

Australia New Zealand Law and History Society (ANZLHS) Conference

Faculty of Law, 10th – 7th floors Richardson Building, University of Otago, Dunedin, 25th – 27th November 2013

With generous funding from the New Zealand Law Foundation and the University of Otago

“People, Power and Place”

Programme as at 20th November 2013

Monday 25th November 2013

From 9.15	Registration, Faculty of Law, seminar room 5, 10th floor Richardson building, University of Otago
10.00 – 10.15	Mihi whakatau by Mark Brunton (Office of Maori Development) Welcome from Professor Mark Henaghan (Dean, Faculty of Law), Professor Shaunnagh Dorsett (President ANZLHS) and Associate Professor Jacinta Ruru (conference coordinator) venue: Moot Court, 10th floor Richardson Building
10.15- 11.15	Keynote Speaker chaired by Associate Professor Jacinta Ruru (Moot Court) <u>Chief Judge of the Maori Land Court and Chairperson of the Waitangi Tribunal Wilson Isaac</u> <i>“Exploring the past, present and future of New Zealand’s two unique legal institutions: the Maori Land Court and the Waitangi Tribunal”</i>
11.15- 11.45	<i>Morning Tea</i>

11.45-1.00	<p>Session 1</p> <ul style="list-style-type: none"> • Lucas Lixinski and Mats Ingulstad “On Race, Sovereignty and International Resources: The Making of International Law in the Americas” • Claire Charters “The Legitimacy of Indigenous Peoples’ Norms Under International Law” <p>Chair: Associate Professor Jacinta Ruru Venue: 7N10</p>	<p>Session 2</p> <ul style="list-style-type: none"> • Chris Dent “<i>Nordenfelt</i> and other 19th century restraint of trade decisions: controlling people and their places of work” • Josip Matesic “Two Acts that Reformed Sabbatarianism in New South Wales in the 1960s” • Tom Middleton “The enforcement pyramid model in a corporate regulatory context” <p>Chair: Professor Paul Roth Venue: 7C12</p>	<p>Session 3</p> <ul style="list-style-type: none"> • Abdul Rahman Bin Awang “Development of Islamic Legal History: Preliminary Enquiries” • Noura Mohammed Altwaijri “Islamic Architectural Art and its followed regulations” • Chiara Mannoni “The origins of the concept of Public Cultural Heritage: the Laws on the protection of Art and Antiquities in nineteenth-century Rome and Athens” <p>Chair: Associate Professor Mark Stocker Venue: SR4</p>	<p>Session 4</p> <ul style="list-style-type: none"> • Katherine Sanders “The Kelburn Raid - sex and the law in wartime Wellington” • Armanda Scorrano “Judicial Constructions of Motherhood in Colonial Australia: Towards a Feminist Legal Historiography” • Angela Wanhalla “Race, War and Marriage: The US Military and American Law in the South Pacific, 1941-1949” <p>Chair Professor Barbara Brookes Venue: Moot Court</p>
1.00-2.15	<p>Lunch <i>followed by optional short guided tour of the campus or the Special Collections in the Central Library</i></p>			
2.15-3.30	<p>American Society of Legal History Guest Panel “Power, Place and Presence in Anglo-American Legal Landscapes” chaired by Professor Shaunnagh Dorsett</p> <p>Joshua C. Tate, Associate Professor of Law, Southern Methodist University Dedman School of Law <i>“Episcopal Power and Royal Jurisdiction in Angevin England”</i></p>			

	<p><u>Craig Evan Klafter</u>, Associate Professor of History and Associate Provost for International Programs, University of Northern Iowa <i>"Location Isn't Always Everything: The Declining Rights of the Sac and Fox Tribe of the Mississippi in Iowa"</i> and</p> <p><u>Christopher Tomlins</u> (chair), Chancellor's Professor of Law, University of California, Irvine <i>"Styron's Nat: Or, the Metaphysics of Presence"</i></p>
3.30-4.00	<i>Afternoon Tea</i>
4.00 – 4.45	<p>Keynote Speaker chaired by Professor Andrew Geddis (Moot Court)</p> <p><u>The Hon Justice Stephen Kós</u> <i>"Constitutional Collision: Fitzgerald v Muldoon (v Wild)"</i></p>
	<i>Break</i>
5.30-6.30	<p>New Zealand Law Foundation International Keynote Speaker Chaired by Professor Tony Ballantyne and Associate Professor Jacinta Ruru</p> <p>Open Public Lecture Moot Court, 10th floor, Richardson Building</p> <p><u>Professor Lauren Benton</u>, Affiliate Professor of Law, Professor of History and Dean of Graduate School of Arts and Science at New York University, United States of America</p> <p><i>"Modalities of British Protection in the Early Nineteenth Century World"</i></p>
6.30-7.30	<i>Wine and Cheese Reception and awarding of Bruce Kercher Graduate Scholarships</i>

Tuesday 26th November

8.45	Welcome to day 2			
8.50-9.35	<p style="text-align: center;">Keynote Speaker chaired by Dr Michael Stevens (Moot Court)</p> <p style="text-align: center;"><u>Dr Mark Hickford</u> “Looking back in anxiety: reflecting on New Zealand’s historical, political constitution, the conundrum of ‘liberal institutions’ in empire, and legal histories, 1850-1860”</p>			
9.45-11.00	<p>Session 5</p> <ul style="list-style-type: none"> • Edward Cavanagh “Crowns and Corporations in the Early Modern World: Settler Colonialism, Accountability, and the ‘Royal Will’ • Mark Lunney “England's Obedient Servant? The hidden dynamism in the development of Australian tort law 1901-1945” • Grant Morris “A history of mediation in New Zealand’s legal system” <p>Chair: Associate Professor Michael Robertson Venue: 7N10</p>	<p>Session 6</p> <ul style="list-style-type: none"> • Nadia Gush “Fraternal Fracture and the Court of Law: New Zealand’s 1954 Parker-Hulme Trial” • Libby Connors “Uncovering the shameful: sexual violence on an Australian colonial frontier” • Georgina Fitzpatrick “Pushing Baby Out: war crimes trials and an episode in Anglo-Australian relations, 1947-8” <p>Chair Dr Angela Wanhalla Venue 7C12</p>	<p>Session 7</p> <ul style="list-style-type: none"> • Nicola Wheen “From People and Environment to State: a History of Environmental Law in New Zealand” • Marian Walker “Policing Hospitality: Tasmania and the Guest House Registration Act of 1937” • Robert Kipp “The reality of disaster recovery legislation” <p>Chair: Professor Tom Brooking Venue: SR 4</p>	<p>Session 8</p> <ul style="list-style-type: none"> • Lyndall Ryan “Was New Zealand part of New South Wales, 1788-1817?” • Timothy Gassin “Nationhood, Empire, and Dominion status: Exchanges of thought and experience between Canada and Australia in the years preceding Federation” • Holly Randell-Moon “The Secular Contract: The British Monarchy and White Diasporic Sovereignty” <p>Chair: Professor Tony Ballantyne Venue: Moot Court</p>

11.00-11.30	<i>Morning Tea</i>			
11.30-12.45	<p>Session 9</p> <ul style="list-style-type: none"> • CH (Remco) van Rhee “The role of continental European superior courts in shaping the law in the Early-Modern Period (15th-18th c.)” • Richard Burchill “The Courts of Mixed Commissions in the Eradication of the Slave Trade: A Demonstration in the Successes and Shortcomings of Legal Power in Faraway Place” • Roderic Pitty “Avoiding Australasian Drift: Michael Kirby’s advocacy of trans-Tasman unity” <p>Chair: Associate Professor Michael Robertson Venue: 7N10</p>	<p>Session 10</p> <ul style="list-style-type: none"> • Katie O’Bryan “The history of water law in Victoria and the development of indigenous water rights” • Abby Suszko “Whose one law for all? An examination of the populist perception existent throughout the Foreshore and seabed Debate • Lauren Butterly “People power creating ripples in the sea space: Does Australia need to have a conversation about the foreshore and seabed?” <p>Chair: Nicola Wheen Venue: 7C12</p>	<p>Session 11</p> <ul style="list-style-type: none"> • Marium Jabyn “Hobbled by chains”: A critical examination of women’s equality in the Maldives” • Rogena Sterling “Biopower and the Erasure of Intersexuals and Gender-variance” • Maria Pozza “New Zealand’s Modest but Constructive Role in the Development of Outer Space Law” <p>Chair: Dr Angela Wanhalla Venue: SR4</p>	<p>Session 12</p> <ul style="list-style-type: none"> • David Williams “Diverse Maori Responses to the Crown 1863 – 1940s” • Carwyn Jones “The Settlement of Historical Treaty Claims: Reconciling Māori and State Legal Traditions” • Matiu Dickson “Kei runga te korero, kei raro te rahurahu – talk is cheap” <p>Chair: Dr Michael Stevens Venue: Moot Court</p>
12.45-2.00	<p><i>Lunch</i></p> <p><i>followed by optional short guided tour of the campus or the Special Collections in the Central Library</i></p>			

2.00 – 3.15	Session 13 <ul style="list-style-type: none"> • Stefan Petrow “Adaptation and Innovation: Imposing law and Order in Van Diemen’s Land 1803-1824” • Amanda Kaladelfos “Homicide in Australia: Analysing the Prosecution of Interpersonal Killing, 1901-1950” • Eugene Schofield-Georgeson “The Right to Silence in Colonial New South Wales” <p>Chair: Associate Professor Margaret Briggs Venue: 7N10</p>	Session 14 <ul style="list-style-type: none"> • Sue Tappenden “The Story of Equity: from Ancient Greece to present day New Zealand” • Bettina Bradbury “Caroline Kearney and her husband’s final wishes in mid-nineteenth century, Victoria, Australia” • Paerau Warbrick ‘Somebody looking after something for somebody else’ Māori and Trust Law in modern history” <p>Chair: Jessica Palmer Venue: 7C12</p>	Session 15 <ul style="list-style-type: none"> • Courtney Mason “The History of Colonial Surveillance Policies and Aboriginal Responses in Western Canada, 1870-1940” • David Neufeld “Canadian Law and the erosion of Yukon First Nation way of life” • Benjamin Ralston “Timing isn’t everything: Are Canadian courts making space for reconciliation in British Columbia’s fisheries?” <p>Chair: Associate Professor Janine Hayward Venue: SR4</p>	Session 16 <ul style="list-style-type: none"> • Guy Charlton “New Zealand Constitutionalism and Maori: The failure of legal pluralism in 19th Century New Zealand” • Sangeetha Pillai “The Constituent Power of the ‘People of the Commonwealth’: Reflections on Citizenship in the 1897-1898 Australasian Constitutional Convention Debates” • Tanya Josev “The Culture Wars, the History Wars, and ‘Judicial Activism’ in Australia 1980-2004” <p>Chair: Dr Michael Stevens Venue: Moot Court</p>
3.15- 4.15	<i>Afternoon Tea with ANZLHS AGM</i>			
4.15 – 5.30	Session 17 <ul style="list-style-type: none"> • Willem van Gent “The 1974 ‘Town Hall Inquiry’ into the Milan Brych cancer 	Session 18 <ul style="list-style-type: none"> • Seth David Young, Taire Jade Pauli and Isimeli David Vosa 	Session 19 <ul style="list-style-type: none"> • Wilfrid Prest “Blackstone’s Impact” • Michael Stuckey 	Session 20 <ul style="list-style-type: none"> • Chris Davies “Conquered, Ceded or Settled?: The Legal

	<p>treatment at Auckland Hospital”</p> <ul style="list-style-type: none"> • Alvina Edwards “Counting Indigeneity; Blood Quantum Ideology in Australia, Canada and New Zealand” • Jane Adams ““Childless wives and gene donors”: the legal history of artificial insemination in New Zealand” <p>Chair: Professor Barbara Brookes Venue: 7N10</p>	<p>Ravia “Law & Justice in Indigenous Conflict Resolution Methods in the Pacific: A comparative analysis of Conflict Resolution Methods in Hawaii, Samoa and Aotearoa”</p> <p>Chair: Professor Judith Bennett Venue: 7C12</p>	<p>“Representations of Science and Natural Theology in Palgrave’s Legal and Institutional Historical Projects”</p> <p>Chair: Dr Nigel Jamieson Venue: SR4</p>	<p>History of Customary Land Title in Australia and Wales”</p> <ul style="list-style-type: none"> • Richard Boast “Tenurial Revolution on the Pacific rim in the 19th century: comparisons and contrasts” <p>Chair: Professor Tom Brooking Venue: Moot Court</p>
6.15				
6.15 – 11.00	<p style="text-align: center;"><i>Conference Dinner at Larnach Castle, Otago Peninsula</i></p> <p style="text-align: center;"><i>Meet at 6.15pm to begin boarding buses for Larnach Castle (ask at registration desk for the meeting place details)</i></p> <p style="text-align: center;">Keynote Speaker chaired by Gerard DeCourcy, Partner, Downie Stewart Lawyers, Dunedin and current President of the Otago District Law Society</p> <p style="text-align: center;"><u>Professor Jeremy Finn</u>, School of Law, University of Canterbury “Lawyers, ‘place’ and power”</p> <p style="text-align: center;"><i>First buses will arrive back in Dunedin city well before 11.00pm</i></p>			

Wednesday 27th November

9.20	Welcome to day 3			
9.30-11.00	<p style="text-align: center;">Keynote Panel chaired by Dr Angela Wanhalla (Moot Court) Dr Lisa Ford, Senior Lecturer, School of Humanities, University of New South Wales <i>“Commissioning Global Order: Commissions of Inquiry and the Reconstitution of the British Empire, 1800-1840”</i> and Professor Tony Ballantyne, Head of the Department of History and Art History, and Director of the Research Centre for Colonial Cultures, University of Otago <i>“Waste” and “Improvement”: People, Power and Place in colonial Otago</i></p>			
11.00-11.30	<i>Morning Tea</i>			
11.30-12.45	<p>Session 21</p> <ul style="list-style-type: none"> • Amanda Scardamaglia “Understanding Colonial People, Power and Place through the Prism of Colonial Trade Mark Regulations” • Fady Aoun “Racist and Sexist Trade Marks in the Anglo-Australian Public Sphere” • Rachel Bradshaw “International Patent law: An Imbalance of Competing Interests?” <p>Chair: Associate Professor Shelley Griffiths Venue: 7N10</p>	<p>Session 22</p> <ul style="list-style-type: none"> • Tristan Egarr “Alexander Herdman as Attorney-General” • Peter Moore “South Australian Lawyers 1837-1850: Profiling a Colonial Legal Profession” <p>Chair: Professor Struan Scott Venue: 7C12</p>	<p>Session 23</p> <ul style="list-style-type: none"> • Heather Devere and Michael Ligaliga “Covenant or contract: the treaty of friendship between New Zealand and Samoa 1962” • Naomi Johnstone “Messy, Necessary and Possible: Engaging with Legal Pluralism and Customary Law to Strengthen Access to Justice” <p>Chair: Professor Judith Bennett Venue: SR4</p>	<p>Session 24</p> <ul style="list-style-type: none"> • Shaunnagh Dorsett “Māori and the Civil Jurisdiction of the Resident Magistrates Court 1846-1852” • Amanda Nettelbeck “Settler provocation, Aboriginal resistance and the law’s leniency” • Jesse Roth “The Full Maori Jury, 1862-1965” <p>Chair: Dr Paerau Warbrick Venue: Moot Court</p>
12.45-2.00	<i>Lunch with farewells and close of conference</i>			