

REFLECTION FROM THE FIELD

The judicial system and sex work in New Zealand

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Abstract

Sex work policy is a highly contentious topic. Various political approaches attempt to repress it, restrict it, or integrate it. This paper canvasses repressive approaches, restrictive approaches and the New Zealand model, which decriminalises sex work. The latter is then examined through a human rights lens, with five specific human rights discussed: the right not to be subjected to inhuman or degrading treatment, the right to safety, the right to respect for private and family life, the right to freedom of association, and the right to health. This is accompanied by an examination of how the New Zealand judiciary have used the Prostitution Reform Act 2003 and other laws to protect and promote the rights, welfare and health and safety of sex workers. The article concludes by expressing a hope that the Prostitution Reform Act 2003 and New Zealand case law can serve as precedent for other jurisdictions when considering sex work law and policy.

Keywords

Sex work, prostitution policy, Swedish model, decriminalisation, human rights

Introduction

Sex work or ‘prostitution’ is often described as the world’s oldest profession, yet its status as ‘work’ continues to be challenged globally. Western countries such as Aotearoa/New Zealand have traditionally banned soliciting, brothel-keeping, living on the earnings of sex work, and other activities associated with commercial sex. These laws not only fail to prevent sex work, but can cause great harm to (mostly female) sex workers and marginalise them as second-class citizens (see Amnesty International, 2016a, b, c).

In 2003, Aotearoa/New Zealand decriminalised sex work with the passage of the Prostitution Reform Act 2003 (PRA). The purpose of the PRA is:

To decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that-

- (a) Safeguards the human rights of sex workers and protects them from exploitation;
- (b) Promotes the welfare and occupational health and safety of sex workers;
- (c) Is conducive to public health;
- (d) Prohibits the use in prostitution of persons under 18 years of age;
- (e) Implements certain other related reforms.

(PRA 2003, s. 3)

This paper aims to outline the rights that sex workers have in Aotearoa/New Zealand, which are not available to them in other worldwide jurisdictions. Jurisdictions seeking to enhance justice and rights for sex workers can look to the PRA and its application by New Zealand’s judiciary as a useful guide when considering harm reduction and rights promotion in their own policies around sex work.

Sex work policy in the twenty-first century

In 2017, Swedish scholar Petra Östergren developed a typology which classified sex work policy as either repressive, restrictive or integrative (Östergren, 2017). These classifications are defined and discussed below.

Repressive – the traditional approach and the ‘Swedish model’

Repressive policies such as the traditional approach and the ‘Swedish model’ aim to eliminate sex work in its entirety from society (Östergren, 2017, p. 13). The ‘Swedish model’ is the term commonly given to Sweden’s introduction of a legal ban on the purchase of sex in 1999 – a ‘flip’ on the traditional ban on soliciting. This political move reflects the thinking of abolitionist radical feminists such as Andrea Dworkin, Sheila Jeffreys, Catherine MacKinnon and Janice Raymond, who have perceived sex work as the ultimate exertion of male dominance over women (Dworkin, 1983; Jeffreys, 1997; MacKinnon, 2006; Raymond, 2013). From this perspective, sex work is seen as inherently problematic and exploitative, sex workers’ agency is questioned, and reasons for entering the sex industry are seen as related to systemic sexism (MacKinnon, 2006; Jeffreys, 1997).

Much like the traditional approach, the aim of the Swedish model is to eradicate sex work (Wallace, 2011). Subsequent research into the impact of the Swedish model in Sweden and other countries which have adopted this model highlight negative consequences for sex workers and the need for reform (Levy, 2015; see also Schmidt, this issue, for an in-depth discussion). Despite this, the approach has been adopted by Norway, Finland, Iceland, Northern Ireland, and France, and is currently being considered by the jurisdiction of England and Wales, and by Scotland.

Restrictive – legalisation/regulation

There is often confusion between New Zealand’s decriminalisation model and the ‘legalisation’ or regulatory approach taken by countries such as Bangladesh, Austria, Germany, the Netherlands, Switzerland, and some Australian states. Legalisation approaches fall into Östergren’s ‘restrictive’ policy type, based on the premise that sex work is ‘bad’, but cannot be eradicated (Östergren, 2017, p. 14). Degrees of regulation vary under legalisation models, but such policies tend to include restrictive measures such as licensing (Queensland, Australia), mandatory sexual health screenings (Victoria, Australia) and police registration (Northern Territories, Australia). Those not working within such restrictions are therefore working illegally, which creates a two-tier legal system.

The primary issue with legalisation is that it still treats sex work as a morally undesirable phenomenon that needs to be controlled (Östergren, 2017). This leads to many of the same human rights breaches as occur under repressive, criminalisation regimes. Such rights breaches include interference with the right to health, the right to privacy, the right to work, the right to safety, and the right not to be subjected to discrimination.

Integrative – decriminalisation or the ‘New Zealand model’

Under a decriminalisation framework, sex work is treated like any other work, meaning that sex workers are eligible to receive all the rights and protections that other workers are entitled

to, including the protection of privacy laws, criminal laws, and human rights laws. The shift to this model initially raised concerns that there could be an increase in numbers of sex workers, or in sex trafficking, within Aotearoa/New Zealand. No increases in the number of sex workers were observed in the first few years after decriminalisation (Abel, Fitzgerald & Brunton, 2007), nor were there any reported cases of human trafficking within sex work (Glazebrook, 2010; Roguski, 2013; Immigration New Zealand, 2017).

Aotearoa/New Zealand's decriminalisation model has increased in popularity with international organisations. Amnesty International, the World Health Organisation, the United Nations (including the United Nations Development Programme, the United Nations Population Fund and UNAIDS), and the South African Gender Equality Commission all publicly support this approach because of the positive outcomes evident in Aotearoa/New Zealand. Despite this, it remains the case that only Aotearoa/New Zealand and one state in Australia (New South Wales) have adopted this decriminalisation approach.

The judiciary in action: Case law examples of the PRA being applied to protect sex worker rights

One of the purposes of the PRA is to safeguard the human rights of sex workers. It has been argued that this has been achieved in Aotearoa/New Zealand (Abel, 2017). Some of the rights that are protected in Aotearoa/New Zealand, but are not available to sex workers in other countries, include the right not to be subjected to discrimination, the right to safety, the right to respect for private and family life, the right to work, and the right to health. These are outlined below with reference to specific Aotearoa/New Zealand legal cases.

The right not to be subjected to discrimination

The right not to be subjected to discrimination is protected at an international level by various international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW). In Aotearoa/New Zealand, section 62 of the Human Rights Act 1993 extends this right to cover sexual harassment.

In a review of *Paid for: My journey through prostitution*, by Rachel Moran, Susan McKay claimed that 'You cannot call [sex work] a profession that can be regulated like any other' because, for example, how 'would you begin to apply guidelines on sexual harassment?' (McKay, 2013). However, a New Zealand Human Rights Tribunal achieved this in a 2014 decision, *DML v Montgomery*.

The plaintiff in *DML* was engaged as a sex worker at the defendant's brothel premises from October 2009 to June 2010. From about March 2010 to June 2010, she alleged that the brothel operator 'subjected her to sexual harassment by the use of language of a sexual nature'. These comments impacted the plaintiff's ability to eat and sleep, and made her feel 'on edge' and depressed. Eventually she was unable to continue working there.

The Human Rights Tribunal held (at paragraph 105) that 'even in a brothel, language with a sexual dimension can be used inappropriately in suggestive, oppressive or abusive circumstances'. The Tribunal also held (at paragraph 111) that to deny the right not to be subjected to sexual harassment to sex workers would be to deny them 'the protection of the Human Rights Act'. To recognise the breach of the plaintiff's rights, the defendant was ordered to pay the sex worker the sum of NZD\$25,000. Other orders were made to prohibit the defendant from engaging in further behaviour in breach of section 62 of the Human Rights Act,

including ordering him to complete training to ensure that he understood these obligations, ‘to assist or enable them [sic] to comply with the provisions’ of the Human Rights Act. This case demonstrates that if brothel owners do attempt to harass sex workers, human rights legislation can be applied alongside decriminalisation legislation to prevent or stop this and other exploitative and coercive measures occurring.

Other legislation which protects the occupational health and safety of sex workers in Aotearoa/New Zealand includes the Health and Safety at Work Act 2015, the Sale and Supply of Alcohol Act 2012, the Employment Relations Act 2000, the Privacy Act 1993, and the Crimes Act 1961.

The right to safety

Sex work can be a dangerous occupation, particularly street-based sex work, which by its nature renders sex workers vulnerable to higher rates of violence, abuse and stigma (Sanders & Campbell, 2007; Weitzer, 2009; Williamson & Folaron, 2001). Repressive policy approaches exacerbate the dangers that sex workers are subject to, through including measures such as making brothel-keeping illegal (which makes it illegal to work with other sex workers) and discouraging engagement with the police. The safety of sex workers in Aotearoa/New Zealand is protected by the PRA, which enables police to regularly work with organisations such as the New Zealand Prostitutes’ Collective (NZPC) to promote the safety and well-being of sex workers (Armstrong, 2016).

The Aotearoa/New Zealand judiciary takes sex workers’ right to safety seriously, deeming their vulnerability an aggravating factor in crimes committed against them. In the decision of *R v Daly* (2014), the defendant appeared for sentencing on a charge of male assaults female for assaulting a sex worker during a transaction. When sentencing the defendant to imprisonment, Justice Dunningham noted (at paragraph 31) that:

I ... accept that the complainant was in a position of vulnerability. A prostitute does place herself in a position where she must trust her client not to take advantage of the circumstances by harming or taking advantage of her. Your actions that morning were a significant abuse of that trust.

This demonstrates a ‘zero-tolerance’ approach by the Aotearoa/New Zealand courts towards violence towards sex workers. This can be compared with the Australian state of Victoria, where until 2014, the judicial guide to sentencing provided for *lighter* sentences where the victim was a sex worker, because ‘the prostitute’s experience may tend to reduce the weight commonly given in rape cases to the “reaction of revulsion” of the “chaste woman”’ (Lambert, 2016).

The right to respect for privacy and sexual autonomy

Most Western countries oppose the idea that consensual, private sex between adults should be subject to criminal sanctions. This has been reflected in the removal of bans on homosexual acts in most Western countries. Yet any ban on commercial sex criminalises consensual, private sex between adults – because of the monetary exchange or financial transaction that takes place.

Sex workers in Aotearoa/New Zealand have the right to say yes, and the right to say no, to sex. Proponents of repressive approaches often assert that with full decriminalisation, the right to assert sexual autonomy will be compromised, because ‘sex buyers...feel “entitled” to have whatever they ask for from the women they buy’ (Bindel, 2017, p. 146). The right to full sexual autonomy and agency at any time in Aotearoa/New Zealand is protected not only by the criminal law, in section 128 of the Crimes Act 1961, but also by section 17(1) of the PRA:

Despite anything in a contract for the provision of commercial sexual services, a person may, at any time, refuse to provide, or to continue to provide, a commercial sexual service to any other person.

In *NR v MR* (2014), an aggrieved client tried to argue that this section should be interpreted to read that a sex worker must complete a contract ‘with reasonable care and skill’ under section 28 of the Consumer Guarantees Act 1993 (CGA). Justice Andrews confirmed (at paragraph 121) that section 17 trumps any CGA obligations:

A person who has contracted to provide commercial sexual services but refuses to supply such services under [section] 17 Prostitution Reform Act 2003 cannot be said to have breached [section] 28 [CGA] when those services are not provided.

The decision shows that the right to autonomy can co-exist with contract law, rather than being subsumed by it.

For the right to sexual autonomy to have any meaning, it must be based on full and free consent. This includes being legally old enough to give consent. Although the usual age of consent to sexual relations in Aotearoa/New Zealand is 16 years, the minimum age of consent to engage in sex work is 18 years. This is enshrined in sections 20, 21 and 22 of the PRA.

In *Booten v Police* (2008), the appellant was charged with engaging in commercial sex with three different complainants. All three were 17 years of age at the time. In relation to one complainant, the appellant attempted to argue that he could not be found guilty of receiving sexual services from a person under 18 years of age, under section 22 of the PRA, because he thought that she was 18 at the time.

In rejecting this argument (at paragraph 19), Justice Panckhurst adopted a previous decision’s analysis:

Legislation would be ineffective in protecting those under 18 years of age from exploitation by others, and from their own decision to participate in prostitution, if there had to be proof of knowledge of age on the part of those who employed or engaged such prostitutes. The stated belief in age would be an easy refuge which, except in the clearest of cases or where no inquiry had been made at all, would be unassailable.

Such a ruling means that a defendant cannot hide behind the argument that they did not know a victim was under 18, and the onus is on them to check the age. This approach was upheld by the Court of Appeal in *Stevenson v R* (2012), which means that it is binding under common law principles in Aotearoa/New Zealand.

The right to work

Sex workers in Aotearoa/New Zealand can work alone, from a Small Owner-Operator Brothel (SOOB) or from larger commercial premises. In short, they can work in whatever environment they are most comfortable in.

Sex workers’ right to work was discussed and upheld by the High Court in *Willowford Family Trust v Christchurch City Council* (2011). Shortly after the passing of the PRA, the Christchurch City Council passed a bylaw restricting the location of brothels to the central business district.¹ This decision was challenged by the applicants in *Willowford Family Trust v Christchurch City Council*, on the grounds that it unlawfully interfered with the right of sex workers to work.

The court held (at paragraph 94) that the by-law did ‘prohibit sex workers ‘from plying their trade in a substantial and important portion of the city no question of any apprehended nuisance being raised’², and thus concluded that the location aspect of the bylaw was invalid. This decision shows that judicial review can be used to challenge local body decisions which impact

upon the human rights of sex workers, such as the right to work, and the right to do so from an environment in which they feel comfortable (such as the street, if that is their preference).

The right to health

The right to health includes the right to sexual health. Current World Health Organisation (WHO) discussions around sexual health utilise a working definition which describes sexual health as including the right to have ‘safe sexual experiences, free of coercion, discrimination and violence’ (WHO, 2006). Four cases – *DML v Montgomery*, *NR v MR*, *R v Daly* and *Booten v Police* – all show how the Aotearoa/New Zealand courts operate to enhance this right to health, alongside other measures such as full and free access to safe sex products and sexual health services. Sex workers can access products such as condoms and services such as sexual health checks from the New Zealand Prostitutes’ Collective, Family Planning and various sexual health clinics around the country.

Conclusion

As the twenty-first century has advanced, political discourse around sex work has started to overlap with a human rights discourse that became prevalent during the twentieth century. The traditional approach of criminalising sex workers is no longer deemed acceptable or useful by many Western nations, but the most suitable alternative is still somewhat contentious. Repressive models cling steadfastly to the notion that there is no place for sex work in modern society; restrictive models treat it as a necessary evil; and integrative approaches seek to ensure that sex workers are equal to workers in other industries.

While the 2003 law reform made it possible for sex workers to envisage equality with other workers in Aotearoa/New Zealand, it has taken judicial application of the PRA to give it concrete meaning. Stigma and discrimination remain significant barriers to accessing justice. The Human Rights Tribunal, the High Court, the criminal courts, and judicial review have all demonstrated the ease with which an integrative approach can be applied, and the corresponding rights which can be upheld.

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Notes

1 Christchurch City Brothels (Location and Signage) Bylaw 2004.

2 At [94], citing and quoting from *Municipal Corporation of City of Toronto v Virgo* [1896] AC 88 (PC).

References

- Abel, G. (2017). ‘In search of a free and fair society: The regulation of sex work in New Zealand’. In Ward, E. & Wylie, G. (Eds), *Feminism, prostitution and the state: The politics of neo-abolitionism* (pp. 140-154). London, UK: Routledge.
- Abel, G., Fitzgerald, L. & Brunton, C. (2007). *The impact of the Prostitution Reform Act on the health and safety practices of sex workers: Report to the Prostitution Law Reform Committee*. Christchurch, NZ: University of Otago. Available from: <http://www.otago.ac.nz/christchurch/otago018607.pdf>

- Amnesty International. (2016a). *Amnesty International's policy on state obligations to respect, protect and fulfil the human rights of sex workers*, 26 May. Accessed 14 June 2017 from: <https://www.amnesty.org/en/documents/pol30/4062/2016/en/>
- Amnesty International. (2016b). *Explanatory note on Amnesty International's policy on state obligations to respect, protect and fulfil the human rights of sex workers*, 26 May. Accessed 14 June 2017 from: <https://frantic.s3.amazonaws.com/amnesty-fi/2016/05/Taustatiotoa-Amnestyn-seksity%C3%B6kantaan.pdf>
- Amnesty International. (2016c). *The human cost of 'crushing' the market: Criminalisation of sex work in Norway*, 26 May 2016. Accessed 14 June 2017 from: <https://www.amnesty.org/en/documents/eur36/4034/2016/en/>
- Armstrong, L. (2016). From law enforcement to protection? Interactions between sex workers and police in a decriminalised street-based sex industry. *British Journal of Criminology*, 56, 1–19. Available from: <http://dx.doi.org/10.1093/bjc/azw019>
- Benoit, C., and Millar, A. (2001). *Dispelling myths and understanding realities: Working conditions, health status and existing experiences of sex workers*. Victoria, BC: The Michael Smith Foundation for Health Research.
- Bindel, J. (2017). *The pimping of prostitution: Abolishing the sex work myth*. London, UK: Palgrave MacMillan.
- Canadian Government. (1985). *Criminal Code*, Ottawa, CA. Available from: <http://laws-lois.justice.gc.ca/eng/acts/C-46/>
- Christchurch City Council. (2004). Christchurch City Brothels (Location and Signage) Bylaw.
- Commission for Gender Equality (2013). *Decriminalising sex work in South Africa: Official position of the Commission for Gender Equality*. Accessed 15 June 2017 from: http://www.gov.za/sites/www.gov.za/files/Commission%20for%20gender%20equality%20on%20sex%20work_a.pdf
- Davies, N. (2009). 'Inquiry fails to find single trafficker who forced anybody into prostitution.' *The Guardian*, 19 October 2009. Accessed 15 June 2017 from: <https://www.theguardian.com/uk/2009/oct/20/government-trafficking-enquiry-fails>
- Dworkin, A. (1983). *Right-wing women: The politics of domesticated females*. London, UK: The Women's Press.
- Gee, N. (2013). 'Selling sex doesn't make you an unfit parent.' *The Local.se*, 23 July 2013. Accessed 15 June 2017 from: <https://www.thelocal.se/20130723/49220>
- Glazebrook J. S. (2010). 'Human trafficking and New Zealand.' Keynote address to New Zealand Women Judges Association, 13 August. Accessed 15 June 2017 from: <https://www.courtsofnz.govt.nz/speechpapers/NZ%20trafficking%20Paper%20.../file>
- Icelandic Government. (1940). *General Penal Code 1940*. Reykjavik, IS: Icelandic Government. Available from: <https://eng.innanrikisraduneyti.is/laws-and-regulations/nr/1145>
- Immigration New Zealand. (2017). 'The Role of International Labour Standards in combatting human trafficking and slavery.' Paper presented at Tip of the Iceberg Conference on Trafficking, Wellington, NZ, July. Proceedings available at <http://movementonline.org.nz/wp-content/uploads/2017/09/Tip-of-the-Iceberg-conference-report-2017.pdf>
- Jeffreys, S. (1997). *The idea of prostitution*. Sydney, Australia: Spinifex Press.
- Lambert, O. (2016). 'Victorian Sentencing Manual update takes rape of sex workers more seriously.' *Victoria News*, 24 October. Accessed 27 October 2017 from: <http://www.news.com.au/national/victoria/news/victorian-sentencing-manual-update-takes-rape-of-sex-workers-more-seriously/news-story/eacb5b1f10cbc0cc7126c2797b989779>
- Levy, J. (2015). *Criminalising the purchase of sex: Lessons from Sweden*. London, UK: Routledge.
- Lyon, W. (2014). Client criminalisation and sex workers' right to health. *Hibernian Law Journal* 13, 58-97.
- McKay, S. (2013). 'Paid for: My journey through prostitution, by Rachel Moran', book review, *Irish Times*, 17 October 2013. Accessed 15 June 2017 from: <http://www.irishtimes.com/culture/books/paid-for-my-journey-through-prostitution-by-rachel-moran-1.1387361>
- Mackinnon, C. (2006). *Are women human? And other international dialogues*. Cambridge, MA: Harvard University Press.
- Murphy, C. (2015). 'Sex workers' rights are human rights', Amnesty International website, 14 August. Accessed 1 September 2017 from: <https://www.amnesty.org/en/latest/news/2015/08/sex-workers-rights-are-human-rights/>
- Norwegian Government. (1902). *General Civil Penal Code Act of 22 May 1902*, Oslo, NO: Norwegian Government. Available from: <http://app.uio.no/ub/ujur/oversatte-lover/data/lov-19020522-010-eng.pdf>
- Östergren, P. (2017). *From zero tolerance to full integration: Rethinking prostitution policies*. DemandAT Working Paper No 10. Accessed 10 September at: http://www.academia.edu/34014989/From_Zero-Tolerance_to_Full_Integration_Rethinking_Prostitution_Policies
- Raymond, J. (2013). *Not a choice, not a job: Exposing the myths about prostitution and the global sex trade*. Lincoln, NE: Potomac Books.

- Roguski, M. (2013). *Occupational health and safety of migrant sex workers in New Zealand*. Wellington, NZ: New Zealand Prostitutes' Collective/Kaitiaki Research. Available from: <http://www.communityresearch.org.nz/wp-content/uploads/formidable/Roguski-2013-OSH-of-migrant-sex-workers-in-NZ.pdf>
- Swedish Government. (1962). *Penal Code*. Stockholm, SE: Government of Sweden. Available from: <http://www.government.se/contentassets/5315d27076c942019828d6c36521696e/swedish-penal-code.pdf>
- United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination against Women*. GA Res 34/180, opened for signature 18 December 1979, entered into force 3 September 1981. Available from: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
- United Nations Development Fund. (2012). *Sex work and the law in Asia and the Pacific*. Accessed 15 June 2017 from: <http://www.undp.org/content/dam/undp/library/hiv/aids/English/HIV-2012-SexWorkAndLaw.pdf>
- Wallace, B. (2011). *The ban on purchasing sex in Sweden: The so-called 'Swedish model'*. Brisbane, QLD: Prostitution Licensing Authority. Accessed 10 September 2017 from: <http://www.pla.qld.gov.au/Resources/PLA/reportsPublications/documents/THE%20BAN%20ON%20PURCHASING%20SEX%20IN%20SWEDEN%20-%20THE%20SWEDISH%20MODEL.pdf>
- World Health Organisation. (2006). *Sexual and reproductive health: Defining sexual health*. Accessed 10 September 2017 from: http://www.who.int/reproductivehealth/topics/sexual_health/sh_definitions/en/
- World Health Organisation. (2013). *Implementing comprehensive HIV/STI programmes with sex workers*. Accessed 14 June 2017 from: http://www.who.int/hiv/pub/sti/sex_worker_implementation/en/

Primary documents

Acts of Parliament

- Crimes Act 1961 <http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html>
- Human Rights Act 1993 <http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html>
- Privacy Act 1993 <http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html>
- Employment Relations Act 2000 <http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html>
- Prostitution Reform Act 2003 <http://www.legislation.govt.nz/act/public/2003/0028/latest/DLM197815.html>
- Sale and Supply of Alcohol Act 2012 <http://www.legislation.govt.nz/act/public/2012/0120/latest/DLM3339333.html>
- Health and Safety at Work Act 2015 <http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html>

Case Law

New Zealand

- Booten v Police* High Court, Christchurch, 27/8/2008, CRI-2008-409-78, Panckhurst J
- DML v Montgomery* [2014] NZHRRT 6. Available from: <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZHRRT/2014/6.html>
- NR v MR* [2012] NZHC 2859. Available from: <http://www.nzlii.org/nz/cases/NZHC/2012/2859.html>
- R v Daly* [2014] NZHC 1922. Available from: <http://www.nzlii.org/nz/cases/NZHC/2014/1922.html>
- Stevenson v R* [2012] NZCA 189. Available from: <http://www.nzlii.org/nz/cases/NZCA/2012/189.html>
- Willowford Family Trust v Christchurch City Council* [2011] NZAR 209. Available from: <http://www.lawreports.nz/willowford-family-trust-v-christchurch-city-council-2006-1-nzlr-791/>

Canada

- Canada (AG) v Bedford* 2013 SCC 72. Available from: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13389/index.do>