

“More than a Placement, a Vibe”

PEGASUS REPORT: 2022 SCHOLARSHIP

I completed a Pegasus Scholarship at Chapman Tripp in Wellington, New Zealand from September – December 2022. I was based in Chapman Tripp’s Litigation Department in their beautiful new office with harbour views in Wellington CBD. On a good day the floor to ceiling windows in the lunchroom offered limitless brilliant blue views of the harbour. On a great day you might see dolphins playing in the water.

I enjoyed being immersed in the legal culture of New Zealand and learning about its unique features. For example, the Treaty of Waitangi and treaty claims proceeding in the Waitangi Tribunal, the Accident Compensation Corporation (ACC) which provides no-fault personal injury cover for residents and visitors to New Zealand and tikanga (Māori customary law¹), a potential source of enforceable rights and interests. The role of tikanga within the New Zealand state legal system and as an independent source of New Zealand law is an exciting and evolving discussion and one I will continue to follow from the UK. A highlight was shadowing a colleague in the District Court and comparing what I had observed with UK magistrates’ courts over cheeses scones. The relative efficiency of the New Zealand system is enviable, which surprised my colleague.

My practice in the UK is predominantly planning and environment law. As a member of the litigation team at Chapman Tripp, I covered a much broader area of work. A benefit of the placement was stepping outside of my ordinary practice and immediate experience. For example, I worked on a dispute concerning a loan agreement and penalty interest charges for a development project.

I worked with the firm’s resource management team to explore and discuss the UK planning system’s approach to making biodiversity net gain a mandatory component of a grant of planning consent. A new idea in UK planning, biodiversity net gain seeks to address declining biodiversity across the UK. The timing was opportune as the government of New Zealand was at the time of my visit reviewing the Resource Management Act 1991 in order to reform their resource management system (what we would call a planning system). The reform was based on three keys pieces of legislation: the Natural and Built Environment Act, the Spatial Planning Act and the Climate Adaptation Act. At the time of writing parts of the RMA 1991 will remain in force as the SPA and NBA gradually phase in over a ten year period. The Climate Adaptation Act is intended to address issues with managed retreat like funding, compensation, land acquisition, insurance and liability. Managed retreat refers to relocating people, assets, activities, and taonga (a Māori word without a direct English translation but broadly meaning tangible and intangible treasured possessions including natural resources) from dangerous locations.

In the UK my practice includes highways law and one my tasks at Chapman Tripp was to research the duty to maintain the highway in New Zealand, an interesting crossover and given

¹ This is an inadequate definition chosen for brevity, defining the concept with any real accuracy would be a paper in its own right.

the similarities in legislative approach, an opportunity to draw on some existing legal knowledge.

No experience in a New Zealand firm's litigation department would be complete without working on a 'leaky building' case. The leaky home crisis is an ongoing construction and legal crisis in New Zealand regarding timber framed homes that were not fully weather tight, built from the 1980s to the early 2000s. Problems with leaky buildings include health issues for occupants arising from damp problems and concerns about buildings being structurally unsound. It is a harrowing case study in deregulation.

My visit was well timed as when I arrived, I was able to observe an environmental judicial review in Wellington High Court. In *Movement v. Waka Kotahi* [2023] NZHC 342 the petitioner unsuccessfully challenged New Zealand National Transport Agency's decision to approve the National Land Transport Programme 2021-2024 (NLTP), a three-year plan setting out how the agency will allocate its resources. Movement argued that the approval of the plan was unlawfully inconsistent with New Zealand legislation (the Land Transport Management Act 2003 (LTMA)), as well as New Zealand's Government Policy Statement on land transport, another regulatory instrument which is legally binding on Waka Kotahi. A privilege of the Pegasus exchange is the opportunity to observe a Supreme Court case, have a tour of the court and meet the Supreme Court Judges at a drink's reception. A distinctively New Zealand feature of the Pegasus exchange is seeing the same Supreme Court Judges in MoJos Coffee Shop a few days later.

I participated fully in the life of the firm. I took part in litigation lunches where colleagues presented on the latest developments in case law. These lunches often turned into dynamic debates about tikanga or the latest supreme court authority. Regular team quizzes allowed for a quick break with colleagues and helped me brush up on New Zealand trivia. Rainbow Tick training was an insight into equality and diversity in the legal sphere. Wine tasting was a great way to bond with new colleagues and learn about New Zealand wine. Celebratory drinks for new partners were an opportunity to admire the firm's gender diversity within partnership. Speeches at the drinks were warm, witty, and moving. The Christmas party was a wonderful farewell to my new friends and colleagues. In my last week I managed to squeeze in some lunchtime kayaking in the harbour opposite the office. On my last day I wandered to the beach for a dip in the sea and wondered why I was leaving.

What of life outside of work? I paraglided, hiked, biked and swam. I attempted to sky dive three times before taking the third cancellation due to adverse weather conditions as a sign that I should not hurl myself out of a plane. I saw historic Arrowtown, climbed the Tongariro Crossing and hiked the Routeburn. In Abel Tasman, unexpected rainfall meant my path across the beach at lowtide was an eerie waterlogged lunarscape. On the Queen Charlotte Track the Sound was a vibrant blue, every viewpoint picture perfect. I loved the Wellington café culture, bird life and museums and the wineries in Martinborough. Hobbiton was a delight; the glow worm caves magical. I saw Cathedral Cove and bathed in the hot water beaches of the Coromandel. I ate New Zealand's best burger in Queenstown. I followed in Dua Lipa's footsteps and visited Waiheke island. Lake Tekapo and the Church of the Good Shepherd were outstandingly beautiful, Aoraki Mount Cook suitably majestic. When I boarded my plane for the return flight, I was exhausted and convinced I had seen it all. I was wrong. I had one more

adventure left –a Christmas Eve of sightseeing around Baku’s old city and Zaha Hadid’s Heydar Aliyev Centre courtesy of an emergency landing in Azerbaijan².

If I had to sum up my experience of the Kiwis I would say this, it is the only jurisdiction I can think of where your landlord would buy you a Christmas present. My colleagues were endlessly patient and helpful. They made my trip, often literally by helping me plan routes and activities. Among the many things I learned from them: the meaning of ‘Bogan’, the Kiwi Farmer Dad archetype³ and how and when to deploy ‘sweet as’.

It was the opportunity of a lifetime. My placement is now in the past and I look back at it with distance, and such warmth and joy. Your placement is in the future. If you are reading this – you should apply. Apply Apply Apply!

Constanze Bell
Wellington Pegasus Scholar 2022



² Full story on request.

³ Always in shorts. Grumpy. No food wastage. Enforced family trips to the Prawn Farm.