



NEW ZEALAND

**Women's
Law Journal**

**Te Aho Kawe Kaupapa
Ture a ngā Wāhine**

**QUARTERLY
NEWSLETTER
Q2 2020**

Welcome

It's hard to believe that the first half of the year is already behind us – and what a momentous first half it's been! But here we are, into our second newsletter of 2020 already. Once again, we hope this finds you safe and well.

We're busy working behind the scenes to put together this year's edition of the Journal, and are hugely thankful to our peer reviewers who've agreed to assess our article submissions in addition to everything else on their plates. We've been overjoyed to see how many of you were keen to get involved this year and look forward to bringing you another high-quality edition of the Journal, despite the challenges we've all faced earlier on in the piece.

Arohanui, everyone.

Tariqa Satherley and Monique van Alphen Fyfe
Co-Editors in Chief

An Interview with Ana Lenard

who was recently awarded the Ethel Benjamin Award and Fulbright Graduate Award to study at Columbia University commencing September



Tell me more about what made you want to do a masters programme.

I have always been interested in further study. I love ideas, learning, thinking and reading. One thing that drew me to further study in the law was the fact that law touches all areas of our lives. To research and teach in the law is, therefore, an incredibly broad remit that one can shape to suit particular areas of interest and expertise.

What made you choose Columbia and the subject matter?

From when I was a teenager, I was drawn to social justice causes. I signed up to law school to be an animal rights lawyer. After law school I went into civil litigation which broadened my interests in the law. Having decided to go back to university, I was looking for a law school with a really strong and diverse curriculum that would cater to my wide-ranging interests from social justice, socio-legal issues and legal theory, to dispute resolution and commercial law. I was also particularly interested in studying in a place that might offer personal transformation – an international city, with a mixture of perspectives and experiences.

Congratulations on being the recipient of the Ethel Benjamin Award and Fulbright Graduate Award!! What made you apply and what are the benefits of the scholarships?

Doing post-graduate study in the United States is virtually impossible without funding. The fees and livings costs for a one-year LLM programme are about NZ 150,000 on a good exchange rate day. What particularly appealed to me about these two scholarships was the ethos behind them – together they are aimed at honouring and supporting peace and pioneering. The Ethel Benjamin Award was set up in 1997 to mark the centenary of the admission of Ethel Benjamin as the first woman barrister and solicitor. The aim of the award is to support post-graduate research in law that encompasses the wider objectives of the New Zealand Law Foundation, in particular research that will protect and promote the interests of the public in relation to legal matters in New Zealand. The Fulbright programme was an initiative of American Senator J. William Fulbright, who in the aftermath of World War II believed that mutual understanding between different countries and cultures was crucial for ensuring a peaceful future for the world.

Do you have any advice for others applying for scholarships?

If you're interested in post-graduate study, aim for the best and see where you land. You owe yourself the chance of a world-class education and transformative post-graduate experience. Applications for the Fulbright are due 1 August annually. See here for further information: <https://www.fulbright.org.nz/which-fulbright-award-is-right-for-me-2/>. The next step is researching other scholarships and universities for your areas of interest. Be sure to put all the deadlines (of which there are many!) into your calendar and line up referees and documents weeks in advance of any deadlines.



New law school dean appointed, joining New Zealand's other female law school deans

Professor Alpana Roy has been appointed as the new dean of the law school at the University of Waikato. Professor Roy has held a number of academic positions in Australia, previously practiced as a barrister and solicitor in intellectual property, and is an accredited mediator. She has been involved in a number of leading cases in the Federal Court of Australia. Her areas of research expertise include intellectual property and information technology law, internet and domain name law, traditional and Indigenous knowledge, and alternative dispute resolution.

Professor Roy joins a number of other women at the head of New Zealand's law schools.

Professor Ursula Cheer is the dean of Canterbury Law School, taking up her role in January 2016. When Professor Cheer's appointment was announced in October 2015, there had been three previous female law school deans in New Zealand though none were in office at the time of her appointment. On her appointment, Professor Cheer said women had been the minority throughout her legal career and she felt that it was good "for both young men and young women to see women in leadership roles". Professor Cheer's interests lie in a combination of torts – in particular, censorship, bill of rights – and media law.

Professor Jessica Palmer was appointed dean of Otago Law in April 2018. At her appointment, being the first female law dean at Otago, Professor Palmer commented on the female law deans in other New Zealand law schools, stating:

"I hope that, like them, I have been appointed to the role because I show sufficient merit and potential. Nevertheless, I am very aware that my appointment is significant because it is part of the greater recognition and acceptance of women in positions of leadership and that is something that has been hard fought for by generations of women (and many men) who went before me. I am grateful for their commitment. Although I am the first female law dean at Otago, I am certainly not the first woman capable of the role, and in a sense it should not be a surprise at all, given how many women there are working in the law".

Professor Palmer's research interests lie in the law of obligations, restitution, equity and commercial law. Professor Palmer is an author in two leading textbooks in New Zealand on the law of trusts and on civil remedies (A Butler (ed) *Equity and Trusts in New Zealand* (2nd ed) Wellington, Thomson Reuters (2009); P Blanchard (ed) *Civil Remedies in New Zealand* (2nd ed) Wellington, Thomson Reuters (2011)). In 2004, she won the New Zealand Law Foundation Ethel Benjamin Prize enabling her to read for an LLM at Cambridge University.

Finally, Professor Penelope Mathew, joined Auckland Law School as Dean in March 2019. Professor Mathew has held numerous academic positions in Australia and the United States. She is an expert on international refugee law, has worked as a human rights lawyer, and published extensively in this field. In 2008, the ACT government awarded her an International Women's Day Award for outstanding contributions to human rights and social justice. In speaking with Law Talk in August 2019, Professor Mathew discussed the constant process of achieving gender parity at the profession's top levels. She stated that "It is frustrating that 30 years ago when I graduated, it was probably half and half in terms of men and women at the University of Melbourne Law School. And 30 years on, we're still talking about the same kinds of issues in terms of reaching the top echelons of the profession... Young men and women may have a different outlook on the world today, but it's so easy to slide backwards. It's incumbent on all of us to keep working away at these issues."

New Chief High Court Judge



Continuing with the theme of women in the upper echelon of the legal profession, Justice Susan Thomas has been appointed New Zealand's Chief High Court Judge. Justice Thomas has served as a judge for 15 years. She was first appointed as a District Court Judge in 2005 and then to the High Court in 2014, sitting for three years in Auckland before relocating to Wellington where she is now based. In 2012, while working as a District Court judge, Justice Thomas started the Special Circumstances Court in Wellington, engaging with the community and its resources to focus on the most challenged and marginalised offenders.

The Chief Justice Winkelmann said Justice Thomas would bring to the role of Chief High Court Judge broad knowledge of the court system as a whole and of the wider social context in which it operates. Justice Thomas is also a skilled administrator: she chairs the Judicial Reference Group charged with working with the Ministry of Justice to plan for and oversee technological innovation within the courts. She has also taken a leadership role in work underway within the justice system to improve access to justice and to improve the support of the courts' processes in the area of criminal justice.

The impact of COVID-19 on women's rights

The COVID-19 pandemic has widely exposed the pre-existing inequalities rooted in our social, economic and political systems, including for women here in Aotearoa New Zealand. The impacts of COVID exacerbate issues for women, including:

- Access to healthcare, with resources diverted away from health services for women such as natal care, and reproductive health
- Increase in unpaid work, with the majority of caregivers also being women and dependents needing extra care
- Increase in gender based violence, with restricted movement under lockdown measures forcing many women to 'lockdown' with their abusers and households facing social and economic pressures
- Job losses, with women often historically disproportionately affected by economic downturns and recessions

Despite these issues, government responses to the pandemic have globally been largely gender neutral. With New Zealand currently moving into a recovery phase for COVID-19, it will be vital that women's rights are prioritised in policy and legal recovery initiatives.

In advance of the Budget 2020, the Ministry for Women had warned its Minister, Hon Julie Anne Genter that the uneven response risks further exacerbating gender inequalities - particularly for wahine Māori, Pasifika, disabled or rural women. The Ministry has been undertaking important work on the impact of COVID-19 on women in Aotearoa New Zealand that deserves a greater profile. As part of this work, a \$1 million fund for organisations that support women and girls in Aotearoa New Zealand as part of the Government's COVID-19 response was announced at the end of May. The Fund intends to address services that are experiencing an increase in demand for services or a shortfall due to the pandemic. If your organisation, or someone you know, would benefit from the grant, applications are open here: <https://women.govt.nz/news/covid-19-and-women/covid-19-community-fund>

If you are interested in reading more:

- Ministry for Women: <https://women.govt.nz/news/covid-19-and-women> UN Policy Brief on COVID
- Impact on Women: https://www.un.org/sites/un2.un.org/files/policy_brief_on_covid_impact_on_women_9_april_2020.pdf
- The Atlantic The Coronavirus is a Disaster for Feminism <https://www.theatlantic.com/international/archive/2020/03/feminism-womens-rights-coronavirus-covid19/608302/>
- NZ Herald COVID 19 Coronavirus: Government's economic response slammed for favouring men https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12333730