

# *Eden Crescent*

Te Kerehiniti o Itena · Auckland Law School Annual 2016

## **Law School receives largest-ever donation**

Benefactor John Mayo and his generous support

---

## **Moving Forward**

New developments for the Law School

---

## **Staff success**

Claire Charters gets UN role



THE UNIVERSITY OF  
**AUCKLAND**  
Te Whare Wananga o Tamaki Makaurau  
NEW ZEALAND



# Eden Crescent

The Auckland Law School Alumni Annual.

**Editorial:** Andrew Stockley, Scott Optican,  
Christina Pollock, Miranda Playfair,  
Laura Lawrence

**Designer/Production:**

Daniel Holt, University of Auckland  
Susan Timberlake, Timberlake Studio Ltd

**Cover Photo:** Associate Professor  
Claire Charters. See her story on page 17.

**Photographer:** Dean Carruthers

**Editorial Contact Details:**

Eden Crescent, Auckland Law School  
The University of Auckland  
Private Bag 92019  
Auckland 1142  
New Zealand

If alumni wish to update their details or be removed from the subscription list, please email: [edencrescent@auckland.ac.nz](mailto:edencrescent@auckland.ac.nz)

[www.law.auckland.ac.nz](http://www.law.auckland.ac.nz)

**Copyright**

Articles reflect personal opinions and are not those of the University of Auckland. No parts of this publication may be reproduced without prior consent of the University of Auckland.

All rights Reserved.

©The University of Auckland 2016

## Contents

From the Dean ..... 3

**FEATURES**

Landmark gift to the Auckland Law School .....	4
What we have achieved with the help of philanthropy .....	6
Can we change the future together? .....	8
The Law School grows .....	11
Law School to move to central campus .....	15
Legal Research, Writing and Communication – one year on .....	16
Prestigious appointment leads to the United Nations .....	17
New Centres .....	18
Postgraduate programmes continue to grow .....	20
2017 Postgraduate timetable .....	21
New initiatives for PhD programme .....	22

**FACULTY NEWS**

Auckland Law School scoops Legal Writing Awards .....	23
New appointments .....	24
Promotions .....	25
Andrew Erueti awarded PhD .....	29
David Grinlinton awarded Master of Defence Studies .....	30
Teaching award and Marsden Grant for outstanding lecturer .....	31
Faculty of Law inaugural Research Awards announced .....	32
Jane Kelsey awarded \$600,000 Marsden Grant .....	33
Academic staff farewells .....	34
New Honorary and Adjunct Professors .....	35
Faculty news in brief .....	36
International tax conference .....	37
Law School pilots successful intern scheme ..	38
Fulbright Scholar in 2017 .....	39
Brian Coote's Contract as Assumption II .....	40

**RESEARCH**

Research highlights .....	41
New books .....	48

**VISITORS**

Professor Thomas Poole .....	51
Professor Graham Virgo .....	51
Professor Joe McCahery .....	52
Professor Jerry Mashaw .....	52
Top Practitioners Series .....	53
Staff/public seminars and lectures .....	54

**MĀORI AND PACIFIC**

International experts .....	56
Auckland Law School key to Waitangi Tribunal TPPA claim .....	56
Te Rākau Ture: The Māori Law Students Association .....	58
An inspiring success story .....	58
Tongan Prime Minister visits the Law School .....	60
Supporting Pacific students .....	61
PILSA .....	62

**STUDENT SUCCESS**

Mooting success .....	63
Award winners challenged to be future leaders .....	65
Law students take top awards .....	66
Interview with Adeleina Loto-Meleisea .....	67
Nosia Fogogo .....	68
2016 student leaders .....	69
Student news in brief .....	70

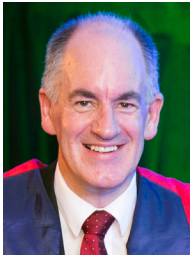
**ALUMNI NEWS**

Writing your own narrative as a woman lawyer .....	71
Distinguished alumni award and Knighthood for David AR Williams QC .....	72
Class of 1966 50-year reunion .....	72
An interview with Katy Donnelly .....	73
Gaining new perspectives on indigenous issues .....	75
Alumni news in brief .....	76
Judicial appointments and promotions .....	77
Appointed Queen's Counsel in 2016 .....	77
Donor wall .....	78



# From the Dean

In September the University launched its new philanthropic campaign, 'For All Our Futures'. As part of this, the Auckland Law School is seeking to raise \$10 million over the next five years to help us recruit great teachers, attract and support the very best students, and provide a world-class learning environment. We believe in rigorous scholarship, impassioned teaching, and producing graduates who will make a difference, both in the law and the wider world.



Several of our alumni and friends have already given substantial support to help launch our new campaign. This includes a \$2 million donation from Dr John Mayo, which is the largest gift ever received by the Auckland Law School.

This will allow us to establish the John and Marylyn Mayo Chair in Health Law and Policy and the Faculty and I are extremely grateful to John for his support of what we want to achieve in this area. John is a long-standing friend of the Law School who already supports the Rare Books Room in the Davis Law Library, scholarships for students, and the Law School's endowment fund.

The next few pages of this magazine provide further details of the John and Marylyn Mayo Chair in Health Law and Policy and outline some of the many projects and new programmes we have been able to undertake as a result of philanthropic support during the last five years. Alumni and friends of the Law School gifted over \$6 million during this period, allowing us to establish new academic prizes and scholarships, to support students facing hardship, and to attract and fund top LLM students. Alumni support and generosity has enabled us to establish a new legal writing programme, to bring leading scholars from other law schools to Auckland, to develop greater links with Asia, and to provide more student opportunities through a much expanded moot and competitions programme.

Our new campaign seeks to build on this success. In order to remain one of the best law schools we must advance on a number of fronts and I mention in the next few pages some of the fundraising goals that will assist us in this objective. With the support of our alumni and friends, we can carry out research and scholarship of fundamental importance for the law and society, and can offer the sort of teaching and learning opportunities and operate at the level of excellence required to remain one of the world's leading law schools.

As you will see, our new campaign is ambitious. But it reflects the standing of the Auckland Law School and our determination that this continue into the future.

The University is supporting us in other ways to become an even stronger and more successful law school.

For the first time in ten years we will be taking more students into the LLB programme. As I mention later in this Magazine, we are admitting 50 more students into second year law in 2017 and the possibility of a further increase after this is being considered. Auckland and New Zealand's population has significantly increased and this will enable more high-achieving students to study law at Auckland. It will increase opportunities for Māori and Pacific students and the additional resources we receive will allow us to provide more support and assistance for all our students.

Auckland Law School graduates do extremely well as lawyers in New Zealand and overseas and become leaders in government, business and a wide variety of other sectors. The increase in student numbers will give us the staff and resources to establish a much more substantial careers mentoring programme, as occurs in many North American law schools, so that all our students are aware of the legal and various other career opportunities that our graduates thrive in.

The University is giving us the resources to appoint more student advisers and more academic staff. This will allow us to make more senior as well as junior Faculty hires. It will give us a larger research footprint and make us a more comprehensive law school. Auckland is uniquely placed among the New Zealand law schools to achieve the scale and impact of the very best Australian law schools. Growing the Law School in a careful, considered way will enable us to compete more effectively without compromising the quality of our students or the teaching and learning experience they receive. Having more staff as well as students means that class sizes need not be affected, while giving us the opportunity to rethink the teaching models we use and what works best for students in the digital age.

Later in this magazine I provide more details of the changes that are occurring. I mention that the Law School has been allocated a third more space from 2017 and that in about five years' time we will be moving to new buildings on the central campus. This is a particularly exciting development as the Auckland Law School's new home will be Old Government House and the northern part of the Thomas Building. The area

in front of these buildings is one of the most beautiful in the University with sweeping lawns, trees, and flower gardens. The Law School will be occupying a landmark heritage building and, together with the complete refurbishment of the Thomas Building, will have the classrooms, offices and common spaces befitting a leading law school.

In all sorts of ways 2016 has been a very successful year for the Law School. We won all four Legal Research Foundation awards for the best New Zealand legal writing. We established the New Zealand Centre for ICT Law and the New Zealand Centre for Law and Business, both of which are profiled later in this magazine. Our students were second in the world in the International Chamber of Commerce Commercial Mediation Competition and third in the world in the Vis International Commercial Arbitration Mooting Competition, both of which are incredible achievements given the hundreds of teams that compete in these events. Auckland won the Australia New Zealand Air Law Moot for the second year running and we again won the New Zealand Law Students' Mooting Competition. This is the ninth time in the last ten years that we have won the national moot.

I could talk at length about other staff and student successes, about the work of our Equal Justice Project, the quality of the Auckland Law Review and the work of the student editors who oversee it, and the very real difference made by our student societies such as Te Rakau Ture, the Pacific Island Law Students' Association, and Rainbow Law. A flavour of the talents and abilities of our students is provided in this magazine. There is a story about our new legal writing programme. Next year we will profile our new first year course, Legal Foundations, beginning in 2018, which will ensure that all our students are introduced to the importance of dispute resolution and the impact of international and comparative law at the outset of their legal studies.

This is a strong and vibrant law school that continues to change and develop to meet the needs of its times. The advice and generosity of our alumni is critical to this and I am very grateful for all the contributions that have supported what has been a very busy and successful year, as reflected in the pages of this magazine.

---

Andrew Stockley - Dean of Law



## FEATURES

# Landmark gift to the Auckland Law School – the John and Marylyn Mayo Chair in Health Law and Policy

The Auckland Law School is excited to announce the establishment of the “Marylyn and John Mayo Chair in Health Law and Policy” thanks to the generous support of one of the faculty’s longest standing donors, Dr John Mayo.



Marylyn Mayo



John Mayo (right) and Auckland Law School Dean Andrew Stockley.

This gift, the largest ever to the Auckland Law School, adds to the long history of support from Dr Mayo, including his provision for the Rare Books Room at the Davis Law Library, the Marylyn Eve Mayo Endowment Scholarship and the Law School Endowment Fund.

“I have been very pleased to be able to support the Law Faculty at the University of Auckland over the past decade and a half. It is particularly gratifying to me - as it is, I am sure, to all supporters and benefactors of Auckland Law School - to see the Faculty go from strength to strength in every respect under the leadership of various Deans and the Davis Law Librarians,” he says.

Dr Mayo was inspired to support the Auckland Law School to honour his late wife, Marylyn Mayo, who graduated with bachelor degrees in Law and Arts as one of a small group of female law graduates at the University of Auckland in the 1960s. After being admitted as a barrister and solicitor, Marylyn worked in private practice before joining the Ministry of Works as Auckland District Solicitor.

Marylyn began lecturing in law in 1969 at Queensland’s Townsville University College, which later became James Cook University of North



Queensland. As a woman in a predominately male academic field, she was an inspirational mentor for many women in North Queensland. She realised her dream of establishing a full law degree at James Cook University in 1989 and was the Foundation Head of the School of Law and acting Dean until 1990, after which she continued lecturing. Marylyn was Deputy Dean until 1993. In addition to lecturing, she published articles and presented at conferences. She retired from academic life in 1996 and sadly passed away in 2002.

The Chair in Health Law and Policy is particularly relevant to Marylyn's passions as she served on several boards and committees, including as the Chair of the Townsville Hospital Ethics Committee, and was a member of the University and National Health and Medical Research Council Ethics Committee.

When asked about this latest gift, Dr Mayo said "I am delighted now to be able to support the establishment of the new Chair in Health Law and Policy. I understand this is a significant area and one of increasing importance and relevance to both legal and medical practitioners and researchers. It is particularly appropriate to my late wife's own interests. She was significantly involved in this area herself as Chair of the Ethics Committee of the Townsville General Hospitals Board dealing with the legalities and ethics of protocols involving medical and surgical practice; as Chair of the James Cook University Ethics Committee, dealing with proposals for research in the Faculty of Medicine (as well as Veterinary Science and Biological Sciences); and as a member of Australia's National Health and Medical Research Council's Ethics Committee. The National Health and Medical Research Council is the principal funding body for research grants to all Australian universities and, as a member, Marylyn went to universities around Australia to help assess any legal and ethical implications of research proposals and of their subsequent implementation. The Auckland Law School already has several esteemed academics involved in this area of Health Law and I am very glad to have the opportunity to support this significant development of this important multi-faculty discipline."

Dean of the Auckland Law School, Professor Andrew Stockley, has expressed his sincere thanks to Dr Mayo for his continued generosity. "This is a landmark gift for the Auckland Law School. John's partnership with the Auckland Law School to establish and appoint a Chair in Health Law and Policy will help to improve the New Zealand health system by enabling research, training a new generation of leading thinkers in this field, contributing to the development of policy, and leading public and media debate on important contemporary health issues. We are extremely grateful to John for his support of this project and very honoured to host a Chair at the faculty bearing John and Marylyn's name."



FEATURES

## Health Law – a 21st Century challenge

**The intersection of law and medicine has long fascinated lawyers and doctors, prompting debate, inquiry and, during the last 25 years, the development of a discrete area of practice – Health Law.**

At the heart of the subject is the relationship between an individual patient and a health practitioner, including key concepts of confidentiality, consent and duty of care. Traditionally, discussion of medico-legal problems was largely confined to the law of equity (confidentiality) and torts (negligence), with a limited role for the criminal law (assault and manslaughter).

In the final quarter of the 20th century, medical law became recognised as a discrete field of inquiry; and in the past 20 years, the field has greatly expanded to encompass other health practitioners, such as nurses, midwives, pharmacists and dentists, and public health issues such as obesity and non-communicable diseases affecting the whole community. These developments have reflected the remarkable technological progress of modern medicine, together with growing problems of inequality and lack of equity of access, heightened patient and community expectations, and increasing public debate and media interest in health care.

The subject that has emerged – Health Law – extends far beyond the legal issues arising in the individual patient-practitioners relationship. Contemporary Health Law in New Zealand is a complex area of specialisation, encompassing a broad range of personal and public health issues that arise in the private and public sectors and affect patients, health and legal practitioners and the broader community.

There is no shortage of contemporary issues in health law, ethics and policy that are of public interest and worthy of comment and debate. Recent examples include the ongoing debate about legalising physician assistance in dying; the advanced care planning movement; the implications of the free-trade agreements

for Pharmac and access to pharmaceuticals; public funding of new highly expensive, life prolonging cancer therapies; the adequacy of current mechanisms for re-certification of health practitioners; problems of burnout amongst health practitioners and a lack of compassion within the health system; the implications of the UN Convention on the Rights of Persons with Disabilities for New Zealand mental health and intellectual disability laws; the privacy implications of new patient portals and sharing of electronic patient records; calls of publication of surgical mortality data, and the application of the Official Information Act; and the impact of Health and Disability Commissioner, Disciplinary Tribunal and Coroners' decisions.

These are issues of concern to patients and their families, health practitioners, community groups, law courts and governments across the world. As scientific and technological advances continue apace, Government faces pressure to contain expenditure on publicly funded health care, and the development of effective laws and responsive legal frameworks, underpinned by sound ethics and evidence-based policy, becomes ever more pressing. The Auckland Law School is well placed to make a significant contribution to development of Health Law in New Zealand and internationally. The new Chair in Health Law and Policy has the potential to lead research and public debate, drawing on academic expertise from a range of disciplines within The University of Auckland.



# What we have achieved with the help of philanthropy

Philanthropic support has allowed the Auckland Law School to undertake many projects and launch new programmes for the benefit of our staff, students and the profession. Just a few examples of what has been achieved in partnership with our generous alumni and friends are outlined below.

## The Student Hardship Fund

Auckland has become an expensive city in which to live and study. Increasingly, financial hardship presents itself as a barrier for students, both in getting to law school and in being able to succeed through a law degree.

With the generous support of alumni, the Auckland Law School has established a Student

Hardship Fund that students in demonstrable financial need can apply to for assistance.

In November 2015 the Auckland Law School made a grant from this fund to a student whose difficult personal circumstances meant she needed to work long hours to support herself. The grant allowed her to take time off from work to study for her exams. Since then the fund has also been drawn upon to provide tutoring assistance to students from a refugee background.

In February 2016 this fund received a considerable boost when a UK based couple who wish to remain anonymous made a generous donation to the fund. In November 2016 Martin Wiseman and Justice Helen Winkelmann also made a substantial contribution. Their support will provide many students with vital assistance.



## Young alumnus Matthew Tihi gives back

The philanthropic support received by Matthew Tihi when he was studying had such a profound effect on him that – while he was still studying – he and his wife decided to sponsor a prize themselves.

“My wife and I know the positive effect that philanthropic support can have on students. We are both passionate about supporting Māori education and we hope that this prize encourages Māori students to pursue academic excellence.”

The He Maunga Teitei Prize for Academic Achievement was awarded for the first time in 2016.

## New prizes rewarding academic excellence

The past year has seen the introduction of several new academic prizes, thanks to the generous support of alumni and friends.

New prizes include:

- The Class of 1965 Prize in Commercial Arbitration proudly supported by the Class of 1965 (pictured with the Dean below).
- The Northey Prize in Immigration and Refugee Law supported by an anonymous donor who wants to recognise the impact Jack Northey had on many young law students.
- The Judge Avinash Deobhakta Memorial Prize in Criminal Procedure proudly supported by Kavita Deobhakta in memory of her late father.
- The Johnston Family Prizes in Company Law proudly supported by Derek Johnston and family.
- The Richmond Chambers Prize in Jurisprudence proudly supported by Richmond Chambers.
- The Staples Rodway Phil Banks Memorial Prize in Tax Law proudly supported by Staples Rodway.



The Class of 1965 reunion.

## Auckland's thriving moot programme

The Auckland Law School has an extensive and thriving moot programme, thanks in large part to philanthropic funding which supports several cornerstone competitions.

### The John Haigh QC Memorial Moot

The John Haigh QC Memorial Moot is proudly supported by John's classmates and friends. With donations totalling over \$100,000 from more than 50 individual donors, including leadership gifts from Paul East QC and the Haigh family, the John Haigh QC Memorial Moot was this year endowed, ensuring it will continue in perpetuity.

### The Meredith Connell Greg Everard Memorial Moot

The Meredith Connell Greg Everard Memorial Moot is proudly supported by the Greg Everard Memorial Trust and sponsored by Meredith Connell.



## FEATURES

### The Justice Sir Robert Chambers Memorial Moot

The Justice Sir Robert Chambers Memorial Moot has been established in 2016 with a generous gift from Lady Deborah Chambers QC and the Chambers family. The competition provides an opportunity for students in their first year of their Law degree to get involved with mooting and has proved extremely popular.



### Willem C. Vis International Commercial Mediation Moot

Bankside Chambers generously sponsored a team from the Auckland Law School to represent New Zealand at the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria, the world's largest mooting competition. The team put forward an outstanding performance, and, in setting a new record for the Auckland Law School, placed third out of 360 teams.

### ICC International Commercial Mediation Competition

Resolution Institute and FairWay supported the Auckland Law School team travelling to Paris for the 2016 ICC International Commercial Mediation Competition. Months of training and strong performance under pressure paid off with the team earning second place.

### The Jack Northey Staff Exchange Fund

Philanthropic support has established the Jack Northey Staff Exchange Fund which funds academic exchanges. A member of staff taught at the Centre for Transnational Legal Studies in London this year, and an academic from Hong Kong will teach a paper in Chinese Law.

## Cameron Fellowships bring great scholars to Auckland



For several years Auckland Law alumnus Tim Cameron, a litigation partner in the leading New York law firm of Cravath, Swaine & Moore LLP, and his wife Kathy, have supported the Cameron Fellowship which has seen us welcome three visiting fellows from the United States.

In 2010, Professor Jim Ryan, a specialist in constitutional law at the University of Virginia, was the inaugural Cameron Visiting Fellow, followed by Professor Carol M. Rose, an American authority on individual property rights in 2011. In 2014, the Auckland Law School welcomed Professor Stephen Bainbridge. Stephen Bainbridge is the William D. Warren Distinguished Professor of Law at UCLA School of Law. His work covers a variety of subjects, but with a strong emphasis on the law and economics of public corporations.

**“I am a third-year law student of Samoan descent, the first member of my extended family to study law. Upon graduation I will be pursuing a career in the public sector with a view of involvement in policy development. In awarding me the Martyn Finlay Memorial Scholarship you have lightened my financial burden which will allow me to focus more on achieving my very best in my academic studies. I would like to convey my sincerest thanks. Your generosity has inspired me to help others, and give back to the community. I hope to one day help students achieve their dreams, just as you have helped me achieve mine.”**

- JONATHAN MULIAGA, MARTYN FINLAY SCHOLARSHIP RECIPIENT, 2016

## LLM Scholarships for top postgraduate students

International alumni including James and Anne Hosking and Philip Whale have funded two LLM scholarships awarded every year to deserving domestic or international students. These scholarships are worth up to \$25,000 each and are awarded to encourage and support academically outstanding students to undertake an LLM degree at the Auckland Law School.

## Legal Research, Writing and Communication paper launched thanks to philanthropic seed funding

The Auckland Law School has this year introduced a new, compulsory course for all students: LAW298 Legal Research, Writing and Communication. Students work in small groups with intensive mentoring. This course prepares students for legal practice and also benefits student well-being by helping them get to know each other.

The development of this course was boosted by philanthropic support from New York based alumnus, Sheron Korpus, who provided seed funding to allow the Faculty to explore legal research, writing and communication models internationally.



## The Auckland Law School builds links with Asia

The Auckland Law School recognises that a well thought out and effective Asia strategy is integral to the future success of the Law School. Not only are our graduates increasingly looking to work in Asia after graduation, as New Zealand law firms undertake more work with Asia they are increasingly seeking students with an understanding of China.

In response to this demand the Auckland Law School has signed exchange agreements with Peking University, Chinese University of Politics and Law, Renmin University and Tsinghua University in Beijing. We have also signed agreements with Shanghai Jiao Tong University, China University of Hong Kong and the University of Hong Kong.

With support from alumni Greg and Shelley Horton, a visiting academic from the University of Hong Kong will teach a paper on Chinese Law at the Auckland Law School.



## **Good law is fundamental to any just and democratic society.**

*Every issue of our time has a legal dimension – from efficient economic regulation and dispute resolution to climate change and ocean governance, from constitution-making, terrorism and human rights conflicts to issues relating to population pressures, healthcare and scarcity of resources. Whether rich or poor, ethnic minority or religious majority, political ally or opponent, all are entitled to equal protection by and before the law.*

*As New Zealanders, we enjoy the protection of a strong and independent system of justice however, there are significant challenges facing the New Zealand legal system, and access to justice has now been described as the greatest challenge facing the legal profession today.*

*The Auckland Law School is New Zealand's strongest and most successful law school and is consistently ranked as one of the best law schools in the world in the QS World University Rankings. We believe in rigorous scholarship, impassioned teaching, and producing graduates who will make a difference, both in the law and the wider world.*

*To achieve this, we must recruit great teachers, attract and support the very best students, and provide a world-class learning environment.*

*Will you join us in creating the future we want for the generations to follow?*

**Andrew Stockley - Dean of Law**



# Can we change the future together?

**The University of Auckland recently launched the philanthropic campaign, 'For All Our Futures', with the aim of building partnerships and raising funds to support important work. The campaign will provide the enhanced resources and strengthened capability needed to have a lasting impact on the challenges we face – to ask audacious questions, and to be ambitious in our search for answers.**

Our goal in the Auckland Law School is to address some of the most complex challenges – and the greatest opportunities – of our time.

Here are some of the questions that we are asking.

## **Can we create a fair and just society that upholds the rights of all people?**

Today it is not only the poor but the elderly, those on fixed incomes and small businesses who often cannot afford their day in court. The New Zealand Centre for Human Rights Law, Policy and Practice, hosted by the Auckland Law School, provides a focal point for human rights research, education, community service and a range of human rights activities in New Zealand and the Asia Pacific region. It advocates for those shut out of the Legal Aid process – the elderly in rest homes, the disabled, Māori, refugees and many more.

Many of our students participate in Community Law Internships during the course of their undergraduate degree. In Auckland, despite measures like the Legal Aid scheme and Community Law Centres, many people still

cannot afford a lawyer. Pro bono work by lawyers, assisted by students from The Equal Justice Project, helps to address the gap between public resources and unmet legal needs.

*Will you help us make our justice system available to all?*

## **Can we ensure good governance for the future of New Zealand?**

Researchers from the Auckland Law School together with colleagues in the Business School are looking at the governance of New Zealand's top companies. The project, Leadership in Governance, focuses on the role of boards of directors in our companies and how to bring a better balance to the role.

Another project, Holding Power to Account in New Zealand, examines public and private governance following this country's major economic reforms. Mixed ownership-model companies, public-private partnerships and contracting out of functions and services historically managed by government, including prisons, state housing and social services, create opportunities but also tensions. The project's research aims to identify and then test the extent to which those who exercise power and have control in new models such as social contracting are held to account. The researchers will then provide recommendations on how governance can be enhanced.

Governance has also become an important issue for Māori as Treaty settlements come to an end and the sustainable management of their assets becomes vital. A course, taught by members of the profession, is helping young lawyers understand iwi governance issues and how to manage land, money and related concerns.

We hope to consolidate the wide-ranging work being done in this area by providing a focus for future research in governance and New Zealand corporate law that is needed to maintain and strengthen our international reputation for ethical practice and transparency, prerequisites for effective domestic competition and success in the international marketplace.

*Will you help us create a framework of good governance that will underpin New Zealand law for the future?*



## Can we make laws that support our innovators and entrepreneurs?

We live in a consumerist culture constantly searching for the next new thing. From music to movies, medical discoveries and product development, people expect technology to deliver the most sophisticated knowledge at the touch of a button. There is also the expectation that information and entertainment, no matter how valuable, is available, for free, all day, every day. The Law School wishes to build its capability in the intellectual property area. To address broader legal issues around intellectual property and cyberspace, The New Zealand Information Communications Technology Law Centre (ICT Law Centre) has been established in the Auckland Law School. The ICT Law Centre will focus on legal and policy issues while providing an evidence-based foundation for developing policy. It will also provide the perfect fit for insights from government, business and civil society organisations.

*Will you join us in creating a legal framework to guide our innovators and entrepreneurs through the challenges of the cyber age?*

## Can we inspire future leaders to protect and uphold the law?

Driven by a passion for justice, Auckland Law School graduates hold some of the highest positions in the country. They include the Chief Justice and members of the Supreme Court, a recent Governor-General and a former Prime Minister. Graduates of the Auckland Law School are partners in major law firms. Others are CEOs of some of the world's largest companies, including the Virgin Group and Commonwealth Bank of Australia.

While we attract some of the very best school-leavers, it is what we do with these students that helps transform them into the thought-leaders of tomorrow. First, we offer them expert and inspirational teachers. Next, we plunge them into a melting pot of like-minded peers who test, stretch, inspire and enthuse each other. Then, we send them out into the world to take part in overseas exchange study programmes, or to extend and hone their advocacy skills against the best mooted teams in the world. These opportunities will challenge them to grow, both as professionals and as individuals. By further enhancing investment in our students, we can prepare them for the challenges ahead and provide experiences that will be tangible assets as they embark on their careers.

*Will you help our future leaders acquire the knowledge and skills to benefit our society?*



**Catherine Davies**  
Development Manager, Auckland Law School

**Phone:** +64 9 923 7599 ext 84490

**Mobile:** +64 22 396 4661

**Email:** catherine.davies@auckland.ac.nz

*As an alumna of the Auckland Law School, I feel very privileged to now be working alongside professional and academic staff for the betterment of the Faculty.*

*This is New Zealand's strongest and most successful law school and I am proud to call it my alma mater. In my role as Development Manager I am fortunate to work with a team of people who are truly dedicated to providing a world-class legal education. I am also able to build relationships with alumni and friends who are passionate about philanthropy and who recognise the importance of giving back in order to secure the future of New Zealand. My interactions with committed staff, talented students and inspiring alumni are great motivation to always give my all; for a faculty that has given so much to me and will continue to give to generations of young New Zealanders.*

*If you are interested in supporting the Auckland Law School please contact me. I would love to hear from you.*

### Campaign Projects

### What are we fundraising for?

#### Great Teachers Fund

- Academic Chairs:
  - Chair in Health Law and Policy
  - Chair in Human Rights
  - Chair in Intellectual Property
  - Chair in Governance
- The Jack Northey Staff Exchange Fund
- Visiting academics and fellowships

#### Student Exchange Fund

- Fund for top 50% of students to complete a semester abroad

#### Student Hardship Fund

- Fund to support students experiencing extreme financial hardship

#### Student Competition Fund

- Fund to assist mooted teams to participate in international competitions

#### Student Scholarship Fund

- PhD Scholarships
- LLM Scholarships
- Undergraduate Scholarships
- Access scholarships for Māori and Pacific students
- Academic subject prizes

#### Social Justice Fund

- Community Placement programme
- Clinical legal education
- Equal justice project

#### Future Leaders Project: Legal Writing and Career Mentoring Programmes

- Project administrator
- Webpage
- Careers Guide
- Legal writing programme

#### Research Centres

- The New Zealand Centre for Human Rights Law, Policy and Practice
- The New Zealand Centre for Law and Business
- The New Zealand Centre for Environmental Law
- The New Zealand Information and Communication Technology Centre







# The Law School grows

The Auckland Law School is getting larger following a decision of the University Council to provide 50 additional places in Part II Law from 2017. The University Council will then review this increase and decide if it has been successful before considering whether there should be any further increases in student numbers.

In recent years there have been up to 1500 students enrolled in Part I Law. The Faculty has admitted up to 330 students to Part II each year and this is now being increased to 380 students. The possibility of increasing this to as many as 500 students has been mooted but the University's Vice-Chancellor has noted that he is not wedded to any particular number but to what would best serve the interests of our students and the Faculty. There will be a full assessment of the benefits and practical difficulties resulting from increasing Part II Law to 380 students before deciding on whether there should be any further increases and, if so, the timeframe for this.

Dean Andrew Stockley was interviewed on why student numbers are being increased and the benefits and challenges of this.

### Professor Stockley, why has the University decided to increase the number of Part II students?

This will allow more very good students the opportunity to study law at Auckland. Auckland's population has significantly increased but the Law School has not increased its Part II numbers in the last 10 years.

**“The increase in numbers will allow more very good students the opportunity to study law at Auckland.”**

Only accepting 330 of the 1500 first year law students into Part II has meant that it is much more difficult for high-achieving school leavers to study law at Auckland than at any other New Zealand law school. There is evidence from school leaver reports that many very good students have to leave the region to enhance their chances to get into law school.

This has an impact on equity of access. Mobile school-leavers tend to be the more affluent and this impacts disproportionately on Māori and Pacific students.

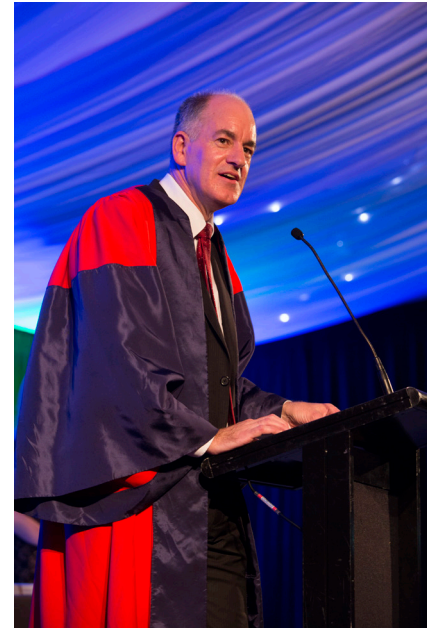
### How does this compare with other law schools?

Other New Zealand law schools have been expanding while Auckland has remained static. The AUT (Auckland University of Technology) law school has recently doubled its undergraduate intake and is proposing further increases as it begins teaching law in Manukau. The Victoria University of Wellington Law School has recently increased its Part II intake to 300 students and has proposed increasing this to 330 in 2017. If Auckland stayed the same, Victoria would have as many undergraduate law students despite being a vastly smaller university serving a much smaller city.

If good students feel they will not get into Law at Auckland and consequently enrol elsewhere, this affects other faculties. Arts and Business have large numbers of law conjoint students and will benefit from more high quality school leavers interested in double degrees feeling encouraged to study here.

This number of students is not unusual in the top Australian law schools. The Australian National University (ANU) Law School admitted 500 new law students in 2016. The University of New South Wales Law School admits 600 to 650 new students each year.

**“More staff will also help ensure that the Auckland Law School is a truly comprehensive law school, with strength in all major areas.”**



### With more students, will the number of academic staff increase?

This is a major advantage of the increase in student numbers. The Vice-Chancellor has approved an increase in the size of the academic staff of the Law School and for this to be front-loaded, improving the staff-student ratio for the period the Law School is growing.

This will allow a significant increase in the number of full-time academic staff of the Auckland Law School. By continuing to make high quality appointments, we can significantly improve the Law School's research impact and the teaching experience we can offer students. The top-ranked Australian law schools have fifty to one hundred percent more academic staff than at Auckland.

With significantly more staff, the Auckland Law School will have a much larger research footprint, which is critical for increased international attention, impact and rankings.

More staff will also help ensure that the Auckland Law School is a truly comprehensive law school, with strength in all major areas. Auckland achieves this to a greater extent than any other New Zealand law school but significantly less so than at many higher-ranked law schools. We are strong in public and international law and in corporate and commercial law but less so in some other major areas. Staff departures and illnesses can expose how stretched we are. A significantly larger number of staff will ensure depth in all major areas and will considerably strengthen subject groups, research clusters and the Law Faculty's research centres.



## FEATURES

### What other benefits are there?

With more students in second year law, and then more students flowing into the later years of the law degree, the Faculty's revenues will significantly increase. It is hard to overstate how important increased resources are for a faculty that is small in University terms. This will allow for significantly increasing academic staff support, including by hiring more fixed-term, adjunct and post-graduate teaching assistants, as occurs in the top Australian law schools. More assistant and adjunct lecturers and PhD fellows can help provide more pathways into academic careers and improve the PhD programme, as well as providing the permanent academic staff with more support in the way of lecturing assistance, marking relief, tutorial supervision and the like. More staff resource of this type can enable more small group teaching and workshops. A good example of this is the new legal writing programme we began in 2016. It is supervised by members of the academic staff but is taught by a wide range of adjunct staff, many of whom have significant professional experience.

**“The increased resources being allocated to the Law School means more support can be provided to Part I Māori and Pacific students.”**

A further benefit of the increase in student numbers is that this enables us to employ more administrative staff. The Faculty has a high performing team of general and administrative staff members but they have been extremely stretched. We only have a third to a half the administrative staff numbers of the top Australian law schools and it is not possible to employ more administrative staff unless we grow student numbers. By taking more students into Part II, we will be able to employ more student advisers. This will allow us to have a dedicated student adviser for Part I students and for our Pouawhina Māori and Pacific Student Adviser to be able to focus exclusively on assisting our Māori and Pacific students. We will have more administrative support for our co-curricular programmes, such as mooting and community placements, and for the new student well-being initiatives we have introduced. We will also gain more course work and examination processing capacity, which is important as we move to all written work being submitted electronically and anonymously and to students being able to sit examinations on computers. Our administrative staff will increase by 20 percent, making an important difference to their workloads and how they can assist and support our students.

### The Auckland Law School is known for the calibre of its students because it is much more difficult to get into Part II Law than at other New Zealand universities. Will this be compromised?

I don't believe so. The calibre of our students was not negatively affected on the previous occasions when the intake into Part II Law was increased. Thirty years ago we took 200 students into Part II Law and they needed a B minus average to be admitted. We have subsequently increased the Part II intake on three occasions, most recently 10 years ago. On each occasion the grade point average (GPA) of students admitted into Part II Law increased over the long term.

In 2016 the GPA for admission into second year law was 6.4- almost half-way between a B plus and an A minus average. It has in fact increased to 6.5 for students being admitted for 2017, despite our taking an additional 50 students. More good students seem to apply for places if they think there is a better chance of being admitted and the announcement of more places has assisted this.

Even if we took 500 Part II students – and we are only increasing to 380 students at this stage – the Auckland Law School would still be taking a lower proportion of its first year students into second year law than all other New Zealand law schools. We would still have a significantly higher admission standard than any other New Zealand law school and than when most of our graduates studied law at Auckland.

### How will the number of Māori and Pacific students be affected?

Increasing the Part II intake also allows for more places under the Targeted Admissions Scheme. The Auckland Law School recognises that some students face barriers in their previous education and admits some Māori and Pacific students, and some students with disabilities, from refugee and low socio-economic backgrounds, and facing particular hardship, to second year law on a lower grade point average. These students comprise about 15 percent of the cohort and receive additional support and mentoring. They have gone on to very successful careers in the law and other areas.

As a result of the increase in student numbers, I have said that rather than have a fixed quota of places, any Māori student who meets the minimum requirement for Part II Law under the Targeted Admissions Scheme will be able to be admitted. We can also do a lot more for our Pacific students. The number of Pacific students admitted under the Targeted Admissions scheme had not been increased since 1993, despite a significant increase in the Pacific population in Auckland. We have now been

able to double the number of Pacific students admitted. For 2017 there will be 30 Māori students and 33 Pacific students admitted into second year law (some under general admission and some under the Targeted Admissions Scheme).

The increased resources being allocated to the Law School means more support can be provided to Part I Māori and Pacific students and to Māori and Pacific students in later years. More Māori and Pacific students can be assisted to succeed.

### With more students, will the quality of the student experience be affected? Will students be taught in larger classes and have less contact with their teachers?

This does not follow. The number of academic staff is being increased and more space and other resources are being provided. The front-loading of staff will mean an improved staff-student ratio, which the Faculty can then look to maintain through more postgraduate teaching. We could teach second year students in classes of 100 or less if we want.

The optimal size of second year classes is another debate. The smaller the classes are, the more possibilities there are for personalised teaching, student participation and interaction. Although it should also be noted that good teachers are often able to achieve this in larger class settings and poor teachers remain poor teachers whatever the size of the class. Having smaller classes at second year has resourcing consequences, including fewer staff being available for electives and Masters courses and can raise issues of consistency in teaching and assessment across a cohort. Larger classes can allow for more team teaching of courses, where several academics each contribute particular expertise and share responsibility for the whole cohort. Team teaching, by being more efficient, can free up blocks of time for academic staff to further their research and writing.

Personally, I do not believe there is any magic in having second year classes of 100 students. Canterbury has for a long time taught its Part II students in a single stream of 220 students and Otago in a single stream of 250 students with no detriment to those students being taught the core law subjects and the case method. Cambridge has a single stream of over 300 students for its lectures in the Law of Contract. Classes of over 40 students are, in reality, large group teaching.

In all of our Part II subjects, we have a small group tutorial programme to supplement the large group lectures. Each tutorial has 16 students. In 2016 we also introduced a new small group programme in legal research, writing and communication for all second year students. They are placed in groups of 10 to 12



students and attend two hour workshops once a fortnight, allowing for individual one-on-one assistance and mentoring and for getting to know and work with all the other students in the group.

Taking more students does not mean that classes have to become larger or that there will be no small group teaching. But it does force us to reconsider the teaching models we employ and the best ways to help our students learn. Some overseas universities and law schools are increasingly moving away from the traditional lecture and tutorial model on the basis that students' learning has significantly changed in the digital age. The 'flipped classroom model' being introduced at the Monash Law School involves students receiving pre-class content electronically, including video lectures, engaging with this in their own time, and then coming prepared to take part in small group workshops, before completing written and other assessments.

I favour the academic staff in each subject area being able to determine how to structure the teaching and learning in their area, subject to the available resources. This requires having to engage with the different teaching models that are possible and the trade-offs that are necessary – for example, that smaller classes in the compulsory subjects may mean having to employ more adjunct staff to assist with this or to have fewer electives or Masters courses. To my mind there is no necessity for a one size

fits all teaching model and our students would benefit from different size classes and teaching approaches in the different Part II courses.

The extra resources being allocated to the Law School for 2017 mean that I can immediately move to hire some adjunct and postgraduate teaching assistants to take supplementary workshops in the larger Part II subjects and to provide the permanent academic staff with more support in the way of tutorial supervision and marking relief, while we re-examine our teaching models and how to use the extra staff and resources to provide the best possible teaching and learning experience for our students.

### **How easy will it be to get new academic staff? Particularly if there are a number of positions to be filled?**

We have a great opportunity to hire a significant number of new staff. There is no intention to rush appointments or make poor appointments. Appointing on this scale represents a challenge and will need to be phased, but it is one that other universities have met when establishing new law schools or expanding existing ones. We can use some of the front-loaded appointments to hire assistant and fixed-term lecturers, who can be recruited faster and can fill in while we conduct recruitment rounds and wait for new appointees to arrive.

I am confident that this can be done. All the vacancies that arose in permanent positions in the last five years were filled with high quality appointments, including in Corporate and Commercial Law and with respect to Maori Law and the Treaty of Waitangi, areas in which New Zealand law schools have often found it difficult to recruit.

Looking ahead to 2017, all the compulsory subjects – not just Part II – will be led by senior staff and will be taught predominantly – and in most cases completely – by staff who have successfully taught on them for a number of years. In the last five years we have recruited 10 academics who teach and research in the compulsory subjects.

There is certainly no need to panic. The Law School will offer about 50 elective courses for the LLB in 2017. This is significantly more than any other New Zealand law school. There are academic staff who are not teaching on any of the compulsory courses. It would always be possible to cancel one or more electives and redeploy staff who are teaching on those electives to teach on a compulsory course if this is needed. But it is not.



## FEATURES

### Will the Law School have enough space for the new academic staff and the increased number of students?

Additional space has been made available for the Law School in the Short Street building, located across the road from the Eden Crescent buildings. We already have two of the seven floors of this building, including the ground floor, which houses our Student Centre and teaching and student club space. We have now been allocated an additional two floors of this building, encompassing another 900 square metres.

This includes a very large room (over 200 square metres) that will be set up to provide more study space for law students. It will have tables, study carrels, library computers and some limited resources and there is also an adjacent kitchen area that can be made into space where students can sit to chat, eat and make themselves a coffee. There are another two large rooms that are being allocated to Te Rākau Ture and the Pacific Island Law Students' Association. Both rooms will be partitioned to provide a large common room and a smaller study room. Our Māori and Pacific student leaders have, for some time, been concerned that the current common rooms are too small for our Māori and Pacific support programmes, and have advocated for dedicated study space for Māori and Pacific students, and these rooms will address these issues.

We will also gain an additional 25 academic and other offices, which will give us a lot of flexibility for the next few years. The total space occupied by the Law School will be increased by a third.

In addition, it has just been announced that the Law School will move to the central campus in about five years' time. The University's new capital works programme provides for the Law School to be housed in Old Government House and the northern part of the Thomas Building. The Law School will be occupying a landmark heritage building and, together with the complete refurbishment of the Thomas Building, will have the classrooms, offices and common spaces befitting a leading law school.

### Will there be enough jobs for more law students?

Auckland law graduates will continue to be highly regarded. Entry to second year law will still be the most competitive in the country.

We will continue to provide a superior teaching and learning experience. No other law school in New Zealand has the intensive small group legal writing, research and communication programme we now offer, or has as many electives, or as extensive a moot, community placement, and co-curricular programme. Our graduates will continue to find good employment as lawyers and in a wide variety of other sectors.

The New Zealand legal profession has grown over the years and, outside of the big law firms, there are still areas of shortage. The government predicts 4.2% annual growth in the legal profession from 2017 to 2019 and we need to do a better job of informing students of where there is need for more lawyers, including in small firms, in the less wealthy suburbs, and outside of the big cities. The large New Zealand law firms provide wonderful opportunities but they employ a comparatively small number of our graduates despite dominating careers marketing to our students. We need to do more to inform students of the career pathways pursued by our graduates, including how they can do well overseas. I know from alumni in Hong Kong and Australia that our students can be very successful there and more need to apply for the legal, banking and insurance opportunities in these jurisdictions.

One of my colleagues has noted that top law schools produce leaders not just lawyers. This is true when you look at the careers being pursued by our graduates. Many are leaders in the law. But just as many are leaders in government, business and a wide variety of other sectors. Our students find that their legal training helps them obtain and do well in a wide variety of other jobs. 90% of our law graduates take conjoint degrees and many of these are interested in and find good employment outside of the law but with the benefit of the analysis, writing, and reasoning skills their law degree has taught them. Our most recent student president is working for Google, another is with a consulting firm. There is an enormous advantage to society in having law graduates who sit in Cabinet, head major banks and business, and are chief executives of city councils, health boards, and transport authorities.

When seeking employment, BCom/ LLB graduates have a premium over BCom graduates and BA/ LLB graduates have an advantage over BA graduates. It is a fallacy to believe that the number of graduates from a professional school should be determined by the number of current vacancies in that profession. This is so particularly for law where graduates have many other options available to them.

One great benefit of the increase in student numbers is that the additional resources will allow us to provide a substantial careers mentoring programme for law students, as occurs in many North American law schools. This is already needed and the increase in student numbers will give us the staff and resources to make it happen. We will be able to assist and mentor students much better about the local and global opportunities for practising law and the non-law career opportunities so many of our graduates thrive in.

### What are the main challenges of growing the Law School in this way?

This is not a large increase compared with what has happened in other faculties and in other law schools. But it is the first time the Auckland Law School has grown its undergraduate cohort in ten years. There has been some unhappiness at the speed of the decision-making and the extent to which the Faculty or University should control this process.

The University has been concerned about loss of market share of high-achieving school leavers and the need to adjust to the significant increase in Auckland's population. Change can be difficult and involves weighing up the disadvantages of staying the same against the risks of change, particularly when this will be implemented quickly.

There are challenges and difficulties in growing any institution. There will be some problems and practical difficulties getting from where we are now to where will be in five or six years' time – with more students, new staff, new buildings, and more resources. My job as Dean is to try to cope with this and to highlight that there are opportunities and benefits as well as challenges. Auckland can be an even stronger and better law school.

The profession and society will ultimately judge us by the quality of our staff and the students we produce. A better resourced law school will be able to raise all its students to a higher level. The small group legal writing programme we have introduced is already making this sort of a difference for all levels of our cohort. I agree with one of my colleagues who said that resources matter because they widen the scope of what we can hope to do and can aspire to be. I would like to thank the judges, lawyers and alumni who have spoken with me about the changes that are occurring and who are providing ideas and support as we go forward.





Old Government House, built in 1856

## Law School to move to the central campus

The University's Vice-Chancellor, Professor Stuart McCutcheon, has announced that the Law School will be relocated from its current site in Eden Crescent in several years' time. The Law School will be situated between Waterloo Quadrant and Symonds Street (opposite the High Court). It will be housed in Old Government House and in the northern part of the Thomas Building.

Dean Andrew Stockley welcomed the University's decision. "Old Government House is a landmark heritage building and will provide a very fitting home for the Law School. The interior configurations will not be able to be altered but the building will be substantially renovated to provide teaching, seminar, function and reception spaces, and other facilities for the Law School."

Old Government House was built in 1856 and was the seat of government until 1865 when Wellington became the capital. Old Government House subsequently became the Auckland residence of the Governor and later the Governor-General. The Queen stayed at Old Government House on her coronation tour in 1953 and broadcast her Christmas Message from an upstairs room that year. Old Government House was given to the University in 1969 and has most recently been used by the University Staff Club.

The area in front of Old Government House and the Thomas Building is one of the most beautiful in the University with sweeping lawns, trees, and flower gardens.

The Thomas Building itself is a very large complex, comprising three buildings. It is currently occupied by the School of Biological Sciences, which will be moving into a new building to be constructed beside the Engineering Faculty on Symonds Street. The Law School will then move into the northern part of the Thomas Building and the Education Faculty into the southern part. This means that the Law School will occupy the most recent extension to the Thomas Building (opened in 2011, it is situated at the corner of Symonds Street and Anzac Avenue and curves into the gardens of Old Government House), together with a large section of the main part of the Thomas Building, constructed in 1968, and comprising four storeys with a courtyard in the centre.

The interiors of the Thomas Building will be totally rebuilt once it is vacated by the School of Biological Sciences and will be able to include new teaching spaces and lecture theatres and the Davis Law Library. All the interiors will be new and designed to meet the needs of a modern law school.

The Auckland Law School has been situated in Eden Crescent since 1991. Prior to this it was on the top three floors of the University Library Building.



The 2011 extension to the Thomas Building at the corner of Symonds Street and Waterloo Quadrant



The main section of the Thomas Building, built in 1968





From left; LAW 298 students Madeleine Hay, Alisha Imran, Janice Wong and Bhavish Kapadia.

# Legal Research, Writing and Communication programme – one year on

**The introduction of a compulsory and comprehensive legal writing programme for all stage two law students in 2016 paves the way for undergraduates to develop the first-class research, writing and oral skills that today’s legal jobs demand.**

Grappling with legal research and writing has always been daunting for new students. They often arrive thinking they know how to write, but writing as a lawyer is highly technical and yet crucial in order to advocate for others.

Learning how to accurately evaluate statutes, regulations and case law in order to determine legal rights and obligations is the first challenge. Building on those research skills to create well-trained thinkers, writers and advocates of the future, is the ultimate aim of the new programme.

Organised by Associate Professor Stephen Penk, Lecturer Dr Anna Hood, Lecturer Dr Jane Norton and Law Library Manager Stephanie Carr, the year-long, internally assessed LAW 298 paper is taught in small group workshops with intensive mentoring.

Ask anyone taking the course and the first thing you’re likely to hear is that it is rigorous.

Karen Chow, who recently returned to study for an LLB after finishing joint BA/BCom degrees, freely admits “for a ten-point paper it’s a heavy workload”.

But she acknowledges that what she has learnt from the paper has been really helpful.

“I’m an intern at a law firm primarily doing research and drafting letters of advice. My Senior has commented that it is lovely to get work in such a concise, tidy format,” she says.

“The course, and how it is structured, has provided an effective introduction to legal writing. I found the examples in the course materials to be useful starting points and having access to a mentor was invaluable in guiding me through the process.”

For Alex Adams, a conjoint LLB/BCom student, the first research assignment that required him to cite cases accurately was, at times, difficult. But he says “it’s been interesting and highly practical”.

Now at the end of the course, with only a negotiation exercise to complete, he says “getting personalised written feedback from my tutor after each assignment has been invaluable.

I’ve been able to track my progress, understand my grades, and react to comments and advice”.

Course Director Dr Anna Hood says, “It’s been really enjoyable working with a great team of librarians and legal writing instructors to deliver LAW 298 this year. We hope that the course has provided students with some important skills and we’re looking forward to continuing to develop the programme over the next few years”.

**Miranda Playfair**

# Prestigious appointment leads to the United Nations

**Associate Professor Claire Charters was one of four people (including two ambassadors and the Dean of the Denver Law School, Professor James Anaya) appointed in February 2016 by the President of the United Nations General Assembly to advise on ways to increase Indigenous Peoples' participation in UN affairs. She was reappointed again in September this year.**

The prestigious appointment follows her nomination by a number of Indigenous caucuses from around the world.

"The issue of securing Indigenous Peoples' participation is important to me because it goes to the heart of the right to self-determination, and to some extent it's recognition that Indigenous Peoples historically were excluded from being recognised as Sovereign, often through discriminatory processes. That needs to change. And securing a permanent role for Indigenous Peoples at the UN is part of that process."



Claire, who has been engaged with the UN on Indigenous issues since 1998, says there are currently two main problems with Indigenous Peoples' participation at the UN – they don't qualify for status as a Non-Governmental Organisation (NGO) and, even if they did, NGO participation does not reflect Indigenous Peoples' right to self-determination.

Pursuant to her initial appointment in February, Claire's task was to facilitate consultations with Indigenous Peoples and Member States on how Indigenous Peoples' participation might be enhanced. This involved four consultations, mostly held in New York, and the preparation of a report from the President of the General Assembly outlining the issues raised and possible means to resolve them, (which was presented to the UN Expert Mechanism on the Rights of Indigenous Peoples in Geneva in July).

Now, in this second phase, Claire will be advising the President during informal and formal negotiations on a General Assembly resolution to facilitate Indigenous Peoples' participation. It is hoped that the resolution will be finalised during the 71st session of the General Assembly, which ends in September 2017.

Claire says the biggest challenge is trying to find a balance between the demands and expectations of Indigenous Peoples and those of the Member States. "It requires some creative thinking," she says.

"This is a topic especially dear to me, ideologically and politically. The UN rules around participation are traditionally very strict and I think it's possible we will see a shift to a more open and inclusive approach as a result of this latest body of work. That will be a good outcome for the UN as a whole."

Claire's UN responsibilities have required some juggling in order for her to meet teaching and family commitments.

She says the goodwill of her partner, parents and teaching colleagues, coupled with sabbatical leave at the end of June, solved some of the issues. She also took her family overseas with her, including a three and a five-year-old, in June and July.

Claire, who is of Ngāti Whakaue, Tainui, Ngāti Tūwharetoa and Ngā Puhi descent, has a law degree from the University of Otago, a Masters from New York University and a PhD from Cambridge University.

She was raised in Rotorua and says her interest in social justice generally and in justice for indigenous peoples in particular, stem from her childhood where "Māori rights were part of the context".

"My father worked a lot with Ngāti Whakaue, which led to complex dinner-time conversations as a family. As I progressed through the education system, I became increasingly disturbed by international and domestic history. That was my motivation to do what I'm doing now."

**Miranda Playfair**



# New Centres

## New Zealand Centre for ICT Law

In July 2016 the New Zealand Centre for ICT Law was launched. This is a specialist centre that will investigate, study and consider the implications of ICT within the context of law, technological developments, and its impact upon society. The Centre aims to:

- a) Study the developments and impact of new digital technologies upon society;
- b) Serve as a focus for promoting and undertaking research into the interface between law and new communications technologies; and
- c) Study the implications of new communications technologies on law and the policies that inform legal outcomes.

The Centre will allow students, faculty, researchers, lawyers, ICT specialists and companies in the computer and digital communications fields – along with entrepreneurs and technology and software developers – to work together to identify the legal ramifications surrounding the challenges and opportunities of cyberspace. To this end, the Centre will engage with other academic disciplines, such as the department of computer studies in the Business School and the social sciences departments in the Faculty of Arts. The goal is to ensure that studies and research are developed in a holistic manner that will properly recognise the legal, technical and societal implications of outcomes.

The Centre will provide an information hub for business and Internet-based commercial activity. It likewise aims to develop resources to assist the crystallising of legal certainty for business and commercial activity in the online space.



The Centre will promote and develop specialist teaching in the field of ICT Law. It will also develop a masters (LLM) programme that will allow for deeper and more developed study of specific aspects of law and ICT.

Other projects include: (a) investigating the implementation and effectiveness of the Harmful Digital Communications Act 2015; (b) developing online information for self-represented litigants (with the generous assistance of the Auckland University Faculty of Law Equal Justice Project); and (c) the development of a digital tool to assist in the application of rules relating to international child custody disputes.

The founding Director of the Centre is a former District Court Judge and a current Teaching Fellow at the Faculty of Law, David Harvey. Judge Harvey is well known for his expertise in the area of law and information technology. He is the author of the leading New Zealand textbook on law and online systems: *internet.law.nz – Selected Issues* (4th ed, LexisNexis, Wellington, 2016).

## New Zealand Centre for Law and Business

The New Zealand Centre for Law and Business was launched in 2016. The Centre's primary aim is the goal of facilitating interdisciplinary research connecting law and business, with an emphasis on the interface between the two.

The Centre focuses strongly on maintaining and building links and collaborations with the local legal, accountancy and business community, other research centres in New Zealand and overseas, and individual scholars at the University of Auckland (and elsewhere) whose research falls within the field of law and business.

The New Zealand Centre for Law and Business also seeks to promote teaching and research that falls within the remit of the Centre. This includes both the business law elements of the Master of Laws (LLM) and its associated programme the Master of Legal Studies (MLS). Another important area of law is that studied in the Master of Taxation Studies (MTaxS) programme, which is designed for both law and commerce graduates who intend to make tax advocacy or tax consulting their career – and who wish to extend their understanding of the theoretical issues and legal structures that underpin the taxation system.

The Centre also aims to establish and promote publications in the field of law and business.

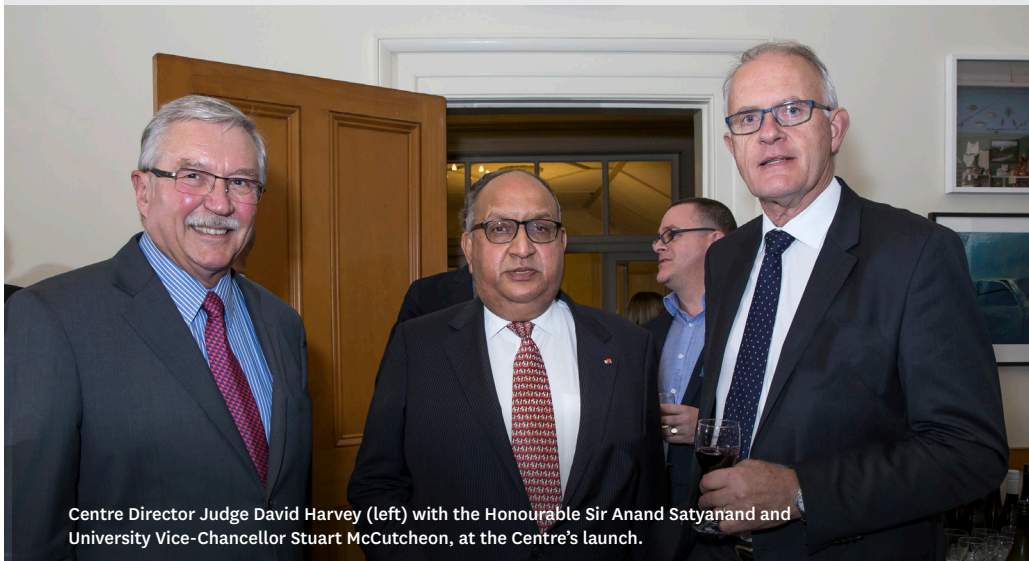
The Patron of the New Zealand Centre for Law and Business is Sir Peter Blanchard. The Directors oversee the day-to-day activities of the Centre. The current Directors are Professor Craig Elliffe (Chair), Professor Julie Cassidy and Marcus Roberts. Other members comprise Auckland Law School and Business School academics and honorary members.

The centre operates to facilitate the running of major conferences, such as the taxation of non-residents conference – which was held in July 2016 and is written about separately in this magazine – a Town and Gown seminar series, and other seminars and lectures.

The Town and Gown seminar series is a new initiative with commercial legal practice. The host venue for the seminars is the law firm associated with the particular seminar. Three Auckland firms partnered with us in 2016:

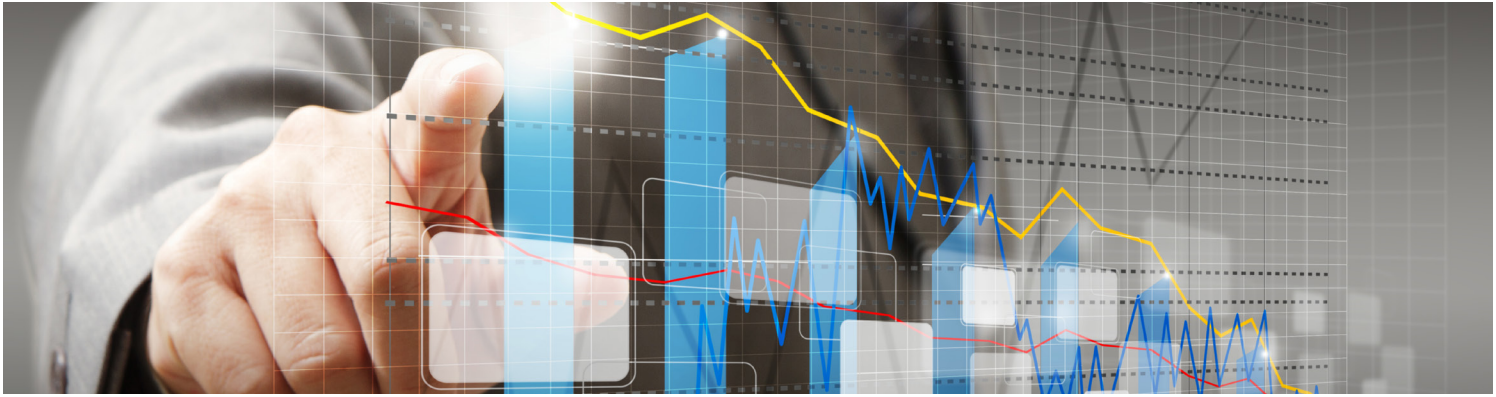
- Chapman Tripp
- Kensington Swan
- Meredith Connell

These firms have generously provided their facilities and assistance to allow the Centre to host overseas academics and speakers and to encourage debate about topical law and business issues. We look forward to fostering a stronger relationship between the Law School – and its staff and students – and the profession.



Centre Director Judge David Harvey (left) with the Honourable Sir Anand Satyanand and University Vice-Chancellor Stuart McCutcheon, at the Centre's launch.





The seminars provide a valuable training and educational contribution to the legal profession and to the broader business community.

The inaugural town and gown seminar was presented by Professor Neil Buchanan of George Washington University in the United States. His topic was: "The US presidential election, taxes, and the possibilities for prosperity". A large audience of more than 100 people gathered for the seminar, which was held at the offices at Kensington Swan. The managing partner of Kensington Swan, Anthony Drake, introduced the seminar and acknowledged the presence of the patron for the New Zealand Centre for Law and Business, Sir Peter Blanchard, before introducing Professor Buchanan.

The scenario presented by Professor Buchanan is a bleak one in terms of US politics and tax reform. In his view it appears highly likely that, irrespective of the [now known] presidential election, there will be a continuation of the balance of power stalemate between the US political parties. As a result, Professor Buchanan predicted a prolongation of the US government's current inability to deal with major tax reform propositions in a coordinated way.

The second seminar featured Joseph McCahery, Professor of International Economic Law at Tilburg University Law School of the Netherlands.

In a very successful event Professor McCahery entertained an audience of over 100 people - at Chapman Tripp - with a fascinating discussion on marketplace lending and trends in the US, UK and the Netherlands. Together with Professor McCahery, Chapman Tripp partner Ross Pennington inspired a large number of audience questions in a very interactive discussion. This highlighted the benefit of having international visitors discussing a mix of academic and practical law issues and their business implications.

Our last seminar of this year involved a discussion of the key skills and attributes of successful legal practitioners. Meredith Connell hosted the event, which was of keen interest to law students and younger lawyers.

Outside of the town and gown seminar series, other important conferences and events have taken place in 2016 under the auspices of the Centre. An extremely successful conference was organised in September by Mark Keating - one of our Business School members - and celebrated the 30th anniversary of the introduction of the goods and services tax (GST). In October, Emeritus Professor John Carter of the University of Sydney gave a speech on the new law of penalties, and launched his new

book on contract law (co-authored with Dr John Ren of the Auckland University Department of Commercial Law). The Centre also hosted the Australasian Consumer Law Roundtable 2016 in December - organised by Associate Professor Alex Sims of the Auckland University Department of Commercial Law.

**Craig Elliffe**



Professor Craig Elliffe



## FEATURES



## Postgraduate programmes continue to grow

PhD student in Comparative Corporate Governance, Heida Donegan, (right) with her supervisor, Professor Susan Watson.

The Auckland Law School is home to New Zealand's leading postgraduate law programme. We offer a broad range of courses, taught by local experts and visiting professors. In 2016 enrolments grew again.

Visiting professors contributing to the programme this year included: Professor Manfred Nowak, former United Nations Special Rapporteur on Torture (Torture and Disappearances in International Human Rights Law and Practice); Associate Professor Marc Moore from Cambridge University (Corporate Governance); Professor Nigel Gravells from the University of Nottingham (International and Comparative Copyright); Professor Christina Voigt from the University of Oslo (Climate Change Law); Professor Gonzalo Puig from the Chinese University of Hong Kong (WTO Dispute Settlement); Professor Joseph McCahery from Tilburg University (Corporate Finance); Professor Dino Kriticos from the University of Nottingham (An Uncensored History of International Law); Professor Rob Merkin QC from the University of Exeter (Insurance Law); and Professor Liz Fisher from Oxford University (Comparative Environmental Law).

Our postgraduate programmes are structured to provide the maximum flexibility for students to fit in with personal, family and work commitments. There are both full semester courses taught in the evening and intensive courses taught over three or five days – as well as a variety of research and thesis options.

In 2017, we will offer 32 postgraduate courses in the LLM, MLS and MTaxS programmes – spread across specialisations in Corporate and Commercial Law, Environmental Law, Human Rights Law, International Law, Litigation and Dispute Resolution, Public Law and Taxation. Regardless of whether you are looking to specialise, develop expertise in a new field, understand the law of other jurisdictions, keep up with new developments, or explore the philosophical or policy ideas underlying laws, our postgraduate programme has something to offer.

The 2017 Postgraduate Prospectus and full course outlines are available on the website:

**[www.law.auckland.ac.nz/en/about/our-faculty/prospectuses-2.html](http://www.law.auckland.ac.nz/en/about/our-faculty/prospectuses-2.html)**

Enquiries about the postgraduate programme at the Law School should be directed to:

Law Student Centre  
Level 2, 1-11 Short Street  
Auckland 1010

**Phone:** (0800) 61 62 65 or +64 9 923 1973

**Email:** [postgradlaw@auckland.ac.nz](mailto:postgradlaw@auckland.ac.nz)

**Chris Noonan**

## 2017 Postgraduate Timetable

Course Code	Course Name	Course Type	Points	Lecturer	* Date
<b>Semester I</b>					
<b>6 March - 3 July 2017</b>					
LAW 788	Legal Research	Intensive 9am-5pm	0	Richard Scragg - UoA	1-3 March
LAWCOMM 738	Contractual Interpretation	Intensive 9am-5pm	30	Richard Calnan - UCL	6-10 March
COMLAW 740A	The Tax Base	Intensive 9am-5pm	30	Craig Elliffe - UoA	9-11 March
LAWCOMM 732	Special Topic: Securities Regulation	Intensive 9am-5pm	30	Andrew Schwartz - Colorado	22-28 March
LAWPUBL 752	Special Topic: Contemporary Issues in International Law	Intensive 9am-5pm	30	Treasa Dunworth - UoA	29 Mar-4 April
LAWCOMM 717	Law of Agency	Intensive 9am-5pm	30	Francis Reynolds - Oxford Peter Watts - UoA	19-26 April
COMLAW 741A	International Tax	Intensive 9am-5pm	30	Craig Elliffe - UoA	20-22 April
LAWENVIR 710	International Environmental Law	Intensive 9am-5pm	30	Don Brown - Widener	10-16 May
LAWPUBL 748	Life and Liberty in Comparative Constitutional Law	Intensive 9am-5pm	15	Paul Rishworth - UoA	18-20 May
COMLAW 747	GST	Intensive 9am-5pm	15	Mark Keating - UoA Alan Bullock - PWC	18-20 May
LAWCOMM 730	Special Topic: International Trade Law	Intensive 9am-5pm	30	Raj Bhala - Kansas	24- 30 May
LAWCOMM 748	Special Topic: Damages and Specific Performance for Breach of Contract	Intensive 9am-5pm	15	Francis Dawson - UoA	13, 14 & 15 June
COMLAW 758	Franchising	Intensive 9am-5pm	30	Gehan Gunasekara - UoA	21, 22, 23, 26 and 27 June
LAWCOMM 768	Secured Transactions	Intensive 9am-5pm	15	Mike Gedye - UoA	7, 8 and 10 July
COMLAW 746	Corporate Tax	Intensive 9am-5pm	15	Stewart McCulloch - PWC	29 June- 1 July
LAWCOMM 739	Special Topic: Mergers and Acquisitions	Intensive 9am-5pm	30	Umakanth Varottil - NUS	29 June-5 July
Full/Part Semester 6 March - 3 July 2017 (Lectures end 9 June)					
LAWCOMM 735	Special Topic: Cybercrime and Cybersecurity	Full Semester 5-8 pm	30	David Harvey & Lech Janczewski- UoA	Tuesday (TBC)
LAWGENRL 711	Special Topic: Contemporary Issues in Air & Space Law	Full Semester 5-8 pm	30	Paul Dempsey - McGill	Wednesday
<b>Semester II</b>					
<b>24 July - 20 Nov 2017 (Lectures end 27 Oct)</b>					
LAW 788	Legal Research	Intensive 9am-5pm	0	Richard Scragg - UoA	19-21 July
COMLAW 756	Taxation of Non-corporate entities	Intensive 9am-5pm	15	Craig Elliffe - UoA	17-19 August
LAWGENRL 721	Mediation	Intensive 9am-5pm		Nina Khouri - UoA	24, 25 26 Aug and 7,8,9 Sept
LAWGENRL 718	Health Care Law	Intensive 9am-5pm	15	Ron Paterson - UoA	28-30 Sept
LAWENVIR 721	Oceans Governance	Intensive 9am-5pm	30	Karen Scott - Canterbury	30 Aug-5 Sept
LAWPUBL 743	International Criminal Law	Intensive 9am-5pm	30	Bronagh McKenna - ICTY	13-19 Sept
COMLAW 749	Tax Avoidance	Intensive 9am-5pm	15	James Coleman - Barrister	21-23 Sept
LAWCOMM 749	Special Topic: Artificial Intelligence: Law and Policy	Intensive 9am-5pm	15	Benjamin Liu - UoA	5, 6 and 7 Oct
COMLAW 740B	The Tax Base	Intensive 9am-5pm	15	Julie Cassidy/Craig Elliffe - UoA	12-14 Oct
LAWCOMM 733	Special Topic: International Litigation	Intensive 9am-5pm	30	Mary Keyes - Griffith	25-31 Oct
LAWCOMM 740	Special Topic: Corporate Governance	Intensive 9am-5pm	15	Susan Watson - UoA	2-4 Nov
LAWPUBL 732	Comparative Indigenous Rights Law	Intensive 9am-5pm	30	Claire Charters & Andrew Erueti - UoA	Second Semester (dates TBC)
COMLAW 741B	International Tax	Intensive 9am-5pm	15	Craig Elliffe - UoA	2-4 November
Part/Full Semester 24 July - 20 Nov 2017 (Lectures end 27 Oct)					
LAWCOMM 706	Competition Law and Policy	Full Semester 5-8 pm	30	Chris Noonan - UoA	Monday
LAWENVIR 716	Resource Management Law	Full Semester 5-8 pm	30	Julia Harker - UoA	Tuesday
LAWPUBL 743	International Criminal Law	Full Semester 5-8 pm	30	Bronagh McKenna - ICTY	Wednesday (TBC)
LAWGENRL 727	Special Topic: Public Authority Liability	1/2 semester	15	Hanna Wilberg - UoA	Thursday

\*Please note that the course dates are tentative. Please confirm the dates at the time of enrolment on Student Services Online.



# New initiatives for PhD Programme

The Auckland Law School's doctoral programme features several new initiatives in 2016.

The University of Auckland Doctoral Scholarships provide an annual stipend of NZ\$27,000 plus full fees. The University of Auckland Law School's Dean's Doctoral Scholarships likewise cover tuition fees and the same annual allowance of NZ\$27,000. When you apply for a PhD place at the University of Auckland, you are automatically considered for these scholarships. The Faculty of Law Doctoral Fellowship additionally provides a doctoral candidate embarking on his or her studies with part-time work within the Faculty (assisting academics) and earning up to an additional NZ\$9,940.

Your application for doctoral studies must have been accepted by the University by 31 January 2017 if you wished to be considered for the first round of the University of Auckland Law School's Dean's Doctoral Scholarships. The University of Auckland Doctoral Scholarships, when awarded on the Dean's recommendation, require international students' applications for doctoral studies to have been accepted by 30 June annually (while domestic students' applications for doctoral studies must have been accepted by 30 September). However, the University of Auckland Doctoral Scholarships may be awarded at any time for applicants with a Grade Point Average (GPA) of 8.

All enquiries about the Law School PhD programme, the above Scholarships and the Fellowship, should go to Postgraduate Student Adviser Angela Vaai: [a.vaai@auckland.ac.nz](mailto:a.vaai@auckland.ac.nz) / +64 9 923 8180. Do be aware that research proposals, also called Statements of Research Intent, may need revision and can take some time. This means that it is important to begin the process of considering your topic and lodging a PhD application several months in advance of your proposed start date and applicable deadlines.

For the Fellowship, please send your covering letter explaining why you would be suited to this position to Angela Vaai by the due date. Your application for doctoral studies must have been accepted by the same deadline.

**Further information can be found at:**  
[www.lawfellowship.ac.nz](http://www.lawfellowship.ac.nz)

The faculty especially encourages high-achieving graduates from the Auckland Masters of Law (LLM) programme to apply for the PhD.

Caroline Foster

PhD student Lucy Stroud with her supervisor Professor Klaus Bosselmann.



# Auckland Law School scoops Legal Writing Awards

Staff and students from the Law School have won all four categories of this year's Legal Research Foundation awards for excellence in legal writing.

Professor Craig Elliffe won the JF Northey Memorial Book Award, for his book *International and Cross Border Taxation in New Zealand*. The award which carries a prize of \$2,000 is given to the best book published in 2015 by a New Zealand-based author or authors.

Professor Elliffe specialises in international tax, tax avoidance, and capital gains tax reform. He is the Director of the University of Auckland's Master of Taxation Studies programme and teaches international tax and several other tax-related undergraduate and postgraduate courses.

He has written extensively on tax issues, and has many articles published in the *British Tax Review*, *Canadian Tax Journal*, *Australian Tax Forum* and New Zealand journals. He is a member of the New Zealand Committee of the International Fiscal Association (IFA) and a member of the Permanent Scientific Committee of IFA International based in the Netherlands.

The adjudicators commented, "The international tax work is outstanding because of its broad-ranging coverage of an important area of tax law that is technically very complex. It is a work of considerable scholarship dealing with the tax consequences of cross-border transactions. It explains how the tax principles and detailed rules operate by illustrations from many cases from jurisdictions all over the world and with clever use of diagrams. It will be a treatise of much importance to tax practitioners and students."

The Sir Ian Barker Published Article Award, which carries a prize of \$1,500 is given for the best article, essay or discrete book chapter published by a New Zealand-based author in 2015.

The 2015 winner was Susan Watson, *How the Company Became an Entity - A New Understanding of Corporate Law*. The



From left: Tanya Young, Rebecca Kennedy, Professor Susan Watson and Professor Craig Elliffe.

adjudicators commented, "We have been greatly stimulated by reading an eclectic collection of published articles. We congratulate all shortlisted authors for their quality of research and expression in the articles. We commend all shortlisted articles to readers, and found the selection of both a shortlist and a winner difficult but are satisfied Susan Watson's article is the correct choice."

Outlining how the modern company evolved to its current form, the paper, which was first published in the *Journal of Business Law* in the UK, contains a discussion of the evolution by the end of the nineteenth century to a separation of shareholders from the corporate fund, with the corporate fund becoming a legal entity.

Professor Watson writes in the areas of corporate law and corporate governance, in particular theories of the company, and directors' duties and liabilities. She is currently writing a series of articles about the modern company or corporation, how it evolved to its current form, and how states can best regulate the world's dominant legal structure.

Graduate Rebecca Kennedy won the Unpublished Postgraduate Student Paper Award, for *Much Obligated: An Assessment of the New Zealand Government's Accountability for Prisoners' Rights in the Context of Prison Privatisation*. This award which carries a prize of \$1,000, recognises the best unpublished postgraduate student paper between 8,000 and 18,000 words.

Rebecca's research, supervised by Professor Paul Rishworth, evaluated the statutory

safeguards for protecting prisoners' rights under New Zealand's prison privatisation regime.

The adjudicators commented that "Her conclusion that the statutory regime is not adequate is based on clear and thoughtful analysis, and is set out in an engaging and concise style. Her paper concludes constructively with recommendations for future prison management contracts which should assist the Crown in ensuring the shortcomings in the current arrangements are not repeated."

Rebecca will complete her postgraduate studies at the University of Auckland, focusing on constitutional and human rights law.

Graduate Tanya Young won the Unpublished Undergraduate Paper Award for Online "Publication" *Future-proofing Defamation in the Internet Age*. This award, which carries a prize of \$1,000, recognises the best unpublished undergraduate student paper between 10,000 and 18,000 words.

Tanya's research, supervised by Associate Professor Rosemary Tobin, tackled the problem of 'secondary publication', to clarify the law and proposed a sustainable framework for the future.

The adjudicators commented, "In a complex area the author has managed to rise above a series of case specific decisions to propose enduring principles at a high level. This is something to which we all aspire but few of us attain."



### New Appointment

#### **Jane Norton**

Dr Jane Norton took up a lectureship at the Law Faculty in January 2016. Formerly a lecturer in law at the University of Birmingham in the UK, she returns to the Auckland Law School where she was an undergraduate.

Following her BA/LLB (Hons), Jane became an Associate in Law at Columbia Law School in New York (2004-2006). While there, she undertook an LLM – supervised by famed New Zealand legal philosopher Jeremy Waldron – and taught Legal Writing. Following completion of her LLM, she worked for a year for the New York Law firm Wilkie Farr & Gallagher before commencing her doctoral studies at Balliol College, Oxford (2007-2011) as a Clarendon Scholar.

Jane's research lies in the areas of constitutional law and legal theory. She is particularly interested in how the state recognises or enforces non-legal norms and how it regulates voluntary associations. Her research also looks at the relationship between public law norms (such as non-discrimination and procedural fairness) and what has traditionally been seen as private activity. This research interest extends to examining legal issues around trust law, contract law, and justice within the family.



When asked about her experience being back at the Faculty – this time as a lecturer rather than a student – Jane was enthusiastic. As she put it: "My Auckland law degree equipped me extremely well for my postgraduate studies overseas and I am delighted to be back amongst many of the academics who taught me. It is great getting to know all the new staff also. Being overseas has only confirmed to me what a world class faculty we have at Auckland."

With her interest in both public and private law, Jane is teaching courses in Rights and Freedoms, and Equity – two subjects she says she thoroughly enjoyed when she was a student. "It is a real honour to be partly taking over the mantle of lecturers Paul Rishworth and Julie Maxton," Jane said, "as they were so influential in my academic career." She is also co-ordinating the new legal writing programme with law lecturer Dr Anna Hood.

Jane has a particular interest in discrimination law, religious freedom and associational freedom. Her first book, *The Freedom of*

*Religious Organizations* (Oxford University Press, Oxford, 2016) was funded by the British Academy.

In addition to her work on religious freedom, Jane has published on religious tribunals, freedom of expression and privacy, and evidence. She is currently working on projects dealing with the topics of religious education and charitable trusts. Jane has also maintained her relationships with the profession and is currently on the academic panel at Blackstone Chambers in London.

It is wonderful to have Jane back with the Faculty. She brings a fierce intelligence, modesty and deep humanity to our collective endeavour. Jane's office warming party and her contribution of a law poetry evening were also highlights of this year's social events at the Law School.

---

Janet McLean



## Promotions

# Joanna Manning promoted to Professor

**The Auckland Law School has for several decades enjoyed a culture of warm collegiality and friendship. Joanna Manning has been a major contributor to that culture. She is one of a cohort of young academics who joined the Law School in the 1980s and early 1990s – along with Mike Taggart, Peter Watts, Paul Rishworth, Janet McLean, Grant Huscroft, Scott Optican and myself – and who formed close and enduring friendships.**

It has been my good fortune to be Jo's academic colleague, fellow scholar of law and medicine, friend and near neighbour in Devonport since her appointment as Lecturer at the Auckland Law School in 1986. Jo's friendliness, concern for others, dedication to work, humour and irreverence have not changed over the years – but her delight in self-parody and sense of mischief has become more evident in recent times.

Jo's promotion to Professor at the end of 2015 was well deserved and warmly greeted by everyone in the Law School. Joining the Law School academic staff was a natural progression for her, after a stint as a prosecutor at Meredith Connell, an MCompLaw from George Washington University in Washington DC and a brief period in commercial and civil litigation at McElroy Milne.

Jo's research and writing focused on tort law in the early part of her academic career, and she continues to teach torts. Her appointment as consumer representative on the Medical Practitioners Disciplinary Committee in 1987 (a role she held until 1999), during years of growing public and political unease about medical self-regulation in New Zealand, gave her insights into law and medicine and the patient-doctor relationship. This was followed by service on the National Ethics Advisory Committee (2005-2011).

Jo began teaching and writing in medical law, now health law, in the mid 1990s, and has become a leading scholar in the field. Fairness is a theme of her research: the fair allocation of limited health resources (eg, by Pharmac) and the fair resolution of health disputes. Drawing on her expertise in torts, accident compensation and patients' rights, Jo has argued for improved remedial rights for patients after an adverse event and fair compensation for patients injured in research trials. Her publications on informed consent, duty of care, treatment injury and professional discipline are regularly cited with approval by courts.

A keen interest in the legal and societal impact of Judge Cartwright's Report of the Cervical Cancer Inquiry (1988) led Jo to become an active member of the Cartwright Collective of women health consumers and advocates. Jo's expertise as a health lawyer and her practical skills have seen her organise major conferences and lobby health authorities to ensure that patients' rights (in areas as diverse as screening programmes and research on incompetent patients) are not eroded – and that the legacy of the Cartwright Inquiry is not undermined by revisionists.

Within the Law School and in the broader University community, Jo's pragmatism, efficiency and even-handedness have seen her shine as a highly regarded Deputy Dean and Acting Dean, academic reviewer and member of a range of University committees. Unfailingly modest about her own abilities, Jo excels in using humour to ease tensions between colleagues and in finding sensible compromises. Jo has also assumed the role of *kuia* to her female colleagues, advising and encouraging them in their own careers.

These personal and professional attributes have earned Jo Manning the universal high regard and affection of her colleagues. We owe Jo (and her entertaining husband Tony) a debt of thanks for all she has given the Law School over three decades. We look forward to sharing in her professorial adventures.

**Ron Paterson**





# Claire Charters promoted to Associate Professor

Dr Claire Charters, Ngāti Whakaue, Ngāti Tūwharetoa, Ngā Puhī and Tainui has been promoted to Associate Professor in the Faculty of Law. She has an LLB (Hons) First Class and BA from the University of Otago, an LLM from NYU and a PhD from the University of Cambridge.

Despite being passionate about Māori rights for as long as she can remember, Claire had no intention of becoming a lawyer or legal academic when she chose to study law. Instead, a career in international diplomacy – something in human rights – sounded much more appealing. It was not until a summer internship at the Ministry of Foreign Affairs failed to excite that Claire decided to think about other career options.

Inspired by her honours dissertation supervisor, Professor John Dawson at the University of Otago, Claire discovered that one is “allowed” to critique law while also advocating for law to be socially and positively transformative. This planted the seed for an academic career. However, it was only after Masters (LLM) study at New York University, which encouraged independent and critical thought and exposed Claire to some of the world’s leading experts on Indigenous peoples’ rights, that she decided to give academia a chance.

Claire’s research focuses on Indigenous peoples’ legal issues in comparative constitutional law and international law. Most of her work challenges the legitimacy of settler state authority with respect to Indigenous peoples and advocates for greater pluralism and constitutional rights. Claire has edited three books, published a number of articles and chapters and regularly speaks at both academic and non-academic conferences and events. Claire is currently working with leading academics from Australia, Canada and Singapore on a book on the philosophy of Indigenous law. She hopes to publish her first monograph in 2017 – based on her PhD thesis – on the legitimacy of Indigenous Peoples’ rights under international law.



Since graduating from the University of Otago, Claire has combined her academic work with advocacy for Māori and Indigenous Peoples, engaging in processes for the greater recognition of Indigenous peoples’ rights at the international level. She has worked with local Māori non-governmental organisations and globally-focused Indigenous peoples’ organisations on many issues – from the drafting of the UN Declaration on the Rights of Indigenous Peoples to the establishment of the United Nations (UN) Expert Mechanism on the Rights of Indigenous Peoples. Claire was also employed for three years, from 2010 – 2013, in the Indigenous Peoples and Minorities Section of the UN Office of the High Commissioner for Human Rights. Currently, Claire is the Chair of the UN Voluntary Fund for Indigenous Peoples. This organisation supports Indigenous individuals globally to bring their human rights issues to the UN, and advises

the President of the UN General Assembly during multilateral state negotiations on how to enhance the participation of Indigenous Peoples at the UN.

Claire joined Auckland Law School in 2013. She has enjoyed moving back to Aotearoa/ New Zealand and has relished being able to re-engage with Māori legal issues in her research and teaching – as well as working with Māori organisations advocating for their rights in New Zealand courts and tribunals. Claire would like to see the Auckland Law School strengthen its research, teaching and engagement with Indigenous communities with respect to Indigenous legal issues here and in the Pacific. To this end, she is working with Te Tai Haruru to ensure that the Law School develops a world-leading programme.



# Amokura Kawharu promoted to Associate Professor

**Amokura's first contact with the Law Faculty – in 1991 – was with Associate Professor Stephen Penk, who at the time was the Faculty's Registrar. Stephen provided advice on the requirements for provisional entrance. This gave her enough confidence to leave high school at the end of the sixth form for an early 'gap' year. She took up an internship at Greenpeace and other part-time work, before making her way back to the University of Auckland to study politics and law.**

Following her graduation, Amokura worked as a solicitor in law firms Chapman Tripp in Auckland and Gilbert + Tobin in Sydney, and then as in-house counsel at Vodafone. She left practice in 2003 to complete a Masters degree in international law at Cambridge University in the UK. On her appointment to the Law Faculty in 2005, her father – Professor Sir Hugh Kawharu – declared “welcome to the family firm!”. He was then an Emeritus Professor in the Māori Studies Department – Amokura's mother, Lady Freda, having lectured and tutored in that department – while her sister, Merata, worked in the University's James Henare Māori Research Centre.

One of the subjects Amokura studied at Cambridge was international disputes settlement. The course was wide-ranging and covered dispute resolution between states, investment arbitration involving states and foreign investors, as well as international commercial arbitration. It appealed to Amokura's interests in international relations and trade, and the role of law in facilitating both. She was particularly taken by the idea that even between diverse legal cultures, there was common ground on basic principles for resolving legal disputes. One of her immediate tasks following her appointment to the academic staff was to resurrect teaching of an undergraduate

course on commercial arbitration. She set out to show that arbitration was about more than clauses buried at the end of contracts (albeit ones that offered the potential for lawyers to travel to exotic locations for hearings!).

Despite the specialised nature of the topic, the course has been very popular and typically attracts more than 90 students each year.

Outside of teaching, Amokura's research interests are primarily focused on developments in regional investment treaty policy and practice and, on a more theoretical level, the potential emergence of an international arbitral legal order. She contributes regular reviews on disputes settlement for the New Zealand Law Review, and co-authored the leading text on New Zealand arbitration law, *Williams & Kawharu on Arbitration* (LexisNexis, Wellington, 2011). Her co-author, Sir David Williams QC, is New Zealand's leading international arbitrator and an Honorary Professor of Law in the Faculty.

Williams describes Amokura's promotion to Associate Professor as richly deserved. He notes that since Amokura took over teaching the undergraduate arbitration course, “the numbers have increased markedly due, in no small measure, to her outstanding teaching ability.

I witnessed first-hand her extremely impressive teaching skills when she joined me to teach the Masters (LLM) intensive course on international arbitration in 2015.” He noted too that, over the years, he had worked together with Amokura on many writing projects. “She is a great co-author who is always willing to help meet deadlines, possessing an in-depth knowledge of the law of arbitration in New Zealand.” As to *Williams & Kawharu*, Williams explains: “I was trying to write this book alone but at a certain point realised that I would not make it to the finishing line without a competent co-author. For me it was a happy moment when Amokura joined me. Against this background it was especially pleasing when *Williams & Kawharu* was chosen by the Legal Research Foundation to win the JF Northey Memorial Book Award as the best law book published in New Zealand in 2011.”

In recognition of her teaching, scholarship, practice and service, Amokura was promoted to Associate Professor in 2016.





# Marcus Roberts promoted to Senior Lecturer

Marcus Roberts' affiliation with the Law School began in 2003 when he joined the ranks of hopeful first-year law students. Five years as an undergraduate left him with a BA/LLB (Hons) degree and a desire to practise tax law. He joined Minter Ellison Rudd Watts as a law graduate, but a year of wrestling with the Financial Arrangement Rules – and the global financial crisis – put paid to his dreams of being a tax lawyer. Instead, Marcus joined the insolvency litigation team and was soon sitting among the row of junior lawyers waiting nervously for their case to be heard in the bankruptcy list at the High Court.



However, the Law School must have left an impression on Marcus for, after a year of bankrupting people *pour encourager les autres*, he returned to the Law School in 2010 and studied for his LLM under Professor Peter Watts. After writing his thesis on the vicarious liability of employers for an employee's negligent misstatement, he was hired on a fixed term contract in 2011. After a year as a Senior Tutor teaching Contract and Torts, Marcus was appointed to a permanent position as a Lecturer in 2012. Since then he has taught across a range of courses including: Introduction to Common Law for Foreign Students; Company Law; the Studies in Contract Law Honours course; and both Contract and Torts. He has also supervised more than 20 Honours and Masters dissertations and theses. The high quality of Marcus' teaching was recognised in 2012, when he was nominated by a student for a faculty teaching award and shortlisted for the award. It can also be seen in his consistently high scores in teaching evaluations.

Marcus' research profile has grown in the years since he has been appointed. He has published articles in leading legal journals both in New Zealand and the United Kingdom, including the *Modern Law Review*, *Lloyd's Maritime and Commercial Law Quarterly*, the *New Zealand Law Review* and the *New Zealand Universities Law Review*. His research has focused on recent case law developments in the United Kingdom and New Zealand in contract law including: damages; consideration for variation contracts; frustration; repudiation; part-payment of debt cases; and misrepresentation. He has also published work based upon his Honours thesis. His 2013 article "Tortious Statements, Vicarious Liability and the 'Authority Test'" [2013] 4 NZ Law Rev 625, was shortlisted for the Legal Research Foundation Sir Ian Barker Published Article Award.

Marcus has also had a major impact in the life of the Law School since his appointment. He was the academic coordinator of the general moot program from 2012-2014 and, since 2014, has been the Faculty liaison for the staff seminar programme. In 2015 he took up the co-editorship of the *New Zealand Law Review*, New Zealand's premier legal journal, as well as membership of the Legal Research Foundation Committee.

The Law School congratulates Marcus on his success and expresses its appreciation for his continuing contributions to the Faculty.



## Andrew Erueti awarded PhD

Dr Andrew Erueti admits it “took a village to produce my thesis” – which is somewhat fitting considering its topic - The Rights of Indigenous Peoples.

“One of the reasons I was able to complete my PhD is that I had an amazing supervisor who continued to provide me with superb advice and feedback even when I left the PhD programme. My family – Claire, Max and Mia – had to cover for me when I was off writing, especially in the final stages. It definitely took a village to produce my thesis,” he says.

“I started way back in 2007 but left the PhD programme in 2009 to take up a post at Amnesty International as their Indigenous Rights Adviser. I continued to work away at it after-hours, but I only really returned to the thesis fully two years ago when I came back to academic life - first with the University of Waikato, and now the Auckland Law School. It feels great to finally complete what has been the major challenge of my professional life.

“The thesis is about international Indigenous rights - specifically the UN Declaration on the

rights of Indigenous Peoples. It was adopted by the UN in 2007 and there has been a lot of disagreement about how to read the Declaration’s more significant rights, especially the right to self-determination,” says Andrew.

“The orthodox view is to read the Declaration as elaborating classic human rights. But I think this understates the significance of it, especially for Indigenous Peoples in the Anglo-settlers countries like New Zealand who argued for a more radical decolonisation model of Indigenous rights in the Declaration negotiations. What I explored in detail was the politics behind the negotiation of the Declaration as it intersected with the rise of the international Indigenous movement. This revealed a struggle between a human rights model advanced by Indigenous Peoples of the “South” (Latin America, Asia and Africa) and the decolonisation model of the “North” (New

Zealand, Canada, Australia, USA). And I argued that both models worked their way into the Declaration so that it should be subject to a mixed-model interpretative approach – not the now dominant single human rights model.”

Andrew is planning to publish his thesis in 2017 and is working on the book proposal. “I believe in the project and I hope others will engage with it and maybe even apply it to their advocacy work on Indigenous rights,” he says.

“In the end though, while it was hard work – much harder than I ever could have imagined when I started - it’s been intellectually stimulating and fulfilling. I would encourage students, and those working in the legal community, to think about undertaking a PhD.”





LTCDR David Grinlinton (left) with mentor CAPT Kenneth Stewart RCN (Ret.) at the Canadian Forces College JCSP graduation ceremonies in Toronto.

## David Grinlinton awarded Master of Defence Studies

**Writing a thesis on the legal aspects of the use of drones was an unexpected outcome of a military staff command course recently undertaken by Associate Professor David Grinlinton.**

For 25 years David's 'second career' with the Naval Reserves has included some unique experiences, including deployments to Afghanistan and Timor-Leste. In 2013 he was nominated by the New Zealand Defence Force for a different sort of challenge - a Joint Command and Staff Promotion course run by the Canadian Forces College in Toronto. Conducted over two years, the programme is for mid-career officers of the Canadian Forces and includes a handful of international officers from other allied nations. It consists of several distance learning modules, including Leadership and Ethics, Command and Management, War and Society, National Security and International Affairs. Further modules on operational planning culminate in residential exercises in Toronto each year.

"As an academic it was a salutary experience to be back in the student role again with mountains of prescribed articles and materials to be read,

and a number of ongoing assignments, online discussions and substantial research papers to complete to rigorous deadlines," says David.

"But it turned out to be a very interesting and useful experience, including exposure to the distance learning format that could be applied to some aspects of law teaching at Auckland," he says.

Successful completion of the programme qualifies an officer to fill command and staff appointments in operational settings, and in David's case will also contribute to his current training role in New Zealand. It also provided the opportunity to continue on to the Master of Defense Studies programme at the Royal Military College of Canada. In April 2016 David completed a thesis focusing on the uneasy balance between public interests and private rights in the use of military drones.

"Happily the thesis passed muster and I graduated in June," says David.

His thesis examines the effects on human rights, civil liberties, privacy and private property rights of the increasing use of drones and more sophisticated unmanned aircraft systems (UAS) for surveillance by military and other law enforcement agencies. The paper also explores the civil aviation ramifications of the use of drones in civil airspace, and the threats posed by their potential use by terrorists and criminal elements.

It concludes that the rapid pace of technological development in this area is outstripping the ability of governments to keep pace with challenges such as protecting human rights, privacy, property rights, aviation security and national security. Governments need to address these challenges as a priority, and to provide better policy guidance and regulatory controls on the use of drones and UAS in both the military and civil sectors of society.



## Teaching award and Marsden Grant for outstanding lecturer

Dr Arie Rosen has been awarded a Faculty of Law Teaching Excellence Award in recognition of his approach to improving teaching and learning, particularly of legal philosophy and legal theory. He has also been awarded a Marsden Grant worth \$300,000 to undertake a study of how democracy influences some of the fundamental rules that shape our economic lives: the private law rules of contracts, torts and restitution.

The study, entitled *A Law Beyond Democracy: The Insulation of Private Law from Democratic Change*, will look at the political story behind the making of private law rules, emphasising the role played by courts, lawyers and legal academics in controlling democratic legislation in this field.

The award of a Marsden Grant is regarded as the hallmark of excellence for research in New Zealand. The Marsden Fund is managed by the Royal Society of New Zealand, supporting research excellence in science, engineering and maths, social sciences and the humanities. Competition for grants is intense. "By supporting our smartest New Zealand researchers to work on their best ideas, including an understanding of how things work at a fundamental level, the Marsden Fund helps to build a strong research base for New Zealand, which will benefit us all in the future," says Marsden Fund Council Chair, Professor Juliet Gerrard FRSNZ. "The increased success of our emerging researchers this year gives us confidence that our long term future is in great shape," she says.

Arie, who joined the Faculty Academic staff in January 2014 after completing his doctoral and postdoctoral studies at New York University, has taught various courses in legal theory, including the compulsory course in jurisprudence.

Arie describes himself as "a passionate teacher who believes learning is inherently enjoyable", and his students clearly concur with 99.2% of the students surveyed agreeing that he was an effective lecturer in Jurisprudence and 99.5% agreeing the same for Law and Society.

Challenged with integrating and delivering theoretical and philosophical content to undergraduates, he introduced a new syllabus for Jurisprudence, which has led to an immediate increase in the popularity of the subject. "Rather than making the course 'easier' we now grapple with more primary sources and more thinkers at a higher level of theoretical engagement," he says. "The goal is that students understand the importance of legal theory to the main fields of legal studies and practice."

Another innovation was the introduction of in-class check-ups to ensure feedback to students throughout the semester, as well as changing

the final exam from an in-class to a take-home one. "This allows students the time to express more nuanced positions and better reflect their knowledge and abilities," he says.

Arie employs new technologies to assist his lecture presentations, including using Prezi, a relatively new platform that allows him to map an entire lecture on one slide and then zoom in on particular topics. The students appreciate it. Students describe Arie as passionate, engaging, and a thought-provoking teacher. A typical comment is: "He really cares about his students and it shows in the way he teaches."

During his time here Arie has also designed two new courses: one on statutory interpretation and the other on the philosophy of private law. "My law school students are not philosophers, and many of them have no particular interest in philosophical questions. The burden is on me to highlight the relevance and value of legal theory to them and make the connection between philosophical questions and the study of law," he says. "And most importantly, the burden is on me to make classes valuable and enjoyable for everyone involved. That is the best way to be an effective teacher."



# Faculty of Law inaugural Research Awards announced

Two outstanding legal scholars from the Auckland Law School have received inaugural research awards from the Faculty.

Professor Peter Watts received the Faculty of Law Research Excellence Award, and Senior Lecturer Hanna Wilberg, the Faculty of Law Sub-Professorial Research Award.

**Peter Watts** is a leading Commonwealth scholar in the law of agency and the related fields of company law and restitution.

Over the past five years he has published two substantial new editions of books and numerous articles in the best Commonwealth journals for private law doctrinal scholarship.

His work has been relied on by academics and courts around the Commonwealth including the UK Supreme Court. He has also been a Leverhulme Visiting Professor to the United Kingdom, hosted by Oxford University.

Peter won a prestigious 2016 University of Auckland Research Excellence Award.

His recent books include a collection of essays resulting from a conference held in the Netherlands. The book, *Agency Law in Commercial Practice* (OUP) was co-edited with Danny Busch (Nijmegen) and Laura Macgregor (Edinburgh), for which there was also a book launch symposium in Oxford in February. He has also completed a new edition of *Company Law in New Zealand* (2nd ed, LexisNexis) with Neil Campbell and Christopher Hare.



**Hanna Wilberg's** research, written for both international and New Zealand audiences, spans two very difficult fields – administrative law and public authority liability.

Her contribution to creating research networks and improving the research environment in the field of New Zealand and Commonwealth administrative law were particularly noted.

In 2015 she organised a conference and workshop on New Zealand Administrative Law, featuring papers by administrative law specialists from most New Zealand universities, resulting in a special issue of the *New Zealand Law Review*.

Also released by Hart Publishing in 2015 was a collection of essays by contributors from all major common law jurisdictions on *The Scope and Intensity of Substantive Review: Traversing Taggart's Rainbow*, which Hanna edited in collaboration with Professor Mark Elliott of Cambridge University.

The Faculty of Law congratulates Peter and Hanna on their success.





## Jane Kelsey awarded \$600,000 Marsden Grant

Professor Jane Kelsey has been awarded a \$600,000 Marsden Grant to fund a three-year research project on options and strategies for countries to exit from international trade and investment agreements – a proposal that predates the Brexit vote in the United Kingdom.

The formal title of the project is “transcending embedded neoliberalism in international economic regulation.”

Jane explains the underlying argument: “Powerful states and corporations have created a regime of embedded neoliberalism during the last three decades and enforceable trade and investment treaties are a crucial component of them, binding governments to maintain the neoliberal ‘orthodoxy’. That orthodoxy is now in crisis, along with the system of financialised capitalism it helps to sustain”.

“Current strategies to exit or redesign countries’ treaty obligations range from unilateral renunciation and mandatory renegotiation to institutional reviews and carve-outs for sensitive sectors or policies. Most moves are coming from developing countries and are mainly defensive, ad hoc and uncoordinated,” she says.

At the same time other, mainly affluent states are negotiating new mega-treaties that aim to bind countries more deeply to the failing model.

The project aims to provide a coherent theoretical framework to: (a) understand the embedding mechanisms; and (b) assess which strategies and options are most likely to advance

the transformation of neoliberal trade and investment agreements as part of creating a progressive post-neoliberalism.

The research analyses three sites where states are challenging the international economic treaty regime: reinstatement of capital controls, rejection of investment arbitration, and tobacco control measures.

The work on investment agreements during the first year has focused on moves by countries like South Africa, India, Brazil and Indonesia to withdraw from bilateral investment treaties and develop a range of alternatives that better balance their commercial and social interests while retaining more regulatory authority for the state. In addition to engaging with senior policy makers in the relevant governments, Jane attended the UNCTAD’s World Investment Forum in Nairobi, where the reform debate was central to the agenda.

Jane’s research on strategies to preserve policy space on tobacco control has included work as an expert adviser at several meetings hosted by ministries of health in Asian countries – which want to explore the parallel and more complex question of preserving options to pursue innovative alcohol control policies.

The Marsden Fund provides very important



support for ‘blue sky’ thinking that contributes to future knowledge. In addition to funding research time, field work and university overheads, the grant provides support for two students to undertake LLM research supervised by Jane and related to the investment and tobacco policy case studies.

This project builds on Jane’s previous Marsden Grant on ‘embedded neoliberalism in a post-neoliberal era’ – which formed the basis for her book *The FIRE Economy: New Zealand’s Reckoning* (Bridget Williams Books, Wellington, 2015).



# Academic Staff Farewells

The following members of the academic staff were appointed to other positions during 2016. The Faculty is enormously appreciative of all they have contributed and wishes them well for the next phases of their careers.



### Warren Brookbanks

Professor Warren Brookbanks took up a position at the Auckland University of Technology (AUT) Law School to become the director of its new Centre for Non-Adversarial Justice.

During a distinguished tenure at the Faculty spanning over 30 years, Warren made major teaching, research and practice contributions in the fields of criminal law, law and psychiatry and therapeutic jurisprudence. He co-authored New Zealand's leading criminal law textbook, Simester and Brookbanks *Principles of Criminal Law* (4th ed, 2013) and has been a contributing author for Adams on *Criminal Law* (1992) and *Brookers Family Law – Incapacity* (2005). Warren also authored and co-edited leading texts on criminal justice, law and psychiatry, and therapeutic jurisprudence, including: Tolmie and Brookbanks (eds) *Criminal Justice in New Zealand* (2007); Bell and Brookbanks *Mental Health Law in New Zealand* (2005); Brookbanks and Simpson (eds) *Psychiatry and the Law* (2007); Brookbanks *Competencies of Trial – Fitness to Plead in New Zealand* (2011); and Brookbanks (ed) *Therapeutic Jurisprudence: New Zealand Perspectives* (2015). Warren was a founding trustee of the Odyssey House Trust, and a past president of the Australian and New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL). He has also been a regular consultant for the New Zealand Law Commission and the Ministries of Justice and Health.

In honour of his service and contribution to the Faculty of Law, his longtime friend and colleague, Julia Tolmie, gave a speech at his farewell. An edited version of the text is at [www.law.auckland.ac.nz/community](http://www.law.auckland.ac.nz/community)



### Alison Cleland

Alison Cleland has been appointed a Senior Lecturer at the Auckland University of Technology (AUT) Law School and will teach students at AUT's new Manukau campus.

Alison had been at the Auckland Law School for almost 10 years, having joined the Faculty from the University of Strathclyde. She was the Scottish Child Law Centre's first advice worker, and represented children and young people under age 16 in youth justice and child protection proceedings in Scotland. She has been passionate about teaching and researching in youth justice, child protection and children's rights and is the Chair of Action for Children and Youth Aotearoa. She and Khylee Quince co-wrote *Youth Justice in Aotearoa New Zealand: Law, Policy and Critique* (2014) and co-taught a course on youth justice. Alison also taught first year law, Contract Law, and most recently Family Law. She convened the Faculty's Teaching and Learning Committee for a number of years.



### Kris Gledhill

Kris Gledhill has been appointed an Associate Professor at the Auckland University of Technology (AUT) Law School, where he has become Director of Clinical Legal Education.

Kris had taught at the Auckland Law School for 10 years, particularly in Criminal Law and International Human Rights Law. He was the first Director of the New Zealand Centre for Human Rights Law, Policy and Practice, a research centre established at the Auckland Law School in 2012. Kris's main area of interest is Mental Health Law, and he has published widely on this topic as well as on Human Rights Law and Criminal Law. His books are Gledhill *Human Rights Acts: the Mechanisms Compared* (2015), Dawson and Gledhill (eds) *New Zealand's Mental Health Act in Practice* (2013), Gledhill *Defending Mentally Disordered Persons* (2012) and Gledhill and Bedggood (eds) *Law into Action: Economic, Social and Cultural Rights in Aotearoa New Zealand* (2011).



### Georgos Mousourakis

Georgos Mousourakis was appointed a Professor of Comparative Law at Panteion University in Athens.

Georgos had first taught at the Auckland Law School in 1992 and will be remembered by students for his contributions to Criminal Law and Criminology, Comparative Law, Roman Law, Legal History and Jurisprudence. He is widely published, his most recent books including *Roman Law and the Origins of the Civil Law Tradition* (2015) and *Fundamentals of Roman Private Law* (2012).



### Khylee Quince

Khylee Quince has been appointed a Senior Lecturer at the Auckland University of Technology (AUT) Law School. She is especially excited by the prospect of teaching law to Māori and Pacific peoples in their own communities, with the opening of the AUT Manukau campus.

Khylee is of Ngāpuhi and Ngāti Porou whakapapa. She had been at the Auckland Law School for 18 years, having practised Criminal and Family Law prior to this. She has taught and researched in Criminal Law and Youth Justice, with a particular focus on Māori interaction with the justice and penal systems. She and Alison Cleland co-wrote *Youth Justice in Aotearoa New Zealand: Law, Policy and Critique* (2014). Khylee has won University and national awards for excellence in teaching and devoted considerable time to her role as Tumuaki and Associate Dean (Māori). The executive of Te Rākau Ture (the Māori Law Students Association) has paid tribute to her work for Māori students. This is published at [www.law.auckland.ac.nz/community](http://www.law.auckland.ac.nz/community)





### Elsabe Schoeman

Associate Professor Elsabe Schoeman was appointed a Professor at the University of Pretoria.

Elsabe had been at the Auckland Law School for 14 years and will be remembered by students for her teaching of Contract and the Conflict of Laws, among other subjects, and supervising papers in these areas. Her recent research has focused on transnational commercial litigation with specific reference to Contract and Torts. It involves comparative research into the theory and practice in several common law and civil law jurisdictions. The emphasis is on jurisdiction and choice of law and the quest for conflicts justice. Most recently she has been focusing on transnational personal injury litigation.

### Academic Staff Retirements

Two members of the academic staff retired at the end of 2016. Pauline Tapp and Gordon Williams will be profiled in the next edition of *Eden Crescent*.

### New Academic Staff

A number of new academic staff have been appointed to start in 2017 and 2018. They will be profiled in the next edition of *Eden Crescent*.

## New Honorary and Adjunct Professors

Richard Scragg has been appointed Honorary Professor and Peter Hinton and Nick Wells Adjunct Professors in the Law School.



### Richard Scragg

Richard Scragg teaches Introduction to the Common Law for LLM students. He has also taught the Legal Method paper and been responsible for the Legal Ethics course. He was previously Dean of the Canterbury Law School and has published widely on Commercial Law, Legal Method, and Legal Writing and Research.



### Peter Hinton

Peter Hinton is a senior partner at Simpson Grierson where he co-heads the corporate advisory group and has been responsible for many high-level corporate transactions. He has donated his time to teach Takeovers Law free of charge at the Law School and the course has proved very popular with students.



### Nick Wells

Nick Wells is the Managing Partner at Chapman Tripp where he has specialised in corporate structuring for Māori, private equity, businesses and charities. He has freely donated his time to organise and teach Corporate Transactions and Corporate Iwi Governance at the Law School and has given considerable support and assistance to our Māori students and Te Rākau Ture.





Bernard Brown entertains the gathering.

## Faculty news in brief

### Paul Rishworth awarded MBE

Professor Paul Rishworth QC was made a Member of the Order of the British Empire (MBE) in the Overseas List of the British New Year Honours in 2016.

Professor Rishworth received the award for his legal services as Attorney-General of the Pitcairn Islands, an office which he held from 2007 to 2015.

He is currently a Senior Crown Counsel in the Constitutional and Human Rights Section at Crown Law, Wellington, but continues to hold a fractional appointment at the Law School, teaching in the postgraduate programme. In 2016 he taught a 15 point course on Equality and Anti-Discrimination law.



### New LLB conjoint offered

2017 will see the introduction of a new conjoint option for undergraduate students – a BMus/LLB.

Studying a Bachelor of Music and Bachelor of Arts conjoint will provide students with two distinct skill sets. They will be able to follow their passion for music while gaining valuable analytical, communication and research skills – and gain an understanding of legal ethics, professional responsibility and the role law plays in society. The entertainment industry has unique legal and management opportunities which require specialised knowledge, attainable through this conjoint degree.

Studying Music and Law could open up new opportunities for law graduates, as a professional musician or singer, within broadcasting, film, media, social research, entertainment law, and arts and cultural management. Students' legal knowledge would be invaluable as a business manager in the music, film or entertainment industry.

### Poetic Justice

A mix of poets, lawyers, legal academics, law students and their friends gathered in Old Government House on a winter's evening to enjoy a night of poetry.

The floor was opened up to all, from the youngest reader, Associate Professor Scott Optican's 13-year-old daughter Samantha who read Keats, to a range of readings from the invited poets Bernard Brown, John Adams, Piers Davies, Philip Khouri, Helen McNeil and Tom Weston.

Lecturer Jane Norton read Israeli poet Yehuda Amichai's *The Place Where We Are Right* and René Harrison read his own poetry. Alison Cleland ended the evening with a rousing reading of Burns' *A Man's a Man*.

Jane said it was a fantastic and uplifting evening. "It was Simone de Beauvoir who told how as a child books saved her from despair. I dare to say that poetry saves lawyers."

The Auckland Law School hopes to make this a regular event so anyone who is interested in attending and/or reading can contact Jane Norton.





## International tax conference

The New Zealand Centre for Law and Business held its inaugural international tax conference on 15 July 2016. Attended by more than 130 people, the one-day conference featured guest speakers from around the world. It examined how countries respond to key reform issues suggested by tax base erosion and profit shifting programmes, along with issues in New Zealand tax policy.

The day before the conference, a smaller symposium had discussed international tax developments. Key contributors to these discussions were leading international tax academics, Inland Revenue and Treasury staff, and leading tax practitioners.

The conference and the symposium were concerned with the issue of how New Zealand should tax non-residents. That is, should we encourage them to invest in New Zealand, or treat them as “part of the family” and look to tax them in the same way as we tax residents? Historically non-residents are usually regarded in a different way from New Zealand residents from a tax perspective. This is because they have a choice as to where they invest their capital, whether it be in New Zealand, or elsewhere, and the taxation settings form part of that choice.

Part of the controversy surrounding the taxation of non-residents is the allegation

that multinationals have been outrageously successful in their tax planning. The success of these tax planning strategies led to the G20 Leaders’ Declaration – made at the Saint Petersburg Summit in September 2013 – which highlighted a phenomenon known as tax base erosion and profit shifting (BEPS) being carried on by multinationals.

The BEPS techniques of multinationals have raised significant issues in respect of fairness and sparked public outrage in some jurisdictions. The New Zealand government has publicly embraced the BEPS project, but there is concern in the private sector that the problems are overstated. New Zealand policy officials have worked with the OECD to determine a consistent worldwide approach. Whether this is adopted in a consistent way by the majority of the G20 and OECD countries is another question, and one that should be properly thought through.

When it comes to implementing domestic legislation, is it in New Zealand’s best interests to be fully compliant with the OECD programme or should there be some special areas of reconsideration? Is this particularly important in the areas of cost of capital (given that foreign investors seek to pass on to New Zealand borrowers the cost of any taxation imposed upon them) and attracting foreign direct investment in a competitive global environment? How does New Zealand best balance international compliance with national self-interest? The conference and symposium looked at the tax settings for various kinds of investment, with the objective of feeding into tax policy and balancing business growth without compromising the tax base.

The overseas academic and OECD speakers included the head of the tax treaty unit of the OECD, Jacques Sasseville, Graeme Cooper from the University of Sydney, David Duff from the University of British Columbia and Mitchell Kane from New York University. Leading practitioners from Chapman Tripp, Ernst & Young and PricewaterhouseCoopers spoke as well as key government officials. New Zealand academics were also well represented.

A special edition of the *New Zealand Law Review* will be published in due course which will highlight the key academic papers presented at the conference.

Craig Elliffe





Charlotte Pahl helping Group Services



Teana Hiini in the Student Common Room

# Law school pilots successful intern scheme

An innovative scheme to employ adult interns with intellectual disability is being heralded a success by the Law School, with hopes that other faculties will take up the initiative.

2016 was the second year of Law AIID (Adult Interns with Intellectual Disability), after the pilot was extended. It saw the employment of a second intern – Teana Hiini joining Charlotte Pahl, who began working with the Faculty in 2015.

Law AIID instigator, Professor Joanna Manning, says she is delighted with the way the Faculty welcomed Charlotte and Teana and valued their contribution and achievements. “The aim of the programme is to promote inclusion of adults with ID in the workplace, and to support our community of staff and students,” she says. “Broadly, those eligible are people with ID whose parent, sibling or primary caregiver is a current member of the Law staff, the Davis Law Library staff, or a currently enrolled Law student.”

Joanna says Law AIID is not only of benefit to the Faculty, but also provides a unique opportunity for the interns.

“Secondary schools are accepting of, and increasingly experienced with, mainstreaming. However, once they leave school, adults with intellectual disability are virtually absent from the workforce. The next step is increasing their integration into the workforce, including tertiary institutions, and that is exactly what we are doing. It’s very good for our students to see Charlotte and Teana present on campus.”

Charlotte, with well over a year’s experience in the Law School, is the daughter of Deputy Dean Professor Susan Watson. She is a ray of sunshine around the faculty, assisting academics and professional staff with various jobs such as cleaning, stacking and sorting library books, various admin duties, and separating mail. Charlotte also assisted with a student Wellness Day – helping with the bouncy castle and looking after Guide Dogs. “But sorting books in the library is my favourite job,” she says. “I like books and I have a Kindle.” Charlotte enjoys working with Teana and the two have become friends; “I help him, but he’s doing fine.”

A big music fan, Charlotte is learning to play the piano and wants to write songs. She has another part-time job outside of the Law School and is saving for a new iPhone – so she can download music-sharing apps, of course.

“Charlotte was our first intern, and I couldn’t have hoped for anyone better for winning over hearts and minds,” says Joanna. “She’s so open, friendly and enthusiastic. We’re very lucky to have her.”

Teana joined the Law School in 2016, and has taken on similar duties to Charlotte. Available to both professional and academic staff, Teana’s services have been much appreciated and his willingness to help people makes him an

enjoyable colleague. “I like helping people,” he says. “That’s my thing – helping others.” His goal is to save his pay for an overseas trip, “but I’m bad about buying things”, he says with a smile.

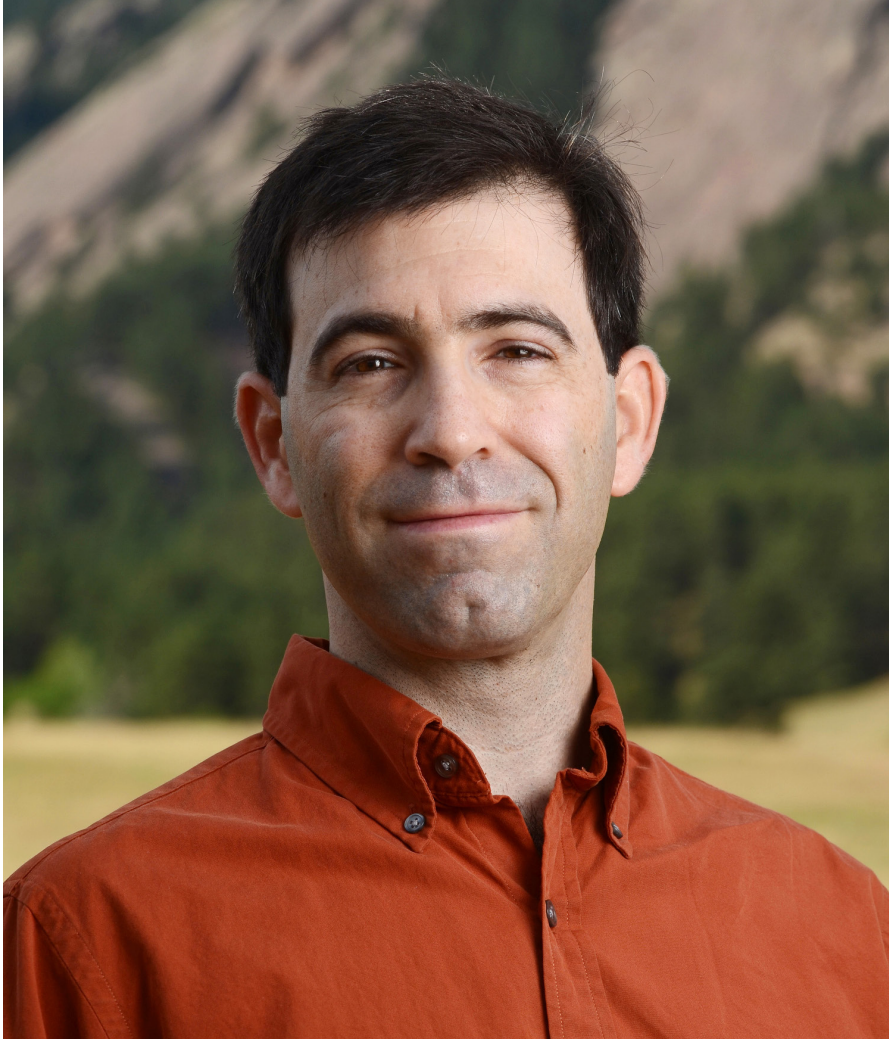
Like Charlotte, the Law School’s Wellness Day was a highlight. “I set out the herbal teas and had four hotdogs,” he says. But cleaning is also high on his list of favourite tasks.

“The interns are delighted to help us with a range of jobs, but the key is to work within their capabilities,” says Joanna. “Teana, like Charlotte, has been a fantastic success.

“I would encourage other faculties and departments within the University to adopt this sort of programme. It’s beneficial for us, our students and the interns. The Law School has been an exemplar in terms of its commitment to equity, and is determined to remain a leader in this field.”

**Christina Pollock**





## Fulbright Scholar in 2017

**Associate Professor Andrew Schwartz from the University of Colorado Law School will join the Auckland Law School as a Fulbright US Scholar in 2017.**

He will spend the first half of 2017 researching and lecturing at the University of Auckland as part of a project studying securities crowdfunding.

Andrew, who is the author of numerous law review articles on the subject, has received a Fulbright Scholar grant from the US Department of State and the J. William Fulbright Foreign Scholarship Board.

An internationally recognised expert on securities crowdfunding, he's looking forward to coming to New Zealand, saying it was the perfect place to continue his research.

"In the United States, our federal crowdfunding law was enacted in 2012 but only went into effect in 2016 because of the need for the Securities Exchange Commission (SEC) to draft rules and regulations for this new type of online securities marketplace," he said.

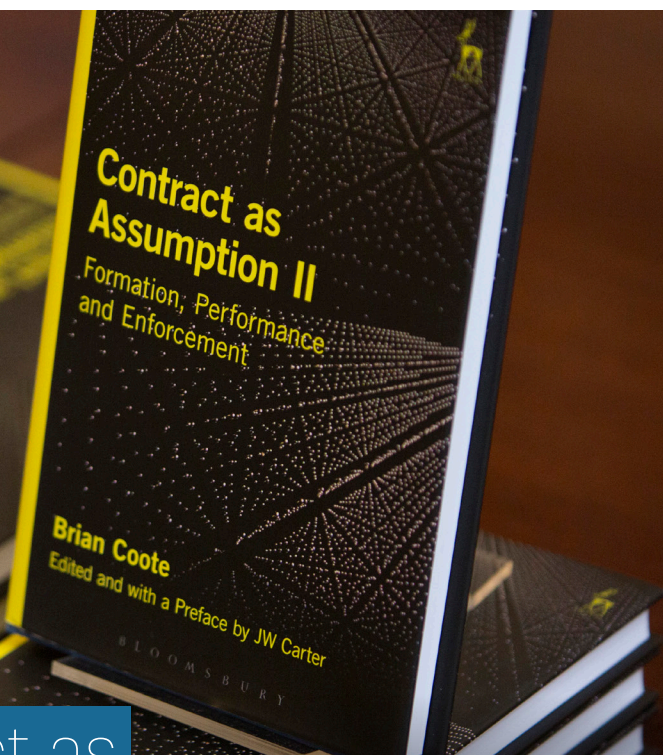
"In New Zealand, by contrast, they have actually been doing securities crowdfunding since 2014, and millions of dollars have already been raised on licensed internet platforms there, making the country a worldwide leader in this emerging field."

As such, he believes the US can learn from New Zealand's experience over the past few years and plans to share his results with the SEC upon his return.

Andrew has never visited New Zealand, although he has long had an interest in doing so. "When I was at university, I applied - unsuccessfully - to work on the ski mountains in the South Island, hoping to spend my 'summer' as a lift operator," he explained. "All these years later, I am glad to finally get my chance to visit."



# Brian Coote's Contract as Assumption II



Brian's book *Contract as Assumption II: Formation, Performance and Enforcement* (Hart Publishing, Oxford, 2016)

Emeritus Professor Brian Coote was an integral part of the Auckland Law School for the majority of the second half of the twentieth century. He joined the Faculty in 1961, and held a Chair in Law for nearly 30 years until his "retirement" in 1995. During that time, Brian taught contract law to thousands of members of New Zealand's legal community. Obviously he made an impression on those he taught for, in April 2016, dozens of the profession's best and brightest turned out to celebrate the book launch of Brian's latest publication: *Contract as Assumption II: Formation, Performance and Enforcement* (Hart Publishing, Oxford, 2016). The book was a sequel to Brian's 2010 book, *Contract as Assumption: Essays on a Theme* (Hart Publishing, Oxford, 2010), and both contain a collection of the best of Brian's previously published work. The contents of these books put paid to the notion that Brian truly retired in 1995: nearly half of their chapters were written since that time!

*Contract as Assumption II* was edited by Emeritus Professor John Carter of the University of Sydney, a PhD student of Brian's at Cambridge University and the leading contract law scholar in Australia. Obviously he survived Brian's supervision, since Professor Carter not only edited the book but introduced it at the launch and lauded Brian's career to all present. Professor Carter was followed by former New Zealand Governor-General and Brian's student, The Honourable Sir Anand Satyanand. Sir Anand spoke with warmth of his memories of being one of Brian's early pupils, and showed that an inspiring teacher will, even after the passage of nearly fifty years, be fondly remembered.

Aside from those words, the strength of Brian's scholarship and teaching skills was demonstrated by those that attended. Nearly 100 people came to the launch at the University of Auckland's Old Government House, including

Sir Edmund Thomas, Sir Grant Hammond, Sir Jim McLay, Justices Duffy, Fogarty, Judge Doogue, Paul East, a number of Queen Counsels, and dozens of other notable academics and lawyers. Unfortunately Brian was unable to speak due to illness, but his prepared remarks were delivered by a member of the current contract law teaching team – a blend of the old and new which saw a much-anticipated novelty: Brian's first ever Powerpoint presentation!

Hopefully, this will not be the last chance we

have to celebrate Brian's impressive career. There is already talk of *Contract as Assumption III* being compiled, and we would all be keen to see it launched here at the Law School. After all, when it comes to a scholar of Brian's international reputation, who has done so much for the Faculty, it feels as if one is unable to celebrate enough.

**Marcus Roberts**



Guests enjoying speeches at the book launch



Emeritus Professor Brian Coote



## Research highlights

The Law Faculty has had another successful year of research publications, attracting national and international recognition.

The Faculty has again maintained a prodigious research output, which has included some major monographs and published works. Peter Watts has written a supplement to the 20th edition of *Bowstead & Reynolds on Agency* (Sweet & Maxwell, London, 2016). This is the leading agency text in the Commonwealth. In addition, Peter was co-editor of *Agency Law in Commercial Practice* (Oxford University Press, Oxford, 2016), a collection of essays on agency law by leading international authorities. Peter has also contributed to the second edition of Watts, Campbell & Hare, *Company Law in New Zealand* (2nd ed, LexisNexis, Wellington, 2015), which integrates into the original edition a substantial body of new Commonwealth case law and statutory amendments.

Jane Norton has published a major and critically acclaimed work, *Freedom of Religious Organizations* (Oxford University Press, Oxford, 2016), which provides a normatively grounded analysis of English law and its relationship with religious organisations.

Stephen Penk, Rosemary Tobin, Judge David Harvey, Bill Hodge, Khylee Quince, Warren Brookbanks and Pauline Tapp have produced a second edition of *Privacy Law in New Zealand* (2nd ed Thomson Reuters, Wellington, 2016) which includes significant legislative, common law and policy developments since the first edition.

The quality and depth of the Auckland Law School's research output has been recognised in every category of the Legal Research Foundation awards. Craig Elliffe's *International and Cross-Border Taxation in New Zealand* (Thomson Reuters, Wellington, 2016) won the Legal Research Foundation (LRF) JF Northey Memorial Book Award for the best book published in 2015 by a New Zealand-based

author. Susan Watson received the LRF Sir Ian Barker Published Article Award – for the best article, essay or discrete book chapter published by a New Zealand-based author – for: *How the Company Became an Entity: A New Understanding of Corporate Law* (2015) 1 *Journal of Business Law* 120.

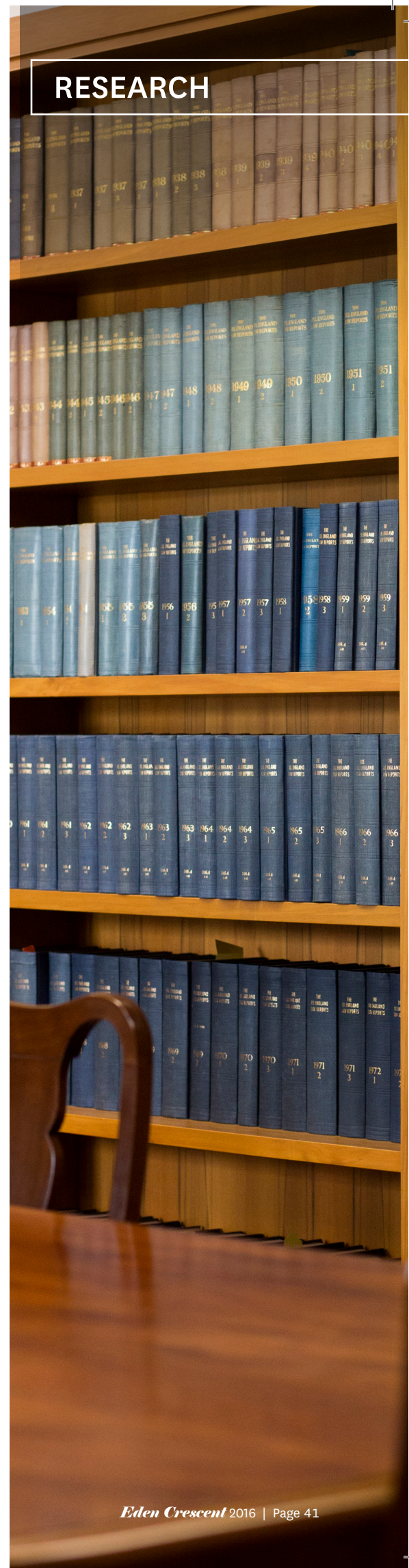
The achievements of academic staff were matched with awards to law students. Auckland postgraduate law student Rebecca Kennedy won the LRF Unpublished Postgraduate Student Paper Award for her paper on the New Zealand Government's accountability for prisoner's rights (*Much Obligated: An Assessment of the New Zealand Government's Accountability for Prisoners' Rights in the Context of Prison Privatisation*). Auckland undergraduate law student Tanya Young won the LRF Unpublished Undergraduate Student Paper Award for her paper on defamation in the internet age (*Online 'Publication' – Future-proofing Defamation in the Internet Age*).

In addition, Professor Jane Kelsey's status as a leading analyst of worldwide political and economic developments was recognised with the award of a major Marsden Fund grant. The grant will allow Jane to undertake a 3-year research project on strategies for countries that exit from international, trade and investment agreements.

The Faculty's research profile has been further promoted by numerous members of staff who presented papers at conferences and symposia in New Zealand and overseas. Many of these papers have subsequently been published in edited works and special editions of scholarly journals.

---

Peter Devonshire





## 2015 Research Publications

## Books – Authored and Edited

**Bosselmann, K.** (2015). *Earth Governance: Trusteeship of the Global Commons*. Cheltenham, Edward Elgar. Pages: 316.

**Bosselmann, K.** (2015). *National Strategies for Sustainability: Options for New Zealand*. Auckland, New Zealand Centre for Environmental Law University of Auckland. Pages: 183.

**Brookbanks, W. (Ed.)** (2015). *Therapeutic Jurisprudence: New Zealand Perspectives*. Wellington, New Zealand, Thomson Reuters. Pages: 382.

**Elliffe, C. M.** (2015). *International and Cross-Border Taxation in New Zealand*. Wellington, New Zealand, Thomson Reuters. Pages: 765.

**Gledhill, K.** (2015). *Human Rights Acts: The Mechanisms Compared*. Oxford, Hart Publishing. Pages: 544.

**Grinlinton, D. P., & Salmon, P. M. (Eds.)** (2015). *Environmental Law in New Zealand* (1st ed.). Wellington, Thomson Reuters. Pages: 1095.

**Kelsey, E. J.** (2015). *The FIRE Economy*. Wellington, Bridget Williams Books. Pages: 350.

**Mousourakis, G.** (2015). *Roman Law and the Origins of the Civil Law Tradition*. Switzerland, Springer International. Pages: 328.

**Paterson, R., & Skegg, P. (Eds.)** (2015). *Health Law in New Zealand*. Wellington, New Zealand, Thomson Reuters.

**Stockley, A., & Littlewood, M. (Eds.)** (2015). *The New Zealand Supreme Court: The First Ten Years*. Wellington, LexisNexis. Pages: 521.

**Sumpter, P.** (2015). *Intellectual Property in New Zealand: A User's Guide to Copyright, Patents, Trade Marks and More*. Auckland, Auckland University Press. Pages: 160.

**Sumpter, P.** (2015). *Trade Marks in Practice* (3rd ed.). Wellington, LexisNexis. Pages: 370.

**Swain, W.** (2015). *The Law of Contract 1670–1870*. Cambridge, Cambridge University Press. Pages: 362.

**Swain, W., Grantham, R., & Barker, K. (Eds.)** (2015). *The Law of Misstatements 50 Years on from Hedley Byrne v Heller*. Oxford, Hart Publishing. Pages: 368.

**Watts, P. G.** (2015). *Directors' Powers and Duties* (2nd ed.). Wellington, LexisNexis. Pages: 373.

**Wilberg, H., & Elliott, M. (Eds.)** (2015). *The Scope and Intensity of Substantive Review: Traversing Taggart's Rainbow*. Oxford, Hart Publishing. Pages: 346.

**Williams, D. V., Tyler, L., & Swinn, N.** (2015). *No Free Man: To No One Deny Justice*. Auckland, Pages: 32.

## Book Chapters

**Bosselmann, K.** (2015). The Rule of Law in the Anthropocene. P. Martin et al. (Eds.), *In Search of Environmental Justice* (44-61). Cheltenham, Edward Elgar.

**Bosselmann, K.** (2015). Environmental and Human Rights in Ethical Context. A. Grear, & L. Kotzé (Eds.), *Research Handbook on Human Rights and the Environment* (531-550). Cheltenham, Edward Elgar.

**Bosselmann, K.** (2015). Sustainability and the Law. P. Salmon, & D. Grinlinton (Eds.), *Environmental Law in New Zealand* (73-103). Wellington. Thomson Reuters.

**Bosselmann, K.** (2015). Mind the Gap: State governance and ecological integrity. L. Westra, J. Gray, & V. Karagiourou (Eds.), *Ecological Systems Integrity: Governance, Law and Ecology* (272-283). United Kingdom. Routledge.

**Charters, C. W.** (2015). Māori Legal Issues in the Supreme Court 2004-2014: A Critical, Comparative and International Assessment. A. Stockley, & M. Littlewood (Eds.), *The New Zealand Supreme Court: The First Ten Years* (139-168). Wellington. LexisNexis.

**Dawson, F.G.** (2015). The Supreme Court and regulating competition In A. Stockley & M. Littlewood (Eds.), *The New Zealand Supreme Court: The first ten years* (pp.219-250). Wellington: LexisNexis NZ Ltd.

**Dawson, F. G.** (2015). Contract Objectivity and Interpretation in the Supreme Court: A Review of *Dysart Timbers Ltd v Nielsen and of Vector Gas*

*Ltd v Bay of Plenty Energy Ltd*. A. Stockley, & M. Littlewood (Eds.), *The New Zealand Supreme Court: The First Ten Years* (219 – 250). Wellington. LexisNexis.

**Elliffe, C. M.** (2015). International Taxation (chapter 30). *Foundations of New Zealand Taxation Law* (573-581). Auckland. CCH New Zealand Limited.

**Elliffe, C. M.** (2015). Double Tax Agreements (chapter 31). *Foundations of New Zealand Taxation Law* (583-597). Auckland. CCH New Zealand Limited.

**Elliffe, C. M.** (2015). International Tax Enforcement and Tax Havens (chapter 32). *Foundations of New Zealand Taxation Law* (599-606). Auckland. CCH New Zealand Limited.

**Elliffe, C. M.** (2015). Withholding Taxes (chapter 33). *Foundations of New Zealand Taxation Law* (608-611). Auckland. CCH New Zealand Limited.

**Elliffe, C. M.** (2015). Extraterritorial Taxation (chapter 34). *Foundations of New Zealand Taxation Law* (613-619). Auckland. CCH New Zealand Limited.

**Elliffe, C. M.** (2015). Transfer Pricing and Thin Capitalisation (chapter 35). *Foundations of New Zealand Taxation Law* (621-628). Auckland. CCH New Zealand Limited.

**Erueti, A.** (2015). Historical rectification and International law on Indigenous Rights. Short, D. & Lennox, C. (Eds.), *Handbook of Indigenous Peoples' Rights* (101-110). London, Routledge.

**Erueti, A.** (2015). Reparations in CANZUS states for Indigenous peoples. Bellier, I. (Ed.), *Terres, Territoires, Ressources: Politiques, Pratiques et Droits des Peuples Autochtones Lands, Territories and Resources: Policies, Practices and Rights of Indigenous Peoples*. (157-172). Paris, L'Harmattan.

**Grinlinton, D. P.** (2015). Defining the Nature of Boundaries of Environmental Law. D. P. Grinlinton, & P. M. Salmon (Eds.), *Environmental Law in New Zealand* (1st ed., 1-23). Wellington, Thomson Reuters.

**Grinlinton, D. P.** (2015). The Context of Environmental Law. D. P. Grinlinton, & P. M. Salmon (Eds.), *Environmental Law in New Zealand* (1st ed., 25-71). Wellington. Thomson Reuters.

**Grinlinton, D. P.** (2015). Sustainability in New Zealand Environmental Law and Policy. D. P. Grinlinton, & P. M. Salmon (Eds.), *Environmental Law in New Zealand* (1st ed., 105-135). Wellington. Thomson Reuters.

**Grinlinton, D. P.** (2015). The Role of the Common Law. In D. P. Grinlinton, & P. M. Salmon (Eds.), *Environmental Law in New Zealand* (1st ed., 137-202). Wellington. Thomson Reuters.

**Hertogen, A.** (2015). Roadblocks and Pathways Towards Inter-State Co-operation in Increasing Interdependence. C. L. Lim, & B. Mercurio (Eds.), *International Economic Law after the Global Crisis: A Tale of Fragmented Disciplines* (163-187). Cambridge. Cambridge University Press.



**Hood, A.** (2015). The United Nations Security Council's Legislative Phase and the Rise of Emergency International Law-Making. H. Nasu & K. Rubenstein (Eds.), *Legal Perspectives on Security Institutions* (141-166). Cambridge. Cambridge University Press.

**Ip, J. C.** (2015). Terrorism laws and constitutional accountability. G. Lennon, & C. Walker (Eds.), *Routledge Handbook of Law and Terrorism* (99-115). Abingdon, Oxon; New York. Routledge.

**Kelsey, E. J.** (2015). Homage and Heresy from a Licensed Subversive: Theorising Paradigm Change in Transnational Economic Regulation. U. Baxi, A. Paliwala, & C. McCrudden (Eds.), *Law's Global and Theoretical Contexts: Towards a Festschrift for William Twining* Cambridge. Cambridge University Press.

**Littlewood, M.** (2015). In the Beginning: Taxation in Early Colonial New Zealand. P. Harris, & D. de Cogan (Eds.), *Studies in the History of Tax Law* Volume 7 (293-327). Oxford. Hart Publishing.

**Littlewood, M.** (2015). The Supreme Court's Tax Cases, 2004-2014. A. Stockley & M. Littlewood (Eds.), *The New Zealand Supreme Court: The First Ten Years* (291-322). Wellington. LexisNexis.

**Manning, J. M.** (2015). Civil Proceedings for Personal Injury Cases. P. Skegg, & R. Paterson (Eds.), *Health Law in New Zealand*. Wellington. Thomson Reuters.

**Manning, J. M.** (2015). Treatment Injury for PDG Skegg & R Paterson, *Health Law in New Zealand*. Wellington. Thomson Reuters.

**Manning, J. M.** (2015). Professional Discipline of Health Practitioners for PDG Skegg & R Paterson, *Health Law in New Zealand*. Wellington. Thomson Reuters.

**Manning, J. M.** (2015). The Required Standard of Care for Treatment. P. Skegg, & R. Paterson (Eds.), *Health Law in New Zealand*. Wellington. Thomson Reuters.

**Manning, J. M.** (2015). *Determining Breach of the Standard of Care*. P. Skegg, & R. Paterson (Eds.), *Health Law in New Zealand*. Wellington. Thomson Reuters.

**Optican, S. L.** (2015). The Supreme Court and the Law of Evidence. A. Stockley, & M. Littlewood. (Eds.), *The New Zealand Supreme Court: The First Ten Years* (409-440). Wellington. LexisNexis.

**Palmer, K.A.** (2015). Introduction to environmental law (ch 1). D Nolan (ed), *Environmental and Resource Management Law* (5th ed, 1-31). Wellington, LexisNexis.

**Palmer, K.A.** (2015). The sources and institutions of environmental law (ch 2). D Nolan (ed), *Environmental and Resource Management Law* (5th ed, 32-99). Wellington, LexisNexis.

**Palmer, K.A.** (2015). Resource Management Act 1991 (ch 3). D Nolan (ed), *Environmental and Resource Management Law* (5th ed, 100-263). Wellington, LexisNexis.

**Palmer, K.A.** (2015). Heritage (ch 15). D Nolan (ed), *Environmental and Resource Management Law* (5th ed, 988-1057). Wellington, LexisNexis.

**Paterson, R.** (2015). Regulation of Health Care. P. Skegg & R. Paterson (Eds), *Health Law in New Zealand*. Wellington. Thomson Reuters.

**Paterson, R.** (2015). The Code of Patients' Rights. P. Skegg & R. Paterson (Eds), *Health Law in New Zealand*. Wellington. Thomson Reuters.

**Paterson, R.** (2015). Access to Health Care. P. Skegg & R. Paterson (Eds), *Health Law in New Zealand*. Wellington. Thomson Reuters.

**Paterson, R.** (2015). Assessment and Investigation of Complaints. P. Skegg & R. Paterson (Eds), *Health Law in New Zealand*. Wellington. Thomson Reuters.

**Quince, K. E.** (2015). Therapeutic Jurisprudence and Māori. *Therapeutic Jurisprudence: New Zealand Perspectives*. New Zealand. Thomson Reuters.

**Rishworth, P.** (2015). The Supreme Court and the Bill of Rights. A. Stockley, & M. Littlewood (Eds.), *The New Zealand Supreme Court: The First Ten Years* (169-192). Wellington. LexisNexis.

**Sanders, K. A.** (2015). Land Law in the New Zealand Supreme Court. A. Stockley, & M. Littlewood (Eds.), *The New Zealand Supreme Court: The First Ten Years* (323-350). Wellington. LexisNexis.

**Schoeman, E., & Bookman, S.** (2015). New Zealand Country Report on Gender Registration. M. Van den Brink, & J. Tigchelaar (Eds.), *Seksregistratie door de overheid en de juridische positie van transgenders* (169-176). The Hague. Boom Juridische Uitgevers.

**Stockley, A.** (2015). Introduction. A. Stockley, & M. Littlewood (Eds.), *The New Zealand Supreme Court: The First Ten Years* (li-lxii). Wellington. LexisNexis.

**Stockley, A.** (2015). The Role of the Supreme Court: A Comparative Perspective. A. Stockley, & M. Littlewood (Eds.), *The New Zealand Supreme Court: The First Ten Years* (21-35). Wellington. LexisNexis.

**Swain, W.** (2015). Hedley Byrne v Heller in Australia: Never Has There Been Such a Judicial Jamboree. K. Barker, W. Swain, & R. Grantham (Eds.), *The Law of Misstatements: 50 years on from Hedley Byrne v Heller* (29-47). Oxford. Hart.

**Tolmie, J. R., Sheehy, E., & Stubbs, J.** (2015). When Self-Defence Fails. A. Freiberg, & K. Fitz-Gibbon (Eds.). *Homicide Law Reform in Victoria*.

**Watts, P.** (2015). Commercial Decisions in the Supreme Court of New Zealand: The Prominence of Agency Law in the First Ten Years. A. Stockley, & M. Littlewood. *The New Zealand Supreme Court: The First Ten Years* (193-218). Wellington. LexisNexis.

**Wilberg, H.** (2015). Deference on Relevance and Purpose? Wrestling with the Law/Discretion Divide. H. Wilberg, & M. Elliott (Eds.), *The Scope and Intensity of Substantive Review: Traversing Taggart's Rainbow* (263-297). Oxford. Hart Publishing.

**Wilberg, H., & Elliott, M.** (2015). Deference on Questions of Law: A Survey of Taggart's Contribution and Themes in the Wider Literature. H. Wilberg, & M. Elliott (Eds.), *The Scope and Intensity of Substantive Review: Traversing Taggart's Rainbow* (197-215). Oxford. Hart Publishing.

**Wilberg, H., & Elliott, M.** (2015). Introduction. H. Wilberg, & M. Elliott (Eds.), *The Scope and Intensity of Substantive Review: Traversing Taggart's Rainbow* (1-13). Oxford. Hart Publishing.

**Wilberg, H., & Elliott, M.** (2015). Modern Extensions of Substantive Review: A Survey of Themes in Taggart's Work and in the Wider Literature. H. Wilberg, & M. Elliott (Eds.), *The Scope and Intensity of Judicial Review: Traversing Taggart's Rainbow* (19-41). Oxford. Hart Publishing.

**Williams, D. V.** (2015). Mixed report card for the year 2007. H. Came, & A. Zander (Eds.), *State of the Pākehā nation: Collected Waitangi Day speeches and essays, 2006-2015* (46-50). Whangarei, NZ. Network Waitangi Whangarei.

## Journal - Research Article

**Bell, S., McGregor, J. & Wilson, M.** (2015). The Convention on the Rights of Persons with Disability: A remaining dilemma for New Zealand?. *Journal of Public and International Law*, 13(2), 277-296.

**Bosselmann, K., & Kim, R.** (2015). Operationalizing Sustainable Development: Ecological Integrity as a Grundnorm in International Law. *Review of European, Comparative and International Environmental Law*, 24(2), 194-208.

**Bosselmann, K.** (2015). Global Environmental Constitutionalism: Mapping the terrain. *Widener Law Review* 21(2), 171-185.

**Bosselmann, K., Bridgewater, P., & Kim, R.** (2015) Ecological Integrity – A Relevant Concept for Environmental Law in the Anthropocene?, *Yearbook of International Environmental Law*, Vol.25, No.1, pp. 61-78.

**Bosselmann, K.** (2015) Sustainability Alternatives: A German-NZ perspective, *New Zealand Journal of Public and International Law*, Vol.13, pp. 25-38.



**Brookbanks, W., & Skipworth, J.** (2015). Reclassification and leave of special patients unfit to stand trial. *The New Zealand Law Journal*, July 2015, 215-219.

**Charters, C. W.** (2015). Māori Rights: Legal or Political. *Public Law Review*, 26(4).

**Charters, C. W.** (2015). The Special Rapporteur on the Rights of Indigenous Peoples 2008-2014, S James Anaya: The Legitimising Effect of Coordination Between Relevant International Institutions and Harmonisation of the Content of the Rights of Indigenous Peoples. *Arizona Journal of International and Comparative Law*, 32(1) 169-181.

**Dawson, F. G.** (2015). Interpretation and Rectification of Written Agreements in the Commercial Court. *The Law Quarterly Review*, 131, 344-348.

**Devonshire, P.** (2015). Account of Profits for Dishonest Assistance. *The Cambridge Law Journal*, 74(2), 222-233.

**Devonshire, P.** (2015). Account of Profits for Secondary Liability: How Far is Too Far? *Restitution Law Review*, 59-72.

**Dunworth, T. M.** (2015) Public International Law. *New Zealand Law Review*, 2015 (2), 285-310.

**Dunworth T. M.,** (2015) Pursuing "Effective Measures" Relating to Nuclear Disarmament: Ways of Making a Legal Obligation a Reality. *International Review of the Red Cross*, 601-619.

**Elliffe, C. M.** (2015). Key Issues in the Design of Capital Gains Tax Regimes: Taxing Non-Residents. *New Zealand Journal of Taxation Law and Policy*, 21(1), 90-112.

**Erueti, A.** (2015). Tikanga as Kultur 5. Te Tai Haruru: *Journal of Māori and Indigenous Legal Issues*, 2015, 20-33.

**Erueti, A.** (2015). Introducing a Human Rights Discourse to Treaty Jurisprudence. 32(1) *Arizona Journal of International and Comparative Law* 151.

**Erueti, A.** (2015). New Zealand's international Human Rights Obligations to Iwi Affected by Extractive Industry. *New Zealand Resource Management Journal*, 2015, 22-30.

**Erueti, A.** (2015). Observations relating to the U.N. Special Rapporteur's Report on Māori People in New Zealand - 2011: Introducing a Human Rights Discourse to Treaty Jurisprudence. *Arizona Journal of International and Comparative Law* 32(18), 195-206.

**Erueti, A., & Pietras, J.** (2015). Extractive Industry, Human Rights and Indigenous Rights in New Zealand's Exclusive Economic Zone. *New Zealand Yearbook of International Law* 11, 2013, 37-71.

**Foster, C. E.** (2015). A New Stratosphere? Investment Treaty Arbitration as 'Internationalized Public Law'. *International and Comparative Law Quarterly*, 461-485.

**Gledhill, K.** (2015). The Public Function Test: Have We Been Asking the Right Question? *Judicial Review*, 20(2), 73-78.

**Grinlinton, D. P.** (2015). Legitimate Planning Guidance or Potential Constitutional Vandalism? National Policy Statements after King Salmon. *Resource Management Bulletin*, 11(7), 83-85.

**Grinlinton, D. P., & Tsunoda, T.** (2015). Defining the Nature and Boundaries of Environmental Law (Translated by Professor Takeshi Tsunoda). *Kansai University Law Review*, 65 (4), 236-265.

**Havelock, R. A.** (2015). Common Sense in Contractual Construction. *Lloyd's Maritime and Commercial Law Quarterly*, (2), 174-178.

**Havelock, R. A.** (2015). Conscience and Unconscionability in Modern Equity. *Journal of Equity*, 9(1), 1-29.

**Havelock, R. A.** (2015). The Battle over Knowing Receipt. *New Zealand Universities Law Review*, 26(3), 587-613.

**Hertogen, A.** (2015). Letting Lotus Bloom. *European Journal of International Law*, 26(4), 901-926.

**Hood, A.** (2015). Ebola: Threatening the Concept of a Threat to the Peace. *Melbourne Journal of International Law*, 16(1), 29-51.

**Kawharu, A.** (2015). Arbitration. *New Zealand Law Review*, 2014 (4), 681-708.

**Kawharu, A.** (2015). The Values at Stake in the Screening of Foreign Investment in Land: A Legislative History in Three Acts. *New Zealand Business Law Quarterly*, 235-252, 2015

**Kawharu, A.** (2015) The Admission of Foreign Investment under the TPP and RCEP: Regulatory Implications for New Zealand. *Journal of World Investment and Trade*, 16, 1050-1080.

**Mandery, M., & Tobin, R.** (2015). Gone are the Days or, Pregnant Women are Autonomous too. *New Zealand Law Journal*, 238-270.

**McLean, J. M.** (2015). Crown, Empire and Redressing the Historical Wrongs of Colonisation in New Zealand. *New Zealand Law Review*, 2015, 187-212.

**McGregor, J., Wilson, M. & Bell, S.** (2015). The impact of economic and social human rights in New Zealand case law. *Australian Journal of Human Rights*, 21(1).

**Optican, S.** (2015). Evidence. *New Zealand Law Review*, 2015 (3), 473-546.

**Palmer, K.A.** (2015) Local Government. *New Zealand Law Review*, 2015 (2), 317-354.

**Palmer, K.A.** (2015). Resource Management. *New Zealand Law Review*, 2015(3), 547-584.

**Rishworth, P.** (2015) Human Rights. *New Zealand Law Review*, 2015 (2), 259-285.

**Roberts, M. A.** (2015). Misdescription Clauses, Misrepresentations and the Contractual Remedies Act 1979. *New Zealand Law Review*, 2015 (2), 213-238.

**Roberts, M. A.** (2015). Planet Kids: The Resurrection of the Failure of Consideration Approach to Frustration? *New Zealand Universities Law Review*, 26(2), 350-374.

**Rosen, A.** (2015). Pluralism and the Justification of Authority. *Australian Journal of Legal Philosophy*, 40, 189-197.

**Rosen, A.** (2015). Book review: Why Law Matters, by Alon Harel. Review in: *Law and Philosophy*, 34, 699-708.

**Sanders, K. A.** (2015). Review: Ulla Secher "Aboriginal Customary Law: A Source of Common Law Title to Land. Review in *New Zealand Journal of Environmental Law*, 19.

**Schoeman, E.** (2015). Cox v Ergo Versicherung AG: Statutory Packages in Transnational Personal Injury Cases. *New Zealand Business Law Quarterly*, 21(1), 30-45.

**Sumpter, P. C.** (2015). A Tale of Two Sites - The Fraught World of Trade Marks and Keywords. *New Zealand Intellectual Property Journal*, 7(7), 193-199.

**Sumpter, P. C.** (2015). IP Round-up: Recent Decisions from the Courts. *New Zealand Intellectual Property Journal*, 7 (7), 200-201.

**Sumpter, P. C.** (2015). IP Round-up: Recent Decisions from the Courts. *New Zealand Intellectual Property Journal*, 7 (8), 212-215.

**Sumpter, P. C.** (2015). IP Round-up: Recent Decisions from the Courts. *New Zealand Intellectual Property Journal*, 7 (9), 235-237.

**Sumpter, P. C.** (2015). Use as a Trade Mark: Comment on Tasman Insulation New Zealand Ltd v Knauf Insulation Ltd [2015] NZCA 602, (2016) NZIPJ pp 327 - 332.

**Swain, W.** (2015). Contract Codification in Australia - Is it necessary, desirable and possible? *Australian Construction Law Newsletter*, (163), 6-21.

**Swain, W.** (2015). Common Mistake in Equity: Some Unanswered Questions. *Australian Bar Review*, 124-135.

**Swain, W.** (2015). Review of Mary Keyes and Therese Wilson (Eds.), *Codifying Contract Law International and Consumer Law Perspectives*. Review in *Law Quarterly Review*, 131, 499-499.

**Swain, W.** (2015). The Legal Treatise and the History of the Common Law [2014] *Queensland Legal Year Book* 132-150

**Tobin, R.** (2015). Coventry v Lawrence. *Resource Management Bulletin* 6-9.



**Tobin, R.** (2015). Unwanted Pregnancy: the Outer Boundaries of Treatment Injury in New Zealand's Accident Compensation Scheme. *Journal of Law and Medicine* 23, 204-217.

**Tolmie, J. R.** (2015). Defending Battered Defendants on Homicide Charges in New Zealand: The Impact of Abolishing the Partial Defences to Murder [2015] *New Zealand Law Review* 649-681.

**Tolmie, J., Wilson, D., Smith, R., & De Haan, I. A.** (2015). Becoming Better Helpers: Rethinking Language to Move Beyond Simplistic Responses to Women Experiencing Intimate Partner Violence. *Policy Quarterly*, 11(1), 25-31.

**Watson, S. M.** (2015). Corporate Law and Governance. *New Zealand Law Review*, 2015 (2), 239-258.

**Watson, S. M.** (2015). How the Company Became an Entity: A New Understanding of Corporate Law. *Journal of Business Law*, (1), 120-141.

**Watson, S. & Pavlovich, A.** (2015). Director and Shareholder Liability at Pike River Mine, 21, *Canterbury Law Review*, 1-43.

**Watts, P. G.** (2015). Regional Digest : New Zealand. Review in *Restitution Law Review*, 23, 228-232.

**Watts, P. G.** (2015). Company Contracting—Recurring Misconceptions. *Company and Securities Law Bulletin*, (1), 1-3.

**Watts, P. G.** (2015). Contracts Made by Agents on Behalf of Principals with Latent Mental Incapacity: The Common Law Position. *The Cambridge Law Journal*, 74(1), 140-154.

**Watts, P. G.** (2015). Some Wear and Tear on *Armagas v Mundogas*: The Tension Between Having and Wanting in the Law of Agency. *Lloyd's Maritime and Commercial Law Quarterly*, 36-61.

**Watts, P. G.** (2015). Tests of Knowledge in the Receipt of Misapplied Funds. *Law Quarterly Review*, 131, 511-514.

**Watts, P. G.** (2015). The Power of a Special Majority of Shareholders, or of All Shareholders Acting Informally, to Override Directors. *Company and Securities Law Bulletin*, 89-91.

**Wilberg, H.** (2015). Comment on Helu v Immigration and Protection Tribunal, for International Survey. Review in *Public Law*, 2015 July, 504-506.

**Wilberg, H.** (2015). Comment on Quake Outcasts v Minister for Canterbury Earthquake Recovery, for International Survey. Review in *Public Law*, 2015 July, 506-508.

**Wilberg, H.** (2015). Resisting the Siren Song of the Hansen Sequence: The State of Supreme Court Authority on the Sections 5 and 6 Conundrum. *Public Law Review*, 26(1), 39-60.



## 2016 Research Publications

### Books – Authored and Edited

**Bosselmann, K., Maghaleas, & P., Steffen, W.** (Eds.) (2016), *SOS Treaty - Safe Operating Space Treaty: A new approach to managing our use of the earth system*, Cambridge/UK, Cambridge Scholars Publ., 340 pages.

**Harvey, D.** (2016). *Internet.law.nz – Selected Issues, Revised 4th Edition*. Wellington, LexisNexis.

**Macduff, I.** (Ed.) (2016) *Essays on Mediation: Dealing with Disputes in the 21<sup>st</sup> Century*. The Netherlands, Kluwer Law International; pages xxix plus 277.

**McGregor, J., Bell, S. & Wilson, M.** (2016). *Human Rights in New Zealand: Emerging Fault lines*. Brigit Williams.

**Norton, J.** (2016). *The Freedom of Religious Organizations*. Oxford University Press.

**Penk, S., & Tobin, R.** (Eds.) (2016). *Privacy Law in New Zealand*. Wellington, Thomson Reuters. Pages: 503.

**Scragg, R. J.** (2016). *The Principles of Legal Method in New Zealand, 3rd Edition*. Wellington, Thomson Reuters.

**Busch, D., Macgregor, L. & Watts, P. G.** (Eds.) (2016). *Agency law in commercial practice*. Oxford, UK, Oxford University Press. Pages: 282.

**Watts, P. G.** (2016). *Bowstead & Reynolds on Agency – First Supplement to the 20th Edition* (Sweet & Maxwell, 2016). Pages: 72.

**Campbell, N., Hare, C., & Watts, P. G.** (2016). *Company Law in New Zealand*. Wellington, LexisNexis.



## Book Chapters

**Bosselmann K.** (2016). A Normative Approach to Environmental Governance: Sustainability at the apex of environmental law in: Fisher, D. (Ed.), *Research Handbook on Fundamental Concepts of Environmental Law*, Edward Elgar Publ., 30-70;

**Bosselmann, K.** (2016). Can States Be Trustees?, in: Westra L., Gray, J. and D'Aloia, A. (Eds.), *The Common Good: The Role of Integrity in the Support of Life and Human Security*, Routledge/Earthscan, 267-283;

**Bosselmann, K.** (2016). Germany's *Energiewende*: What can Environmental Law Scholarship Learn from it? in: Jaria, J., Kotzé, L. and Chalifour (eds.), *Energy, Governance and Sustainability*, Edward Elgar Publ., 11-29;

**Bosselmann, K.** (2016). Shifting the Legal Paradigm: Earth-centered law and governance, in: Bosselmann, K. et al (Eds.), *SOS Treaty - The Safe Operating Space: Managing Earth System use*, Cambridge Scholars Publ., 39-48.

**Dawson, F. G.** (2016) Second cumulative supplement to the ninth edition of *Benjamin's Sale of Goods*, chapters 15, 16 and 17, 253-286.

**Elliffe, C. M., & Smith, A.** (2016). New Zealand. M. Lang (Ed.), *GAARS- A Key Element of Tax Systems in the Post-BEPS World* (457-472). The Netherlands. International Bureau of Fiscal Documentation.

**Elliffe C. M.** (2016). New Zealand: Treaty Interpretation on an Exchange of Information. E Kemmeren (Ed.), *Tax Treaty Case Law around the Globe 2016* (3-19). The Netherlands. International Bureau of Fiscal Documentation.

**Foster, C. E.** (2016). Methodologies and Motivations: Was Japan's Whaling Programme for Purposes of Scientific Research? M. Fitzmaurice, & D. Tamada (Eds.). *Whaling in the Antarctic: Significance and Implications of the ICJ Judgment* (9-37). Brill/Nijhoff.

**Grinlinton, D.** (2016). Horizontal and Vertical Integration of Sustainability into Policymaking, Planning and Implementation of Renewable Energy Projects-The New Zealand Model. V. Mauerhofer (Ed.), *Legal Aspects of Sustainable Development: Horizontal and Sectorial Policy Issues* (423-448). Switzerland. Springer International Publishing.

**Grinlinton, D.** (2016). Chapter 3.1, Hugh Byrd, David Grinlinton and Stephen Knight-Lenihan, "3.1 Addressing Climate Change", in Dory Reeves, Stephen Knight Lenihan and Sandeeka Mannakkara (Eds), *A State of New Zealand Report For UN Habitat III*, (Urban Research Network University of Auckland, October 2016), pp 50-55.

**Grinlinton, D.** (2016). Chapter 4 David Grinlinton and Kenneth Palmer, "Urban Governance and Legislation", in Dory Reeves, Stephen Knight Lenihan and Sandeeka Mannakkara (Eds), *A State Of New Zealand Report For UN Habitat III*, (Urban Research Network University of Auckland, October 2016), pp 63-75.

**Grinlinton, D.** (2016). The Functions of Rights of Property in Environmental law", Ch 15 in Douglas E Fisher (ed), *Research Handbook on Fundamental Concepts of Environmental Law* (Edward Elgar, forthcoming, 2016).

**Macduff, I.** (2016). Leaving Disputants to their own Devices: The Vulnerable Potential of Mobile Access to Justice in Ian Macduff (ed) *Essays on Mediation: Dealing with Disputes in the 21<sup>st</sup> Century* The Netherlands, Kluwer Law International, pp 219-248.

**Manning, J. M.** (2016). Without Legal Commitment: Compensation for Research-Related Injury in Commercially Sponsored Clinical Trials in New Zealand. J. Wall, & M. Heneghan (Eds.), *Law, Ethics and Medicine: Essays in Honour of Peter Skegg* (170-210). Wellington. Thomson Reuters.

**Swain, W.** (2016). The Steaming Lungs of a Pigeon, Predicting the Direction of Australian Contract Law in the Next Twenty-Five Years' in Kit Barker, Karen Fairweather, Ross Grantham (eds) *Private Law in the Twenty First Century* (Hart, Oxford, 2016) 89-104.

**Swain, W.** (2016). Power History and the Law of Contract in Eighteenth Century England' in Kit Barker, Simone Degeling, Karen Fairweather, Ross Grantham (eds) *Private Law and Power* (Hart, Oxford, 2016) 31-51.

**Tolmie, J. R.** (2016). Introducing Feminist Legal Jurisprudence through the Teaching of Criminal Law. In Gledhill, K, and Livings, B (eds), *The Teaching of Criminal Law: the Pedagogical Imperatives* Oxford: Routledge, 2016.

**Watts, P. G.** (2016). Directors as Agents-Some Aspects of Disputed Territory. D. Busch, L. Macgregor, & P. Watts (Eds.), *Agency Law in Commercial Practice* (97-118). Oxford, England. Oxford University Press.

## Journal - Research Article

**Charters, C. W.** (2016). Nin, and a Critique of the Supreme Court's Approach in Takamore. *Te Tai Haruru Journal of Māori and Indigenous Issues*, 5.

**Dawson, F. G.** (2016). Damages for Anticipatory Breach, *Lloyds and Maritime Commercial Law Quarterly* 6-14.

**Dawson, F. G.** (2016). Determining penalties as a matter of construction. *Lloyds Maritime and Commercial Law Quarterly*, 207-219.

**Dunworth T. M.** (2016). Accountability of International Organisations: The Potential Role of NGOs in the Work of Disarmament Bodies. *New Zealand Journal of Public and International Law*, 47-66.

**Elliffe, C.** (2016). The Lesser of Two Evils: Double Tax Treaty Override or Treaty Abuse? *British Tax Review*, 2016 (1), 62-88.

**Erueti, A.** (2016). Te Matapunenga: A Compendium of References to the Concepts and Institutions of Māori Customary Law. Review in *The Journal of the Polynesian Society*, 125 (1), 65-67.

**Foster, C. E.** (2016). Is Investment Treaty Arbitration 'Review'? Reviewing Caroline Henckels' Proportionality and Deference in Investor-State Arbitration: Balancing Investment Protection and Regulatory Autonomy (Cambridge University Press, 2015). Review in *New Zealand Yearbook of International Law* (forthcoming).

**Gledhill, K., and Tolmie, J. R.** (2016) Common Purpose and Conspiracy Liability in New Zealand: Criminality from Omitting to Dissociate?" [2016] *Law in Context* 1-21.

**Harker, J., Knight-Lenihan, S., & Taylor, P.** (2016). Multi-Level Governance and Climate Change Mitigation in New Zealand: Lost Opportunities (2016) *Climate Policy Journal* DOI: 10.1080/14693062.2015.1122567.

**Harris, B. V.** (2016). The Continuing Struggle with the Nuanced Obligation on Judges to Provide Reasons for Their Decisions. *The Law Quarterly Review*, 132 (2), 216-235.

**Havelock, R.** (2016). Doubt in the Interpretation of Insurance Contracts: Todd v Alterra at Lloyds Ltd. *Insurance Law Journal*, 28 (1), 87-94.

**Havelock, R.** (2016). A Taxonomic Approach to Quantum Meruit. *Law Quarterly Review*, 132 (3), 470-494.

**Havelock, R. A.** (2016). Account of Profits and Mixed Funds. *Lloyd's Maritime and Commercial Law Quarterly*, 2016 (3), 332-336.

**Havelock, R. A.** (2016). Return to Tradition in Contractual Interpretation. *King's Law Journal*, 27 (2), 188-213. doi:10.1080/09615768.2016.1191260.

**Ip, J. C.** (2016). The Making of New Zealand's Foreign Fighter Legislation: Timely Response or Undue Haste? *Public Law Review*, 27 (3), 181-197.

**Ip, J. C.** (2016). The Legality of "Suspicionless" Stop and Search Powers under the European Convention on Human Rights, *Human Rights Law Review*, doi:10.1093/hrlr/ngw025.

**Kawharu, A.** (2016). The Investment Chapter of the New Zealand Korea Free Trade Agreement. *New Zealand Law Review*, 291-318.



## RESEARCH

**Kawharu, A.** (2016). Rehearings of Jurisdiction Issues: A Fresh Look at the Judicial Task. *Arbitration International*, doi: 10.1093/arbit/aiw033.

**Kelsey, J.** (2016). From GATS to TISA: Pushing the Trade in Services Regime Beyond the Limits. *European Yearbook of International Economic Law*, 7, 2016, p. 119-152.

**Kelsey, J.** (2016). A gendered Response to Financial Crisis: What Can Others Learn From Iceland?, *Onati Socio-Legal Series* vol 6,1, 2016, pp. 8-25.

**Kelsey, J.** (2016). Towards a New International Investment Paradigm: Taking the BRICS Seriously, *New Zealand Business Law Quarterly* 2016, vol.21, p.329-349.

**Khoury, N. C.** (2016). Should You “Lay Bare Your Soul”? The Shifting Landscape of Mediation Privilege in New Zealand. *Australasian Dispute Resolution Journal*, 27, 111-118.

**Manning, J. M.** (2016). Non-consensual clinical research in New Zealand: Law reform urgently needed. *Journal of Law and Medicine*, 23 (3), 516-530.

**McLean, J.** (2016). The unwritten political constitution and its enemies. *International Journal of Constitutional Law*, 14 (1), 119-136. doi:10.1093/icon/mow002.

**McLean, J.** (2016). Convergence in Public and Private Law Doctrines – the Case of Public Contracts” [2016] *NZ Law Review* 5-30.

**Palmer, K.A.** Resource Legislation Amendment Bill 2015 –summary and content. *Resource Management Bulletin*, 11(9), 114-120.

**Palmer, K.A.** Proposed National Policy Statement on Urban Development Capacity. *Resource Management Bulletin*, 11(12), 153-156.

**Rishworth, P.** (2016). Writing things unwritten: common law in the New Zealand constitution. *International Journal of Constitutional Law*, 14 (1), 137-155. doi:10.1093/icon/mow005.

**Roberts, M. A.** (2016). Equitable Estoppel in New Zealand: Wilson Parking New Zealand Ltd v Fanshawe 136 Ltd. *King’s Law Journal*, 27 (2), 145-156. doi:10.1080/09615768.2015.1105561.

**Roberts, M. A.** (2016). The Formation of Variation Contracts in New Zealand: Consideration and Estoppel. 47 *VUWLR* 309-326.

**Rosen, A.** (2016). Statutory Interpretation and the Many Virtues of Legislation. *Oxford Journal of Legal Studies*. doi:10.1093/ojls/gqw011

**Sumpter, P. C.** (2016). What Exactly is the Point of S 25(1)(C) of the Trade Marks Act 2002?. (2016) *NZIPJ* pp 299 – 304.

**Sumpter, P. C.** (2016). IP Round-up: Recent Decisions From the Courts, (2016) *NZIPJ* 333 – 334.

**Swain, W.** (2016). AWB Simpson’s, The Horwitz Thesis and the History of Contracts (1978-1979) 46 *University of Chicago Law Review* 533. *University of Queensland Law Journal*, 35 (1), 115-126.

**Swain, W.** (2016). Low Value Civil Claims in Early 19th Century Australia. *Legal History*, 16 (1), 79-95.

**Swain, W.** (2016). Paul Mitchell, A History of Tort Law 1900-1950. Review in *Torts Law Journal*, 23 (1), 79-83.

**Swain, W., & Kha, H.** (2016). The Enactment of the Matrimonial Causes Act 1857: The Campbell Commission and the Parliamentary

Debates. 37 *Journal of Legal History* 303.

**Tobin, R.** (2016). Solicitor’s Negligence in Conveyancing Matters *BCB* (17) 313-315.

**Tobin, R.** (2016). Publication and Innocent Dissemination in the Law of Defamation: Adapting to the Internet Age. *New Zealand Universities Law Review*, (27) 102-124.

**Watson, S.** (2016). *Att-Gen v Ririnui*: Core Company Law Preserved in the Court of Appeal, *New Zealand Law Journal* 38.

**Watts, P. G.** (2016). Agents’ Disbursal of Funds in Breach of Instructions. *Lloyd’s Maritime and Commercial Law Quarterly*, 118-134.

**Watts, P. G.** (2016). The Onus of Proof in Restitutionary Claims. *The Law Quarterly Review*, 132 (1), 11-15.

**Watts, P. G.** (2016). Informal Unanimous Assent and the Companies Act 1993, Again. *Company and Securities Law Bulletin*, 71-72.

**Wilberg, H.** (2016). The Ireland Principle on Unauthorised but not Improper Purposes: An Exploration and Defence. *New Zealand Law Review*, (1), 95-125.

**Wilberg, H.** (2016). Administrative Law. *NZLR*, 571-613.

**Wilberg, H.** (2016). Comment on *Ririnui v Landcorp Farming Ltd*, for International Survey. *Review in Public Law*, 2016 October, 718-719.

**Wilberg, H., Ip, J., & Roberts, M.** (Eds.) (2016). *Special Issue on New Zealand Administrative Law: New Zealand Law Review part 1*.



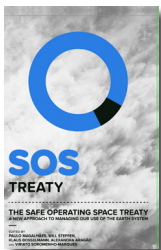


2016 Books



**Judy McGregor, Sylvia Bell and Margaret Wilson**  
*Human Rights in New Zealand: Emerging Faultlines*

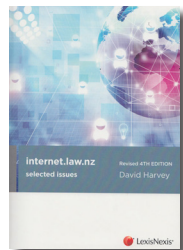
*Human Rights in New Zealand* is a comprehensive survey of the seven major treaties on human rights which New Zealand has joined. Based on four years of research, undertaken with the support of the New Zealand Law Foundation, it lays out a series of recommendations for practical action. It is critical, at this time, that the emerging faultlines in New Zealand's human rights implementation do not – to the detriment of us all – become fractures. New Zealand has long taken pride in its human rights record – and with good reason. We were the first country in the world to give women the vote, and we played a prominent part in the establishment of the United Nations and the Universal Declaration of Human Rights. But just how good are things in practice? Are our governments living up to the promises they make when they ratify human rights treaties? Much as we may not like to admit it, the answer in many cases is no.



**Paulo Magalhaes, Will Steffen, Klaus Bosselman, Alexandra Aragao and Viriato Soromenho-Marques**

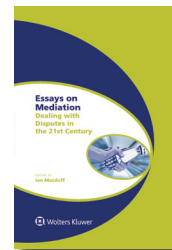
*SOS Treaty - The safe operating space treaty: A new approach to managing our use of the earth system*

The book explores Earth as a system, a whole, from a scientific and legal perspective. It shows the gap between ecological interconnectedness and legal fragmentation and argues for legal recognition of areas outside national jurisdictions. The book also marks a new UNESCO initiative to legally recognise Earth as the *Common Home of Humanity*.



**David Harvey**  
*Internet.law.nz – Selected Issues: Revised 4th edition*

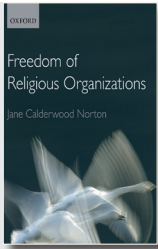
This revised fourth edition is the only New Zealand title on cyber-law and the internet. It focuses on key areas of importance and relevance to practitioners, professionals and students of cyber and internet law who wish to have an understanding of law with regards to the internet. It contains new and revised material examining topics such as recent case law and legislation, speech harms, cyber-bullying and harassment in social and other media, the impact of the Search and Surveillance Act, online defamation, use of technology in court and recent developments in internet governance since 2011.



**Ian Macduff (Ed.)**  
*Essays on Mediation: Dealing with Disputes in the 21st Century*

Across a range of jurisdictions, in differing legal systems, mediation is achieving ever greater institutional and statutory force. What not long ago was a marginal technique for dispute resolution is becoming mainstream and orthodox. But how firm a sense do we have about the social formation we call 'mediation'? Through reflections and case histories, this distinctive collection of essays by experienced mediators from across the globe provides a clearer understanding than we have had heretofore of what mediation is, and what it can offer as a practical, accessible and positive alternative in civil justice systems.





**Jane Norton**  
*Freedom of Religious Organizations*

Should religious organisations be permitted to discriminate against women or gay people in their employment practices, when admitting members, or in providing goods and services? Should the courts interfere in these organisations to protect the interests of a disaffected member or to resolve internal property disputes? Should the state allow religious tribunals to determine or advise on family matters? While much has been written about religious individuals and the law, there has been a discernible lack of literature on organisations and the law. Jane Norton fills this gap with this book, *Freedom of Religious Organizations*. By exploring potential conflicts between the law and religious organisations, and examining whether the current British response to such conflicts is justified, this book will consider when English law ought to apply to religious organisations and how these conflicts should be dealt with.



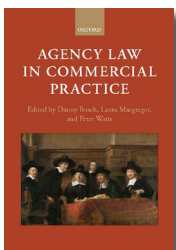
**Stephen Penk and Rosemary Tobin**  
*Privacy Law in New Zealand, (2nd ed)*

*Privacy Law in New Zealand* (2nd edition) offers a broad-ranging examination of privacy principles from theoretical and practical perspectives. The early chapters of the book cover the privacy concept and its status in the law; the interests with which privacy competes; the development of the tort; and the limited and piecemeal statutory protection of privacy. The later chapters focus on the application of the law in common contexts such as children, family, mental health and employment. This established text will be of considerable benefit not only to those studying privacy law formally, but also to managers, lawyers, health professionals, child youth and family workers, broadcasters, journalists and other communicators, employers, employees and human resources personnel. It will also be of interest to the public, as we are all constantly affected by privacy issues.



**Richard Scragg**  
*The Principles of Legal Method in New Zealand, 3rd edition*

The book is an essential learning tool for students who need to master the skills required for all courses in legal method taught at tertiary level in New Zealand. It introduces students to the fundamental concepts of legal method and then, step by step, teaches them to work with these concepts in a practical way. This updated and expanded edition starts out with an account of the general principles of the common law system and then provides a chapter by chapter account of: (i) how to understand and interpret substantive law (ie, case law and statute law); (ii) the way in which case law is built into a body of law; and (iii) how to acquire and apply the skills of case analysis, statutory interpretation, and reasoning by analogy. *The Principles of Legal Method in New Zealand* (3rd ed) is a must-have for students and teachers of legal method.



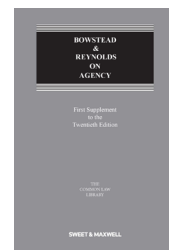
**Edited by Danny Busch, Laura Macgregor and Peter Watts**  
*Agency Law in Commercial Practice*

This book explores the problems in the application of agency law in commercial practice. Providing real context for the issues it addresses, it analyses abstract agency law concepts and 'tests' them in specific commercial situations. The editors are three of the leading academics in this area, and the book contains twelve substantive chapters written by an international team of agency experts. It offers wide-ranging analysis that includes consideration of English, Scottish, Australian, Canadian, and New Zealand law, frequently adopting a comparative approach to discuss related jurisdictions. The book's comparative approach provides innovative perspectives and insights, as well as practical guidance on solving commercial problems. This book is a fresh and rich resource for academics and practitioners alike, and an important contribution to both agency theory and commercial practice.



**Peter Watts, Neil Campbell and Chris Hare**  
*Company Law in New Zealand, 2nd edition*

*Company Law in New Zealand* provides a comprehensive discussion and analysis of the principles of company law in New Zealand. The work covers all aspects of the law relating to companies, from the fundamentals of company law and the operation of the company's business, through to formal insolvency. Key changes to the second edition include: the addition of current case law, affecting most chapters; expanded discussion of administration during insolvency proceedings; and discussion of the amendments to the Companies Act 1993 and Limited Partnerships Act 2008 that came into force in 2014 and their subsequent impact on business operations and directors' duties. With the first edition being cited numerous times in the Supreme Court, Court of Appeal and High Court of New Zealand, *Company Law in New Zealand* is an invaluable resource for all practitioners of company law.



**Peter Watts and Francis Reynolds**  
*Bowstead & Reynolds on Agency*  
(First Supplement to the 20th Edition)

*Bowstead & Reynolds on Agency* is an essential reference source for all commercial practitioners, both barristers and solicitors. Frequently cited in courts throughout the Commonwealth, this established title covers the role of both agent and principal in contract, tort, commercial, company and property law. It combines articles, commentary and illustrations to give a better understanding of the law. This first supplement to the twentieth edition integrates into the main text, including fresh commentary, where appropriate, some 130 new agency law cases from around the Commonwealth. Eleven out of 12 chapters address fresh material.



## VISITORS







## Professor Thomas Poole

The 2016 Legal Research Foundation visiting scholar was the public lawyer and constitutional theorist Professor Thomas Poole (London School of Economics). He and his wife, Associate Professor Devika Howell – herself a legal academic at LSE – wholeheartedly entered into the intellectual and social life of the Faculty during their visit.

Professor Poole's public lecture identified a blind spot when it comes to the constitutional implications of foreign affairs. Events in this sphere tend to fall into one of two gaps: between domestic public law and international law, or between law and politics. Courts experience problems in categorising the cases that arise: they fall within the sphere of the prerogative (whatever that is) or are treated as "political questions". This is increasingly problematic. The significant increase in cases invoking the foreign relations power since 9/11, and the increasing density of international and transnational law makes it harder to conceptualise this extra-territorial space as one in which law has no real jurisdiction. The courts are frequently being asked to judge matters relating to the expression of state power abroad, whether in its "hard" form (eg, the deployment of armed force) or in "softer" forms (eg, the bribery of foreign officials). Professor Poole drew on both historical and comparative sources to offer an account of the emerging legal principles governing the exercise of the foreign relations power.

Professor Poole's lecture to students discussed the UK Supreme Court, set up in 2009 under the auspices of the Constitutional Reform Act 2005. As well as examining some of the more significant cases heard by the Court in recent times, the lecture drew upon an analysis of the UKSC's caseload and decision-making habits in order to show how the Court has begun to fashion a new and, in certain quarters, controversial position within British constitutional politics (and, perhaps more broadly, the British zeitgeist).

Professor Poole's academic staff seminar discussed his new book, *Reason of State: Law, Prerogative and Empire* (Cambridge University Press, Cambridge, 2015) – and in particular, the chapter 'Reason of State in the First Age of Global Imperialism'. Taking advantage of the fact that Associate Professor Howell is a distinguished academic in her own right, the Faculty also held a staff seminar to discuss her recent book, *The Power of Process: The Value of Due Process in Security Council Sanctions Decision-Making* (Oxford University Press, Oxford, 2016).

Professors Poole and Howell were wonderful visitors and engaged fully with the international and public law academics on the Faculty.

Janet McLean

## Professor Graham Virgo

In August, the Auckland Law School hosted the 2016 Law Foundation Visiting Fellow, Professor Graham Virgo, Professor of English Law at Cambridge University (UK). Professor Virgo is a Fellow of Downing College and Pro-Vice-Chancellor for Education. He is a leading authority on restitution, equity, trusts, contract and criminal law. He has written extensively in these fields and published several major texts and monographs.

During his time in New Zealand, Professor Virgo visited each of the New Zealand law schools, giving staff seminars, student workshops and public lectures. While at the Auckland Law School, Professor Virgo met students, staff and members of the profession. He presented a joint public lecture with AUT Law School, entitled: "Conscience in Equity: a New Utopia". Professor Virgo also delivered a staff lecture entitled: "Judicial Discretion in Private Law" – that was well attended by staff and postgraduate students. Despite his busy schedule Professor Virgo also gave a student workshop to the Equitable Remedies class and afterwards had lunch with students.

Professor Virgo's visit enabled staff, students and the wider legal community to spend time with an outstanding international legal academic. Professor Virgo's presentations were popular events and his time at the Auckland Law School was enjoyed by all.

Peter Devonshire





## VISITORS

# Professor Joe McCahery

The New Zealand Centre for Law and Business partnered with Chapman Tripp to present another excellent opportunity to discuss international developments in marketplace lending. The second Town and Gown series seminar in 2016 was on Monday 15 August, featuring Joseph A. McCahery, Professor of International Economic Law at Tilburg University Law School of the Netherlands.

In a very successful event, Professor McCahery entertained an audience of over 100 people at Chapman Tripp, with a fascinating discussion on marketplace lending and the trends in the US, UK and the Netherlands. Chapman Tripp partner, Ross Pennington and Professor McCahery stimulated a large number of questions in a very interactive discussion, highlighting the benefit of having international visitors discussing a mixture of academic and practical law and the business implications.

Attendees were drawn from the finance industry, their advisers and regulators, and a wider audience of lawyers, business people, and students with an interest in finance and technology.

In a very busy and successful visit to the Auckland Law School, Professor Joe McCahery also taught a well-attended (and received) postgraduate LLM course in corporate finance.

**Craig Elliffe**

# Professor Jerry Mashaw

In February, we enjoyed a visit from Jerry L. Mashaw, Sterling Professor Emeritus of Law at Yale Law School in the United States. He is one of the world's leading authorities on administrative law, and an expert on regulation, regulatory institutions and the law of the courts. His groundbreaking work on the operation of social security schemes examined "bureaucratic justice" not only from the external perspective of courts but from within administrative agencies.

Janet McLean and I were thrilled that Professor Mashaw accepted our invitation to workshop a draft of his new book on the role of reasons and reason-giving in administrative law. He fit the workshop in enroute to an extended visit

at the Australian National University. We were joined for the event by Auckland law colleagues and by administrative law specialists from the Universities of Otago (Marcelo Rodriguez Ferrere), Canterbury (John Hopkins) and Victoria (Dean Knight and Eddie Clark). Everyone welcomed the opportunity to exchange and debate ideas with an international expert in the field.

The American system of administrative law is very different from ours, and most in New Zealand lack familiarity with it. Everyone therefore appreciated the opportunity to read Professor Mashaw's work and compare and contrast the two systems. One of the most notable differences is that there is a very widely applicable duty on administrators to give reasons for their decisions in the United States; something that many of us think New Zealand could profit from.

Each of us presented comments on one or two draft chapters from the book in light of our own work, followed by plenty of discussion. It was



Professor Jerry Mashaw with Auckland Law School staff.

great once again to have administrative law specialists from around New Zealand at the table, following on from last year's conference and workshop on New Zealand Administrative Law jointly hosted by the Auckland Law School and the Legal Research Foundation.

We thank Professor Mashaw for his time and his visit. Having such a distinguished guest to learn from made this particular event quite special. All present agreed that further and similar events should follow.

**Hanna Wilberg**





# Top Practitioners Series

## Another highly successful Top Practitioners Lecture Series was held in 2016, organised and introduced by Adjunct Professor Mai Chen.

The annual series provides the opportunity for law students to learn through the career experiences of some of New Zealand's top lawyers. This year students attended talks by Lady Deborah Chambers QC and Julian Miles QC.

Despite a dark, wet, winter's evening, a great turnout of students filed into Stone Lecture Theatre to hear the career journey of Lady Deborah Chambers. An open and honest talk followed by some frank questions provided a unique insight into one of New Zealand's leading lawyers.

Deborah led students through her impressive career – from her time at Law School to becoming a QC. She encouraged students to make the most of their time studying, and as young lawyers to push through the daily grind – keeping the bigger picture in mind. She shared highlights and lowlights not only of her career, but also her life – most poignantly meeting and then losing her husband Rob.

She provided insights into the balancing act of being a young working mum, and showed how hard work and the right attitude can take you far. The conversation was so frank and open, that students felt comfortable asking a range of questions – including her hourly rate (which she shared saying it was important for students to see where they could get to financially). The students were so engaged that time ran out before their questions did.

One question around work/life balance revealed the importance of downtime in Deborah's life and the need for interests and hobbies outside of work.



Lady Deborah Chambers QC (centre), with Adjunct Professor Mai Chen and Professor Craig Elliffe.

Deborah's sense of humour, honesty and openness provided a unique glimpse into an incredible and inspiring woman.

Julian Miles QC spoke to students and staff on his career journey, one which sparkles with his leading role in the great cases of our generation. Many of those cases are in the public interest and continue to shape legal developments, including the judicial backbone of fundamental rights, and what became the New Zealand Bill of Rights Act.

Examples include the epic "Spycatcher" litigation (the autobiography of an ex-MI5 agent, which was argued in the Court of Appeal in 1988). Anyone interested in recent developments of Wikileaks and Julian Assange and the Edward Snowden whistleblower issues needs to go back and read *Spycatcher* – the case, that is, not the book. Another example is *Hosking v Runting* (invasion of privacy of 18-month-old twins, argued in the Court of Appeal in 2005) which recognised the new privacy tort. And there was the defence of Joe Karam, sued unsuccessfully by police officers involved in the Bain murder investigations. It is always useful – and memorable – to hear the inside story of a case, not always revealed in the bare bones of appellate judgments.

In response to a question, regarding what makes a great lawyer, or a great litigator, Julian's answer was:

- Commitment, which means working hard.
- The courage to step up and take chances.
- Judgment, which is enhanced by experience.

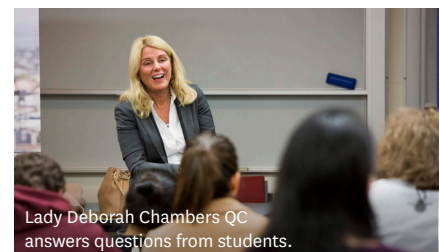


Julian Miles QC (centre), with Dr Bill Hodge and Adjunct Professor Mai Chen.

- Trust, by the judiciary, that you are not deceiving them by concealing cases on point which might not be in your favour.
- A bit of bluff, plus charm, remembering that you are there to persuade.

Finally, Julian said that careers are made by unforeseen turnings and opportunities. It is unlikely that a career pathway can be predetermined and faithfully followed. One must be ready to step up and take a chance when it presents itself.

### Bill Hodge and Christina Pollock



Lady Deborah Chambers QC answers questions from students.



Julian Miles QC.



## VISITORS

# Staff seminars

Each year the Law School hosts many visiting academics who deliver staff seminars. These staff seminars are a chance for Law School staff and postgraduate students to discuss recent research with some of the common law world's top legal scholars. Each seminar allows the visiting scholar to present their paper and allows time for the audience to ask questions and engage with the speaker. In 2016, the Law School had a number of high profile speakers presenting staff seminars. The full list is set out below.

**Marcus Roberts**

# Staff and public lectures 2016

Name of Presenter	Institution	Presentation Topic
Jonathan Hafetz	Seton Hall University	Towards a Quasi-Constitutional Law of Procedure for Detention in Armed Conflicts
John Farrar	Bond University	Monitoring of Independent Directors
Graeme Orr	University of Queensland	Elections as Rituals
Naomi Creutzfeldt	University of Oxford	Citizens' Perceptions of the Legitimacy of Ombudsmen and their Decision-making
Rain Liivoja	University of Melbourne	Technological Change and the Evolution of the Law of War
Ron Harris	Tel-Aviv University	Contractual Freedom and the Evolution of Corporate Control in Britain, 1862 to 1929
Rakhi Ruparelia	University of Ottawa	Speaking the Unspeakable: Embracing Unsettling Conversations on Race and Racism in the Law School Classroom
John Carter	University of Sydney	Two Models for Repudiation of Obligation And The New Law of Penalties
Ken McNeil	Osgoode Hall Law School	Recent Developments in Aboriginal Title Law in Canada: Tsilhqotin Nation v. British Columbia (SCC 2014) and its Impact
Brent Wilton	Coca-Cola	Human Rights is Everyone's Business - including Business
Gus Van Harten	Osgoode Hall Law School	The Trouble with ISIS
Dominique Clement	University of Alberta	Equality Deferred: Human Rights Law in Canada
Audrey Loeb	Lawyer, Toronto Canada	Apartment Living: Political Decisions and Their Impact on Purchasing and Living in Condominiums
David Zimmer and Deborah Richardson	Canadian Government	Mending Broken Promises - How Canadian Law is Addressing Historic Injustice toward Indigenous People
Bronagh McKenna and Christos Ravanides	United Nations	The International Criminal Tribunal for the Former Yugoslavia: International Criminal Justice in Action
Daniel C. Esty	Yale University	The Paris 2015 Climate Change Agreement: Breakdown or Breakthrough?
Bede Sheppard	Human Rights Watch	The World's Other Malalas: Why Students, Teachers and Schools are targeted in today's Wars





## VISITORS

### The Auckland Law School also hosted the following academic visitors in 2016:

Thomas Poole	London School of Economics
Devika Howell	London School of Economics
Tarun Khaitan	Oxford University
Farrah Ahmed	Melbourne Law School
Lorne Sossin	Osgoode Hall Law School
Andrew Lang	London School of Economics
Tonia Novitz	University of Bristol Law School
Graham Virgo	Cambridge University
Daisaku Kubo	Osaka University Law School
Anlei Zuo	Hong Kong University
Jorge Cortés-Monroy	University of Chile

### LLM visitors to the Law School in 2016

Name	Role/institution	Course title
Manfred Nowak	University of Vienna	Torture and Disappearances in International Human Rights Law and Practice
Marc Moore	UCL London	Corporate Governance
Nigel Gravells	University of Nottingham	International & Comparative Copyright Law
Christina Voigt	University of Oslo	Climate Change Law
Gonzalo Villalta Puig	Chinese University of Hong Kong	WTO Dispute Resolution
Michael Tooma	Clyde & Co, Australia	Health and Safety at Work Law
Joseph A. McCahery	Tilburg University	Corporate Finance
Dino Kritsiotis	University of Nottingham	An Uncensored History of International Law
Rob Merkin	University of Exeter	Law of Insurance Contracts
Liz Fisher	University of Oxford	Comparative Environmental Law





Lorne Sossin

### International experts

As in previous years, the Law School has welcomed some leading personalities from around the globe who promote or undertake research on Indigenous Peoples' legal issues.

Liz Medicine Crow came to the Law School to speak to students and academics in February. As the CEO and President of the First Alaskans Institute, she outlined the history of Indigenous Alaskans' efforts to protect their lands, territories, resources and rights to govern.

The Ontario Minister and Deputy Minister of Aboriginal Affairs – David Zimmer and Deborah Richardson – visited in April on a whirlwind investigative trip. They presented a public lecture at the Law School entitled: "Mending Broken Promises – How Canadian Law is Addressing Historic Injustice toward Indigenous People".

Finally, in another visit from Canada, Dean of Osgoode Law School Professor Lorne Sossin presented a public lecture on Indigenous administrative law, a fast-changing and exciting legal topic in that country.



Liz Medicine Crow



## Auckland Law School key to Waitangi Tribunal TPPA Claim

Anyone who watched the haka as Ngati Whatua and Te Waka Huia led the march against the signing of the Trans-Pacific Partnership Agreement (TPPA) down Queen Street – on 4 February 2016 – could not have failed to grasp the depth of Māori feeling about the agreement. The decision of Ngati Whātua o Orakei as tangata whenua not to provide a powhiri for the trade ministers of the 12 countries who came to Auckland for the signing was equally significant.

This occurred against the backdrop of a Waitangi Tribunal claim in which two Faculty of Law academics, Associate Professor Amokura Kawharu and Professor Jane Kelsey, played a prominent role as experts for the Waitangi Tribunal and the claimants respectively.

The claim was lodged in June 2015 as the negotiations over the TPPA were entering their final phase. The Waitangi Tribunal initially declined jurisdiction because there was no text available against which to assess the claim, and the Crown refused to release the agreement on a confidential basis (or even to confirm the wording of the proposed Treaty of Waitangi exception).

The Wellington hearing in March 2016 lasted a week, interspersed for both academics with trips back to Auckland to teach. The final day included what is referred to as a 'hot tub' procedure, which initially conjured up a rather unappealing image, but actually referred to an intensive discussion among the three experts for the Crown, claimants and Tribunal to respond to a series of questions from the Tribunal. That proved an infinitely more satisfactory and constructive process than the adversarial cross-examination of expert witnesses by counsel.

Because the claim was held under urgency, the Tribunal limited its findings to two of the broad range of issues raised by the claimants. Those





involved the adequacy of the Treaty of Waitangi exception and of the consultation conducted by the Crown after the negotiations were concluded. Key aspects of the claim dealing with intellectual property and access to affordable medicines were considered outside the scope of the urgent inquiry, as was the process adopted by the Crown during the negotiations themselves.

Applying a standard based on “Treaty principles”, the Tribunal accepted that the Treaty of Waitangi Exception was not perfect, but found it was likely to provide Māori with “reasonable protection”. In light of that finding, the Tribunal did not make any finding on the second matter of consultation, but urged the Crown to enter into dialogue with Māori to seek out more effective protections.

Despite that rather pragmatic outcome, the claimants considered that the substance of the report vindicated their concerns. The Tribunal accepted the evidence of the two Auckland legal academics that there are real risks in the TPPA that did not exist in previous agreements – in

particular with the rights of foreign investors to bring investment disputes through investor-state arbitration. It was also ‘troubled’ by ambiguities and uncertainties in the Treaty of Waitangi Exception. But it could not reach any conclusions about how these would play out in the future.

Another outstanding concern was how the Crown would resolve the conflict between the Wai-262 report on traditional knowledge – Ko Aotearoa Tenei – and the requirement in the TPPA that it implements in domestic law the UPOV 1991 convention giving patent rights over plant varieties. The Tribunal retained a watching brief over that issue. In August 2016 the Crown tabled a proposed process and timeline covering several years, which some claimants responded to with skepticism given the Crown’s failure to engage in dialogue over a more effective Treaty exception for future agreements. Others raised the ongoing failure to consult with Wai-262 claimants.

In addition to the Waitangi Tribunal claim, the Law Foundation provided a grant to Professor Kelsey to prepare expert peer reviewed analyses of the Agreement. The paper on Te Tiriti o Waitangi was

co-authored by Dr Andrew Erueti, Associate Professor Claire Charters and Professor Kelsey from the Auckland Law Faculty, together with Dr Carwyn Jones from the Victoria University of Wellington Faculty of Law. It was also peer reviewed by well-known Treaty lawyer and academic Moana Jackson. The seven expert papers have been published at [tpplegal.wordpress.com](http://tpplegal.wordpress.com), with several more to come.

The Law Foundation has approved use of remaining funds to support research by an international expert on intellectual property, including traditional plants and seeds, to feed into the consultation on UPOV 1991. This will hopefully help to resolve at least one of the outstanding matters from the Wai-262 claim on traditional knowledge.

**Jane Kelsey**



# Te Rākau Ture: The Māori Law Students Association

**E ngā mana, e ngā reo, rau rangatira mā nau mai haere mai ki te wahanga ture o te whare Wananga o Tamaki Makaurau. Nei ra te mihi maioha ki a koutou katoa rangatira mā e takahia ana I runga I tēnei huarahi hei māngai mō ngā iwi Māori.**

Te Rākau Ture was established in 1990. Since then it has grown to play an important role in the lives of Māori law students at the University of Auckland. Built on values such as whānau, aroha and manaakitanga, Te Rākau Ture as an association aims to foster and ensure the academic, cultural and personal well-being of Māori students. We are here to make their law school experience as enjoyable and stress-free as possible.

There are a number of activities and initiatives that Te Rākau Ture put on and take part in each academic year. Some highlights include: the newly established Part II camp; Law School cultural day; Te Hunga Roia Māori o Aotearoa Hui-a-Tau (Māori Lawyers Conference); Te Rākau Ture vs Nga Tauira Māori sports day; end of year dinner; and, of course, our annual Haerenga.

### Part II Camp:

Kicking off in mid-February just before the first semester, Part II Camp is an opportunity for our new Part II students to make bonds with each other and members of the wider whānau. It is a reflection of the Tuākana Teina relationship we endeavour to foster.

### Haerenga:

Perhaps the highlight of our year is Haerenga. Each year, during the inter-semester break, students from Te Rākau Ture organise a week-long trip to visit high schools and intermediate schools in rural communities outside of Auckland. It has the specific aim of encouraging and showcasing to young Māori

the opportunities that university has to offer. We want to encourage students and their whānau to develop and foster their dreams through the medium of higher education – as our current Māori law students do. We do this by interactively demonstrating to students what university is really like. We perform skits in both English and Te Reo, play interactive games with students, and give out important information.

Haerenga has become an important part of our calendar because it gives University of Auckland students a great opportunity to engage and immerse themselves in Te Ao Māori, while also giving back to the community at the grassroots level. Haerenga is the embodiment of the tikanga principles of aroha, whānaungatanga and manaakitanga. We were privileged this year to have a record number of 55 students in attendance, from across all student associations.

The intensive whakawhānaungatanga and exposure to the reo, tikanga of other rohe not only strengthens our Māori students, but it also helps to break barriers and misconceptions for the non-Māori students who attend. The thing that resonates most is that we learn as much from the students and their whānau we visit as they learn from us. It is for these reasons that we consider Haerenga to be of fundamental importance to Te Rākau Ture, in order to foster new talent within the University of Auckland, Te Ao Māori and New Zealand.

### Hakari whakamutunga:

The end of year dinner is a special event held every year. It is a night to celebrate the achievements and successes of all our Māori students both past and present. It is a night to share stories, reflect on the year that has been and to have a kai. Special guests and whānau and friends are also invited to share in the evening.

Nga Mihi,  
Te Rākau Ture Executive

## An Inspiring success story

**Kathryn Arona, the Faculty of Law Pouāwhina Māori, gives Māori law students cultural, pastoral and academic support. She wrote her story for *Eden Crescent*.**

I was born and bred in Auckland with iwi affiliations to Te Rarawa, Ngā Puhi and Te Arawa.

Number five of six children and the first to obtain a tertiary qualification, at age 48, I grew up in East Auckland and completed secondary school (although I did not gain a Bursary qualification). This was due mainly to financial constraints, lack of direction and an increased desire to socialise and play sport.

Armed with University Entrance in 1985, I contemplated the idea of university but lacked the understanding and maturity to progress any further. Like many Māori, I came from very humble beginnings. My father worked 50 hours a week, and had a night job as well, to feed our whānau. There was never any money left over after payday, but we were loved, well-fed and all received a reasonable education. Thankfully, not one of the Arona children faced criminal charges. I rate that as a huge accomplishment where all credit must go to my father and late mother.

The desire to obtain a higher education was always in the back of my mind, but so were the memories of growing up poor. As soon as I was free from secondary school I went straight to work. I climbed the corporate ladder in the telecommunications industry and then did a 6-year stint as an investigator for a privately owned investigation agency.

Three children later, in 2009, I attempted to fill the void in my life by enrolling in the New Start programme at the University of Auckland – to see if I had the academic aptitude for tertiary study. Another major driver was the goal to win the \$15,000 scholarship funded by the Kate Edger Educational Charitable Trust. Just after my final exam, one of my sisters died in a car accident. I took the next semester off to console my mother who was broken-hearted.

I persisted with my studies, enduring the financial pressures associated with a single income household while bringing up three amazing, high-achieving sons. Within a year, my darling mother was diagnosed with terminal cancer, but I had already enrolled in a conjoint





Arts and Law degree. I studied until the small hours of the morning, attended almost all of my lectures, took mum to chemotherapy sessions, and ran kids around to their activities until I realised that something had to give – either my family, my studies or my well-being.

That's when I decided that it was okay to accept the help of others. My friends, mainly non-Māori mature students, recorded lectures when I was absent and held Skype study groups so I could contribute and participate in study sessions and still continue to run a busy household.

Law school was a hive of activity but I felt like I never belonged – too old, not Māori enough and not bright enough. I tried to keep a low profile. I would go to classes and then race home to my kids who were keen swimmers and dancers. When things became too overwhelming I recognised that part-time study was the best way for me to cope with the pressures associated with studying law, working and caring for a terminally ill whānau member, as well as my three sons.

I was mature and experienced enough to recognise my own coping mechanisms. I lowered my workload by taking fewer courses and spread out my studies. I focused on my Law degree and put my Bachelor of Arts to one side, meaning to come back to it at the end of my Law studies. I never did.

Seven years after I first set foot at university, I am now the new Pouāwhina Māori Student Academic and Support Adviser (SASA) at the Faculty of Law. I graduated in September with what I affectionately call “a plain vanilla LLB degree” and I am passionate about encouraging people to study Law at the University.

The role incorporates elements of pastoral care of students as well as providing degree planning advice. There is a substantial component of administrative work within the advisory side of this role, which includes fielding queries from current and prospective students in person and electronically.

The Māori Academic Programme (MAP) includes initiatives and events that promote the success and retention of Māori in the LLB programme. It consists of tutorials and intensive workshops for all the compulsory Law papers, with a view to supplementing the material covered in lectures. It aims to assist and encourage Māori students to develop academically and socially in a culturally appropriate environment.

When implemented and managed effectively, it is my view that the programme empowers Māori both to aspire for academic success, and to progress into practice areas where there is a demand for more Māori professionals. This enables Māori issues and values to be acknowledged and progressed in environments where, traditionally, the non-Māori view has been the predominant one.



Kathryn Arona on her graduation day in September 2016.

More importantly, MAP is integral in ensuring that Māori students don't fall through the cracks, drop out of the LLB programme (or worse), or become statistics due to issues around well-being, financial hardship or other social circumstances. MAP helps its students foster lasting relationships with each other which can continue into the legal profession.

The challenges of trying to fulfil a role in an environment perceived as focusing on exclusivity, competition and the majority world view are far outweighed by the successes. Indeed, in my short time as Pouāwhina Māori, I have experienced many successes. The experiences I have encountered on my own journey as a mature, Māori, female law student have equipped me with the ability to bring some emotional intelligence and empathy to the table – particularly when offering pastoral and academic advice.

The Pouāwhina Māori role is crucial for promoting positive outcomes for Māori law students. Te Tai Haruru (the team of Māori legal academics) provides advice, leadership and support to the Pouāwhina Māori and a point of contact with the Faculty management team.

I believe that the key to the success and retention of students is to focus on the people who are recruited into student-facing roles. The Law School's Student Centre team, which I am fortunate to be a part of, consists of a tight-knit group of dedicated advisers, administrators, reception staff and a supportive manager. We all have a vested interest in the law students we serve. We care about the students and have immense respect for our fellow professional and academic colleagues. We are a team in every sense of the word. In fact, we are a multi-cultural whānau. A working environment like this is hard to come by. But five months into my job [at the time of writing], I can unequivocally say that, for now, I have found my niche.

One day, my intention is to move into legal practice in the areas of family or youth law. But for now, I will stay where I am needed in order to make a difference, and inspire all law students to achieve their potential.



# Tongan Prime Minister visits the Law School

There are many kinds of linkage between places in New Zealand and counterpart locations in the Pacific. Family links abound, not only for people from many Pacific Islands who have migrated here over the years, but for New Zealanders who have gone in the opposite direction to live and work. Business is, of course, a central strand – with New Zealand commodities and services being key figures in everyday life.

Government is another with secondment of officials having been applied in many sectors. Education is a particular strand with many Pacific people having taken advantage of some aspect of education available in New Zealand, from primary to postdoctorate. Medical and dental treatment is another. All of these add up to an easily accepted interdependence which comes to be applied in good times and bad. The time spent by HMNZS Canterbury in Fiji, providing hurricane relief following the ravages of the huge cyclone Winston in 2016, is a notable example.

This building on interdependence lay behind the idea expressed by Ambassador Shane Jones, New Zealand's diplomat in charge of Pacific Development, that the visit of the Prime Minister of the Kingdom of Tonga, the Honourable Akilisi Pohiva, to New Zealand in August should begin at the University of Auckland Law School. Good governance and the promotion of democracy is part of the remit of the government led

by the Honourable Akilisi Pohiva. There are many lawyer alumni of the Law School who occupy important positions in public life and law practice in Tonga today. The Law School currently has enrolled a larger than ever number of Pacific students, including people from Tonga.

The way thus became clear for a large turnout of staff and student representatives when Mr Pohiva and his delegation arrived shortly after landing in New Zealand and laying wreaths at the War Memorial. His delegation included a member of the Tongan House of Lords, Lord Alipate Tu'ivanuavou Vaea, and a range of Members of Parliament from the government and opposition sides. They were formally accompanied by the present New Zealand High Commissioner to Tonga, Sarah Walsh. On the Law School side, Dean Andrew Stockley was supported by senior staff, Bill Hodge, Chris Noonan, Treasa Dunworth and in particular the Law School's first Pacific member of teaching staff, Helena Kaho. Harry Toleafoa, the Pacific

Student Adviser, joined them and the welcome was moderated by Distinguished Fellow, Sir Anand Satyanand, who has Pacific as well as Asian links in his family.

In Pacific style, complete with a slow beginning, most of those mentioned spoke. They drew attention to continuing links between Tonga and New Zealand, the importance of law in good governance, and the ongoing need for the application of legal skills in many parts of operating a modern state. As the delegation left at the end, in a line of government vehicles, there was cause for satisfaction that the Law School had been seen "walking the walk" in a way that had been foreshadowed by Ambassador Jones.

---

**The Honourable Sir Anand Satyanand**



The Tongan delegation with Law School staff and student representatives.



## Supporting Pacific students

### Pacific Academic Support Strategies (PASS) Programme

Over the years the PASS Programme has built a strong framework of academic support for Pacific law students, primarily through the supplementary academic programme (with tutorials often run in conjunction with the Māori Academic Programme (MAP)). In addition to special wananga run at strategic times throughout the year, a variety of academic and professional development initiatives have been rolled out by Pacific Academic Coordinator – Harry Toleafoa – and supported by academic staff and law practitioners. Notable events from the first half of the year are:

#### Launch of the Kayes Fletcher Walker Mentoring Programme

Kayes Fletcher Walker (now the office of the Manukau Crown Solicitor), together with Tongan law firm Moala Merrick, offered MAP and PASS students in their penultimate year a unique opportunity to be matched with a practising legal mentor. Students had different experiences and opportunities depending on their mentor's speciality and position in the firm. This ranged from observing their lawyer/mentor in the High Court, to spending time in the office, and gleaning tips and advice on applying for jobs. Several students were matched with one of the firm's partners, and were able to gain insight into the working life of a busy lawyer in a firm.

#### Launch of the Young Professionals Programme (YPP)

Another first was the launch of the Young Professionals Programme. Isaac Hikaka, a partner at Lee Salmond Long, launched the first ever YPP session. The purpose of the YPP is to expose Māori and Pacific Law students to a range of career opportunities with an emphasis on preparing them for the realities of a fast-paced working environment. Isaac started with an introduction to the law recruitment process, then facilitated an exercise based on a hypothetical judicial conference.

#### Postgraduate Meet and Greet Workshop

The Postgraduate Meet and Greet Workshop was a chance for Pacific and Māori postgraduate, LLB Honours and LLM students to meet one another and pick up writing tips in a relaxed and friendly environment. Associate Professor Treasa Dunworth facilitated the workshop, which focused on selecting research topics, formulating research questions, time management, common mistakes and the research and writing process.

The PASS programme has been steadily building the profile of postgraduate studies by providing chances for senior students to present their research at conferences and symposia. During the mid-semester break, two groups of students attended the conferences discussed on this page.

#### Law and Culture Conference (4-7 July), Victoria University, Wellington

In July, nine undergraduate students were selected to present their research at the Law and Culture Conference in Wellington. The purpose of the conference was to increase the understanding of Pacific legal issues, and to strengthen relationships between Pacific legal scholars and students by providing a stimulating environment for sharing research and networking. The topics students presented on ranged from "Hopeful Prospects for the Legal Protection of Women in PNG: Assessing the Efficacy of the Repeal of the Sorcery Act 1971" (Mary Kints) to "A Critical Approach to Pacific Youth Offending in Aotearoa" (Irene Vano).

#### Samoa Law Society/ Te Hunga Roia Conference (7-10 July), Apia, Samoa

Also in July, five Pacific postgraduate law students attended the Samoan Law Society/Te Hunga Roia Conference in Apia. The conference theme was "Where is our island? Samoan and Māori experiences with the Law". Presenters included the Samoan Head of State, the Chief Justice of Samoa, other judges from Samoa and New Zealand, as well as notable Pacific academics and practitioners. Students were inspired by the calibre and experience of the presenters, and made good use of valuable networking opportunities. LLM student Akatu John summed up the event as follows: "To be amongst the legal discussion was an absolute privilege. I learnt more from that three-day conference than I could have from reading any of those speeches online. The mana, the camaraderie and the understanding between the different cultures on pressing legal issues is something words cannot express. You had to be there."



## PILSA

### 2016 Highlights

Talofa lava, Malo e lelei, Kia orana, Fakaalofa lahi atu, Taloha ni, Ni sa bula, Namaste!

The motto of the Pacific Island Law Students Association (PILSA) is 'To Empower, Inspire and Serve'. PILSA's motto sets out what we aim to do for each other as Pacific students at law school, and for our Pacific communities. This year, with the support of our families, and the generous support of the Law Faculty, PILSA has stayed true to our motto and taken our student support initiatives, law events and community outreach to new heights.

PILSA kicked off the 2016 year with the annual 'PILSA Camp', which saw 70 PILSA members welcome the new Part II intake at Kokako Lodge (pictured). After several days spent enjoying group bonding exercises, lots of laughter, dancing and good food, camp concluded with a special dinner featuring the Attorney General of Samoa, Hermann Retzlaff, as our guest speaker. The special bonds formed at camp both between same year groups – and between senior and more junior students – laid the foundation for a truly exceptional year (with PILSA providing a range of academic, social and community initiatives). Some of the highlights were: the annual 'Cultural Day' celebrations held outside the Davis Law Library (to share Pacific and Māori culture at Auckland Law School); the launch of the 'PILSA Talks' motivational speaker series (featuring senior Pacific practitioners as well as recent Pacific law graduates from Meredith Connell and the Public Defence Service); and the launch of the 'PILSA Mentoring Programme' with Auckland law firm Simpson Grierson.

Of particular significance this year was the launch of 'The MALOSI Project' (Movement for Action and Law to Overcome Social Injustice) – a Pacific law student-led movement that, with the backing of our founding patron, Judge Ida Malosi, aims to strengthen Pacific communities. (Judge Malosi is pictured here at the launch event). The MALOSI initiatives rolled out so far are secondary school workshops aimed at inspiring Pacific students to consider studying law, and a blog ([www.themalosiproject.com](http://www.themalosiproject.com)). We are particularly excited about the blog. It is a forum for Pacific voices raising awareness and promoting discourse on social and legal issues affecting Pacific people.

With an epic 2016 year drawing to a close, PILSA looks forward to empowering, inspiring and serving in 2017.







Winner of the inaugural Justice Sir Robert Chambers Memorial Moot Dominic Perry with (from left) Robert Fisher QC, The Honourable Justice Simon Moore and Lady Deborah Chambers QC.

## Mooting success

More than 600 students were members of the Mooting Society in 2016, and the success of the Law School's students in this area is unrivalled by other New Zealand universities.

The standard of this year's Stout Shield, sponsored by Bell Gully, was extremely high, with many of the most successful mooters at the Law School entering. This culminated in an extremely high quality final. Younger students had the opportunity to volunteer as registrars for this competition, which allowed them to see the best mooting on offer at the University before they are required to participate in compulsory moots. Tiaan Nelson and Andrew Grant won the competition. As a result, they earned the right to represent the University at the National Senior Mooting Competition.

The John Haigh QC Memorial Moot for intermediate-level students once again filled the High Court Number One courtroom and gallery. This was the third year of the competition. Thirty teams of two students each competed. Justice Moore, Justice Davison and Paul East QC made up the bench for the final. Before the moot started, they took time to share personal memories of John Haigh QC, the leading barrister in whose memory

the competition was named. All of the judges emphasised how close the contest was and praised the competitors for their high level of oral advocacy. Ed Foley and Thomas Leggat were the winners in a very close final.

This year's Meredith Connell Greg Everard Memorial Moot was fiercely contested by four of the Law School's top advocates, Michael Greenop, Bridget McLay, Ana Lenard, and Michael Smol.

Established to commemorate the contribution Greg Everard made to the New Zealand legal profession as a top civil and commercial litigator, the moot is held annually and is proudly supported by Meredith Connell and the Greg Everard Memorial Trust.

The event, which took place in the historic Number One courtroom at the Auckland High Court, was presided over by the Hon Justice Davison. Watching the proceedings was Mr Everard's daughter, Frances Everard. The moot was won by Michael Greenop.

The development of young law students is critical to ensuring the continued success of University of Auckland mooters at the highest level. The Mooting Society ran the inaugural Justice Sir Robert Chambers Memorial Moot in September for LAW 131 students in their first year of university studies. The problem covered content from the LAW 131 Legal Method course. It was New Zealand's largest mooting competition this year, with more than 80 students competing. The final of this competition was also held at the High Court, with Justice Moore, Robert Fisher QC and Lady Deborah Chambers QC judging the final and presenting the shield to first-year student Dominic Perry.

Auckland mooters have also continued to achieve success at an international level. For the third year, a team from the University of Auckland Law School competed at the Willem C. Vis International Commercial Arbitration Moot in Vienna. The team was made up of Jack Davies, Jovana Nedeljkov, Reuel Baptista ►



## STUDENT SUCCESS



The successful Willem C. Vis team from back left: Nikolai Santamaria (Greenwood Roche, Coach), Thom Clark (Meredith Connell, Coach). Front left: Jack Davies, Jovana Nedeljkov, Reuel Baptista, Taylor Gray.

and Taylor Gray. Out of the 360 teams from leading law schools all over the world, the University of Auckland reached the semi-finals, eventually placing third. This was a phenomenal achievement by these students.

Bankside Chambers sponsored the 2016 moot team as well as teams that will attend the Vis Moot in future years. Team member Jack Davies says: "Having the financial support of Bankside Chambers made it considerably easier for the team to focus on moot preparation, knowing it didn't have to commit time and energy to searching for sponsorship".

An Auckland team represented New Zealand at the prestigious Jessup Law Mooting competition, namely Joy Guo, Andrew Grant, Hannah Reid, Sam Jeffs, and Carter Pearce. The competition was held in the political heart of the United States, Washington D.C., where the team won four rounds during the elimination rounds. Andrew Grant and Tiaan Nelson won the New Zealand competition in August, meaning Auckland will again represent New Zealand at the 2017 Jessup competition.

The University of Auckland also competed in the International Air Law Moot in Jakarta. The team of Nick Porter, Jack Davies, and Michael

Greenop won the Australasian competition last year, which took them to the international rounds this year. Twenty-six teams selected from around the world competed in an International Court of Justice dispute concerning the use of force against civil aircraft in disputed territory. The team did extremely well, receiving recommendations for Best Oralist awards.

Having won in 2015, Auckland also won the 2016 Australia and New Zealand Air Law Moot (ANZALM) competition in September. The team comprised Hannah Reid, Jovana Nedeljkov and Kyle Simonsen. They were coached by Nick Porter and Michael Greenop.

All in all, Auckland continues to excel internationally at the highest levels of mooting. With feeder competitions established to lead students into these competitions, Auckland is in an excellent position to continue these successes well into the future.

**Josh Suyker**

**2016 Mooting Society President**



The winning Auckland Air Law Moot team: Kyle Simonsen, Jovana Nedeljkov and Hannah Reid.

## Students reach world finals

Months of training and strong performance under pressure earned a University of Auckland team a silver placing at this year's International Commercial Mediation Competition in Paris.

The competition, run by the International Chamber of Commerce, required students to resolve complex cross-border business disputes through mediation. A total of 65 university teams from more than 50 countries gathered in Paris to work with top international commercial mediators during 147 rigorous and fast-paced mock mediation sessions over six days.

The Auckland Law School team of Michael Greenop, Honor Kerry, Ana Lenard-Sokorac and Andrew Yan Feng Lee, together with coach



From left: Honor Kerry, Andrew Yan Feng Lee, Ana Lenard-Sokorac, Nina Khouri (coach) and Michael Greenop. Photo: Alastair Miller/ICC.

and Senior Law Lecturer Nina Khouri, defeated teams from the United States, Germany, Brazil and India to qualify for the final rounds.

The team then beat New York's Cornell University in a pro-athlete IT and sponsorship dispute to advance to the semi-finals, and Melbourne's Monash University in an international gemstone insurance dispute to advance to the Grand Final at La Maison du Barreau, the headquarters of the Paris Bar Association. The team was then narrowly

defeated by the University of New South Wales, in a final problem involving an international sale of goods dispute.

Coach Nina Khouri said, "The thing that I am most happy about after watching the final round is that it was fun as well as a test of technical skills. There were some really realistic negotiations – the approach we call the steel fist in a velvet glove – and I am very proud of all the students."





## Award winners challenged to be future leaders

The Honourable Justice Helen Winklemann

The guest speaker at the Auckland Law School's Student Awards on 11 May, the Honourable Justice Helen Winklemann, challenged the prize-winners to be "future leaders in the profession".

Addressing a crowd of 400 guests in the Alumni Marquee in the grounds of Old Government House, the Hon Justice Winklemann urged the students present to "set the standards for the profession through the quality of your conduct".

She challenged the students saying "Are you just doing this to make a living or because you understand the power and the beauty of the law? I have seen the importance of a profession made up of people of moral and intellectual integrity, who wish to use their skills and knowledge to contribute to society.

"Who you are is important because you are now a member of the profession which plays the most critical role in our democracy through upholding the rule of law and the administration of justice."

The Court of Appeal judge and Auckland Law School alumna went on to say, "I hope as future leaders you will also play your part in developing the indigenous law of New Zealand, what Justice Joe Williams calls Lex Aotearoa – our law for this time and place."

Amongst other challenges laid down by Justice Winklemann was the call to address the issue of access to justice for all New Zealanders. "Join working groups that the Law Society and Bar Association have set up to address access to

justice. These groups have identified it as the most important issue of our profession. Work for people who cannot afford your full charge-out rate. Why? Because this is work that will give you great experience. It will meet the need to do something that feels like it matters. It will be important to your client, and might even change a life."

The event was attended by students, friends and families, members of the legal profession and the judiciary, and individuals and representatives of firms and organisations that support the Law School.

The judge also challenged those present to "make the profession fit for all its members," and "enable access to Justice."

Dean of Law Professor Andrew Stockley and Deputy Dean Professor Susan Watson presented 190 awards at the ceremony.

The awards went to students who had won prizes and scholarships, who had major leadership roles in student law societies, and who had won law student competitions and represented the Law School internationally.

The Auckland District Law Society's prize for top law undergraduate went to Finn Lowery, who also received a Faculty of Law Dean's Academic Excellence Award and a Senior Scholar Award. Finn also received a Rhodes Scholarship to undertake postgraduate study at the University of Oxford.



Auckland District Law Society prize for top law undergraduate, Finn Lowery, with Professors Andrew Stockley and Susan Watson.



## STUDENT SUCCESS

# Law students take top awards

Auckland Law students featured strongly in the 2016 Blues Awards, winning both supreme awards for Sportsman and Sportswoman of the Year.

Up-and-coming karate star Tia Tuiburelevu received the major award for Sportswoman of the Year. Tia was selected for the New Zealand karate team for the XVII Oceania Karate Championships. She won two silver medals at the World Go-ju Ryu Karate Championships in the female senior kumite and team kumite classes. Tia is completing a Bachelors of Arts and Bachelor of Laws (Honours).

Kickboxing and taekwon-do champion Riley Phillips-Harris was named Sportsman of the Year. Riley competes in both karate and taekwon-do. He was a quarter finalist at the 2015 Taekwon-do World Championships in Venice, Italy. He also won gold at the International Taekwon-Do Federation World Cup, the International Sports Karate Association World Cup and the International Sports Karate Association US Open. Earlier this year he beat Jamaican Kenneth Edwards, an Olympian and world champion karateka. Riley is completing

a Bachelor of Laws (Honours) and Bachelor of Arts.

A University Blue is the highest accolade to be earned at a tertiary level, traditionally awarded for excellence in a sporting code. The award originated from the rivalry of the Boat Race between Oxford and Cambridge universities in England, where the navy blue Oxford and light blue Cambridge flags displayed by the crews became a symbol of the competition between the two prestigious institutions. The University of Auckland has extended the Blues Awards beyond sports to include exceptional achievement in the Arts, and in Service and Leadership categories.

The full list of Blues Award winners from the Auckland Law School follows.



Riley Phillips-Harris



Tia Tuiburelevu

## SERVICE AND LEADERSHIP CATEGORY

Katherine Eichelbaum (Law/Science) Jae Jun Kim (Law)  
Ana Lenard-Sokorac (Law/Science)  
Jade Magrath (Law/Arts)  
Rhea Sampooranand (Law/Business)

## SPORTS CATEGORY

Jack Adams (Law/Arts) – Lacrosse  
Pippa Hayward (Law/Arts) – Hockey  
Daniel Hilton-Jones (Law/Arts) – Rugby  
Tessa Leong (Law/Business) – Futsal  
Stacey Michelsen (Law/Business) – Hockey  
George Muir (Law/Business) – Hockey  
Alexandra Parker (Law/Science) – Volleyball  
Riley Phillips-Harris (Law/Arts) – Kickboxing & Taekwondo  
Tia Tuiburelevu (Law/Arts) – Karate

## ARTS CATEGORY

Matthew Bartlett (Law/Arts) – Debating  
Michael Arada Greenop (Law/Business & Economics) – Mooting & Mediation  
Lucy Harrison (Law/Arts) – Debating  
Honor Helen Elizabeth Kerry (Law/Arts) – Mediation  
Ana Lenard (Law/Science) – Mooting & Mediation  
Taria Ngawhika (Law/Arts) – Kapa Haka  
James Penn (Law/Business) – Debating  
James Rankin (Law/Arts) – Debating  
Nishaa Senarath-Dassanayake (Law/ Business & Economics) – Voice  
Shaanil Senarath-Dassanayake (Law/ Business & Economics) – Vocal  
Andrew Yan Feng Lee (Law/Business) – Mediation



## STUDENT SUCCESS



### Interview with Adeleina Loto-Meleisea:

#### Six-month internship with the Office of Co-Investigating Judges, Cambodia

A Samoan Auckland Law School student helped bring alleged war criminals to justice during a six-month internship in Cambodia. Adeleina Loto-Meleisea clerked with the Office of Co-Investigating Judges which, as an organ of the United Nations' assistance to the Khmer Rouge Trials, provides technical advice to the Extraordinary Chambers in the Courts of Cambodia. The Office is trying leaders of the former Khmer Rouge regime and Adeleina was part of a team that reviews civil party applications from people who consider themselves or their families to be victims of alleged crimes. It is estimated that two million people died from 1975 to 1979 as a result of the communist dictatorship.

A former head girl of Manurewa High School, Adeleina had most of her costs, including flights, covered by the Auckland Law School, topped-up with a Rangatahi Youth Scholarship funded by the Manurewa Local Board. She wants to use her Cambodian experience to pursue her interest in Pacific issues and indigenous rights in New Zealand.

Adeleina was interviewed about her background and Cambodian experience by Auckland Law School lecturer Helena Kaho.

#### Can you tell me about your background, experience and research interests?

I am currently in the fourth year of my LLB, and will complete my degree after finishing summer school in 2017. Prior to university, I attended Manurewa High School, and was Head Girl in Year 13. By that time, I was totally over school. I found a job at Education Action Limited (a Youth Guarantee provider) in Papakura, and ended up working there full-time for two years. I had visited Cambodia in 2010 as part of a leadership trip at school, and at the end of the two years in my job I returned to Cambodia for three months and volunteered in the prisons in Phnom Penh. I've also volunteered in prisons in New Zealand from 2011-2014. Initially it was with my church prison outreach programme, and then taking music workshops. I got to volunteer in Wiri Women's Prison and Springhill Prison.

My research interests have been informed by my surroundings – attending a low decile school in what was perceived as a bad part of Auckland. But having a different experience from within that community was very much what provoked my interests. I've always had an interest in social justice. When I started working at Education Action, and interacting with the students and organisations like WINZ, CYFS and YJ, it made me realise there were issues to be addressed from a higher level. My research interests range widely, but most recently I've been looking more into the treatment of Pasifika and Māori in New Zealand, as well as New Zealand's relationship with the Pacific Islands.

#### How did you find out about the internship and why were you drawn to apply for it?

The school visit to Cambodia in 2010 was an eye opener. It was the first time I'd been exposed to visible poverty. I learnt about the Khmer Rouge period, and about the Extraordinary Chambers in the Courts of Cambodia (ECCC), and have stayed interested since then. I've always wanted to "help" Cambodia in some way, because of everything I have taken from the country by way of life lessons.

I knew there was an internship programme. It was in line with my interests – international law, human rights, etc. I also had very idealistic opinions on how cool working for the UN would be! I never thought that I'd be qualified enough for it. But when I saw it advertised last year, I thought "why not?" and applied.

#### What did a typical day at the ECCC look like?

The internship programme required the same of interns as it did staff, so the internship was a full-time job. I woke up at 6.30am to get ready to catch my 7am bus in to work. The court was 16km from my house, but the trip could take anywhere between forty-five minutes to two and-a-half hours depending on the traffic and construction.

I was in the Office of the Co-Investigating Judges, in the Civil Parties sub-team. This meant that I was reading through civil party applications, assessing them against the admissibility elements, and making recommendations as to whether they were admissible to cases 003 and 004 (the two cases currently under investigation involving alleged war crimes, crimes against humanity and genocide). I also worked on a larger research task which required looking into international and national law around victim participation in international criminal proceedings. I'd say the highlight of my work day was working in an office with two Khmer staff. I learnt so much from them, both professionally and personally. Nights and weekends were either spent at home with the family I stayed with, or out at dinner with friends.



## STUDENT SUCCESS

### What were the best things about your experience in Cambodia?

The experience broadened my professional and personal life. I spent a lot of time with other interns, who were from all around the world. My “batch” of interns got along really well, so it was such a fun six months. However, we were all as nerdy as each other, so sometimes our fun times got a bit serious. But I definitely made some lifelong friends while there.

I got to work alongside some of the most experienced international legal professionals in the world. My office was next to Phil Weiner, who was a judge on the International Criminal Tribunal for Yugoslavia. I also caught the same bus as some of the defence lawyers. I sat in the canteen with the prosecutors and had lunch with the Civil Party lawyers. I got to attend social events with the judges – and got to learn from all of these people every day for six months!

### What was the hardest thing about your experience?

For me it was difficult not knowing if what you were investing your time and effort into was actually helping Cambodia and the Khmer people (being removed from the ground and

working behind the scenes, so to speak). But also on a larger and more abstract level – having spoken with many of my Khmer friends and colleagues and hearing their concerns and aspirations for their country – made me wonder if what I was doing was actually inhibiting those aspirations and exacerbating such concerns. I still haven’t found an answer to that question, but I definitely know that more than penal justice is needed.

### Did you learn anything new about yourself while you were away?

I learned that I seriously like alone time! I have always known that I am somewhat introverted (to the surprise of my friends), but I realised how much I enjoyed and needed to do things on my own. It might have been the work environment, or the subject matter, or the change of environment, or a whole lot of things!

### Has the experience changed your outlook coming back to NZ – in terms of your future career path or otherwise?

While at law school, my focus has been on international subjects, and I have always had an interest in social justice, international justice,

and international organisations such as the UN. However, over my six months, I realised that I don’t know if I have the strength to work in that kind of context. In international law, you are working under a mandate and within a framework that has been created in a political context (where the outcome generally reflects the power dynamic). At the moment, I am favouring an approach where our communities look within themselves for solutions to the issues facing us. But that focus could change.

I have an interest in the treatment of Pacific peoples in New Zealand in every aspect. I have recently been doing some research into sports, specifically rugby league, on how aspiring young players are protected by the law and how they are vulnerable to exploitation by clubs and agents, etc. I like the idea of being able to translate the law for my people – not linguistically necessarily, but just in terms of being able to access and understand what it does and should provide them (for example in sports, employment, social services, etc).

At the moment, my focus is on finishing my law degree. I also plan to start profs pretty much as soon as I finish summer school. After that – I wouldn’t have a clue. I would love to have a job, obviously!

Nosia Fogogo: “I want to contribute to the society that has educated and supported me”

Imagine for a moment that you are a young teenager, and you have just travelled around the world to land in a foreign country where you don’t speak the language, know nothing about its culture and ways, have no community of support, and own nothing more than what’s in your suitcase.

This almost-impossible-to-imagine scenario was Nosia Fogogo’s reality when she moved to New Zealand from the Central African Republic of Burundi 11 years ago. In March 2005, Nosia and several of her family members arrived at the Mangere Refugee Resettlement Centre in Auckland. There, they spent six weeks learning about New Zealand life, language and customs.

Today, Nosia is a poised, articulate and confident young woman embarking on her third year of a Bachelor of Laws. Back then, she says, she was a shy teen who, understandably, was torn by a range of emotions upon her arrival in New Zealand.

“I felt excited, scared, confused and lost. I spoke no English at all – that was the biggest hurdle. And I was in culture shock,” says Nosia, who transferred from AUT to the University of Auckland to continue her law degree. “There are so many things you do here that you wouldn’t do at home – like making eye contact when you speak to elders, or greeting people casually, not with a bow and formal handshake. It took me ages to learn.”

Nosia was determined to make the most of her time at the resettlement centre, focusing primarily on learning English and understanding the intricacies of New Zealand’s social and cultural traditions. Despite the pain of leaving

her home in Burundi, Nosia worked hard to be positive about her new life.

“Even though I was sad, I knew I would rather be here because of the opportunities New Zealand offers. I had to lose something to get what I have here,” says Nosia.

While living at the centre Nosia met refugees from other countries - Somalia, Iraq, and different parts of the Middle East. Despite the language barriers, the community of strangers found a way to communicate.

“We all had different journeys, different experiences to get here. Everyone was so interesting and we wanted to interact with each other, but language was a barrier. We communicated by smiling.”

From Mangere, Nosia initially moved with her family to West Auckland, where she entered high school. The teenage years are challenging for most young adults; for Nosia, who took ESOL classes, it was a time of digging deep within herself to find daily resilience.

“Being a shy teenager who didn’t have the language – it was hard. Plus, I was determined to do it on my own, so I didn’t make a lot of friends.”

Eventually, Nosia moved to the North Shore and attended Northcote College, leaving at the end of sixth form. Nosia admits her entrance into adulthood was tough: she was determined to gain a tertiary qualification but,





Nositia Fogogo at the University of Auckland.

after enrolling in different programmes, she realised her language skills could not support the academic requirements of university. Refusing to be thwarted, Nositia took time out to travel, eventually returning to New Zealand to embark on a travel and tourism course to improve her spoken and written English. After a year of working full-time in the tourism industry, Nositia felt confident enough to enrol at AUT in a Bachelor of Business degree. After a year, she decided law was her calling and completed the first two years of an LLB.

Today, Nositia has her eye keenly on the prize: a law degree with honours from New Zealand's leading university.

"My family has always been focused on higher education, and they want only the best for me and my siblings. The University of Auckland has always been my number one choice because it is the best in New Zealand. The calibre of the degree, the respect it has around the world ... I know I am learning from the best."

Already, Nositia is impressed with the support systems the University has in place for its staff and students from refugee backgrounds (SSRB). As part of its commitment to being safe, inclusive and equitable, and acknowledging the barriers faced by many people from refugee backgrounds, the University has identified SSRB as a distinct equity group and has also established the Students from Refugee Backgrounds Network, which is guided by an advisory panel. The Equity Office – Te Ara Tautika – provides advice and guidance, and eligible students from refugee backgrounds can now enrol via the University's Targeted Admission Schemes (UTAS). For Nositia, such resources and initiatives help ensure people from refugee backgrounds are not just welcomed here but are supported to succeed.

"It's really good to know the Equity Office exists. I can't speak for other refugee students, but it can be really hard. You don't always know who to go to for advice."

The Equity Office's Director of Student Equity, Dr Terry O'Neill, says the value that comes from supporting people from refugee backgrounds can be seen not just at the University but in society as a whole.

"Our University community is amazingly diverse and our staff and students from refugee backgrounds add to this richness. Nositia has described vividly many of the challenges faced by SSRB but her experiences also demonstrate that, given the right opportunities and support, she and other people from refugee backgrounds have huge potential to contribute to our society, and to our future economic success and prosperity."

As she embarks on her pathway at the University of Auckland, Nositia has simple messages for the diverse members of her new community.

"If you are a refugee student, big congratulations. It is an amazing achievement to get here. Don't forget to get involved with University activities, join clubs – don't think you have to do this on your own. Know who you are and don't give up until you achieve what you want to."

"To staff, thank you for supporting us, for recognising that we need you. Thank you for caring. We are here to achieve something and to have you supporting us means so much."

"If you are a non-refugee-background student, just be approachable, be a friend. Being a friend can change someone's life."

As for her own hopes and aspirations? Despite – or perhaps because of – her somewhat convoluted journey to the University, Nositia is crystal clear about her future:

"I want to help. If just one or two people see that if I can do it, they can, too – that will be the biggest achievement I could ever have. I want to contribute to the society that has educated and supported me. I want to be part of the community, to get involved and help change lives."

## 2016 student leaders

### **AULSS President**

Alex Churchill

### **AULSS Administrative Vice President**

Ella Maiden

### **AULSS Educational Vice Presidents**

Nick Fenton

Rayhan Langdana

### **AULSS Competitions Officers**

Danyon Chong

Ross Franke

### **Te Rākau Ture Co-Tumuaki**

Brianna Boxall

Evander Dawson

### **PILSA Co-Presidents**

Dylan Asafo

Irene Karna Vano

### **Rainbow Law Directors**

Matthew Denton

Rekha Patel

### **Equal Justice Project Directors**

Rayhan Langdana

Jade Magrath

### **Law Review Editors**

George Dawson

Chloe Fleming

### **Law Revue Directors**

Lydi Buckley

Sid Dymond

Charlotte Marsh

Mariata Tavioni-Pittman

Joseph Xulue

### **Mooting Society President**

Josh Suyker





### Award-winning essay takes law student to Washington DC

Washington DC beckoned earlier this year for an exceptional law student whose winning refugee essay won her a place at the American Society of International Law conference.

Linda Sullivan, a student in Dr Anna Hood's Immigration and Refugee Law class, won the prize for her outstanding essay entitled "The Application of Article 1F of the Refugee Convention in New Zealand: Examining exclusion through a Criminal Law lens".

"This is a very impressive achievement," said Dr Hood. "Students from around the world submit very high quality essays for this prize and the American Society's International Law prizes are highly coveted."

Linda is in her sixth year of a conjoint Arts and Law degree, where she combines her studies with assisting as a writing instructor on the Faculty's new Legal Writing, Research and Communications course.

She hopes to build a career in representing refugees and asylum seekers, helping them to access their basic human rights.

## Student news in brief

### New elective offered

In 2017 the Law Faculty will be running, for the very first time, a human rights legal clinic aimed at providing students with practical experience in human rights advocacy in New Zealand as well as international human rights fora.

The course will be led by Dr Andrew Erueti, who specialises in human rights and indigenous rights and was Amnesty International's adviser on Indigenous rights in the London and Geneva offices. The expectation is that students will work closely with NGOs and practitioners working in the field of human rights.



### Law student wins international competition

A research paper into sexual exploitation allegations against United Nations' peacekeepers has won talented Law student Allannah Colley first place in an international essay competition.

Allannah's award-winning essay was originally written as her 2014 honours seminar paper for the International Law Honours Seminar. "My research paper was titled 'Boys will be boys' or women as agents for change? How legal mechanisms can effectively hold United Nations peacekeeping personnel to account for committing sexual exploitation", she says.

After seeing a flyer for The Victoria Fisher Memorial Prize Competition, Allannah entered. It is run by the University of Leicester in the United Kingdom to stimulate interest in the relationship between Women and the Law.



# Writing your own narrative as a woman lawyer

**Women in the legal profession still face significant structural inequities in their chosen careers. But as alumni Sandra Alofivae and La-Verne King discovered, sometimes necessity really is the mother of invention.**

To understand Sandra and La-Verne's journey you need to step back in time 30 years to the Auckland Law School in the mid-1980s. Both women were young law students from South Auckland who recall their first lessons in the Stone Lecture Theatre as 'really scary'.

"If someone had said to me then, you're going to be setting up shop with La-Verne, I would never have believed them. La-Verne was staunchly Māori and engaged in lots of Māori issues and I was heavily involved in Pasifika," says Sandra.

But that is precisely what they did. Faced with grappling on a personal and professional level with issues of inequality, they came up with a creative solution. They started their own law firm. Along with "third musketeer" Ida Malosi – now Judge Malosi – the group founded Māori and Pacific law firm King Alofivae Malosi.

The road to success wasn't always smooth. Graduating in the early 90s was tough. There were limited jobs and even less for Māori and Pacific graduates.

Despite that, both Sandra and La-Verne found employment in small firms and began doing District Court work. They say compared with their colleagues in the large city firms, there was a big difference in their practice and experience.

"We were already doing defended hearings and being juniors on rape and murder trials, while our colleagues were still just going to court for adjournments," says Sandra. "We were doing what we loved but we just weren't earning much money."

And then chance intervened when Sandra and La-Verne's bosses both decided to leave the country. Facing unemployment they wondered how hard it would be to set up their own law firm.

"When necessity becomes a driver in your life you actually end up becoming really creative," says Sandra.

"We'd earned the right to go to law school, and we'd graduated with a degree and we knew that lawyers earned truckloads of money, we just weren't in any of the firms that paid that sort of money. So we knew we had to dream big," she says.

By now Ida had joined them, and determined to do it right, the group sought business advice from senior lawyers. Their recommendation? 'Don't do it. It's career suicide'.

But in true Māori and Pacific fashion say La-Verne and Sandra "we thanked them for their advice and did it anyway".

They had no collateral, no money, and no family they could ask for loans. "But we wanted it all," says La-Verne. "We wanted the job, the career, the babies, and family".

A turning point in their story happened when Sandra's previous employer, Phil Recordon – "an amazing human being" – recognised their commitment and bank-rolled them. For two years he provided the capital and the security to get them started.

La Verne and Sandra repaid him by ensuring they kept his name clean and that their practice was based on excellence.

The women also developed a personal narrative for their business, deciding that their firm would take affirmative action and initially only employ Māori and Pacific women.

"Because we had found it difficult to find work, we wanted to funnel Māori and Pasifika women graduates through our firm for the first couple of years, and then send them out so they could start their own businesses," says La-Verne.

"And the prayer was that they would continue this dream. And we were able to achieve that," says Sandra.

This issue of motherhood also presented challenges. In their first year of business they decided on a moratorium with no one allowed to have a baby within the initial two years.

Ida breached the rules and La-Verne was not far behind, so they reshaped their firm to allow staff to have the babies they wanted.

"Back in the '90s there was no paid parental leave and in the big firms you quit your job to start a family or you left your position for a few years and when you came back you started at the bottom again," says La-Verne.

"We didn't want that. This was our business and our families and they depended on us and our ability to provide. So we put a crèche on site," says Sandra.

Soon the women were defining their own legal space with board meetings frequently including their offspring. Their firm scrapbook documented it all, crammed with images of babies and young children.

This made them quite novel in the profession. Even the Law Society thought so. They featured the firm in stories because of their innovative approach.

For La-Verne, sheer determination and belief were essential. "We have had multiple babies between us and have always managed to pay ourselves maternity leave. Out of our little firm many other firms have sprang up. You can be a mother and a working lawyer. Just decide what you want and stay true to yourself," she says.

"We were just doing what we needed to do and wanted – what success looked like to us," says Sandra. "We've never made any apologies for being working mothers and neither should other women lawyers. In the end it's important to be creative and write your own narrative," she says.



Sandra Alofivae



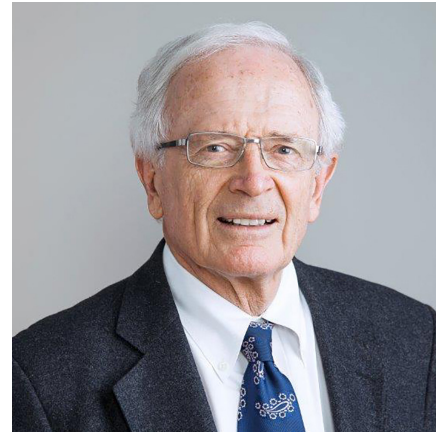
La-Verne King



Ida Malosi



## Distinguished Alumni Award and Knighthood for David AR Williams QC



New Zealand's leading international arbitrator and Auckland Law School Honorary Professor David AR Williams QC received a University of Auckland Distinguished Alumni Award in March 2016 and a Knighthood in the 2017 New Years Honours.

Sir David has been involved in more than 150 international commercial and investment treaty arbitrations.

Earlier in his career he had extensive experience as counsel in commercial litigation before New Zealand and overseas courts and arbitral tribunals, including numerous New Zealand cases heard in the Privy Council, London. He also served as a Justice of the New Zealand High Court and the Court of the Dubai International Financial Centre. He is the current President of the Cook Islands Court of Appeal.

David is an Honorary Professor at the University of Auckland Law School where he teaches International Arbitration. He is also a member of the University of Auckland Law School's Development Campaign Committee.

He is the co-author of *Williams and Kawharu on Arbitration*, New Zealand's leading textbook on the subject and is currently a barrister and arbitrator at Bankside Chambers in Auckland and Singapore, and Essex Court Chambers, London.



Members of the Class of 1966 with Bernard Brown and his wife Gaynor, and organiser Bruce Laird and his wife Efi.

## Class of 1966 50-Year Reunion

The "Class of 1966" gathered for a special anniversary dinner at The Northern Club in October to celebrate and commemorate 50 years since their graduation. Members of the class from as far away as the UK came together to recount stories of their time at the Auckland Law School, catch up on their lives and careers since then and to hear Dean of Law Professor Andrew Stockley talk about the state of the Law School in 2016.

Bernard Brown, who was himself a young academic staff member at the Faculty of Law in 1966, also joined the class for dinner, to the delight of all in attendance. The dinner was declared a success and promises were made to get the group together again in the near future.





Katy Donnelly (far right), speaking on a “Panel on achieving Completion: A Mine-Free World by 2025: The Last Stretch” at the Ottawa Convention’s intersessional meeting in May. Photo credit: APMBC Implementation Support Unit

## An interview with Katy Donnelly

Alumna Katy Donnelly graduated with a Bachelor of Arts (Hons) and Bachelor of Laws (Hons) in 2005 and is now Deputy Permanent Representative to the Conference on Disarmament at New Zealand’s Permanent Mission in Geneva. She caught up with Associate Professor Treasa Dunworth recently in New York.

### You graduated from Auckland University in 2005, what have you been doing since then?

I joined the Ministry of Foreign Affairs and Trade directly after completing my studies in mid-2005. I have been lucky enough to enjoy a diverse range of roles over the last eleven years, including work on UN Security Council reform, the rights of New Zealanders to travel and work in Europe, and New Zealand’s bilateral relationship with India. I took up an early opportunity for a secondment at the Ministry of Defence and had a great experience working on navy projects (I particularly enjoyed my time on the ANZAC frigate *Te Kaha* and on the Seasprite helicopter!). More recently I have developed expertise in disarmament and non-proliferation issues, having served as Deputy Head of Mission at the New Zealand Permanent Mission in Vienna (covering the International Atomic Energy Agency, the Comprehensive Nuclear-Test-Ban Treaty Organisation as well as a range of export control bodies) and now as the Deputy Permanent Representative to the Conference on Disarmament at our Permanent Mission in Geneva.

### Can you tell us what an “ordinary” day looks like at work in Geneva?

Most often I arrive at the office in the morning to clear emails and receive any instructions that may have been sent from Wellington overnight. I then head to meetings of Geneva-based treaty bodies – for example the Arms Trade Treaty, the Convention on Cluster Munitions or the Convention on Certain Conventional Weapons (yes, that is the short title of a real treaty!). Over the course of the meeting I may have to deliver a national statement or engage in negotiations on particular issues. Luckily it is very rare to spend a full meeting sitting in our national seat as a lot of business is transacted bilaterally or in small groups in the margins of the meeting. Following the meeting I would endeavor to provide Wellington and other interested posts with a read out of any important developments, seeking instructions for future meetings if needed. On particularly good days there might also be time to read more widely or produce a “think-piece” on a topic of interest, or to hear the perspectives of some of our valued civil society partners on upcoming issues.

### How did you become interested in disarmament matters?

Early on in my career at MFAT I developed a fascination with the decisions that are taken to develop, use or prohibit certain types of weapons – not only from a humanitarian perspective but also as an insight into how States assess their national security needs and view their obligations under international law. At a personal level too, once you become aware of the harm caused by inhumane weapons such as landmines and cluster munitions – let alone the catastrophic consequences of any nuclear weapon detonation – I think it is very hard not to become interested in, and moved by, disarmament issues more broadly. The daily news is full of evidence of the devastating impact on civilians and their communities of the use of illegal weapons and the illegal use of others, as well as from the illicit trade in small arms and light weapons. Inaction in the face of such horrors is not an option. Though the slow pace of progress on disarmament issues can be immensely frustrating it is also true that the victories, such as the entry into force of the Arms Trade Treaty, are equally rewarding.





Representing New Zealand with Ambassador Dell Higgle at the May 2016 session of the Open-ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations.

### Did you imagine that this would be your career path when you were studying law?

Well, I have to confess that I knew I wanted to work for MFAT from quite early on in my law degree – I liked the thought of being paid to travel the world and was attracted to the idea of working not just with law but also with policy and security issues. I also found appealing the fact that I could try many different fields of work within the one organisation – from bilateral and regional relations to multilateral issues such as disarmament and human rights. I had no idea, however, that I would develop such an intense interest in disarmament and non-proliferation issues, or that I would have the chance to gain expertise in this field across two fantastic postings.

My law degree has proved invaluable across a great many of my roles in MFAT, not only substantively (particularly with respect to international humanitarian law) but also in terms of the general skills developed over years of study. Being able to draft language that is clear (or at least deliberately ambiguous) is an essential skill in diplomacy, as is the ability to sift rapidly through huge volumes of often contradictory information to distill relevant key points and recommend a particular course of action. I should be honest though – lawyers aren't always popular on the diplomatic circuit given their reputation for "splitting hairs" and "sitting on the fence". In my experience, however, the advantages of a law degree have far outweighed any perceived disadvantages (which are, in any event, quickly trained out of diplomats who want to remain useful and retain friends!).

### Here we are in New York where the First (Disarmament) Committee of the General Assembly has voted to start negotiations on a nuclear weapons ban treaty, based on a resolution that New Zealand co-sponsored? How does that feel?

Being part of the decision taken in New York to commence negotiations on a nuclear prohibition treaty is – hands down – the highlight of my career to date. It was certainly an historic moment and one which built on many years of work, both by New Zealand (including our own disarmament superhero, Ambassador Dell Higgle) and by a great many other States that remain committed to achieving a world without nuclear weapons. It is our hope – and expectation – that the new treaty will strengthen the norms contained in the Nuclear Non-Proliferation Treaty (NPT) and create additional momentum towards the fulfilment of the long-standing obligation to achieve a nuclear weapon-free world. I am excited to be part of the New Zealand team at the negotiations – and to have the chance to put my legal skills to such good use! At the same time, I am looking forward to continuing the important work that needs to be done within the framework of the NPT to ensure that all States are fulfilling their obligations there – not least of which are the nuclear disarmament-related obligations in Article VI of the Treaty.

### What does the coming year look like for you?

Next year promises to be even more hectic than usual (although I have to confess to thinking that every year!). In addition to two rounds of negotiations on a legal instrument prohibiting nuclear weapons and the first Preparatory Committee meeting of the current NPT review cycle, there will be ongoing work in New Zealand's role as coordinator for national implementation measures under the Convention on Cluster Munitions and as a member of the Selection Committee for the Arms Trade Treaty's Voluntary Trust Fund. New Zealand is also a supporter of the development of a political declaration on the issue of explosive weapons with wide-area effects in densely populated areas, and I look forward to engaging in work to this end over the course of 2017. We also hope there will be forward movement on the issue of Lethal Autonomous Weapons Systems (or "killer robots") so it will be important to track that too. Along with regular meetings of the Conference on Disarmament (which may or may not break out of its 20-year deadlock), various treaty bodies and the month-long session of the UN General Assembly's First Committee in New York, it is not hard to imagine that 2017 will be full-on. To be honest, though, I wouldn't have it any other way!

### What practical advice would you give to an aspiring international lawyer in Law School right now?

Although it may not seem like it right now it is very likely the case that you will never again have as much time to really analyse an issue and get to grips with its many different angles before you have to produce a decision (or at least a recommendation) on the best way forward. Enjoy the time and use it to really build your analytical and decision-making skills. I would also recommend taking every opportunity you can to broaden your understanding of the external issues that have an enormous impact on the development and implementation of international law – eg, domestic and global politics, security concerns and conflicts, as well as the very real difference that individuals can make.



Katy with her daughter Sarah Crowley.





## Gaining new perspectives on indigenous issues

**Alumni Kingi Snelgar (Ngāpuhi) and Kiri Toki (Ngāti Wai, Ngāpuhi, Ngāti Whātua) have recently returned to New Zealand having both completed LLM degrees at Harvard Law School in Boston. Kingi, a former Crown prosecutor, specialised in criminal justice and indigenous rights issues and Kiri, a former commercial litigator, specialised in the study of international, commercial and indigenous rights matters.**

A key reason for why the pair chose to study in the US was to learn more about the unique legal arrangement in the United States between the US federal government and Native American tribes. Although Native Americans make up less than 2% of the population, tribes operate under formal policies of self-determination. These translate into extensive powers of internal self-government. Tribes are still subject to federal law, but they have their own constitutions and administer their own judicial systems and regulatory regimes, in a limited form of sovereignty.

The pair used their time at Harvard to research this unique legal arrangement. However, it was while working for Native American tribes that they gained a first-hand, practical insight into how indigenous self-determination worked in practice, Kingi at the Pine Ridge Indian Reservation Court in South Dakota and Kiri in the Navajo Nation Supreme Court in Arizona.

“All indigenous people are looking to assert self-determination in a post-colonial context,” says Kingi. “I wanted to see how Native Americans were governing themselves in practice, particularly the ways they have incorporated custom into their court processes.”

“Our time gave us a unique insight into what indigenous self-determination looks like on the ground,” says Kiri. “We saw the benefits and problems associated with the tribal governance structures from a legal and practical perspective, and are well placed to comment on what may work well for Māori should similar processes be adopted here in New Zealand.”

Their time in the US enabled Kingi and Kiri to fully appreciate the common difficulties, as well as the common successes they shared as indigenous people from different parts of the world. After his time at Pine Ridge, Kingi worked as a human rights observer at the Standing Rock Reservation in North Dakota in support of the indigenous peoples who are resisting the construction of the Dakota Access Pipeline.

Kingi remarks that “both the struggle the Lakota Sioux are facing and the form of protest they are undertaking is very familiar for Māori. My own people at Puhipuhi are facing similar concerns as the government grants exploration permits to mine for gold. And we are familiar with the peaceful protest at Parihaka.”



Kiri with Acting Chief Justice Allen Sloan.

Back in New Zealand the pair are taking a small break to reflect on their experiences. They are currently assessing their options for their next steps. However, they would like to create an indigenous rights advocacy mechanism to speak on issues relevant to the Pacific. “Spending time overseas, you realise how isolated New Zealand is as a country and the Pacific is as a region,” says Kiri. “However, you also realise that we, as Pacific peoples, have a unique perspective on issues and can be world leaders on environmental, social welfare and race relations issues. It is important to share our views, to have our perspectives heard and to continue to challenge ourselves as a country”.





## Alumni news in brief

### Samuel Beswick

This year Samuel Beswick became New Zealand's first lawyer in memory to read for a Doctor of Juridical Science (SJD) at Harvard Law School in Cambridge, Massachusetts.

Sam's career so far has taken him to both sides of the Atlantic. After graduating LLB (Hons), BCom from Auckland in 2010, Sam went on to clerk at the High Court in Auckland. After that, he practised litigation at Meredith Connell and then at the Solicitor's Office of HM Revenue and Customs in London, U.K.

"It was through working on tort and restitution cases for government departments that I developed my interest in issues at the intersection of public and private law," says Sam.

Supported by a Frank Knox Memorial Fellowship and a Saltonstall Scholarship, he returned to Harvard Law School (where he graduated with an LLM in 2014) to write a doctoral thesis on "private law remedies for legislative error". The focus of his studies are the common law frameworks that have developed to facilitate money claims against the state when laws are found to be unconstitutional.

"There is growing debate, particularly in the UK and Canada, as to whether such claims should find recourse through private law actions (such as tort or unjust enrichment) or whether this is a problem that should be dealt with in a public law rubric," he says.

At Harvard, he works with Professors John C.P. Goldberg and Vicki C. Jackson – experts in private law and constitutional law respectively – as well as with Professor Rebecca Williams who teaches EU remedies jurisprudence at Pembroke College, Oxford. Sam is also involved with the Harvard Law School Project on the Foundations of Private Law and recently convened a new Restitution and Unjust Enrichment Discussion Group.

"There's an incredible community here, which this year includes a record 11 Kiwis at Harvard Law School, four of whom are Auckland Law School graduates."

### Does an academic career await?

"Hopefully. Teaching and writing is very satisfying – developing ideas and testing them out with students and colleagues," he says.

Sam previously tutored law for several years at Auckland, including helping to develop the sentencing skills programme in the Criminal Law course, and earlier this year taught a class at King's College London. He says he looks up to people like Scott Optican, Julia Tolmie, John Ip and many other academics at the Auckland Law School who commit their careers to improving this country's (or others') legal system.

"They have always been generous with their time and encouragement and I'd be pleased to achieve their confidence and ability in my own career."

**Miranda Playfair**



## Overseas Postgraduate News

Auckland Law School graduates frequently secure postgraduate places at some of the world's most prestigious universities. Some of our alumni who have completed, or are completing, postgraduate degrees overseas at leading universities include:

Benedict Tompkins (Cambridge), Hamish McQueen (Cambridge), Namita Singh (Cambridge), Amanda Stoltz (Cambridge), Rachel Tompkins (Harvard), Kingi Snelgar (Harvard), Kiri Toki (Harvard), Helen Brown (Columbia), Rina See (Oxford), Aditya Basrur (Cambridge), Nadya Berova (Queen Mary College), Sebastien Davys-Brown (Leiden University), Sara Jackson (University of Toronto), Olga Ostrovsky (Oxford), David Green (Harvard), Bree Huntley (Harvard), Jocellin Lee (NYU), Chris Jenkins (Cambridge), Ally Tang (Columbia), Sanja Nenadic (Melbourne), Hao Zi (Renmin University), Maayna Tandon (NYU), Max Harris (Oxford), Eesvan Krishnan (Oxford), James Ruddell (Oxford).

We look forward to following their progress.

## Judicial appointments and promotions

The Auckland Law School congratulates all its graduates who have been appointed members of the judiciary during the last year. Senior judicial appointments and promotions are listed below:

The Honourable Justice Dame **Ellen France** (LLB (Hons) 1982) has been appointed a Judge of the Supreme Court. Three of the six members of the Supreme Court are women. All three are Auckland graduates (Chief Justice Elias, Justice Glazebrook, and Justice Ellen France).

The Honourable Justice **Raynor Asher** (BA 1971, LLB 1973) has been appointed a Judge of the Court of Appeal.

**Paul Davison** QC (LLB, 1975) was appointed a Judge of the High Court in 2016.

## Appointed Queen's Counsel in 2016

The following University of Auckland Faculty of Law alumni were appointed Queen's Counsel in 2016:

**Vanessa Bruton** (LLB 1994, MCom Law (First Class Honours) 1998).

**Victoria Casey** (LLB 1988).

**Marc Corlett** (BCom/LLB (Hons) 1992, MJur (Distn) 1996, BA 2001).

**Derek Nolan** (LLB (Hons) 1977).

**Aaron Perkins** (LLB 1980).

**Professor John Prebble** (BA 1966, LLB (Hons) 1968).

## Alice Wang

*"I graduated from the University of Oxford with a MSc in Economics for Development in 2015 and a Master of Public Policy in 2016. I was at Oxford on a Rhodes Scholarship but also received a Light Senior Scholarship from St Catherine's College and also the Francis and Caron Fernandes Music Prize for my involvement with music life at St Catherine's.*

*"While at Oxford, I worked on a number of different research projects for the George Institute for Global Health, the Government Outcomes Lab, and the Global Economic Governance Programme. I also helped the Rhodes Trust develop their Character, Service and Leadership Programme and was part of the Oxford Global Leadership Initiative. I'm about to head off to Melbourne in February to work as a Consultant with the Boston Consulting Group."*

Alice graduated from the Auckland Law School in 2014 with a BA/LLB(Hons).





## DONOR WALL

The Auckland Law School thanks all alumni and friends for the support they have given to the Faculty of Law in recent years, including the following alumni and friends who have given support since the 2015 Eden Crescent.

### Graduates of the 1950s

Duncan Bamfield  
 Roger Brewster  
 Tony Chrisp  
 Peter Clapshaw  
 Cedric Jordan  
 The Hon Justice Sir John Henry KNZM  
 Bill Mitchell  
 The Hon Justice Peter Salmon

### Graduates of the 1960s

William Akel  
 Barry Atkins  
 The Right Hon Justice Sir Peter Blanchard KNZM  
 Warren Butterworth  
 Stuart Callender  
 Emeritus Professor Jim Evans  
 Justice John Faire  
 Patrick Gibson  
 Stuart Grieve QC  
 The Hon Rod Hansen CNZM  
 Judge David Harvey  
 Sidney Pavett  
 Professor Peter Skelton  
 Ross Sutherland  
 Sir David Williams

### Graduates of the 1970s

William Akel  
 Stephen Anderson  
 The Hon Justice Raynor Asher  
 George Boyd  
 Andrew Brown QC  
 Stuart Callender  
 Brian Corban QSO, CNZM  
 Miles Dillon  
 Emeritus Professor Jim Evans  
 Justice John Faire  
 Keith Familton  
 Kelly Flavell  
 Thomas Fleming  
 Alan Foubister  
 The Hon Justice Dame Lowell Goddard DNZM  
 Judge David Harvey  
 Simon Jefferson QC  
 Hon Dr Wayne Mapp  
 Judge Mark Perkins  
 The Hon Justice Randerson  
 Professor Peter Rhodes  
 Geoff Ricketts CNZM  
 The Right Hon Sir Anand Satyanand GNZM, QSO  
 Ross Sutherland  
 Alan Taylor  
 Judge Stanley Thorburn  
 Mike Whale  
 Janet Whiteside

### Graduates of the 1980s

Celia Caughey  
 Lady Deborah Chambers QC  
 Stuart Grieve QC  
 Megan Gundesen  
 Jane Kingstone  
 Garth Mathieson  
 The Hon Justice Simon Moore  
 David Nicoll  
 Coral Shaw  
 Ceri Wells  
 Martin Wiseman and  
 The Hon Justice Helen Winkelmann  
 Andrea Wylie

### Graduates of the 1990s

Marcus Beveridge  
 Carolyn Cameron  
 Kent Chaplin  
 Adrienne David  
 Kavita Deobhakta  
 Eardley Dijkstra  
 Natalie Walker and Ned Fletcher  
 David Jones  
 Bruce McClintock

### Graduates of the 2000s

Dr Alan Green  
 Paige Howard-Smith  
 David Josland  
 James MacGillivray

### Graduates of the 2010s

Hamish Coupe  
 Hayden Hughes  
 Matthew Tihi

### Other donors and friends

Anonymous (8)  
 John Billington  
 Elaine Davies  
 Hugh Fletcher  
 Peter Gowing  
 Louisa Graham  
 Alastair Haigh  
 Paul Mabey QC  
 Sir Chris Mace KNZM  
 Dr John Mayo  
 Jocelyn Morgan  
 Phillipa Muir  
 Professor Sivapaham Naguleswaran  
 Anna Nathan  
 Geoffrey Sharp  
 Jodi Southon  
 Paul Wicks

### Organisations

Air New Zealand  
 AJ Park  
 Auckland District Law Society  
 Auckland Women Lawyers' Association  
 Auckland District Society of Notaries  
 Auckland Private Education Charitable Trust  
 Bankside Chambers  
 Baldwins  
 Bell Gully  
 Chapman Tripp  
 Chartered Accountants Australia and New Zealand  
 Donny Charitable Trust  
 Ernst and Young  
 FairWay Resolution Limited  
 Friends of The University of Auckland  
 Gaze Burt Lawyers  
 Haigh Lyon  
 Kensington Swan  
 Kiely Thompson Caisley  
 LEADR  
 LexisNexis  
 Lowndes Jordan  
 Maritime Law Association of Australia and New Zealand  
 Minter Ellison Rudd Watts  
 Meltzer Mason Health  
 Meredith Connell  
 Momentum Tutoring  
 New Zealand Law Foundation  
 New Zealand Society of Notaries Incorporated  
 Pacific Lawyers' Association Inc.  
 PwC  
 Robertsons  
 SBM Legal  
 Simpson Grierson  
 Shortland Chambers  
 The Greg Everard Memorial Trust  
 The Johnston Foundation  
 The Kate Edger Educational Charitable Trust  
 The UK Friends of the University of Auckland  
 Thomson Reuters Ltd  
 Wilson Harle Barristers & Solicitors  
 Wynn Williams Lawyers

*We would also like to acknowledge and thank the law firms and individuals who have assisted our student societies and the events and competitions they organise.*







