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The past two centuries have not only seen the critical endangerment of the Māori language as a language of private, personal communication; it has also seen the almost total obliteration of Māori as a language of the civic sphere – the realm of law, business, national politics and administration. Revitalisation attempts have focused attention on broadcasting, Māori medium education and home-based language development. However the Māori language has been a national civic language (and remains so in the Māori civic sphere) and must become so again if what Stephen May (2008) described as the legitimation and institutionalisation of the language is to be achieved – the two important steps that lead to genuine and lasting normalisation of the Māori language in all spheres of New Zealand life. Some small steps in this direction have been achieved; Māori is now revealed by New Zealand Hansard as being to a significant but limited degree a legitimate and institutionalised language of Parliament. That development contains some important lessons for other revitalisation efforts.

"A Coordinated Judicial Response to Counter-Terrorism?: Counter-Examples"

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The chapter assesses Eyal Benvenisti’s claim that courts from prominent democratic states have reacted consistently to counter-terrorism measures, coordinating outcomes across national jurisdictions. This claim is conjoined with another, namely that the availability of identical or similar norms (grounded in international law and human rights law) has facilitated this coordination effort. The chapter criticises the suggested phenomena of a ‘globally coordinated move’ on the part of ‘national courts from prominent democratic states’ by way of counter-examples. The counter-examples are drawn from cases that are enlisted by Benvenisti as examples of this inter-judicial coordination effort, namely the Supreme Court of Canada’s 2007 decision in Charkaoui and the House of Lords 2004 Belmarsh decision (A v. Secretary of State for the Home Department). The relationship of Charkaoui to the English and American decisions in Hardial Singh and Zadvydas is also assessed. The argument is that key instances of reliance on comparative authority and international human rights law in Charkaoui (including claims of compatibility with Belmarsh), while not simply decorative, do not maintain the level of consistency between the national courts needed to support claims of an ‘inter-judicial coordination effort’ in response to state counter-terrorism measures.

"What Are We to Do with the Public Law of Torts?"

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This short article uses the occasion of the publication Tom Cornford’s book Towards a Public Law of Torts to examine current debates in the commonwealth about government liability. While I agrees with the author’s premise that there needs to be greater sophistication in debates over the compensation for injuries caused through the exercise or failure to exercise public powers, but he argues that the case cannot be made out for the expansion of tort law. I argue that if the lessons of the twentieth century was that
tort law is not a good compensator for personal injury it is unlikely to be a successful mechanism for compensating public harms.

"The Emergence of Neutral Citation"
Oxford University Commonwealth Law Journal, pp. 121-128, 2004
Victoria University of Wellington Legal Research Paper No. 17/2012

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Since the late 1990s, courts in England and Wales, Canada, and Australia have adopted neutral citation. It is expected that New Zealand courts will complete a full transition to neutral citation in the near future.


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