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

["Adoption Law: The Courts Outflanking Parliament"](#) 

(2012) 7 NZFLJ 119-123

[Victoria University of Wellington Legal Research Paper No. 34/2019](#)

[BILL ATKIN](#), Victoria University of Wellington - Faculty of Law

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The Adoption Act 1955 remains at the heart of adoption law in New Zealand, and there has been no comprehensive reform of the Act since it was passed. Despite this, massive social changes in the last 50 years have left the Act well out-of-date. The prevalence of de facto and same-sex parenting, the effects of globalisation, and the advances in medical science all bring unique scenarios that Parliament could not have foreseen when the Act was drafted. This article examines the ways in which the courts have applied a flexible approach to deal with these new situations. However, there are limits to judicial law-making, and the article shows why statutory reform in the area is needed.

["A Trio of Child Support Cases"](#) 

(2008) 6 NZFLJ 107

**BILL ATKIN**, Victoria University of Wellington - Faculty of Law  
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The Child Support Act 1991 sits awkwardly in the framework of family law statutes in New Zealand. Governed by the Inland Revenue Department, it is not typical of legislation of its kind, as it does not expressly consider the best interests of the child. However, the cases of *C v L* [Child Abduction], *Commissioner of Inland Revenue v DJP*, and *Inland Revenue Department v C*, have all held that the best interests of the child can play a decisive role under the Act. This article explains why these cases typify the shortcomings of the Act, especially in terms of misconduct, and shows why wholesale changes to the legislation are needed.

["The Care of Children Bill"](#) 

[2004] NZLJ 44

[Victoria University of Wellington Legal Research Paper No. 36/2019](#)

**BILL ATKIN**, Victoria University of Wellington - Faculty of Law  
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The Care of Children Bill is an important step in the reform of guardianship in New Zealand. The three objectives in the Explanatory Note are to ensure a stronger focus on the rights of the child, recognise the diversity of family arrangements in the care of children, and to improve New Zealand's compliance with international obligations. This article critically analyses each of these themes in respect of the Bill, and points to areas where these objectives can be improved upon.

["Child Support - Supporting Whom?"](#) 

(1999) 330 VUWLR 221-236.

[Victoria University of Wellington Legal Research Paper No. 37/2019](#)

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**ANDREW BLACK**, Victoria University of Wellington, Faculty of Law, Student/Alumni

The Child Support Act 1991 has been a highly controversial piece of legislation. While much of the public consternation has quietened, questions should still be asked about the scheme. To what extent are children and caregivers gaining anything substantial? Given the State's vested interest in recouping for itself some of the cost of social security benefits, whom does child support really support? The authors note the dearth of research on the effectiveness of the scheme in achieving its goals. This article also discusses the narrow views of parental and financial responsibility enshrined in the Act and reinforced by unduly restrictive Court of Appeal rulings.

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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.

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