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BURGLARY WITHOUT BORDERS

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In March 2019, a new expanded form of burglary was added to the Crimes Act. While ordinary burglary requires entry into "a building or ship" (s 231), the new offence of burglary may now be committed by entering "any land used for agricultural purposes" (s 231A). The same penalty of imprisonment for a term not exceeding 10 years applies to both s 231 and s 231A.

This is the latest in a long series of expansions of the elements of the burglary offence. This article explores the history of burglary, tracking the long journey from the "paradigm" case of housebreaking to the range of ways in which the offence can now be committed. In addition to exploring the rationale and effects of these amendments, we interrogate this trend in a more theoretical light. In particular, we try to identify the distinct "wrongness" of burglary – what it is that merits treating burglary more seriously than other forms of property crime other than those involving violence? Having sought to understand what is distinctly wrong with burglary, we offer an analysis as to whether the expansion of the concept has gone too far.

ROBERT FITZROY AND THE INSOLVENCY OF THE NEW ZEALAND GOVERNMENT, 1843–1845

Michael Littlewood

Robert FitzRoy served as the Governor of New Zealand from 1843 to 1845. The colonial government (established in 1840) was already insolvent when he arrived, and its finances continued to deteriorate during his time in the Colony. In 1844, he broadened the Colony's system of customs duties (the main source of revenue), but the Government continued to operate at a deficit. Later the same year, in desperation, he abolished the customs duties altogether and instituted a tax on property and incomes instead. Given that Britain itself had introduced a peacetime income tax only two years previously, in 1842, that was a bold and innovative move; unsurprisingly it failed. FitzRoy also attempted to cover the deficit by printing money, which proved surprisingly successful. Finally, he tried to establish a system of local government, so as to shift as large a part of the burden as possible onto it; like the property and income tax, however, that proved unsuccessful. Britain wanted the Colony to finance itself, but its economy was too small to sustain a government even remotely resembling the British colonial norm. Rather than accept that simple fact, however, the British Government blamed FitzRoy and recalled him to London.

TECHNIQUES OF NEUTRALISATION AND DISCIPLINED LAWYERS: THROUGH THE GENDERED LOOKING GLASS

Jessica C Lai and Lisa Marriott

Techniques of neutralisation can minimise or deflect wrongdoing. We examine the differences in techniques of neutralisation employed by male and female New Zealand lawyers brought before the Disciplinary Tribunal for serious misconduct.

Male lawyers are more likely to claim they did nothing wrong, their behaviour generated no loss to clients or blame someone else. Female lawyers are more likely to identify the impact of mental or physical health or claim that the behaviour was a mistake. The differences in techniques invoked can be explained with reference to gender normative roles and the social construction of gendered selves.

AN AUSTRALIAN PERSPECTIVE ON THE JUDICIAL REVIEW OF CLASS ACTION SETTLEMENTS

Georgina Dimopoulos and Vince Morabito

In several countries, including Australia, class action litigation most frequently has been resolved through settlement agreements executed by the formal parties to such litigation: the lead plaintiffs and the defendants. Class action settlements are legally effective only if approved by the court presiding over the litigation. This is because the outcome of class action litigation binds not only the formal parties to it, but also the claimants represented by the lead plaintiffs: the so-called class members. The New Zealand Law Commission currently is conducting a detailed study of whether, among other things, a comprehensive class action regime should be introduced for the High Court of New Zealand. This article reviews the major lessons that may be learned from the Australian experience with respect to the judicial review of class action settlements. The most important lesson is the need to encourage and facilitate a close judicial scrutiny of the fairness, reasonableness and adequacy of settlement agreements proposed by the parties to class action litigation to ensure maximum protection of the interests of all class members. This may be secured through a number of measures, including a greater use of court-appointed independent experts to assist in reviewing proposed settlement agreements; facilitating class members' ability to properly assess the likely impact of a proposed settlement agreement on their interests and to advise the court of any concerns; conferring onto courts extensive powers in relation to the remuneration that litigation funders receive pursuant to a class action settlement; empowering courts to increase the settlement proceeds that class members will receive; and providing clear guidance as to when it may be appropriate for courts to authorise additional payments to lead plaintiffs, sub-group representatives and class members who assume an active role in the conduct of the proceedings.

COULD NEW ZEALAND'S EQUITY CROWDFUNDING REGULATIONS BE THE MODEL FOR THE DEVELOPING WORLD?

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Without Equity Crowd-sourced Funding (ECF), investing in promising small companies is an option available only to a small group of professional investors such as venture capitalists. Providing small companies alternative ways to access capital has become especially important today, owing to the impact of the COVID-19 pandemic on small businesses. This article compares the ECF regulations of four common law countries, namely the United States, United Kingdom, Australia and New Zealand. It finds that New Zealand and the United Kingdom have had the highest ECF investment per capita, however the United Kingdom has had a significant number of failed crowdfunded companies. Neither the United States or Australia has had much success in attracting ECF investment per capita – although things may change in Australia. What is unique about the New Zealand system is that a strong and defined gatekeeping role is given to the crowdfunding platforms. This approach lowers compliance and supervisory costs for fundraising companies and regulators respectively. In turn, platforms who are successful in their gatekeeping role develop a reputation for bringing successful companies to the market, making their service more appealing to the ECF market. The approach in New Zealand exemplifies how countries with a modest venture capital market, a dearth even more significant in developing economies, can successfully develop ECF as an effective alternate source of capital for small companies.

NEW ZEALAND ANIMAL LAW ASSOCIATION V ATTORNEY GENERAL: NEW ZEALAND'S MOST SIGNIFICANT ANIMAL LAW CASE IN A GENERATION

Danielle Duffield and M B Rodriguez Ferrere

The recent judicial review of codes of welfare and regulations under the Animal Welfare Act 1999 in New Zealand Animal Law Association v Attorney-General *was the first of its kind, and its success represents not only a victory for animals but for the rule of law.*[1] *At its heart, the case was a challenge of the codes and regulations that permit farrowing crates and mating stalls in commercial pig farms. However, the decision has implications far beyond its immediate impact on the way pigs are farmed in New Zealand, and indeed, it may herald a new level of oversight for New Zealand's animal welfare agencies.*

SOCIAL SECURITY AND WELFARE LAW IN AOTEAROA NEW ZEALAND: MĀMARI STEPHENS

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1 *New Zealand Animal Law Association v Attorney-General* [2020] NZHC 3009.