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"Permanent Name Suppression for a Child Convicted of Homicide"

New Zealand Law Journal, 13, 2016

Victoria University of Wellington Legal Research Paper No. 21/2021

NESSA LYNCH, Victoria University of Wellington - Faculty of Law

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This article discusses the Court of Appeal decision which overturned a High Court decision refusing permanent name suppression for a 13-year-old child convicted of manslaughter (R v DP & RP [2015] NZHC 1765). It examines the wider question of a principled approach to such cases of child-perpetrated homicide. In New Zealand, such cases are tried and sentenced in the adult jurisdiction. The author suggests that extreme youth raises questions of appropriate criminal procedure and jurisdiction in this area, such as the concept of permanent name suppression. The article concludes that there is a strong case for permanent name suppression for young offenders who are tried and sentenced in the adult jurisdiction, due to their particular characteristic of youth, and the importance of

"A Change in the Law for Child Offenders: The Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010"

6 New Zealand Family Law Journal, 289-292, 2010

Victoria University of Wellington Legal Research Paper No. 22/2021

NESSA LYNCH, Victoria University of Wellington - Faculty of Law

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This article deals with the Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010. The author considers the significant changes this Act introduces, specifically the provisions dealing with child offenders, and how the crossover between youth justice and family jurisdiction in this area will lead to implications for family lawyers. The article concludes that the final form of the changes to the child offender provisions in the CYPF Act are better than what was expected, as it is only a small and specified class of child offenders who will be affected. The author also highlights existing protection for accused children who lack understanding and capacity, such as the principle of *doli incapax* and the power of the Youth Court judges to refer children back to the informant for care and protection proceedings.

"'Decidedly but Differently Accountable'? – Young Adults in the Criminal Justice System"

Stephen Woodwark and Nessa Lynch "'Decidedly but Differently Accountable'? – Young Adults in the Criminal Justice System" NZ L Rev, Forthcoming

Victoria University of Wellington Legal Research Paper No. 23/2021

STEPHEN WOODWARK, Victoria University of Wellington, Faculty of Law, Student/Alumni

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Young adults are increasingly recognized as a distinct group, both in society and in the context of the criminal justice system. This article explores the evidence which highlights the distinct characteristics of young adults, and the principle supporting differential treatment of this age cohort. Consideration is given to the existing provisions that cater for young adults, including the newly established Young Adult List Court. Particular focus is given to assessing the efficacy of discounts provided for age under the Sentencing Act 2002. Two potential conceptual models for reform are canvassed. Processes and responses available under the current youth justice system may be extended where appropriate; such an approach has been adopted by several overseas jurisdictions. Alternatively, a distinct 'third system' may be established with procedures and outcomes developed specifically for young adults.

"Criminal Records in the Youth Jurisdiction"

Lynch N.A & Peirse-O'Byrne K. (2016) Criminal Records in the Youth Jurisdiction. New Zealand Law Journal 362

Victoria University of Wellington Legal Research Paper No. 24/2021

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KATE PEIRSE-O'BYRNE, Independent

It is unarguable that there is public interest in knowing an individual's criminal record, particularly where an individual may wish to work in positions of particular trust and responsibility. However, this must be balanced against the public and individual interests in 'moving on' from offending behaviour. This article considers the effect of criminal records gained while the individual is a youth (in criminal justice terms, aged 10 to 17 years) in the New Zealand system. The author posits that the treatment of criminal records gained in the youth jurisdiction in New Zealand is complex, due to ambiguity in the status of records of offending as 'sealed.' The article concludes that with the expansion of electronic records and information sharing, and increased emphasis on checking and vetting, transparency around the status and lasting effect of criminal records is required.

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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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