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Announcements

Offences Against Property: Theft, Ownership, and Cheque and Credit Cards: Papers by Professor ATH Smith, Pro Vice-Chancellor and Dean of Law, Victoria University of Wellington

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Proving Ownership in the Offences Against Property (March 4, 1976) 125 *New Law Journal* at 243.
Victoria University of Wellington Legal Research Paper No. 62/2014

A. T. H. SMITH, Victoria University of Wellington - Faculty of Law
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When an offense against property is committed it is usual for an owner of that property to be named. This article discusses the issue of whether an owner should invariably be named and concludes that there must be some reference to an owner. Proving ownership becomes an issue when an owner has been named incorrectly. The safest thing for a prosecutor to do is to state that the property belongs to an unknown person, making it clear that the property did belong to someone other

than the defendant.

"Reforming Section 16 of the Theft Act"

[1977] *Crim LR* at 259.

Victoria University of Wellington Legal Research Paper No. 63/2014

A. T. H. SMITH, Victoria University of Wellington - Faculty of Law
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This article addresses the Criminal Law Revision Committee's proposals for reforming section 16 of the Theft Act 1968. It examines the three new offences that the Committee outlines, which are deception as to prospect of payment, obtaining relief from liability by deception, and making off without payment. The author notes that the Commission does not create a special offence to deal with circulation of worthless cheques, which may create issues of proof. Further, there is an argument that the penalties for the above offences are too high. Section 16 requires urgent attention, but care should be taken in its reform. Abstract by Rose Goss.

"Constructive Trusts in the Law of Theft"

[1977] *Crim LR* at 359

Victoria University of Wellington Legal Research Paper No. 64/2014

A. T. H. SMITH, Victoria University of Wellington - Faculty of Law
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The Theft Act 1968 protects interests in proceeds that arise due to a proprietary right or interest. This is examined in the context of an employer and employee relationship, where the employee misappropriates profits. The institution of the constructive trust recognises that the beneficiary (employer) has a proprietary interest in the relevant property. This proprietary interest is protected by the Act, although the author questions whether the constructive trustee should be held criminally liable under the Act. Although some of the underlying reasons behind the civil and criminal law in relation to property may be similar, the constructive trust is an uncertain device and it may not be logical to rely on it in the criminal context. Abstract by Rose Goss.

"Theft and/or Handling"

[1977] *Crim LR* at 517.

Victoria University of Wellington Legal Research Paper No. 65/2014

A. T. H. SMITH, Victoria University of Wellington - Faculty of Law
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The purpose of this article is to examine the relationship between the offenses of theft and handling. While the two offenses have some features in common and often overlap, they are legally distinct. Often it is in the interests of the prosecution for a defendant to be charged with both, a handler can often be guilty of theft. A thief's liability as handler is more complex and requires an act of handling of goods previously stolen by a person who knows or believes them to be stolen. It is required that the handling must take place other than in the course of stealing. Further, the requirement of goods being previously stolen means that there must be some evidence of theft, which may be difficult to provide. While there are advantages for the prosecution in charging a defendant with both offenses, this may give rise to evidentiary difficulties.

Abstract by Rose Goss.

"The Criminal Misuse of Cheque Cards and Credit Cards"

[1978] *Jo Bus Law* at 129.

Victoria University of Wellington Legal Research Paper No. 66/2014

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The purpose of this article is to examine the law governing the misuse of cheque cards and credit cards in the context of possible reform. The civil law in relation to credit cards and cheque cards is reviewed, although the civil law gives little guidance about the latter. The article focuses on the criminal law, looking at fraud by both unauthorized and authorized possessors of credit cards and cheque cards. The current law of criminal deception combined with the law of theft allows adequate protection and means that new offenses do not urgently need to be created.

Abstract by Rose Goss.

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About this eJournal

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 Judicial 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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