law celebrated five years of scholarship partnering with Lexis Nexis in October this year. A morning tea was held for the students who have benefited from LexisNexis Scholarships during this time.

The scholarships were initiated in 2018 as part of the Victoria Law Innovation Partnership Agreement.

Present at the morning tea were several scholarship recipients, representatives from Te Kauhanganui Tātai Ture— Faculty of Law (Professor Mark Hickford and Gordon Stewart), and LexisNexis representatives (Simon Laracy, Sophie Marsh, Matthew Pedersen, and Merv Giam).



Connor Molloy was awarded the scholarship in 2019. He said, “Having the LexisNexis scholarship meant that during my first year living in halls I was able to focus on making new friends and my study, rather than needing to take on additional part-time work. It also meant that I was able to engage in extracurricular activities such as joining the debating team, which will help with my future career aspirations. Thanks LexisNexis!”



Cheyenne Loakimi, one of the most recent recipients said, “Receiving the scholarship has given me the confidence that all the hard work and sacrifices are worth it and makes me even more determined to succeed.”



Legal advice for those who need it most

Te Herenga Waka—Victoria University of Wellington alumna Dhilum Nightingale has made the move to the bar after 22 years practising as a lawyer. She says it has been hugely positive, enabling her to shape her career creatively and in a way that works for her and her family.

“I chose a career in law to help people navigate complex processes and systems and to advocate for them when they had been wronged,” says Dhilum, who is strongly guided by her Sri Lankan heritage and place as tangata tiriti. Her personal vision is to reduce barriers to a fairer, more inclusive, and sustainable world.

Before the bar, Dhilum practised as a lawyer in firms and in the private and public sector. She was also a staff solicitor at Community Law Wellington and Hutt Valley, where her specialty was family violence, immigration visas, and migrant exploitation advocacy.

The mother of three enjoyed the variety of work she was doing as a lawyer but wanted more flexibility in how, when, and where she worked. Dhilum also wanted more time to spend on volunteer work, personal pursuits, and with her children.

It was after a conversation with the founders of Kate Sheppard Chambers (KSC), New Zealand’s first virtual chambers focused on supporting women to come to the bar, that she decided to become a barrister.

Dhilum says joining KSC has enabled her to fulfil her potential as a lawyer. Community Law instructs her on family violence visas and migrant exploitation cases, which allows her to provide free legal advice to vulnerable people in

ethnic communities. Dhilum also has a busy private resource-management legal practice focused on helping NGOs, incorporated societies, and landowners participate in resource management processes and seek environmental justice.

“Being able to create my own work jigsaw and get the pieces fitting together is hugely satisfying,” she says.

Dhilum completed a Bachelor of Arts and an LLB(Hons) at the University of Auckland in 1999 before completing a Master of Laws (Distinction) at Victoria University of Wellington in 2006. Her Master’s included a variety of courses, including Public Law, Resource Management, and Refugee and Immigration Law.

Dhilum says her time at the University made her more aware of the potential for law to help marginalised and vulnerable people, and also developed her interest in human rights and advocacy.

She was recently awarded a Borrin Foundation fellowship to look at ways to improve employer accountability in migrant exploitation cases. She is also the founder of Veri-Mi, a social impact not-for-profit looking at ways to address migrant exploitation in hospitality through a Govtech accelerator programme run by Creative HQ.

Dhilum speaks on the University’s Feminist Law Society and Asian Law Students’ Association panels, and was on a moot judging panel last year.

In the future, Dhilum wants to set up a support network for culturally and linguistically diverse survivors of family violence, focused on empowering women through outdoor adventures.

“At the moment there are more pieces than the puzzle can hold—there’s so much that I want to do but I’m hugely grateful I can use my privileged position as a lawyer to support people in need.”



Dhilum Nightingale

Life at the English bar: a review of the Catherine Callaghan lecture

On 22 September, students and alumni of the Law School had the privilege of attending a lecture from Catherine Callaghan KC on life as a barrister at the English bar.

After graduating from Victoria University of Wellington with a Bachelor of Arts and LLB(Hons), Catherine completed her Master of Laws at Cambridge, finishing with the highest grade in her programme. After briefly working at Clifford Chance in London, Catherine moved to Blackstone Chambers, first completing a pupillage, then becoming a barrister. In the years since she has practised in a range of different areas, including public, human rights, and commercial law.

Catherine provided a valuable insight into both the nature of the English bar, as well as the day-to-day life of an English barrister. Around 10 percent of lawyers in England and Wales are barristers. However, fewer than 40 percent of barristers are women, and only 15 percent are of an ethnic minority, reflecting the work that still needs to be done in the legal profession to encourage greater diversity. Unlike New Zealand, barristers in England are robed and wear wigs when they appear in court. Long periods of time are spent working alone on research and submissions, and barristers are generally responsible for developing the strategy of a particular case.



Catherine took silk in 2018, becoming the 434th female KC to be appointed. She outlined three of her cases that have stood out for her, describing her most socially useful case as acting for the United Kingdom Government in successfully defending its legislation to implement tobacco plain packaging in both the High Court and Court of Appeal. Her most personally satisfying case was acting for the UK advertising regulator in a judicial review claim where Catherine was successful against her pupillage mistress, Dinah Rose KC.

Catherine's description of what makes a successful barrister was especially eye-opening. On top of a strong work ethic and a great deal of resilience, a barrister needs good judgement and the ability to discern the difference between strong and weak points when running arguments. She said barristers must remember they are in a service industry, and therefore must be personally responsive to clients, and strive to be polite and charming.

We are grateful to Catherine for taking the time to speak to us, and once again thank her for the wisdom and knowledge she imparted during her lecture. — *Tom Simmonds, incoming president of VUWLSS, which hosted Catherine Callaghan KC.*



Thank you to Professor Petra Butler



**An expression of gratitude from Professor Mark Hickford,
Pro Vice-Chancellor of Government, Law and Business, and
Gordon Stewart, Deputy Dean and Deputy Head of School.**

As we write, a little over a year has passed since Petra stepped up as acting dean, and a little over two weeks remain until she passes the baton to the incoming dean, Lee Godden. It's timely, then, to look back on that year, and to thank Petra for her superb service.

Petra stepped up into the role from 26 October 2021 after expressing interest in the acting position, and was a steward for Te Kauhanganui Tātai Ture—Faculty of Law pending the commencement of a new dean. Petra encountered turbulent times, while also shepherding the Faculty on a steady pathway, ensuring progress and momentum was maintained on some vital initiatives.

Petra displayed energy and enthusiasm for the role in her expression of interest, and a clarity of understanding about the need to advance important mahi. To that end, she has ably implemented the recruitment of new Māori and Pasifika colleagues, and our progression of the New Zealand Council of Legal Education-led work on ensuring the inclusion of tikanga into the law programme.

From the very early weeks of her stint, Petra faced the occupation of the OGB, the Pipitea campus closedown and the 'work-and-teach-from-home' request that flowed from that, the damage to

the grounds, and the morale-seeping effects of these factors on the fabric of the Faculty and on the engagement of the students. The time, the energy, the meetings—the sheer enervation—would have ground anyone down. Yet Petra stepped right up to it, working cooperatively and effectively with the senior incident management team, including the two of us, Jane Bryson, the then acting dean and now dean of the Wellington School of Business and Government, the faculty operations managers, our incident manager, the University's acting chief operating officer, Simon Johnson, and student representatives for the Pipitea campus and the University. It was a team effort, and she participated with good grace, good humour, and goodwill. Petra understood the need for a collegial team dynamic, and worked effectively with deans and pro vice-chancellors at the University on a range of initiatives.

Also forced onto Petra's agenda over the past year were some exciting, but no less demanding, agenda items: the entrenchment of online teaching and assessment as more than merely a temporary response to COVID-19, the issues arising from the use and accessibility of recorded lectures, and ever-increasing demands upon a Faculty operating in a tricky budgetary landscape. Petra shied away from none

of these issues and led the way on many for her Faculty colleagues.

These (and many others of a similar ilk) were not the steady-as-she-goes matters an acting dean usually faces, these were not matters to be kicked down the road until the newly appointed dean stepped aboard to pick up on them. They were gnarly, pressing, and far-reaching matters that demanded immediate attention to ensure the future of the Faculty.

Throughout all of that, Petra managed to keep her own research and study portfolio alive. Amongst other achievements, she organised the seventh Small States Conference in London on 20 and 21 October (and spoke at the concluding panel), and delivered the General Report on Access to Commercial Justice to the Financial Burden at the 21st International Academy for Comparative Law Congress in Asunción, Paraguay.

And so, against that backdrop, in the light of that litany: Petra, thank you.

We have greatly appreciated and enjoyed working with you.

Personally, and on behalf of our colleagues, both academic and professional, we thank you for all that you have done over this past year.

Mark Hickford and Gordon Stewart

New faces

We are delighted to welcome four new academic staff to the Faculty of Law.



Dr Luke Fitzmaurice (BA, LLB, PhD) began as lecturer this year, teaching courses in Criminal Law as well as a special topic: The Treaty of Waitangi in New Zealand Law. He completed his Bachelor of Laws at Te Kauhanganui Tātai Ture—Faculty of Law in 2012, and recently completed his PhD at the University of Otago, with a focus on kaupapa Māori perspectives on child protection, children’s rights, and decolonisation. He has a background in child protection policy, having worked for Oranga Tamariki and Child, Youth and Family Services prior to undertaking PhD study.

Other than those specific kaupapa, his research interests centre mostly around family law and Te Tiriti o Waitangi. He was previously a Law Faculty tutor and teaching fellow at Te Kawa a Maui—the School of Māori Studies.



Morgan Godfery (LLB) will soon take up a full-time role at Te Kauhanganui Tātai Ture—Faculty of Law. Until the end of 2022, he is a senior lecturer at the Otago School of Business, teaching marketing and management for the Bachelor of Entrepreneurship and embedding mātauranga Māori across the division. His research and publishing focuses primarily on public law and politics rather than business, and he believes that there are not necessarily clean lines dividing these disciplines. He has published in New Zealand and overseas on subjects ranging from the legal and cultural meaning of the Crown, to citizenship, to Te Tiriti o Waitangi, tikanga, and the 2017 election.

Alongside these research publications, he also writes for the media. He is currently the te ao Māori editor for *Metro* and a fortnightly columnist for the *Guardian* and *Stuff*.

He looks forward to teaching Māori Business Law and contributing to the broader curriculum.



Solamalemalo Hai-Yuean Tualima (BA, LLB, LLM (Hons)) is a senior lecturer specialising in traditional knowledge, Pacific legal systems, customary law, Indigenous rights, intellectual property, and human rights. She has published and presented on these topics, alongside heritage law, mātauranga Māori, traditional knowledge, and traditional cultural expressions.

Her strong interest in policy development and practical solutions for legal issues led her to work in the Pacific as a consultant on projects focusing on the protection of traditional knowledge, raising awareness of the Nagoya Protocol and the Convention of Biological Diversity.

In 2013, she formally established the first National Human Rights Institution in Samoa, and between 2012 and 2013, she worked for the Government of Samoa at the Samoa Law Reform Commission where she explored the appropriateness and feasibility of establishing a National Heritage Board in Samoa.

She is a member of the Golden Key International Honour Society (US), Law and Society Association of Australia and New Zealand, and the International Advancement of Teaching and Research in Intellectual Property.



Dr Mele Tupou Vaitohi (LLB, LLM, PhD) is a leading scholar on Tongan constitutional law and has recently completed her PhD in law at the University of Otago.

She has had an extensive career in law and government. She was admitted as a legal practitioner in both Tonga and Fiji and has worked in both countries, including lecturing at the University of the South Pacific.

She is currently on secondment to the Office of the Clerk at Parliament, as manager of the parliamentary law and practice team. She is the research lead for the groundbreaking Improving Pasifika Legal Education Project, funded by the Michael and Suzanne Borrin Foundation, which was launched at the University in 2021.

The project aims to improve Pasifika legal education in Aotearoa by bringing together academics, students, graduates, legal practitioners, and policy-makers from across the country.

2022 report from the Associate Dean (Research)

As in previous years, I am delighted to report that the Law School continues to produce high-quality, world-leading research.

With the borders reopening to travel, academics have been able to begin to rebuild research relationships and attend in-person events for the first time in years.

A common conversation has been how wonderful it is to see people in person after years of Zoom meetings. Victoria University of Wellington takes its commitment to sustainability seriously, so we are encouraging staff to make the most of travel opportunities to try to minimise international travel. However, we acknowledge that opportunities for academics to travel enable them to converse and debate with other scholars, providing a creative possibility that cannot be recreated in virtual spaces. Many of my research projects and collaborations have begun with a random conversation, or a discussion following a presentation—and I know it is true for many others. Additionally, taking our work to the world is a great advertisement for the quality of our Law School.

Another advantage of the borders reopening has been the return of our international postgraduate students. We had several PhD students who had to begin their study in their home countries while the borders were closed, which is a lonely way to begin an important research project. We have welcomed a number of these

students, who are excited to properly connect with other students and their supervisors.

We had two changes in those responsible for our postgraduate students. Professor Nicole Moreham took over from Dr Matteo Solinas as PhD coordinator. Upon the departure of Dr Nessa Lynch, Professor Petra Butler stepped in as acting director of postgraduate studies (while also acting as dean), and towards the end of this year, Professor Alberto Costi was confirmed in the role. I want to thank Matteo and Petra for their hard work in these roles.

As associate dean of research I was especially excited to get the recent news of our Times Higher Education ranking. The University's Law School was ranked alongside Auckland in the top 101-125 bracket of the world's law schools. What was particularly gratifying is that our research score was the highest of the New Zealand law schools in the rankings, and marginally behind Otago on citations. This is a wonderful testament to the depth and quality of the research our academics are engaged in.

In a recent exercise, we calculated that the number of publications by our law academics in 2021 was the same as in 2019, before the pandemic. I find this astonishing in light of the challenges that COVID-19 has posed, and continues to pose, to teaching and research. I want to thank my colleagues for their hard work. Victoria University of Wellington has a Law School of which it can justifiably be extremely proud.

Associate Professor Joanna Mossop
Associate Dean (Research)



Associate Professor Joanna Mossop

2022 report from the Associate Dean (Teaching and Learning)

Some things change; some stay the same.

Tēnā koutou katoa.

I have returned to the role of associate dean of teaching and learning after serving on an acting basis during 2020.

Over the past three years, our mission of teaching the law has been radically changed by our response to the COVID-19 pandemic. In previous editions of *V.Alum*, associate deans of teaching and learning have emphasised the superb response of Faculty of Law staff, whose dedication, enthusiasm, and efforts have allowed the fundamentals of our highly regarded education and learning and teaching initiatives to ‘stay the same’. Each year, we’ve looked ahead and hoped for better conditions, and a ‘return to normal’. What is now clear is that some things have changed permanently in the way that we will work and study—at the Law School and elsewhere—despite the shift to more normality in our lives. Our work at the Faculty is to continue to provide the best legal education we can to our students, in whatever situation we find ourselves.

A momentous change that those with an eye on developments in the legal system and profession will be aware of is the continuing rise of tikanga Māori within our society and the state legal system. In 2021, the Council of Legal Education decided to change the prescribed curriculum for law studies by including tikanga Māori and concepts of

te ao Māori in the core courses. There has also been a call from Māori legal academics to reshape law schools to be bicultural and bilingual. These developments align with our wider university strategies. This is a major journey for the Faculty of Law, and we are taking necessary, slow steps to think about what relationships and modes of engagement need to be in place to appropriately learn about, and discuss, mātauranga and tikanga. At the heart of this will be our Māori academics, including our recent appointments.

Another innovation is in the student support area. Alongside all the other professional staff that make teaching and learning happen at the Faculty, our student support adviser team (now named Titoko) has always helped students navigate the bureaucratic necessities of university study. In 2022, their roles were expanded to provide students with an individual point of contact at every stage of their studies—providing advice, support, and links with other university support services as required. Our Āwhina and Pasifika Success teams have blazed a path in this area for our Māori and Pasifika students. As a wider initiative, the Titoko team has already proved extremely beneficial to students, helping them to optimise their studies.

In a time of climate crisis, escalating wars, breakneck technological

development, and social inequalities and tensions, we must expect and prepare for change. What I am certain will stay constant is the excellent learning and teaching of the law we engage in within the walls of old Government Buildings, and that you know well as an alumni—I see that every day, and that is what students tell us. Dr Marnie Lloyd, having recently been awarded as the best lecturer for 2022 by the University’s student association, is an example of the devotion to excellence in legal education, and what is best for our students. We trust this will never change.

Dr Mark Bennett

Associate Dean
(Teaching and Learning)



Dr Mark Bennett

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

Hon. Kiritapu Allan, MP (LLB 2009) was appointed Minister of Justice in June 2022.

Maisy Bentley (LLB(Hons)(I) 2022; BA 2022) was awarded the Rhodes Scholarship from the University of Oxford in the United Kingdom.

Hannah Brown (LLB(Hons) 2013) was made senior associate at Russell McVeagh.

Arti Chand (LLB 2003) was appointed president of the Pacific Lawyers Association.

Campbell Featherstone (LLB 2007) was made partner at Dentons Kensington Swan.

Honourable Justice Simon France was appointed a judge of the Court of Appeal.

Meghan Grant (LLB 2022) was elected Council of Legal Education representative for New Zealand Law Students' Association.

Bronwyn Heenan (PLEGST 1998) was made partner at Simpson Grierson.

Judge Carolyn Henwood (LLB 1971) was made a Dame Companion of the New Zealand Order of Merit for her services to the state, youth and the arts.

Ezekiel Hudspith (Zeke) (LLB 2007) was made partner at Dentons Kensington Swan.

David Hume (LLB 2009) was appointed partner at Sherman & Sterling LLP.

Honourable Justice Stephen Kós (LLB 1981, LLB(Hons) 1982) was appointed a judge of the Supreme Court.

Honourable Justice Helen McQueen (LLB 1987, LLB(Hons) 1988) was appointed to the High Court.

Peter McKenzie (LLB 2021, BA 2021) was awarded a Fulbright Scholarship to study journalism at Columbia University.

Judge Ida Malosi (BA 1985, LLB 1989) was made principal Youth Court judge.

Rory Price (LLB 2013) was made senior associate at Russell McVeagh.

Dame Patsy Reddy (LLB 1976, LLM 1979, LLD(Hons) 2017) won the Public Service Award at the Welly Awards.

Sir Heughan Rennie (LLB 1970) was made a Knight Companion of the New Zealand Order of Merit for services to governance, the law, business, and the community.

Honourable Justice Kiri Tahana, Te Arawa (Ngāti Pikiao, Ngāti Māhino and Tapuika)(LLB 1995, BA 1995, LLB(Hons) 1996) was appointed to the High Court.

Faculty

Professor Gordon Anderson was conferred the status and title of emeritus professor by the University by Acting Vice-Chancellor Jennifer Windsor.

Professor Graeme Austin was awarded the 2022 Equity and Diversity Excellence Award.

Dr Marcin Betkier was appointed chair of the Privacy Foundation New Zealand.

Professor Petra Butler was appointed to three international organisations: the Academic Council of the Institute for Transnational Arbitration for a three-year term; the United Nations Commission on International Trade Law by Ministry of Foreign Affairs and Trade; and to UNIDROIT (International Institution for the Unification of Private Law) as a correspondent.

Dr Luke Fitzmaurice was awarded the Borrin Foundation Travel and Learning Award.

Professor Claudia Geiringer was named one of 23 Ngā Ahurei hou a Te Apārangi fellows elected to the Academy of the Royal Society Te Apārangi for their distinction in research and advancement of mātauranga Māori, humanities, technology, and science.

Professor Claudia Geiringer was appointed as a law commissioner for a five-year term, effective from 2 May 2022.

Professor Mark Hickford was appointed a director of the Australia New Zealand School of Government from July 2022.

Dr Marnie Lloyd was awarded the VUWSA Lecturer of the Year prize and received honourable mention for the Postgraduate Students Association (PGSA) Supervisor Award.

Dr Marnie Lloyd was awarded the Borrin Foundation Women Leaders in Law fellowship and was funded as a global scholar with Harvard Law School's Institute for Global Law & Policy.

Dr Marnie Lloyd received honourable mention for her PhD thesis in the Birmingham Law School-Cambridge University Press Robert Cryer International Law PhD Prize.

Dr Marnie Lloyd was appointed co-chair of ANZSIL International Peace & Security Interest Group; member of the Inter-governmental Working Group on Lethal Autonomous Weapons; and associate director of the New Zealand Centre for Public Law.

Professor Catherine Iorns Magallanes was legal counsel for Save Our Springs in the Environment Court hearing for a Water Conservation Order for Te Waikoropupū Springs.

Professor Campbell McLachlan KC was made member of the Institut de Droit International, the Permanent Court of Arbitration, The Hague (on the nomination of the New Zealand Government), and the list of arbitrators, International Centre for the Settlement of Investment Disputes, Washington (on the nomination of the New Zealand Government).

Professor Campbell McLachlan KC was appointed Arthur Goodhart Visiting Professor of Legal Science in the University of Cambridge 2022–23.

Professor Campbell McLachlan KC was invited to give the General Course, The Hague Academy of International Law 2024.

Professor Campbell McLachlan KC was made member of the list of independent chairs for arbitrations under the UK-EU Trade and Cooperation Agreement on the joint nomination of the United Kingdom and the European Union.

Professor Nicole Moreham's article "Conversations with the Common Law: Exposure, Privacy and Societal Change" (2021) 52 Victoria University of Wellington Law Review pp 563–578 received a commendation in the 2022 Rex Mason Award.

Sir Geoffrey Palmer was honoured at a symposium, Governing for the Future: The futures of democracy, law, and government held at Parliament in the Beehive Banquet Hall.

Professor Tony Smith was conferred the status and title of emeritus professor by the University by Acting Vice-Chancellor Jennifer Windsor.

Reader Māmari Stephens received Borrin Foundation funding to co-lead the project 'Te Rauhi i te Tikanga—A Tikanga Companion'.

Dr Michelle Zang received a Borrin Foundation Justice Fellowship for her proposal to explore Indigenous Interests under International Trade and Investment Law.

Students

Simran Bechan received the inaugural Sidley Austin (Geneva) Pasifika student internship organised by alumnus and partner at Sidley Austin, Iain Sandford.

Sophie Brokenshire and **Lydia White** won the New Zealand Law Students' Association: Institute of Professional Legal Studies (IPLS) Client Interviewing representing Te Herenga Waka—Victoria University of Wellington.

Kathryn Ford and **Lydia McIvor** won the 2022 Australian Law Student Conference Negotiation Finals representing Aotearoa New Zealand.

Injy Johnstone (PhD candidate) was awarded the Wellington UniVentures, Jeremy Bloomfield Scholarship.

William Morris was awarded the barristers.com Māori & Pasifika internship.

Manraj Singh Rahi was elected president of the New Zealand Law Students' Association.

Rita Shasha was elected Council of Legal Education representative for the New Zealand Law Students' Association.

Jaimie-Lee Tuuta (Ngāi Tahu, Ngāti Mutunga o Wharekauri, Ngāti Toa Rangatira) received a Borrin Foundation grant to travel to the United States to attend a forum about collaborative practice.

Student prizes for the 2021 academic year

A.H. Johnstone Scholarship in Law—Jack Apperley
A.H. Johnstone Scholarship in Law—Stella Bismark
Archibald Francis McCallum Scholarship in Law—Rebecca Kimpton
Bernard Randall Prize in Family Law—James O’Donovan
Chapman Tripp Prize—Karan Venter
Chris Highfield Memorial Prize in Public Law—Megan Ritchie
Chris Highfield Memorial Prize in Judicial Review—Alister Hughes
Coleman-Brown Memorial Award (Winner)—Cate Hensen
Coleman-Brown Memorial Award (Runner-up)—Saskia Whitson
Coleman-Brown Memorial Award (Runner-up)—Lucille Reece
Colin Patterson Memorial Prize—Seb Ellice
Dan Winfield Memorial Prize in Intellectual Property—Sam Poulsen
Faculty of Law Prize in Legal System—Lucy Jessep
Flacks and Wong Prize in Company Law—Russell Busby
Fran Wright Memorial Prize in Criminal Law—Sarah Parton
Gordon Orr Prize—Isabella Jensen
I.L.M. Richardson Prize in Private Law—Alexandra Briscoe
I.L.M. Richardson Prize in Private Law—Alice Mander
I.L.M. Richardson Prize in Private Law—Stella Bismark
John Miller Award in Social Justice & Community Development (Undergraduate)—Toni Wharehoka
John Miller Award in Social Justice & Community Development (Postgraduate)—Frankie Kareta Wood-Bodley
Lord Cooke of Thorndon Prize—Jack Apperley
New Zealand Law Review Prize—Jack Apperley
New Zealand Law Review Prize—Stella Bismark
New Zealand Law Review Prize—Hannah Houghton
Quentin Baxter Prize in International Law—Aimee Cox
Quentin Baxter Prize in Public and International Law—Taran Molloy
Robert Orr McGechan Memorial Prize—Alister Hughes
Sir John McGrath Distinguished Prize in Public Law—Taran Molloy
Thomson Reuters Prize in Jurisprudence—Cate Hensen
Thomson Reuters Prize in the Law of Contract—Tomas Roche
Val Gormly Memorial Prize—Rebecca Kimpton
VicBooks Award for Best Tutor—LAWS 121—Sapphire Petrie-McVean
VicBooks Award for Best Tutor—LAWS 122—Olivia Boivin
VicBooks Award for Best Tutor—LAWS 123—Ellen Lellman
VicBooks Award for Best Tutor—LAWS 211—Seb Ellice
VicBooks Award for Best Tutor—LAWS 212—Leander Schubert
VicBooks Award for Best Tutor—LAWS 213—Natalie Vaughan
VicBooks Award for Best Tutor—LAWS 214—Aimee Cox
VicBooks Award for Best Tutor—LAWS 301—Louis Daysh
Victoria Medal for Academic Excellence—Karan Venter

Dean’s List 2021

Congratulations to the following students who were included on the Dean’s List for academic excellence in 2021.

Jack Apperley	Amelia Harland	Helena Palmer
Angelica Araboglos	Kate Haszard	Delaney Parfitt
Maia Armistead	Georgia Hawley	Flo Pascual
Sam Baker	Cate Hensen	Bella Pentecost
Emerald Bendall	Michael Hiddleston	Thomas Pope-Kerr
Maisy Bentley	Cait Hollywood	Amelia Porteous
Stella Bismark	Lara Hopkinson	Lucille Reece
Isaac Black	Lia Horsley	Claire Rees
Alexandra Briscoe	Hannah Houghton	Hannah Reynecke
India Bulman	Alister Hughes	Megan Ritchie
Sarah Burton	Emma Jackson	Tomas Roche
Alani Butters	Rebecca Jacobs	Samantha Romijn
Lara Cable	Lucy Jessep	Hugo Schwarz
Theo Castle-McLean	Phoebe Jones	Rita Shasha
Micah Christensen	Joshua Kemp Whimp	George Shirtcliffe
Ben Clark	Olivia Kiel	Salif Sidibe
Isla Clarkson	Rebecca Kimpton	Antonia Smith
Hattie Compton-Moen	Edan Kyriak	Taine Te Huki
Aimee Cox	Cully Lockyer	Devon Tesoriero
Jasmine Cox	Jessie MacEwan	Rowan Thomason
George Curzon-Hobson	James Macey	Dugal Thomson
Tallara Daldorf	Hanna Malloch	Gracyn Thomson
Cody Dalton	Alice Mander	Claudia van Zijl
Finn Davenport	Sameer Mandhan	Natalie Vaughan
Megan de Klerk	Keeran Marks	Amelia Vincent
Anna Dombroski	Stephen Martin	Katie Vodanovich
Katie Donald	Isla McDonald	Rosie Wall
Jack Douglas	Pete McKenzie	Nicola Walsh
Sarah Downs	Tayla McKenzie Bethell	Annabelle Webster
Seb Ellice	Jack McNeill	Katie Wells
Ana Falkov	Gabe Melrose	Margaret Wells
Oscar Finnemore	Aranga Molijn	Toni Wharehoka
Ava Flaws	Rhianna Morar	Tom White
Georgia Fyfe	Matt Murray	Lydia Whyte
Alexander Gasson	Hannah Nathan	Jamie Yee
Xandi Gobbi	Thomas Neazor-Grant	Philia Yeo
Louise Goodwin	Misha Nesbitt	Gemma Young
Claire Graham	Florence Oakley	Gavin Zhou
Ellie Hansen	Natalie Olson	

Published in 2022

Authored books

Bill Atkin *Family and Succession Law in New Zealand* (3rd ed, Wolters Kluwer, 2022).

Joel Colón-Ríos and Richard S Kay *Adjudicating Revolution: Courts and Constitutional Change* (Edward Elgar, 2022).

Dean Knight and Matthew SR Palmer *The Constitution of New Zealand: A Contextual Analysis* (Hart Publishing, 2021).

Bjørn-Oliver Magsig *International Water Law and the Quest for Common Security* [in Mandarin Chinese] (China Water & Power Press, 2021).

Geoffrey Palmer and Gwen Palmer Steeds *Democracy in Aotearoa: A survival guide* (Te Herenga Waka University Press, 2022).

Paul Scott, Jacinta Ruru and Duncan Webb *The Aotearoa New Zealand Legal System: Structures and Processes* (7th ed, LexisNexis, 2022).

Edited books

Campbell McLachlan (Specialist Editor) in Lord Collins and Jonathan Harris et al *Dicey, Morris & Collins on the Conflict of Laws* (16th ed, Sweet & Maxwell, London, 2022).

Campbell McLachlan and Jonathan Harris (eds) *Essays in International Litigation for Lord Collins* (Oxford University Press, 2022).

Chapters

Bill Atkin "Family Law and Social Policy in a Post-Colonial Nation" in Jens M Scherpe and Stephen Gilmore (eds) *Family Matters, Essays in Honour of John Eekelaar* (Intersentia, Cambridge, 2022) pp 197–210.

Graeme Austin, Hannah Blumhardt, Sarah Pritchett, and Paul Smith "My Product, My Right to Repair It" in Anna Pendergrast and Kelly Pendergrast (eds) *More Zeros and Ones: Digital Technology, Maintenance and Equity in Aotearoa New Zealand* (Bridget Williams Books, September 2022).

Richard Boast "Judges and Judging in the Native Land Court" in John Burrows QC and Jeremy Finn (eds) *Challenge and Change: Judging in Aotearoa New Zealand* (LexisNexis, Wellington, 2022) pp 23–41.

Petra Butler and Eldrede Kahiya "'I Don't Think About It, I Try Not To': Spasmodic Contractual Governance by Some Exporters" in F Benatti, S García Long and F Viglione (eds) *The Transnational Sales Contract: 40 Years Influence of the CISG on National Jurisdictions* (Wolters Kluwer, 2022) pp 37–70.

Joel Colón-Ríos "Introducción" in Luis Muñoz Morales *Lecciones de Derecho Constitucional* (Academia de Jurisprudencia y Legislación, Puerto Rico, 2021).

Joel Colón-Ríos and Mariana Velasco-Rivera "The Material Constitution in the Courts" in Marco Goldoni and Michael Wilkinson (eds) *Cambridge Handbook of the Material Constitution* (Cambridge University Press, 2022).

Catherine Iorns, EK Petrović, AC Brent, L Hamer and D van Eijck "Blockchain for Supply Chain Ledgers: Tracking Toxicity Information of Construction Materials" in T Dounas and D Lombardi (eds) *Blockchain for Construction* (Springer, 2022) pp 89–111.

Dean Knight "Accountability through Dialogue: New Zealand's Experience during the First Year of the COVID-19 Pandemic" in J Grogan and A Donald (eds) *Routledge Handbook on Law and the COVID-19 Pandemic* (Routledge, 2022) pp 31–42.

Dean Knight and **Geoff McLay** "New Zealand Courts and COVID-19: Navigating the Tensions Between Necessity, Legality and the Rule of Law" in A M-Z Gao (ed) *Judicial Review in the pandemic: the Role of Courts in the SARS-CoV-2 pandemic in Asia and the Pacific* (Konrad-Adenauer-Stiftung, 2022) pp 115–133.

Joanna Mossop "New Zealand in Antarctica" in A Hertogen and A Hood (eds) *International Law in Aotearoa New Zealand* (Thomson Reuters, 2021) pp 399–432.

Joanna Mossop "Dispute Settlement in Areas beyond National Jurisdiction" in Vito De Lucia, Alex Oude Elferink, and Lan Ngoc Nguyen (eds) *International Law and Marine Areas beyond National Jurisdiction* (Brill, 2022).

Joanna Mossop "Maritime Security and the Law of the Sea" in Ruxandra-Laura Bosilca, Susana Ferreira, and Barry J Ryan (eds) *Routledge Handbook of Maritime Security* (Routledge, 2022) pp 86–95.

Matteo Solinas "Payment Obligations" in R Anderson (ed) *Scots Commercial Law* (2nd ed, Edinburgh University Press, 2022) pp 266–291.

Matteo Solinas "Types of Loans and their Rights" in P Millett, M Todd and A Alcock (eds) *Gore-Browne on Companies* (Lexis Nexis, 2022).

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W

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Intensive and block courses

Course	Coordinator	Points	Type	Dates and times
Trimester 1				
LAWS 581 Advanced Legal Study	Professor Lee Godden	10	I	Friday 3 March, 5.40–8.30 pm; Saturday 4 March, 12.30–4.20 pm; Friday 10 March, 5.40–8.30 pm; Saturday 11 March, 12.30–4.20 pm; Friday 17 March, 5.40–8.30 pm; Saturday 18 March, 12.30–4.20 pm.
LAWS 546 The Legal World of Small States	Professor Petra Butler & Dr Mele Tupou Vaitohi	20	B	Monday 6 March, 5.40–8.30 pm; Tuesday 7 March, 5.40–8.30 pm; Thursday 9 March, 5.40–8.30 pm; Friday 10 March, 5.40–8.30 pm; Monday 13 March, 5.40–8.30 pm; Tuesday 14 March, 5.40–8.30 pm; Thursday 16 March, 5.40–8.30 pm; Friday 17 March, 5.40–8.30 pm.
Trimester 1 and 2				
LAWS 525 International Commercial Contracts	Professor Petra Butler	40	I B	Monday 6 March–Friday 10 March, 8.30–10.20 am; Monday 13 March–Friday 17 March, 8.30–10.20 am; 6 x Thursdays from 4 September–15 October, 5.40–7.30 pm.
Trimester 2				
LAWS 581 Advanced Legal Study	Dr Marnie Lloyd	10	I	Friday 14 July, 5.40–8.30 pm, Saturday 15 July, 8.30 am–2.20 pm; Friday 21 July, 5.40–8.30 pm; Saturday 22 July, 8.30 am–2.20 pm.

Weekly courses

Course	Coordinator	Points	Type	Dates and times
Trimester 1				
Classes run from Monday 27 February until Friday 23 June, unless otherwise indicated.				

LAWS 504 International Trade Law	Associate Professor Meredith Lewis	30	W	Wednesdays, 3.40–6.30 pm.
LAWS 533 Regulating Labour and Work	Professor Gordon Anderson	20	W	Wednesdays, 8.30–10.20 am.
LAWS 539 Comparative Criminal Justice	Professor John Gould	20	W	Fridays, 8.30–10.20 am.
LAWS 541 Shaping Aotearoa New Zealand's Public Law	Associate Professor Dean Knight	20	W	Tuesdays, 4.40–6.30 pm.
LAWS 547 Financial Markets Regulation	Ms Victoria Stace	20	W	Thursdays, 4.40–6.30 pm.

Trimesters 1 and 2				
Classes run from Monday 27 February until Friday 23 June, and from Monday 10 July until Friday 3 November, unless otherwise indicated.				

LAWS 520 Law and Disobedience	Professor Joel Colón-Ríos	40	W	Mondays, 4.40–6.30 pm.
LAWS 521 Organisational Law: Corporations, Trusts, Fiduciary Relationships	Dr Mark Bennett	40	W	Wednesdays 4.40–6.30 pm.
LAWS 526 Legislation	Professor Geoff McLay	40	W	Tuesdays, 8.30–10.20 am.

Course	Coordinator	Points	Type	Dates and times
Trimester 2				
Classes run from Monday 10 July until Friday 3 November, unless otherwise indicated.				

LAWS 531 Indigenous Peoples Intellectual Property	Solamalemalo Hai-Yuean Tualima	20	W	Fridays, 10.30 am–12.20 pm.
LAWS 532 Private Law Theory	Professor Geoff McLay	20	W	Thursdays, 8.30–10.20 am.
LAWS 534 Law, Citizenship and Sexuality	Dr Eddie Clark	20	W	Wednesdays, 4.40–6.30 pm.
LAWS 535 Consumer Law	Associate Professor Kate Tokeley	20	W	Wednesdays, 8.30–10.20 am.
LAWS 544 TradeLab Clinic	Dr Michelle Zang	20	W	Wednesdays, 8.30–10.20 am.
LAWS 548 Indigenous Land Issues in NZ and Pacific	Professor Richard Boast	20	W	Thursdays, 4.40–6.30 pm.
LAWS 549 Law and Emerging Technology	Associate Professor Nessa Lynch	20	W	Tuesdays 10 July–6 August, 4.40–6.30 pm; Saturdays 18 September–1 October, 9 am–5 pm.




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