



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

Victoria University of Wellington Student and Alumni Sub-Series Part 5: General Topics (II)

General Topics (II) is the fifth 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.

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["Causation in Section 15 of the Property \(Relationships\) Act 1976: Analysing the New Zealand Supreme Court's 'Working Assumption' - Is It Really Working?"](#) 

(2019) 50 VUWLR 77

[Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 17/2019](#)

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Scott v Williams concerned s 15 of the Property (Relationships) Act 1976. In situations of significant economic disparity post-separation, s 15 empowers courts to depart from the default rule of equal division of relationship property to compensate the disadvantaged partner. Causation is one of the jurisdictional hurdles. Only disparity "because of" the division of functions (DOF) is compensable. Thus far, courts have adopted a strict causation approach by placing a costly and often unattainable evidential burden on claimants. Consequently, compensation has been beyond reach for

deserving claimants. Responding to this disquiet, Scott's majority propounded a working assumption of causation in relationships conducted along traditional lines, where one party assumes primary responsibility for domestic duties and the other for income-earning. In such situations, Scott's majority would assume causation at jurisdiction and attribute the entire disparity to the DOF when determining the quantum award. This article concludes that the working assumption is a positive development in terms of jurisdiction. However, unlike the majority, it argues that striking the correct balance between s 15's "because of" wording and broad policy rationale, requires an apportionment of causes at quantum. Furthermore, Scott's "traditional lines" and "non-career partner" terminology creates unnecessary confusion and should be eschewed.

["Freedom and Fairness in Retirement Villages: An Analysis of the Regulatory Framework" !\[\]\(529949c2c3dadbaa4e538e8c643454bc_img.jpg\)](#)
[Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 18/2019](#)

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New Zealand's ageing population has contributed to the rapid expansion of the retirement village sector and will continue to do so in coming decades. It is therefore essential that the regulatory framework governing retirement villages be fit for purpose and that it meet its policy objective of protecting retirement village residents' rights and interests. The regulatory framework has not been subjected to a comprehensive review since the enactment of the Retirement Villages Act 2003. This paper analyses the degree to which the regulatory framework has achieved its aims. It draws on data from interviews with residents and management from retirement villages to identify ways in which the regulatory framework could be altered to better balance the rights of residents and operators. It proposes amendments to the framework to ensure that residents thoroughly understand their contracts with retirement village operators, and to provide for fairer provisions around the financial terms the contracts may contain. It also recommends the establishment of an independent advisory facility to support residents and intending residents both prior to and after their entry into villages.

["Addressing the Gap: Accountability Mechanisms for Peacekeepers Accused of Sexual Exploitation and Abuse" !\[\]\(0f848bbd71cef6b345273b16f905912a_img.jpg\)](#)
(2019) 50 VUWLR 135
[Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 19/2019](#)

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The United Nations (UN) has been plagued by incidents of sexual exploitation and abuse by peacekeepers for a number of years. These tragedies have had major implications for the credibility of the organisation and have hindered its ability to achieve its goals. As the organisation has struggled to address this problem, a new form of accountability has evolved: direct non-legal accountability. This article examines the problem of sexual exploitation and abuse by peacekeepers, previous responses to this problem and the emergence of this new type of accountability. Direct non-legal accountability provides a viable alternative to standard conceptions of accountability in response to the situation. Although it will not solve the problem of sexual exploitation and abuse, normative improvements could be made to these mechanisms in order to better provide some accountability to the victims of this exploitation and abuse.

["The Blessing of Same Gender Relationships in the Anglican Church of Aotearoa New Zealand and Polynesia: A Mixed Blessing?" !\[\]\(de95854c7ee024cfadc48187bbb781b2_img.jpg\)](#)
[Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 20/2019](#)

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In 2018, the Anglican Church in Aotearoa, New Zealand and Polynesia passed amendments to its canon law allowing ordained ministers to bless same gender marriages and civil unions. The Church wished to permit ordained ministers in favour of same gender blessings to conduct them, but needed to do so in a manner that safeguarded the beliefs of those who disagreed with same gender blessings, to discourage members from leaving the Church.

The legislative changes feature several significant aspects. The formularies and doctrine of marriage were left unchanged. The legislation provides a process via which bishops can authorise ordained ministers to conduct same gender blessings. Decisions made by bishops and ordained ministers around the authorisation and use of blessing services are excluded from the scope of the Church's disciplinary practices. Finally, the legislation provides for societies called "Christian Communities", with which ministry units can affiliate to safeguard their beliefs. This essay evaluates the same gender blessings legislation and concludes that it largely succeeded in fulfilling the Church's purposes by providing a way for ordained ministers to conduct same gender blessings while safeguarding the beliefs of within the Church who see such blessings as unbiblical.

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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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