

Full digital course outlines are available at <https://courseoutline.auckland.ac.nz/dco>

Course	Short Description	Lecturer
Semester I Intensive Courses		
LAW 700 Legal Research Methodology and Advanced Writing (0 points)	The course is designed to provide students with up to date research and academic writing skills. The different components of the legal research and writing process including initial analysis, research ethics, writing style and writing a legal research essay are canvassed in this course. New students are provided with information about the Davis Law Library, its collections and resources and legal data base training .	Maude Loutsch & Marilena Pouliasi
LAWENVIR 723 Climate Change Law (30 points)	<p>Climate change, a global and accumulative challenge of unprecedented scope and scale, requires by its very nature multilateral cooperation for an effective solution. This course will critically analyse the existing international legal, policy and institutional framework under the United Nations Framework Convention on Climate Change and the Paris Agreement, as well as its interaction with national law.</p> <p>The course will first provide an overview over the scientific basis and ethical challenges of climate change. Against this background, students will learn about the sources, rules, structures and institutions of international climate change law and its opportunities as well as shortcomings.</p> <p>This course will further analyse the principles of common but differentiated responsibilities and respective capabilities, sustainable development, precautionary principle, cost-effectiveness, sovereignty and jurisdiction. Students will learn about implementation, enforcement and non-compliance procedures, legal issues related to emissions trading and the carbon market, the relationship between climate change and human rights, state responsibility for climate losses and damages, and the relationship between international trade rules and climate and renewable energy measures. The course will also contain a component on New Zealand Climate law as well as on the linkage between climate change and refugee protection, peace and security.</p> <p>During the course, examples will be used from international and domestic case law on climate change.</p>	Christina Voigt
LAWPUBL 758 ST: International Disarmament Law (30 points)	<p>This subject examines the progress towards disarmament, a fundamental pillar of the UN Charter order said to underpin the peaceful settlement of disputes and the avoidance of military conflict. Throughout the UN Charter era the scope, definition, and goals of disarmament have been the subject of perpetual struggle with a range of relevant actors – including states, international organisations, companies, and ‘civil society’ groups – influencing the process and ambitions of weapons regulation and disarmament.</p> <p>Yet despite this wide range of diverse actors, legal doctrine and orthodox accounts continue to focus attention on inter-state initiatives and, in particular, ‘great power’ actions. This subject offers a broader analysis, taking a theoretically and historically engaged approach to assessing the development and prospects of progress towards disarmament. It will equip students with the necessary legal, historical and analytical tools to reflect critically on the issues of disarmament which pose an existential threat to life on Earth and which cut across multiple other areas of legal study and global concern (including the environment, global public health, race and inequality).</p>	Charlie Peevers

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LAWPUBL 736 Human Rights Litigation (30 points)	<p>The course focuses on human rights and the way in which human rights claims are litigated and resolved by courts in New Zealand, which has an ordinary statute bill of rights, and in countries with constitutional bills of rights such as Canada and the United States.</p> <p>We will address the nature of the judicial function – the role played by courts in the constitutional order. We will give in-depth consideration to how cases are argued, discussing arguments submitted in actual cases and considering various argument strategies, including the role played by intervening parties.</p> <p>We will also consider how courts go about the task of adjudicating human rights documents. We will review the leading interpretation</p>	Grant Huscroft
COMLAW 740AB Tax Base (30 points)	<p>An advanced study of the breadth of the New Zealand income tax base, including the different concepts of income, its timing and recognition. Comparisons between the nature of capital and income, and the differing treatment of each, provides a deeper understanding of the policy behind the New Zealand income tax regime. Provides a theoretical background and detailed technical knowledge of the scope and application of the most significant regimes for income, deduction and timing in the Income Tax Act 2007. Involves individual research resulting in a substantial individual research essay.</p> <p>This is a double semester course (i.e., Teaching is from Semester One to Semester Two).</p>	Craig Elliffe
LAWGENRL 715 ST: Comparative Crime (30 points)	<p>Comparative criminal law offers a chance to engage with criminal law theory, doctrine and practice from common law and civilian legal systems, to better understand the role of criminal law in modern societies. The course does not have formal precursors, though having studied criminal law would make it a lot simpler to start out on. The course explores criminal law in England and Wales, France, and Germany, as counterpoints to criminal law in New Zealand. No foreign languages are required, as the relevant materials are made available in English. For substance, the course considers examples from the general part, such as the construction of criminal liability and complicity, and the special part, such as homicide offences and sexual offences. It also contains work on the outer limits of criminal law, compared to other areas of law, like tort law, regulatory rules and public law. The course considers how morality, principles, values and doctrine are weighed and embedded in different legal systems, and the roles of different legal actors in bringing into force the criminal law.</p>	Matthew Dyson
LAWGENRL 714 ST: Restorative and Therapeutic Justice* (30 points)	<p>Restorative justice has been advanced within criminal justice as an alternative way of defining and responding to crime in which those most affected by an offence – the victim, the offender, and the community – come together to work out how to repair the harm caused and deal with the aftermath of the offending. As such, it is an approach to justice that can be distinguished in many ways from the traditional responses to crime – retributive and rehabilitative. Through examining legal rules, legal procedures and the role of legal actors, therapeutic justice views the law as a healing agent and seeks to reshape the use of the law to minimise anti-therapeutic consequences and promote therapeutic consequences. In recent years, Aotearoa has expanded the use of specialist courts underpinned by therapeutic justice values. The course content focuses on the criminal justice system in Aotearoa, with discussion of overseas examples where appropriate. The course adopts a discussion-based approach to learning. The course content is taught intensively over five days in semester one.</p>	Katherine Doolin

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Semester I Intensive Courses		
LAWCOMM 775AB International Tax Law* (30 points)	An advanced study of New Zealand's international tax regime. The course covers the test of residence for individuals and corporates, and the wider tax base for off-shore income of New Zealand residents. It also covers the taxation of income derived by overseas residents from New Zealand activities and the application of the Double Tax Conventions to various sources of income and transactions. The course also addresses the selecting of country of residence in the form of treaty shopping, antiavoidance measures directed at transaction activity and the use of tax havens. This is a double semester course (i.e., Teaching is from Semester One to Semester Two).	Craig Elliffe
LAWCOMM 730 ST: Regulation of International Trade* (30 points)	This course is designed to provide students with an applied understanding of the law of the World Trade Organization as it operates in real-world social and political context. While developing a sophisticated understanding of the historical and theoretical fundamentals of WTO law and dispute settlement, students also continually reflect upon the relationship between WTO rules and other values, such as environmental protection and human rights.	Chris Noonan
LAWGENRL 730 ST: Psychiatry and the Law (15 points)	This course addresses the formal relationship between psychiatry and the law. It covers topics relating to mental health and the law, including: insanity and related defences, competency, committal, the legal processes affecting compulsory assessment and treatment, forensic evaluations in family court, regulation of sex offenders, sentencing mitigation, access to psychiatric experts, addiction, alternate dispositions, and the relevance of neuroscience evidence to criminal adjudication. It focuses on the major psychoses and the psychiatric concepts of psychopathy, as well as substance-abuse issues and developmental disability. It explores the use of mental-health experts in litigation involving mental disability, competency to stand trial, pretrial detention, care of children determinations, and the involuntary administration of antipsychotic medication, including the propriety of psychiatric predictions of violent behaviour and the significance of risk-assessment instruments.	Carrie Leonetti
LAWCOMM 788 ST: Current Issues in Tax (15 points)	This course looks at the most important current issues in international and New Zealand taxation. For example, we will explore the trend in progressivity and the taxation of wealth. We will also look at international trends in taxation e.g. in the case of corporate income taxes, towards the place of destination or market place rather than the place of origin or manufacture. In addition to these "big picture" issues, we will explore contemporary issues affecting particular regimes, such as the taxation of different entities (charities, mutual authorities, look-through vehicles, et cetera).	Matthew Andrew and Craig Elliffe
LAWPUBL 746 ST: Comparative Health Law and Policy	Our health shapes our lives, our opportunities, and our communities. How nations provide healthcare can enhance or hinder nearly all other aspects of society – including the economy, employment, education, the environment, and civil rights. Law and policy are integral to the development of healthcare systems, but their use can both promote and hinder improvements in health outcomes. This 3-day intensive course aims to enable students to reflect critically on the development and coordination of domestic health systems and the use of law and policy to shape and reform those systems. More broadly the course covers a range of issues of significance to domestic health systems, including access to affordable health care, public health preparedness, health equity, climate change, the balance of individual rights with state power, and the obligations of nations to their citizens in times of crisis.	Jaime King

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Semester I Intensive Courses		
LAWCOMM 780 Corporation and Investor Tax (15 points)	An advanced study of New Zealand's international tax regime. The course covers the test of residence for individuals and corporates, and the wider tax base for off-shore income of New Zealand residents. It also covers the taxation of income derived by overseas residents from New Zealand activities and the application of the Double Tax Conventions to various sources of income and transactions. The course also addresses the selecting of country of residence in the form of treaty shopping, anti-avoidance measures directed at transaction activity and the use of tax havens.	PWC
LAWCOMM 731 ST: Commercial Law in Asia (30 points)	<p>This subject provides students with an opportunity to critically examine commercial law in an Asian context. Although parallels can be drawn between Asian jurisdictions in terms of their economic and legal development, their commercial law systems are too diverse to be treated uniformly. Instead, the principal objective of this course is to cultivate a set of analytical toolkits for understanding and evaluating commercial law in Asia. This is achieved through focused analysis of selected legal and practical issues from comparative and economic perspectives.</p> <p>In order to facilitate comparative analysis both across and within the common law and civil law traditions, this subject will focus on commercial law in the four jurisdictions of China, Hong Kong, Singapore and Taiwan. Basic economic principles will be introduced and utilized to evaluate the efficacy of the respective legal rules, while comparative methodology will be employed to provide contextual appreciation of the socio-economic factors driving legal development. Covered topics will include contract, business associations, corporate finance, and taxation. The subject will be of interest to those interested in doing business in Asia.</p>	Jianlin Chen
Full and Part Semester I Courses		
LAW 701 The Legal System: Sources, Structures and Method (30 points)	Examination of the core substantive components of the New Zealand legal system, in comparison with other municipal legal systems and international law. Analysis of the sources of New Zealand law, including statute, case law and custom, and the influence of international law. Legal methodology in theory and practice, including: judicial reasoning and the doctrine of precedent, techniques of statutory interpretation, and the resolution of disputes. Different modes of legal analysis and approaches to legal theory.	TBC
LAWGENRL 713 ST: Selected Issues on Family Law (30 points)	A selection of topics designed to consolidate and advance understanding of the theory and practice of family law. The topics covered will vary according to current legal developments, but are likely to include: law relating to cohabitation and marriage, the establishment of parenthood, and the relationship between parent and child, as well as the interrelationship between the state, the family and child protection and support and the financial and property implications of family breakup including state support for families. How the law allocates duties, rights and responsibilities in families, including extended family and whanau as well as how power in relationships is restrained will also be foci for the course.	Mark Henaghan
LAWCOMM 772 Intellectual Property and Practice (15 points)	This course is designed for those with little or no background knowledge in intellectual property law. The course provides a general outline of intellectual property law in the context of the New Zealand and Australian legal systems, including the impact of Te Tiriti of Waitangi on the protection of knowledge and culture. The course also covers the duties and ethical responsibilities of trade mark and patent attorneys. The course is intended to provide an introduction to the main intellectual property laws encountered in practice and to provide a foundation for further specialised study into particular areas of intellectual property law.	Rob Batty and Ian Finch (James & Wells)

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Full and Part Semester I Courses		
LAWCOMM 793 Patent Law (15 points)	This course is about Australian and New Zealand law relating to the protection of innovative ideas and inventions. The primary focus is therefore on the statutory rules and case law that relate to the Patents Act 1990 (Cth) and the Patents Act 2013 (NZ). The course addresses the creation, exploitation, enforcement and loss of patent rights under such legislation. However, before addressing patent legislation, the course deals with the protection of innovative ideas and inventions via contract and the equitable breach of confidence action.	Jane Glover, Laura Carter and Nora Croft
LAWPUBL 741 ST: International Peace and Security (30 points)	Drawing on critical, postcolonial, and feminist scholarship, this course provides a detailed analysis of the contemporary international legal framework relating to international peace and security. From the current war in Ukraine to the long-standing dispute regarding Iran's alleged nuclear weapons programme, matters of international peace and security are never far from the headlines. This course has two related aims. First, to provide students with a thorough understanding of the international legal frameworks within which these disputes sit, including an appreciation of how and why the governing legal rules developed historically. The second aim, drawing on a range of critical, postcolonial, and feminist scholars, is to provide students the opportunity to develop nuanced and critical understandings of the theory and practice of the law of international peace and security. The course will achieve these aims by interrogating a series of contemporary and historical case studies to gain deeper understandings beyond media soundbites and headlines. The course will start with a brief overview of the international legal system and an introductory/background reading list will be provided.	Treaa Dunworth
LAWCOMM 796 Trade Marks and Related Rights* (15 points)	This course provides a detailed examination of the Australian and New Zealand laws that govern the protection of commercial symbols and indicia. A significant part of the course is devoted to the protection of registered trade marks under the Australian Trade Marks Act 1995 and New Zealand's Trade Marks Act 2002. The course also covers various other methods of protecting unregistered or unregistrable trade marks or commercial symbols and indicia, including the law of passing off, consumer protection legislation, special events legislation, domain name protection and the protection of geographical indications.	Alexandra Allen-Franks
Semester II Intensive Courses		
LAW 700 Legal Research Methodology and Advanced Writing (0 points)	The course is designed to provide students with up to date research and academic writing skills. The different components of the legal research and writing process including initial analysis, research ethics, writing style and writing a legal research essay are canvassed in this course. New students are provided with information about the Davis Law Library, its collections and resources and legal data base training.	Maude Loutsch & Marilena Pouliasi

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Semester II Intensive Courses		
LAWCOMM 737 ST: Theories of Company Law (30 points)	<p>“To someone with a hammer, every problem is a nail.” Corporate law theory tends to swirl around the same ideas over and over again. This course explores these ideas, and examines core arguments for and against some of these main ideas. To do so, it will play around with argumentation structures that are deployed within corporate law. We start by exploring the economic concept of the firm, and connecting this to a contractarian view of the firm. We then explore two alternative argumentation structures: real entity theory in corporate law, and corporate concession theory. These provide alternative paradigms through which to explore corporate law. We will explore ways to view key aspects of modern corporate law – the company’s separate legal personality, limited liability, the corporate purpose, shareholder/director dynamics and interactions between the company and third parties – through these various lenses. The course will then re-examine the theories raised: and explore how to argue against each theory, and explore how to tell whether any particular theory is determinative. The course content is taught intensively over five days, and the final essay will provide flexibility to argue for and against different theories in different contexts.</p>	Jonathan Hardman
LAWCOMM 724 Mergers and Acquisitions (30 points)	<p>Mergers and acquisitions (M&A) have become ubiquitous in the corporate world. Whether in times of a boom in the economy or a financial crisis, M&A activity continues to exist. Only the frequency, size and nature of transactions may vary depending on market conditions. The course will begin with an evaluation of the business rationale for M&A and a discussion of the various types of transactions and related terminology. The regulatory issues surrounding these transactions will be analysed through examination of the applicable laws and regulations. The course will approach topics from a comparative perspective and explore legal trends in the leading jurisdictions of the United Kingdom and the United States, along with a few other jurisdictions within the Commonwealth. While corporate and securities law issues form the thrust, incidental reference will be made to accounting, tax and competition law considerations. Finally, the transactional perspective will consider various matters pertaining to deal-making, including key transaction documentation, due diligence and valuation.</p>	Umakanth Varottil
LAWCOMM 779 ST: Asia Pacific Tax (15 points)	<p>This course offers an advanced study of certain aspects of Asia Pacific Taxation. Specifically, this course will provide a solid grounding in how Multi-national Enterprises (MNEs) structure business models from an operational and tax perspective in Asia (covering relevant core Asia wide business and tax topics, while providing the practical experience to apply the knowledge to real-life cases).</p>	Matt Andrew
LAWPUBL 754 ST: Comparative Human Rights Law (30 points)	<p>The course focuses on key issues in human rights law, and the way in which they are debated and resolved across the common law world. It also looks at the law on human rights decided in the international tribunals (particularly the European Court of Human Rights and the Human Rights Committee under the International Covenant on Civil and Political Rights).</p>	Paul Rishworth
LAWCOMM 783 Trade Mark Practice (15 points)	<p>This course is about the practical elements associated with filing, opposing, registering, maintaining, removing and enforcing trade marks under the Trade Marks Act 1995 (Cth) and Trade Marks Act 2002 (NZ) and relevant trade mark regulations. It is recommended that that the course is taken alongside LAWCOMM 796 – Trade Marks and Related Rights. As well as practical aspects of trade mark practice in Australia and New Zealand, the course will cover some key aspects of overseas trade mark regimes and key features of international systems for filing trade mark applications.</p>	Virginia Nichols and Earl Gray

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Semester II Intensive Courses		
LAWCOMM 767 ST: Transfer Pricing (15 points)	This course offers an advanced study of aspects of International Transfer Pricing. The course offers students a thorough analysis as to the workings of the Arm's Length Principal ("ALP"), as set by the OECD in its Transfer Pricing Guidelines (2017). The course will outline how multinationals set their cross border related party transfer prices for goods, services, interest, management fees and royalties. Accordingly, students will be provided a solid grounding in the foundations of transfer pricing method selection and application, as well as the governmental documentation requirements. New Zealand's specific domestic law transfer pricing provisions, transfer pricing guidelines and relevant Tax Treaty Articles will also be covered in this regard.	Matthew Andrew
LAWPUBL 744 ST: Freedom of Speech as Constitutional Principle (30 points)	Freedom of speech is a widely agreed upon principle in free democratic societies. But, at the same time, it is at the centre of fierce and wide-ranging disputes. In this course, we will examine the rationales for protection of freedom of speech and key controversies about freedom of speech. The course will examine the key ideas that animate freedom of speech as a legal principle. It will cover traditional arguments from truth, democracy, autonomy and mistrust of government as well as more modern versions relying on dignity and equality. It will also examine selected free speech controversies such as defamation law, electoral funding, racial and religious vilification, freedom of speech in universities and political protest. (The precise list will be finalised closer to the date of teaching). The course will be comparative. Jurisdictions of particular focus will be New Zealand, Australia, the United States, Canada, the United Kingdom and Germany.	Adrienne Stone
LAWCOMM 785 Patent Practice (15 points)	This course is about the practical elements associated with filing and prosecuting patent applications in New Zealand, Australia and internationally. The course also covers the various way in which patents can be challenged (before and after grant) and the law relating to the exploitation of granted patents. The course also addresses the law relating to the protection of plant varieties in New Zealand and Australia. It is recommended that this course is taken alongside LAWCOMM 793 – Patent Law.	Rob Batty and adjuncts
LAWENVIR 737 Global Environmental Law (30 points)	The course examines environmental law and governance from the international, regional and national levels. The global coverage includes international environmental law and draws on experiences from the EU, USA, Canada, South America, Australia and New Zealand highlighting environmental policy innovations from around the world. The topics include state sovereignty, the UN system, principles and sources of international environmental law, specific areas (climate, oceans, biodiversity) and emerging concepts such as rights of nature, ecological integrity, earth system law and earth trusteeship.	Klaus Bosselmann
LAWCOMM 747 ST: International Business Law (15 points)	This course introduces major components of the law impacting on cross-border business, especially from New Zealand, Australian and some Asian perspectives. It considers (i) market access for goods and foreign investment (under both domestic and international law, namely World Trade Organisation, free trade and investment agreements), (ii) international sales of goods (especially the UN Sales Convention, with some comparisons to the UNIDROIT Principles of International Commercial Contracts), and (iii) cross-border dispute resolution (WTO and investor-state dispute settlement, international commercial arbitration, mediation and litigation).	Luke Nottage

Course	Short Description	Lecturer
Full & Part Semester II Courses		
LAW 701 The Legal System: Sources, Structures and Method (30 points)	Examination of the core substantive components of the New Zealand legal system, in comparison with other municipal legal systems and international law. Analysis of the sources of New Zealand law, including statute, case law and custom, and the influence of international law. Legal methodology in theory and practice, including: judicial reasoning and the doctrine of precedent, techniques of statutory interpretation, and the resolution of disputes. Different modes of legal analysis and approaches to legal theory.	TBC
LAWCOMM 795 Copyright and Design* (15 points)	This course is about how Australia and New Zealand law can be utilised to protect product design. It examines the law of copyright, which in New Zealand is the primary mechanism that can be, and is, used to protect the design of products. The course also addresses the requirements and process for obtaining registered design protection in Australia and New Zealand, interrogates the nature and scope of such protection, and examines how both jurisdictions seek to deal with overlaps between copyright and design protection.	Joshua Yuvaraj and one session from Anton Blijlevens, AJ Park
LAWPUBL 779 ST: International Dispute Settlements (15 points)	This course introduces participants to a selection of international legal dispute settlement and compliance mechanisms drawn from the following: the International Court of Justice, the UN Convention on the Law of the Sea, international environmental law including the Paris Agreement on Climate Change, the World Trade Organization and trade disputes, international human rights complaints mechanisms, and international arbitration including investment arbitration. Themes pursued are expected to include debate on the purposes and functioning of these mechanisms; how they complement one another; their strengths and weaknesses and their contribution to addressing global issues of pressing importance. Previous study in public international law is recommended.	Caroline Foster
LAWPUBL 748 ST: South Pacific Legal Studies: Critical Issues (15 points)	The South Pacific region constitutes Pacific Island nations with distinct and diverse societies, cultures and legal systems. The course offers an advanced study of contemporary legal issues faced by nations in the region. Students will critically examine a range of legal issues; including customary law, constitutional law, human rights and climate change. Delivered through a talanoa based approach, the course offers students a nuanced understanding of important and current legal issues in the Pacific region.	Suliana Mone

*Course is co-badged with an Undergraduate LLB course

Enrolments will open on the 1st of November 2023. Please note courses offered, dates and times are subject to change.