

Faculty of Law
Newsletter
Winter 2014
University of Otago

OTAGO LAW



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GREETINGS FROM THE DEAN



Dear Otago law alumni

Thank you for all your wonderful generosity with the awards and scholarships that help new and existing students achieve their goals in the study of Law. It is the true mark of an Otago law graduate that you support each other both while you are here and when you leave and our getting on with your lives since you have graduated. The spirit of collegiality is at the heart of the Otago law experience and long may it continue and long may you continue to enjoy the wonderful friendships and networks that studying at Otago have helped provide.

Otago law students continue to be successful in national and international competitions and you will read stories throughout the magazine about some of these. Our students also have a really strong commitment to volunteer work and are involved in many projects like the Tenancy Advice Programme, The Community Law Centre, the Ngan Tahu Community Law Centre, the Innocence Project, Law for Change, the Public Interest Law Network and the Student Animal Legal Defense Fund. They have a sense of adventure and purpose and strive to make the world a better place as do so many of you.

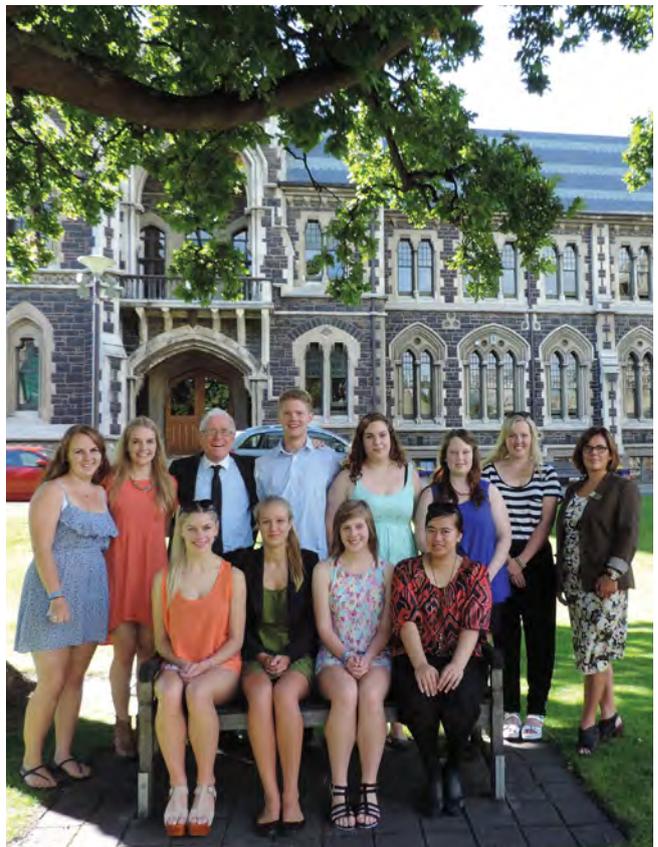
OtagoLaw has been a great success and we have had really positive feedback from many of you, which has been really affirming. There has been one person who has done all the work in the last four years on OtagoLaw and that is Ruth Molloy, the Faculty of Law Public Relations and Marketing Manager. Ruth is one of our own graduates and she has enjoyed making strong links with many of you. She is a passionate advocate for Otago University and for the Faculty of Law. Ruth has been lured away to work for Médecins Sans Frontières in Australia. It is no surprise that she will be working for such an important humanitarian organisation and we know that she will do a magnificent job. She is a true Otago law graduate with a strong sense of adventure and a commitment to social justice. I am sure that Otago law alumni in Sydney will welcome her and we wish her very well.

NEW ALUMNI AWARDS AND SCHOLARSHIPS

THE OTAGO LAW ALUMNI SCHOLARSHIP (Photos of Morning Tea)



Caitlin Casey, Jessica Todd, Emma Toseland.



Mark and Ruth Welcome the Alumni and Performance Scholars who have started Law this year. Emma Toseland, Hannah Doogan, Mark, Jessica Todd, Savannah Postel, Robert Jopp, Jessica Richards, Shani Hayes, Melania Napa'a, Grace Duncan and Caitlin Casey and Ruth.

THE MARGARET ELIZABETH OAKLEY AWARD

The Margaret Elizabeth Oakley Award has been established to honour the memory of Margaret Elizabeth Oakley (nee Baker) and to celebrate her life and work. The award has been established by her family and friends and is to be granted to an Otago law postgraduate candidate or Honours student carrying out research in the area of environmental protection.



Margaret Elizabeth Oakley.

Margaret was born in Bristol, England in 1946 to Thora Staddon and Samuel Baker.

She worked as a home midwife in Norwich before moving to New Zealand with her husband Rod in 1973 and it was here that she developed her enthusiasm for kayaking in the lakes, rivers and the sea.

Margaret's passion for kayaking was ignited after reading Constance Helmerick's book, *Down the Wild River North*, an autobiographical account by an intrepid mother who took her two daughters paddling through Canada to the Arctic.

In 1977 Margaret joined the Otago Canoe and Kayak Club and was a member of the club committee in a number of roles including as a Conservation Officer, advocating against various resource consent applications that would endanger the rivers of the South Island. She also organised many club paddling trips and inspired women of all ages to take up paddling. Margaret was a regular contributor to the Journal of the Kiwi Association of Sea Kayakers (NZ) Inc – KASK with articles about her experiences on Southland lake paddles. She was awarded the Canoeist of the Year in 2003 by Whitewater New Zealand for her thirty-year contribution to paddling.

From her friend Paul Caffyn – "The term 'heart of gold' applied to Maggie – she was not only just interested in paddling for the enjoyment and thrills, but also put so much energy into encouraging young 'uns' to take up paddling and also to conserve the pristine lakes and rivers of Otago and Southland... She was some woman".

After a battle with cancer, Margaret passed away in December 2013. Her husband Rod, her family, her club paddling mates, and KASK members sadly miss her.

The award has been granted to Alec Dawson whose Honours dissertation analyses the most recent proposals to change the RMA. The focus of his research was on the consequences of reducing the opportunities for the public to participate in RMA decisions and the likely substantive outcomes of this. Alec has also taken up the role of National Policy



Alec Dawson.

Director in Generation Zero, an organisation of young people advocating for New Zealand to be more active in reducing its carbon emissions and consequently its climate change impact.

THE KIRSTY WATTERSON MEMORIAL SCHOLARSHIP IN LAW GOES TO THEA SEFTON

The Inaugural Kirsty Watterson Memorial Scholarship in Law was awarded to Thea Sefton. Many and grateful thanks to the Watterson family for this generous scholarship which has been established by the University of Otago Council in 2013 in remembrance of Kirsty Watterson, a University of Otago Faculty of Law graduate who passed away in 2007.



Thea Sefton.

STAFF NEWS

NEW APPOINTMENTS

2014 will be notable for the many initiatives at the Faculty of Law. Not least is the appointment of three new staff members to the Faculty. These talented, innovative people herald a new and dynamic era, building on the considerable achievements and values of existing and recently retired staff and will be of ultimate benefit to students, the legal profession and to the community.



Jesse Wall, Maria Hook and Simon Connell.

Dr Jesse Wall

I studied Law and Philosophy at the University of Otago from 2003 to 2007. Upon being awarded a Rhodes Scholarship, I moved to Oxford to study towards the Bachelor Civil Law and then onto the Doctorate of Philosophy in Law. My doctoral research concerned the recognition of property rights in separated bodily material, and will be published in a forthcoming book (*Being and Owning: The Legal Status of Separated Bodily Material* (Oxford University Press)). Since concluding my studies in 2012, I have been a Lecturer in Law and Junior Research Fellow at Merton College, Oxford.

I am joining the Otago Faculty of Law in 2014 as a Lecturer. I look forward to returning to the collegial corridors of the Richardson Building and the amphitheatre of Archway Four, where I hope to continue my research and give students something close to the excellent educational opportunities that were afforded to me not so long ago.

Maria Hook

I have just completed my PhD at Victoria University of Wellington, where I was also working as a Research Fellow. My PhD proposes a contractual framework for the regulation of party autonomy in choice of law. Prior to that, I was a Judges' Clerk at the High Court at Wellington. I graduated with an LLB (Hons First Class) and a BCA in International Business from Victoria University in 2009.

My main research interest is the conflict of laws. I am looking forward to introducing students at Otago to this exciting and increasingly important area of the law

Simon Connell

I'm delighted to be joining the Faculty this year. In 2010, after working for the Accident Compensation Corporation for around five years, I decided to return to Dunedin to research a Master of Laws by thesis. This marked an important turning point in my life. My LLM led to a PhD, which led to my appointment.

My topic is "Implications of the Modern Approach to the Interpretation of Contracts".

There have been major changes in the law of contract interpretation – courts now speak of "commercial sense" reasoning and look to context instead of just text when deciding the meaning of agreements. My research considers the implications that these changes have for other issues in contract law: objectivity, construction, the interpretation of offers and the battle of the forms.

In addition, shortly after arriving back in Dunedin I met my wife – we were married in Dunedin in December, with a number of friends from the Faculty in attendance

I am especially looking forward to teaching in my areas of interest. I'm looking forward to teaching Torts and being able to draw on my research and my experience working at ACC. I also hope that my research in contract law will allow me to help a new generation of lawyers understand this complex and developing area. The staff have been warm and welcoming since I first returned to Dunedin, and it's a privilege to be joining the Faculty.

THE FACULTY IS ALSO PLEASED TO WELCOME DR JENNIFER MOORE AS ACTING DIRECTOR OF THE LEGAL ISSUES CENTRE, FACULTY OF LAW UNIVERSITY OF OTAGO

Jennifer is a lawyer, social scientist and health scientist, with a PhD from the University of Melbourne's Faculty of Medicine.

When Jennifer joined the Faculty of Law she was not a stranger to the Faculty or the University of Otago. She worked as a Research Fellow in the Faculty of Law's Centre for Law and Policy in Emerging Technologies. From 2007-2009, she was based at the University of Otago Medical Faculty in Wellington, working as a Lecturer in the Public Health Department.



Jennifer Moore.

She was a Lecturer in the Health Sciences Department, Faculty of Medicine, Monash University, Australia (2003-2006). Jennifer also studied and worked at Hebrew University in Israel.

The University of Otago Legal Issues Centre is an empirical legal research centre and an intellectual meeting ground for interdisciplinary researchers, legal practitioners, policy makers and educators interested in advancing knowledge about the impact of law, legal processes and services.

The Legal Issues Centre was established in 2007 by a generous donation from Marilyn and Grant Nelson (Gama Foundation) and the University of Otago Foundation Trust.

The strength of empirical research is that it can provide evidence based data to policy makers. I'd like to build the capacity of the Legal Issues Centre to undertake empirical/socio-legal research to inform law and policy reform.

CERI WARNOCK AWARDED NZLF INTERNATIONAL RESEARCH FELLOWSHIP FOR 2013



Ceri with Justice Minister Judith Collins and Sir Bruce Robertson.

Ceri Warnock, senior law lecturer at the University of Otago, has won the Law Foundation's 2013 International Research Fellowship, New Zealand's premier legal research award.

Valued at up to \$125,000, the Fellowship is awarded annually to enable an individual of outstanding ability to undertake legal research that will make a significant contribution to New Zealand. The award was made at the Law Foundation's Annual Awards dinner in the Grand Hall at Parliament on 4 December and presented by the Minister of Justice Judith Collins.

Ms Warnock is only the second woman and the second academic from Otago (the first being Professor John Dawson in 2002) to have received the award.

Ms Warnock's research, which will be conducted in New Zealand, Australia and at Oxford University, is entitled *The New Zealand Environment Court: Importance and Limitations*.

The aim of the study is to conduct the first comprehensive, objective legal analysis of the New Zealand Environment Court in its 36-year history. "The general objective of this research is to fill the present gap and to foster an informed debate about the future role of the court," Ms Warnock says.

It will look at the question "how do we make sense of the seeming paradox between the importance of the Environment Court in developing environment law and the limitations within which it works?"

The Minister for Justice has expressed interest in the work and its findings for policy development.

In receiving the award, Ms Warnock thanked her colleagues at Otago "who have so generously shared their time and wisdom with me and who derive genuine pleasure from seeing others succeed".

CONGRATULATIONS TO RUTH BALLANTYNE ON THE PUBLICATION OF THE SECOND EDITION OF THE BUTTERWORTHS STUDENT COMPANION: FAMILY LAW



Ruth Ballantyne's book contains concise yet detailed summaries of leading New Zealand decisions crucial for the study of family law, within their relevant legislative context. This is an invaluable, easy-to-read reference tool designed to be used in conjunction with lecture notes and existing text materials.

This new edition has been completely rewritten to take into account the substantial legislative changes since the last edition in 1999, including the passing of the Property (Relationships) Amendment Act 2001, the Care of Children Act 2004, the Civil Union Act 2004, the Status of Children Amendment Act 2004, the Human Assisted Reproductive Technology Act 2004 and the Marriage (Definition of Marriage) Amendment Act 2013.

With the inclusion of a vast number of new cases and updated summaries, this new edition is an invaluable study aid. It is current as at 1 January 2014 but contains information about changes to family law legislation that has since come into force.

The book is available at: store.lexisnexis.co.nz/product?product=butterworths-student-companion-family-law-2nd-edition&meta_F_and=9781927227862

Ruth LLB, BA (Hons) (Otago) is a Professional Practice Fellow at the University of Otago Faculty of Law, where she works closely

with the Dean on family law projects. Ruth has contributed significantly to many titles on family law and this is her first sole authored publication.

Professor Andrew Geddis organised a public event at Parliament Buildings in Wellington on the issue of changes to the New Zealand Bill of Rights Act

The event follows on from the release late last year of the Constitutional Advisory Panel's recommendations on changes to New Zealand's constitutional arrangements. The Government established this panel with the aim of engaging with the public over issues of constitutional reform. While much of the Panel's final report was quite cautious in its approach, it did suggest that the time was ripe for considering whether changes ought to be made to the New Zealand Bill of Rights Act. In particular, it suggested that the Government should consult further with the public on the issue of strengthening the legislation by; adding economic, social and cultural rights, property rights and environmental rights improving compliance by the Executive and Parliament with the standards in the Act giving the Judiciary powers to assess legislation for consistency with the Act entrenching all or part of the Act.

In the wake of this suggestion, Professor Geddis was successful in receiving funding from the Law Foundation to bring to New Zealand three international experts who can provide insight into the effect that such measures have had in other, comparable jurisdictions. These experts are:

Professor Stephen Gardbaum, MacArthur Foundation Professor of International Justice and Human Rights, UCLA Law School, author of *The New Commonwealth Model of Constitutionalism*. Tom Hickman, Blackstone Chambers and University College of London, author of *Public Law After the Human Rights Act*. Joanna Davidson, List G Barristers, Melbourne and former Special Counsel with responsibility for Human Rights in the Victorian Government Solicitors Office.

The speakers presented papers on what they see as being the pros and cons of making changes as suggested by the Constitutional Advisory Panel at a public session held in the Old Legislative Council Chamber in Parliament Buildings. The Attorney General, the Hon Chris Finlayson, hosted this event.

Farewell to Matthew Mortimer

The Faculty is very sad to farewell Matthew Mortimer who has left to take up the position of legal counsel at the Chief Coroner's Office in Auckland. Matthew has been working as a research assistant with John Dawson as well as many other staff here. Matthew says that the Faculty has been very welcoming and supportive and he has enjoyed coming to work everyday. Matthew has been a greatly valued member of the Faculty.



ALUMNI NEWS

CORRECTION - EDITOR'S NOTE

Otago Queen's Counsel

In the previous edition of OtagoLaw I said that there were four Otago Queens Counsel referring to the number of QC's currently practising in Otago.

There have been a number of Otago law alumni take silk and we would like to ensure that their achievements are noted.

A special congratulation to Anita Chan who has been appointed Queen's Counsel in the latest round Attorney-General Christopher Finlayson QC announced in June.

JOHN CHESTER PIKE, QC, QSO

We would also like to mention John Chester Pike QC was made companion of the Queen's Service Order for services to the law. He took silk in 2013 and was appointed under the Royal prerogative in recognition of his extraordinary contribution to the law.

This is a wonderful recognition of his input to the law during his time as general counsel at the Crown Law office and beyond.

John commenced a Bachelor of Laws at Otago in 1963, he was the class of 1968 and graduated in May 1969. John graduated LLM (Hons) from Canterbury University and joined the Department of Justice as legal adviser. He joined the Crown Law Office in 1987 as Crown Counsel being appointed Deputy Solicitor-General in 2006 and General Counsel in 2007. Mr Pike has appeared for the Crown in over 1,500 Court of Appeal cases and has appeared before the Privy Council 18 times.

APPOINTED

The full list of Otago law alumni who have taken silk are as follows:

Chan Anita QC 2014
Churchman, Peter; Bruce, QC, 2013
Pike, John, Chester; QC, 2013
Shiels, Trevor; John, QC, 2013
Gordon, Judith, Christine, QC, 2008
Moore, Simon, John, Eisdell, QC, 2008 (Simon completed his LLB in Auckland and has recently been appointed to the High Court)
Corkill, Bruce, Andrew, QC, 2007
Behrens, Michael, John, QC, 1999
McDonald, Kristy, Pearl, QC, 1999
Somerville, Royden, John, QC, 1998
Withnall, Colin, Stuart, QC, 1988
Craddock, Richard, John, QC, 1981
Mazengarb, Oswald, Chettle, KC, 1947
O'Shea, John, KC, 1946
Callan, John, KC, 1934
Salmond, John, KC, 1912
Solomon, Saul, KC, 1907
Findlay, John, George, KC, 1907

HER HONOUR JUSTICE CHRISTINE RUTH FRENCH HAS BEEN AWARDED AND HONORARY LLD FROM THE UNIVERSITY OF OTAGO

Her Honour Justice French received an honorary LLD from the University of Otago at the May graduation ceremony. She graduated with LLB(Hons) from the University of Otago in 1981 and was awarded a Rhodes Scholarship in 1983.

In 2008 Justice French was appointed a Judge of the High Court, based in Christchurch. In 1984 Justice French commenced practice with the Invercargill law firm of French Burt Partners specialising in general civil litigation and employment law. Justice French became a partner in French Burt Partners in 1988. She was appointed to the Court of Appeal in 2012.



Her Honour Justice Christine French with Dr Royden Somerville QC.

A SMALL TOWN LAWYER - JEREMY CALLANDER

Being 10-odd years older than most of my fellow law students, the prospect of working as a new grad for a big law firm in Wellington or Auckland held about as much appeal for me as free tickets to a combined Justin Bieber and Miley Cyrus concert.

I'm more of a Mutton Birds and Midnight Oil kind of guy.

Many of our freshly pressed laws grads head to the big cities, and this is not surprising. Big cities tend to have more job opportunities and – let's face it – a job is a job is a job. You take what you can get and you're grateful for it. But in the spirit of collegial love and as a token contribution to Mankind's search for meaning, I would like to present an alternative to big cities.

Small towns

I am two and a half years out of law school and for the last 18 months I have constituted 50% of the lawyers in a quiet little Central Otago town called Cromwell. There were a few bumps along the way, but they ultimately led me to where I am, so I have no regrets. I love my job, I love my boss (in a very respectful, professional and platonic kind of way), I love my firm and I love Cromwell.

Now, obviously I cannot speak for all the small towns in New Zealand, or for all the law firms in those towns. But based on my experiences in Cromwell thus far, permit me to make some gross generalisations regarding how great it is being a lawyer in a small town:

1. Everybody knows your name – if you're willing to get out amongst the community, you can establish a useful public profile within a comparatively short space of time
2. Partnership opportunities – small firms often have difficulties with succession because the partners have no young lawyers coming through the ranks
3. Less competition for clients – lots of small towns have only one or two law firms
4. Less competition for jobs – I got my job after ringing up and asking for it (..... there may have been a little more to it than that)
5. Variety of work – in a small town the lawyers often have to be the legal equivalents of GPs, so there's rarely a dull moment (and when there is, you're usually grateful for it)

For my part, in any given week I can be working on conveyancing matters, limited drivers licence applications, Wills and enduring powers of attorney, debt collection, relationship property agreements, employment matters, business agreements and all sorts of other bits and pieces. On top of that, the director of my office (our main office is in Alexandra) retired three months after I began, so I inherited all of his estate administration and irrigation company work as well – under the supervision of my new director and the directors of our other offices, of course.

So the work is varied and interesting – but life is more than work. So here are some extra-curricula reasons for why being a lawyer in my small town is so cool:

1. My wife and I have been able to buy our own home – next to a great primary school, a great kindergarten, and a greenway that weaves its way through most of Cromwell
2. While I'm walking to work in the morning (which takes 15 minutes if I take my time), my view includes at least three different mountain ranges
3. Swimming at the lake is three minutes drive away
4. Rabbit shooting is no more than five minutes drive away
5. Deer stalking is no more than an hour's drive away
6. Mountain biking, water skiing, snowboarding and a veritable plethora of other slightly less bloody activities are within close reach as well

7. Unlike some NZ locales, Cromwell has actual seasons that manifest when and as they should – i.e. summer comes in and feels like.....wait for it.....summer

And now that I think about it, Cromwell is actually not so quiet anymore, what with the opening of Highlands Motorsport Park on the edge of town.

But life is also more than recreation. In a small town you can very quickly begin to get a sense of the history of the place – the people, the land and the stories that they have to tell – especially if you're a lawyer. As a lawyer, one can find one's self privy to all sorts of tasty wee dollops of information regarding the current and historical goings-on of the town and surrounding community. So every day is interesting.

But what is the most interesting thing about small towns? He tangata! He tangata! He tangata! My small town is full of all sorts of characters – the rich, the poor, the friendly, the grumpy, the weird, the wonderful, the possibly questionable and the quite clearly, right off the tracks, utterly insane. Many of them have become my clients and some of those clients have become my friends.

And who doesn't like making friends? Especially when some of those friends happen to own large tracts of land that are pretty filthy with rabbits and are more than happy to let you do your bit to thin the population. Or when they introduce you to other friends who have pigs and goats and deer running around their hills and are happy to let you go running around after them? Or when these friends decide that they like you enough to suggest to one of their friends (who has a legal problem) that perhaps they should drop into your office for a chat?

I think that might be called networking.....

Of course, life in a small town is not for everyone. Some people love the rattle and hum of the city, the immediate convenience of consumer goods, and that warm, contented feeling that only comes from doing a 90 minute return commute every day.

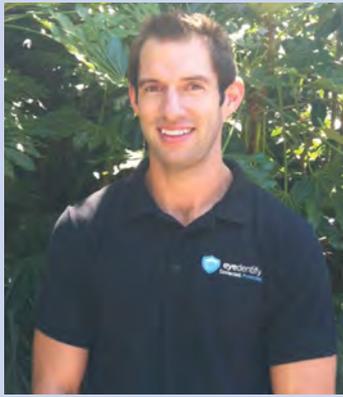
But not me. I know it sounds incredibly tacky to say it, but I really don't care – I prefer hills to highways, rivers to shopping malls and the smell of wild grass, fruit blossoms and cordite to that of vehicle exhaust or coffee. And that's why I'm a small town lawyer.



Jeremy with his two sons Odin and Tiran.

PHIL THOMSON

When I was asked to write about my experiences since leaving law school I got a bit of a shock to realise that four and a half years have passed since finishing in 2009. Although I ended up spending more time in the SOULS office than in the lecture theatres in my last year, I still managed to secure a job. So I moved to Auckland to enter the profession in 2010 as a law grad in the intellectual property team at Simpson Grierson and instantly felt at home (5 Otago grads in the team, including both partners, had something to do with it). While getting to grips with the law and the real world, couldn't quite leave my student ways and continued to be involved in student politics as the President of the New Zealand Law Students' Association, advocating for both law students and profs students. On the back of this role I was elected to the New Zealand Council of Legal Education for three years representing students and young lawyers, overseeing the LLB curriculum at all NZ universities and regulating the professional studies providers. Sitting on a board with members of the judiciary, senior members of the profession, and the law deans, was a fantastic opportunity and provided a lot of insights into the profession I had only just entered. It also provided for regular catchups with Dean Henaghan who always had great stories to tell!



Throughout this time I was also enjoying working at Simpson Grierson, gaining crucial experience and skills in the IP team. My partners were great mentors, providing me with an environment to thrive and giving me a lot of responsibility within the team. But after being a lawyer for three and a half years, I was approached by a startup tech company and faced a thought-provoking career decision – continue down the well-trodden path in the law or create and run a new business with an untested product. The opportunity to enter the unknown and the massive challenges associated with creating a new business saw me 'retire' from the law to follow my passion for business.

Eyedentify was born – a software company providing retailers and Police with an online crime reporting platform that centralises intelligence on retail crime and high risk offenders (shoplifting costs NZ retailers \$2million each day!). I was initially tasked with setting up the company properly, sorting out all the legals, and dealing with the privacy issues involved in sharing information between retailers and Police, but the role quickly expanded into running all the business operations and creating a working relationship with the Police. It is still early days, but the recent signing of our first major customer; my first payslip 10 months after leaving the law, and our large scale trial currently being conducted in the Counties Manukau Police district, has reaffirmed my decision to leave the law and give it a go. There is a long way to go until we can consider it all a success, but it is exciting and each day provides me with new challenges and experiences.

Otago provides a great learning and social environment for the future lawyers and leaders of New Zealand, and I find you can easily tell an Otago law graduate apart from all other lawyers. Without my time in Otago and my grounding in the law, I would not be doing what I am today. The support of the law faculty while I attended Otago and Mark Henaghan's support since, has been especially invaluable.

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EVE JOLLY

In navigating my career trajectory, I use the proposition that one's vocation lies at the point at which one's skills and passion meet the needs of society. All of these elements are – and should be – subject to interpretation, change and evolution; and this proposition allows my strengths and desires to be channelled towards achieving positive social change in a world of wondrous opportunity and excitement but growing inequality and destruction.



In 2005 I obtained an LLB and BA from the University of Otago, and started my career as a lawyer at Chapman Tripp in Auckland. During that time I was exposed to, and recognised the value of, corporate activity in fostering economic growth. I also became involved in Chapman Tripp's pro bono work – which was the point where my skills and passion met the needs of the firm's non-profit clients operating in the commercial sector. After volunteering with New Zealand's primary refugee resettlement agency – Refugee Services Aotearoa New Zealand – and completing a Certificate of Proficiency in Immigration and Refugee Law at the University of Auckland, I embarked on a career change in human rights.

For four years I worked in Eastern Europe using my legal education and training to build strategies to reform government policies for anti-trafficking, social welfare and disability education for children in post-Soviet contexts. My advocacy team at World Vision was part of a movement that successfully influenced the European Commission to pressure the Albanian government to focus on children's rights as part of its requirements to enter the European Union; and we also built a regional coalition of 500+ NGOs in 8 countries to strengthen civil society.

After living in Azerbaijan, Georgia and Cyprus and travelling to other countries in the Eastern Europe region, I moved to New York to pursue a Masters in Human Rights at Columbia University. It was an incredible experience to learn in an education institution that is equally historic and recognised in the United States, as the University of Otago is within New Zealand. I received a PepsiCo Fellowship to undertake primary research in Albania for my Masters thesis, entitled Domestic Politics of International Human Rights Law: Implementing the United Nations Convention on the Rights of the Child in Albania. My thesis analysed how realising human rights is much more than merely passing legislation and writing policy (which are crucial first steps); it is about state capacity and incentives to implement such legislation and policy, so that ordinary citizens have services and opportunities to live their chosen lives. We need strong democracies for this.

Residing now in New York, I've worked as the Program Director at a public interest law NGO to build the professional capacity of lawyers from emerging and developing countries to advance human rights; and currently I volunteer at the Centre for Social Innovation, which is a co-working and collaborative space for non-profits and social-purpose businesses in the city.

I have now both witnessed and studied human rights as ultimately a relationship between citizens and government for freedom, justice and peace. And I have since re-identified the "needs of my community" as being the empowerment and independence of citizens to achieve these outcomes without government or

in ways that complement government efforts. Hence I am now embarking on yet another career trajectory towards social enterprise – which is about engaging the business sector to have financial and social bottom lines; and social innovation – which is

about looking at new ways to solve social problems – to achieve lasting social change. I look forward to returning to New Zealand in the near future and to being a part of the growing social enterprise and innovation community in the country.

HONOURS AND POSTGRADUATE CLASS OF 1979

The photo above is of Otago Honours and postgraduate students in 1979. Four of that group have since gone on to attain judicial office. They are Judge Stephen Harrop (seated, centre) currently on a two-year posting to Vanuatu, Justice Graham Lang (seated second from left) of the High Court, Justice Forrest Miller (inset top right) and Justice Christine French (seated, right) both of the Court of Appeal.

The judges' Honours dissertations from their time at Otago are still in the Law Library. Justice French wrote on the "The contract/tort dilemma", Miller J on "Freedom of Information in a Westminster Democracy", Lang J on the (then-brand new) "Contractual Remedies Act 1979" and Judge Harrop on "Public interest immunity in the law of evidence".



LLB Honours and Post-graduate Students 1979

Standing (from left): Alan McRae, Graham Smail, Mark Douglas, John McManamy, Hilary Talbot, Alistair McKenzie, Keith Burton

Sitting: Margaret Lockie, Graham Lang, Stephen Harrop, Mike Hanson, Christine French

Insets: Chris Hunt, Chris Stewart, Alistair Logan, Forrest Miller

BRITTANY TRAVERS

My life took some interesting twists and turns after university. After graduating with my law degree in 2012, I set off for Paris to complete my French honours dissertation. Student life in Paris was idyllic – after class I would often explore the Louvre, stroll along the banks of the Seine or just take a book to a café and watch the world go by. Eventually, as the saying goes, all good things come to an end and I returned to New Zealand to make my first steps in the working world.

My first job after graduation was working in the Studylink team at the Ministry of Social Development in Wellington. I was assigned to the MyStudylink team, helping students with IT issues and answering questions about their financial eligibility. As someone who has been through the Studylink application process several times before, I found it rewarding to help other students navigate the student loan and allowance application process.

More recently, I have been working as a Parliamentary intern for Gareth Hughes MP. The knowledge I gained studying Law and Emerging Technologies at Otago proved invaluable, as my day to day work involves researching issues like online privacy, ISP liability, digital copyright protection and cryptography. I was involved in drafting the Greens' Internet Rights and Freedoms Bill and developed a website to allow users to comment on each of the clauses in the Bill. During my internship I have been lucky enough to attend meetings with stakeholders like Google, Internet NZ and the Victoria University School of e-government – we have had some fascinating discussions about how to shape New Zealand Internet law.

It is a real honour that the MPs are entrusting me to help draft policy and legislation. I have been invited to Green Party Caucus meetings where I had to stand up in front of Russel Norman, Metiria Turei and the other MPs to present my research – it was one of those moments that required a lot of deep breaths beforehand. I have found it useful to 'stick to the law', which is Mark Henaghan's personal motto I believe. It's important to have confidence in your abilities, retain a thirst for knowledge and a desire to question legal rules and propose reform.

Recently I got to take notes in the Harmful Digital Communications Select Committee then report back to MPs who couldn't make it. I am really enjoying collaborating with the Parliamentary Library Research team, drafting questions for written answer, liaising with media and attending caucus meetings.

I feel very lucky to be able to combine politics and law – On the political side I get to discuss strategy and how we present our ideas in the media – On the legal side I get to analyse Bill before the House and write briefs for the MPs. In Parliament you're right in the thick of law making and your work has the chance to make a real impact. I've been lucky to work on some really fascinating portfolios: marine reserves, IT law, copyright reform, deep sea oil drilling and fracking. It's a special feeling when you help write a speech and then you hear your sentence read out on Parliament TV. Currently I am working on research strategies for bridging the digital divide in New Zealand and issues surrounding big data, open source software and online privacy. It's a special feeling to know I am playing a part in shaping key ICT policy.

As a new graduate, you often feel swamped with uncertainty about the direction your life will take. But sometimes you just need to take a chance, follow your passion and hold onto your scarfie resilience – success will follow, you just need to persevere and have confidence in your abilities. Law can lead you into the cut of thrust of politics, and I am relishing every minute.



NAOMI JOHNSTONE

Congratulations to Naomi Johnstone who has been awarded a regional AMP scholarship at the National AMP 'Do Your Thing' awards night at the Auckland Museum. Sir Graham Henry was the speaker.

Naomi has interned twice in war torn areas of Asia. Her interest is working with hybrid indigenous methods of reconciliation and justice in Melanesia and NZ in international conflict and resolution. Naomi is currently undertaking a PhD at the University of Otago and her topic is "Exploring PEACE in the Bougainville Conflict: Access to justice and reconciliation through 'win-win' mediation and Indigenous dispute resolution".

From Naomi:

"I'm feel very grateful to have the support of AMP and AdviceFirst to pursue 'my thing' of finding the most effective ways to promote justice and reconciliation after violent conflict. It's wonderful to be able to further this as a PhD student at Otago, with my excellent supervisors from the Law Faculty and the Centre for Peace and Conflict Studies".



TWO OTAGO LAW GRADUATES RECEIVE THE NEW ZEALAND PEGASUS SCHOLARSHIP FOR 2014

Tim Cochrane and Holly Hedley are two of the three recipients of the New Zealand Pegasus Scholarship for 2014. Both recipients are delighted to receive this award and look forward to their time in London.

Holly comments, 'I have been working in the specialist health litigation team at Buddle Findlay since I graduated from Otago University. I have a real passion for health law (in no small part due to the many skilled lecturers at Otago Law school) and I hope to use my time in London as a Pegasus Scholar to gain further experience working in health related litigation. As well as working in practice, I also have an academic interest in health law and I am often involved with teaching training seminars for health professionals. I hope to begin post-graduate study in law the near future'.

Tim says, 'The Pegasus will allow me to work in a top barristers' chambers in London for a period of six weeks to develop my experience and networks. The Pegasus will be an amazing opportunity, and I'm very grateful for the support of the Faculty!

Since graduating I have been working as a solicitor at Kensington Swan in Wellington practising civil litigation and public law, and was recently promoted to the position of Associate, effective January 2014.

While in Wellington I have been active in the legal community, including in Executive roles on the Wellington Young Lawyers' Committee and LawSpot.

I particularly enjoy research and writing, and have continued to publish articles while working, as well as the moot judgment for the inaugural New Zealand Bar Association / Wellington Young Lawyers' Committee Mooting Competition last year (which was a very interesting judgment about privacy in relation to Facebook. younglawyers.co.nz/wp-content/uploads/2013/10/Judgment-problem.pdf)

I am interested in pursuing postgraduate studies in the future.

In 1987 the Inner Temple, one of the Inns of Court in London, established the Pegasus Scholarship Trust, with the aim of building links between the legal professions of the many countries in the world who live under the common law system. The Trust is supported by each of the Four Inns of Court, which are societies of judges and barristers with wide responsibilities within the legal system in England.



Tim Cochrane.



Holly Hedley.

OTAGO ALUMNUS BARRISTER WARWICK ALEXANDER SMITH HAS BEEN APPOINTED AN ASSOCIATE JUDGE OF THE HIGH COURT

Associate Judge Smith graduated with a LLB from the University of Otago in 1974 and commenced work as a solicitor with John O'Neill & Devereux in Dunedin, where he had been employed as a law clerk for the previous two years.

The following year he relocated to Auckland and joined Earl Kent Massey Palmer & Hamer; where he remained until 1979 when he left to take up a position as an Associate with Alexander Bennett Warnock & Mellsop. He was admitted to the partnership of that firm in 1981, leaving in 1989 when he was invited to join the partnership of Chapman Tripp Sheffield Young. In 2008-2009 Associate Judge Smith spent a year in London completing a LLM course at the University College of London

Since 2000 Associate Judge Smith has been practising as a barrister sole, specialising in intellectual property and general commercial litigation.

He is a Fellow and Arbitration Panel Member of the Arbitrators' and Mediators' Institute of New Zealand and a member of the World Intellectual Property Organisation's worldwide panel deciding complaints under ICANN's Uniform Domain Name Dispute Resolution Policy. He will sit in Wellington.

NICK JONES

I'm studying for a Master of Philosophy in Environmental Policy at the University of Cambridge, which is a one-year postgraduate course involving two terms of taught papers and one term focussed on a dissertation. The papers I've been studying have been really interesting (climate change policy, international environmental law, rural development, environmental economics etc) with a plethora of reading to keep me on my toes. Some of the lecturers are leading experts in their respective fields, which is a catch 22 for a student because they're often participating in international environmental negotiations/conferences and miss lectures! My dissertation topic is yet to be confirmed, but I'm hoping to concentrate on fisheries law.

I haven't had much opportunity to travel, apart from a rugby trip to a town in Wales called Neath. Rugby training was hectic leading up to the game against Oxford in December, with about 8 sessions a week! All the training couldn't save us on the day as we went down 33-15. Though it wasn't all bad because I did manage to score a try at Twickenham. Moreover the Varsity match is a great occasion regardless of the result, and I'm honoured to be a part of the rich rugby history associated with Cambridge University. I thoroughly recommend any rugby player looking to further their studies to get in touch with the CURUFC recruitment manager Scott Annett (scott.annett@curufc.com). He'll offer sage application advice and be able to answer any queries.

I was a bit limited on the social front last term with the busy schedule but have made some good friends through rugby, college and my course. I'm a resident at Selwyn College, one of the 31 colleges in Cambridge (all with extremely well maintained lawns). Every student must be a member of a college. Undergraduates receive significant tutelage within their college, but their respective departments undertake teaching for postgraduates. Being a student town I would equate the nightlife to that found in Dunedin (small but great!). However you know you're in Cambridge when you play drinking games with roman numerals and no couches are on fire.

I'd also like to thank Nicola Wheen and Ceri Warnock for assisting in my application process.



Nick scoring a try.

OTAGO ALUMNI CAREER DEVELOPMENT WORKSHOP AND NETWORKING EVENTS

The Faculty of Law in collaboration with the Career Development Centre and the Development and Alumni Relations Office hosted the Otago Alumni Career Seminar with guest speaker the Vice Chancellor Professor Harlene Hayne earlier this year.

Focusing on professional development techniques, this workshop was aimed at Otago alumni who:

- Want support, ideas, and motivation to get the best a current job
- Are considering your next career move
- Are returning to work and want help with renewing focus (after parental leave or a period of "unemployment" due to a variety of reasons)

The Vice-Chancellor Professor Harlene Hayne, discussed her development ideas in a lecture entitled, "Toto I have a feeling we are not in Kansas anymore: What happens when you follow the yellow brick road".

This workshop is part of a suite that we offer over the year. Other events include networking events where alumni can come and sharpen their networking skills with experts in the area as well as practicing them afterwards with drinks and light refreshments. The career seminars and networking events project is an initiative that aims to engage University of Otago alumni who live locally and to give back to our alumni community in practical ways.



The Team.

The Faculty of Law has also hosted events in Auckland and Nelson this year. If alumni are interested in these events or other news and events from the Faculty of Law and the University of Otago, they can keep their contact details up to date at: database.alumni@otago.ac.nz

MAY GRADUATION

Congratulations to all our graduates who had their degrees conferred in May.

A number of prizes were awarded at the Otago Law Graduation Function at Toitū, Otago Early Settlers Museum.

Otago Branch New Zealand Law Society's Prizes For students completing the LLB / LLB (Hons) degree who have shown general excellence throughout the degree course.

Henry Benson-Pope and Andrew Row

Joshua Williams Memorial Essay Prize (Otago Branch New Zealand Law Society)

Aidan Cameron

"Māori Rights in the 4G radio spectrum. Fantasy or the future of Treaty claims".

New Zealand Legal Research Foundation Award Unpublished undergraduate Student Paper (2013)

Thomas Latimour

"When Should "Yes" Mean "No"? Informed Consent to Sexual Activity, Mistake, and the Role of the Criminal Law".

Thomson Reuters Prize in Law

To the student who produces the best Research Dissertation went to Laura Manson.

Quenching the thirst in International Investment Law, Fresh water reform in New Zealand.



Thomas Latimour thanks the Faculty for all the support for law students.

UNDERGRADUATE NEWS

21ST BIRTHDAY OF TE ROOPU WHAI PUTAKE (THE MĀORI LAW STUDENTS' ASSOCIATION)

In August, the Faculty of Law is looking forward to hosting a significant celebration event for all Otago Māori Law Alumni to mark the 21st birthday of Te Roopu Whai Putake (the Māori Law Students' Association). Te Roopu Whai Putake is one of the most strongest and successful Māori student groups on campus. Whai Putake actively supports Māori law students to succeed in their studies and provides opportunities for the staff and students from throughout the University and the wider public to come together to learn about Māori legal issues most notably through hosting annually Te Wiki o Te Ture Māori (Māori Law Week).

The Faculty of Law, in association with the Alumni Office, is hosting this reunion celebration on 22nd – 23rd August 2014. This will be a prestigious event for the University of Otago with many esteemed Otago Māori law alumni now in careers as judges, high profile lawyers, policy analysts and academics. The keynote address will be presented by the Chief Judge Wilson Isaac (of the Māori Land Court and Chairperson of the Waitangi Tribunal). Wilson Isaac graduated from Otago in 1976.

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(Left to right) Rachael Jones, Lauren Aspin, Renata Davis, Briar Ensor and Susannah Bull at Māori Pregraduation.

WHY STUDY LAW AT OTAGO?

Having welcomed a great number of first year law students again, we conducted a recent survey of the 2014 LAWS101 intake to see what continues to draw so many students from all over New Zealand to study law at Otago.

The survey was based around the following three questions:

1. How did you hear about studying law at Otago?
2. Why did you choose to study law?
3. Why did you choose to study at Otago?

The survey results indicate that the primary reason students choose to study law at Otago is the reputation of the Faculty of Law and the University of Otago.

Interestingly, students continue to be influenced mostly by face-to-face contact, and really enjoy the Otago Law Career Events hosted by Mark for years 12 and 13 High school students and parents around New Zealand. The Schools Liaison team, their careers advisors, as well as friends and family have also influenced them in deciding to start their careers in law here. Many respondents commented about the close collegial environment at the Faculty of Law where they are expected to work hard but balance study with other interests.

MĀORI AND PACIFIC ISLANDS STUDENTS WELCOME BREAKFAST

The Faculty of Law and Te Roopu Whai Putake welcome the new intake of Māori and Pacific Islands students at a breakfast early this year.



CONGRATULATIONS TO AMBER HOSKING AND ALICIA ROSEVEAR WHO WON THE NATIONAL RED CROSS INTERNATIONAL HUMANITARIAN LAW MOOT IN DECEMBER

At the end of the year we had the opportunity to compete in the Red Cross International Humanitarian Law Moot Competition, competing against various Universities on the ever increasing and challenging law, regarding armed conflict.

International humanitarian law was a new field for us all, but thanks to guest lecturers, fellow competitors, and the presence of Sir Geoffrey Palmer in the old High Court building, we argued for and against some controversial topics, including attacking a hospital, environmental impacts and individual criminal responsibility of senior leaders.

Under the guidance of Matthew Mortimer, we came away with the win and a chance to compete in Hong Kong in mid March. The weekend was a chance to practise our moot skills, converse with a wide range of people, and most importantly, saw the need for international humanitarian law to be introduced and recognised within the faculties.

Alicia and Amber competed in the International competitions in Hong Kong with distinction.



INTERNSHIP AT THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC) - FLORENCE VAN DYKE

Last year Florence Van Dyke interned in the Co-Prosecutors Office at the Khmer Rouge Trials in Phnom Penh, Cambodia for 6 months. Two senior leaders were on trial while she was there: "Brother Number Two", Nuon Chea, who was second in command to ruler Pol Pot and the Head of State, Khieu Samphan. The accused were charged with crimes against humanity, grave breaches of the Geneva Conventions of 1949, and genocide against the Muslim Cham and the Vietnamese.

Between 1975 and 1979 almost one third of the Cambodian population died from starvation, illness, torture, or execution under the Khmer Rouge regime that was led by Pol Pot. The Regime aimed to reform Cambodia to its agrarian past and ultimately recreate the "year zero". The population was transported to cooperatives that are now referred to as 'prisons without walls'. Millions died in those cooperatives from malnutrition, illness and barbaric torture. Particular groups such as upper-class, intellectuals, the Muslim Cham and Vietnamese were targeted for torture and execution.

The Extraordinary Chambers in the Courts of Cambodia (ECCC) was established in 2001 to prosecute the senior leaders of the Khmer Rouge. It was established as part of an agreement between the Cambodian Government and the United Nations. The ECCC is a hybrid court: it relies equally on national and international judges and lawyers.

Florence worked in the prosecution team preparing evidence, taking notes in court and researching and drafting submissions. For her the scale and location of the trial made the work particularly fascinating. The case file held 20,000 pieces of evidence and the hearing spanned two years. On top of that, holding the trials in Phnom Penh – where some of the most horrific elements of the case had taken place – brought the atrocity to life, "being surrounded by victims of the Khmer Rouge regime every day was hugely motivating."

The internship was also a chance to meet another Otago alumni, former New Zealand Governor-General Dame Silvia Cartwright. She was one of two international judges sitting in the Trial Chamber: "Silvia was keen to meet the young Kiwi lawyers and I was lucky enough to have a supervisor organise for us to have lunch together". "It was fascinating talking to her about the challenges she faced as a young female lawyer in New Zealand, and the ways Otago Uni (which we both attended) has transformed since she was there 50 years ago."

The final evidence in Nuon Chea and Khieu Samphan's trial was heard in November 2013. During the Trial ninety-two individuals gave evidence and the Chamber sat for 222 days. The trial was subject to unprecedented public interest with over 100,000 persons attending the hearing. The verdict is due to be released in the next month.

It was through Law for Change that Florence came upon the opportunity to intern at the Khmer Rouge Trials. Otago University students founded Law for Change two years ago. It aims to connect students and young professionals with legal work that furthers the interests of others and serves the broader public. If you are interested in opportunities that may be available to you please contact Tracey Finlayson at lawforchangedunedin@gmail.com or refer to the website: lawforchange.co.nz



The Faculty of Law sends out the alumni OtagoLaw newsletter twice a year.

If you would like to receive this and other information for alumni you can ensure your contact details are up to date at:

database.alumni@otago.ac.nz

To follow Faculty of Law news on Facebook:

[facebook.com/OtagoLawAlumni](https://www.facebook.com/OtagoLawAlumni)

Many of our public and guest law lectures are available to view or you can subscribe to RSS feeds when lectures are available.

Follow these at:

otago.ac.nz/law/research/podcasts

Visit the Faculty of Law website

otago.ac.nz/law/



OTAGO UNIVERSITY DEBATING SOCIETY RANKS AMONG THE WORLD'S BEST

The Otago University Debating Society (proudly sponsored by Gallaway Cook Allan Lawyers) has been ranked in the top tier of universities for the World Championship 2015 team allocations.

Otago University is one of eleven universities in the top tier. This places Otago University alongside Oxford, Yale, Harvard and Cambridge universities.

The ranking reflects OUDS performances at the past three Championships. Otago University defeated prestigious universities like Harvard, Yale, Oxford, Cambridge, London Union and Princeton.

Most notably, Otago University reached the 2013 grand-final. This was the first time in the 125 year OUDS history that an Otago team appeared in the grand-final.

OUDS will be able to send two teams to the 2015 Championships, with the possibility of three teams, due to the top tier status.

OUDS would like to thank the Vice Chancellor, Gallaway Cook Allan Lawyers and Faculty of Law for funding OUDS. The support of the University and legal community ensures OUDS can represent Otago University on the international stage.

OU DS WORLD DEBATING CHAMPIONSHIPS HELD IN CHENNAI

The Otago University Debating Society has continued its successful international performances. Both Otago A (Alec Dawson and Kieran Bunn) and Otago B (Patrick Dawson and John Brinsley-Pirie) reached the final series of the World Debating Championships held in Chennai. This included defeating teams from Yale, Cambridge, Sydney and Monash along the way to the finals.

340 teams competed across nine round robins for a spot in the finals series. Otago A finished as the ninth best team in the world

after the round robins. As a result, Otago A qualified directly for the octo-finals. Otago B finished within the top 48 teams, qualifying for the double-octo finals. This meant Otago University was the only New Zealand campus to have two teams reach the finals.

Otago B won their octo-final qualifier, defeating several more highly seeded teams to reach the octo-finals. Reaching the octo-finals was a great result. It bettered the performance of the B/C teams at the previous Worlds where they were knocked out in the octo-qualifiers. Unfortunately both Otago A and B were knocked out in the octo-finals by teams who went on to make the finals and semi-finals.

It was disappointing not to achieve the heights of the previous Worlds where Otago A reached the grand-final. However, the result continues a remarkable streak at international British Parliamentary tournaments. OUDS have had every team qualify for the finals series it has sent to the last two world championships. Moreover, Otago has had impressive showings at other international tournaments – Colgate Inter-Varsity and the HWS Round Robin, as well as the 2013 Berlin World Championship where OUDS made the grand-final.

The phenomenal achievement at this year's championship was Otago A speaker, Kieran Bunn's ranking. He ranked as the 15th best speaker in the World. There were further improvements across the board for all Otago speakers. The standard of our teams and quality of our speakers has improved drastically within the last year.

OUDS cater to all levels of debaters. A competition especially designed for beginners runs every Tuesday evening and we also send teams to competitive tournaments. Contact OUDS President John Brinsley-Pirie at oudspresident@gmail.com if you are interested in joining. OUDS is hosting the AUSTRALS in July this year.

POSTGRADUATE NEWS

FROM JESSICA PALMER SENIOR LECTURER AND POSTGRADUATE COORDINATOR

This year we welcomed Brenda McKinney to our postgraduate community as a Fulbright Fellow. Brenda arrived from the USA in February and is undertaking an LLM in restorative juvenile justice, comparing practices in New Zealand and the USA. She is being supervised by Mark Henaghan.

We congratulate the following postgraduate candidates who graduated recently in May. You can read about them below/elsewhere in this newsletter. We wish them all well in their future endeavours.

Claire Green (PhD) "The impact of s 15 Property (Relationships) Act 1976 on the vexing problem of economic disparity" supervised by Mark Henaghan and Margaret Briggs.

Maria Pozza (PhD) "The international law and policy of outer space: A new perspective on arms control" supervised by Stephen Smith and Prof Philip Nel from the Department of Politics.

We also congratulate Naomi Johnstone whose LLM project on justice programming in post-conflict Bougainville was recently upgraded to a PhD. She is being supervised by Jacinta Ruru and Dr Karen Brouneus from the National Centre of Peace and Conflict Studies at Otago.



We expect to celebrate graduations of two more of our PhD students later this year as they complete the examination process and a further five of our postgraduate students plan to submit their theses before the end of the year.

Our postgraduate community is made up both of students studying full-time here in the Faculty and several studying by distance around New Zealand, many of whom also work in legal practice. Our distance students keep in touch with supervisors by email and Skype and visit the Faculty once or twice a year. If you are interested in undertaking further study, please feel welcome to get in contact with us.

MARIA POZZA

Dr Maria Pozza completed her PhD with the Faculty of Law and Department of Politics in December 2013, and graduated in May 2014. Her thesis, titled "The International Law and Policy of Outer Space: A New Perspective on Arms Control", has received much media and scholarly attention and her work has been published and presented widely. Dr Pozza recently returned from Beijing, where she was invited to be a Judge for the International Asia-Pacific Rounds of the Manfred Lachs Moot Competition, and was also admitted to the Rolls of New Zealand as a Barrister and Solicitor in April 2014. She was awarded both a Lauterpacht International Law Fellowship (University of Cambridge, UK), and a visiting Research Fellowship with the London Institute of Space Policy and Law (Institute of Advanced Legal Studies, University College London, UK). Dr Pozza has been the recipient of several prestigious external research awards including: The Peace and Disarmament Education Trust Research Grant; The Ministry of Foreign Affairs and Trade Historical Research Grant; and the Claude McCarthy Fellowship Grant, among others. Dr Pozza has had her expertise called upon by both national and international bodies, as well as receiving invitations to present guest lectures. She is presently working on a book titled "Arms Control in Outer Space", and is working on several projects concerning general principles of international law.



FULBRIGHT SCHOLAR BRENDA MCKINNEY

In February 2014, the Law Faculty welcomed a new Fulbright Scholar and LLM Candidate. Brenda McKinney graduated with a Juris Doctor degree in Chicago last year and, after a brief stint with the Office of the White House Counsel in Washington, D.C., she came to New Zealand to conduct research on Restorative Juvenile Justice. Brenda explains that "New Zealand is widely seen as a benchmark in Restorative Justice and there is a lot [the United States] can learn from this system; it has potential. So I wanted to see the source." Brenda's research focuses on how restorative practices, and Family Group Conferences in particular, offer more appropriate options for offenders, especially with regard to Maori youth. "There are implications for how we can better apply similar restorative principles in the United States system, so my primary goal is to make this research and time in New Zealand useful. I have only been here a short time, but I am making progress and have been impressed by the enriching, exciting and supportive research adventure I discovered at Otago. Brenda will be conducting interviews and researching Family Group Conferences through December 2014. If you have experience in this area and are interested in being interviewed or would like to learn more about her project, please feel free to email Brenda at brendamckinney@postgrad.otago.ac.nz.



BEN RALSTON

Prior to coming to Otago University last year I practiced law with a busy litigation firm in downtown Vancouver, Canada. Much of my experiences in private practice centred around public law. I worked for First Nations, regulatory bodies and individuals on issues ranging from environmental law to professional regulation. Some of my most rewarding experiences in legal practice came through working for indigenous groups on issues where natural resource development and their constitutionally entrenched rights intersected. In this area of the law more than any other it was impressed on me that the individual legal challenges and instruments I was involved in formed only a small component of much larger and more complex strategies at play. It was my desire to better understand and engage with these larger strategies that led me to pursue further postgraduate studies in law.

While practicing law in Canada I had a significant amount of exposure to marine governance issues for First Nations, including fisheries and aquaculture regulation, and marine spatial planning activities in British Columbia. As development pressures on marine space in Canada and Aotearoa New Zealand have

increased new important legal precedents have emerged, as have important new governance structures. My thesis focuses on a comparison between First Nations involvement in marine spatial planning for British Columbia's coastal waters and a similar process unfolding between Māori iwi and local and national government bodies in Tikapa Moana/the Hauraki Gulf of North Island. I'm interested in examining the legal drivers behind these nascent governance arrangements, and articulating the relationship between indigenous rights and environmental planning in these instances.

I am very fortunate to work under the capable and generous supervision of Dr Jacinta Ruru for my thesis project here at the University of Otago. Not only is she intimately familiar with the local context of Māori–Crown interactions on natural resource management issues, but Jacinta also has experience with Canadian law through various comparative law projects. In fact, she completed her PhD in my home province of British Columbia under the supervision of one of North America's most respected indigenous law scholars, Dr John Burrows.

For a Western Canadian, the Faculty of Law here has felt very much like a home away from home, with many Faculty members having strong academic connections with Canadian universities. I also could not ask for a more supportive and collegial environment in which to work. With the beautiful setting that Dunedin provides to top it all off, I could not imagine a better place to study.



We would like to share the experiences of one of our alumni who undertook a PhD in Law as a distance student and while in practice.

CLAIRE GREEN PHD

A number of Otago graduates will recall attending Professor Mark Henaghan's lectures feeling inspired by the force of his personality, wisdom and insight. A vivid recollection of mine is Professor Henaghan reading Oscar Wilde's *The Happy Prince*. Henaghan came in the day of our final lecture of family law and simply read the story to us. A few of us were taken aback. We were told to remember when we are in our ivory towers that life is not all show, riches are not the making of a person and we must respect our fellow people from the person sweeping the street to a colleague.

This lesson stuck like no other. It planted a seed. A decade or so after this lecture my mind returned to Mark's words and the story of *The Happy Prince*. Life was not just about the job and acquiring a career. There is more to life than this. I was an associate within a large Auckland commercial law firm, with three young children, often thinking how much I would like to return to post-graduate study in the field of relationship property law, to

study something that I felt passionate about. This would involve stepping outside of the life plan and career path ahead of me but it was a step I wanted to explore.

Professor Henaghan enabled me to explore my fledgling ideas. The journey began when I called Mark. I explained I was interested in researching an area of relationship property law, but I was based in Auckland and was practicing in an area that was not directly related to the topic. I was not sure how post-graduate study could happen yet Professor Henaghan was immediately receptive and responsive to the idea.



My area of interest is section 15 of the Property (Relationships) Act 1974. This is a controversial provision enacted in 2002 and is intended to assist in remedying economic disparity between partners on the breakdown of their relationship. When I was in practice I would read articles on the topic with interest. The general consensus of the research was that the economic disparity provision was a failure. Professor Bill Atkin (of Victoria University) had said that "the time was rapidly approaching for proper research" into how s15 was in fact operating, this statement together with Professor Henaghan's support compelled me to move forward with my ideas.

While my background was not family law I was able to transfer the skills I had developed from practice to my research. The supervisors that I had, Professor Mark Henaghan and Associate Professor Margaret Briggs, helped me along the way by supporting, questioning and talking to me so that ideas and concepts were developed and enhanced. My final topic was "The impact of section 15 of the Property (Relationships) Act 1976 on the vexing problem of economic disparity" and over time the research developed from a Masters into a PhD. I was particularly interested in what took place outside of the courtroom. To address this issue I completed an empirical study involving practitioners and a contextual study group. It was an amazing process and my findings were rewarding. People want to help and are genuinely interested in research. I am particularly interested in how academic research can intersect with practice my belief is that there should be a strong interconnection between the two. I was fortunate to combine the two within my research.

While I completed my PhD remotely I was not alone. The Law Faculty (administration staff, law library and academic staff) was outstanding. There was always someone there to reply to an email or pick up the telephone. Professor Henaghan arranged for me to visit Otago a number of times so that we could work on things in person. When he was in Auckland we would also meet when needed. I not only had help from the Law Faculty but also Remote Services, Central Library, the Faculty of Medicine, the Mathematics and Statistics Department and a computer scientist from the Department of Nutrition.

Now that the PhD process is complete I can honestly say that it was a positive experience. This area of law fascinates me. I look forward to where the research takes me and it is with interest that I contemplate what use my research will be to others.

HANDS ON SCIENCE - LAW SNACK

The Faculty of Law hosted 22 high school students at the annual University of Otago Hands on Science Law 'Snack' early this year. The visitors were treated to presentations on various aspects of the many ways that law and science interact.

Associate Professor Colin Gavaghan talked about 'Regulating Cyberspace; Matthew Mortimer's topic was 'When Should New Scientific Discoveries Be Admissible As Evidence In Court?'; Richman Wee engaged the students with 'Tissue Trouble – DNA Research and Policy; Amir Bastani presented on 'Legal issues in the genetic defence; the case of the Monoamine Oxidase A (MAOA); and Jon Cornwall's topic was 'Whose body is it anyway? Public display and electronic images of donated bodies – the legal issues'.

This is the 25th Anniversary of Hands on Science. Thanks to all who helped.



Associate Professor Colin Gavaghan and high school students from around New Zealand.

VISITORS

The Faculty of Law has had the great pleasure of hosting a number of distinguished visitors this year. Some of them are featured below.

THE HONOURABLE JUSTICE WILLIAM YOUNG - MISCARRIAGES OF JUSTICE

The Honourable Justice William Young delivered a public lecture in the Moot Court in March.

In his lecture entitled 'Miscarriages of Justice', he discussed the ways in which the criminal justice system addresses the risk of miscarriages of justice. The primary focus was on post-conviction mechanisms but, which he prefaced by addressing the features of the criminal trial process, which bear on the risk of an innocent defendant being found guilty.



"The primary post-conviction mechanism addressed to miscarriage of justice is the right of appeal against conviction to the Court of Appeal. Until recently, such appeals were governed by s 385 of the Crimes Act 1961 and its precursor, s 5 of the Criminal Appeal Act 1945. Section 385 of the 1961 Act has now been replaced by s 232 of the Criminal Procedure Act 2011, which, despite being expressed

differently, is probably to the same effect. The approach taken under s 385 is discussed and compared with the approaches taken in other jurisdictions.

Miscarriage of justice arguments can be advanced after the dismissal of a first appeal, either by further appeal or under s 406 of the Crimes Act. In two recent decisions, the Privy Council has granted leave to appeal from pre-2004 Court of Appeal judgments primarily on the basis of new evidence coming to light after the dismissal of the first appeals. The limited jurisprudence of the Supreme Court on this issue is also reviewed. Finally, mention is made of the suggestion that a Criminal Cases Review Commission be established"

Justice Young graduated LLB (Hons) from the University of Canterbury and later gained a doctorate from Cambridge University. He joined the Christchurch firm of R A Young Hunter and Co in 1978, leaving in 1988 to practise as a barrister. He was appointed a Queen's Counsel in 1991, to the High Court in 1997 and to the Court of Appeal in January 2004.

Justice Young became President of the Court of Appeal in February 2006. In June 2007, he was awarded the DCNZM (Distinguished Companion of the New Zealand Order of Merit) for services as President of the Court of Appeal of New Zealand and was redesignated a knight companion of that order in 2009.

Justice Young was appointed a Judge of the Supreme Court with effect from 1 July 2010.

He is an honorary Bencher of the Middle Temple and an honorary Fellow of Gonville and Caius College, Cambridge and holds an honorary doctorate in law from the University of Canterbury.

ANGELA KANE HIGH REPRESENTATIVE FOR DISARMAMENT AFFAIRS FOR THE UNITED NATIONS

The Faculty of Law in collaboration with the Department of Politics, and the National Centre for Peace and Conflict Studies was pleased to welcome Angela Kane, High Representative for Disarmament Affairs for the United Nations. Ms Kane assumed the position of High Representative for Disarmament Affairs in March 2012. She heads the United Nations office that promotes nuclear disarmament and non-proliferation, and supports disarmament



regimes involving other weapons of mass destruction. It also promotes disarmament efforts in the area of conventional weapons, particularly small arms that are the weapons of choice in contemporary conflicts.

You may have seen Ms Kane feature prominently in the news in recent times. In 2013, she travelled to Syria to negotiate access for United Nations chemical weapons inspectors with Bashar al-Assad. This process culminated in the finding that chemical weapons had in fact been used- and resulted in Syria agreeing to rid itself of chemical weapons. Ms Kane is also the United Nations' points person in the negotiations aimed at moving forward on a Middle East Zone of free of weapons of mass destruction.

Ms Kane has held a wide range of high positions in the United Nations during her long career. Prior to assuming her current post, she was Under-Secretary-General for Management, following a term as Assistant Secretary-General for Political Affairs. She has also held leadership positions in peacekeeping and public information, and worked on disarmament issues earlier in her career. Her field experience includes stints in Ethiopia and Eritrea and the Democratic Republic of the Congo, and postings in Indonesia and Thailand. She has also held the positions of Director in the Department of Political Affairs and Director in the Department of Public Information.

During her time at Otago she gave a guest lecture, 'Disarmament: the balance sheet'.

NORLIAH IBRAHIM

Dr Norlia Ibrahim LLB (Hons) (IIUM), MCL (IIUM) and PhD (IIUM) is an Assistant Professor at Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia. (AIKOL-IIUM). She has been teaching several subjects including Family Law for Muslim and non-Muslim as well as Evidence and Procedure of Shariah Court. She obtained her doctoral degree in the area of division of matrimonial property after dissolution of marriage in Malaysia. Her major research interest is family law especially on matrimonial property law for



Muslim and non-Muslim, women rights and gender issues. She is the co-author of a book entitled "Siri Perkembangan Undang-Undang di Malaysia, Undang-Undang Keluarga Islam di Malaysia" (Islamic Family Law in Malaysia) published by Dewan Bahasa & Pustaka in 2007. She also co-edited a book published by IIUM Harun Hashim Law Centre in 2009, entitled "Family Law and Procedures, Syariah Court Series." In 2013, she co-authored the book which was published by IIUM Press entitled, "Family Law for Non Muslim in Malaysia" which is currently the main reference for Family Law students in IIUM and other local universities in Malaysia. Hence, in the same year, Dr Norlia has also co-edited a book entitled "Contemporary Issues on Matrimonial Property". In addition to teaching and supervising postgraduate students, she has been one of the panels for Legal Advisors to Shariah Legal Clinic of the Ahmad Ibrahim Kulliyah of laws, IIUM, specializing in matrimonial matters. She was the coordinator for Family Law and Ethic Unit (FAME) from 2008-2010. She has actively presented papers in local and international conferences and has published articles in various journals.

Dr Norlia has spent her sabbatical leave for 2 months in Law Faculty of Otago University from December to January 2014. Her research topic is "Legal Justification in a division of matrimonial property during marriage: a comparison between the law in Malaysia and New Zealand."

DR KATIE ELKIN

Dr Katie Elkin graduated from the University of Otago with degrees in Law (Hons) and in Neuroscience, and has subsequently completed a Post Graduate Diploma in Medical Law and a PhD in Law and Public Health at the University of Melbourne. Dr Elkin is now the Associate Commissioner, Legal and Strategic Relations at the Office of the Health and Disability Commissioner. Prior to joining HDC, she was a Senior Associate at law firm Minter Ellison Rudd Watts.



While visiting Otago in May Dr Elkin gave a public lecture. Her topic was: An Analysis of Complaints and Disciplinary Proceedings against Doctors in Australia and New Zealand. Dr Elkin said that there has been considerable change in the design of health professional regulation throughout Australia and New Zealand since the beginning of the last decade. As well as ushering in significant structural reform, the legislation in both countries is now more explicit regarding its public protection objectives. However, the degree to which regulatory decision-making is actually consistent with public protection considerations is unclear. The impact of other influences, such as the wider public interest in ensuring an adequate supply of doctors in the workforce, is also unknown.

Through two major empirical analyses of complaints and disciplinary mechanisms in Australian and New Zealand, Dr Elkin has explored these issues and how they impact at throughout the regulatory journey, from registration through to disciplinary sanction. As well as being instructive as to the priorities and operation of the complaints and disciplinary system, the knowledge gained through the research has the potential to assist medical regulators in moving one step closer to being able to proactively identify 'at risk' doctors and behaviours, thus allowing them to target training, support and interventions towards such doctors and concerns.

JAMES E. PFANDER

Owen L Coon Professor, Northwestern University School of Law

Professor Pfander's topic for his seminar was, "Disaggregating Sovereign Immunity". The sovereign immunity law of the United States famously lacks principle and coherence, displaying what one scholar described as "arbitrary stops and starts." This seminar explores the possibility that the law of the United States might gain something from the more nuanced rules of government or Crown immunity that obtain in Commonwealth nations. Like Crown immunity in the Commonwealth, the American doctrine of sovereign immunity owes its origins to the medieval English notion that the King can do no wrong, and that the King's courts may not adjudicate matters involving the rights of the Crown in the ordinary course of the common law. But unlike the situation in the United States, where it has been infused with constitutional stature and has a somewhat monolithic quality, Crown immunity in the Commonwealth comprises a range of doctrines, each of which plays its own role in litigation with the state. By disaggregating Crown immunity, Commonwealth nations offer courts, legislatures, and scholars a somewhat more sophisticated set of tools with which to address the many different considerations that inform modern rules of government accountability. Such disaggregation may also help to clarify analysis of the law of government immunity in the United States.

LAURA E. LITTLE

Charles Klein Professor of Law and Government, Temple University School of Law, Philadelphia

Professor Little gave a seminar on Civil Regulation of Humour: Contract, Trademark, Employment, and Defamation Law.

She said that philosophers, literary theorists, natural scientists, and social scientists have created a rich literature explaining how humour operates and affects human well being. Through the lens of that literature, this lecture explores how the law regulates humour in four areas: contract, trademark, employment discrimination, and defamation. The seminar posited that all four legal areas regulate certain types of humour with particular vigour, while privileging humour based on incongruity. Comparison between United States and Australian defamation cases yield particularly interesting results, with the United States courts relying more heavily on a constitutional doctrine of protected opinion. Documenting these patterns in humour regulation should provide important guidance for courts, attorneys, academics, and humourists seeking to understand and predict legal regulation.

KATRINE EVANS

"The Privacy Commissioner: watchdog or wet bus ticket?"

Katrine Evans is the Assistant Commissioner (Legal and Policy), and is the Office of the Privacy Commissioner's chief legal counsel. In her public lecture, leading into Privacy Week, she talked about the topics that come to the Office's attention most often and how to avoid problems. In particular, she discussed the Privacy Commissioner's current enforcement role, and what you can expect if the law changes to give the Commissioner additional powers. What are the problems that are most likely to land you in hot water with the



Privacy Commissioner? And how worried should you be? Does the Privacy Commissioner have teeth, or will you just get a slap on the wrist?

PROFESSOR JAMES ALLAN

It was great to welcome Jim Allan back to the Faculty where we were entertained at a staff seminar and public lecture. Jim's topic focussed around, 'Aristocracy Strikes Back: Democracy in Decline in the English-Speaking World'.

In five of the world's oldest and most successful democracies – New Zealand, Canada, the United Kingdom, Australia and the United States, there has of late been a quiet yet relentless move away from democratic decision-making, from letting the numbers count. Jim's new book explores this phenomenon.



'LEGAL TRANSPLANT: LOST IN TRANSLATION OR A WORKING MISUNDERSTANDING?'

Mindy Chen-Wishart will give a public lecture while visiting in July, "Legal transplant – the transplanting of law from one legal system into another – is a prevalent practice, but it raises the question of how such transplants are understood and interpreted by the receiving system." "A tomato plant moved from one place to another is still a tomato plant, but how it gets on afterwards depends on the soil, temperature, wildlife and so on in its new home." Where law, which has evolved in one society, is parachuted into another, the results may range along the entire continuum from rejection to smooth reception. There is no substitute for a careful case-by-case evaluation.



Mindy presented a case study of the transplant of an English doctrine into Singaporean law and explored why the Singaporean courts, while professing to follow it, have applied it to very divergent effect. She compared Western and Confucian value systems – hierarchy versus equality, the positional versus the personal, and collectivism versus individualism – and emphasised the importance of being more aware of the deeply entrenched assumptions of one's own legal system, and of those of other cultures. With the 'changing of the guard' on the world stage, from the West to the East, this is a particularly important time to engage with the Eastern perspective.

Mindy's article is available free of charge until the end of July at journals.cambridge.org/iclq/lecture/chen-wishart

Mindy is in the Law Faculty and a Tutorial Fellow in Law at Merton College. She has taught law since 1985. Until 1992, she was a Senior Lecturer at Otago University. She then spent two years as the Rhodes Visiting Research Fellow at St Hilda's College before taking up her current position.

Many of our guest lectures are recorded and available at: otago.ac.nz/law/research/podcasts/

ART IN LAW XI

ROBYN BARDAS - ART IN LAW XI By Marion Wassenaar, curator

Originally from Melbourne, Robyn Bardas lives in Hawea Flat and is mid-way through her Master of Fine Arts programme at the Dunedin School of Art.

Law and the Line refers to The Line, As Above So Below, the title of her current research on the horizontal line. This line implies horizon, and relates to internal and external states; the physical and spiritual; as well as "walking the line", "drawing the line"; dichotomy, scar, barrier, connection and vastness.

With a focus on issues of cultural identity rich in architectural textures, Bardas' research deals with how this identity is shaped in a context of inaccessibility and loss. Her art practice explores the boundaries between landscape photography and painting. Often using a neutral, earth toned palette, the horizontal line influences her view of the way surface paint and form affects space and placement within the landscape. The line penetrates yet sits on the surface layer creating a somatic perspective in which to anchor a wider field of reference. Place still determines and is determined by history, art shifts its borders; it experiences reality and designates new places and prospects for another history.

Her practice is one of relation encompassing history, memory and land, of setting things in proximity to serve as boundaries or as landmarks; markers of an internal environment; emotion; or state of being.



The Artist Robyn Bardas with Curator Marion Wassenaar.

Time(s)





MICHAEL ROBERTSON - MISTY UNIVERSITY

This photo was taken from my office window, but capturing it was not as simple as that sounds. It has to be a particular time of year (winter, which will sometimes deliver a morning mist on a blue sunny day) and a particular time of day (early, so the morning mist has not yet been burnt off by the sunny day, and the bright sun is low enough to shine through the mist from behind, creating bars of light) and the mist has to have the right aesthetic quality (no clumping or wispiess) and you have to have had the foresight to bring your camera in, and be standing on the ledge outside your window at just the right moment with the proper settings locked in.

Prints of this photo are being sold by the Faculty of Law because of many requests from alumni. Any profits from such sales will be used to benefit law students at the University of Otago in some way yet to be decided. I am donating the image, and am not benefitting financially in any way.

To purchase photos you can contact:

The Faculty of Law Administrator
Email: marie-louise.neilsen@otago.ac.nz

Otherwise you can make cheques payable to the University of Otago and post these to:

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Faculty of Law
Newsletter
Winter 2014
University of Otago