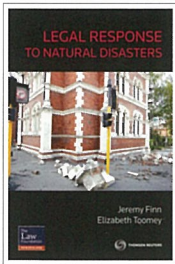


# Legal Response to Natural Disasters

EDITED BY JEREMY FINN AND ELIZABETH TOOMEY

Reviewed by **Allister Davis**



**As the editors** of this comprehensive and extensively researched text acknowledge from the outset, the purpose of this significant record of legal consequences stemming

from disaster events and recovery is to ascertain and document legal and non-legal material from both local and international sources and events to record an extensive and wide ranging analysis and commentary on the multitude of legal issues that stem from natural disasters. Most determinedly, the editors chose their three-part structure with subdivided chapters in order to communicate the diversity of voices that need to be heard in order to fully comprehend the particular legal problems that have arisen from the Canterbury earthquakes.

Part one outlines the wide ranging interviews and surveys conducted with the profession to gauge the many divergent legal ramifications which stemmed from the Canterbury quakes.

Part two is concerned with the legal issues arising from earthquakes and comparative natural disasters in the context of family law, insurance, contractual and commercial relations, residential and commercial tenancies, taxation, media and privacy law, and crime, whilst also providing a comparative comprehensive analysis of the legal response in judicial decisions, general practice and international jurisdictions.

The third and final part undertakes an analysis of the lessons learnt from the legal consequences of natural disasters and provides notable recommendations and reflections in terms of proposed law reform and remedial action for disaster preparedness.

The text delivers on its objective by providing an original contribution to the analysis of the legal response to natural disasters and chronicles an extraordinary episode for the legal profession as a whole within Canterbury.

The text is memorable and powerful, and has succeeded in bringing to New Zealand a comprehensive summary of the

consequences of natural disasters on the legal profession with a quasi-best practice guide flowing throughout the text due to the thorough research.

It has most certainly succeeded in its subsidiary aim of examining whether there are any identifiable issues which are yet to arise in New Zealand upon a significant natural disaster. As such, the text stands as a success in its capacity as “a blueprint for avoiding a repetition of the same hardships should another major disaster strike New Zealand”.

Without a doubt the graphical accounts of those practitioners who experienced the quake and their opinions on their ability to function and practise effectively are most poignant. The accounts, of course, vary considerably and it is up to the local reader to pull all of their recollections and own experiences from the earthquakes, to credit or discredit parts of each account and opinion, and through this process to create out of subjective perceptions a more objective picture of what occurred for the courts, clients and practitioners alike.

A strange moment of cognitive dissonance is created, however, by the claim and unbalanced view, in my opinion, that a lack of comprehensive information and guidance for legal professionals dealing with such a disaster existed – particularly in respect of the claim that the court system fell short of its leadership role during the 2011 earthquake. Even though I was the President of the Canterbury-Westland branch of the Law Society during this time and liaised directly with the Ministry of Justice on behalf of practitioners, I was never approached to contribute to this book, which I found rather curious. However that in itself is a consequence of a natural disaster, whereby there are differing accounts based on the severity of impact on one’s practice, role within a company, personal, financial, family life and one’s position within the coalface.

Nevertheless, the editors must be commended for their mammoth achievement in condensing the material obtained and research undertaken over a three-year period: the consequences of natural



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disasters on each particular area of legal practice alone could unequivocally be documented in separate texts given the vast changes in practice that legal providers and decision makers have had to accustom themselves to.

The style of the text itself can be fairly called a work prepared by non-practising academics which is easy to read, with an intended audience being a non-academic legal readership. It is fundamental that the editors and contributors were based in Christchurch at the time of the earthquakes as this provides a real insight into the level of overall difficulty natural disasters impose on practice and the collegiality of the profession and its members’ ingenuity in the face of hardship.

Overall, *Legal Response to Natural Disasters* provides an excellent and unique comprehension of the ramifications of natural disasters on legislation, legal providers and the practice of law.

The text is a must-read not only for Cantabrians who experienced and are still experiencing the effects of a local natural disaster, but is an essential document for all legal providers’ libraries wherever they are based to deliver what is the aim of the text: providing a blueprint for avoiding the repetition of unpredictable hardships. Our office looks forward to reading the second edition in the future, which will no doubt report on the editors’ recommendations for reform having been implemented. ■

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**Allister Davis** has been a partner at Clark Boyce Lawyers in Christchurch since 1993. He was President of the Canterbury-Westland branch of the New Zealand Law Society during the Canterbury earthquakes and is currently NZLS Vice-President (South Island). *Allister won’t say it himself, but with NZLS branch manager Malcolm Ellis he was a crucial player in restoring legal services and unifying the profession after the devastating earthquakes.*