

## CHAIR



### **Jane Meares, Clifton Chambers, Wellington**

Jane is a commercial barrister, with a wide range of public and commercial experience. She currently advises public and private sector clients on a range of commercial and public law matters, including on the interpretation and application of public sector statutes, as well as assisting with the development of legislation and the negotiation of complex commercial transactions. Jane has undertaken a number of independent inquiries and reviews, was counsel assisting Dame Silvia Cartwright and the Public Inquiry into EQC which was reported in March 2020 and, along with a number of other governance roles, is currently the Chief Commissioner of the Transport Accident Investigation Commission and the Deputy Chair of the Electoral Commission.

## SPEAKERS



### **Greg Cain, Dentons Kensington Swan, Wellington**

Greg has extensive experience in employment law and health and safety issues. He also provides advice and training on the legal implications of the Health and Safety at Work Act, carries out or advises on workplace investigations and defends clients in WorkSafe prosecutions.



### **Elana Geddis, Barrister, Wellington**

Elana has 25 years of comprehensive experience in the practice of public and public international law, both inside and outside of government. She has an in-depth understanding of the interpretation and implementation of international obligations, and regularly advises decision makers on the implications of international law in the public law context. Elana has appeared as counsel before the International Court of Justice, the International Tribunal for the Law of the Sea and a specialised international arbitral tribunal established under the UN Convention on the Law of the Sea, as well as the New Zealand Supreme Court. Before joining the independent bar in 2011, she was Deputy Director of the Legal Division of the Ministry of Foreign Affairs and Trade.



### **Michael Hargreaves, WorkSafe New Zealand, Wellington**

Mike is the General Manager, Regulatory Effectiveness and Legal for WorkSafe and a member of its Senior Leadership Team. He has a long history in health and safety, commencing with the Department of Labour in 2002. Mike has prosecuted many health and safety cases and was heavily involved in the development of the current legislative framework.

## SPEAKERS



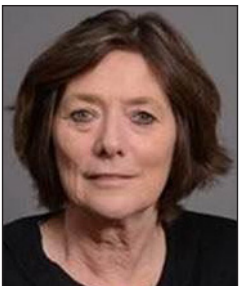
### **Aaron Jordan, Land Information New Zealand, Wellington**

As the Chief Digital Officer at Land Information New Zealand (LINZ), Aaron supports LINZ to navigate the future, from influencing our mindsets and the way we work, to how we experiment and invest in capabilities, technology and data. After training as Surveyor, he first began working for LINZ 19 years ago, and spent time working in Switzerland and Australia between 2007 and 2012 leading software development teams and running a small start-up, before returning back to LINZ. Aaron has held a number of roles at LINZ across various domains, including Geodesy (or Positioning), Topographic Mapping, and Property Information. In his last role, as the Senior Responsible Officer, Aaron led LINZ's Survey and Title Enhancement Programme to rebuild the aging Landonline system that underpins Property Rights in New Zealand. This included establishing an enduring in-house development and change capability that uses DevOps and Scaled Agile approaches, one of the first of its kind in NZ Government.



### **Philip Maw, Wynn Williams, Christchurch**

Philip is the National Managing Partner of Wynn Williams and is a partner in the Resource Management and Environmental Law Team. He is experienced in a wide range of resource management and local government matters, with particular expertise in freshwater management.



### **Val Sim, Ministry of Business, Innovation & Employment, Wellington**

Val is a Director of legal Services within the Legal, Ethics and Privacy Branch. In that capacity she works on a broad range of legal issues across a number of Government portfolios. Val's interest in space developed in late 2015, when she was asked to assist with the legal issues arising from Rocket Lab's intention to conduct launch activities from the Mahia peninsular in New Zealand.

She was involved in the establishment of the New Zealand Space Agency and the development of the Outer Space and High Altitude Activities Act 2017. Val has participated in meetings at the United Nations Committee on the Peaceful Uses of Outer Space, initially as an observer and subsequently as a member of the New Zealand delegation, once New Zealand became a member in 2016. She acts as legal adviser to the New Zealand Space Agency and is currently a member of a small team that is undertaking the statutory review of the Outer space and High-altitude Activities Act 2017.

## **SPEAKERS**



### **David Traylor, Dundas Street Employment Lawyers, Wellington**

David has significant experience working as an employment law specialist. He works with a number of private and public sector agencies including conducting complex investigations and providing strategic advice. David is a skilled trainer and leads the “Practical Employment Law” course for Human Resources professional development on behalf of the Human Resources Institute of New Zealand.



### **Maia Wikaira, Whāia Legal, Wellington, Ngāti Tūwharetoa, Te Rarawa Ngāpuhi**

Maia is the Tumuaki Whakarae (Managing Director) at Whāia Legal. Prior to joining Whāia Legal, Maia worked for the largest federally recognised tribe in California, the Yurok Tribe. There she was admitted to practise Yurok Tribal Law, and also represented the tribe in engagement with federal, state and other tribal governments. Before her time in the USA, Maia worked at Russell McVeagh and at Kāhui Legal. Maia has appeared in the Waitangi Tribunal, Māori Land Court, Environment Court, High Court and Court of Appeal.



# CONTENTS

## In session order

### **Tikanga and Te Tiriti o Waitangi: Emerging Trends in the Law and Courts**

This session has no paper ..... 1

*Maia Wikaira*

### **International Obligations and Public Law Decision-Making**

International obligations and public law decision-making ..... 3

*Elana Geddis*

### **Unlocking the Power of Connected Data**

This session has no paper ..... 19

*Aaron Jordan*

### **Freshwater Reforms**

Freshwater reforms ..... 21

*Philip Maw*

### **Health and Safety Update**

Health and safety update ..... 39

*Greg Cain and Michael Hargreaves*

### **Employment Law and COVID-19 Vaccinations**

COVID-19 vaccinations: employment law considerations ..... 53

*David Traylor*

### **Space Law – a new frontier**

Space law – a new frontier ..... 69

*Val Sim*

# CONTENTS

## Alphabetical by author/presenter

<b>Author</b>		<b>Title</b>	<b>Page</b>
<b>Cain</b>	Greg	Health and safety update <i>Joint paper with Michael Hargreaves</i>	39
<b>Geddis</b>	Elana	International obligations and public law decision-making	3
<b>Hargreaves</b>	Michael	Health and safety update <i>Joint paper with Greg Cain</i>	39
<b>Jordan</b>	Aaron	This session has no paper	19
<b>Maw</b>	Philip	Freshwater reforms	21
<b>Sim</b>	Val	Space law – a new frontier	69
<b>Traylor</b>	David	COVID-19 vaccinations: employment law considerations	53
<b>Wikaira</b>	Maia	This session has no paper	1

# CONTENTS

<b>BRINGING A TIKANGA MĀORI FOCUS TO OUR WORK</b> .....	<b>1</b>
<b>INTERNATIONAL OBLIGATIONS AND PUBLIC LAW DECISION-MAKING</b> .....	<b>3</b>
INTRODUCTION .....	5
SOURCES OF INTERNATIONAL OBLIGATIONS – TREATIES, CUSTOM AND “SOFT LAW” .....	5
INTERNATIONAL OBLIGATIONS AND STATUTORY POWERS .....	8
CASE EXAMPLES .....	13
PULLING IT ALL TOGETHER – A FRAMEWORK FOR APPLICATION IN PRACTICE .....	16
<b>UNLOCKING THE POWER OF CONNECTED DATA</b> .....	<b>19</b>
<b>FRESHWATER REFORMS</b> .....	<b>21</b>
INTRODUCTION .....	23
IMPLEMENTATION .....	23
PARADIGM SHIFT.....	31
NEXT GENERATION OF RESOURCE MANAGEMENT – TE ORANGA O TE TAIAO.....	34
<b>HEALTH AND SAFETY UPDATE</b> .....	<b>39</b>
INTRODUCTION .....	41
FIRST HSWA PROSECUTION RELATING TO WORKER OUTSIDE NEW ZEALAND.....	41
ENFORCEMENT TRENDS FROM 2021 .....	42
OFFICER PROSECUTIONS .....	45
SENTENCING TRENDS .....	48
AREAS EXPECTED TO DEVELOP IN 2022 .....	50
<b>COVID-19 VACCINATIONS: EMPLOYMENT LAW CONSIDERATIONS</b> .....	<b>53</b>
COVID-19 VACCINATIONS: EMPLOYMENT LAW CONSIDERATIONS.....	55
MANAGING COVID-19 IN THE WORKPLACE.....	55
CAN EMPLOYEES BE REQUIRED TO OBTAIN A VACCINATION?.....	57
PROCESS .....	61
ADDITIONAL RIGHTS FOR EMPLOYEES.....	63
HUMAN RIGHTS ACT .....	63
MEDICAL EXEMPTIONS .....	64
ARE EMPLOYEES BEING MADE REDUNDANT? .....	65
CASE LAW.....	65
<b>SPACE LAW – A NEW FRONTIER</b> .....	<b>69</b>
THE SPACE TREATIES .....	71
DOMESTIC SPACE LAW – THE OUTER SPACE AND HIGH-ALTITUDE ACTIVITIES ACT 2017 .....	74
DEVELOPMENTS IN SPACE TECHNOLOGIES AND CHANGES IN THE SPACE ENVIRONMENT.....	75
CONCLUSION.....	80