



Auckland Women  
Lawyers' Association Inc.

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This issue's editors:  
*Mary Peters and Jennifer Caldwell*

# NEWSLETTER

NOVEMBER 2004

## From the President...

I won't repeat all those clichés about it being November already. Sad, but true, that we have 6 or so weeks of Jingle Bells ahead of us. Equally, quite a lot of eating, drinking and holiday planning, which softens the blow a bit.

It has been a busy year on the Executive, what with dinners, events, participation in the NZLS Women's Consultative Group. We have been particularly pleased to have many new members join, several of whom have been nominated for the 2005 Executive. It has been very satisfying to be the President of the AWLA and I have thoroughly enjoyed the year. It's a pleasure to be a part of such a diverse and vibrant organisation which can boast so much talent. I hope the next President enjoys the experience as much.

Looking forward, there are still plenty of matters for an association such as this to address. We have had a good year in Auckland in terms of appointments to the judiciary, with Helen Winkelmann's and Patricia Courtney's promotions. And in terms of raising the profile of women in the profession, you may be interested to read about our recent discussions with LexisNexis, which I have recapped in the newsletter. But we remain a million miles away from adequate representation in partnerships, child care expenses are not deductible in anything like a fair proportion, and the more practical issues of how, in reality, you can balance work and personal commitments, remains a work in progress.

The AGM and Christmas Dinner are on 25 November. It would be good to have as many people as possible at the AGM. One matter which has been raised at previous AGMs is whether it would be appropriate for AWLA to make a donation from time to time (finances permitting) to charitable organisations whose objectives and activities are in line with ours. Suzie Abdale was good enough to organise a survey on this point earlier in the year and a range of views came out of the responses. Suzie is going to recap on that in a note to be circulated shortly. It would be useful to have a representative discussion about the matter at the AGM, so that we can reach a view. Another matter for the AGM agenda is the election of the 2005 Executive. We have had several nominations to join the Executive. If you are interested, please email [awla@xtra.co.nz](mailto:awla@xtra.co.nz) and we can take it forward.

The Christmas dinner itself should be a humdinger. It's at Hammerheads, so it will be lovely if we have good weather. In addition, we have Peta Mathias speaking, so it should be appropriately festive and good fun. So please do come along and catch up with your friends and meet some new ones.

In the meantime, many thanks from the Executive for all your support throughout this year. We look forward to seeing you all on 25 November and, if you cannot make it then, certainly in 2005.

Regards,

*Mary Peters*

## AWLA WRITING PRIZE 2004

Each year the AWLA awards a writing prize of \$250 for the year. The prize is to foster and reward undergraduate research and writing on how the law affects women and the place of women in law. All undergraduate female law students of the University of Auckland are eligible to enter and submit a 7,000–10,000 word essay discussing the relationship between women and the law.

There were a number of excellent applications. This year we have decided to award 1st prize jointly to Sabrina Muck and Louise Waugh. They will each be awarded a cheque for \$250 at the Christmas function on 19 November 2004. We commend and congratulate both women for the quality of their research papers.

Sabrina Muck's paper, entitled *Self-Interest or Security Interest? Women in Contract Law and the Wife as Surety* addresses the treatment in the law of women who act as surety for their husband's business debts.

The paper is structured into five substantive sections. It first provides a brief overview of women in contract law and the history of their legal status. Secondly, it considers a twentieth-century example of the position of women in *Yerkey v Jones*. Thirdly, it discusses the cases that represent the current legal position in this field: *Barclays Bank v O'Brien*; *National Bank of Australia v Garcia*; and *Royal Bank of Scotland v Etridge*. It then examines the issue of the wife exercising undue influence over her husband. Finally, the paper discusses some possible alternatives

to the current structure of the law.

The paper concludes by indicating that future developments in this area of the law, in the writer's view, should rely on the circumstances of the relationship and the provision of the guarantee, rather than the surety's sex or marital status.

Louise Waugh's paper, entitled *Legal Responses to Gendered Medical and Pharmaceutical Harms* examines the extent to which a predominately male-dominated medical profession has contributed to the power imbalance between men and women, and to what degree the law has responded to these harms in order to prevent further health-related catastrophes occurring.

Waugh first examines the principles and issues such as medical paternalism, autonomy, "othering" and the "medicalisation of women's bodies". This is followed by a study of three areas where women have suffered medical or pharmaceutical harm, namely "The Thalidomide disaster", "The dangerous Dalkon Shield IUD" and "The Cervical Cancer Unfortunate Experiment". The paper concludes that although the law has acknowledged that these harms have taken place, it has not supported and protected women well.

Both of our winners have kindly offered to put together a more in-depth synopsis of their respective papers for our membership to read and we look forward to publishing this material in the first edition of the 2005 newsletter.

ANITA KILLEEN

## NOTICE OF ANNUAL GENERAL MEETING OF AUCKLAND WOMEN LAWYERS' ASSOCIATION

Notice is hereby given that the Annual General Meeting of the Auckland Women Lawyers' Association will be held at 6.15pm (before the Christmas function) on Thursday 25 November 2004 at Hammerheads Restaurant, 19 Tamaki Drive, Okahu Bay.

### AGENDA

1. Apologies.
2. Minutes of 2003 Annual General Meeting.
3. Treasurer's report.
4. 2005 Executive – nominations.
5. Donations of surplus funds.
6. General Business.

## BOOK REVIEW

### THE ASQUITHS

By Colin Clifford

Published by John Murray, November 2003 (ISBN 0719565251)

If you're looking for a compelling and engaging holiday read then Colin Clifford's historical biography of the Asquith family is it. *The Asquiths* is the magnificent saga of the life of Herbert Asquith, British Prime Minister from 1908-1916, his volatile wife Margot Asquith and his four children.

*The Asquiths*, set in Britain at the beginning of the 20th century, follows the Asquith family's rise to the ruling elite, life at 10 Downing Street, the political turmoil of the time, and the terrible impact of the Great War.

Despite the serious nature of the issues and events faced by the Asquiths, Clifford's book is an enormously engaging and surprisingly readable read.

*The Asquiths* is far from your usual historical family biography. Drawing from Margot's own journals, her letters to her husband, a wealth of other family correspondence, and meticulous historical research, Clifford deftly uses a mixture of narrative and extracts from family letters and journals to explore the lives of the Asquiths. At the beginning, he uses such extracts to describe Asquith's pursuit, prolonged courtship and his tortured (though eventually reciprocated) love for Margot. Later, he uses extracts from the journals and correspondence of his subjects to provide a heart-wrenching account of trench warfare, a chilling insight into the harrowing challenges faced by his sons at war and the emotional torment endured by the family at home.

The intrigue of Margot, prime-ministerial wife, is fully explored by Clifford: her meddling in Asquith's political life (she meets with her husband's political opponents without his knowledge to champion his leadership), her feuds with Lloyd George (the then future Prime Minister of Britain), her views of Winston Churchill – the "gutter genius", and her hatred for the then press

baron, Lord Northcliffe, who ultimately drove her husband from power in 1916. Margot's often volatile and moody personality is reflected in her refreshingly honest and often amusing commentary on British politics and society, skilfully employed by Clifford through-out his book.

The book also follows the story of Asquith's four children (to his late wife) whom Margot inherits on her marriage to Asquith: Raymond, the brilliant scholar and president of the Oxford Union who perished leading his men into battle at the Somme, the shy Beb, an artillery officer and poet, a man afflicted by terrible shell-shock who went on to face the horrors of Passchendaele, Oc, the brave and heroic officer, and Violet, her father's most ardent supporter, but Margot's source of endless jealousy.

When Asquith's sons join the war, the book changes tack from the politicking of the Prime Minister's office and the demands of high society to follow the horrors of the battlefield faced by his sons at war. Clifford describes the horrendous carnage of the battles at Ypres, Gallipoli, and Passchendaele with vivid detail, incorporating accounts given in the correspondence and journals of his sons and their friends, lovers and relatives. Clifford's book leaves the reader with little doubt of the challenges faced by those at war, and the anguish, and torment.

*The Asquiths* has all the elements of a fantastic read; war, peace, love, grief, politics and the drama of high society. Clifford uses them all with great effect to explore the lives of the Asquith family in a surprisingly easy to read and engaging way. A great holiday read and one to remember as the Christmas holidays approach.

Sarah Carstens

### PATRICIA COURTNEY

Congratulations to Patricia Courtney on her appointment to the High Court Bench.

Justice Courtney will sit in Auckland, where she is well known.

She was formerly a partner in McElroy Milne, and more recently in McElroys, where she developed significant expertise in insurance law matters.

We wish her very well on the bench  
and hope the transition is a smooth and enjoyable one.

## AUCKLAND WOMEN LAWYERS ASSOCIATION MEDIA EVENING

On 13 October 2004 AWLA held a speaker evening at Simpson Grierson, the topic being "media and the law". We were fortunate to have two excellent guest speakers in Willy Akel, who represents TVNZ on various matters and John Stewart, a well known icon of One Network News. As the media plays such a large part in our lives in the 21st century, the evening appealed not only to litigators and those who frequently deal with the media, but also those who to date, have had no dealings with the media.

Willy Akel spoke first, providing us with advice on media law issues that affect everyday practice. He provided tips on how to deal with the media when your client's case is in the public eye. Willy said that lawyers have a responsibility to tell the media what the case is about if approached because if the lawyers don't, who will? It is best for you as your client's representative to be able to put across at least a little of your client's story.

He reminded us that in New Zealand we have an open approach to the administration of our justice system. He also pointed out that it is better for lawyers and our clients to be frank and courteous with the media and not to try and hide things. He emphasised that avoidance of the media can be the best way to be caught out. Willy advised that you should always ask whoever is interviewing you or your client whether or not what you are about to say is on or off the record, as this may impact on how much information you provide.

An interesting aspect of our modern judicial system is cameras in court. Willy reminded us that there are "court on camera" guidelines in The Media Coverage Guidelines 2003 and that any lawyer or barrister appearing in court ought to be familiar of these.

Of particular interest was Willy's reflections on the recent privacy cases (notably *Hosking v Runting* – see AWLA newsletter May 2004 in which this case was discussed). He noted that each case will depend on its facts and that in *Hosking v Runting* the court noted that the concern of the law is with publicity that is truly humiliating and distressful or otherwise harmful to the individual concerned, rather than publicity which is not really sensitive.

From the journalist's point of view, John Stewart provided us with a new respect for One Network News or in fact any news programme that we are watching. He explained the daily life of a television news reporter, and noted that many of our lives in the 21st century are built around the 6 o'clock news. It has become in his view an icon of the 21st century. John views journalism as a craft rather than a profession and also reminded us of the tendency for journalists and lawyers to have a mutual respect for each other as their jobs are not so different – both lawyers and journalists are trying to expose the truth. He also noted however that there used to be an enormous amount of suspicion towards journalists by lawyers and he hopes that there is now more openness and co-operation, which the media hugely appreciates.

The lead story in any news bulletin can change a number of times during the day and as John commented, the balls are in the air all day. There is only a short period of time in which to gather the news and so a lot of a journalist's time is spent on logistical detail and technology with possibly only 20% of time spent on actual journalism. Deadlines are extremely tight. However, John noted that adrenalin is a great prompt, despite the many gut-churning moments at one minute to six. I am sure that many litigators can sympathise with this feeling!

In his advice to lawyers dealing with the media, John echoed Willy's sentiment was that it is best for lawyers to be as open as possible when dealing with the media. It is best to get the client on TV and say anything, no matter how little, because that will probably be enough to satisfy the media. However, if we ignore the media and say "no comment", that is an indication to the media that our client has something to hide and the media are more likely to pursue the story more vigorously.

The evening was a most entertaining one, as well as being informative.

AWLA wishes to thank Simpson Grierson for hosting the evening and in particular thank you to Willy Akel and John Stewart for giving up their time in providing us with an entertaining and thought-provoking evening.

*Tammy McLeod*

## Helen Atkins is appointed to Environmental Risk Management Authority

Helen Atkins, partner at Phillips Fox, was appointed to the Environmental Risk Management Authority in August 2004.

The Environmental Risk Management Authority is a quasi-judicial, decision making body and governance board established under the Hazardous Substances and New Organisms (HSNO) Act 1996. It consists of eight people (including Helen) appointed by the Minister for the Environment.

Within the Authority, those eight people make up the four technical Standing Committees, being the Hazardous Substances Standing Committee, New Organisms Standing Committee, Transfer of Substances Standing Committee and Genetically Modified Organisms Standing Committee.

The eight members of the Authority come from a range of different backgrounds. The other members of the Authority generally have scientific backgrounds. Therefore Helen is able to bring a new perspective to the Authority, given her unique legal background.

Helen has specialised in public, environmental, resource management and local government for over 14 years and has advised private sector clients, including large corporates and industries, as well as working for central and local government. In addition to working in private practice, Helen has worked for the Ministry for the Environment and Oxford City Council in England, on all aspects of public, government and administrative law.



In joining the Authority, Helen hopes to be part of an organisation that ensures that the environment is protected and applications for hazardous substances are processed as efficiently as possible. Helen says of her new role as an Authority member, "I welcome the chance to be able to work with such an experienced and professional group of people – both on the Authority and in the Agency, in an area of environmental practice that is full of innovation and challenges."

In addition to working at Phillips Fox and working as an Authority member, Helen also enjoys going to the cinema and theatre. When time permits (she has 3 year old twins), she also loves to ski and to travel.

*Lorraine Vickers*

## DISCUSSIONS WITH LEXISNEXIS

Earlier in the year, the Executive became concerned LexisNexis, an organisation which conducts conferences and seminars for lawyers, appeared to have very few women speakers presenting. Given that we female lawyers pay significant sums to attend these conferences, women in the profession, many of whom have expertise in different fields, should be getting the opportunity to speak. In an effort to find out why few women appeared to be speaking, we wrote to LexisNexis asking if we could meet to discuss the matter.

They agreed and we met in mid September.

We discussed how LexisNexis identifies its speakers. They explained that, when organising a conference, they telephone a number of lawyers and discuss with them who are recognised experts in the area. They then contact those people and see if they will speak.

We asked whether the initial telephone calls are made to a representative group of the legal profession. If not, this might affect the pool of names suggested.

We asked LexisNexis, going forward,

to do their best to ensure they telephone a number of women in the initial "name gathering" exercise. We also said we would assist by compiling a list of women who are expert in their field so that LexisNexis can telephone them from time to time for suggestions or, indeed, to ask them to speak.

We were pleased that LexisNexis entered into the discussions in a constructive manner, and with the outcome, although the proof of the pudding will be in the eating, of course. LexisNexis were pleased we had raised the issue, although their view was that they do have a fair proportion of female speakers.

A number of benefits come from speaking at seminars such as those LexisNexis organise. It is a way to gain a profile in an area and to have one's expertise recognised. In addition, it is always good for those attending to hear from a balanced panel of speakers. Accordingly, if the opportunity to speak arises, bear in mind that doing so has its advantages.

*Mary Peters*

## A.W.L.A. EXECUTIVE COMMITTEE 2004 – CONTACT DETAILS

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## YWCA's Future Leaders Programme

I have been meaning for some time to write about the Future Leaders Programme, established by the YWCA in 2002. The final impetus came in the form of a recent cocktail function held at Florence Court to which a number of Auckland women lawyers were invited as members of the YWCA's Leading Women Group. The Leading Women are an inspiring and impressive bunch, including business leaders, community leaders, politicians (including the Prime Minister and Attorney General) and past and present Governors General. They provide direct support to the Future Leaders programme as donors, mentors and advocates.

Future Leaders is designed to provide mentoring and practical assistance to young women who show leadership potential but who are unlikely to achieve at a high level without support. The young women are selected to participate by their schools and the Programme Director and start the Programme in Year 10. Each young woman is assigned a mentor, who acts as a "community parent" and assists the young woman by meeting regularly with her and providing support and direct assistance where necessary. The mentors are predominantly women who are successful in their businesses and communities who now want to "give something back".

The Programme is long term, (four–five years) and individualised, ie tailored to meet the specific needs and circumstances

of each young woman. At present there are around 60 young women from seven Auckland schools in the Programme, projected to rise to 98 by the end of the 2005 financial year.

The YWCA has embarked on a hugely important task with this programme, and is delighted with the results that are evident after only two years. The young women who speak at the Leading Women functions are confident, articulate and committed to a future that might not otherwise have been available to them. They often tell amusing and very moving stories about the tangible difference the Future Leaders programme has made to their lives, and in many cases to their families' lives.

It costs approximately \$1,500 to fund one young woman on the Programme for one full year. The YWCA is committed to expanding the Programme to make it more widely available, both locally and, eventually, nationally. To do that, it needs the support of people who would like to assist young women to become capable and confident leaders in their communities. Anyone interested in providing their support, either as a mentor or a financial donor, should contact Patricia Bell, Fundraising and PR Manager at the YWCA on 375 9247 or [tricia@akywca.org.nz](mailto:tricia@akywca.org.nz). If you want to know more about the Future Leaders Programme, visit the website: [www.futureleaders.org.nz](http://www.futureleaders.org.nz).

*Jennifer Caldwell*



## Auckland Women Lawyers' Association Christmas Dinner 2004



Guest speaker  
**Peta Mathias**  
*TVNZ Chef, Writer  
and Broadcaster*

### Hammerheads Seafood Restaurant

19 Tamaki Drive, Okahu Bay  
7pm, Thursday 25 November 2004  
(AGM from 6:15pm)

Tickets: **\$75.00** current AWLA members  
*(includes dinner and drinks)*  
or **\$125.00** including 2005 membership

**\$85.00** non-members or **\$135.00** *(includes 2005 membership)*

*Still a few student tickets available at **\$55.00** each!!*

Applicants for student tickets please email your request to [awla@xtra.co.nz](mailto:awla@xtra.co.nz)

**RSVP by Friday 19 November to the Secretary, AWLA, P O Box 6568, Wellesley St, Auckland**

Please return to: Secretary, AWLA, PO Box 6568, Wellesley Street, Auckland by 19 November 2004

### AWLA Christmas Dinner 2004

- \_\_\_ Members: Xmas Function & renewal of membership for 2005 (\$125.00)  
\_\_\_ Members: Xmas Function only (\$75.00)  
\_\_\_ Non-members: Xmas Function only (\$85.00) or function & 2005 m'ship (\$135.00)

Enclosed is a cheque for \$ \_\_\_\_\_ for \_\_\_ tickets including \_\_\_ memberships.  
*(If you are a new member, please include your business card or details, including preferred email address.)*

Name(s): \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_



THE UNIVERSITY OF AUCKLAND  
Faculty of Law

## POSTGRADUATE STUDY IN LAW



The University of Auckland Law School is pleased to announce its 2005 Postgraduate Programme.

The programme comprises five-day intensive as well as semester-long courses. It is designed to accommodate both practitioners and full-time students. An extensive range of courses leading to the Master of Laws Degree (LLM) or Master of Environmental Legal Studies (MEnvLS) is offered. Specialisations are possible in Commercial Law, Environmental Law or Public Law.

Small class sizes ensure maximum participation. The following courses are offered as five-day intensives in 2005 and are taught by scholars of international renown. There is also an extensive range of semester-long courses .

### Semester One

*(Applications recommended prior to 1 February 2005)*

Appellate Principles and Practice 7-11 March  
Commercial Equity 6-12 April  
Common Law Theory and Practice 16-22 February  
Corporate Law 16-22 March  
Foundations of Environmental Law 28-30 April  
Fundamental Principles of Criminal Liability 22-28 June  
Local Government Law 9-15 March *(in Wellington)*  
Patent Law 6-12 July  
Secured Transactions 11-17 May  
Advanced Topics in Environmental Law 13-19 April  
US Corporate Tax: Theory and Policy 25-31 May

(Semester-long course details are available on application – contact the Postgraduate Manager for a full prospectus).

### Semester Two

*(Applications recommended prior to 1 June 2005)*

Exploring the Public/Private Law Divide 3-9 August  
*(in Wellington)*  
Commercial Arbitration 14-20 September  
Contemporary Issues in Administrative Law 7-13 Sept  
Imperialism and International Law 20-26 July  
International Commercial Contracts 21-27 September  
Remedies Law 10-16 August  
The Media and Contempt of Court 17-23 August  
United Kingdom Tax Law and Policy 24-30 August



For further information contact:

Postgraduate Manager – Law School

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