

NINA OPACIC, ASSISTANT EDITOR

Victoria University of Wellington - Faculty of Law
nina.opacic@live.com

JOHN PREBBLE QC, EDITOR

Professor of Law, Victoria University of Wellington - Faculty of Law, Gastprofessor, Institut für Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien, Adjunct Professor of Law, University of Notre Dame Australia - School of Law
john.prebble@vuw.ac.nz

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"Restorative Justice Through a Children's Rights Lens"

18 International Journal of Children's Rights, pp 161-183 (2010)

Victoria University of Wellington Legal Research Paper No. 1/2017

NESSA LYNCH, Victoria University of Wellington - Faculty of Law

Email: nessa.lynch@vuw.ac.nz

Restorative justice is an alternative to the formal criminal justice system which focuses on repairing the harm caused to the victim of the offence, effecting reconciliation between victim and offender, and the re-integration of the offender. Its use is widespread in national youth justice systems. This article will analyse the use of restorative justice in connection with offending by children. It will be argued that despite evidence of endorsement by the Committee on the Rights of the Child, the fundamental concepts of restorative justice are at odds with a children's rights model of youth justice as required by international standards. Not only do similar concerns about due process rights exist for children as for the adult system, it is difficult to reconcile the best interests of the child standard with the victim focused approach of restorative justice, and there are doubts as to whether children have sufficient

maturity for remorse and reintegration.

"A Statutory Vetting Scheme for the Children's Workforce in New Zealand: Rights, Responsibilities, and Parameters"

44 (3/4) Victoria University of Wellington Law Review pp 439-558 (2013)
Victoria University of Wellington Legal Research Paper No. 2/2017

NESSA LYNCH, Victoria University of Wellington - Faculty of Law
Email: nessa.lynch@vuw.ac.nz

New Zealand is unusual amongst comparable jurisdictions in lacking a statutory scheme to vet and possibly disqualify 'risky' individuals from working or volunteering with children. The current vetting process in New Zealand is ad hoc and not transparent. The Government has signaled its intention to place vetting on a statutory footing through the Vulnerable Children Bill. This article considers the appropriate parameters of a vetting scheme, considering the experiences of jurisdictions with established schemes.

"Young Suspects"

New Zealand Law Journal, pp. 357-358, October 2008
Victoria University of Wellington Legal Research Paper No. 3/2017

NESSA LYNCH, Victoria University of Wellington - Faculty of Law
Email: nessa.lynch@vuw.ac.nz

This article examines the Supreme Court decision of *R v. Z*, relating to the young person's rights during police questioning.

"Youth Justice in New Zealand: A Children's Rights Perspective"

Youth Justice, Vol. 8, p. 215, 2008
Victoria University of Wellington Legal Research Paper No. 4/2017

NESSA LYNCH, Victoria University of Wellington - Faculty of Law
Email: nessa.lynch@vuw.ac.nz

New Zealand's youth justice system has been lauded internationally for its restorative and diversionary approach to youth justice. This article takes a fresh perspective to youth justice in New Zealand, namely that of children's rights. Using the CRC and associated international standards as benchmarks, this article argues that although the system has many positive aspects in its design, there are difficulties in implementation, especially in relation to checks on discretion. This article also queries whether the future direction of the New Zealand youth justice system, especially the increased emphasis on restorative justice, is positive for children.

"Respecting Legal Rights in the New Zealand Youth Justice Family Group Conference"

Current Issues in Criminal Justice, Vol. 19, p. 75, 2007
Victoria University of Wellington Legal Research Paper No. 5/2017

NESSA LYNCH, Victoria University of Wellington - Faculty of Law
Email: nessa.lynch@vuw.ac.nz

Family group conferencing was first introduced in New Zealand in 1989, and is an increasingly popular response to offending by youth. Broadly similar models are in use in some Australian States, as well as in Europe. The youth justice family group conference is used in New Zealand principally as a diversionary measure and as a sentencing aid for youth court judges, thus delegating a large measure of power over responses to offending by young people from the state to the family and wider community. This article does not seek to revisit the potentially positive aspects of conferencing for young people as these have been addressed extensively elsewhere). Rather this article seeks to take the New Zealand youth justice family group conference as a case study to address concerns about the legal rights of young people in such conferences. In essence, it will be argued that although the conference process in New Zealand has the potential to be a restorative and culturally sensitive response to offending by young people, it remains a state process involved in criminal justice matters. Since the process is a criminal justice one it is essential that the young person's rights under national and international law are safeguarded. Three specific elements of criminal procedure where the young person's rights may be infringed are discussed. It will be further argued that safeguarding such rights does not necessarily mean that the informal nature of the conference process is compromised.

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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.

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