

**INTERPRETING INTERNATIONAL TAX AGREEMENTS:  
ALSATIA IN NEW ZEALAND?**

CRAIG ELLIFFE

**MAKING A DIFFERENCE? THE PRIVACY ACT AND EMPLOYMENT RELATIONSHIP PROBLEMS  
IN NEW ZEALAND**

GEHAN GUNASEKARA

*This article examines the impact the Privacy Act 1993 (the Act) has had in litigation under the Employment Relations Act 2000 (the ERA) and its predecessor, the Employment Contracts Act 1991. It finds that the Act has had a significant role in redressing the informational power imbalance between employers and employees but, also, that it has not changed the fundamental nature of the relationship between them. In particular, the Act has strengthened rather than weakened the duty of employers and employees to deal with each other in good faith and has, in many instances, served to re-enforce the trust and confidence that employers repose in employees. The article finds that many rights conferred by the Act overlap with similar rights contained in the ERA, but also that the Act has been used to fill gaps in the ERA as to how the rights it confers are to be implemented. In addition, the Act is often used by way of analogy as well as imported into employment relationships through individual or collective agreements. The research also finds that contraventions of the Act have been considered as a factor in unjustified dismissal or disadvantage in employment.*

**EMPLOYER PERCEPTIONS OF THE WORK READINESS OF NEW ZEALAND LAW GRADUATES:  
WHAT MORE CAN LAW SCHOOLS DO?**

NATALIE BAIRD, JOHN CALDWELL, URSULA CHEER, LYNNE TAYLOR

*This article reports on a study undertaken in 2015–2017 to ascertain employer views on the work readiness of New Zealand law graduates. It draws on data gathered from 15 qualitative interviews and an online survey of over 100 law firm and non-law firm employers of New Zealand law graduates. Its focus is law graduates engaged in legal work – in both law firm and non-law firm settings. This study is linked to a longitudinal study following a cohort of students who began their legal studies in 2014 at the universities of Auckland, Canterbury, Waikato, and Victoria University of Wellington. Examined concurrently, the data from these two studies will assist New Zealand law schools to develop more “work-ready” graduates from the Bachelor of Laws (LLB) degree.*

*We begin with a discussion of the major strengths and weaknesses of current law graduates as identified by employers. This includes employer perspectives on the skills, attributes and knowledge base of graduates, as well as views on the work readiness of different types of graduates – male/female, graduates of different ethnicities and ages, graduates with double degrees, and Honours graduates. While employers identified a number of strengths of today’s law graduates, such as digital literacy and research skills, two important shortcomings commonly highlighted by employers were deficiencies in writing skills, and a lack of appreciation for the practical or real world understanding of legal work.*

*We then suggest some initiatives which New Zealand law schools might take to better prepare law graduates for the workplace. Possibilities include the introduction of a capstone course, more focus on skills development, and more opportunities for work-integrated learning. This article also queries whether the New Zealand Council of Legal Education’s current prescription for the LLB degree might require amendment in order to better meet the needs of today’s employers.*

**CONSIDERING THE FUTURE OF LEGAL EDUCATION IN NEW ZEALAND: REFLECTIONS ON THE ARTICLE  
“EMPLOYER PERCEPTIONS OF THE WORK READINESS OF NEW ZEALAND LAW GRADUATES: WHAT  
MORE CAN LAW SCHOOLS DO?”**

DR ANNA HOOD

**INCOHERENCE IN THE HEALTH AND SAFETY AT WORK ACT 2015:  
LIMITATIONS ON THE RIGHT TO WORKER REPRESENTATION**

NADIA DABEE

*The Health and Safety at Work Act 2015 (HASWA) aims to improve occupational health and safety by, amongst other things, improving indirect worker participation. Smaller businesses in non-high-risk industries are exempt from having mandatory indirect worker participation systems. This exemption stems from the belief that indirect representation creates an insurmountable burden on small businesses and hands over too much power to workers. On the contrary, indirect representation is vital for smaller businesses and as a consequence, an alternative method of indirect participation suitable for small businesses is required. The legislation should thus be amended to reflect the appropriate regulatory approach to enable smaller businesses to implement the right indirect worker participation practices.*

**THE TREE NEXT DOOR:  
AN ANALYSIS OF THE USE AND APPLICATION OF  
SECTIONS 332–338 OF THE PROPERTY LAW ACT 2007**

JONNY SANDERS

*New Zealand law countenances multiple avenues for neighbours to interfere with each other’s property rights. One such avenue is through the courts’ discretion, under the Property Law Act 2007, to order the removal or trimming of trees that pose a danger or are interfering with a neighbour’s enjoyment of their property. While cases arise from simple neighbourhood disputes, the statutory provisions and the exercise of judicial discretion are both intricate and complex. This paper extracts various themes and patterns from the case law and outlines some key considerations and strategies for prospective litigants. A systematic approach to the exercise of the discretion is proposed to ensure consistent and comprehensive decision-making.*

**REVIEW ARTICLE  
INDIGENOUS COURTS, SELF-DETERMINATION AND CRIMINAL JUSTICE**

ELENA MARCHETTI