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## Announcements

### **Victoria University of Wellington Student and Alumni Subseries Issue XVIII: Issues in Criminal Law**

Issues in Criminal Law is the first in 2017 of several issues of The Student/Alumni sub-Series of the VUW Legal Research Papers.

The Student/Alumni sub-Series was launched in 2015. It publishes a selection of honours and postgraduate papers from Victoria University of Wellington Law School.

The sub-Series includes both general and thematic issues.

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## **LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES**

### **VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS**

### **"Digital Domestic Violence: Are Victims of Intimate Partner Cyber Harassment Sufficiently Protected by New Zealand's Current Legislation?"**

*Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 1/2017*

**RUBY KING**, Victoria University of Wellington, Faculty of Law, Student/Alumni  
Email: [ruby.king@live.com](mailto:ruby.king@live.com)

This paper examines the issue of intimate partner cyber harassment and how effectively the issue is dealt with by New Zealand's legislation. It argues that while not completely futile, the current

legislation does not provide sufficient protections for victims. A suite of legislative amendments to the Domestic Violence Act 1995, the Harassment Act 1997 and the Harmful Digital Communications Act 2015 is therefore recommended. The paper begins by outlining the nature of the behaviour constituting intimate partner cyber harassment and its prevalence and impacts on victims. From this, it is argued that effective protections must be established. The current legislation as it stands fails to fully appreciate the complex issue and protections for victims lie behind procedural barriers. Amending existing legislation is the most desirable solution as it enables pre-existing protections to be utilised to more effectively apply to and thus protect victims of intimate partner cyber harassment.

## "Non-Fatal Strangulation: An Analysis of the Implications of a New Offence"

*Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 2/2017*

**FENYI MANNING**, Victoria University of Wellington, Faculty of Law, Student/Alumni

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In March 2016 the Law Commission (the Commission) released its report *Strangulation: The Case for a New Offence*. It made several recommendations including that a specific offence of non-fatal strangulation should be enacted. This paper discusses how well the recommendations will work in practice. This paper argues that, although the Commission's recommendations will go a long way towards meeting its three main objectives – raising awareness of the dangerousness of strangulation, addressing the current lack of accountability of perpetrators of strangulation and keeping the victims of strangulation safe – there are important considerations yet to be addressed. They include issues relating to: charging inconsistency where there is choice to be made between pursuing a specific strangulation charge or a current generic offence charge; noting family violence on offenders' records where strangulation is involved in a family violence context but the offender is charged with a generic offence instead of the strangulation offence; the weight of strangulation as an aggravating factor to be considered in sentencing; and, the extent of operational changes. The paper concludes that a non-fatal strangulation offence should be implemented, but that important related issues must be addressed if the reform objectives are to be met.

## "Consistency of Sentencing between Welfare Fraud and Tax Evasion: A Longitudinal Comparative Study"

*Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 3/2017*

**ALICE CHARLOTTE AUSTIN**, Victoria University of Wellington, Faculty of Law, Student/Alumni

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This essay compares welfare fraud and tax evasion sentencing outcomes over the period 1989-2016. Previous research suggested there was a significant discrepancy in treatment by the New Zealand courts. This research analysed data from 83 welfare fraud offenders and 53 tax evasion offenders. On the basis of the data in this study, the overall sentencing discrepancy was not as severe as the prior research suggested. However, the data did confirm that welfare offending was, on average, punished more harshly dollar-for-dollar than tax offending. Analysis of several other variables was used to attempt to quantify and explain the identified discrepancy. The study found key differences in sentencing outcomes according to welfare and tax offending of a comparable monetary value, with welfare offending generally receiving harsher punishment. However, tax offenders convicted under the Crimes Act were sentenced to imprisonment at a higher rate than welfare offenders convicted under the same section of the Crimes Act. Further research is needed using prosecution case files as well as more non-appealed cases in order to evaluate the discrepancy using the data not included in this study.

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## About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of

Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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