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MORE THAN JUST A CIVIL DEFENCE HUB: NGĀI TAHU INVOLVEMENT IN THE CANTERBURY EARTHQUAKE RECOVERY AS A MODEL FOR MĀORI INVOLVEMENT IN DISASTER RECOVERY

Rachael Evans

Emergency management legislation in Aotearoa New Zealand does not currently provide for any decision-making roles for Māori in disaster recovery. This is despite considerable work undertaken by iwi and hapū in disaster response, a manifestation of manaakitanga – the ethic of hospitality. This article will argue that iwi and hapū should have a mandatory decision-making role in any disaster recovery within their tribal boundaries. Firstly, it outlines the role taken by iwi and hapū in recent disaster responses. It then discusses the role of Ngāi Tahu in the 2011 Canterbury Earthquake Sequence (CES) recovery, contrasted to the approach taken in the 2016 Hurunui/Kaikōura Earthquake, where Ngāi Tahu was excluded. It concludes any future disaster recovery legislation or policy should have a mandated decision-making role for iwi and hapū.

MISTAKES AND IGNORANCE OF LAW: LESSONS FOR SEXUAL VIOLATION REFORM FROM NEW ZEALAND

Anna High

In successive waves of sexual violation law reform, many common law jurisdictions have attempted to retreat from "assumed consent", the premise that it can reasonably be assumed another person internally consents in the absence of any communication thereof. In Aotearoa New Zealand, the general trajectory of sexual violation law reform has been away from "assumed consent" and towards the idea that consent must be communicated, and there are increasing calls for going further by way of adopting affirmative consent reform. However, throughout, a competing concern has been at play: if the law is reformed to fully reject assumed consent, this might unfairly punish those who are ignorant of law's updated normative stance. This concern is apparent in both reform debates and in historical case law in which a "mistake of law" has effectively been treated by appellate courts as exculpatory; it is also likely to continue to influence jury decision-making regardless of further doctrinal consent reforms. The "ignorance of law" concern will need to be squarely confronted in jurisdictions contemplating possible updates to the law of consent. Relatedly, it is arguable that affirmative consent reform itself might play an important educative role, contributing to shifts in prevailing normative views over time.

CO-GOVERNANCE DESIGN AND IMPLEMENTATION: LESSONS FROM *NORMAN V TŪPUNA MAUNGA O TĀMAKI MAKAURAU AUTHORITY*

Jayden Houghton

Norman v Tūpuna Maunga o Tāmaki Makaurau Authority *is a judicial review of the Tūpuna Maunga o Tāmaki Makaurau Authority's decision to fell and remove all the exotic (non-native) trees on Ōwairaka/Mt Albert. Whilst the High Court dismissed the review and allowed the operation to proceed, that decision was overturned by the Court of Appeal because the Maunga Authority failed to consult in accordance with statutory requirements. The* Norman *litigation has implications and lessons for all co-governance arrangements in Aotearoa New Zealand. This article argues that whilst the relevant Treaty of Waitangi settlement legislation allows for meaningful power-sharing within the Maunga Authority, and the co-governance partners sought to meaningfully share power, the Maunga Authority could have done more to consult and act in good faith. It also contends that tikanga Māori gives rise to a duty to consult and ought to be contemplated by counsel as a basis for a duty to consult in the future.*

TAX PROVISIONS IN NEW ZEALAND'S FREE TRADE AGREEMENTS WITH THE EUROPEAN UNION AND UNITED KINGDOM: INITIAL INSIGHTS AND ANALYSIS

Shafi U Khan Niazi

The article examines tax measures in New Zealand's free trade agreements (FTAs) with the European Union (EU) and the United Kingdom (UK). Particularly, it explores tax measures incorporated into these FTAs, focusing on additions and amendments to such measures compared to the conventional international trade law regime of the World Trade Organization (WTO). While both FTAs integrate the traditional tax provisions of the WTO trade law, there are certain new additions and also modifications to the pre-existing texts of some tax measures of the WTO regime. In arguing the rationale behind incorporating new tax measures and their consequences, the article relies on some of the recent international developments taking place in the areas of trade and taxes. It also discusses how certain modifications in tax measures have EU-specific dimensions, while others appear to have been induced by the Base Erosion and Profit Shifting campaign. The article also argues a potential suboptimal text in a tax measure that may impact the EU. It concludes that the changes in tax provisions under New Zealand's trade deals do not challenge or diverge from the traditional WTO regime. In essence, they supplement and deepen the objectives of cross-border free trade and investment in the WTO framework which otherwise acts as a minimum benchmark in the international trade arena.

PLURAL LEGAL MATTERS: ANALYSING THE OVERLAPPING LEGAL MATERIALITY IN FOUR CATEGORIES OF WHAKAIRO MĀORI

Stephen Young, Alex Latu, and Metiria Turei

Legal systems construct objects, like whakairo generally and pou more specifically, in particular ways. Under tikanga Māori, pou can represent people and document history and law in cultural communities. Under New Zealand and English common law, they can be treated as alienable private property, a status that is made evident when prominent "Māori relics" are sold at overseas auctions that generate record-breaking sale prices. Different whakairo have different meanings and social values based on their location and relation to various legal systems in Aotearoa New Zealand. While we might believe the legal system constructs the objects in that way, this article argues that legal systems themselves respond and change in relation to objects. Imbued with social meanings and values, objects exert force on legal systems so that their inclusion or removal shapes the law. Accordingly, attending to objects decentres the texts of law as it enriches our understanding of pluralism and the third law of Aotearoa New Zealand.