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Announcements

Victoria University of Wellington Student and Alumni Subseries Issue XIV: Analysing Law Reform

'Analysing Law Reform' is the sixth in 2016 of several issues of the Student and Alumni sub-Series of the VUW Legal Research Papers. The Student and 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

"Is the Fixed Ball in Our Courts? The Criminalisation of Match-Fixing under the Crimes (Match-Fixing) Amendment Act 2014"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 28/2016

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In sport, match-fixing occurs when the result or a particular part of a match is manipulated, removing the uncertainty integral to sporting contests. Match-fixing was criminalised by the New Zealand

legislature in the Crimes (Match-Fixing) Amendment Act 2014. This amendment introduces the Crimes Act 1961, s 240A, which expands the definition of 'deception' under s 240 to include match-fixing. The amendment legislation was enacted with a number of laudable aims, primarily focused on protecting the integrity of sport, which this paper believes justified the criminalisation of match-fixing. Such criminalisation can be seen as consistent with other behaviours criminalised in the sporting sphere. However, a number of lacunas discussed in the paper demonstrate that the legislation was not comprehensive in achieving the aims that justified the criminalisation of match-fixing. The paper therefore recommends expanding the legislation, influenced particularly by the specificity of equivalent Australian legislation, and drafts a more comprehensive match-fixing provision that aspires to both remedy the lacunas of the Crimes (Match-Fixing) Amendment Act 2014 and better reflect the legislature's aims in criminalising match-fixing.

"Countering Foreign Terrorist Fighters: Warrantless Surveillance Powers of the New Zealand Security Intelligence Service"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 29/2016

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On 9 December 2014, the New Zealand Security Intelligence Service Amendment Act 2014 amended the New Zealand Security Intelligence Service Act 1969 by removing the requirement for an intelligence or visual surveillance warrant in some situations of emergency or urgency. The warrant process is the primary mechanism for the purpose of ensuring surveillance powers are not exercised arbitrarily or unreasonably. Any departure from this process must be justified, limited and proportionate. After a brief look at the history of the Bill, this paper will then consider the circumstances in which a warrantless authorisation shall be granted and information retained, with reference to the trigger concepts of "terrorist act", "foreign terrorist fighter" and "security". Amendments proposed include limiting the grounds for warrantless surveillance and information retention to countering "foreign terrorist fighters". It will then discuss the consistency of the Bill with the New Zealand's Bill of Rights Act, focussing on the authorisation structure and length. It will put forward an amendment that restructures the power such that authorisation for surveillance in urgency will be provided by the Minister and Commissioner within 12 hours.

"The Role of Psychologists in Light of Changes to the New Zealand Family Court"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 30/2016

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In March 2014, dramatic changes to the Family Court came into force. These reforms were the result of extensive public and expert consultation, and amended a number of acts. The Family Dispute Resolution Act 2013 now requires couples engaged in guardianship or parenting disputes to attend mandatory mediation before filing proceedings in court. The legislation surrounding this new process has been vague, and left mainly up to regulation. A key driver of the reform was cost saving, and this has been evident in the reforms. There are concerns about the accessibility of these processes, and the lack of protection for children's rights in these disputes. I conducted interviews with four professionals working in the area, and gathered their opinions on the changes, including any options they thought might be suitable for enactment in New Zealand. My essay reviews the legislative reform, and discusses ways in which psychologists could be involved to address some the issues highlighted with the new Family Court system.

"Assumptions or Accurate Justifications? A Critical Analysis of the Select Committee Report on the Manukau City Council (Regulation of Prostitution in Specified Places) Bill 2010"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 32/2016

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In 2010 the then Manukau City Council proposed a local Bill to Parliament, the Manukau City Council (Regulation of Prostitution in Specified Places) Bill. This Bill targeted the perceived negative consequences of street-based prostitution that existed within Manukau City. The Bill authorised the Manukau City Council to make bylaws that would specify certain places in the district where street-soliciting of prostitution could not occur. The Bill failed at its Second Reading, following a report by the Local Government and Environment Select Committee recommending that it not be passed. The three main justifications given by the Select Committee to this result are discussed in this paper and are determined as to whether they were accurate and appropriate, or if they were rather mere

assumptions. These justifications are that existent laws provided a sufficient solution, the Bill would be an implicit amendment to the Prostitution Reform Act 2003, and that the Bill would face enforcement problems if enacted. This paper finds that while the majority of the justifications given by the Select Committee were accurate, this did not stand true for all their reasoning. Ultimately it is argued that greater scrutiny must be given to Select Committee reports.

"Proceed with Caution: Law Reform, Judicial Review and the Judicature Modernisation Bill"

Victoria University of Wellington Law Review, Vol. 47, 2016

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 32/2016

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The Judicature Modernisation Bill 2013 re-enacts the operative provisions of the Judicature Amendment Act 1972. This paper analyses the re-enacted provisions, concluding that the reform will be largely successful relative to a goal of "non- substantive reform". However, this paper argues that there were significant defects in the legislative process leading to reform, especially in terms of Parliamentary scrutiny of judicial review. In a context of a fused executive-legislative branch of government, it is highly inappropriate to legislate for judicial review without adequate consideration of the effects on judicial review powers and processes. This paper argues that judicial review procedure should not be contained in statute in order to prevent undue legislative interference.

"The Child Poverty Reduction and Eradication Bill: An Attempt to Define What It Means to Be Poor in New Zealand"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 33/2016

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Child poverty is a significant yet contentious issue in New Zealand. The Child Poverty Reduction and Eradication Bill (the Bill) is a legislative attempt to address child poverty in New Zealand. This essay compares the Bill to the Child Poverty Act in the United Kingdom (UKCPA). Specific child poverty legislation is rare so the UKCPA provides a useful point of reference for New Zealand policymakers. This essay argues that, in order to reduce child poverty in New Zealand, there needs to be an agreement on what constitutes child poverty. The problems of defining poverty are explained and the definition in the Bill is evaluated. It is suggested that the Bill's definition is not an effective statutory definition. Therefore, other international definitions are analysed and critical thinking theory is applied. These assist the author in proposing a new definition of child poverty.

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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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