

Eden Crescent



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Message from the Dean



Photo: Scott Optican.

Over the last 12 months it has been very pleasing to see the results of two independent reviews of the quality of the Auckland Law School. The first review was that of the "Committee Established to Review the School of Law". This comprised six members of whom four were external to the University of Auckland and two from other disciplines, chaired by Professor Jane Harding of the Liggins Institute. The external members were Professors Michael Bridge from the Law School at University College London, Jenny Morgan from University of Melbourne Law School, John Burrows of Canterbury Law School, and the Hon Justice David Baragwanath of the High Court of New Zealand.

The Committee in its 24 page report concluded that:

"This is a very good Law School, of high standing both nationally and internationally"

"In public law and commercial law the School's senior staff are world authorities whose personal performance shows what can be achieved"

"Some academic staff are producing work that is outstanding by international standards"

"There is pleasing appreciation by students of the quality of teaching ..."

"Staff and student morale is high and there is good camaraderie among the staff of the school."

At the same time, as all good reviews should, the Review Committee laid down challenges and made a series of recommendations – "not critical of a poorly performing School of Law [but to] assist a very good Law School move toward greatness".

The major recommendation was to articulate an "ambitious" vision of the role that the Law School can fulfil for New Zealand. Other recommendations included continuing focus on international benchmarking, recruitment of the best available scholars in the international community, and a special focus on improving Maori student recruitment into the Law School (where, once Maori students are admitted, their successful performance "is a credit to them, their teachers, and the School as a whole"). Another recommendation, reflecting our own comments to the

Committee, is the development of more "centres" of research expertise – around our established strengths such as constitutional and administrative law, international law and dispute resolution, Pacific legal studies, criminal law and policy, and of course commercial law and environmental law where formal Centres already exist. These recommendations were all consistent with the Law School's aspirations and we look forward to implementing them.

The second independent report on the quality of the Law School was the result of the "second PBRF round". Readers may not know that PBRF stands for "Performance Based Research Fund", this being the component of the Government's tertiary education funding that relates to research as opposed to teaching. Following reforms beginning in 2003, research funding is delivered to the country's tertiary institutions according to a formula that rewards successful research outcomes. One major component of this is the institution's "average quality score", and this is derived from each academic's research output being set out in a portfolio that is then evaluated by a panel comprising national and international scholars. Each academic's research is assigned a grade of A, B, C, or R (standing for "research inactive"). From the aggregation of individual academics' "quality scores" (which are converted to numbers on the basis that A equals 10, B equals 6, C equals 2 and R is zero), an average can be derived both for universities as a whole as well as for the schools and divisions within them. The results for the five law schools, as released by the Tertiary Education Commission in its 2007 report, were:

Auckland Law School	5.7
Otago Law School	5.4
Victoria University Law School	4.5
Canterbury Law School	4.2
Waikato Law School	3.2

A feature of the PBRF regime, reflected in the above table, is the parsimony with which A grades are awarded: defined as involving "world class research that includes highly original work which ranks with the best of its kind". Over the tertiary sector, only 7.42% of academics were graded A. The Auckland Law School performed well above that average at 21.8%, with Otago Law School the next best performer at 13.7%.

A major feature of 2007 has been the move to "open entry" into Part I of the LLB degree. Until 2007 we operated with two different "selection" points: we took 600 students into Part I (once called "Law intermediate year"), and then selected 300 students for Part II (Law School proper). The change in 2007 has been to make Part I available for all who wish to do it (and who are eligible to study at University). Part I comprises the two law courses for which we are responsible – Law and Society and Legal Method – as well as 6 courses drawn from offerings in other faculties. The move to open entry meant, of course, that for the first time we could not be sure of the numbers that would enrol in the two law courses. As it turned out, we had nearly 1200 enrolments in the two courses (with a further 400 students taking Law and Society as part of the University's "General Education" offerings). These students were taught in streams (seven for Law and Society and

five for Legal Method). By recruiting extra teachers we have been able to handle this without difficulty.

The overall aim was to simplify the admissions process by moving to selection at one point only, while also allowing all school leavers the chance to compete equally for entry to Law School after one year's university study. From 2008 we will be double weighting the two Law courses, so that the grades received count for 40%, rather than 25%, of the grade point average for the year. Our analysis of previous years confirms that legal aptitude, demonstrated by success in the Part I law courses, is an accurate predictor of success in law studies. It makes sense to emphasise that success in our selection.

The year has been, as usual, enriched by a series of academic visitors to Auckland, presenting seminars and courses. Our LLM programme, much of which is taught by distinguished academics from overseas universities, has been especially successful in 2006 and 2007. This has led us to reaffirm our commitment to it, and all who are interested in furthering their academic credentials should look on our website to see what is on offer for 2008.

Our students have had a great year, with success in three of the four national competitions – Scott Leith in Witness Examination, Sam Clearwater and Scott Trebilco in Client Interviewing and Anna Crowe and James Little in Mooting. The last pair will go on to compete in the Jessup Moot in Washington DC. And we were delighted at the news that law graduate Eesvan Krishnan was awarded a Rhodes Scholarship, and at the time of writing he is shortly to depart for Oxford. Several other former students have been awarded prestigious awards to study overseas: see further inside the magazine.

I will finish by returning to the Law School's strategic vision. We are New Zealand's leading law school, sited in the nation's commercial capital and its largest and most multicultural city. Law will always be critical to our thinking about the way New Zealand deals with the challenges ahead, be they environmental, trade-related, human rights, security, national and global governance, technological or law and order. Auckland is also a hub of the South Pacific, and many of our students have Pasifika heritage and connections, and it makes sense for us to recognise the needs of that region as well in our teaching, research and consultancy. The Auckland Law School is aware of its obligation to produce not only outstanding graduates bound for the practice of law in New Zealand and around the world, but also outstanding thinkers who can bring their legal training to bear on any career. It is a truism that the world is changing fast: the mix of subjects in the Law School of today is very different from when I graduated in 1977. No doubt it will continue to change. The Law School's challenge is to continue to be at the forefront of legal education, not just for New Zealanders, but for all who wish to come and study here. In this we will need the partnership of the New Zealand legal profession and our alumni. I look forward to meeting many of you over the coming 12 months.

Paul Rishworth

Arise Professor Emeritus Brian Coote FNZAH



Brian has been instrumental in putting New Zealand law and legal scholarship on the world map like no other New Zealand-based legal scholar in the twentieth century. Granted, many fine legal scholars emanated from New Zealand during the same period, but virtually all of them earned their academic reputations as scholars in universities overseas. Brian, in contrast, carved out his distinguished academic career, which now spans some 46 years, from inside New Zealand's own borders, and his scholarship became internationally respected notwithstanding the geographic isolation, ranking with the very best in its field.

Brian joined the Auckland Law Faculty as a Senior Lecturer in 1961, having graduated PhD from the University of Cambridge in 1959. His PhD thesis was awarded the distinguished Yorke Prize, and was subsequently published in England as *Exception Clauses* (1964), an influential and critically acclaimed work.

Professor Emeritus Brian Coote has been made a Fellow of the New Zealand Academy of the Humanities. This is a signal academic honour. The Academy was established in 2006 and this is the first appointment of Fellows. The Fellowship of the Academy of the Humanities was established by the New Zealand Council for the Humanities-Aronui, and is intended to serve similar functions as the Fellowship of the British Academy in the United Kingdom. In this inaugural round, approximately 20 Fellows were invited to join the Academy.

Fellowship of the Academy of the Humanities is awarded for distinguished research achievement in a field associated with the humanities-aronui (including law). The award is for academic achievement over a sustained period, such achievement being demonstrated by a combination of peer esteem, outstanding publications, and contribution to the wellbeing and development of the professional field. The Council was especially eager to establish an inaugural group of Fellows who would set the highest standards, which makes Brian's inclusion especially pleasing. Two of the other inaugural Fellows are also distinguished legal academics: Emeritus Professor John Burrows (formerly of the University of Canterbury, now at the Law Commission) and Professor John Smillie (University of Otago).

There can be no doubt that Brian Coote is a leading figure in his academic field of contract law. Indeed, when one considers the history of legal education and scholarship in New Zealand,

Success came quickly to Brian within the University, and he was promoted to a Chair in Law in 1966, where he remained until his retirement in 1995. He was Dean of the Faculty of Law from 1984 to 1987. Upon his retirement, Brian received a CBE in the 1995 New Year Honours list, in recognition of his services to legal education. He continues to write prolifically, and is still seen in and around the Faculty most days. He is an inspiration to his colleagues.

Significant in Brian's academic career are his massive contributions to law reform in the area of contract law in New Zealand. For 20 years (1966–1986) Brian was an active and leading member of the Contracts and Commercial Law Reform Committee, whose reports were instrumental in seeing through a number of innovative reform statutes in the area of contract and commercial law in New Zealand, including the Contractual Mistakes Act 1977, the Contractual Remedies Act 1979, and the Contracts (Privity) Act 1982. Some of this legislation has served as a model for similar reforms in other legal systems, including Australia, Canada, and the United Kingdom.

It remains to record the Faculty's delight and pride in Brian's Fellowship of the New Zealand Academy of the Humanities. Needless to say, the Fellowship is a great honour for anyone to receive, and in Brian's case it is one that is well deserved for a long and distinguished career that isn't over yet!

Rick Bigwood

The Launch of a Prize-Winning Book on Medical Law

Two staff at the Faculty of Law have contributed handsomely to *Medical Law in New Zealand*, a book which gives legal practitioners, health practitioners and managers, students, and the public an authoritative account of key aspects of the law relating to health care.

The book examines a range of medico-legal issues, including consent to treatment, confidentiality, mental health, the beginning and end of life, and complaints and compensation. Litigation involving doctors established many of the relevant principles, but these principles apply equally to other health practitioners in their relations with patients. New Zealand statute law frequently makes no distinction between doctors and other health practitioners. This book therefore deals with matters that extend across a wide range of health practice.

Professor Warren Brookbanks of the Faculty of Law wrote two chapters: on mental health law and on special patients and special care recipients. Associate Professor Joanna Manning of the Faculty was responsible for five chapters: on standard of care (two), professional discipline of health practitioners, treatment injury and medical misadventure, and on civil proceedings in personal injury cases.

Academics from the Law Faculty at the University of Otago, where the book was launched by the Minister of Health, the

Hon Pete Hodgson in February, collaborated with Warren and Joanna on the book.

There are also chapters by Ron Paterson (who was in addition one of the general editors), the Health and Disability Commissioner and formerly a senior lecturer at the Auckland Law School, where he developed the teaching of Medical Law. His chapters were written while spending time at the Law School as a visitor over the past 12 months.

“It is fitting,” notes the preface, “that [this work] should emerge from the two New Zealand universities with both law and medical schools, where the intersection of law and medicine has long prompted scholarly debate and inquiry.”

The Solicitor-General, David Collins QC, author of an earlier work with the same title, says few areas of the law have changed and expanded so rapidly. “Every year significant common law, legislative and administrative developments impact upon medical law in New Zealand. This new publication provides a thorough and comprehensive analysis of this important branch of our law.”

The book won the J.F. Northey Memorial Book Award for the best book published by a New Zealand-based author or authors. The award is presented by the Legal Research Foundation.



From left: Professor Warren Brookbanks, Associate Professor Jo Manning, Professor John Dawson, Professor Nicola Peart, Ron Paterson - Health and Disabilities Commissioner, Professor Peter Skegg, Hon Peter Hodgson - Minister of Health.

New Appointments and Promotions



Klaus Bosselmann

Klaus Bosselmann has been promoted to Professor in 2007. Klaus joined the Faculty in 1988 as a lecturer after a varied legal career in Germany as a practitioner, judge, law teacher and politician. He studied law and political science at Universität Tübingen, and then Université de Lausanne and Freie Universität Berlin, gaining his doctorate (summa cum laude) from the latter in 1979.

Klaus has devoted his research and teaching life mainly to the theoretical and international dimensions of environmental law. He is particularly interested in the ethical and legal issues surrounding sustainable development, climate change, biodiversity, biotechnology and Earth governance. Klaus is not interested in pure scholarship, but research and scholarship directed at achieving change in the real world. For this reason he is very orientated towards the international environmental policy scene and actively interfaces with governments, international institutions and non-governmental organizations.

Klaus has served as a consultant advisor to numerous organizations, including the Federal Environmental Agency in Germany, the German Federal Ministry of the Environment, the European Commission, the Ministry for the Environment in New Zealand, the Social Science and Humanities Research Council of Canada, the United Nations Environmental Programme, the Earth Council, the Earth Charter International and the World Conservation Union (IUCN). He was a delegate at the Earth Summit in Rio (1982) and in Johannesburg (2002). He has also served on the boards of the Institute for Environmental Law in Bremen, West Germany, the Association of Environmental Law in Germany, the European Environmental Social Sciences Network, the International Institute for Environmental Compliance Assistance, the New Zealand Association for European Studies, the Europe Institute of the University of Auckland, Sustainable Aotearoa New Zealand, the New Zealand Sustainable Trust, *Zeitschrift für Umweltrecht*, the *Macquarie Journal of International and Comparative Environmental Law* and the *New Zealand Journal of Environmental Law*. He is Convener of the Universitas 21 Environmental Law Network and Chair of Earth Charter New Zealand.

In his own words:

“I see myself as part of a global movement and do not pretend to be ‘original’ in a true sense. My contribution is, however, to link streams of thought common in a wide range of disciplines and bring them to bear for a new, original approach to legal disciplines. To this end, I have pioneered the emerging field of sustainability law.”

Klaus has published fifteen books (ten as author, five as editor), a good number of which have been in German, and forty journal articles. He has recently completed a book entitled *The Principle of Sustainability*.

Klaus’ promotion recognizes his international reputation as an intellectual leader of the criticism and advancement of environmental theory and law. His reputation has led to his being the keynote speaker at many international conferences (in 2007 he has already given keynote addresses in Brazil, Canada, Libya and Germany) and to his being invited to teach as a visitor at the Universities of California, Sydney, Humboldt, Trier, Lund, and Porto Alegre. He has also been a visiting fellow at the Max-Planck Institute for International and Comparative Public Law in Heidelberg and the European University Institute in Florence.

At the University of Auckland Klaus has taught mainly courses in the postgraduate environmental law programme, together with a substantial commitment to masters and doctoral thesis supervision. LLB students encounter Klaus in the popular International Environmental Law course, the Earth Governance elective and Jurisprudence, where he is a regular contributor. Klaus has been the Director of the New Zealand Centre for Environmental Law (NZCEL) since it was established by the University of Auckland in 1999. He is a man of immense energy and enthusiasm; an inexhaustible source of ideas for innovation and activity. The numerous conferences and publications which have emanated from the NZCEL are testimony to the quality of the work of Klaus and his colleagues in the research centre.

Bruce Harris

Neil Campbell

Neil Campbell is one of New Zealand’s top commercial law academics and his recent promotion to Associate Professor is recognition of this. Neil was a standout student here at the beginning of the Nineties. His phlegmatic but acute intelligence (and his mathematical facility) suggested a great future at the bar or in business, so it was very heartening to find that, after all, he had so enjoyed study for its own sake that he undertook postgraduate study abroad then became an academic. The further study was at Cambridge, and his first teaching post was at the University of Nottingham, where he taught for two years from 1993. He returned to this Faculty in 1995.

Neil has not altogether been lost to the profession, because a few years back he became what we call a “fractional appointment”, to distinguish tenured, but no longer fulltime, staff from part-time teachers. This enabled him to join Shortland Chambers, where he has become the formidable advocate that one would expect, practising in land law, company law, and commercial law.

Neil teaches Company Law and Insurance Law at the Faculty, which are his principal areas of research. However, he has also taught Land Law and Contract Law, and is one of the authors of that outstanding New Zealand text, *Land Law in New Zealand*, known as “Hinde, McMorland and Sim”. The clarity



Photo: Godfrey Boehnke.

of Neil's thought and expression is greatly appreciated by his students, and this is reflected in his receipt of a Distinguished Teaching Award in 2001. His publications include those in the leading English journals, *Cambridge Law Journal*, *Law Quarterly Review*, *Lloyd's Maritime and Commercial Law Quarterly*, and *the Journal of Business Law*.

Neil has also made a major contribution to administration both at the University and with the Legal Research Foundation. At the Faculty, he is currently filling the key role of Director of Postgraduate Studies, and has served as Deputy-Dean, and Chair of Finance Committee. He was co-editor, with Rick Bigwood, of the *New Zealand Law Review* and a member of the Legal Research Foundation council from 1999-2004, and currently is co-editor of the *New Zealand Business Law Quarterly*.

Neil is also known for his golfing prowess, something he shares rivalrously with Rick Bigwood, though, like Rick, his single digit handicap must now be threatened by his responsibilities as parent. Neil and his partner Celia have three young children.

Peter Watts

Alison Cleland

Alison Cleland joined the Law Faculty as a senior lecturer in July 2007. Although having no children herself, she is a specialist in children's rights. (Needless to say, I have already invited her to my house in the evening, to witness firsthand how "children's rights" really operate in New Zealand!)

Alison is a graduate of the University of Edinburgh, with an LLB (Hons) degree and a Diploma in Legal Practice, as well as holding an LLM in child welfare from the University of Leicester.

Before coming to Auckland, Alison was a senior lecturer in the Law School at the University of

Strathclyde, having also previously taught at the Napier University Law School in Edinburgh. Before that, she was an advice worker in child law in Glasgow, and a solicitor with the Edinburgh law firm of Mowat Hall Dick & Co.

While at Strathclyde, Alison was the Law School's equal opportunities officer. She was responsible for developing policies and protocols to address inequalities in student access, particularly for minority ethnic groups. She also convened the Scottish Child Law Centre (a national children's rights organization) for three years, sat on the professional advisory group of Childline Scotland (a national child abuse helpline), and was legal adviser to the Aberlour Child Care Trust Fostering Panel (a national child care charity).

Alison has published widely on children's welfare, children's rights, and the law governing child witnesses, as well as in the area of family law. She has taught a variety of subjects, including evidence, family law, the law and juvenile justice, computing and communication for lawyers, and interviewing and advocacy skills. She will be adding to the diversity of her teaching portfolio at Auckland, having been enlisted to teach Contract Law and Legal Method from the start of semester two!

In terms of her research plans, she initially intends to compare the special tribunal that deals with child offenders in Scotland with the family group conferences that underpin the New Zealand juvenile justice system.

Rick Bigwood

Photo: Godfrey Boehnke.





Photo: Godfrey Boehnke.

Peter Devonshire

Peter's colleagues in the Faculty were delighted when he was promoted to Associate Professor in 2007. Peter joined the Law School in 1992, and completed his doctorate on interlocutory injunctions and third parties with us in 2003.

Peter's research interests lie in the areas of equity and property. He has published widely in influential international journals, including *The Law Quarterly Review* and the *Modern Law Review*. His contribution has mainly been in the general area of remedies, and more specifically in the field of injunctions. However, his publications have also covered a number of diverse private law subjects, including remedies and related aspects of civil procedure, mortgage law, public tendering contracts and equity. He is currently engaged in research on "account of profits", to lay the foundation for a monograph on the subject.

Peter's work has been widely cited in academic commentary, and judicial decisions, including the New Zealand Court of Appeal. Earlier this year he presented a seminar for the Institute of Judicial Studies on Equitable Remedies.

From the outset Peter's interest and commitment to teaching was apparent. Much of Peter's teaching involves large classes, and, although this is not the easiest teaching forum, Peter quickly established a reputation as an effective and successful lecturer. He received the Distinguished Teaching Award for the Faculty of Law in 1999 and then in 2004 was awarded a prestigious University of Auckland Teaching Excellence Award. Peter currently teaches in the compulsory Equity course

as well as two elective papers: Personal Property and Equitable Remedies.

Peter is a section editor of the *New Zealand Business Law Quarterly* and next year he starts a two-year term as co-editor of the *New Zealand Universities Law Review*.

Rosemary Tobin

Caroline Foster

Dr Caroline Foster, who joined the Faculty in 2003, was promoted to senior lecturer from February 2007. Caroline is an international lawyer with a strong background of practical experience in foreign affairs. Caroline was employed as a legal and policy advisor with the Ministry of Foreign Affairs from 1992 to 1999. During her time at the Ministry, Caroline served as a member of New Zealand delegations at negotiations on air services, indigenous peoples' rights, and at the 1995 World Summit for Social Development. She provided legal advice on a wide range of subjects, including during the negotiation of the Kyoto Protocol and the Cartagena Protocol on Biosafety, and in respect of issues relating to the work of the International Law Commission, United Nations sanctions, refugee law, child soldiers, diplomatic and consular protection, whaling, and trade in endangered species. In 1996-1997 Caroline took unpaid leave from the Ministry to work in London for an NGO, International Alert, on issues related to international conflict resolution.

Caroline originally graduated in French language and literature, and law, from the University of Canterbury. She has maintained her interest in language and speaks French and



Spanish as second languages. In 1997 Caroline completed at the University of Cambridge an LLM in International Law with First Class Honours, followed in 2003 by a PhD. Caroline returned to Cambridge in 2006 as a Visiting Fellow at the Lauterpacht Research Centre for International Law.

The research for her PhD has provided the foundation for the book which Caroline is currently writing entitled *Science, Proof and Precaution: The Adjudication of International Disputes Involving Scientific Uncertainty*. Since her appointment to the Faculty Caroline has published in the *European Journal of International Law*, *Australian Yearbook of International Law*, *New Zealand Yearbook of International Law*, *Netherlands International Law Review*, *Review of European Community and International Environmental Law*, *Journal of Ocean Development and International Law*, *International Journal of Marine and Coastal Law*, and the *Singapore Journal of International Law*, and has contributed a number of chapters to books. The topics of her published research have included, inter alia: the role of international courts and tribunals in relation to armed conflict; the shipment of nuclear materials; indigenous peoples' rights to self-determination; social science experts and amicus curiae briefs in international courts and tribunals; the legal consequences of the construction of a wall in the occupied Palestinian territory; the partial awards of the Eritrea-Ethiopia Claims Commission; and the treatment of prisoners of war.

As would be expected, Caroline's teaching and student research supervision is mainly in the field of public international law at both undergraduate and postgraduate levels. In 2007 Caroline has offered a new LLB elective course entitled "Law of the Sea and Antarctica," which further enhances the strong suite of international law courses offered by the Faculty. A significant contribution to teaching in the LLB Public Law course ensures Caroline keeps in touch with New Zealand domestic law.

Bruce Harris

Kris Gledhill

Kris Gledhill is a PhD candidate who successfully chanced his arm at a vacant lecturing position in the Law School. He is now a full time member of the academic staff. A family man with four children, Kris has the unenviable task of managing family spread over three countries - New Zealand, England

and Dominica, where his wife Matesha is currently employed. He is a seasoned international traveller. Kris comes to the Law School with a wealth of practice experience, having spent the last 20 odd years practicing at the English bar. He enjoys bars of all descriptions.

As a young graduate of Oxford University, Kris's early OE took him to America, where he took up LLM studies at the University of Virginia, graduating in 1985, before joining the legal profession in Virginia at the tender age of 21. He now serves on the alumni association of the Virginia Law School.

Initially he practiced in corporate and tax law deriving from his Virginia qualification, working first in the US and then in London. This eventually gave way to criminal law and disabilities law as his interest in mental health law and prisoners rights grew. He is a gifted advocate and has represented clients at all levels of the English court system, including the English Court of Appeal and House of Lords. He appeared in the House of Lords in: *R (Carroll and Al-Hasan) v Secretary of State for the Home Department* [2005] 1 WLR 688; *R (West and Smith) v Secretary of State for the Home Department* [2005] 1 WLR 350; *R (Clift, Headley and Hindawi) v Secretary of State for the Home Department* [2007] 2 WLR 24, He also appeared in the following leading Court of Appeal cases: *R (Johnson) v Secretary of State for the Home Department* [2007] 1 WLR 1990; *R (Noorkoiv) v Secretary of State for the Home Department* [2002] 1 WLR 3284; *R (Sim) v Secretary of State for the Home Department* [2004] 2 WLR 1170 (as well as 6 or 7 other cases of sufficient precedent value to make it into the Weekly Law Reports). In contrast to the conventional refinements of life as a barrister in London, he grew his hair long and took to cycling round the streets of London, in defiance of more customary means of transport. He once cycled from London to Edinburgh in four days and now shows a depressing aptitude for cycling at speed up the steep hills on Waiheke Island!

He has impressive credentials as a legal publisher in his own right, publishing his own *Mental Health Law Reports* and *Prison Law Reports* in print and online. He also currently writes a monthly column for the *Legal Executive on Human*





Photo: Scott Optican.

Rights Law and has recently published *Mental Health Tribunals - Essential Cases* (2006, Southside Legal) and *International Human Rights and Mental Disability Law* (2006, Carolina Academic Press, co-author).

Kris's skills as a communicator have already been recognised by the legal profession here and he is likely to become a regular lecturer on continuing professional education courses, as he has been in the UK for some years. He is one of the major trainers for the Mental Health Review Tribunal in England and Wales and still sits on the Tribunal on a part-time basis.

Kris has become a valued member of the Auckland Law Faculty. His legal versatility and experience is a great asset and he is proving to be a popular teacher. At the Law School Kris teaches in Criminal Law and Torts, and plans to develop courses relating to international human rights law.

Warren Brookbanks
Valmaine Toki

In te reo Maori, a "toki" is an axe or an adze - a tool that is obviously forged from sturdy material. It is practical, useful,

hardworking and essential to providing for the wellbeing of a family or community. You could say the same of the new Maori academic member of staff who shares that moniker, Valmaine Toki. Valmaine is Ngapuhi, Ngati Rehua and Ngati Wai, coming from Aotea/Great barrier Island. Valmaine is a mother of three children, sons Taumata and Tama, who are at primary and secondary school respectively, and daughter Kiri, who is in Part II of her conjoint BA/LLB degrees. Tama is an accomplished sportsman, holding the National Junior 100m track title, and playing in the Auckland Grammar School First XV. Valmaine is passionate about her family's education and extra curricular activities, which occupy most of her "spare time."

After gaining her BA in the 1980s following schooling at Avondale College, Valmaine did many things prior to undertaking her law studies in the late 1990s. These included being a stay at home mum, mussel farmer and ski lodge owner/operator in the South Island. The seasonal nature of the ski lodge work enabled Valmaine, husband Steve and the kids to return home to Aotea each summer. The lack of a secondary school on the island meant the family relocated to Auckland after several years to allow the children to attend school and their mother to return to university.

Valmaine continued to juggle family and study whilst at Law School, and often brought (the then) baby Taumata to campus with her. She graduated with her LLB (Hons) in 2004, and was admitted to the Bar the following year. Her honours dissertation concerned aquaculture, an interest that was furthered upon her being

awarded He Ture Pumau, the scholarship for law graduates offered by Te Ohu Kaimoana, the Treaty of Waitangi Fisheries Commission. This scholarship allowed Valmaine to work on the iwi asset allocation model at the Commission, as well as to study towards a Masters in Business Administration from the Australian Maritime College at the University of Tasmania, which was conferred earlier this year. Her MBA focussed on marine resource management, including strategic planning, economic growth, management planning and sustainable practices. In legal practice, Valmaine has assisted in cases taken to the Maori Land Court, Environment Court and High Court.

As well as experience and interests in aquaculture and resource management issues generally, Valmaine has also published with the Waikato Law Review, on the subject of therapeutic jurisprudence for Maori criminal offenders. She currently teaches in Law and Society, Jurisprudence and Contemporary Treaty Issues.

Khylee Quince

Law School joins IALS: Educating International Lawyers.

International and comparative law plays an increasing role in the modern law school curriculum. In large part, this is because our own domestic law is shaped or influenced by international treaties. But it is also because, like all leading law schools, we are now educating lawyers for the global market as well as domestic legal practice. As you will read elsewhere in this magazine, Auckland graduates are to be found in a variety of jurisdictions and contexts: some in law firms in the world's major cities, others working for international institutions and tribunals, still others for NGOs.

The law student experience is also touched by the trend towards internationalism. Each year around 10% of our final year students spend one or two semesters at law schools abroad, and we welcome a similar number from the northern hemisphere. Exchanges in both directions greatly enrich the Law School.

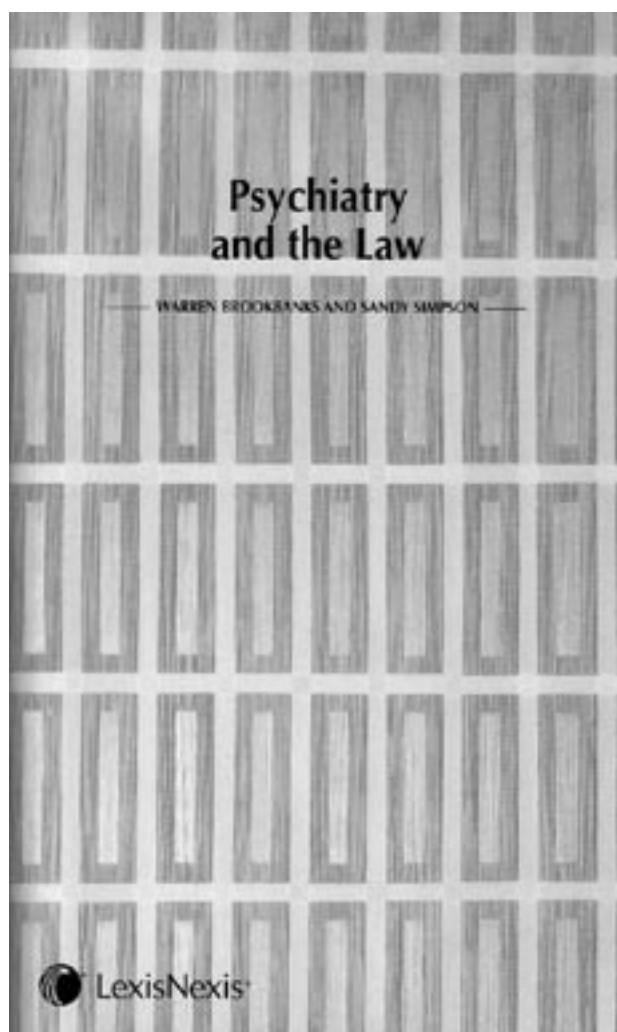
At the Faculty level there are numerous associations that we have with academics in other leading law schools, and it has

long been a strength at Auckland to have a programme of distinguished visiting academics.

Given our keen awareness of the international dimension of legal education, the Faculty elected in 2006 to become a member of the International Association of Law Schools. The Association has over 120 members, drawn from Europe, Asia, Africa, the Americas and Australasia. This year the Faculty's Dean, Paul Rishworth, and Senior Lecturer Nin Tomas will participate in the IALS's conference in Suzhou, China on global legal education. Paul Rishworth also served as a member of the IALS planning committee for this conference. In early 2008 the IALS will host a conference on "The Law of International Business Transactions: A Global Perspective," hosted by Bucerius Law School in Hamburg, and the Faculty hopes to be represented there too.

The Law School is pleased to support and participate in the mission of the IALS.

The Launch of a Substantial New Book On Forensic Psychiatry



Psychiatry and the Law was launched in 2007 in the judges' common room at the Auckland High Court, with judges, lawyers, health professionals and legal academics present.

The book (which updates and replaces a 1996 book) traverses such issues as fitness to plead, insanity, sentencing, disposition, and services for mentally abnormal offenders. Also discussed are the evolving models of clinical management and risk assessment; and the changing professional perceptions of the relationship between mental disorder and violence. Written for judges, lawyers, clinicians, and students of forensic psychiatry and law, the book is also a resource for politicians, officials, media and others who influence public opinion.

Professor Warren Brookbanks of the Faculty of Law, is general editor of the book to which 18 authors, including himself, contributed. The consulting editor (and also an author) was Dr Sandy Simpson, Director of Regional Psychiatric Services at the Mason Clinic in Auckland and an Honorary Clinical Associate Professor at the University of Auckland's Department of Psychological Medicine.

Speaking at the function Justice David Baragwanath, who wrote the book's foreword, congratulated the authors and said he wholeheartedly commended this "beautiful piece of work." Noting that one in five New Zealanders face some form of psychiatric problem in their lifetime, he said the New Zealand statute book had "made a marked advance in this field which is due in no small measure to the work of a number of those present." Everyone working in the area should read and absorb this "vital and overdue" book, said Justice Baragwanath.

Professor Brookbanks said the book owed much to Bernard Brown's encouragement and was dedicated to him. "He was the person who introduced me to the principle of fitness to plead and the defence of insanity."

Bill Williams.

Auckland Graduate Wins Rhodes Scholarship

Eesvan Krishnan (BCom/LLB(Hons) 2007) is one of three Rhodes Scholars from New Zealand chosen for 2007. Rhodes Scholarships, held at Oxford University, represent the pinnacle of achievement for university graduates wanting to pursue postgraduate study at one of the world's leading universities. The last Rhodes scholar selected from the Law School was Ngaire Woods in 1986.

Eesvan plans to study for a bachelor of civil law degree at Oxford, focusing on human rights and the criminal law, followed by a master of philosophy in the same field. After working and travelling overseas he wants to practise criminal law in New Zealand and, eventually, to pursue an academic career specialising in criminal justice.

Eesvan was born in Singapore of Indian parents and came to New Zealand in 1993. He attended Macleans College at Bucklands Beach where he won the prestigious Prentice Boys All-Rounder Cup for his contribution to the school's sporting, charitable and cultural life.

In 2007 he graduated from the University of Auckland LLB with Honours and BCom with a double major in economics and international business. Staff in the Faculty of Law describe him as the most gifted student they have ever taught. He won numerous awards and scholarships, including the Senior Scholarship in Law for 2005 awarded to the top three qualifying graduates. He also won Senior Prizes in economics and international business. In 2004 he was a member of the victorious University of Auckland team in the Global Business Challenge, an international business skills competition held in Seattle.

Whilst at the law school he worked as a student volunteer on the case of Algerian refugee Ahmed Zaoui and co-founded the Equal Justice Project which promotes access to justice in Auckland for people who cannot afford legal services. In



Photo: Scott Optican.

2007 he has been Judge's Clerk to the Chief Justice, the Rt Hon Dame Sian Elias, in Wellington.

Eesvan is "absolutely thrilled" to be made a Rhodes Scholar. "I could not have done it without support from my academic mentors, family and friends."

Bill Williams

Visit by Professor Reinhard Zimmermann



Professor Zimmermann and Justice Asher

The Faculty was delighted to have Professor Reinhard Zimmermann as its guest in February-March. Prof Zimmermann is Director of the Max Planck Institute for Foreign Private Law and for Private International Law, Hamburg, Germany. He was here as Legal Research Foundation Distinguished Visiting Scholar for 2007. Prof Zimmermann is one of the world's foremost comparative lawyers, with a particular interest in comparative legal history. He has some 20 authored and edited books to

his name, including *The Law of Obligations: Roman Foundations of the Civilian Tradition*, and Reimann and Zimmermann (eds), *The Oxford Handbook of Comparative Law* (2006).

Prof Zimmermann enthusiastically entered into the daily life of the Faculty while here. Uniquely versed in both the civilian and common law worlds, he generously shared with colleagues his deep learning, and the insights he has developed into many of the enduring issues of private law. The formal events of the visit were:

- A public lecture entitled "Roman Law and European Culture". The address is now published at [2007] *New Zealand Law Review*.
- A seminar for undergraduate and postgraduate students, on "Legal History and Comparative Law."
- A talk given at the High Court in Auckland on the German émigré lawyers who went to Britain from Germany in the Nazi era. This talk was drawn from J Beatson and R Zimmermann (eds), *Jurists uprooted: German-speaking Emigré Lawyers in Twentieth-century Britain* (2004).
- A seminar on "Mixed Legal Systems in Comparative Perspective."

United Nations Presentation in South America



Dr. Nin Tomas and Dr Kathryn Lehman.

Dr Nin Tomas and Dr Kathryn Lehman (Latin American Studies) made a joint presentation last November, at a “Globalisation, Human Rights and Indigenous Peoples” seminar, held at ECLAC, the Latin American Headquarters of the United Nations, in Santiago, Chile. The gathering of academics, government officials, non-government organisations and indigenous peoples from Canada, USA, South America and Spain was designed to examine concepts of human rights with respect to indigenous peoples in the context of globalisation, especially in the context of recent UN’s debates over the Declaration of the Rights of Indigenous Peoples.

In her formal presentation, Nin examined the Maori, Crown relationship in Aotearoa/New Zealand. While Nin spoke in Maori and English about the concepts, principles and application of Maori custom law, and its place within the formal legal system of Aotearoa/New Zealand, Kathryn translated into Spanish. In other meetings with academics and indigenous leaders, Nin and Kathryn discussed what lessons might be learnt about facilitating dialogue between indigenous peoples and governments in South America.

Nin introduced her opening presentation at the UN meeting on “Maori and globalisation” in the traditional Maori way, with a whakatauki (proverb). She ended with a waiata sung in Maori and Spanish. Kathryn and Nin had practised inflections and delivery rhythms to provide an image of two people speaking in three languages conveying one message. “In order to deliver the presentation properly Kathryn had to abandon her own cultural background and get inside my head, and I had to let her - she had to get inside my culture, understand its concepts and feel it in order to convey it convincingly - or it would simply have sounded silly,” said Nin.

“We started with a whakatauki, which I chanted, and there was complete silence. Kathryn came in straight after, not chanting, but with exactly the same inflection even though speaking in Spanish. During the entire presentation there was absolute silence. People using their own cultural processes

when addressing others in these general forums is not common practice.”

“Our presentation was innovative,” says Nin, “we demonstrated how co-operation and trust between an indigenous person and two white people, none of whom could have achieved what they each wanted to on their own, can lead to a positive outcome for all three.” The content also provided a model: “I spoke about the principles that uphold tikanga Maori (Maori custom law) and the effects of globalisation on the application of those norms for Maori people, and how they may be reflected in other societies ... In a lot of South American countries, indigenous norms are not taken seriously. To have me speak about them in an international forum as being normal and carrying weight, was a way of affirming Maori culture, making it visible and giving it real value. This approach, in such a high-powered forum, was also a way of reinforcing the normality of the cultures of the other indigenous groups in the audience. They got it. And they let us know with sustained applause.”

Nin and Kathryn also delivered part of a 3-day course for South American indigenous leaders on Conflict Management and Resolution, organised by CITEM, (Coordinación de Identidades Territoriales Mapuche), the Alliance of Mapuche Peoples, and sponsored by the Universidad Catolica de Temuco, held at Temuco in Southern Chile.

This is a critical moment in Latin American history, as evidenced by the election of Evo Morales of Bolivia, the first indigenous president in Latin America. People at the seminar spoke of the increased strength and visibility of indigenous movements worldwide and the need to avoid internal conflict within states.

Nin and Kathryn’s collaboration shows how different disciplines at the University of Auckland can combine to positively foster teaching, research and service within the international community. A DVD titled “Indigenous Human Rights”, which records three interviews conducted by Nin in English, can be viewed on the university website.

Sculpture of Hon. Peter Mahon QC in the Davis Law Library



Photo: Godfrey Boelinke.

In April the Law School received a handsome bronze bust of the Hon. Peter Mahon, made by his son Sam and donated by the Mahon family in recognition of Peter's association with the Law School and his contribution to the law. Peter Mahon's love of law books and *bon mots* made the Davis Law Library the obvious home for the bust. In addition, Peter's widow, Margarita, donated all of Justice Mahon's judgments (1972-81) to the library and they will be displayed in a specially made bookcase to be located close to the bust.

The Hon. Peter Mahon QC (1923-1986) spent the last couple of years of his life at the Law School as our first visiting judicial fellow; an association he enjoyed greatly and from which the Law School benefited greatly also. He was a graduate of Canterbury Law School, but became an honorary Aucklander when he became a High Court judge here in 1972.

As I suspect there may be some younger alumni who do not know much, if anything, about Peter Mahon, the following passage gives some flavour of the man and the regard in which he is held: ¹

“When the current vogue for ‘political correctness’ is finally exposed as a self-serving humbug and society reflects on the few authoritative figures with the courage to fight against it, the Honourable Peter Mahon will probably head the list. His death, hastened by the pressures associated with his stand for truth and justice,

deprived New Zealand of ten productive years of a jurist capable of providing much-needed social, cultural and commercial leadership. One of the finest minds of his generation, he holds a special place in colleagues' memories because, despite his eminence, he was also a down-to-earth man who shared the ordinary Kiwi's hopes of a quinella at Avondale or yearning for an afternoon off work for a round of golf.”

Justice Mahon was the one-man Royal Commission of Inquiry into the crash of an Air New Zealand plane into Mt Erebus at Antarctica killing all 257 people on board. It remains New Zealand's worst single-event loss of life. Mahon's report cleared the crew of blame and found the crash to be caused by a reprogramming of the aircraft's navigation system that was not notified to the crew coupled with the “white out” weather conditions that prevented the crew seeing the plane was flying straight towards the mountain. In his report, characteristically, Peter Mahon used colourful language, the best known of which is that he had heard “an orchestrated litany of lies”.

Unable to sue a High Court judge sitting as a Royal Commission for defamation, Air New Zealand sought judicial review on the grounds of breach of natural justice and absence of evidence, and succeeded in the New Zealand Court of Appeal and the Privy Council. Believing that the finding of no evidential support for his statements by two out of the five Court of Appeal judges made his position as a judge untenable, Peter Mahon resigned as a High Court judge after the Court of Appeal decision, and was treated miserably by the government of the day. The vindictive refusal of the Prime Minister, Sir Robert Muldoon - who expected the Commissioner to confirm pilot error as the cause - to table the Report in the Parliament was subsequently undone and it was tabled on the twentieth anniversary of its release.

Peter Mahon's teaching stint is not the only connection with the Law School. Peter and Margarita's daughter Janet was a student here in the mid-1980s (LLB 1986). Also, Stuart Macfarlane, a longtime colleague (since retired), wrote about Mahon's Erebus Inquiry in his book *The Erebus Papers* (1991). And now we have a sculpture of Mahon père by Mahon fils. Sam Mahon is an accomplished sculptor, and the bronze bust (pictured) is a major addition to the Law School's and University's art collections. Some readers will feel they know Sam a little through Peter Mahon's published letters entitled *Dear Sam* (1985), and Sam himself is now a prize winning author. ²

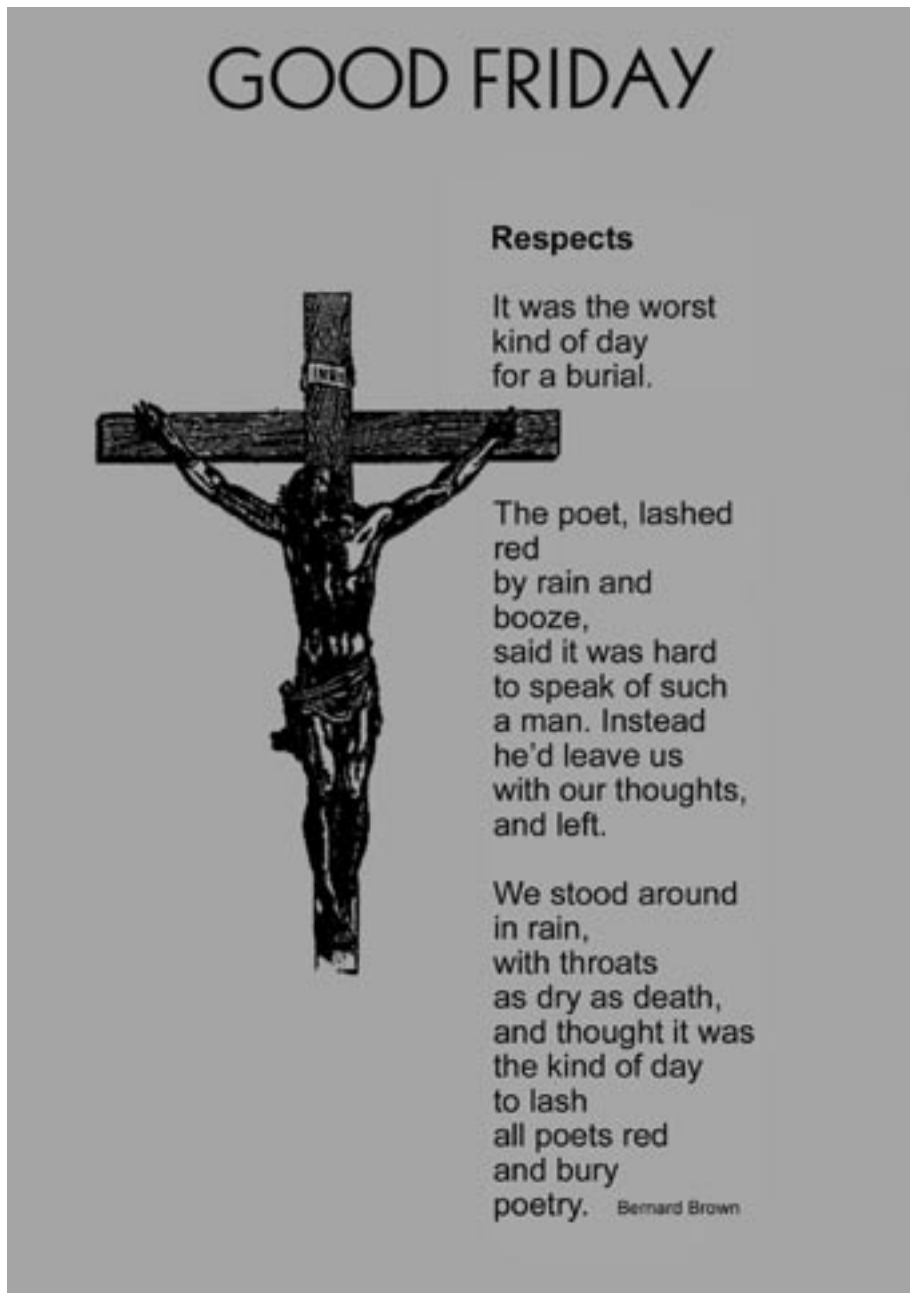
If you are passing the Law School pop into the Davis Law Library and admire both this great piece of art and the great New Zealand lawyer depicted.

Mike Taggart

¹ “An Orchestrated Litany of Lies”: Peter Mahon 1923-86” in Glyn Strange, *Brief Encounters: Some Uncommon Lawyers* (Clerestory Press, Christchurch, 1997) 67 at 67.

² See *The Year of the Horse* (2002) & now *The Water Thieves* (2006).

Come a Good Friday: "Respects" ex cathedra Eden Crescent to in cathedral, Dundee



of much memorable New Zealand poetry of the 1930s, '40s and '50s. Bob's wife, Irene, was the first Auckland Law School librarian, and the entire Faculty Staff - all seven of us! - attended the funeral and interment at Waikumete.

The great poet, Denis Glover, life-long friend of the deceased, came from Wellington to make a speech but emotion, fuelled by "drinkies" on the overnight Limited Express from the capital, shortened the peroration. And the rain sheeted down. Denis (eloquently) deposited a bottle of whisky in the grave together with printed poems and a pack of "Passing Clouds" cigarettes. A group of elderly Lowry relatives said graveside prayers.

My little poem-child took off and rather awesomely re-emerged as Good Friday verse at Dundee Cathedral forty-three years later. Like a message in a bottle. I have to say that, in my longish and dour life, it was, for me, an exciting happening. When I read it I could see that it is not inappropriate to an occasion for which it was never intended. Bob Lowry and Denis Glover, the two greatest literary party-ers in New Zealand history, may not have darkened the doorstep of a place of Christian worship - except for ANZAC services - in their adult lives. But they wouldn't have questioned the motives of others who did that often and regularly.

And neither man, I am sure, would have begrudged the Cathedral's minor breach of my copyright.

Publishing a poem, a story (even a reported judgment), is like sending your child out into the world. God only knows where it's going to end up, donkey's years later, and whether it will turn out to be profligate, indecently righteous or, as one hopes, gracious and "fun". As I said to a well-known writer, it doesn't matter a fig about the author: it's all about the "child". (As a devotee of literature, I love "Sonnet 76" and I love "Le Bateau ivre": I am less concerned if it was Shakespeare or Sidney, or Rimbaud or Verlaine who penned them).

At Easter this year Professor Janet McLean ("Our Janet"), now at Dundee University, and her philosopher husband, Professor Tim Mulgan, up the road at St Andrews, attended the Easter Friday service at St Paul's Cathedral, Dundee. They were surprised to find my poem, "Respects", on the cover of the Order of Service. It's a piece I had written in 1964 after the funeral of a remarkable man, Bob Lowry, a celebrated printer

[Note: Tim Mulgan's grandfather, John Mulgan, wrote the iconic works *Man Alone* and *Report on Experience*. In the 1930s his poetry was printed by Lowry in the magazines *Phoenix*, edited by Glover, and *Kiwi*.

Tim and Janet were at the right time and the right place on Good Friday, 2007].

Bernard Brown

The poem is printed here by permission of Cape Catley, 83 Ngataringa Rd., Devonport, who will publish Bernard's fifth volume of verse, Sensible Sinning, early in 2008.

Peter Sankoff Wins a Grant to Focus on Animal Law Research



Hugo Weaving and Peter Sankoff.

This past February, senior lecturer Peter Sankoff was lucky enough to travel to Sydney and receive an award marking his successful \$15,000 grant application from Voiceless, the fund for animals. Peter was the only New Zealander to receive one of the hotly

contested grants that encourage animal law related projects and research to be conducted across a variety of disciplines. The award was presented by Voiceless Ambassador Hugo Weaving (the well-known actor of such movies as the Matrix trilogy, V for Vendetta and

the Lord of the Rings trilogy) and by Voiceless directors Brian and Ondine Sherman.

Peter's grant will be put to good use. The money will be used to run a workshop entitled "Animal Law in Australasia: A New Dialogue," co-organized with Steven White of Griffith Law School in Brisbane, Queensland. The workshop is designed to stimulate the emerging field of Animal Law in Australia and New Zealand by bringing together eleven of the region's leading experts and an invited international guest to discuss a number of critical animal law issues, focusing specifically on matters relevant to Australasia.

The workshop is scheduled for the first weekend of September 2007 in Brisbane and, in addition to bringing together the growing number of academics and lawyers with a passion for animal law scholarship currently working in isolation across Australia and New Zealand, it will produce the first major scholarly work on animal law published in the Southern Hemisphere. The book "Animal Law in Australasia: A New Dialogue" will be published by Federation Press and should be available in late 2008.

The Pasifika Honours Club Wins a University Equal Opportunities Award for Innovation

Succeed, not survive! That's the motto of the Pasifika Honours Club, a new initiative started by Pacific Island Students Academic Counselor Peter Sankoff and Pasifika Academic Coordinator Karena Lyons in early 2006. The motto has worked for students thus far, and this year "success" was an accurate descriptor of the program itself. In July, the Honours Club was recognized with an Equal Opportunities Award, Special Commendation for Innovation, presented by Vice-Chancellor Stuart McCutcheon at an awards ceremony at Old Government House.

The Faculty of Law has had a support system in place for Pacific Island (Pasifika) students for some

time. However, instead of simply concentrating on providing students with an opportunity to survive, the Honours Club has installed a pro-active focus on excellence with two primary objectives: 1) to increase the number of Pasifika students enrolled in the Faculty's LLB Honours program, and 2) to create a positive spirit of opportunity for all Pasifika students through word of mouth, and encourage these students to aspire for higher grades generally.

Traditionally, Pasifika students have been sorely underrepresented in the LLB Honours Programme, which is reserved for the Faculty's best students. Prior to the inception of the Honours Club, very few Pasifika students were ever admitted to this prestigious group: 1

in 2006, 2 in 2005 and 1 in 2004. The goal of the Honours Club was to change this situation by encouraging our top students to excel at an early stage, and prepare them for the challenge of the LLB(Hons) degree. In both 2006 and 2007, we began by targeting students who we viewed as having the greatest potential to excel in law. We looked for students with solid marks across the board, potential for excellence (high grades in individual classes) and/or the right attitude (a desire to strive for excellence). The 2006 Honours Club produced three students who were admitted to LLB(Hons) and two more from that group are on track for a place when they become eligible in 2008. Five Honours' placements from one group certainly represent a dramatic increase for Pasifika students!

Letters from Alumni

Letter from London

Anna Longdill (BSc/LLB(Hons) 2003), who currently works for Meredith Connell, writes of her time spent on a Pegasus Scholarship to London to learn about UK prosecution methods:

“The Pegasus Scholarship was established by the Inner Temple, one of the Inns of Court in London, in 1987 with the aim of building links between the legal professions of the many countries in the world who live under the common law system.

There are two scholarships available for young litigation practitioners from New Zealand (of less than five years experience) to work in barristers’ chambers in London for a term of six weeks. I was fortunate enough to be selected as a Pegasus Scholar for 2007 (along with Charlotte Griffin from the Crown Law Office, who is taking up her scholarship later in the year).

I chose to take up my scholarship in May and June 2007. I split my six weeks between two sets of chambers: Hollis Whiteman chambers (which specialises in criminal work) and One Crown Office Row (which has a very broad civil practice).

Whilst at Hollis Whiteman, I observed a murder re-trial being prosecuted at the Old Bailey, and then shadowed a defence barrister for two weeks, observing a number of hearings and also reviewing a terrorist trial file.

At One Crown Office Row, I observed a wide range of civil work, from an environmental injunction, to a hearing at the VAT (Value Added Tax) Tribunal, to a number of judicial review applications.

The highlight of my trip was the three days that I spent marshalling with Judges. I spent a day with His Honour Judge Paget QC at the Old Bailey (observing the Crown open a murder trial) and two days with Lord Justice Moore-Bick in the Court of Appeal (observing an immigration appeal and an appeal involving contractual interpretation issues). It was fantastic to literally be the fly on the wall observing the discussions between the Judges both prior to and after the oral hearings.

The last weekend of my scholarship was spent attending a young practitioner’s advocacy course at the Latimer House Conference Centre. This was a fantastic experience. The majority of the faculty was comprised of leading silks, and High Court Judges. I did struggle somewhat with remembering to address the mock

Court of Appeal by their correct titles (My Lord being a somewhat foreign term of address to a New Zealand practitioner). The concept of a skeleton written argument, in contrast to full written submissions also took some getting used to.

It was interesting to note the differences in procedure between the New Zealand and English Courts. In particular, I was very surprised to see that there is no transcript of the evidence available during a criminal trial. All counsel (and the Judge) take copious notes instead. Whilst there is a shorthand taker in Court, the transcript is not actually typed up (unless there is a subsequent appeal or a party wishes to pay for the service, which apparently was very expensive). In this regard, I think the New Zealand system (where typically, the notes of evidence are typed up as the trial proceeds, and are available either in real time or after a short delay) is highly preferable.”

Letter from Banda Aceh

Leanne McKay (BA/LLB 2001) writes:

“I ... just recently left Sudan - a year was over, my job was done, and it was time to move on. In fact, 6 days after my departure from Sudan, I arrived in Banda Aceh, capital of Aceh, Indonesia, and the area worst affected by the Tsunami in December 2004, to start my new job - no

rest for the wicked, as they say!

But first, to return to Sudan... A few months ago I took over as the acting head of the Rule of Law project for UNDP in North Darfur which was exciting, but meant I was extremely busy and travelled a lot around Darfur. For almost two months I was travelling every week and whilst it may sound exciting, those UN helicopters are not exactly sound proof, nor comfortable. I always wondered how much damage I was doing to my hearing when I sat in the chopper with my ipod on and the volume turned up full to try and drown out the chopper noise!

However, I have to say that sadly, in the year that I was in Darfur I saw little improvement in the situation, despite the world pouring money and aid into the region. In the end it seemed to me that politics, bureaucrats, natural resources, self-interest and corruption have meant that no one with the power to really create change will actually do so because none have the will to see the conflict end - yet. So whilst on a micro level, I saw some tangible achievements through our programme in terms of individuals receiving legal aid assistance and some successful prosecutions, better trained paralegals and capacity building of the judiciary and our local staff, on another level the achievements were harder to see. An example, in my last few weeks in Darfur I sat in a meeting with a senior



local law enforcement official and was told straight-faced that there were no rapes and never were any rapes occurring in Darfur. NGO reports worldwide, information gathered by the UN and others all point to the contrary, and I also could have pointed out that in fact our legal aid lawyers had successfully prosecuted a North Darfurian policeman for the rape of a local woman just a few months before, but the fight was too big and the energy levels just weren't there. It was at that point I knew it was time to leave Darfur and let some new blood come in and take up the battle. I wish them all the luck!

But I do not want to sound depressed or demoralised about my time in Sudan. It was in fact the most amazing year full of significant professional and personal challenges and I truly feel I came out of it a different person. And it was a year of memories that will not soon be forgotten! Memories of sweating through another power cut at 2am when my room is 35 degrees Celsius (95 degrees Fahrenheit); of being given a guided tour of Kutum town and its tourist attractions, the "White Sands" and mango groves, by three senior Darfurian judges and their armed guard; oranges.....; the smell of goat meat (only to be eaten in extreme emergencies); designing and implementing the first mobile legal aid program to the rural areas of North

Darfur; having tea at the home of the only female judge in Darfur; declaring to a friend facing some legal trouble, "it's ok - I have lawyers!" (in reference to my network of 25 legal aid lawyers in Fasher town); a birthday (the combination of contraband wine, sake, tequila shots and the locally brewed "Janjaweed juice" led to a good night!); Christmas, complete with Christmas Pudding sent all the way from NZ - thanks Mum!; trying to whip egg whites for a pavlova using a fork stuck in a power drill; confusion at where the water was coming from when the first drops of rain for 2007 struck me in El Fasher; being told by my paralegals that I was the tree and they were the fruit; my cleaner (aka my angel - thanks to her all my clothes survived the year!); my driver with his three wives and his heart "that is like a hotel, and not all the rooms are full (yet)!"; and of being reminded by a paralegal of words I had spoken at my first public engagement in Darfur in August 2006, that "the strongest weapon is not a gun or a sword, the strongest weapon is knowledge," and his statement that he and the paralegals had carried those words with them in all their work. I hope so....

I arrived in Banda Aceh on 19 July. I have a five and a half month consultancy with the International Development Law Organisation (IDLO), where I am acting Officer in Charge (a staff of nine plus

me) and Project Manager for a project funded by UNICEF that aims to legalise the status of guardians of orphans from the Tsunami under the sharia (Islamic) court system. It means travel out to the villages in the Aceh region to do guardianship law training and to identify potential cases for legalisation, development of legal publications, and having district court judges travel to the villages to determine cases in a sort of "mobile court."

From the little I have seen of Banda Aceh so far, it's great. It is much more developed than El Fasher was and the availability of local and foreign produce is immense (when compared to Sudan!). Indonesian food is delicious and the compound that I now live in has a beautiful pool and gym. My staff are great and one took me for a great tour of the town today, including the slightly voyeuristic sounding "Tsunami tour" to see the areas worst affected by the 2004 disaster. The staple food here is seafood - tuna, prawns, squid...you name it - a big improvement on goat! And the novelty of being in such lush green (wet!!) tropical climes after 18 months in desert will take a while to wear off. The work begins in earnest next week (once the jet lag has worn off) and I really can't wait to get into it."

Law School Graduate in Cambodia



An interest in international human rights and a Harvard fellowship led to a revealing and occasionally harrowing stint in Cambodia for University of Auckland Law graduate Bridgette

Cronin (BA 1999/ LLB (hons) 2002). She is now back in New Zealand after a year spent working for the Cambodian Defenders Project, helping local lawyers with cases as well as training them.

Bridgette trained 50 people to survey more than 1,500 Cambodians on their experiences of sexual violence - as victims or eyewitnesses - during the Khmer Rouge's rule. From their responses she selected 120 for a detailed interview by herself, a Japanese woman fluent in Khmer and four recent Cambodian law graduates "who spoke fairly good English." "There was no shortage of stories that people were keen to share," she says.

"With few exceptions people were very happy to have someone come and ask them about their stories. One interviewee said: 'I am happy you ask about this.

I will tell you all. It makes me feel better'."

This piece of research was funded by the Open Society Institute which promotes democratic governance, human rights, and economic, legal, and social reform. Bridgette is writing a paper on the implications of her findings for the Extraordinary Chambers of the Courts of Cambodia (ECCC) as the Khmer Rouge trial task force is known. A Henigson Human Rights Fellowship from Harvard Law School made possible her Cambodian posting.

Cambodia has been traumatised by its recent history, says Bridgette, most importantly the Pol Pot regime but also the years of civil war and unrest that preceded and followed. "Yet the people are incredibly warm, generous and welcoming. I felt incredibly privileged to be allowed into the homes of people who have suffered so much and who quietly shared their stories with me in the hope that outsiders and the

younger Cambodians will know what they suffered. The failure to bring the perpetrators of the atrocities to justice has certainly furthered the suffering of the people who cannot understand why the Pol Pot regime occurred and why no one has punished those who hurt them.”

She fears the ECCC is “too little too late” and that the expectations among the people will outstrip what this model of justice can ever deliver. “Having

interned at the International Criminal Tribunal for Rwanda (ICTR) I saw firsthand some of the limits of this model, particularly the huge expense, the length of time it takes to get any results and the limits on the jurisdiction. Attempting to secure the rights of the people in an impoverished society that has no tradition of democracy and has lost almost all its educated people is no easy task, but working with the idealistic and enthusiastic young lawyers who are now

graduating from university gave me great hope for the country’s future.”

This year saw Bridgette brushing up her litigation skills at Stace Hammond in Hamilton. She is unsure where her career will take her but expects it will involve further work abroad and at home in human rights.

Bill Williams.

ICC Practice Moots Named in Memory of Grant Sievwright

Readers will remember Mark Kelly’s tribute in last year’s issue of *Eden Crescent* to a vibrant and outstanding alumni of the Law School who tragically passed away that year. We note that the ICC International Court of Arbitration dedicated this year’s Willem Vis Moot practice rounds to the memory of Grant Sievwright, who was described as “a precious and close friend of ours.” The practice rounds took place at the

ICC headquarters in Paris on 23 and 24 March 2007 and the participants were universities from all over the world. Jose’ Feris remarked that “We believe that Grant’s unparalleled charisma, continuous search for professional excellence and enviable love for life is an example to be followed by all students participating in this event, who look forward to becoming promising arbitration practitioners.”

New Zealand Society for Legal and Social Philosophy Up and Running

At a conference of the Australian Society for Legal Philosophy held in Auckland in June 2006, New Zealand attendees resolved to re-vitalize the New Zealand Society for Legal and Social Philosophy. To date, branches have been established in Auckland, Wellington and Dunedin. (Recently, I gave a paper to a lively meeting of the Otago branch.) We maintain close association with the Australian Society and have negotiated a cheap rate for subscriptions to their journal.

At the time of writing, the Auckland Branch of the Society has held the following six meetings:

1. September 06: A panel discussion on “How Much Discretion Police Should Exercise in Deciding Who Gets Prosecuted?” The speakers were: Ross Burns, Tim Dare, Gary Gotlieb, Scott Optican (of the Law Faculty).
2. December 06: Dr Martin Wilkinson delivered a paper entitled “Contagious Diseases and Rights”.
3. March 07: I delivered a paper entitled “Rights Preferring Interpretation: Where Are the Limits?”.
4. April 07: John Ip, of the Law Faculty, delivered a paper entitled “New Zealand’s Hate Crime Legislation: Theory and Practice”.
5. May 07: Professor Rosalind Hursthouse from the Philosophy Department, delivered a paper

entitled “Two Ways of Doing the Right Thing: Virtue Ethics on Legal Ethics”, a paper that argued that virtue ethics can add a useful understanding to the characteristic rule-based structure of legal ethics.

6. July 07: Jonathan McKeown-Green, from the Philosophy Department, delivered a paper on intellectual property entitled: “Intellectual Progeny: A Patent Cure?” The paper questioned the assumption that the moral foundation of intellectual property law should lie in the premise that whatever a person produces creatively is that person’s property.

Each of these meetings provoked spirited discussion. A seminar will be held in August on the topic “Should Judges be Authorised to Strike Down Statutes That They Believe Infringe Fundamental Human Rights?” The speakers introducing the issues will be Aaron Lloyd and Richard Ekins (of the Faculty of Law). We are expecting a good turn out and lively discussion. Further meetings are planned for September and October.

Anyone wanting to join the society or wanting further information about it should contact me by e-mail at pj.evans@auckland.ac.nz.

Jim Evans

Greg Everard Memorial Moot



From left: Joanne Dickson, Louise Everard, Madeleine Everard, Justice Courtney, Alexander Ho, Keith Wang and Anna Crowe.
Photo: Scott Optican.

The Faculty's most lucrative moot competition is the Greg Everard Memorial Moot, held annually in memory of alumnus, the late Greg Everard. It was announced at this year's competition that law firm Kensington Swan will become a major sponsor of the competition. Greg was a partner of the firm.

The moot is based each year on a problem in commercial law. This year's scenario involved the liability of a solicitor under

the Fair Trading Act 1986 for alleged misleading conduct in the course of the mediation of a leaky building dispute. The final was held in the No 1 High Court before the Hon. Justice Courtney, who spoke warmly of the standard reached by all four finalists. Those finalists were Anna Crowe, Joanne Dickson, Alexander Ho, and Keith Wang. The winner was Alexander Ho.

Professor Sealy's Gift of an Early Crown Grant

Len Sealy, SJ Berwin Professor Emeritus of Corporate Law at Cambridge University and a distinguished alumnus of the University of Auckland and its Law School, has kindly presented to the Faculty of Law a very early Crown grant of a section of land in Albert Street, Auckland. The document is of much historical and legal interest. The University Library has had it treated to ensure its permanent preservation. Facsimiles are held by the Davis Law Library.

The grant is formally made by Queen Victoria on 15 August 1842: "Witness our Trusty and Well-beloved William Hobson... Governor ... of our ... Territory [of New Zealand]... at Government House, Auckland". In effect of course it is a grant by the Governor (who signs it) on the absent Queen's behalf, from lands acquired by the Crown from Maori for the site of Auckland. The grantee is John Swainson, who had bought the section (just over a quarter-acre) from the Crown, for 132 pounds sterling. The plan on the grant shows the section as Lot 5 in Lower Albert Street, which apparently was situated a short distance above the then shore line and what is now Customs Street.

Memorials endorsed on the grant include one by the Colonial Secretary, Willoughby Shortland (later acting-Governor),

noting its entry "on Record" on 15 August 1842. Another records its registration under the Deeds Registration Ordinance 1841 (a precursor of the Deeds Registration Act 1908) on Monday, 26 June 1843.

The document is particularly interesting as a very early reminder of an important aspect of conveyancing law and practice that lasted well into the 20th century. A Crown grant was the first link in a chain of title consisting of conveyances and other documents, each of which required registration under the Deeds Registration legislation to preserve its common law priority. All that has, of course, largely been replaced by the Torrens System, under (now) the Land Transfer Act 1952. The guaranteed certificate of title replaced the Crown grant. Aging lawyers remember, from their part time law student/law clerk days, the procedure of surrendering at the Land Transfer Office the documents in a chain of title, often beginning with the Crown grant, in order to "uplift" the certificate of title.

The University and the Law School are grateful to Professor Sealy for a very interesting and significant gift.

FM (Jock) Brookfield

The Legal Research Foundation's Bill of Rights Conference

The Bill of Rights is 17 years old in 2007, and the Legal Research Foundation held a major conference in July to mark its coming of age. Several members of the Faculty contributed: Paul Rishworth and Mike Taggart on the organising committee, Paul Rishworth, Scott Optican and Kris Gledhill as speakers, and Mike Taggart as a session chair. It was also good to welcome former colleague Janet McLean back to New Zealand as a contributor to the conference.

Why a conference on the Bill of Rights? Since the Bill of Rights was enacted in 1990 the world has changed in numerous ways. New Zealand has entered the "human rights era" - where the substance of law falls to be critiqued for its conformity with fundamental commitments made in constitutional documents or international treaties. Since 1990 the United Kingdom and South Africa have each acquired their own bills of rights. Even in Australia - still bill-of-rightsless after all these years - Victoria and ACT have recently enacted them and other states are looking at doing so. For its part, the High Court of Australia has, since 1990, held that certain fundamental rights are in fact implicit in the Australian Constitution, and has invalidated statutes on that basis.

In this state of affairs the idea of a bill of rights is very different in 2007 from what it was when ours was first mooted, back in 1985. New Zealand lawyers now realise that the Bill of Rights is much more significant than they first thought. It constrains all public actors, save in those rare cases where actions are plainly authorised by an inconsistent enactment that cannot, after some effort, be construed to be rights-consistent. Importantly, there is a further arena of its impact often hidden from practising lawyers, for it is played out in policy debates and legal opinions about what sorts of actions and proposed laws are consistent with the Bill of Rights. That is to say, the Bill of Rights is not just about arguments in courtrooms.

Interestingly, the New Zealand Bill of Rights "model" - as a statutory rather than "supreme-law" bill of rights - has transpired to be something of a ground-breaking innovation on the world stage. The United Kingdom adopted a similar approach in 1998, and the Australian jurisdictions mentioned have done likewise. In international circles this model is now known as the "new commonwealth constitutionalism" - the idea that judicial interpretation of human rights will serve to control the executive branch, influence the interpretation of statutes, and confer on the judicial branch a judicial review role over the substance of legislation that can lead to "declarations of inconsistency", even if not annulment. We are in the very early stages of reckoning with this new approach, and are happily doing so in the distinguished company of the other jurisdictions mentioned. One thing has become clear: the power of the idea of human rights is as important as the nature of the document in which they are affirmed. That is why it has become less important that the Bill of Rights is not entrenched as a supreme law: it is certainly politically impossible to repeal it. It is likely to become only more significant: the generation of New Zealanders that has come of age since 1990 is unlikely to be persuaded otherwise.

For all these reasons and others, the Foundation believed it timely to evaluate where we have got to with our own Bill of Rights. It assembled a distinguished line-up of national and international speakers. Professor Eric Barendt of University College London, author of the acclaimed text *Freedom of Speech*, addressed recent United Kingdom developments in that sphere topic, New Zealand's

Andrew Geddes of Otago Law School adding a local perspective.

Former colleague Professor Janet McLean, now of the University of Dundee, looked at the increasingly important interface between administrative law and human rights. Kris Gledhill of Auckland examined developments in rights-protecting interpretations of statutes.

Paul Rishworth took on the topic on freedom of religion in an increasingly secular society - exploring topics such as the legitimacy of protecting religious exercise in the face of generally applicable laws, as well as the place of religion in education and other facets of public life. Royden Hindle, Chair of the Human Rights Review Tribunal, looked at remedies for public sector discrimination, drawing attention to the potential of litigation designed to establish that enactments or public sector actions are discriminatory in their effect.

Scott Optican and Bruce Gray, QC, spoke on procedural protections in the criminal and regulatory investigation process; Geoff McLay examined Bill of Rights' remedies. Crown Counsel, John Pike, added his perspective on the role of courts in rights cases.

The closing section involved distinguished American academic Professor Sandy Levinson from the University of Texas who gave an assessment of our experience from a United States perspective, and The Rt. Hon. Justice Peter Blanchard of the New Zealand Supreme Court who asked: "where have we got to?"

All in all the conference was another successful alliance between the Faculty of Law and the Legal Research Foundation.

Paul Rishworth

Graduation 2007
Photo: Scott Optican



The Postgraduate Programme

A new home, and new faces

Near the end of 2006 the Faculty's postgraduate programme gained its own home. It now occupies most of level 8 of the building at 1-11 Short Street, just across the road from the Faculty's main home in Eden Crescent. In residence at Short Street one can find Megan Baker (Postgraduate Manager), Jo Anderson (Postgraduate Administrator), and Françoise Godet (Postgraduate Student Adviser). Françoise was appointed postgraduate student adviser in late 2007, reflecting the recent growth in the Faculty's postgraduate programme (of which there are more details below).

By creating a new postgraduate home in Short Street, the Faculty has been able to provide improved study space for its PhD students, a number of whom enjoy shared offices (and occasionally a good view) from level 8. In addition, there remains a postgraduate common room at 17 Eden Crescent.

At the start of 2007 Neil Campbell was appointed Director of Postgraduate Studies. Neil is continuing the fine work of his immediate predecessors in that role, Michael Littlewood and Michael Taggart.

Development of and growth in taught Masters programme

Law graduates increasingly appreciate the benefits to be obtained from Masters-level study. The Faculty has responded to this by developing, in recent years, its taught Masters programmes: the Master of Laws (LLM), and the Master of Environmental Legal Studies (MEnvLS). The taught version of these

Former lecturer Jerry Elkind marries Jean Jackson.



degrees can be taken by completing four separate courses of study. These taught courses retain a research focus, as each course is usually assessed by way of a substantial research paper. The Faculty is now offering about 30 courses on this programme each year. Moreover, over any two-year period (which is the period over which our many part-time Masters students complete their degrees) there are now more than 40 courses from which students can choose.

Many of the courses are taught on an intensive basis, with students being given course materials about a month in advance of a week-long block of classes, with assessment following about two months later. These intensive courses enable students with other commitments (usually work) to undertake courses that they might otherwise have no opportunity of doing. Intensive courses also make it easier for the Faculty to attract eminent visitors to teach Masters courses. Each year the Faculty attracts an impressive line-up of visitors, either academics from universities such as Cambridge, Oxford, Toronto, Texas or Sydney, or local or international practitioners who are leaders in their fields. These visitors teach almost half of the courses offered by the Faculty. Enrolments in its taught Masters courses are higher in 2007 than ever before. The steady growth in enrolments over the past few years has occurred in both local and international students. The student body is increasingly diverse, both in terms of the jurisdictions in which the students have completed their undergraduate law degrees, and in terms of the professional experience that many of the students have gained before undertaking postgraduate study.

Masters courses in 2008

For 2008 the Faculty expects to offer a range of Masters courses that will again meet the needs of current and prospective postgraduate students. For full and confirmed details of the 2008 programme, we strongly advise those interested to consult the Faculty website or speak to the Postgraduate Student Adviser. The courses that the Faculty is planning to offer in 2008 are:

Commercial Law

Corporate Law (intensive)
Insolvency Law
Secured Transactions (intensive)
International Trade and Finance (intensive)
Regulation of International Trade
Intellectual Property
Copyright Law
Communications and IT Law
Sports Law (intensive)
Competition Law and Policy
Public Law in Commercial Contexts (intensive)
Remedies for Breach of Contract (intensive)
Restitution (intensive)
EU International Tax Law (intensive)
Comparative Corporate Tax Law (intensive)

Environmental Law

Human Rights and the Environment (intensive)
International Environmental Law
Wine Law (intensive)
Resource Management Law
Water Law (intensive)
Climate Change and the Law (intensive)

Public Law

Public International Law
International Human Rights (intensive)
Human Rights and Constitutional
Judicial Review (intensive)
Comparative Indigenous Peoples and the Law
The WTO as a Node of Global Governance (intensive)
International Criminal Law
Mental State Defences (intensive)
Employment Law

Gina Rudland 1962 - 2006



He Karakia Whakawaatea.

Ko teenei ka takina ko te kawa tapu, ko te kawa tuatahi ki te ahi tipua ki te ahi tawhito ki te ahi koomau, ko Ranginui kai runga, ko Papatuaanuku kai raro, na raaua ka puta whaaki te ira tangata ki te whei ao ki te ao maarama.

Whaano, whaano tau mai nga toki o Haumi eee hui eee taiki e.

He Koorero mo Gina i runga i toona kawemate.

E te hoa Gina, me te waipuke nei te kotokoto o wai mata, aa, e ai ki a raatau maa, maa reira me huupee rawa ka paku ea ai ngaa paahatanga a aitua i te hunga kua whakarauika mai nei ki te kawemate. Ko too wairua e taiaawhiowhio ana i waaenga i a maatau, no reira e te wahine puuwherowhero, me uhi ano ra ngaa koorero o te ao tawhito ki runga i a koe, kai reira hoki te rerehua o te kupu, te tau o te kupu, te whakaaroharoha o te kupu, te hoohonu rirerire o te kupu mo too kaha, ahakoa i runga i ngaa taumahatanga o too tinana, ki te tuku i o whakaaro, i o nawe ki mua i Te Roopu Whakamana i te Tiriti o Waitangi me te Karauna ki te whakahoki mai i Te Wao Tapunui o Taane me ana tamariki kia Ngaii Taaua te Maori te tangata whenua o ngaa motu e rua. Koinei ra te urupounamu i whiua atu e koe kia raatau, kore tonu i areare ake ngaa taringa.

No reira e te hoa te whetuu maarama kua kore nei e mahuta mai i toona pae, kua whakawhenuatia, kua rehurehu ki te rua, ko te po raa ki a koe Gina, hai te Maareikura, ko te po ki a koe, ka whakarau au i aku mahara, a, kia hoki nei kore rawa te

roimata e puritia eengari ka tukua tonutia atu kia taaheke me he wai. Ko maatau ki muri nei maumahara ai ki o hookai nui hookai roa ki o hikoi nui hikoi roa. Anei he koorero hai whakatepe ake, "Ka ngaro raa ngaa whakahae o te wao."

Annette Sykes (fellow student, friend and colleague).

Last Christmas Ngati Porou lawyer Gina Rudland passed away in Wellington at the tragically young age of 44. She was representing Ngati Porou in the Wai 262 (Maori cultural knowledge and intellectual property law) hearings before the Waitangi Tribunal when she took ill. This was a task to which she had dedicated many years, refusing to give way to the delays and obstacles that were constantly put in the way. No one who knew Gina was surprised - her memorable catchcry of "Never Say Never" guided her to the end.

Gina was a leader in every sense. She was the first Maori woman to become Tumuaki of Te Hunga Roia Maori o Aotearoa, the Maori Law Society, which she led from 1993 to 1997. Gina represented te Kohanga Reo Trust, along with her own iwi Ngati Porou, at the Privy Council in London, challenging the right of non-iwi organisations to a share of the Maori fishing assets.

She became the first woman director of the Meat Board where she fought for the reintroduction of the Ahuwhenua Trophy recognising excellence in Maori farming. This connection dates back to her childhood on her parents' farm at Whakaangi near Te Araroa on the East Coast and the struggle to revitalize the run down Awatere Station after it was handed back from Maori Affairs in 1991. Gina became a trustee, and in 2002 the chair, of

the Ahuwhenua Trust that revitalized the station.

Among her other talents Gina was a story teller. Her last short story "Maori Too" was published in Mana Magazine after she passed away.

Gina attended Whakaangi School and Iona College in Havelock North. After college she came to Auckland Law School where from 1983 to 1986, in her own quiet way, Gina made her presence felt among a lively cohort of Maori women. Amongst her closest friends was Angela Armstrong, who has sadly also passed away. They all staunchly supported each other when studying Maori Land Law. As lecturers at the time, we will never forget their vibrant, and often challenging, contribution to the Law School and will always value our ongoing relationship as they made their marks in the world.

After graduating, Gina worked for major law firms in New Zealand and Britain specialising in commercial and banking law. But she was always there for her own people as well. Despite bouts of illness over the years she died fighting for them.

Professors Jane Kelsey and David Williams

Six months in the Hindu Kush



Between October 2006 and April 2007 I had the unique experience of working in Afghanistan as part of the New Zealand provincial reconstruction team (NZPRT) based in the Bamyan valley. A naval reservist in my spare time, the University was very supportive and allowed me leave of absence for the duration of the posting.

After specialist training and 5 weeks pre-deployment military training, I found myself stepping out of an RNZAF aircraft into bright sunlight, a thinner atmosphere (at 8,500 feet), and a dry barren landscape very different to New Zealand.

The Bamyan Buddha alcoves to the north, Gholgola (an ancient citadel sacked by Ghengis Khan in the 13th century) to the East, and the surrounding mountains of the Hindu Kush, completed the picture of what was to be home for the next six months. The Bamyan valley is on the old “silk road” and has a very rich history as a trading centre and cultural crossroads with the Hazara people comprising the predominant ethnic group.

New Zealand has operated the PRT since 2003 and in that time has facilitated the construction of a number of schools, bridges, police stations, numerous wells and other infrastructure, as well as providing humanitarian aid where needed. The province has been generally peaceful during New Zealand’s tenure, although local warlords, the opium trade and a resurgent Taleban are a continuing potential threat.

My core job was as staff officer managing the financial side of the NZPRT with some ad hoc legal work thrown in. This included giving financial advice, administering NZAID funds, providing funding for patrols, attending “sectorial working

group” meetings with local government officials, and generally acting as the local “banker”. I also gave legal advice, drafted contracts, and advised on the legal aspects of development projects. In addition to their core roles, everyone had their share of military duties, which in my case included duty watches, base defence, and fireman for helicopter refuelling.

Within a month of our arrival the terrain was blanketed in a layer of snow which remained until the following March. During the winter temperatures fell to lows of around -25C at night, although many days were sunny with relatively ‘mild’ temperatures of around -5 to -10C. Despite this work went on, and I was able to get out of the base on local and long distance patrols from time to time. One of the more memorable experiences was a five day patrol to the far western boundary of the province. This involved a day-long grind each way in a convoy of FWD vehicles over compacted snow and ice where the “road” (and the term is used loosely) traversed a high plateau of over 12,000ft. We passed through some spectacular terrain, including the scenic Band-e Amir lakes which were partially iced over with locals fishing for trout through holes cut in the ice.

In December 2006 we completed the largest NZAID project to date in Bamyan. This was a substantial two-level reinforced concrete school built by local contractors under the direction and project management of the NZPRT, and designed to accommodate 350 boys. (A girls’ school had been completed two years earlier). The opening was on a crystal clear sunny day with a fresh fall of powder snow. Despite temperatures of around -10C, the Provincial Governor, officials and a large number of locals turned out with the PRT providing security. The New Zealand flag, although frozen as stiff as a board, was



The drive back to Base was taken very gently!

As a land and resources lawyer I was interested in how matters of land ownership and environmental protection are dealt with in Afghanistan. One of the ongoing problems with land are returning refugees and other internally displaced people. Many records have been lost, and ownership often relies on oral evidence and community memory. When people attempt to claim their lands back, many of which are now occupied by other people, disputes arise.

In the environmental area, Afghanistan established a National Environmental Protection Agency in April 2005, and enacted an Environment Act in December of that year. The practical implementation of the law is proving much more difficult. For most people, particularly outside of Kabul and the main centres, day to day survival in a hostile and impoverished post-war landscape is their priority. Addressing issues such as water pollution, sustainable farming practices, erosion and desertification are low in the order of priorities, and will require significant injections of funding and expertise from the international community, and economic development from within. However, as a primarily agricultural economy, economic development is dependent upon improved agricultural production, so there is something of a vicious circle which will be difficult to break. As a result, many small farmers turn to opium growing for economic survival.

hoisted alongside the Afghan flag as a gesture of solidarity with the local community. Just before leaving in April, I visited the school to see how it was progressing. Around 1,500 students were being taught - 750 in the morning and a similar number in the afternoon - with the overflow accommodated in old army tents erected around the schoolyard. The thirst for knowledge amongst the young people, and the commitment of the teachers to come and teach at some risk to themselves, was truly inspiring. At a more personal level I was able to provide a significant quantity of stationery for two of the poorer schools in the province with money raised by my colleagues at the Law School. Many Afghan families find it hard to find the money to buy their children the basic items of pencils and paper that we take for granted in New Zealand. A local girls school near Kiwi Base was the beneficiary of the majority of the stationery, with the remainder given to an isolated school in the eastern part of the Province. This second delivery was combined with a pickup by the explosive ordinance disposal team of mortar rounds and heavy calibre ammunition that had been surrendered to us for demolition. The drive took around three hours each way over difficult roads and through sheer canyons carved out by fast-flowing glacial rivers. Travelling through such terrain it was easy to see why Afghanistan has never been conquered. After the delivery of the stationery we were led to a mud hut several kilometres away to load the cache of ordinance onto our trucks.

While there is a long hard road ahead for Afghanistan, the contribution that New Zealand and other countries are making there through the provincial reconstruction teams (there are now 24), is a big step in the right direction.

David Grinlinton



Photos: David Grinlinton.

Promoting Disabled Rights



Professor Michael Stein and Andrew Begg. Photo: Scott Optican.

An American champion of the rights of the estimated 650 million disabled people world-wide, Professor Michael Stein, visited the Law School this year. He taught an intensive Master of Law course on the international legal protection of the disabled, as well as delivering an evening public lecture which, despite sustained torrential rain, filled the Stone Lecture Theatre. His topic was “The United Nations Convention on the Rights of Persons with Disabilities”, adopted by the United Nations General Assembly last December. For five years Michael was a key member of the committee working

on the convention which, he proudly notes, is the 21st century’s first human rights convention. He was full of praise for Don Mackay, New Zealand’s Permanent Representative to the UN in Geneva, who chaired the committee framing the convention and was crucial to its adoption.

Andrew Begg, a Senior Legal Adviser at NZ’s Ministry of Foreign Affairs and Trade, who also worked closely on the convention, contributed to Michael’s public lecture in Auckland as well as teaching a day of his LLM course. While posted to NZ’s Permanent Mission to the UN in New York he spent considerable time behind the scenes brokering compromises and managing the negotiations. He continues to work on the domestic processes leading up to NZ’s signature and ratification of the convention.

Professor Stein, from William and Mary Law School in Virginia, is himself disabled and married to a Kiwi. He regards the World Health Organisation estimate that ten percent of the world’s population is disabled as “conservative”. In developed countries the official figure is much higher: 20 percent in New Zealand, 21 percent in Britain and 17 percent in the US (as against a grossly understated 0.5 percent in Bangladesh).

“In ratifying the convention New Zealand has an extraordinary opportunity to extend its leadership in the disability field,” he said in an interview before his lecture. “This could be through the existing court structure, extending the current human rights legislation or by giving the Health and Disability Commissioner greater powers.” The UN Convention signals that disabled people “have human rights and are an important group”, says Michael.

Bill Williams

Te Tai Haruru

2007 has been a busy year for the members of Te Tai Haruru, the Maori academic staff of the Law Faculty, starting with the appointment of our new staff member, Valamaine Toki, who joins Nin Tomas, Khylee Quince, Kerensa Johnston, Blair Strang and Amokura Kawharu as Maori members of staff.

In the first week of January, Nin Tomas and Khylee Quince attended a conference entitled “Federalism and Indigenous Peoples” hosted by the Centre for Native Hawaiian Law at the University of Hawaii in Honolulu. Both presented papers, to an audience that included local and international academics, as well as prominent native Hawaiian community members. As New Zealand is not a federal political system, the speakers from Aotearoa talked about the division of power generally in this country, and ways in which duties and obligations are shared or delegated here between the Crown and Maori. Nin spoke about conceptual approaches to tino rangatiratanga and power sharing between the Treaty of Waitangi partners. Khylee talked about the Northland Regional Corrections Facility in Ngawha as a contemporary example of cooperative dealings between a Maori hapu and the Crown.

The conference was organised jointly by the University of Hawaii and the Castan Centre for Human Rights Law from the University of Monash in Melbourne. The conference organising committee and many of the main speakers are teachers in the LLM course on “International Comparative Indigenous Law” which is taught by way of live video-conference at the Faculty of Law at Auckland and five other sites in Australasia and North America. The course, which was briefly profiled in Eden Crescent in 2006, ran in the summer and first semester of 2007 and attracted a diverse student body from Germany, England, and Aotearoa.

As the indigenous LLM course is a technological first for the Faculty, it is to be showcased at a conference in Beijing, China on the topic of teaching in the global classroom in October of this year. There will be a short demonstration of the video-conference course, involving most of the different law faculties

involved with the paper. Nin Tomas will be in Beijing, while Khylee Quince and other teachers from Australia, Canada and the United States will link up to provide an example of different dynamics involved in live distance teaching and learning.

Nin has also attended numerous other conferences throughout the year, including the release of significant Maori customary legal research by the Te Matahauariki Institute at Hopuhopu in June, and the symposium “In Good Faith”, marking the 20th anniversary of the Court of Appeal’s decision in *New Zealand Maori Council v Attorney General* [1987] 1 NZLR 641 hosted by the Faculty of Law at Otago. She is also due to speak at the “New Worlds New Sovereignties” conference being hosted by the University of Melbourne in December, as one of a large array of speakers from around the globe.

In September, the University of Auckland is hosting the Te Hunga Roia Maori Hui a Tau, the annual conference of the national association of Maori lawyers at Waipapa marae. The theme for 2007 is “Lawyers Collaborating to Strengthen Maori Communities”, questioning the role of lawyers in Te Ao Maori. The hui will feature presentations from judges, practitioners and academics, and includes the final of the National Maori Student Mooting competition.

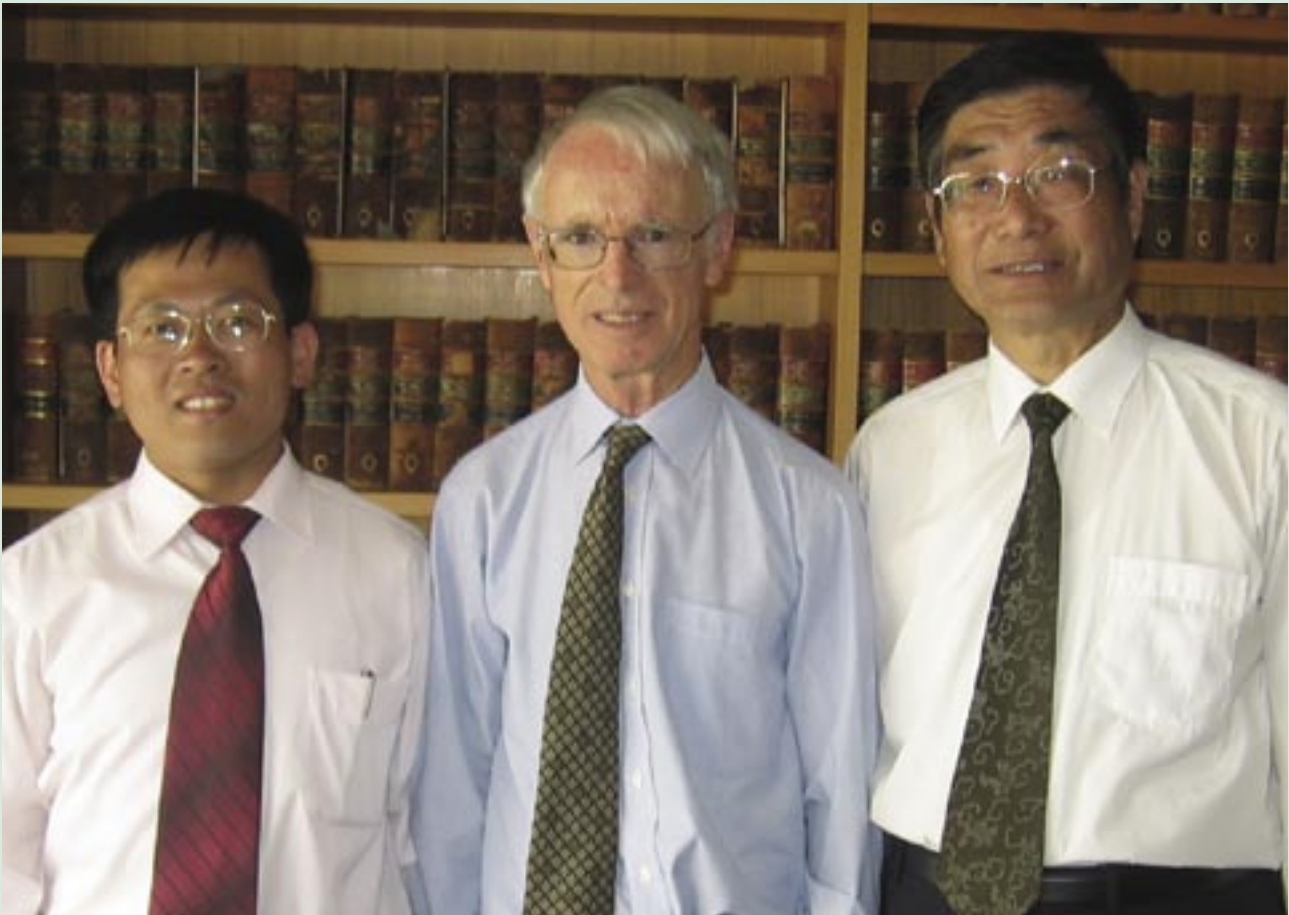
The Maori academic programme continues to go from strength to strength, with a clear pattern of improvement of academic results as a consequence of our regular tutorials and wananga/workshops. The efforts of Pouawhina Maori Blair Strang, and his team of tutors are instrumental in these successes.

As part of our ongoing personal and professional development, Nin, Khylee and Blair have all been taking te reo Maori classes in 2007, which have been offered to Maori staff at the University, through the Centre for Professional Development. The classes have been a great way to strengthen our reo as well as to practice whanaungatanga with Maori staff from other faculties and departments.

Dr. Nin Tomas (3rd left) and Kylee Quince (5th left) with their co-teachers of Comparative Indigenous Law in Hawaii.



NZCEL on the Move



Visitors to the NZCEL: Associate Professor Mingyuan Wang, Professor Ken Palmer (Faculty), Professor Ma Junji. The visitors are from the Centre for Environmental, Natural Resources and Energy Law, Tsinghua University Law School, Beijing.

In a way the New Zealand Centre for Environmental Law (NZCEL) has always been on the move. Environmental law is dynamic and innovative in character and so need to be its followers. The ever-growing challenges of climate change, biodiversity loss or poverty and how they all may translate to good law-making require new ideas and a lot of work. For eight years now, NZCEL has been at the forefront of research into the law and governance for sustainability.

One recent move was a shift across the road. NZCEL is now hosted at the 8th level of 1-11 Short Street Building (known as the “Business School”). Sharing premises with the Postgraduate Centre, NZCEL has a cluster of staff and visitors offices, a small library, technical facilities and a comfortable meeting room available. Come and see for yourself!

Another move was the 10th anniversary of the *New Zealand Journal of Environmental Law* (NZJEL). Volume 10 has recently been launched at a public function that celebrated a true success story. With contributions from our postgraduate students, leading practitioners and legal scholars, NZJEL has a wide readership in New Zealand and around the world. According to a US-based ranking system, NZJEL is today among the world’s top-ranking environmental law journals. Special thanks to Associate Professor Ken Palmer who has been the editor-in-chief since 1997.

NZCEL comprises eight academic members, with each of them committed to environmental law research both at national and

international level. Some of their recently published work is listed in this edition of *Eden Crescent*. As the environment ignores national boundaries, environmental lawyers are known as “the migratory species” of the legal profession, meaning they travel a lot. NZCEL members regularly attend conferences throughout New Zealand and in all parts of the world. One perhaps more exotic example was a recent launch of the “Arabic Network of Environmental Ethics” in Tripoli, Libya, in the presence of Colonel Gaddafi!

A significant move has been the establishment of the IUCN Academy of Environmental Law as the only global body of environmental law scholarship. NZCEL is among its founding institutions. The Academy hosts annual colloquia (e.g. this year Rio, next year Mexico City), publishes books, develops online courses and provides opportunities for joint degree programmes. Recently, the Academy embarked on an ambitious research agenda reflecting today’s most pressing issues: improving environmental governance, linking climate change with biodiversity, poverty and sustainable development, working towards the legal implementation of the UN’s Millennium Development Goals and generally moving into sustainability law as a cross-disciplinary pursuit to include all areas and aspects of law. The message here is: law is either part of the problem or part of the solution. No excuses.

Klaus Bosselmann

Scott Optican on Fulbright board

Scott Optican has been appointed to Fulbright New Zealand's board of directors. He will be one of six Americans on the board which has an equal number of New Zealanders. The invitation onto the board came from the US Ambassador to NZ, William McCormick.

Fulbright New Zealand (officially known as the New Zealand-United States Educational Foundation) was set up in 1948 to promote international understanding through educational and cultural exchanges. Its awards enable New Zealanders and Americans to study and research in each other's country. The

Fulbright NZ board is responsible for the programme's overall administration, direction and growth.

"I am very pleased to be associated with Fulbright New Zealand at the highest level, particularly as an American member of the board," says Scott. "This two-way exchange of academic talent has long enriched both our countries." As well as attending board meetings and social functions he expects to welcome incoming Fulbright scholars and help them feel at home.

Bill Williams

Visit of Delegation from Peoples' Republic of China



Seated from left: Mr Wang Lejin, Professor Paul Rishworth, Mr Huang Jianchu and Associate Professor David Grinlinton. Other members of the delegation and law school staff standing.

On 19 July the New Zealand Centre for Environmental Law welcomed delegates of the Central Legal and Policy Expert Advisory Group of the China - GEF Partnership on land Degradation in Dryland Ecosystems. The visitors were hosted by Associate Professor David Grinlinton, who is also member of the IUCN Commission on Environmental Law's Specialist Group on Sustainable Use of Soils and Desertification. The visitors included Mr Huang Jianchu, who is the Director General of the Legislative Work Committee of the National Peoples' Congress. Other visitors included Professor Wang Canfa of the China University of Political Science and Law, Ms Guo Wenfang, Division Director of the Department of

Agriculture and Forestry; Ms Wei Lihua, Division Director of the Ministry of Land Resources; Mr Wang Lejun, Division Director of the Ministry of Agriculture; Ms Han Min, Division Director of the State Environmental Protection Administration; Ms Song Hongzhu, Deputy Division Director of the State Forestry Administration; Ms Liu Jie, Program Officer from the Ministry of Water Resources; and Ms Wang Hong, Deputy Project Manager. The delegates spent the afternoon with David Grinlinton discussing approaches to natural resources law, and in particular, the sustainable management of water and soil resources.

Faculty of Law Publications and Conference Papers

Jeff Berryman

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- *Remedies: Cases and Materials*, 5th ed, Toronto, Emond Montgomery, 1-1409, 2006.
- ‘Accommodating Ethnic and Cultural factors in Damages for Personal Injury’, *Obligations III, Brisbane, University of Queensland, July, 2006*.
- ‘Accommodating Ethnic and Cultural factors in Damages for Personal Injury’ *University of British Columbia Law Review* 40, 1-40, 2007.

Rick Bigwood

- ‘Exploitative Contracts: A Reply’, *Australian Society of Legal Philosophy, Auckland, 25 June 2006*.
- ‘Introducing Exploitative Contracts’, *Australian Society of Legal Philosophy Annual Conference (“The Common Law”)*, Auckland, 25 June, 2006.
- ‘Exploitative Contracts: Author’s Introduction’, *Australian Journal of Legal Philosophy* 32, 114–126, 2007.
- ‘Author’s Response to the Commentators’ *Australian Journal of Legal Philosophy* 32, 161–174, 2007.

Klaus Bosselmann

- ‘Institutions for Global Ecological Governance’, in: C. Solskone and L. Westra (eds.), *Global Ecological Integrity, Human Rights, and Human Responsibilities: Intersections Between International Law and Public Health*, Transnational Publ. New York, 1-28, 2007.
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- ‘Strong and Weak Sustainable Development: Making the Difference in the Design of Law’, in: M. Kidd (ed.), *Environmental Law Foundations for Sustainable Development*, Pietermaritzburg, 14-28, 2006.
- ‘Missing the Point? The EU’s Institutional and Procedural Approach to Sustainability’, in: M. Pallemert (ed.), *The European Union and Sustainable Development: the internal and external dimensions*, Kluwer, 105-125, 2006.
- ‘Ecological Justice and Law’, in: B. Richardson and S. Wood (eds.), *Environmental Law for Sustainability: A Critical Reader*, Hart Publ. Oxford, 129-163, 2006.
- ‘Poverty Alleviation and Environmental Sustainability through Improved Regimes of Technology Transfer’, *The Use of Regimes of Technology Transfer in International Law*, *Law, Environment and Development Journal* (1), 21-32, 2006; (reprinted in: K. Kumara (ed), *Environment and Sustainable Development*, Icfai University Press, Hyderabad, 126-149, 2007).

Warren Brookbanks

- ‘Sexual Predators, Extended Supervision, and Preventive Social Control: Risk Management Under the Spotlight’, *Journal of Mental Health Law*, 97-106, 2007.
- ‘“I Lost It” – Rage and Other Excuses: Rethinking Loss of Self-Control in Provocation’, *Alternative Law Journal* 31, 186-

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- ‘The Repeal of s 59 of the Crimes Act – A Justified Response to Violence to Children?’, July 2007, *Acquittalk*, 3-7.

Jock Brookfield

- ‘*Waitangi and Indigenous Rights: Revolution, Law and Legitimation*, in the New Millennium: Introducing the New (2006) Edition’. Public Lecture given at The University of Auckland, 24 May 2007.
- ‘The Jurisprudence of the Treaty of Waitangi’. Paper delivered at the ‘In Good Faith Symposium: Celebrating the 20th Anniversary of the Court of Appeal *NZMC v A-G* case’, University of Otago, 29 June 2007.

Neil Campbell

- ‘Corporate (and other) agents’ liability under the Fair Trading Act 1986’, *Company and Securities Law Bulletin*, 123-125, 2006.

Brian Coote

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Ian Eagles

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Caroline Foster

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Kris Gledhill

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Matt Sumpter

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Dispute Settlers in Eden Crescent: Arbitration Law Cements its Place at the Law School

Arbitration as a subject of legal study has grown rapidly in recent years, along with the increasing popularity of arbitration in both the domestic and international spheres of commerce. Commercial players often choose arbitration over litigation for a range of reasons, including the privacy of the process, and in international transactions, its perceived neutrality and the international enforceability of awards. Teaching and research in the discipline has likewise grown at the Law School, and the subject has cemented its place with an impressive group of practitioners and scholars conducting courses in arbitration law at both masters and undergraduate levels.

Long-time friend of the Law School, David Williams QC, has taught “International Commercial Arbitration” as a one week LLM intensive for a number of years. David has over 30 years experience as counsel in commercial proceedings before courts and arbitration tribunals, and, as an arbitrator, was recently recognised by Who’s Who Legal as one of the world’s best. David is a member of Bankside Chambers in Auckland and Essex Court chambers in London, and is currently serving as a member of the London Court of International Arbitration and the Board of Directors of the American Arbitration Association. This year the Law School was in the privileged position of having David teach alongside Professor William (Rusty) Park of Boston University, who is internationally recognised as a pre-eminent expert in the law of international business transactions. He has authored and co-authored numerous texts, including *Arbitration of International Business Disputes: Studies in Law and Practice* (OUP 2006), and frequently serves as an arbitrator in international institutional and ad hoc

arbitral proceedings. The paper was, not surprisingly, a sell-out success. A waiting-list was established and further spaces negotiated to cope with demand for the course.

At undergraduate level, Amokura Kawharu teaches the LLB paper “Commercial Arbitration,” which was resurrected in 2006 after a period in hibernation. Herself a former practitioner, Amokura’s research specializations include international disputes settlement, and her publications on arbitration topics have appeared in New Zealand and international journals. The teaching line-up for the LLB paper this year also included Sally Fitzgerald, a senior associate at Bell Gully whose practice focuses on commercial dispute settlement with a specialty in arbitration. In the past, Sally has taught arbitration law at the Universities of Victoria and New South Wales.

Taking a course on arbitration law introduces students to the mysterious world of private dispute settlement (when was the last time you read about a commercial arbitration in the business pages of the Herald?). But a course on arbitration law also requires students to think strategically. “We not only teach students about the arbitration process, but ask them to think how contracts can be enforced and how best to ensure that they are. There is no point drafting the perfect contract without thinking about what the parties are going to do if someone fails to meet their obligations or there is a dispute. A well placed arbitration clause can often ensure the contract is worth the paper it is written on,” says Amokura.



Professor David Williams and David Williams QC.

Peter Watts to be Editor of *Bowstead & Reynolds on Agency*



Professor Francis Reynolds and Professor Peter Watts.

The prestigious English text book *Bowstead & Reynolds on Agency* is to be edited out of the Faculty from this year by Peter Watts. This is the Commonwealth's leading text on Agency Law, and is now in its 18th edition, as part of Sweet & Maxwell's *Common Law Library* series. The first edition, by William Bowstead, was published in 1896, and he produced eight editions down to 1932. The six editions since 1968 have been authored by Professor Francis (FMB) Reynolds, professor emeritus of Oxford University and current editor of the *Law*

Quarterly Review.

Francis Reynolds has had a long association with the Law Faculty, dating back to stints as a visiting lecturer in 1971 and 1977, and to a course in International Trade in 1995. More recently, he taught Agency Law in the LLM in 2005, and did so again this year with assistance from Peter. Peter has commenced to write the first ever supplement for *Bowstead & Reynolds*, which is due for publication in early 2008. Francis will continue to have an involvement with the book.

Alumni News

The following bulletins note some of the recent achievements of the alumni of the Faculty of Law, University of Auckland, not profiled elsewhere in the magazine. They represent only those that have come to the attention of individual members of the Faculty of Law. Wherever we have been able to obtain the information we have included the degrees and year of graduation from Auckland after the alumni's name, although not degrees from other institutions. If you are a graduate of the Faculty of Law and would like to tell us what you are up to we would be delighted to hear from you. Please contact Julia Tolmie (J.Tolmie@auckland.ac.nz).

Alumni Pursuing Postgraduate Studies.

- **Huang Chye-Ching** (BCom/LLB(Hons) 2005) has won a Fulbright General Graduate Award to complete an

LLM at Columbia University in New York, specialising in constitutional law and economic regulation. Once she has completed her year at Columbia, Chye-Ching will move to Washington DC to undertake an unpaid congressional internship. This has been made possible through a Sir Wallace Rowling Memorial Award, reserved each year for the Fulbright awardee who shows "academic excellence, leadership potential and the ability to be a cultural ambassador for New Zealand." For two years after graduating from Auckland University Huang worked for Chapman Tripp, advising commercial and not-for-profit clients on international and domestic tax issues. Since January 2007 she has been a research associate with the New Zealand Institute, a privately funded think-tank which generates creative ideas and solutions to the economic and social challenges facing New Zealand.

- **Eesvan Krishnan** (LLB(Hons)/BCom 2006) has been awarded a Rhodes Scholarship to Oxford University (see the article elsewhere in this issue).
- **Vicki McCall** (BA/LLB(Hons) 2005) former judge's clerk to the Hon Justice McGrath at the Court of Appeal and Supreme Court and solicitor at Russell McVeagh, has been awarded the Frank Knox Scholarship, the William Georgetti and the Spencer Mason Travelling Scholarship to complete an LLM at Harvard Law School.
- **Jane Norton** (BA/LLB(Hons) 2002) won a number of prestigious competing scholarships, but declined them in favour of the Clarendon Scholarship awarded by Oxford. She will be pursuing a DPhil at Oxford and is going to Balliol College.
- **Yvette Russell** (BA/LLB 2005) has commenced an LLM at New York University. She has won a Rotary Ambassadorial Scholarship, PEO International Peace Scholarship, and the Yvonne AM Smith Trust Scholarship for Women.

Alumni in Practice

- **Aditya Basrur** (B Hist/LLB(Hons) 2006) has secured a prestigious job with Maples and Calder in Dubai.
- **Timothy Bridges** (LLB(Hons) 1987) has accepted a partnership with an offshore law firm by the name of Ogier. They are originally a Jersey Firm which merged with a Cayman Firm and a British Virgin Islands firm and he will be heading the Cayman practice in Hong Kong.



Vicki McCall.

- Four of the 12 new Queen's Counsel recently appointed are graduates of the Law School. **Matthew Casey QC** (LLB(Hons) 1976) practised with the law firm Kensington Swan for 27 years, 23 of them as a partner. He moved to the independent bar in 2002. Mr Casey specialises in civil and commercial litigation, public law, resource management and local government law. He has been the principal author of *Sims Court Practice* since 1993. **Deborah Hollings QC** (BA/LLB 1983) initially joined the Auckland law firm of Butler White and Hanna. After a period working overseas Ms Hollings joined Russell McVeagh McKenzie Bartleet & Co, moving to the independent bar in 1989. Ms Hollings has specialised in relationship and partnership property law, family trusts, medico-legal law, the Resource Management Act and criminal prosecutions. She is the author of *For Richer For Poorer: A Handbook on Domestic Property Law and Estate Law*. Ms Hollings is a member of the Auckland Crown prosecution panel and sometime New Zealand Listener columnist. **Susan Hughes QC** (LLB 1982, BA 1989) was a partner for 18 years of the law firm Govett Quilliam before joining the independent bar in 2006. Ms Hughes specialises in criminal and civil law. She has been actively involved in legal education and is a trustee of a number of community Trust Boards in Taranaki where she lives. **Stephen Mills QC** (LLB(Hons) 1971) also graduated LLM from the University of Pennsylvania. He joined the law firm of Russell McVeagh before spending some time in the academic world in both New Zealand (four years as a senior lecturer at the Auckland Law School) and overseas. Between 1989 and 2002 he was a partner in the Auckland office of Chapman Tripp and chairman of the firm. He joined the independent bar in 2002. His areas of expertise include media and defamation law, commercial litigation and public law. Mr Mills is the author and co-author of a number of legal texts.

- **Amanda Everitt** (BA/LLB) has been employed as a legal caseworker by the London based Royal Association of the Deaf in their Legal Services Division. Her role will involve meeting deaf clients daily and giving them legal advice on things like debt, housing, immigration, employment and family matters. She comments that the job is "an excellent opportunity as it is quite unlike any work I could get in NZ at the moment – not many deaf people could walk into a 'surgery' everyday and have legal matters to sort out, but here I can meet deaf clients everyday and work on legal cases..."

- **Luke Facer** (LLB(Hons)/BCom 2005) has secured a job in the tax team at Cravath New York, advising primarily on M&A and capital markets transactions for a range of domestic US and international clients. He has been working at Russell McVeagh since Feb 2005. He is starting at Cravath in October of this year after his wedding in September to fellow law graduate, **Autumn Grogan** (LLB(Hons)/Bachelor of Health Science 2007). Their baby girl, Ivy Ellen, was born in March 2007.

- The Coroners Act 2006 is now in force. It establishes an integrated national coronial service to ensure the integrity and effectiveness of the coronial service provided for by the Act, with the objective of raising the professionalism of the coronial service and to promote consistency of the coronial practice throughout the country. One of these skilled professionals is **Dr Murray Jamieson** (DipObstetr 1976/LLB 1998). He was a graduate from the University of Otago School of Medicine in 1970, then a Rhodes Scholar at Oxford University. He was awarded a DPhil in Anatomy in 1974 and later served as a member of the Medicine Faculty at the University of Auckland. He was a member of the Royal NZ College of Obstetricians & Gynaecologists from 1982. Deciding on a career change he pursued law studies and graduated LLB in 1998 from Auckland. As a fulltime coroner, one of two based in Auckland, he is now extremely well qualified to exercise a jurisdiction



Law School alumni function in New York.

involving both law and medicine in this specialist role. **Gordon Matenga** (LLB 1989), who will be based in Hamilton, is also an alumni of the Law School.

- **Louise Moor** (BA/LLB(Hons) 2001) has taken up the post of Refugee Officer at the International Secretariat of Amnesty International in London.
- **Jarrod Murphy** (BA/LLB(Hons) 2002) left New Zealand earlier this year to work in New York.
- **Ian Narev** (LLB(Hons) 1991) has been appointed as a Vice-President of the Commonwealth Bank of Australia. His role is as Group Head of Strategy. The Bank's Chief Executive Officer, Ralph Norris, said, "I am delighted to have attracted a person of Ian's capability and experience to our leadership team. He is a high calibre executive with strong corporate and business unit strategic experience in many areas, including financial services in the United States, Australia and New Zealand." Ian joins the bank from his most recent position as partner and Head of New Zealand for McKinsey and Company, a position he has held since 2005. He has been with McKinsey and Company since 1998 and has worked in their Auckland and New York offices. He has just married **Frances Allan** (LLB 1993).
- **Alison Quentin-Baxter** (LLB 1952) was made a Distinguished Companion of the New Zealand Order of Merit for services to the law in 2007. Alison Quentin-Baxter has had an outstanding career. She was the foundation director of the New Zealand Law Commission. She was also deeply involved in constitutional affairs, particularly in Pacific Island countries. Along with her husband, Professor Quentin Quentin-Baxter, she worked in Niue, helping develop constitutional law. She was one of the co-authors of the Marshall Island constitution, worked at the Niue Public Service Commission and advised the Fiji Constitution Review Commission. Alison Quentin-Baxter was involved in writing the letters patent that reformed the office of New Zealand's Governor-General. Along with Sir Kenneth Keith, she was part of the New Zealand legal team at the International Court of Justice, which brought a case against France for its nuclear tests in the Pacific.

- **Herman Salton**, who has just submitted his PhD at the Faculty of Law, has published a big article on religious freedom in NZ in a French journal. It is co-authored with **David Griffiths** who is also finishing his PhD at the Faculty. See: "Voile Islamique et Liberte de Religion en Nouvelle Zelande" in *Annuaire de la Collection Droit et Religions, Aix-en-Provence/ Marseille: Presses Universitaires d'Aix-Marseille (PUAM), 2007, 363-397.*

- The Council of the University of Auckland has conferred the Governor-General, **Anand Satyanand** (LLB 1970), with an Honorary Doctor of Laws degree. In addition to being made a Distinguished Companion of the New Zealand Order of Merit (DCNZM) in 2005, and a Principal Companion of the New Zealand Order of Merit (PCNZM)

in 2006, he received an Additional Companion of the Queen's Service Order in 2007.

- **Stephen Schollum** (LLB 1972/Diploma in Town Planning 1979/MCOML) graduated in 2006 with a Doctor of Philosophy in Education. His thesis topic was "Policy Black Holes And Legal Loopholes: The Juridification Of Tertiary Education Policy And Regulation In New Zealand 1987-2004" and it examined the "juridification" of regulation and policy for New Zealand's Tertiary Education Institutions, with the emphasis on analysis of principles of accountability, autonomy and scrutiny. Stephen is currently employed as Academic Adviser for the School of Business at Bay of Plenty Polytechnic, Tauranga.

- **Melanie Smith** (BCom/LLB 1997) has been made a partner in the London office of McKinsey & Co, a global consulting firm.

- Believed to be the first French woman of West Indian heritage to obtain a law degree in New Zealand, **Catherine Sumpter** (LLB 2007) was admitted to the bar in July and is working as a litigator at Auckland city law firm, Keegan Alexander.

- **Keith Thompson** (LLB(Hons) 1981) has completed his PhD at Murdoch University in Western Australia. The topic of the thesis was "Religious Confession Privilege at Common Law: A Historical Analysis." His job title is "International Legal Counsel – Pacific" for the Church of Latter Day Saints and he has been in that role since 1991.

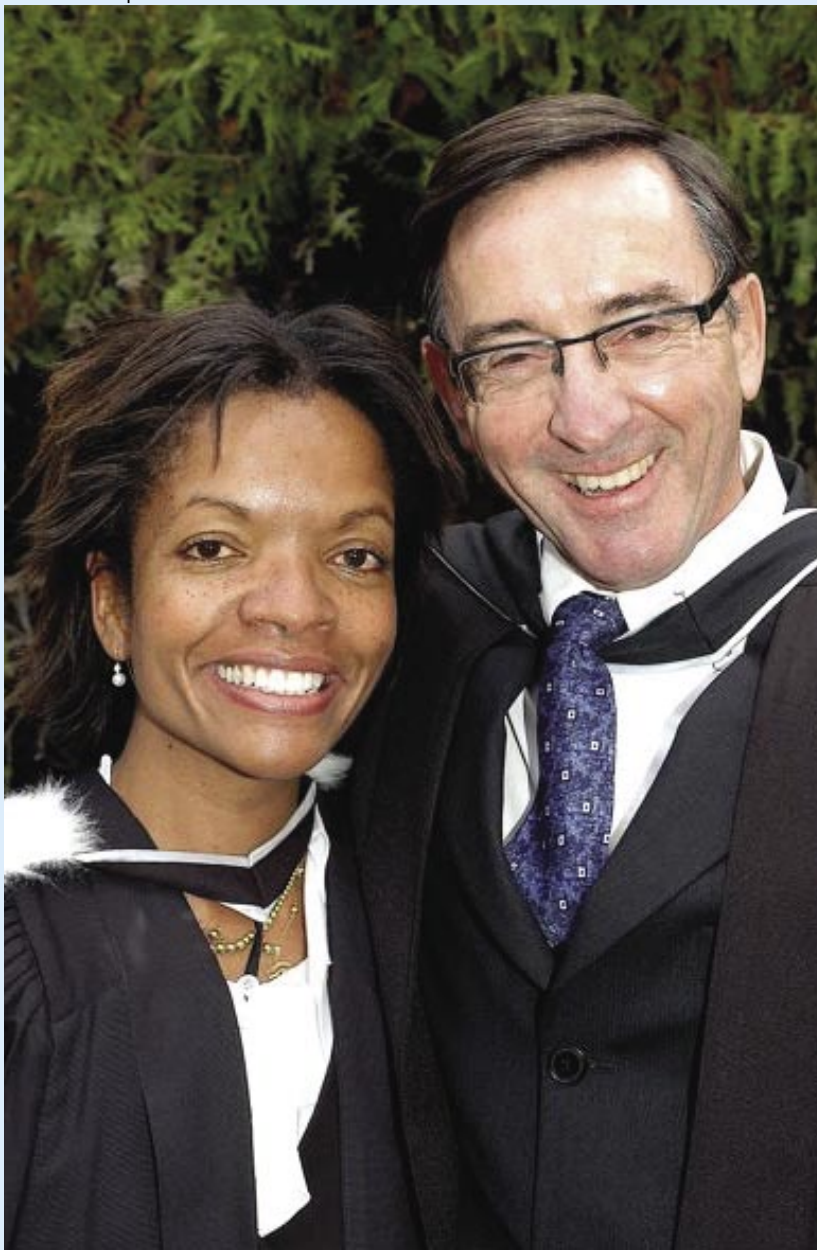
- **Andrea Tunks** (BA/LLB(Hons) 1991/LLM (first class Hons) 1997), former lecturer at the Faculty of law, and her partner **Pierre Tohe** (LLB 1994/LLM 1999), won the Maioha Award for best song in Te Reo Maori at the prestigious APRA Silver Scroll Awards. Unlike the TuIs, these awards are voted for by performing and recording artists themselves, Andrea was in attendance, despite being due to give birth to their second child within three weeks.

- **Craig Ulyatt** (BA/LLB(Hons) 2003), who is undertaking his DPhil at Oxford (under Professor Andrew Burrows), is also

in 2007 to start the Bar Vocational Course in London. Lincoln's Inn has awarded him the Lord Denning Scholarship and the Hardwicke Award. He will be living within the grounds of the Inn next year. At the end of the course, he is to start pupillage at the leading commercial set, Fountain Court (from whence came Lords Bingham of Cornhill, Falconer, and Goldsmith).

- **Peter Watson** (LLB 1976) received a Distinguished Alumni Award in 2007 from the University of Auckland as a joint law/business nominee. Peter spoke at the awards ceremony with former PM Mike Moore (moderated by TV newscaster Paul Holmes) at the Maidment Theatre on "International Trade and New Zealand's Role in the Global Economy: The US and China in Focus". Peter went on to complete post-graduate study after his LLB at Auckland, has worked in several US administrations and is the highest achieving New Zealander in the political arena in the US. Peter worked for the US Government, first as the National Security Council's director of Asian Affairs for President George H.W. Bush, then as chairman of the US International Trade Commission, and finally as chairman of the US Overseas Private Investment Corporation (OPIC). Currently he is President and CEO of the Dwight Group which supports global transactions. Peter is a Visiting Professor at St Peter's College, Oxford and a Distinguished Lecturer at Georgetown University's McDonough School of Business. In 2002 he was made an

Catherine Sumpter with her partner, senior lecturer Paul Sumpter.
Photo: Scott Optican



Officer of the New Zealand Order of Merit (ONZM) for his service to New Zealand and the international community. Recently he was one of the first two New Zealanders to receive a Woodrow Wilson Award for his efforts in promoting New Zealand internationally.

- **Sarah Watt** (BA 1995/LLB 1998) has recently returned to NZ after a long stint in the UK. She worked for seven years for Sweet & Maxwell as Publisher for Archbold and the criminal law list, among other things. Just prior to returning to Auckland she was Head of Publishing at the British Film Institute. She is currently working with the Auckland District Law Society, looking into setting up a legal bookshop in town (beneath the ADLS on O'Connell Street).

Alumni on the Bench

- **Elizabeth Aitken** has been appointed as a District Court Judge, sitting in Auckland. She has served as a member of the Refugee Status Appeals Authority since 1995, most recently as Chair. She is also Deputy Presiding Member of the Deportation Review Tribunal. She has previously served as a member of the Removal Review Authority and the Residence Appeals Authority. She served as a Residential Tenancies Tribunal Adjudicator from 1990 to 1996. Her previous experience was as a barrister sole in Otahuhu from 1989 to 1996. Her practice was mostly criminal defence work, including jury trials in the District Court and High Court. She was also on the Mental Health roster representing those subject to Mental Health

Act proceedings. She had earlier worked as a litigation solicitor in London for five years. Ms Aitken has been Co-convenor of the Women's Consultative Group of the NZ Law Society, a member of the Criminal Law Committee of the NZ Law Society, President of the Auckland Women Lawyers' Association and is currently a Council member of the International Association of Refugee Law Judges.

- **Philippa Cunningham** has also been appointed as a District Court judge, sitting in Auckland. She has been a barrister sole in Auckland since 1998, after three years as a partner in Cairns Slane. She had been staff solicitor and civil litigation partner in Davenports between 1984 and 1995. She is a former councillor and mayor of Mt Eden Borough. In 1987/88 she served as junior counsel to Lowell Goddard, counsel assisting the inquiry into cervical cancer, and in 1990/91 chaired the Cartwright Evaluation Team monitoring the implementation of the recommendations of the Cartwright Inquiry. She was appointed to the Legal Aid Review Panel in 2002 and served on the National Ethics Committee for Health and Disability from 2001 to 2004. Since 2005 she has been the Chair of ECART (Ethics Committee on Assisted Reproductive Technologies), which was established under the HART Act (Human Assisted Reproductive Technologies Act).

- **Ailsa Duffy** QC (LLB(Hons)) has been appointed to the High Court. Justice Duffy practised predominantly as a barrister from 1980-1988 when she joined the Crown Law Office. She returned to the independent bar in 1996 and was appointed Queen's Counsel in 1998. Justice Duffy also served as the

Chair of the Ministerial Committee of Inquiry into The Under-Reporting of Cervical Smear Abnormalities in the Gisborne region.

- **Sir Owen Woodhouse** was admitted to the Order of New Zealand. He may be the first Faculty of Law graduate to ever receive such an honour. Sir Owen Woodhouse had a distinguished legal career as a lawyer, jurist and chair of government commissions. The achievement for which he has gone down in New Zealand legal history came when, as Chairman of the Royal Commission of Inquiry on Compensation for Personal injury in New Zealand, he introduced what has become known as the Woodhouse Report to Parliament. The 13th of December this year marks the 40th anniversary of that occasion, and will be celebrated by a symposium at the University of Auckland. The Woodhouse Report recommended a comprehensive “no-fault” accident compensation scheme for everyone in New Zealand, and culminated in the Accident Compensation Act 1974, which abolished the right of someone who had suffered a personal injury by accident to bring an action for damages at common law. Sir Owen was then commissioned by the Australian Government in 1974 to prepare a proposal to reform that country’s compensation scheme. This resulted in the Report of the National Committee of Inquiry, Compensation and Rehabilitation in Australia, now known as the Australian Woodhouse Report. He later prepared a Third Woodhouse Report as President of the Law Commission on Personal Injury, Prevention and Recovery, which recommended an end to the disparities between the treatment of accident victims and those incapacitated by sickness or disease. He was a law partner from 1946 to 1961 prior to his appointment to the New Zealand Supreme Court. Sir Owen was appointed a Judge of the New Zealand Supreme Court in 1961, a Judge of the New Zealand Court of Appeal in 1973 and was President of the Court of Appeal from 1981 to 1986. He was President of the Law Commission from 1986 to 1991. He was made a Privy Counsellor and member of the Judicial Committee of the Privy Council in 1974. He was awarded an Honorary Doctorate of Law by Victoria University of Wellington in 1978 and York University, Toronto in 1981. Sir Owen was awarded the Distinguished Service Cross in 1944 for naval operations in the Adriatic. He was made a Knight Bachelor in 1974 and a Knight Commander of the Order of the British Empire in 1981.

- **Peter Woodhouse QC** (1969), son of Sir Owen, was recently appointed as a High Court judge. Justice Woodhouse graduated from Auckland University and joined the law firm Glaister Ennor & Kiff, becoming a partner in 1976. He joined the independent bar in 1993 and was appointed a QC in 2002. He will sit in Auckland.

Obituary

- Former judge **Sir Trevor Henry** (LLM 1925) has died at the age of 105, and is survived by his two children, seven grandchildren and a number of great grandchildren. Sir Trevor was knighted in the New Year Honours 1970, for outstanding services as a judge of the Supreme Court since 1955. After graduating he practised in Auckland on his own account, later becoming a partner in the firm of Wilson, Henry, Sinclair and Mulvihill. In 1955 he was appointed vice-president of the Auckland District Law Society. He took an active part in sport and sporting administration, and represented Auckland province at amateur athletics, and was a member of the executive council of the Auckland Athletic Centre. In 1936 he was a member of the selection committee for the Olympic games that year. Sir Trevor was also chairman of the Prisons Board for many years.

- **Richard Nelson** (LLM 1979), a commercial partner of Simpson Grierson, has died at the age of 51. Widely experienced in IPOs (Initial Public Offerings), and Stock Exchange work, he was also Honorary Consul for Sweden in Auckland, and the recipient of the Royal Order of the Polar Star for services to Sweden.

Dr. Michael Littlewood, graduation 2007. Photo: Scott Optican



Steven Wise Visits the Faculty and Explains why Certain Animals Should be Afforded Basic Legal Rights



Professor Stephen Wise, Peter Sankoff and Jeffrey Masson (American author).

Should basic legal rights be extended to chimpanzees and dolphins? It's not as unusual a question as it might first appear, and it certainly captivated a large audience at the Faculty of Law, all of whom came to hear Steven Wise, an American advocate and lecturer often referred to as "the world's most famous animal lawyer." Wise spoke to a standing room only audience in Stone Lecture Theatre this past June and indicated his belief that it was only a matter of time before an animal was granted its first right by the courts, and that he hoped to be in the courtroom when it happened.

Wise was a founding member of the Animal Legal Defence Fund, a major non-governmental organization operating in the United States, whose primary focus is to advance the legal standing of animals in society. Wise has practiced animal law in the courts since 1981 and is the author of two books on animal rights: *Rattling the Cage: Towards Legal Rights for Animals* and *Drawing the Line: Science and the Case for Animal Rights*. He currently teaches animal law at Vermont Law School, and was the first person to teach the subject at Harvard University in 2000, a development that paved the way for this course to be taught more widely. Animal Law is now offered at more than 100 universities worldwide.

Unlike other animal law scholars, who focus on improving the welfare of animals, Wise has a more ambitious target: rights.

For over twenty years, he has been grappling with the question of how to get courts to recognize animals as more than just "things". Although that might sound implausible, Wise points out that the same claim was made in regard to human slavery. The law originally treated slaves as property of their owners, and it was only once a single judge extended the law of habeus corpus to one lucky slave that they came to be recognized as legal persons. Wise believes that the same development could happen soon with a chimpanzee, and that he plans to bring an action of this kind within the next few years in the US.

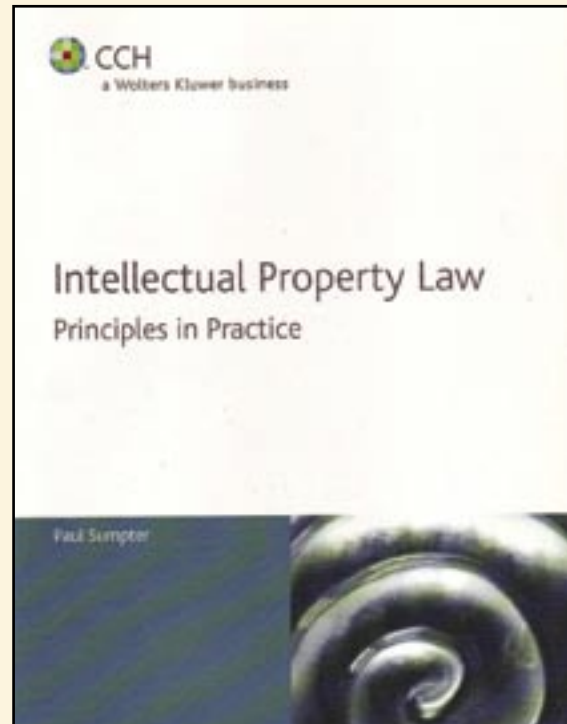
Wise went on to discuss the type of fundamental rights to which chimpanzees and other animals might be entitled. He believes that the ongoing search to find a common consensus on human rights might provide answers, and that many of these core rights - such as the right to bodily integrity - could be extended to animals with sufficient practical autonomy to warrant protection. Although such an animal could not request the right itself, the law currently allows for humans with severe mental deficiencies to be represented by guardians *ad litem* and there is no legal reason why the same approach could not be used for a chimpanzee, an animal with an advanced intellectual and social capacity.

Peter Sankoff

New Book

Intellectual Property Law: Principles in Practice,
Paul Sumpter, CCH, a Wolters Kluwer business,
2007

Written with practitioners and law students in mind, this book covers the whole gamut of intellectual property in the New Zealand context. It is not an exhaustive treatment of what is now a very large subject, although it does provide a solid overview with all the usual academic addenda of footnotes, case lists and so on. It concentrates in greater detail on those areas which are likely to be encountered in practice, especially where the law is unclear or controversial, a perspective that springs from the fact that the writer has spent over twenty-five years advising clients about the law in this field. It thus attempts to provide answers in important and difficult areas, with analysis of thorny issues such as confidential information and the ex-employee, whether copyright resides in lists of facts, the correct test for copyright infringement and the meaning of “bad faith” in trade mark law.



Graduation 2007. Photo: Scott Optican



The World Model UN Conference

University of Auckland Law students had the novel experience of representing countries other than their own at a United Nations-style gathering at the heart of Europe. They acted for Switzerland and Comoros at the World Model UN Conference held this year in Geneva. The 1,700-delegate conference simulates the UN and its committees, allowing participants to exercise their international relations, foreign policy knowledge, debating and diplomacy skills.

“This was a fantastic opportunity and it was great to represent Auckland and the Law School at such a prestigious conference,” says Anusha Arunasalam from the Auckland delegation. “We were the only New Zealand university there.”

Anusha and her fellow delegates from Auckland sat on an impressive lineup of committees: International Atomic Energy Agency; African Union; Disarmament and International Security; International Labor Organisation; Social, Humanitarian and Cultural; Special Political and Decolonisation; United Nations Human Rights Council; World Health Organisation; and the World Trade Organisation. Some appeared in Switzerland’s name and the rest for Comoros, a small island nation off the eastern coast of Africa between northern Madagascar and northeastern Mozambique.

“We had to represent their foreign policy on the issues concerned,” explains Anusha. “The first day was spent deciding which of two issues was going to be the agenda for the week. We then debated the issues with countries putting forth their positions and how they wanted any problems dealt with. Working papers advocating the views of countries were drawn up and if these gained enough support they became draft resolutions. These draft resolutions (of which there are often several in any committee) were further debated, amended and often amalgamated to produce a final resolution that might or might not be passed.”

Along with Anusha, members of the Auckland delegation were: Matthew Patterson, Adrienne Anderson, Katrina Winsor, Lauren Curtaigne, Richard Jenson, Hermine Bahl, Julia Erakovic and Zyanya Hill. Leanne Jenson-Davies, a Sociology student from The University of Auckland, was also involved.

In addition the University of Auckland hosted in July of 2007 which was attended by participants from New Zealand, Australia, Asia and Pacific nations.

Bill Williams

The Asia Pacific World Model UN Conference

In July, the largest student conference in New Zealand was held at the University of Auckland. The Asia-Pacific Model United Nations (AMUNC) is a yearly conference, and has been held in Australia for the past 12 years (the law faculty has sponsored delegations to three previous conferences in Australia). This year the conference involved 530 students from all over the world; including students from Australia, China, Venezuela, Singapore, Malaysia, Japan, and as far away as the Netherlands and France.

The conference involved approximately 100 students from the Faculty of Law. The organizing committee was led by Mike Asplet (an alumnus of the faculty of law) and included Bradley Scott (alumnus) Anna Crowe, Lauren Curtaigne, Matt Patterson (all current law students). Students were each allocated a country to represent the policy of in one of 11 simulated UN committees. Each committee discussed two topics during the week ranging from climate change, peace-

keeping, international crimes and the problems of post-conflict development. Guest speakers included New South Wales Senator Marise Payne, Minister of Defence Phil Goff, and Minister of Foreign Affairs Winston Peters. There was also a panel discussion considering the role of international organizations in development, with speakers from various faculties and the public sector, including Professor Jane Kelsey from the Faculty of Law. The week culminated with the prestigious General Assembly, a plenary session involving all 540 participants held at the Hyatt Regency, and attended by MP Tim Groser. This event was sponsored by the Law Faculty.

The conference was supported by NZAID, the Ministry of Foreign Affairs, the Asia:NZ Foundation, the Faculty of Law and the Australian High Commission.

Mike Asplet

The Organizing Committee.



Visitors and Seminars

The Faculty of Law runs a seminar series throughout the year, together with the Legal Research Foundation, the Centre for Environmental Law, The Research Centre for Business Law, or other organizations in which members of the Faculty are involved, such as the Law and Economics Association and the Environmental Law Association. Many participants are professors from other jurisdictions who are visiting the Faculty of Law. We have profiled a selection of visitors and seminars elsewhere in this edition of *Eden Crescent*. The following are some of the other seminars that took place, as well as some of the other international guests who attended the Faculty to teach in the postgraduate programme, in 2006/2007.

Those interested in attending Faculty of Law seminars may find details of upcoming events on the website: www.auckland.ac.nz (click on "events").

Associate Professor Nicholas Aroney, Centre for Public, International and Comparative Law at the TC Beirne School of Law, The University of Queensland: "The End of Sociological Jurisprudence: Articulating the Reasons for Decision in Political Communication Cases."

Associate Professor Aroney teaches Constitutional Law, Comparative Constitutional Law and Legal Theory. His book *Freedom of Speech in the Constitution* (1998) has been widely reviewed, and his PhD thesis, which won the Mollie Holman Doctoral Medal at Monash University, is shortly to be published by Cambridge University Press under the title, *The Constitution of a Federal Commonwealth: The Making and Meaning of the Australian Constitution*.

Professor Eric Barendt, University College, London: "Encouragement of Terrorism and Freedom of Speech" and "Recent Developments in English Privacy Law."

Professor Barendt has been the Goodman Professor of Media Law at UCL since 1990. His publications include: *Freedom of Speech* (2nd edition, OUP, 2005), *Broadcasting Law* (OUP, 1993), and *Libel and the Media* (OUP, 1997). He has held visiting professorships in Paris, Rome, Siena, and Melbourne. His first paper concerned the UK Terrorism Act 2006 which introduced a new offence of encouragement of terrorism: statements likely to be understood as a direct or indirect encouragement to the commission of terrorist acts may be caught. He asked, "is this offence compatible in principle with freedom of expression? Would it survive constitutional challenge in the USA?" His second paper looked at how English law has developed since the Human Rights Act 1998 incorporated the rights guaranteed by the European Convention on Human Rights.

Professor Lee Burns, University of Sydney. Taught: Australian International Tax Law.

Professor Burns specialises in international and comparative tax law. He was a major contributor to the leading comparative tax work - *Tax Law, Design and Drafting*. Professor Burns is also the author of *Controlled Foreign Companies: Taxation of Foreign Income* and for many years was a co-author of *Australian Taxation Law*. In 1992

and 1996-98, he worked for the International Monetary Fund providing technical assistance to developing and transition countries on the design of their tax laws. He continues to advise on tax laws under the IMF's technical assistance program. He has presented papers at the Asian Development Bank Institute's annual international tax conference and taught in training workshops for tax administrators under projects funded by aid agencies.

Professor Roger Clark, Rutgers University School of Law: "The International Criminal Court and the Crime of Aggression."

A member of the United Nations Committee on Crime Prevention and Control between 1986 and 1990, Professor Clark has authored or co-authored over a hundred articles and ten books. His most recent books are *International Criminal Law: Cases and Materials* (2004), *International and National Law in Russia and Eastern Europe: Essays in Honor of George Ginsburg* (2001) and *The Case Against the Bomb* (1996). In 1995 and 1996 he represented the Government of Samoa in arguing the illegality of nuclear weapons before the International Court of Justice in The Hague. In the past few years he has represented Samoa in the negotiations at the United Nations to create a permanent international criminal court.

Professor Brent Cotter QC, College of Law, University of Saskatchewan: "The Evolving 'Public Interest' Dimensions Professional Ethics for Lawyers" and "The Demise of Lawyer Self-Regulation: Inevitable Fate or Passing Trend?"

The New Zealand Law Foundation Distinguished Visiting Fellow in 2007 was Professor Brent Cotter QC. Professor Cotter has taught at Dalhousie Law School and at the Faculty of Law, University of Alberta, as well as being Scholar in Residence at Duke University School of Law and at the College of Law, University of Saskatchewan. Professor Cotter is co-author of the second edition of *Employment Law in Canada* (Butterworths, 1993), and author of *Teaching Professional Responsibility in Canada* (1991). From 1992



Professor Brent Cotter (right) making a presentation to Professor Paul Richworth.

to 1997 Brent served as Deputy Minister of Justice and Deputy Attorney General for the Province of Saskatchewan. In July 1997, Brent was appointed Deputy Minister of Intergovernmental and Aboriginal Affairs, as well as Deputy Provincial Secretary. In March 2002, municipal government relations was combined with this portfolio, creating a new Department of Government Relations and Aboriginal Affairs.

Robert Cryer, Reader at the University of Nottingham: "Terrorism: An International Crime or a Transnational Crime and Does it Matter?"

Robert Cryer has been a reader in international and criminal law at the University of Nottingham since 2001. He was a lecturer in the University of Manchester from 1999-2001. He is currently writing a book on international criminal law for Cambridge University Press and a book on the Tokyo International Military Tribunal for Oxford University Press.

Professor Deb Donahue, College of Law, University of Wyoming. Taught: Biodiversity Law.

Professor Donahue has published extensively in the areas of public land grazing policy, water pollution, land conservation, and endangered species protection. From 1999-2001 she served as a member of the National Research Council's Water Science and Technology Board Committee on Riparian Zone Functioning and Strategies for Management. She is currently an Academic Trustee of the Rocky Mountain Mineral Law Foundation and a Vice chair, Public Service, American Bar Association Public Lands Committee. She serves on Sinapu's Advisory Board and on Western Watershed Project's Science and Policy Advisory Board. Prior to joining the College of Law faculty in 1992, Professor Donahue served as staff attorney for the National Wildlife Federation in Anchorage, AK.

Professor James Flanagan, University of South Carolina, "Habeas Corpus in Times of Crisis."

Professor Flanagan is the author of *South Carolina Civil Procedure* (2nd ed., 1996), and its predecessor *South Carolina Civil Procedure* (1985, with Dean Harry M. Lightsey), as well as numerous articles. He is a member of the United States District Court Rules Advisory Committee in South Carolina. He served as reporter to the South Carolina Supreme Court Rules Advisory Committee, which drafted the civil rules of procedure for circuit courts adopted in 1985, and as reporter to the committee that drafted the Rules of Procedure for the South Carolina Administrative Law Court. He is currently chair of the Magistrates Advisory Council. His seminar looked at recent applications of the writ of habeas corpus as evoked by those detained by federal forces after September 11.

John Goodman: "Globalisation, Progress and Politics: A Response to Bryan Gould's The Democracy Sham".

John Goodman is a former diplomat, who has served in Geneva, Brussels, Tehran and most recently as Ambassador to Micronesia. He has represented New Zealand in trade access and economic policy negotiations at the GATT/WTO, at the UN in New York, with the European Union and at the OECD in Paris. His roles in the Ministry of Foreign Affairs and Trade in Wellington have included assignments as Assistant Head of Legal Division (with responsibility for trade law and international criminal law), Economic Division (international trade and financial institutions) and as Leader of official delegations to WTO negotiations on trade in services, telecommunications and financial services, to the UN Conference on Climate Change in Bonn and to Forum Fisheries and to other negotiations in the Pacific. His paper

was a look at the debate between various schools of thought on "globalisation," as seen by a former practitioner.

Professor Adrian Howe, School of Global Studies, Social Science and Planning RMIT, Melbourne, Australia: "Sex Violence Policy has Failed': Recent Law Reform Initiatives in Sexed Homicide Cases."

Adrian Howe has recently returned to Australia from the UK where she held the Chair of Criminology and Criminal Justice at the University of Central Lancashire. Her books include *Punish and Critique: Towards a Feminist Theory of Penalty* (Routledge, 1994), *Sexed Crime in the News* (Federation Press, 1998) and *Lindy Chamberlain Revisited: A 25th Anniversary Retrospective* (Lhr press, 2005). Professor Howe's paper examined recent efforts in Australia and the UK to reform the defences to homicide, focusing on the provocation defence. It did so from the perspective of a dedicated abolitionist - someone who has advocated the abolition of the provocation defence for over a decade and who remains unimpressed with the ways in which criminal courts and law commissioners grapple with the received idea that women and gay men sometimes provoke men to kill them.

Dr Veronica Jacobsen, Director of the Justice Strategic Policy Unit in the Ministry of Justice, "Future Justice."

The Justice Strategic Policy Unit was recently established in the Ministry of Justice to enable the justice sector to take a strategic perspective in its policy development. Prior to establishing the unit, Dr Veronica Jacobsen was at the Treasury. Dr Jacobsen established the first courses in Law and Economics while teaching at the University of Waikato and continues to teach Law and Economics at Victoria University. Her presentation sought to stimulate and inform ongoing debate as to trends that are manifesting themselves in the Justice sector and, in doing so, discuss the critical choices New Zealand will face over the coming years.

Associate Professor Tom Johnson, Osgoode Hall Law School, York University, "Value Added: The Transformation of Property Rights in Developing Countries."

Associate Professor Johnson is the Director of Osgoode's LLB/MBA program, and has served as Director of Osgoode's Small Business Clinic, and Co-director of Osgoode's LLM Program in Bankruptcy and Insolvency. His academic interests are focused in the areas of commercial law, project finance, access to credit and land tenure reform. As a consultant to multilateral development agencies and various governments he has advised on financial sector reform, land tenure reform, institutional strengthening and rule of law projects, predominantly in Latin America, the Caribbean, and Central Asia.

Barbara Lauriat, DPhil candidate at the University of Oxford, "The Shilly-Shally Affair, or How Charles Read Set the Stage for a Royal Commission on Copyright".

Barbara Lauriat is writing a dissertation focusing on the 1878 Royal Commission on Copyright. She is the General Editor of the *Oxford University Commonwealth Law Journal* and a former Editor of *Boston University Law Review*.

Professor Sanford Levinson, University of Texas School of Law. Taught: Problems in Constitutional Design.

Professor Levinson, who holds the W. St. John Garwood and W. St. John Garwood, Jr. Centennial Chair in Law, joined the University of Texas Law School in 1980. Previously a

member of the Department of Politics at Princeton University, he is also a Professor in the Department of Government at the University of Texas. The author of over 250 articles and book reviews in professional and popular journals, Levinson is also the author of four books: *Constitutional Faith* (1988, winner of the Scribes Award), *Written in Stone: Public Monuments in Changing Societies* (1998), *Wrestling With Diversity* (2003), and, most recently, *Our Undemocratic Constitution: Where the Constitution Goes Wrong (and How We the People Can Correct It)* (2006).

Kelly Russ, "Amending Human Rights Legislation to Promote Indigenous Peoples Rights"

Kelly Russ, a member of the Haida First Nation, was appointed to the Canadian Human Rights Commission in April 1998 and reappointed for a further two terms until March 2007. He is a sole practitioner with an emphasis on child protection and family law. He outlined the current proposals to amend the Canadian Human Rights Act so that it can be applied to Canadian First Nations for the first time without limitations.

Dr Andreas Schloenhardt, University of Queensland, "Mafias and Motorbikes: Organised Crime Laws in Australia and New Zealand."

Dr Schloenhardt is a senior lecturer at the University of Queensland TC Beirne School of Law. He also teaches in the Australian Federal Police's Management of Serious Crime and Advanced Counter-Terrorism Investigations Programs. His work has been published in North America, Asia, Europe and Australia. Since November 1999 he is member of the Council for Security Cooperation in the Asia Pacific. His presentation explored the framework relating to organised crime under international law and analysed the provisions which exist on the subject in New Zealand, New South Wales and Queensland.

Professor AWB (Brian) Simpson, Michigan Law School, "The Chagos Islanders' case."

Professor Simpson of Michigan Law School is one of the leading legal historians in the world. He does some pro bono consulting in connection with cases before the European Court of Human Rights. Simpson has held professorships at the University of Kent, the University of Cambridge, the University of Chicago, and the University of Ghana. He has been writing prolifically since the 1950s. His books include *Human Rights and the End of Empire: Britain and the Genesis of the European Convention*, *A History of the Common Law of Contract*, *A Biographical Dictionary of the Common Law*, *Cannibalism and the Common Law*, *A History of the Land, Law, Legal Theory and Legal History*, *In the Highest Degree Odious: Detention Without Trial in Wartime Britain*, and *Leading Cases in the Common Law*. His visit was funded by the Law Foundation.

Professor Scott Taylor, University of St. Thomas, Minneapolis: "Exploring the Legal Foundations of the Sovereignty of Indigenous Peoples in Some of the Former British Colonies."

Professor Taylor, who is not a Native American, serves as a tribal judge for one tribe, as a tax commissioner for two

tribes, and as pro bono tax counsel for a fourth tribe, as well as teaching taxation and Native American law. His seminar explored the legal foundations of the sovereignty of indigenous peoples in some of the former British colonies, with special attention paid to Australia, Canada, New Zealand, and the United States.

Professor Sandra Zellmer, University of Nebraska College of Law: "Unbundling Property in Water in the US."

Professor Zellmer is a co-director of the University of Nebraska's Water Resources Research Initiative. She has been designated a Senior Specialist (Roster Candidate) with the J. William Fulbright Foreign Scholarship Board, and is a member scholar of the Center for Progressive Reform as well as the Commission on Environmental Law of the World Conservation Union (IUCN), a trustee of the Rocky Mountain Mineral Law Foundation, and an associate member of the Resilience Alliance. Professor Zellmer has also served as the Chair of the Committee on Marine Resources for the American Bar Association Section on Environment, Energy and Resources, and as an advisor to the Council of Great Lakes Governors Water Working Group Task Force on Tribal/First Nation Treaties and Reserved Rights. Prior to teaching, Zellmer was a trial attorney for the U.S. Department of Justice Environment and Natural Resources Division. Her seminar looked at whether water is best characterised as private property or whether it should be viewed as publicly owned.

Professor Elisabeth Zoller, University of Paris II, "The Concept of Public Law in the French Legal Tradition."

Professor Zoller is a Professor of Public Law at L'université Panthéon-Assas (Paris II), where she is the Director of the Centre for American Law. She has held teaching positions at several French universities and also has taught at Melbourne, Rutgers, Cornell and Indiana at Bloomington. She is the author of prize-winning books on international and public law, and has published extensively in French and English. In 2001, she was named as a Chevalier of the Legion d'Honneur, the highest honour bestowed by the government of France.



From left: Vilja Hahto (torts) and Professor Seppo Villa (company law) - visitors from Lappeenranta University of Technology, Finland, 20007. Beke Zwingmann - lecturer from Cardiff law school and NZcol Visitor 2007.



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