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Announcements

Victoria University of Wellington Student and Alumni Subseries Issue XXIX: Law Reform and Policy Part Three

Law Reform and Policy Part Three is the twelfth 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

■ **"Law Reform and the Adoption Act 1955: A History of Misfortune"** 
Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 46/2017

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The Adoption Act 1955 is now 61 years old and has been passed over for reform on multiple occasions. This paper analyses the failed history of law reform beginning in the year 2000 when a Law Commission Report was issued. This paper identifies why successive attempts by both Labour and National governments failed in reforming adoption over a sixteen year period. Despite multiple

attempts at reform, this paper argues that law reform has failed due to a combination of other important governmental priorities, the controversial issues involved in adoption, the ability of the courts to reinterpret the legislation, and the small impact of reform. This paper concludes by using adoption reform as a case study to draw out three main general principles about law reform. The first is the necessity of reform; this paper argues when law reform involves a controversial human rights problem it becomes simultaneously difficult to progress due to political risk, but once that controversy is resolved the reform is no longer considered as necessary. The second is the opportunity to reform; when law reform is seen as less necessary because other agencies are able to fix problems within the legislation, other more critical projects will displace a reform project on the hierarchy of political priorities. The third is political interest; the ability to place the responsibility of 'updating' the application of legislation onto the courts or another agency results in reduced political interest in reforming that legislation.

"The Revival of Pay Equity in New Zealand: The Pursuit of a Social Goal Through Law Reform"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 47/2017

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The Equal Pay Act 1972 was passed as a piece of social law reform intended to eradicate discrimination in wages between men and women. For over forty years since the passing of the Act, there has been little progress on the implementation of pay equity in New Zealand and it continues to be an important legal battleground for the achievement of gender equality in employment. The successes and failures of achieving law reform around pay equity in New Zealand indicate that the institutions responsible for the instigation and implementation of such reform are each influenced by broader socio-economic and political climates. The Equal Pay Act 1972 has long been understood to be limited to assessments of equal pay for the same work, despite apparent provision for assessments of equal pay for work of equal value in the Act. Through the use of a purposive approach, recent judicial treatment of the Equal Pay Act 1972 by the Court of Appeal has departed from previous understandings of the Act by finding it extends to assessments of equal pay for work of equal value. This paper considers how this interpretation has generated a renewed effort on the part of the Government for reform around pay equity in light of the history of the Act. It argues that in moving forward, the choice between mechanisms of law reform is not clear cut. Both strong legislation and a responsive judiciary are required to work in tandem to achieve a social goal such as pay equity.

"Does Science know us better than we know Ourselves? The Utility of Evidence-Based Policy for Law Reform on the Competency and Capacity of Children"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 48/2017

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Approaches to law reform must involve a different focus than evidence — instead placing human rights, culture, history, general ideologies or feelings at the forefront. This paper will demonstrate that these alternative approaches provide the foundation for law, while evidence simply acts as a complement. However, an evidence-based approach may still be desirable. This paper will proceed by outlining the nature of the problem, and presenting a case for the use of EBP. Secondly, the use of evidence in law reform over time will be evaluated. The focus of later sections will investigate how an evidence-based approach may work in this area.

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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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