

# Law and Society Association of Australia and New Zealand

Annual Conference, 6-9 December 2017

# A Meeting Place for Interdisciplinary Explorations of Justice

Co-hosted by:

Ngā Pae o te Māramatanga New Zealand's Māori Centre for Research Excellence and

University of Otago Legal Issues Centre - Te Pokapū Take Ture

www.otago.ac.nz/lsaanz #LSAANZ2017





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# **Welcome from the Conference Organisers**

Tēnā koutou (Greetings)

Welcome to the first LSAANZ conference to be held in the beautiful Te Wai Pounamu South Island of Aotearoa New Zealand. Thank you for joining us as we together seek to grow the disciplinary intersections between law and society within Aotearoa New Zealand and Australia and its links with the rest of the world. To this end we are proudly profiling the conference theme as "A Meeting Place" of ideas across the social sciences, humanities and law embedded within an important and inherent component of law and society scholarship: justice. Justice seeks a safe, fair and just society. We thank you for being here with us for these days.

Ngā mihi,

#### **Conference committee co-chairs:**

Dr Bridgette Toy-Cronin, Faculty of Law, Director of the University of Otago Legal Issues Centre Professor Jacinta Ruru, Faculty of Law, Co-Director of Ngā Pae o te Māramatanga New Zealand's Māori Centre of Research Excellence

#### **Conference organiser:**

Susan Davies, Faculty of Law, Manager of the University of Otago Legal Issues Centre

#### **Conference committee:**

Professor Andrew Geddis, Faculty of Law, University of Otago
Dr Maria Hook, Faculty of Law, University of Otago
Associate Professor Selene Mize, Faculty of Law, University of Otago
Associate Professor Nicola Taylor, Director of the Children's Issues Centre, University of Otago
Kayla Stewart (Postgraduate Representative), Assistant Research Fellow, University of Otago
Legal Issues Centre

#### **Student assistants**

Jazmine Cassidy, LLB and BA (psychology) student, University of Otago and Ngā Pae o te Māramatanga student conference scholarship recipient

Isabella Moore, LLB and BA (Indigenous development) student and summer intern, University of Otago

Awhina Clark-Tahana, LLB and BA (history) student and summer intern, University of Otago Valerie Houkamau, LLB and BCom (international business) student, University of Otago and Ngā Pae o te Māramatanga student conference scholarship recipient

Bayden Harris, University of Otago Legal Issues Centre Summer Scholar Jacinda Kumar, University of Otago Legal Issues Centre Summer Scholar

#### **LSAANZ 2017 Conference Hosts and Sponsors**

**University of Otago Legal Issues Centre** is an interdisciplinary research centre based at the University of Otago Faculty of Law. It undertakes research on access to justice with the goal of working towards a justice system that is accessible, affordable, efficient, fair and just for all New Zealanders. It conducts research on New Zealand's justice system in order to inform and influence policy and conduct, for the benefit of all New Zealanders. <a href="www.otago.ac.nz/legal-issues">www.otago.ac.nz/legal-issues</a>

**Ngā Pae o te Māramatanga** is a Centre of Research Excellence hosted at the University of Auckland comprising 21 research partners including the University of Otago and conducting research of relevance to Māori communities. Our vision is Māori leading New Zealand into the future. Ngā Pae o te Māramatanga research realises Māori aspirations for positive engagement in national life, enhances our excellence in Indigenous scholarship and provides solutions to major challenges facing humanity in local and global settings. Ngā Pae o te Māramatanga is proudly co-hosting this LSAANZ conference. www.maramatanga.ac.nz

University of Otago William Evans Visiting Fellowship supports a visiting academic coming to New Zealand to undertake activities of pedagogical, educational, professional management and/or research. The William Evans fund of the University of Otago was established by the University Council in 1946 under the will of the late Dr William Evans, who directed that a trust fund be established for the promotion and encouragement of learning. The LSAANZ conference committee acknowledges the significance of awarding this fellowship to Professor Tom Tyler to enable his participation at this conference.

**New Zealand Law Foundation Te Manatū a Ture o Aotearoa** is an independent trust established in 1982 that provides grants for legal research, public education on legal matters and legal training in New Zealand. The LSAANZ conference committee acknowledges the New Zealand Law Foundation's sponsorship of Professor Brian Tamanaha's participation at this conference.

**University of Otago Humanities Division** is also acknowledged in providing support to enable this conference.

#### **Conference Sub-themes**

**Cultural justice:** culture includes age, socio-economic status, gender, urban/rural, ethnicity and religion. Thus cultural justice includes fairness in relation to cultural and demographic information, barriers and challenges;

**Transitional justice**: an approach to achieve justice in times of transition from conflict, colonisation and/or state repression, including the rights of victims, rights of Indigenous Peoples, promoting civic trust and strengthening the democratic rule of law; human rights abuses, violence, and truth commissions;

Criminal justice: including sentencing, sexual violence, miscarriages of justice, prisons and prisoners;

**Gender justice**: ending inequalities between women and men that are produced and reproduced in the family, the community, the market and state;

**Justice institutions, practice and practitioners**: including alternative dispute resolution, therapeutic justice, problem solving courts, procedural justice, restorative justice, collaborative law, legal education, legal services/assistance, litigants, the judiciary, legal ethics, future of legal institutions, practice and practitioners.

**Environmental justice**: specifically considering the development for legal standing and fair treatment of non-humans including trees, rivers, national parks and animals, and Indigenous (environmental) ancestors.

## Law and Society Association of Australia and New Zealand

LSAANZ was established and incorporated on 8 December 2006 at its annual Law and Society Conference. Its purpose is to provide a more permanent presence and concentration for the study of law and society in Australia and New Zealand.

LSAANZ aims to promote and foster scholarship broadly focusing on the interactions and intersections between law and society. LSAANZ does this by running, in conjunction with other organisations, centres and universities, its annual Law and Society Conference and other similar events.

#### **LSAANZ Executive 2017**

The 2017 executive was elected at the General Meeting of the Association held in December 2016 at the LSAANZ Annual Conference held at Griffith University, Brisbane.

**President:** Deirdre Howard-Wagner, Australian National University

Treasurer: Rob McQueen

Secretary: Robyn Holder, Griffith University

Minutes Secretary: Kirsty Duncanson, Latrobe University

**Communications officer**: Bridgette Toy-Cronin, University of Otago

#### **Executive Committee:**

Cristy Clark, Southern Cross University Margaret Davies, Flinders University

Roshan de Silva, Griffith University

John Flood, Griffith University

Warren Forster, in private practice (forsterandassociates@gmail.com)

Allen George, University of Sydney

Nicole Graham, University of Technology Sydney

Niamh Kinchin, University of Wollongong

Dean Knight, Victoria University of Wellington

Trish Luker, University of Technology Sydney

Dale Mitchell

Bronwen Morgan, UNSW

Tim Peters, University of Sunshine Coast

Jane Wangmann, University of Technology Sydney

Mary Spiers Williams, Australian National University

#### **Graduate representatives:**

Sarah Ciftci, Department of Sociology and Social Policy, University of Sydney Dannielle Wade, Griffith University

Alice Taylor, ANU

#### **General Information**

#### **Conference Location**

The conference is being held at the St David Theatre Complex, located in the north-west region of the University of Otago's Dunedin campus (on the corner of St David and Cumberland Streets).



#### **Facilities**

Most keynote and plenary panel sessions will take place in the main St David Lecture Theatre. Parallel sessions will be located in the six surrounding seminar rooms, including two rooms on the mezzanine floor of the complex (a lift is located near the entrance to the St David Theatre).

The male and female bathrooms are both located on the ground floor of the complex as shown by the floor plan that follows.

The University of Otago is a non-smoking campus. If you wish to smoke, you will need to do this outside the campus on the other side of Cumberland Street.

#### **Registration Desk**

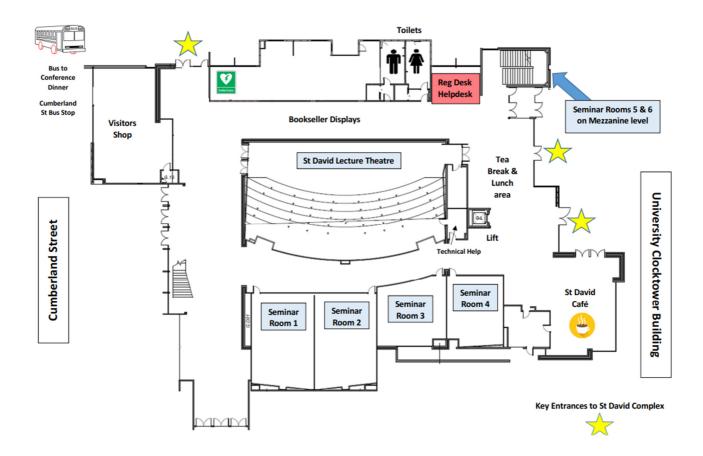
The Registration Desk is shown in red on the floorplan if you need any further help or information during your time at LSAANZ 2017. Any lost property can be handed in/claimed from the Registration Desk.

### **Delegate Lanyards**

Please wear your lanyard throughout the conference especially at meal times to show you are with the conference. If you are attending the conference dinner, please bring your lanyard as it has a design on it to show that you have paid to attend the dinner.

As a sustainability initiative, boxes will be available to drop your lanyards into at the end of the conference (if you no longer want them) so they can be reused.

### **Venue St David Complex**



# **Technical support**

Technical support is available from the lecture theatre technician's office (opposite Sem Room 4).

If you are a speaker and have your presentation saved on a USB memory stick, please drop it off to the technician prior to your session and they will load it up to be available in the room you are presenting in. We highly recommend this option, as it reduces disruption between talks.

#### Social Media

Please tweet about the conference at #LSAANZ2017

Please do not make audio or audio-visual recordings of presentations. Participants may post social media posts of presentations and take still photographs. If you do not wish photos to be taken or social media posts/tweets made about your presentation, please state this at the start of your presentation.

Please ensure that mobile phones are turned off or put on silent during all presentations.

### First Aid & Emergencies

There will be a first aid kit at the Registration Desk. If you have any conditions that you would like us to be aware of, please advise the staff at the Registration Desk.

In the unlikely event of a fire or earthquake we will comply with the University of Otago's Fire and Earthquake policy. We will be providing safety information at the start of the conference. In the event of a fire we would ask all delegates to make their way out of the building through the designated

emergency exists and congregate on the North Ground Rugby field (across Cumberland Street). Conference staff will help direct you to the nearest exit.

#### Meals

Morning tea, lunches and afternoon teas will be served in the open plan area outside the main lecture theatre. No food or drink is allowed in the seminar rooms.

If you have told us about specific dietary requirements or allergies we will make sure that suitable meals are well marked and reserved for you. We ask other delegates to respect the meals they are identified in this manner and leave them for the individuals who requested them.

#### St David Café

Please note that the St David Café is located in the complex and is a public commercial Café. It will be operating limited hours during the course of the conference. Items from the Café can be purchased by individuals if they wish, but are not included in conference costs.

### **Emergency Contacts during the conference**

Tel (+64) 21 279 0488 (mobile)

Tel (+64) 3 479 8857 (Law Faculty reception)

Police / Fire / Ambulance 111

Email <a href="mailto:law@otago.ac.nz">law@otago.ac.nz</a>

### WiFi access on Campus

# **University of Otago Visitor Network Access**

Welcome to the University of Otago! You can access the network/Internet here using the following services:

# UO\_Guest

If you are visiting the University of Otago and only require Internet access you can use our UO\_Guest network.

To log in or create a UO\_Guest account:

- 1. Connect to the UO\_Guest wireless network (SSID) on your device.
- If the UO\_Guest portal does not appear, open a web browser and browse to an Internet website. You will be re-directed to the UO\_Guest portal page.
- If you already have a UO\_Guest account, you can log into it here. Otherwise click on the 'Don't have an account?' link.
- Fill out the details with your Username (you can create your own), First name, Last name, plus a valid email address, then click 'Register'.
- Your login details will be displayed on screen. Please write these down or take a snapshot for your later reference. An email with your login details is also sent to the email address you have supplied.
- 6. Click 'Sign on' and agree to the Acceptable Use Policy to complete your login process.

A UO\_Guest account provides access to the Internet for up to:

- two weeks (14 days)
- 500MB per day
- · two devices at a time

Your **UO\_Guest** account expires after either the two weeks from creation or seven consecutive days of no activity. You can then create a new one if needed.

Note: If your device has logged in to another University network using a University username (staff, student or external), you will not be able to access the UO\_Guest network on that device.

#### eduroam

If you are a visitor to the University of Otago from another eduroam-participating institution, you are able to use the **eduroam** service for secure wireless network access using your authentication credentials from your home institution. **eduroam** should appear as a wireless network option (SSID) on your mobile device or laptop.

The security settings you use to access **eduroam** at the University of Otago are shown below. More detailed information will be provided by your home institution – please contact your own IT support first for assistance.

#### eduroam security configuration

SSID eduroam
Authentication Method PEAP-MSCHAPv2

Wireless Security Type WPA2-Enterprise (802.1X/EAP)

Encryption Type AES-CCMP

Do you have a question or need assistance? Please contact the ITS Service Desk:

- Tel 64 3 479 8888 or 0800 479 888
- Email <u>its.servicedesk@otago.ac.nz</u>

# **Keynote Presentations**

# **Professor Hilary Charlesworth**

"Rituals and Ritualism in International Human Rights Institutions"

Thursday 7 December 10.00AM – 10.45AM, St David Lecture Theatre

This paper considers the way that rituals and ritualism shape the international human rights system. It does so in the context of the UN Human Rights Council's Universal Periodic Review, an innovative mechanism introduced just over a decade ago to monitor states' implementation of human rights treaties. The paper argues that attention to both rituals and ritualism are valuable alternatives to traditional legal approaches to the international system, which focus on compliance.

<u>Professor Hilary Charlesworth</u> Melbourne Laureate Professor Melbourne Law School, and Distinguished Professor and Director of the Centre for International Governance and Justice in the Regulatory Institutions Network at the Australian National University whose extensive leading work considers how to strengthen the rule of law including considering dimensions of gender and international law, and how to build justice and democracy after conflict.

# **Professor Tom Tyler**

"Reimagining criminal justice: Psychological perspectives".

Thursday 7 December 5:30PM – 6.30PM, St David Lecture Theatre

The way the criminal justice system is structured is heavily influenced by assumptions about human nature. These assumptions are often implicit and are frequently untested. People are viewed as rational actors whose behaviour is shaped by the threat or use of sanctions. Drawing upon psychological theories I present an alternative framework for criminal law based upon legitimacy and using empirical research I provide support for its robustness. I suggest that this alternative legitimacy based framework has a number of advantages and ought to be more widely adopted.

<u>Professor Tom Tyler</u> Yale University, professor of psychology, law and management whose award winning internationally "paradigm shifting scholarship" focuses on the role of justice in shaping people's relationships with groups, organisations, communities and societies including author of Why People Cooperate (2011); Legitimacy and Criminal Justice (2007); Why People Obey the Law (2006); Trust in the Law (2002); and Cooperation in Groups (2000).

# **Professor Angela Riley**

"Crime and Governance in Indian Country"

Friday 8 December 11.30AM-12.30PM, St David Lecture Theatre

Criminal jurisdiction in Indian country is defined by a central, ironic paradox. Recent federal laws expanding tribal criminal jurisdiction are, in many respects, enormous victories for Indian country, as they acknowledge and reify a more robust notion of tribal sovereignty, one capable of accommodating increased tribal control over safety and security on Indian reservations. At the same time, the laws make clear that sovereignty comes at a price, potentially working to effectuate further assimilation of

tribal courts and Indian people. As a result, at the same time that tribal sovereignty gains ground in ways critical to autonomy and self-governance, it is simultaneously threatened by exogenous forces that have the potential to homogenize tribal justice systems legally, politically, and—in particular—culturally. In this talk, I will offer a comprehensive assessment of one of the most recent key pieces of legislation, the Violence Against Women Act, and explore the implications for tribal sovereignty and self-determination raised by its implementation.

<u>Professor Angela Riley</u> University California Los Angles, Chief Justice of the Supreme Court of the Citizen Potawatomi Nation of Oklahoma and Co-Chair for the United Nations - Indigenous Peoples' Partnership Policy Board whose research explores Indigenous Peoples' rights with a particular emphasis on cultural property and Native governance and justice.

#### **Professor Brian Tamanaha**

#### "A Social and Historical Perspective of Law within Society"

Saturday 9 December 11.00AM – 12.00PM, St David Lecture Theatre

The talk will introduce social, historical, naturalistic, and complexity dimensions of law within society. Then I quickly cover 11 significant social-legal developments in the course of human history. After this is completed, I return to the four dimensions introduced at the outset to draw out a few of their implications in connection with the historical survey. I hope to show that these four dimensions are key background factors in understanding the relationship of law within society.

<u>Professor Brian Tamanaha</u> Washington University Law School, world renowned jurist and law and society scholar whose significant publications include Failing Law Schools (2012), Beyond the Formalist-Realist Divide: The Role of Politics in Judging (2010); Law as a Means to an End: Threat to the Rule of Law (2006), On the Rule of Law: History, Politics, Theory (2004), A General Jurisprudence of Law and Society (2001). Professor Tamanaha is sponsored by the New Zealand Law Foundation.

# **Plenary Panels**

#### **Drugs and the Law: Institutional & Policy Responses**

Wednesday 6 December 5:15PM – 7:00PM, St David Lecture Theatre

Judge Lisa Tremewan, Tuari Potiki, Katey Thom and Khylee Quince and chaired by Professor Andrew Geddis St David Lecture Theatre

This public panel addresses one of the growing critical issues in law and society: how law ought law to regulate drug use. A dynamic conversation with video footage, this is an important opening conversation for this conference.

Judge Lisa Tremewan helped establish New Zealand's first Alcohol and Other Drug Treatment Court/Te Whare Whakpiki Wairua. This court is designed to "break the cycle" where offending has its origins in, or is fuelled by, serious unresolved alcohol and other drug issues.

Tuari Potiki (Ngāi Tahu), Chair of the NZ Drug Foundation Board and Director of Māori Development at the University of Otago. Potiki has an extensive background in the health, education and justice sectors and before joining Otago University, he was General Manager of Strategic Operations with the Alcohol Advisory Council of New Zealand and Deputy Chief Executive at the Ngāi Tahu Development Corporation.

Katey Thom is a senior research fellow in the Faculty of Medical and Health Sciences at the University of Auckland. Her research specialises in socio-legal studies of health based expert evidence, mental health law and addictions, and therapeutic practices in criminal law. Supported by a Royal Society Marsden grant, she is researching the application of therapeutic approaches in New Zealand's specialist problem-solving courts.

Khylee Quince (Ngapuhi, Ngati Porou) is a senior lecture and associate head of school at AUT School of Law with nearly 20 years' experience teaching and researching criminal law, youth justice and Māori and the criminal justice system. She is a Board member on the NZ Drug Foundation Board.

### Perspectives on alternative approaches to criminal justice

Friday 8 December, 1:40PM - 2:50PM, St David Lecture Theatre

Judge Heemi Taumaunu, Judge Lisa Tremewan and Professor Rosemary Hunter, chaired by Claire Charters

The participants will present an outline of their work in various areas of criminal justice: the Rangatahi courts, the Alcohol and Drug Treatment Court, and feminist judging. Associate Professor Charters will then lead a discussion on the relationship, if any, between alternative approaches to criminal justice and the historical and ongoing colonisation on indigenous peoples.

Judge Heemi Taumaunu led the pioneering development of Rangatahi Courts on marae in New Zealand for Māori youth and has recently received the prestigious international Swiss-based Veillard-Cybulski Award which honours work in advancing children's rights in the justice system. In 2015 the Rangatahi Courts won the Australasian Institute of Judicial Administration's Award for Excellence in Judicial Administration and in 2016 they received an Institute of Public Administration New Zealand award. Judge Taumaunu sits on Rangatahi Courts throughout the country.

Judge Lisa Tremewan has been a judge for ten years, sitting at the Waitakere District Court. She helped establish New Zealand's first Alcohol and Other Drug Treatment Court/Te Whare Whakapiki Wairua. This court is designed to "break the cycle" where offending has its origins in, or is fuelled by, serious unresolved alcohol and other drug issues. Where this is achieved, it is not only better and safer for the community, but also for offenders and their families.

Rosemary Hunter is Professor of Law and Socio-Legal Studies at Queen Mary University of London (QMUL). She teaches Family Law and Jurisprudence and Legal Theory and also contributes to PhD Research Seminars. She is a Fellow of the Academy of Social Sciences, the Chair of the Socio-Legal Studies Association (since 2011), a founding editor of the online open access journal feminists@law, one of the General Editors of the Onati International Series in the Sociology of Law and one of the Series Editors of the Edward Elgar Research Handbooks in Law and Society.

#### Feminist Judgments of Aotearoa New Zealand Te Rino: A Two-Stranded Rope

Saturday 9 December, 10:00AM – 11:00AM, St David Lecture Theatre

Feminist judging is an emerging and innovative critical approach that works within the confines of common law legal method to challenge the possibility of judicial neutrality. Key features of this approach are the way in which feminist judgments tell the story behind the case and the use of contextual materials, such as social science, historical or medical literature, to better understand the factual and legal issues involved in the case as they affect women's lives. Inspired by the success of similar British, Australian, Northern/Irish, and United States publications, this project reflects the unique New Zealand legal and cultural context. As well as a general feminist strand, it engages in a 2017 LSAANZ Conference: A Meeting Place | Dunedin | 6-9<sup>th</sup> December

substantive way with issues that particularly affect Māori women: the mana wahine strand. In this panel discussion, panellists will reflect on their experiences of participating in the project.

Copies of this just published book will be available to purchase: Elizabeth McDonald, Rhonda Powell, Māmari Stephens, Rosemary Hunter *Feminist Judgments of Aotearoa New Zealand. Te Rino: A Two-Stranded Rope* (Hart Publishing, 2017). The book will be formally launched the night before on Friday 8 December at the Conference Dinner.

#### Dr Rhonda Powell (Chair of the Panel)

Rhonda Powell is a lecturer at the University of Canterbury School of Law and an Honorary Associate of the Judith Lumley Centre, La Trobe University, Melbourne. Rhonda's research interests are legal education, human rights law, health law and feminist legal issues, including legal issues in reproductive health and maternity care. Rhonda is one of the project-leaders of the New Zealand Law Foundation funded projects the *Feminist Judgments Project Aotearoa* and *Rethinking Surrogacy Laws*. A monograph based on her doctoral thesis *The Right to Security* is expected to be published by Oxford University Press in 2018.

Panellists: Paulette Benton-Greig (University of Auckland), Emma Gattey (Thorndon Chambers, Wellington), Holly Hedley (Buddle Findlay, Wellington), Rosemary Hunter (Queen Mary University of London), Elisabeth McDonald (University of Canterbury), Brenda Midson (University of Waikato), Selene Mize (University of Otago), Rhonda Powell (University of Canterbury, Chair), Khylee Quince (Auckland University of Technology), Jacinta Ruru (University of Otago), Māmari Stephens (Victoria University of Wellington), Nicola Wheen (University of Otago)

## **Conference Dinner**

### Hākari - 2017 LSAANZ Conference Formal Dinner

# Ōtākou Marae, Otago Peninsula



The conference dinner will be held at the prominently significant, and stunningly beautiful, Ōtākou marae. Ōtākou marae is near the end of the Otago Peninsula and was one of the places where the Treaty of Waitangi was signed in 1840. We are incredibly grateful to the tangata whenua of Ōtākou marae for welcoming us to their place for our conference dinner. To ensure everyone enjoys the evening, we have prepared this simple overview of some of the rules to be aware of when visiting this special place including the cultural process of being formally welcomed here, known as the pōwhiri.

A powhiri encapsulates the formal welcome ceremony onto the marae, starting with the initial karanga (call) from the tangata whenua (people of the land, the hosts) right up to the sharing of kai (food). This process also removes the tapu (sacredness) from the manuhiri (visitors), who are referred to as waewae tapu (literally, sacred feet) if they are first-time visitors to that particular marae.

Please dress respectfully for this ceremony. At most marae, shoes are not to be worn inside the wharenui. However, at Ōtākou Marae, you are welcome to keep your shoes on inside all buildings. Please do not take food into, or eat in, the wharenui (meeting house).

All those attending the dinner must participate in this powhiri. The powhiri will begin sharply at 6.00pm. There are many stages to the powhiri that equally value the different gender roles. Please be respectful of this. We will all gather at the gate of the marae by 5.50pm.

**Kāranga:** A series of 'calls' usually conducted by elder women, alternating between the tangata whenua (who starts the karanga; you cannot enter the marae grounds until you hear this call) and the manuhiri. It involves incantations both to the living (those gathered) and the dead (those who have passed on) and begins the exchange of information to establish the purpose of the visit.

Whakaeke: The whakaeke refers to the 'going onto' the marae. As we begin to move onto the marae as a close group, please enable the women to lead, with men to the rear of the group. Once we begin to the enter the wharenui, please enable the women to sit in the rear seats with the men to sit in the front seats. Please remain standing until we are invited to sit.

**Whaikōrero:** Once inside the wharenui, formal speeches of greeting are exchanged by both the tangata whenua and the manuhiri. During whaikōrero, links between those gone before us (ancestors) and those present are made, and genealogical links between the tangata whenua and manuhiri are emphasised. The kaupapa (purpose) of the occasion is also discussed, as might the current issues and concerns.

**Waiata kinaki:** Waiata kīnaki (song which relishes the speech-making) is performed after each whaikorero. The quality and intent of the waiata kīnaki is critical, as once again, it upholds the mana of that group and embellishes the exchanges made during the whaikorero.

**Koha:** At the conclusion of the whaikorero, the manuhiri will present a koha (gift) to the tangata whenua, symbolising thanks to the hosts for the manaakitanga (hospitality) extended to them.

**Hariru/hongi:** Nearing the conclusion of the pōwhiri, the manuhiri move across the marae atea to hongi the tangata whenua. This involves the shaking of hands and a gentle pressing of noses (possibly also a kiss on the cheek), signifying the sacred breath of life – the mauri (life principle) – mingling together as the two become one.

**Kai:** The sharing of kai (food) and kapū tī (cup of tea) concludes the whakanoa (making 'ordinary') process of the pōwhiri, the final removal of tapu from the manuhiri. As in other cultures, the provision and sharing of kai symbolises the final binding together of the tangata whenua and the manuhiri as the two groups now merge for the remainder of the hui (gathering).

# Waiata (Song)

#### Te Aroha

Audio for this song: <a href="http://maori.otago.ac.nz/reo-tikanga-treaty/te-reo/waiata">http://maori.otago.ac.nz/reo-tikanga-treaty/te-reo/waiata</a> (scroll down)

Te aroha	Love
Te whakapono	Faith
Me te rangimārie	Peace
Tātou, tātou e	For us all
Tātou, tātou e	

#### Ehara i te mea

Audio for this song: <a href="http://www.youtube.com/watch?v=yALgktfHvlQ">http://www.youtube.com/watch?v=yALgktfHvlQ</a>

Ehara i te mea	This is not a new thing,
Nō inaianei te aroha	Love
Nō ngā tupuna	It is handed down from our ancestors
I tuku iho, i tuku iho	
Te whenua, te whenua	The Land, the land
Hei oranga mo te iwi	Is the wellbeing of the people
Nō ngā tupuna	From our ancestors
Tuku iho, I tuku iho	Handed down through the generations
Whakapono, tumanako	Faith, hope
He aroha ki te iwi	Love of the people
Nō ngā tupuna	From our ancestors
Tuku iho, I tuku iho	Handed down through the generations
Tuku iho, I tuku iho	

#### For more information:

- About Ōtākou marae see: <a href="http://www.otakourunaka.co.nz">http://www.otakourunaka.co.nz</a>
- about the pōwhiri process see: <a href="http://maori.otago.ac.nz/reo-tikanga-treaty/tikanga/powhiri">http://maori.otago.ac.nz/reo-tikanga-treaty/tikanga/powhiri</a>

# LAW AND SOCIETY ASSOCATION OF AUSTRALIA AND NEW ZEALAND



# 2017 CONFERENCE SCHEDULE

# Wednesday, 6<sup>th</sup> December

8:30AM – 9:15AM	Conference registration
9:15AM – 4:30PM	LSAANZ and SAANZ Postgraduate Day St David Lecture Theatre Complex
	Please see separate timetable for the postgraduate day, available on the <a href="https://www.otago.ac.nz/lsaanz">www.otago.ac.nz/lsaanz</a> website
4:30PM – 5:15PM	LSAANZ Conference registration
PUBLIC PANEL	"Drugs and the Law: Institutional & Policy Responses"
5:15PM – 7:00PM	Film clips and discussion with Judge Lisa Tremewan, Tuari Potiki, Katey Thom and Khylee Quince
	Chair: Professor Andrew Geddis
7:00PM onwards	St David Lecture Theatre  Social gathering
7.00PW ONWARDS	Social gathering Lonestar Restaurant (484 George Street, Dunedin North)
	We have booked the Saloon Area for conference delegates to mix and mingle. This is an opportunity to catch up with conference delegates and the postgraduate day attendees. It is a buy your own food and drinks event.

# Thursday, 7<sup>th</sup> December

9:00AM – 9:40AM	Conference registration and pastries					
9:40AM – 10:00AM	Mihi Whakatau and Welcome					
	Whakatau by Office of Māori Development, University of Otago Welcome by LSAANZ President and Dean, Faculty of Law, University of Otago					
	St David Lecture Theatre					
KEYNOTE ADDRESS	Professor Hillary Charlesworth	1				
10:00AM – 10:45AM	Title: Rituals and Ritualism in Ir	nternational Human Rights Insti	tutions			
	Chair: Dr Maria Hook St David Lecture Theatre					
10:45AM – 11:20AM	Conference registration and Morning Tea					
SESSION ONE 1	1:20AM – 12:50PM					
Sexual Violence	Indigenous Justice I	Civil Justice & Justice Research	Legal Education & Legal Academics	Prosecuting Justice Panel	Queer Human Rights	
Room: Seminar Room 1	Room: Seminar Room 2	Room: Seminar Room 3	Room: Seminar Room 4	Room: Seminar Room 5	Room: Seminar Room 6	
Chair: Jane Wangmann	Chair: Trish Luker	Chair: Nicola Taylor	Chair: Nicola Peart	Chair: led by participants	Chair: Marcelo Rodriguez Ferrere	
Rape myths as barriers to fair trial practice Elisabeth McDonald and Paulette Benton-Greig	Māori Purposes Acts:  Towards justice?  Angela O'Meara  Compensation orders in a corporate context  Tom Middleton  Crossing the boundary: exploring legal education beyond the class room Gary Cazalet  Crossing the boundary: exploring legal education beyond the class room Gary Cazalet  Crossing the boundary: Prosecution Rhetoric and Institutional Accountability Robyn Holder  Allen George					
The Heart of the Matter: A Queer Feminist Critique of the Criminalisation of Fraudulent Consent Sharon Cowan	Justice: you can call it what you want, it just don't mean a thing Edward Synot	Study of New Zealand Civil Procedure as Process-  The Role of a Law Student Abandoned Prosecutions: Curbing national anxieties Considering Patterns in Procedure as Process-  The Role of a Law Student Pledge in Shaping Positive Professional Identities: Discontinued Prosecutions LGBT issues				

Sex, Lies and the Legacy of the Hutchinson Decision: Sexual Fraud in Canadian Law Lise Gotell	Looking for justice in all the wrong places: Māori engagement in the Crown Minerals Act 1991 Block Offer process Maria Bargh and Estair Van Wagner	Epistemologies of anticipation: Between fears of litigation and fears of risk in the EMF debate David Mercer	Normative jurisprudence and legal education Julian Ligertwood	Prosecutorial discretion and deaths on the road – shaping understandings of vehicular homicide Kerry King	The paradox of nongovernmental advocacy: On why justice begins when representation ends Giulia Dondoli
The prevalence and context of sexual violence at the University of Otago Kayla Stewart	Culture and nature in the legal rights of rivers: Cases from Aotearoa New Zealand and Colombia Elizabeth Macpherson	Fixing the socio-legal 'fix' in Aotearoa/New Zealand: Where next? Kim Economides	Exploring the Perceptions and Effects of Stress at Work of Law Teachers in the UK and Australia Clare Wilson, Rachael Field, Caroline Strevens and Colin James		Transgender Marriage Cases in the Asia-Pacific Henry Kha
12:50PM – 1:50PM	Lunch (During this lunch break the <b>An</b>	nual General Meeting of LSAA	NZ will be held in Seminar Roor	n 1 commencing at 1:10PM, all	welcome)

# **SESSION TWO** 1:50PM – 3:20PM

Gender 1	Indigenous Justice II	Correcting Wrongs Panel	Legal Practice	Medicine and Law	Human Rights
Room: Seminar Room 1	Room: Seminar Room 2	Room: Seminar Room 3	Room: Seminar Room 4	Room: Seminar Room 5	Room: Seminar Room 6
Chair: Alice Taylor	Chair: Estair van Wagner	Chair: led by participants	Chair: Mark Henaghan	Chair: Jane Adams	Chair: Ben Schonthal
The role of Legal and Spatial in Creating Gender Discrimination: a case study on marginalisation of tribal women in Central India Saika Sabir	Theorising Indigenous jurisprudence: a Pacific- oriented reading of indigeneity and the law Tamasailau Suaalii-Sauni	Correcting Wrongs Worldwide: Bridging Wrongful Conviction Research between Australia and the United States Participants: - Rachel Dioso-Villa - Jon B Gould - Katie Hail-Jares - David Hamer - Lynne Weathered	Assessing the effectiveness of wellbeing initiatives in a legal workplace Suzanne Poynton, Janet Chan, Melissa Vogt, Jasmine Bruce and Anne Grunseit	Reconciling patient and medical practitioner interests where conscientious objection is asserted Robin Gibson	Can the United Nations increase the recognition of Indigenous rights to self-determination within colonial nation states? Cathryn Eatock
Women, Sport and the Law in the Twenty-First Century Chris Davies	The Prophets and the Law The Hon Justice Clifford and Monique van Alphen Fyfe		Work-related stress, anxiety and depression among public sector lawyers and support staff	Enduring injustice: reactionary discourses in the aftermath of the New Zealand "Unfortunate	Minority Rights Advocacy for Incarcerated Indigenous Australians: the impact of Article 27 of the ICCPR Emma Henderson

		Janet Chan and Holly Blackmore	Experiment" and their effects in the 21st century Joanne Stagg-Taylor	
Institutionalising gender equality: constraining social change? Amy Barrow	Decolonising Archives: Indigenous Challenges to Record Keeping in 'Reconciling' Settler- Colonial States Trish Luker	Trends in Legal Service Use Following Road Traffic Injury in Victoria, Australia Clare Scollay, Janneke Berecki-Gisolf and Genevieve Grant	Extension of Pharmaceutical Patent Rights – Bad Medicine Rachel Bradshaw	Housing – a Right or a Basic Necessity? An Analysis of the Bangladesh Supreme Court's Approach Atia Naznin
Legal services in the context of inequity: Working inclusively with diversity of sex, gender and/or sexuality. Olivia Rundle	Text and the voice: The Embodiment of the Legal Subject in Aotearoa; A Case Study under s 27 Sentencing Act 2002 Seonaid Abernethy	Lawyers and Digital Communication Annie Shum and Kieran Tranter	Doctors, Patients, and the Law: Medical Malpractice Litigation in Canada, 1900- 1935 R Blake Brown	Communicative Justice: Considering Positive Freedom of Speech Andrew Kenyon
3:20PM – 3:45PM	Afternoon Tea		<u> </u>	

# **SESSION THREE** 3:45PM – 5:15PM

Criminal Justice	Author meets Reader Winner of the LSAANZ book prize	Dispute Resolution I	Constitutional, Rights, Religion	Fetal Alcohol Spectrum Disorder	Gender 2
Room: Seminar Room 1	Room: Seminar Room 2	Room: Seminar Room 3	Room: Seminar Room 4	Room: Seminar Room 5	Room: Seminar Room 6
Chair: Anna High	Chair: Jacinta Ruru	Chair: Gary Cazalet	Chair: Andrew Geddis	Chair: led by participants	Chair: Kayla Stewart
The Detective and Scientist: The Science (and Art) of Fire and Arson Investigation as Expert Evidence Rachel Dioso-Villa	Carwyn Jones New Treaty. New Tradition Reconciling New Zealand and Māori Law (Victoria University Press, 2016)	Proposing a mapping system to aid conceptualization of macro-frameworks in Interdisciplinary Collaborative Practice.  Marilyn Scott	Constitutional encyclopaedia or curious citizenship: Different conceptions of civics education in New Zealand Dean R Knight	Is Fetal Alcohol Spectrum Disorder (FASD) a racism issue? Anita Gibbs and Kesia Sherwood	What Happens When the Unstoppable Force of Multiculturalized Immigration Meets the Immovable Object of the Equality Principle Amy Baker Benjamin
Theorizing Failed Prosecutions Jon Gould and Richard Leo		Mediators and Substantive Justice: A Sociocultural Perspective Bobette Wolski	The "empirical turn" in rights adjudication Leonid Sirota	Youth Offenders with Fetal Alcohol Spectrum Disorder in New Zealand: Addressing Gaps in Support including One Family's Commitment to Avoiding Justice Involvement Kesia Sherwood	Delineating (Anti-)Discrimination Dialogue: Different judicial approaches to discrimination Alice Taylor

The Offence Of Terrorist		Accurate Explanation of a	The contronymic use of	Is a basic income a good
Financing: Criminalization		Dispute in an Online Court:	'secularism' in Fiji's 2012	idea? Thinking about
Of Financing Conduct Or		A Study Design	Constitutional Drafting	gender, rights and the
Perversion Of Criminal		Bridgette Toy-Cronin and	Process	organization of care
Law?		Bridget Irvine	Tom White	Beth Goldblatt
Hamed Tofangsaz				
The new doctrine of trial-		'Fine words butter no	Sacred Law in Legal	From board gender
centeredness in China and		parsnips': Can the principle	Modernity: Buddhist Law in	diversity to workplace
its political uses		of open justice survive the	Contemporary Sri Lanka	diversity: Lessons from
Sue Trevaskes		introduction of an online	Ben Schonthal	Uber
		court?		Akshaya Kamalnath
		Sue Prince		
Vulnerability, Anonymity				
and Children's Rights in				
the English Youth Justice				
System				
Kathryn Hollingsworth				
5:15PM – 5:30PM	Canapes			
KEYNOTE ADDRESS	Professor Tom Tyler			
5:30PM – 6:30PM	Title: Reimagining criminal just	ice: Psychological perspectives		
	Chair: Dr Bridgette Toy-Cronin			
	St David Lecture Theatre			

8:00AM – 9:00AM	Walk - Hīkoi To acknowledge the land that LSAANZ is meeting on, providing a cultural, theoretical and social context to our conference theme.				
	Activities led by Jacinta Ruru, Gary Cazalet and others				
	Departure Point: St David Complex 8.00am sharp (this is a 3km undulating walk from campus to the Dunedin Botanical Gardens along the Ōwheo Leith				
	River, suitable walking shoes req	uirea)			
9:00AM – 9:15AM	Tea, Coffee, and Pastries				
<b>SESSION FOUR</b> 9	:15AM – 11:00AM				
Police and Procedural	Animals and Environment	Family and Children	Courts & Judging	Dispute Resolution 2	Transitional
Justice					Justice
Room: Seminar Room 1	Room: Seminar Room 2	Room: Seminar Room 3	Room: Seminar Room 4	Room: Seminar Room 5	Room: Seminar Room 6
Chair: Robyn Holder	Chair: Nicola Wheen	Chair: Ruth Ballantyne	Chair: Elisabeth McDonald	Chair: Selene Mize	Chair: Maria Hook
Procedural Justice in	Juridical Individualism and The	New Zealand's 2014 Family	Children's Rights Judgment	What Comes After	A Restorative Approach to
context: comparisons	Offence of Animal Cruelty	Justice Reforms: Parents'	Project	Neutrality? A New	Human Rights
between perceptions of	Alexandra McEwan	and Professionals'	Kathryn Hollingsworth and	Paradigm for Mediation	Jennifer Llewellyn
public police officers and		Perspectives	Helen Stalford	Ethics	
private security personnel		Nicola Taylor		Rachael Field and Jonathan	
Jesse Fielder				Crowe	
Policing Muslims in the age	Animals, sentience and the	The section 18A	Delivering justice to	Beyond procedural justice	The Transplantation of
of terrorism: The interplay	law	amendment to the	vulnerable litigants:	to mentalizing in mediation	Common Law in the British
between procedural justice	Marcelo Rodriguez Ferrere	Children Young Persons	Procedural dilemmas for	and lawyering	West Indies and the
and stigmatisation in		and Their Families Act 1989	justice institutions	Jill Howieson	reverberations thereof,
shaping Muslims'		at its potential human	Sonya Willis and Teresa		1700-1900
willingness to report terror		rights implications	Somes		Justine Collins
threats		Gina Tompkins			
Kristina Murphy					
Is dissatisfaction with	Think Like a Butcher: Strategic	Families as holders of	Grand Designs:	Achieving substantive	Using Restorative,
police inevitable? Testing	Lawmaking to Devalue the	economic, social and	Courthouses and judicial	justice in mediation	Relational and
an integrated model of	Animal Body	cultural group rights	architecture in New	through procedural justice:	Transformative
motivational postures and	Oliver Hailes	Penny Ehrhardt	Zealand's modern history	An illusory or realisable	Interventions to disrupt the
procedural justice in police-			Jane Adams	goal?	War-Peace Continuum of
citizen contacts.				Dorcas Quek Anderson	Sexual and Gender Based
Elise Sargeant, Natasha					Violence
Madon and Kristina Murphy					Natasha Jolly

Buy bust! On the ethics and effectiveness of undercover drugs policing Leah Moyle	Outrage: Firefighting foam and the legal governance of land contamination Penny Crofts	Ceremonial Protest: The Legal Regulation of Marriage in the Australian Civil Wedding Ceremony Becky Batagol	Writing Lives: Judgements as biographical writing with material effect Laura-Jane Maher	Farm debt mediation as an access to justice mechanism Hanna Jaireth	Peace-building from above or below? A juxtaposition of United Nations Human Rights Council and grass roots activities in transitional justice: Sri Lanka and Northern Ireland Fiona McGaughey	
Engendering trust? Gender mainstreaming in the Tonga Police 2009-2017 Hannah Gordon	Rivers as legal persons: Are we throwing out the baby with the bath water by excluding an environmental science perspective from the legal framework?  Fiona MacDonald	Law, Social Justice and Edwardian Irish Divorce Peter Kuch	Judicial Policy, Public Perception and the Science of Bias Inbar Levy	Are Plaintiffs in Medical Negligence Claims Being Heard in Mediation: A Lack of Procedural Justice? Tina Popa and Kathy Douglas	The war prerogative: Toward a socio-legal analysis Michael Head	
11:00AM – 11:30AM	Morning tea					
<b>KEYNOTE ADDRESS</b> 11:30AM – 12:30PM	Professor Angela Riley  Title: Crime and Governance in Indian Country  Chair: Professor Jacinta Ruru  St David Lecture Theatre					
12:30PM – 1:40PM	Methods Café (with lunch)  Join a themed table to discuss a research method (joint event with SAANZ)  Observational: TBA  Mixed-methods: Dr Bryndl Hohmann-Marriott  Qualitative focus groups and group interviews: Associate Professor Anita Gibbs  Doctrinal/legal research: Marcelo Rodriguez Ferrerre  Grab some lunch, take it up to the mezzanine floor, and sit at a table with a research method of your choice. The session provides consultation and informal instruction about the use of specific methods and their application in sociolegal research. If you have heard about a method and would like to know more about it, if you are thinking about a particular method for a research project, or if you are currently struggling with a method, you are invited to consult with our experts – they will lead an informal discussion over lunch.					
PLENARY PANEL 1:40PM – 2:50PM	Judge Heemi Taumaunu, Judge Lisa Tremewan and Professor Rosemary Hunter  Title: Perspectives on alternative approaches to criminal justice  Chair: Associate Professor Claire Charters  St David Lecture Theatre					

Crime and Gender		Cultural and Other Approaches to Justice	Discourse	Environment and Place
Room: Seminar Room 1		Room: Seminar Room 2	Room: Seminar Room 3	Room: Seminar Room 4
Chair: Bridget Irvine		Chair: Bridgette Toy-Cronin	Chair: Dean Knight	Chair: Marcelo Rodriguez Ferrere
Breaches of civil protection orders in intimate partner homicide cases: Looking at the past experience of violence as a key risk factor  Jane Wangmann		Can thinking about culture ameliorate poor justice outcomes in sentencing? Mary Spiers Williams	Law and Objectivity Renata Grossi	Promoting Environmental Justice in Biodiversity Conservation: an Assessment of Ecosystem Approach Sheikh Noor Mohammad
The use of domestic violence police reports in applying the 'couple' or 'de facto' rule in Australia and New Zealand for the purposes of social security payment Lyndal Sleep		Under the Influence? Comparative Explorations of Therapeutic Jurisprudence Consciousness in Drug Courts Amanda Wilson	Memory and nostalgia in law Marett Leiboff	What lies beneath? The role of law, society and history in the fight for Indigenous sea rights in Australia Lauren Butterly
Exploring the Journeys to Thai Prison for Female Prisoners Incarcerated for Sex Trafficking  Dannielle Wade		Ngā Kōti Rangatahi: insights from a research project Stella Black	"A Woman's Tongue" Gender, Swearing and the Law Elyse Methven	"I'm going to own this street": PARK(ing) and the practice of property Amelia Thorpe
		Te Kooti o Timatanga Hou: The Court of New Beginnings Katey Thom, Alice Mills, Stella Black	Three Illusions of Modern Politics Jonathan Crowe	
4:20-4:40PM	Afternoon tea			,
4:50PM	Meet to board buses for conference dinner. Buses depart sharply at 4.55pm and 5:00pm  Departure Point: Cumberland Street bus stop outside the St David Lecture Theatre Complex			
6:00PM – 9:00PM	Conference Dinner  Ōtākou Marae, Otago Peninsula Presentation of LSAANZ Writing Prizes Book launch of Feminist Judgments of Aotearoa New Zealand Te Rino: A Two-Stranded Rope (Hart Publishing, 2017) Performance by He Waka Kōtuia Māori performing arts group			
9:15PM	First bus departs for Dunedin City Return to departure point			

# Saturday, 9<sup>th</sup> December

9:30AM – 10:00AM	Tea and coffee	
PLENARY PANEL 10:00AM – 11:00AM	Feminist Judgments Editors and authors of Feminist Judgments of Aotearoa New Zealand Te Rino: A Two-Stranded Rope will discuss this significant book - Rhonda Powell, Elisabeth McDonald, Rosemary Hunter, Māmari Stephens, Emma Gattey, Nicola Wheen, Estair Van Wagner, Khylee Quince, Brenda Midson, Paulette Benton-Greig, Selene Mize, Holly Hedley, Jacinta Ruru, Mariah Hori Te Pa Location: St David Lecture Theatre  Note: On Friday and Saturday there will be a display of books and an opportunity to purchase copies of books, including the Feminist Judgments of Aotearoa New Zealand. Te Rino: A Two-Stranded Rope.	
KEYNOTE ADDRESS 11:00AM – 12:00PM	Professor Brian Tamanaha Title: A Social Historical Perspective of Law within Society Chair: Professor Andrew Geddis Location St David Lecture Theatre	
12:00PM – 12:30PM	Farewell and Close of Conference	



We acknowledge the support of the University of Otago William Evans Visiting Fellowship awarded to Professor Tom Tyler and also the Humanities Division for assistance with conference costs.



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