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Announcements

Contempt of Court: Papers by A.T.H Smith. This first issue of VUWLRP for 2015 marks the retirement of Laura Lincoln and Allegra Crawford as Assistant Editors. The VUW Law Faculty warmly thanks them for their work over several years. They have graduated and are now practising in Wellington. The Faculty welcomes Hanneke van Oeveren, who starts as Assistant Editor with this issue.

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**LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES
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["Intentional Contempt of Court"](#) 

(1992) 51 Cambridge Law Journal at 203

[Victoria University of Wellington Legal Research Paper No. 1/2015](#)

[A. T. H. SMITH](#), Victoria University of Wellington - Faculty of Law

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The law relating to contempt of court previously involved a widely applicable strict liability offence and broad time frames that were harsh on journalists. These issues were clarified by the Contempt of Court Act 1981 which limited the application of the strict liability rule. However, recent decisions show that there are still problems in this area of law, mostly relating to the common law which is applicable in some circumstances and easily extended. The author hopes that these issues will be resolved by higher courts in the near future. Abstract by Rose Goss.

["Free Press and Fair Trial: Challenges and Change"](#) 

J.Beaton and Y.Crips (eds) Freedom of Information and Freedom of Speech (2000) at 123

[Victoria University of Wellington Legal Research Paper No. 2/2015](#)

[A. T. H. SMITH](#), Victoria University of Wellington - Faculty of Law

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In the United Kingdom, the Contempt of Court Act 1981 regulates the area of law relating to the relationship between free press and fair trial. The purpose of this article is to discuss whether another shift in this area of the law is likely to occur. Factors considered include the internet, manipulation of the media by parties, whether or not the law of contempt is an effective control, abuse of process and unsafe convictions, and European free speech jurisprudence. The author concludes that the laws in this area are respected more than might be

expected, and the United Kingdom has no need to be defensive about its position. Abstract by Rose Goss.

["The Future of Contempt of Court in a Bill of Rights Age"](#) 

(2009) 38 HKLJ at 593.

[Victoria University of Wellington Legal Research Paper No. 3/2015](#)

[A. T. H. SMITH](#), Victoria University of Wellington - Faculty of Law

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The clash between an accused's right to a fair trial and the media's freedom to report is examined in the context of England's Contempt of Court Act 1981 with reference to the law and practice in Canada and New Zealand. Recent events in England confirm that the use of the law of contempt to prevent publication of possibly prejudicial material is becoming a dead letter. Reasons for the non-prosecution of contempt are discussed including the difficult-to-prove test of substantial risk of serious prejudice, the judiciary's tendency to find that a fair trial is still possible notwithstanding the prejudicial publicity, considerations of public interest and the influence of the European Convention on Human Rights. While measures may be taken to ensure a fair trial after hostile publicity, this does not erase the fact that contempt may have already been committed.

["Contempt, Free Press and Fair Trial: A Permanent Shift?"](#) 

(1997) 56 Cambridge Law Journal at 467

[Victoria University of Wellington Legal Research Paper No. 4/2015](#)

[A. T. H. SMITH](#), Victoria University of Wellington - Faculty of Law

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This article explores the impact of the Contempt of Court Act 1981, which was enacted in response to a 1979 decision from the European Court of Human Rights. The Act increases the protection of freedom of speech. A recent case that has raised these issues is Attorney General v MGN, which discussed whether newspapers were guilty of contempt of court when prejudicial publications caused a criminal trial to be halted. Before 1979 the courts would have held that this was contempt, but under the new regime they did not. The requirements for contempt by publication are set out in section 2(2) of the Act and include a list of factors that are taken into account to determine whether the publication creates a substantial risk of impeding proceedings. 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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