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**LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES
VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS**

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Announcements

Victoria University of Wellington Student and Alumni Sub-Series Part I: Issues in Criminal Law (I)

Issues in Criminal Law (I) is the first in 2019 of several issues of the Student/Alumni Sub-Series of the Victoria University of Wellington Legal Research Paper Series.

The Student/Alumni Sub-Series was launched in 2015. It distributes a selection of Honours and Postgraduate papers from Victoria University of Wellington Law School. The Sub-Series includes both general and thematic issues.

Table of Contents

[A Gross Injustice: Reevaluating the Behavioural Standard Required for Gross Negligence Manslaughter in the Context of Medical Mistakes](#)

[Madeline Alison](#), Victoria University of Wellington, Faculty of Law, Student/Alumni

[Oranga Tamariki Legislative Reform: An Affirmation of New Zealand's Commitment to The United Nations Convention on the Rights of the Child?](#)


[Phina Conroy](#), Victoria University of Wellington, Faculty of Law, Students

[Virtual Indecent Assault: Time for the Criminal Law to Enter the Realm of Virtual Reality](#)

[Joshua Hansen](#), Victoria University of Wellington, Faculty of Law, Student/Alumni

[^top](#)

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["A Gross Injustice: Reevaluating the Behavioural Standard Required for Gross Negligence Manslaughter in the Context of Medical Mistakes"](#) 

[Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 1/2019](#)

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In the United Kingdom, where the law of manslaughter is similar to New Zealand, there have been two recent successful prosecutions of doctors for gross negligence manslaughter (GNM) in circumstances some would consider unfair. The convictions of doctors David Sellu and Hadiza Bawa-Garba have garnered significant public attention and provoked debate amongst legal and medical professionals as to the appropriateness of manslaughter prosecutions in the context of medical error. One concern is that these prosecutions failed to consider serious underlying concerns surrounding the tragic deaths of both patients, including hospital underfunding and systems errors. Equally, it is alleged that the prosecutions will have unintended and serious consequences for patient care and safety, including a decrease

in error reporting and practitioners' self-reflection. The question, therefore, is how a similar prosecution could be avoided in New Zealand. This essay will analyse why the United Kingdom cases are problematic and how New Zealand law could be changed to address the correct level of culpable behaviour. Ultimately, it will propose that the correct behavioural standard required for a GNM conviction ought to be recklessness.

["Oranga Tamariki Legislative Reform: An Affirmation of New Zealand's Commitment to The United Nations Convention on the Rights of the Child?"](#) 
[Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 2/2019](#)

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The United Nations Convention on the Rights of the Child guarantees basic and fundamental rights for children and young people universally. Since ratification in 1993, New Zealand continues to take steps to bring domestic legislation into line with this comprehensive human rights treaty. This article examines to what extent the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 gives effect to the rights set out in the Convention with a particular focus on the youth justice sector. A close analysis of the effect of s 5(1)(b)(i) which purports to mandate that the child's or young person's rights as set out in the Convention must be respected and upheld in the exercise of powers under the Act is undertaken. Despite s 5(1)(b)(i) explicitly referring to the Convention, the conclusion reached is this section merely legislates the current practice of the Courts and other decision-making bodies, that is, the rights set out in the Convention should be used as guiding principles when making decisions concerning children and young people. This article highlights the inconsistencies in the current legislation, and the legislation Act, which must be resolved before comprehensive incorporation of the Convention rights can be considered.

["Virtual Indecent Assault: Time for the Criminal Law to Enter the Realm of Virtual Reality"](#) 
(2019) 50 VUWLR 57
[Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 3/2019](#)

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Virtual reality has the potential to provide a new medium of communication that will allow community, business and recreation to extend into the virtual realm. As with any emerging technology, the law must decide how to respond. When technology throws into question what the law considers to be real, we are starting from a relatively clean slate. The purpose of this article is to consider the extent to which the criminal law must engage with virtual reality. This issue is approached through the case study of virtual indecent assault. After considering the offence of indecent assault in s 135 of the Crimes Act 1961 and the effects of virtual actions, this article argues that the potential for harm justifies the intervention of the criminal law into virtual worlds. In light of this conclusion, this article also aims to outline a set of principles that can shape the criminal law's response. A principled approach can establish a stable foundation from which to tackle the diverse and often unknown challenges posed by an ever changing technology. These principles are applied in the evaluation of the different methods of criminalisation that would be available in the context of virtual indecent assault.

[^top](#)

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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