



THE UNIVERSITY OF
AUCKLAND
Te Whare Wānanga o Tāmaki Makaurau
NEW ZEALAND

Auckland Law School

Course Descriptions 2019



Contents

2019 Academic Timetable	5
Course Descriptions	10
Compulsory Courses for LLB Part I	10
LAW 121G – Law and Society	10
LAW 131 – Legal Method	11
LAW 141 – Legal Foundations	11
Compulsory Courses for LLB Part II	12
LAW 201 – Criminal Law	12
LAW 211 – Public Law	13
LAW 231 – Law of Torts	14
LAW 241 – Law of Contract	15
LAW 298 – Legal Research, Writing and Communication	16
Compulsory Courses for LLB Part III	17
LAW 301 – Land Law	17
LAW 306 – Equity	18
LAW 316 – Jurisprudence	19
LAW 399 – Legal Research 2	20
Compulsory Requirements for LLB Part III and IV	21
LAW 498 – Advanced Legal Research, Writing and Communication	21
LAW 458 – Legal Ethics	22
Law Elective Courses for Part III and IV in 2019	23
LAWCOMM 402 – Company Law	23
LAWCOMM 403 – Tax Law	24
LAWCOMM 404 – Intellectual Property	25
LAWCOMM 420 – Advanced Tax Law	26
LAWCOMM 422 – Competition Law	27
LAWCOMM 427 – Vendor and Purchaser	28
LAWCOMM 428 – Maritime Law	29
LAWCOMM 437 – Iwi Corporate Governance	30
LAWCOMM 440 – Guarantees and Indemnities	30
LAWCOMM 442 – Law of Personal Property	31
LAWCOMM 451 – ST: Construction Law	32
LAWCOMM 453 – Aspects of Insurance Law	33
LAWCOMM 454 – ST: Trade Mark Law	34
LAWCOMM 455 – Theories of Contract Law	35
LAWCOMM 457 – ST: Consumer Law	35
LAWENVIR 401 – Resource Management Law	36
LAWENVIR 420 – Global Environmental Law	37
LAWGENRL 401 – Evidence	38

LAWGENRL 405 – Community Law Internship	39
LAWGENRL 421 – Civil Procedure	40
LAWGENRL 424 – Negotiation, Mediation, and Dispute Resolution	41
LAWGENRL 427 – Equitable Remedies	42
LAWGENRL 429 – Law of Family Property	43
LAWGENRL 432 – Health Care Law	44
LAWGENRL 433 – Family Law	45
LAWGENRL 434 – Trial Advocacy	46
LAWGENRL 435 – Theories of Private Law	47
LAWGENRL 436 – Air and Space Law	47
LAWGENRL 443 – Introduction to Common Law	48
LAWGENRL 447 – Community Law Project	49
LAWGENRL 458 – Pasifika Peoples and the Law: Critical Perspectives	49
LAWPUBL 402 – Public International Law	50
LAWPUBL 422 – Contemporary Tiriti Issues	51
LAWPUBL 425 – Employment Law	51
LAWPUBL 427 – Māori Land Law	52
LAWPUBL 428 – Rights and Freedoms	53
LAWPUBL 430 – Criminal Procedure	54
LAWPUBL 431 – Advanced Public Law	55
LAWPUBL 445 – European Union Law	56
LAWPUBL 446 – Indigenous Peoples in International Law	57
LAWPUBL 461 – Human Rights Theory and its Application	58
LAWPUBL 463 – Advanced Topics in Criminal Law	58
LAWPUBL 464 – ST: Law and Policy	59
LAWPUBL 466 – Contemporary Issues in Disarmament Law	59
LAW 456 – Supervised Research	60
Research Paper in Lieu of an Examination (PILO)	60
Masters courses available for LLB Part IV	61
Honours Seminars in 2019	61
LAWHONS 706 – Criminal Law and Policy	61
LAWHONS 722 – Medico-Legal Problems	62
LAWHONS 728 – Studies in Public Law	63
LAWHONS 733 – Studies in Contract Law	63
LAWHONS 735 – ST: Corruption and Democracy	64
LAWHONS 743 – ST: Refugee and Immigration Law	65
LAWHONS 744 – ST: Privacy Law	66

Disclaimer

Although every reasonable effort is made to ensure accuracy, the information in this document is provided as a general guide for students and is subject to alteration.

2019 Academic Timetable

An electronic copy of all course descriptions can be viewed at www.law.auckland.ac.nz/course-descriptions

Notes:

1. The Faculty reserves the right to withdraw or substitute courses, and alter the timetable.
2. You are not necessarily guaranteed a place in the stream of your choice or the classes of your choice.
3. When enrolling in full-year compulsory courses, enrol for first and second semester at the beginning of the year.

SUMMER SCHOOL – ELECTIVES							
Subject	Cat	Title	Pts	Day	Time	Room	Class Notes
LAWCOMM	437	Iwi Corporate Governance	15	Tu, Th	Tu,Th 9-1pm	Stone	Starts Tues 15-Jan and ends Thurs 14-Feb. (No class on Tues 12-Feb.)
LAWCOMM	440	Guarantees and Indemnities	10	Tu, Th	Tu,Th 1-4pm	Stone	Starts Tues 22-Jan and ends Thurs 14th Feb.
LAWPUBL	445	European Union Law	15	M, (Tu), W, Th	M, W 4-6pm; Th 4-6pm	Stone	Starts Mon 7-Jan and ends Thurs 14-Feb. (Tues 4-6pm extra in the final week)
LAWPUBL	466	Contemporary Issues in Disarmament Law	15	M, (Tu), W, F	M, W, F 10-12noon	Stone	Starts Mon 7-Jan and ends Fri 15-Feb. (Tues 10-12noon extra in the final week)

HONOURS SEMINARS – DOUBLE SEMESTER							
Subject	Cat	Title	Pts	Day	Time	Room	
LAWHONS	706AB	Criminal Law and Policy	20	Tu	Tu 9-11am	810-220	
LAWHONS	722AB	Medico-legal Problems	20	Tu	Tu 9-11am	810-326	
LAWHONS	728AB	Studies in Public Law	20	Th	Th 2-4pm	810-201	
LAWHONS	733AB	Studies in Contract Law	20	Th	Th 2-4pm	810-220	
LAWHONS	735AB	ST: Corruption and Democracy	20	Tu	Tu 9-11am	810-332	
LAWHONS	743AB	ST: Refugee and Immigration Law	20	Tu	Tu 9-11am	810-201	
LAWHONS	744AB	ST: Privacy Law	20	Tu	Tu 12-2pm	810-201	

COMPULSORY COURSES – FIRST SEMESTER

Subject	Cat	Title	Pts	Day	Time	Room
LAW	121G	Law and Society (i)	15	M, W, F	9-10am	FPAA (260-115)
LAW	121G	Law and Society (ii)	15	M, W, F	2-3pm	FPAA (260-115)
LAW	201A	Criminal Law (i)	15	M, W, F	9-10am	Stone
LAW	201A	Criminal Law (ii)	15	M, W, F	1-2pm	LibB10
LAW	201A	Criminal Law (iii)	15	M, W, F	5-6pm	LibB10
LAW	211A	Public Law (i)	15	M, W, F	10-11am	LibB10
LAW	211A	Public Law (ii)	15	M, W, F	2-3pm	LibB15
LAW	231A	Law of Torts (i)	15	M, W, F	11-12pm	LibB10
LAW	231A	Law of Torts (ii)	15	M, W, F	3-4pm	LibB10
LAW	241A	Law of Contract (i)	15	M, W, F	12-1pm	LibB10
LAW	241A	Law of Contract (ii)	15	M, W, F	4-5pm	LibB10
LAW	298A	Legal Research, Writing and Communication	5	2-hour workshops; 2-hour lectures in first 4 weeks.		Workshops in 810-218, Lectures in Algje/Stone
LAW	301A	Land (i)	10	Tu, Th	10-11am	LibB10
LAW	301A	Land (ii)	10	Tu, Th	2-3pm	LibB10
LAW	306A	Equity (i)	10	Tu, Th	11-12pm	LibB10
LAW	306A	Equity (ii)	10	Tu, Th	3-4pm	LibB10
LAW	316	Jurisprudence (i)	15	M, W, F	M, W 2-3pm F 9-10am	LibB10
LAW	399	Legal Research 2	10	Tu, Th	1-2pm	OGH
LAW	458	Legal Ethics (i)	10	Tu	4-6pm	LibB10

ELECTIVE COURSES – FIRST SEMESTER

Subject	Cat	Title	Pts	Day	Time	Room
LAWPUBL	431	Advanced Public Law	15	Tu, F	Tu 2-4pm, F 12-1pm	LawSmall
LAWPUBL	463	Advanced Topics in Criminal Law	10	W	W 10-12noon	Algie
LAWGENRL	436	Air and Space Law	15	M, Tu	M 12-1pm, Tu 12-2pm	Stone
LAWCOMM	402	Company Law	20	Tu, Th	Tu, Th 8-10am	LibB10
LAWCOMM	457	ST: Consumer Law	15	Tu, Th	Tu 10-12noon, Th 10-11am	Northey
LAWPUBL	425	Employment Law	15	Th, F	Th 1-2pm, F 8-10am	Algie
LAWGENRL	401	Evidence	20	W, F	W, F 1-3pm	OGH
LAWGENRL	433	Family Law	15	M, W	M 8-10am, W 9-10am	LibB10
LAWENVIR	420	Global Environmental Law	15	M, W	M 4-6pm, W 4-5pm	Algie
LAWGENRL	432	Healthcare Law	15	W, F	W 8-10am, F 9-10am	Northey
LAWPUBL	461	Human Rights Theory and its Application	15	Tu, Th	Tu 2-3pm, Th 2-4pm	810-336
LAWPUBL	402	International Law	20	Tu, Th	Tu, Th 2-4pm	Conf Centre (423-342)
LAWPUBL	464	ST: Law and Policy	10	F	F 10-12noon	Algie
LAWCOMM	442	Law of Personal Property	10	M, W	M, W 4-5pm	Stone
LAWCOMM	428	Maritime Law	15	Tu, F	Tu 5-6.30pm, F 8-9.30am	LawSmall
LAWGENRL	424	Negotiation, Mediation and Dispute Resolution	15	M, W	M, W 10-12noon	LawSmall (Forum 4 as breakout)
LAWGENRL	458	ST: Pasifika Peoples and the Law	15	W, F	W 1-2pm, F 1-3pm	810-220
LAWENVIR	401	Resource Management Law	20	Tu, F	Tu, F 3-5pm	Stone
LAWPUBL	428	Rights and Freedoms	15	M, W	M 12-2pm, W 12-1pm	Algie
LAWCOMM	449	Selected Aspects of Intellectual Property Law	10	Th	Th 2-4pm	LawSmall
LAWCOMM	403	Tax Law	20	W, F	W, F 10-12noon	Stone
LAWCOMM	455	Theories of Contract Law	10	M	M 10-12noon	810-225
LAWCOMM	454	Trade Mark Law	10	M	M 12-2pm	LawSmall
LAWGENRL	434	Trial Advocacy	15	M, W	M, W 5.30-7.30pm	810-225
LAWCOMM	427	Vendor and Purchaser	15	M, W, F	M, W 3-4pm, F 12-1pm	Algie
LAWGENRL	443*	Introduction to Common Law	10	F	F 3-6pm (first 8 weeks only)	LawSmall
*LAWGENRL 443 is an intensive course which is offered to international exchange students only						

COMPULSORY COURSES – SECOND SEMESTER

Subject	Cat	Title	Pts	Day	Time	Room
LAW	121G	Law and Society (iii)	15	M, W, F	M, W, F 12-1pm	LibB15
LAW	131	Legal Method (i)	15	M, W, F	M, W, F 9-10am	LibB28
LAW	131	Legal Method (ii)	15	M, W, F	M, W, F 10-11am	LibB28
LAW	141	Legal Foundations (i)	15	M, W, F	M, W, F 1-2pm	LibB28
LAW	141	Legal Foundations (ii)	15	M, W, F	M, W, F 2-3pm	LibB28
LAW	201B	Criminal Law (i)	15	M, W, F	M, W, F 9-10am	Stone
LAW	201B	Criminal Law (ii)	15	M, W, F	M, W, F 1-2pm	LibB10
LAW	201B	Criminal Law (iii)	15	M, W, F	M, W, F 5-6pm	LibB10
LAW	211B	Public Law (i)	15	M, W, F	M, W, F 10-11am	LibB15
LAW	211B	Public Law (ii)	15	M, W, F	M, W, F 2-3pm	LibB15
LAW	231B	Law of Torts (i)	15	M, W, F	M, W, F 11-12noon	LibB10
LAW	231B	Law of Torts (ii)	15	M, W, F	M, W, F 3-4pm	M,W in LibB10 F in ENG1401
LAW	241B	Law of Contract (i)	15	M, W, F	M, W, F 12-1pm	LibB10
LAW	241B	Law of Contract (ii)	15	M, W, F	M, W, F 4-5pm	LibB10
LAW	298B	Legal Research, Writing and Communication	5	2-hour workshops		810-218
LAW	301B	Land (i)	10	Tu, Th	Tu, Th 10-11am	LibB10
LAW	301B	Land (ii)	10	Tu, Th	Tu, Th 2-3pm	LibB10
LAW	306B	Equity (i)	10	Tu, Th	Tu, Th 11-12noon	LibB10
LAW	306B	Equity (ii)	10	Tu, Th	Tu, Th 3-4pm	LibB10
LAW	316	Jurisprudence (ii)	15	M, W, F	M, W, F 2-3pm	LibB10
LAW	458	Legal Ethics (ii)	10	F	F 8-10am	LibB10

ELECTIVE COURSES – SECOND SEMESTER

Subject	Cat	Title	Pts	Day	Time	Room
LAWCOMM	420	Advanced Tax Law	15	Tu, F	Tu 11-12noon, F 12-2pm	LawSmall
LAWCOMM	453	Aspects of Insurance Law	10	F	F 12-2pm	Northey
LAWGENRL	421	Civil Procedure	15	M, W	M, W 5-7pm	Algie
LAWCOMM	402	Company Law	20	M, W	M, W 5-7pm	ClockT039
LAWCOMM	422	Competition Law	15	Tu, Th	Tu 2-3pm, Th 2-4pm	Northey
LAWCOMM	451	Construction Law	15	M, Th	M 4-6pm, Th 4-5pm	810-225
LAWPUBL	422	Contemporary Tiriti Issues	15	Tu, W, Th	Tu, W 4-5pm, Th 9-10am	810-225
LAWPUBL	430	Criminal Procedure	15	W, F	W 10-11am, F 10-12noon	Stone
LAWPUBL	425	Employment Law	15	Th, F	Th 1-2pm, F 8-10am	Algie
LAWGENRL	427	Equitable Remedies	15	Tu, Th	Tu 8-10am, Th 9-10am	Northey
LAWGENRL	401	Evidence	20	M, W	M, W 3-5pm	BLT (106-100)
LAWPUBL	446	Indigenous Peoples in International Law	15	tu, Th	Tu 11-12noon, Th 10-12noon	Northey
LAWCOMM	404	Intellectual Property	20	M, W	M, W 8-10am	LibB10
LAWPUBL	432	International Economic Regulation	15	M, W	M 8-10am, W 9-10am	LawSmall
LAWGENRL	429	Law of Family Property	15	Tu, Th	Tu 5-6pm, Th 9-9am	Stone
LAWPUBL	427	Māori Land Law	15	Tu, Th	Tu 5-6pm, Th 4-6pm	LawSmall
LAWCOMM	403	Tax Law	20	M, W	M, W 1-3pm	Stone
LAWGENRL	435	Theories of Private Law	15	M, W	M 12-2pm, W 12-1pm	810-225
LAWGENRL	443*	Introduction to Common Law	10	F	F 3-6pm (first 8 weeks only)	810-332
*LAWGENRL 443 is an intensive course which is offered to international exchange students only						

Course Descriptions

Compulsory Courses for LLB Part I

LAW 121G – Law and Society

Credit points: 15 points

Offered: Semester One and Semester Two

Contact hours: Lectures – 3 hours per week, 4 tutorials – 1 hour per fortnight

Course Directors: Dr Anna Hood (S1), Professor Jane Kelsey (S2)

Prerequisites: None

Course description:

The course is an introduction to the nature, functions, origins and contemporary questions relating to law in its social context. The focus is on law and society in New Zealand, including its sources of law, its institutions, and its operation historically and today. Māori concepts of law and justice, and their relationship to the New Zealand legal system, are also addressed.

Content outline:

The course materials are divided into five parts:

- Branches of Government - the origins of New Zealand's flexible constitution, the balance of powers and the relationship to each other of the legislative, the executive and the judicial branches of government;
- Concepts of law - a brief comparative perspective on approaches to law in society;
- Overview of the global context of New Zealand law and transnational law;
- Laws and Rights - a study of definitions of crime, due process in criminal justice, human rights and the Bill of Rights Act 1990; and
- Law, colonisation and the Treaty of Waitangi - changing views on the legal status of the Treaty of Waitangi, Treaty settlement processes, and options for constitutional change.

Assessment:

1 hour closed-book test

2 hour closed-book exam

Recommended (but not prescribed) texts:

J Ruru, K Sanders and D Webb, *The New Zealand Legal System* (6th ed, 2016)

G Morris *Law Alive: The New Zealand Legal System in Context* (3rd ed 2015)

LAW 131 – Legal Method

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week, 5 tutorials – 1 hour per fortnight

Course Director: Professor Mark Henaghan

Prerequisites: LAW 121G with a minimum B- grade

Course description:

An introductory study of how law is made and applied in New Zealand - an overview of the law-making roles of the legislative, executive and judicial branches of government; an introduction to case law, including judicial reasoning and the doctrine of precedent; an introduction to statute law, including the techniques of statutory interpretation and application; the interaction between case law and legislation.

Content outline:

- An introduction to the structure of government and the sources of law
- An introduction to case law and the hierarchy of courts
- An introduction to judicial reasoning and the doctrine of precedent
- An introduction to statute law and statutory interpretation
- The interaction between case law and statute law

Assessment:

1 hour closed-book test

2 hour closed-book exam

Recommended texts:

S Penk and M Russell *New Zealand Legal Method Handbook* (2014)

J Ruru, K Sanders and D Webb, *The New Zealand Legal System* (6th ed, 2016)

LAW 141 – Legal Foundations

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week, 5 tutorials – 1 hour per fortnight

Course Director: Rob Batty

Prerequisites: LAW 121 or 121G with a minimum B- grade

Corequisite: LAW 131

Course description:

The core substantive components of the New Zealand legal system, with particular emphasis on the relationship between public and private law. Concepts of property and obligations. Introduction to concepts of tikanga Māori, international and comparative law. Differences between common law and civil law systems. Introduction to different modes of legal analysis and different approaches to legal theory.

Content outline:

The course comprises six modules:

- Classification of the law and its sources - the main differences between a common law and civil law legal system and an introduction to the domain and sources of private law compared to public law in a common law system.
- Property law in comparative perspective - an introduction to the basic concepts and principles of property law, including comparisons with other jurisdictions and/or legal systems.
- Law of obligations in comparative perspective - an introduction to the basic concepts and principles of the law governing the obligations between individuals, including comparisons with other jurisdictions and/or legal systems.
- Key legal concepts in theoretical perspective - an introduction to principled explanations for the operation of private law such as law and economics and corrective justice.
- Law in a global context - an introduction to international law and the ways in which international and transnational law impact on New Zealand law.
- Māori jurisprudence - an introduction to tikanga Māori.

Assessment:

Online test (5%)

1000 word essay (15%)

750 word essay (15%)

2 hour open book exam (70%)

The exam is open book. This means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended (but not prescribed) text:

There is no recommended text. Students may find J Ruru, P Scott and D Webb *The New Zealand Legal System* (6th ed, 2016) a good general reference text for the course.

Compulsory Courses for LLB Part II

LAW 201 – Criminal Law

Credit points: 30 points

Offered: Full-year

Contact hours: Lectures – 3 hours per week, 8 tutorials – 1 hour per fortnight

Course Director: Professor Julia Tolmie (S1) / Dr Katherine Doolin (S2)

Prerequisites: LAW 121G & LAW 131

Corequisite: LAW 298 or 299

Course description:

This is an introduction to the principles and practice of the New Zealand criminal law.

Content outline:

This course considers the purposes of criminal law and punishment. The principles of criminal responsibility are analysed, together with an examination of the defences to criminal charges, also known as the doctrines of criminal law. A selection of serious offences is examined in detail, including homicide, sexual violation and selected property offences.

Assessment:

1. A court observation exercise (compulsory – marked on a pass/fail basis)
2. A first semester test (20%);
3. A tutorial essay (10%);
4. A final examination (70%).

Both the test and the final exam are open book. This means that you may, if you wish, bring into the test and exam and refer to any materials such as casebooks, textbooks and study notes.

Prescribed text:

Simester and Brookbanks *Principles of Criminal Law*, 4th edn, Thomson/Reuters, 2012

LAW 211 – Public Law

Credit points: 30 points

Offered: Full-year

Contact hours: Lectures – 3 hours per week, 8 tutorials – 1 hour per fortnight

Course Director: Professor Janet McLean

Prerequisites: LAW 121G & LAW 131

Corequisite: LAW 298 or 299

Course description:

The principles and workings of the New Zealand constitution; the powers, privileges and immunities of the three branches of government; the exercise and control of public power; the Māori dimension and the Treaty of Waitangi; the relationship between the individual and the state.

Content outline:

- An introduction to key concepts and principles.
- The Legislative branch: evolution of the law-making power of the New Zealand Parliament, the nature of legislative power, the concept of parliamentary supremacy, the impact of factors suggesting limits on that supremacy; the interpretation of enactments in light of individual rights including those affirmed in the New Zealand Bill of Rights Act 1990, the doctrine of parliamentary privilege.
- The Executive branch: an introduction to Cabinet, responsible government and the formation of governments, the concept of the Crown, the powers of the executive including royal prerogative powers, the role and powers of the Governor-General. May also include introduction to the Official Information Act 1982, public interest immunity.
- The Judicial branch: source and nature of judicial power, judicial independence, contempt of court, judicial immunity, accountability of the judiciary.

- The New Zealand Bill of Rights Act 1990: its basic operation and selected case studies concerning particular rights.
- Introduction to administrative law: legal controls on the power of public bodies and agencies, including the principles of natural justice, and delegated legislation.
- The Māori dimension: common law doctrine of aboriginal title, the Treaty of Waitangi, the UN Declaration on the Rights of Indigenous Peoples; and their implications in the field of Public Law.

Assessment:

Assessment in this course consists of:

- tutorial quizzes
- first semester test
- second semester tutorial essay/opinion
- final exam

Both the test and the final exam are open book. This means that you may, if you wish, bring into the test and exam and refer to any materials such as casebooks, textbooks and study notes.

Please note the tutorial essay is a compulsory course requirement. Students must receive a passing mark for the tutorial essay to pass the course, regardless of whether plussage applies. Students will not receive a grade for this course unless a passing essay is completed.

Recommended text:

Advice will be given at the commencement of the course.

LAW 231 – Law of Torts

Credit points: 30 points

Offered: Full-year

Contact hours: Lectures – 3 hours per week, 8 tutorials – 1 hour per fortnight

Course Director: Marcus Roberts

Prerequisites: LAW 121G & LAW 131

Corequisite: LAW 298 or 299

Course description:

The law of torts, a private law subject, is part of the law of civil obligations and covers personal wrongs (not including breaches of contract) that can be compensated by way of an action for damages. The law is largely to be found in decisions of the court rather than in statute. The most important exception to this in New Zealand is the Accident Compensation Act 2001. This Act bars all claims for damages arising directly or indirectly out of personal injury or death where the personal injury is caused by an accident, treatment injury or an occupational disease. This means that in New Zealand tort actions are generally concerned with loss, such as damage to property or financial damage that is not personal injury.

Content outline:

There are numerous torts, not all of which can be covered. The emphasis is on those torts that best illustrate the general principles and which arise most frequently in practice.

Approximately one half of the course is devoted to the law of negligence. This tort is the principal means by which the law provides compensation for loss caused by another's carelessness. A study is made of the essential features of the tort: the duty of care, breach, issues of causation, foreseeability, remoteness of damage - and then its application in specific instances is considered.

Other torts that are covered include the land-based torts and the intentional torts of assault, battery and false imprisonment and the related torts of intentional infliction of emotional distress, privacy and defamation.

Assessment:

Final Exam 60%, test 20%, essay 10%, preparation and attendance at tutorials and moot 10%.

Both the test and the final exam are open book. This means that you may, if you wish, bring into the test and exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

A useful text is Todd (General Editor) *The Law of Torts in New Zealand* (7th ed, Brookers Ltd, Wellington, 2016).

LAW 241 – Law of Contract

Credit Points: 30 points

Offered: Full-year

Contact hours: Lectures – 3 hours per week, 8 tutorials

Course Director: Dr Karen Fairweather

Prerequisites: LAW 121G & LAW 131

Corequisite: LAW 298 or 299

Course description:

The law of contract is concerned with the basic issues of formation, performance and enforcement of agreements that are recognized in law as "contractual" in nature. The course covers the general principles of contract law, including the formation of contracts at common law, contract legislation in Aotearoa/New Zealand, breach of contract and remedies for breach, including damages.

Content outline:

In the first semester, we begin with the issues relating to contract formation - i.e. with the making of contracts. We will consider the formal contract and its creation and also find out when the law will recognise a simple contract as legally binding. Next, we will look at what the contract says that the parties are expected to do. The obligations in the contract are contained in the contract terms. We will look at different types of terms and how the courts will interpret these.

In the second semester, we first look at damages and then the right to withhold performance if the counterparty fails or refuses to perform its part. We find out what a client can do when faced with a breach of contract, i.e. when the other party has not fulfilled their side of the agreement. Finally we look at mistaken assumptions and how the law regulates this area.

Assessment:

The assessment scheme for the course consists of three items:

1. A first-semester test (30%);
2. An essay assignment (10%); and
3. The final examination(60%)

Both the test and the final exam are open book. This means that you may, if you wish, bring into the test and exam and refer to any materials such as casebooks, textbooks and study notes.

Please note the tutorial essay is a compulsory course requirement. Students must receive a passing mark for the tutorial essay of 50% to pass the course, regardless of whether plussage applies. Students will not receive a grade for this course unless a passing essay is completed.

Recommended text:

Burrows, Finn & Todd *Law of Contract in New Zealand* (6th ed, LexisNexis NZ, Wellington, 2017) is the main New Zealand text, although other useful texts include those by Chitty, Treitel, and Greig and Davis, all of which are held on reserve in the Law Library.

LAW 298 – Legal Research, Writing and Communication

Credit points: 10 points

Offered: Full-year

Contact hours: One Introductory Lecture; Compulsory workshops – 2 hours a fortnight

Course Director: Bronwyn Davies

Prerequisites: LAW 121G & LAW 131

Restriction: LAW 299

Course description:

LAW 298 is designed to help you transition into your law studies. It is designed as an interactive, skills-based course in which you will conduct tasks designed to help you build confidence in handling legal materials and to prepare for your assessments in all subjects on the LLB.

Part 1: Legal research within New Zealand's jurisdiction

The course starts by looking at the language and structure of legal information, case law, legislation, textbooks and journal articles and the systems and processes involved in doing legal research. You will use legal materials in both print and electronic format.

Part 2: Legal Writing

Most assessments on the LLB will involve some element of writing. Therefore in this part of the course you will consider the different forms of legal writing required for law school and you will learn good writing practices, strategies and habits. We will first cover general principles of effective writing before looking at the specifics of how to write essays for law school. In semester two, the course focuses on learning how to write answers to problem questions in exams and how to draft legal memoranda of advice.

The final part of the course focuses on the skills of argument and persuasion within the context of a simulated legal negotiation.

Learning how to navigate your way through law school is a skill all by itself so in addition to learning skills for legal research, writing and communication, LAW 298 has a strong focus on student well-being. In this course we encourage you to discuss with your classmates and tutors the issues that you may be facing with your law studies.

Assessment

100% on-course assessment. More information about the assessment will be provided at the beginning of the course.

Prescribed text:

Geoff McLay, Christopher Murray and Jonathan Orpin, *New Zealand Law Style Guide* (3rd ed, Thomson Reuters, Wellington, 2018).

Available at <https://www.lawfoundation.org.nz/style-guide2019/index.html>

Compulsory Courses for LLB Part III

LAW 301 – Land Law

Credit points: 20 points

Offered: Full-year

Contact hours: Lectures – 2 hours per week, 8 tutorials – 1 hour per fortnight

Course Directors: Katherine Sanders (S1) / Professor David Grinlinton (S2)

Prerequisites: LAW 201, 211, 231, 241

Course description:

This course examines the legal principles relating to real property in New Zealand. The main topics covered include: the nature of title to land, estates and interests in land, the physical extent of a landowner's rights, the effects of registration and indefeasibility of title, concurrent ownership, leases, methods of ownership of flats and offices, easements and profits à prendre, covenants, the use of land as security, and Māori land issues including an introduction to tikanga Māori concepts and customary title claims.

Content outline:

The course commences with an examination of the nature of real property rights and interests in land, including the historical development of land law and the concept of estates and interests in land. It also explores fundamental principles of New Zealand land law including a comparison of legal and equitable interests in land, the doctrine of tenure, the physical extent of a landholder's rights in her or his land, and the concept of title in New Zealand.

We will cover in some detail the Torrens system of registration of title to land. A principal focus of our discussions will be how the law deals with competition between interests in land. Concurrent ownership is considered in the context of acquisition, exercise and disposition of estates and interests in land. An examination of leasehold estates and an examination of methods of flat and office ownership explores further the concepts of estates in land and equitable interests. Rights or interests in the land of another will also be considered, including easements, covenants and mortgages.

As part of the course the key concepts of tikanga (Māori custom), how these concepts relate to land law in New Zealand, and the impacts of colonisation are explored. The course examines the application of Māori customary title, the Te Ture Whenua Māori 1993 (Māori Land Act 1993), and recent legislative developments in the area of Māori land law.

Assessment:

Final Examination (60%), Mid-year Test (25%), Tutorial Essay (10%), Tutorial Attendance (5%).

Both the test and the final exam are open book. This means that you may, if you wish, bring into the test and exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

The recommended texts for the course are:

G W Hinde, D W McMorland, N R Campbell, P Twist, T N Gibbons, S Scott and J L Foster *Principles of Real Property Law*, (2nd ed. 2014, LexisNexis, Wellington); and
E Toomey (ed.) *New Zealand Land Law* (3rd ed. 2017, Brookers, Wellington).

You should purchase or download the statutes below for the course. A compilation of the relevant statutes will be available for purchase at the University Bookshop. If you choose to compile your own legislation please ensure you have the latest reprint and any amendments.

Land Transfer Act 1952

Land Transfer Act 2017

Property Law Act 2007

Unit Titles Act 2010

More information about the recommended texts will be given in class and on CANVAS.

LAW 306 – Equity

Credit points: 20 points

Offered: Full-year

Contact hours: Lectures – 2 hours per week, 8 tutorials – 1 hour per fortnight

Course Director: Professor Peter Devonshire

Prerequisites: LAW 201, 211, 231, 241

Course description:

This course introduces and develops the central principles of equity and its principal remedies. It is largely taught through case law. In order to acquire a fundamental understanding of the subject it is necessary to consider the history of equity and its evolution to the present day. The law of trusts is examined in depth. This includes private trusts and charitable (public) trusts. Private trusts are particularly analysed in terms of the requirements for their creation and the duties of trustees. Trusts arising by operation of law are also examined.

The fiduciary principle and leading judgments in this area are analysed, as well as the core fiduciary obligations. Attention is directed to equitable remedies and their philosophical foundations together with accessory and recipient liability. In addition, this course examines the principles of the law of succession.

Content outline:

The course begins with a study of the history of equity and its eventual formalisation, maxims of equity and the Judicature Acts. Then attention is directed to trusts arising by operation of law (constructive trusts and resulting trusts), and express trusts. The latter includes fixed and discretionary trusts, the three certainties, sham trusts and the status of powers of appointment. This is followed by a discussion of fiduciary obligations and equitable remedies, including equitable compensation, account of profits and proprietary claims. The liability of third parties is addressed with respect to knowing receipt and dishonest assistance. The course includes discussion of charitable trusts, the duties of trustees, wills and succession, including restrictions on testamentary freedom.

Assessment:

Final grade: 5% for attendance at all eight tutorial rounds AND either (i) Final Examination 95%, or (ii) plussage calculated as follows: test 15%, essay 10%, final examination 70%.

Completion of one tutorial essay, with a pass grade (regardless of whether plussage applies), is compulsory. In exceptional circumstances, students who fail the essay may be permitted to take a second essay. The second essay will only be marked as pass or fail. Students who fail the second essay will be deemed to have not completed the course. Both the test and the final exam are open book. This means that you may, if you wish, bring into the test and exam and refer to any materials such as casebooks, textbooks and study notes.

LAW 316 – Jurisprudence

Credit points: 15 points

Offered: First and Second Semester

Contact hours: Lectures – 3 hours per week, 4 tutorials – 1 hour per fortnight

Course Director: Dr Arie Rosen (S1) / Associate Professor Nicole Roughan (S2)

Prerequisites: LAW 201, 211, 231, 241

Course description:

This course offers an introduction to legal theory and the philosophy of law. It surveys a range of theoretical questions pertaining to law, focusing on the relations between law, politics, economics and morality. Building on the students' acquaintance with the basics of public law, contracts and torts, the course examines the theoretical foundations of these fields, their internal logic and underlying justifications. It also examines tikanga Māori from jurisprudential and doctrinal perspectives.

Content outline:

The course consists of five parts, each focusing on a set of related questions:

1. **The foundations of public law** – What is the role of law in overcoming differences and disagreements in modern societies? Which institution is best suited for developing the law today? Which institution can we trust to protect the rights of minorities?
2. **Adjudication and legal reasoning** – What is the proper role of the judge? What are the main techniques she employs in decision-making? Do judges simply promote their own political agenda? Do they exercise arbitrary discretion?
3. **Law and morality** – What is the relationship between law and morality? Can grossly immoral law still be valid? How should lawyers and judges deal with wicked law?

4. **The logic of private law** – What is the underlying logic of private law? What legal rules are appropriate for economic life? What is the relationship between economic growth and individual freedom? What are the limits of liberal law? Does it have a dark side?
5. **Māori jurisprudence** – What is tikanga Māori? Is the Māori conception of law radically different from the European conception of it? How is tikanga received into New Zealand law? What are the underlying principles of tikanga Māori and how do they apply in practice?

Assessment:

4 out of 5 concept reviews (20%)

Tutorial attendance (5%)

Two-hour open-book exam (75%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

Materials will be distributed at the beginning of class.

LAW 399 – Legal Research 2

Credit points: 10 points

Offered: First Semester

Contact hours: Lectures – 2 hours per week

Course Director: Bronwyn Davies

Prerequisites: LAW 298 or LAW 299, and LAW 201, 211, 231, 241

LAW 399 is being phased out and will no longer be offered after Semester One 2019.

If students have enrolled in and/or have completed one or more Part III courses (LAW 301, LAW 306, or LAW 316) in 2018 (or prior to 2018), they must also pass LAW 399 in order to complete the LLB/LLB(Hons) or conjoint Law programmes.

Course description:

An introduction to advanced research skills and multi-jurisdictional legal information sources.

Content outline:

- New Zealand Legislation including extrinsic resources, legislative histories, secondary and tertiary legislation
- Case Law including NZ historical resources, citators, indexes and digests
- Legal Research frameworks for conducting research, research trails
- Secondary sources
- Research in other common law jurisdictions, United Kingdom, Canada, Australia and United States of America
- International law research
- Researching in legal practice
- Self-paced online instruction for major law databases

Assessment:

100% on-course Assessment comprising:

- Two research exercises, each worth 15% of the final mark
- 70% research trail

Note:

Students are strongly recommended to link their research trails for this course with the formal writing requirement for an opinion, elective or honours dissertation. If students are unable to link their research trail to a writing requirement for another course, then an assigned topic is available.

Prescribed text:

Geoff McLay, Christopher Murray and Jonathon Orpin *New Zealand Law Style Guide* (3rd ed, Thomson Reuters, Wellington, 2018).

Available at <https://www.lawfoundation.org.nz/style-guide2019/index.html>

Compulsory Requirements for LLB Part III and IV

LAW 498 – Advanced Legal Research, Writing and Communication

Students enrol for LAW 498 (0 points) usually in the semester in which they are completing their LLB requirements. LAW 498 involves participation in a moot (above Part II) and the fulfilment of certain writing requirements in connection with the elective courses in Parts III and IV.

LAW 498 – Advanced Legal Research, Writing and Communication

LAW 498 is required of all students to complete the LLB. The requirements for LAW 498 are as follows:

1. Obtaining a pass in a moot above Part II; any moot that is optional (not part of course requirements) will qualify. This will not be limited to the General, Family, Māori Issues or Pacific moots, but includes some competition moots.
2. Satisfactory completion of a sustained piece of legal writing of at least 4,000 words in connection with an elective course. This could be satisfied in various ways, including: Supervised Research; a PILO (so long as it is at least 4,000 words); the report for LAWGENRL 405 or 447; the research essay for a 15- or 30-point masters course taken for LLB; Honours seminar papers and dissertations; any other single piece of writing of the required length.

Credit points: 10 points

Offered: First and Second Semester

Contact hours: Lectures – 2 hours per week

Course Coordinator: Professor Ron Paterson (S1) / Natalie Coates (S2)

Course description:

This 10-point course has been introduced to fulfil a requirement imposed by the Council of Legal Education (CLE).

New Zealand law graduates must obtain a pass in a CLE approved Legal Ethics course, in addition to postgraduate professional legal studies, in order to be admitted as a barrister and solicitor of the High Court of New Zealand.

Although an elective course for the LLB, students intending to be admitted to the bar are required to take this course.

A student, who does not intend to go on to admission to the bar and does not wish to take Legal Ethics, will need to take an additional elective course. Overseas law graduates will generally be required to pass this course prior to admission in New Zealand.

The CLE has stipulated that the course involves teaching (a) the philosophical basis of legal professional ethics; and (b) the practical application of legal professional ethics; that the examination should appropriately test both components; and that at least one problem question is used in the examination to focus on the practical application of professional ethics.

Content outline:

- (a) A study of legal ethics and professional responsibility including an introduction to ethical analysis which examines various theories of ethics; the applicability of ethical analysis to legal practice; the concept of a profession and the ethical and professional duties of practitioners; and the wider responsibilities of lawyers in the community.
- (b) A consideration of some of the most significant of the rules provided for in the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008. Major topics include conflicts of interest (including information barriers/“Chinese walls”), rules on confidentiality, duties to the court over and above those owed to one’s client, duties of loyalty and fidelity, the “cab rank” rule, and the obligations imposed on prosecuting counsel.

Assessment:

2000 word assignment (40%)

Two-hour open-book exam (60%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Law Elective Courses for Part III and IV for 2019

LAWCOMM 402 – Company Law

Credit points: 20 points

Offered: First and Second Semester

Contact hours: Lectures – 4 hours per week

Course Coordinators: John Land

Prerequisites: LAW 231, 241

Course description:

Companies are the most common and important form of business organisation. Company law is concerned with the rules relating to and regulating the formation of companies, the relationships internal to companies (such as relations between shareholders and directors), and the relationships between companies and the outside world.

The course does not consider in any detail related topics such as securities regulation, takeovers and mergers, or company finance. Nor does the course deal with company liquidations.

Content outline:

The course focuses on the practical, theoretical and historical aspects of company laws. Topics include:

- Formation of companies
- The concept of legal personality
- The idea of limited liability
- Organisation of decision-making within companies
- Use of corporate constitutions
- The making of contracts by companies
- The issuing of, and the rights attaching to, shares
- Rules regulating dividends and other company distributions
- Statutory and common law duties of directors
- Shareholders' rights and remedies

Assessment:

1500 word assignment (20%)

1 hour open book test (25%)

1 hour open book exam (55%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Prescribed text:

A copy of the *Companies Act 1993*.

Credit points: 20 points

Offered: First and Second Semester

Contact hours: Lectures – 4 hours per week

Course Coordinator: Professor Michael Littlewood

Prerequisites: LAW 211, 241

Course description:

This course is designed to introduce students to New Zealand tax law and practice. The course begins with an introduction to the theory of taxation. This is followed by an examination of New Zealand's system of income tax, to which most of the course is devoted. The course also covers GST (Goods and Services Tax), tax administration and tax disputes procedures.

Content outline:

This course covers some or all of the following topics:

1. Aspects of Tax Theory (examined by reference to the works of a number of important tax theorists)
 - 1.1. Adam Smith's four canons of taxation
 - 1.2. Henry Simons' definition of income
2. Income Tax
 - 2.1. The structure of New Zealand's system of income tax
 - 2.2. Jurisdiction to tax: residence and source
 - 2.3. The definition of income; the distinction between income and capital gains; business income; transactions in land; transactions in securities; income in kind
 - 2.4. Deductions; the distinction between capital and revenue expenditure; the deductibility of interest; losses; business expenditure (entertainment, etc); timing
 - 2.5. Depreciation; depreciation rates; calculating depreciation
 - 2.6. The taxation of companies, trusts and partnerships
 - 2.7. Withholding obligations
 - 2.8. Tax avoidance; tax evasion; tax planning; general anti-avoidance rules
3. Goods and Services Tax
 - 3.1. The structure of New Zealand's system of GST
 - 3.2. Exempt supplies
 - 3.3. Zero-rated supplies
 - 3.4. Taxpayers' obligations
 - 3.5. GST avoidance
4. Tax administration, rulings and disputes

Assessment:

2000 word assignment (20%)

3 hour open book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Prescribed text:

CCH New Zealand Tax Legislation for Students (republished annually) OR Thomson Reuters *New Zealand Taxation Legislation Handbook* (republished annually).

CCH New Zealand Master Tax Guide for Students (republished annually) OR *New Zealand Taxation* (Thomson Reuters, republished annually).

LAWCOMM 404 – Intellectual Property

Credit points: 20 points

Offered: Second Semester

Contact hours: Lectures – 4 hours per week

Course Coordinator: Paul Sumpter

Prerequisite: LAW 231

Restriction: LAW 432

Course description:

Intellectual Property law refers to a group of laws which protect “creations of the mind” and is increasingly significant in the digital age. Some are statutory. These are the Copyright Act 1994 and its amendments, the Trade Marks Act 2002, the Patents Act 2013, the Designs Act 1953 and some other legislation, for example the Plant Variety Rights Act 1987. Intellectual property rights which are common law based are passing off and breach of confidence (which protects confidential information).

Content outline:

Intellectual property is now such a large body of law that it would be impossible to cover all aspects in a single semester. The emphasis is, therefore, on those aspects which both illustrate the major principles and which are most commonly encountered in general practice.

After an initial introductory lecture on the nature of intellectual property, a significant period of time is spent on the law of copyright. This is followed by a study of the Trade Marks Act 2002 and the related tort of passing off (including reference to the Fair Trading Act). There is then some, fairly brief, coverage of patent and design law followed by lectures on breach of confidence.

Assessment:

1000 word assignment (10%)

3 hour open book exam (90%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

PC Sumpter *Intellectual Property Law: Principles in Practice* (CCH, 3rd edition).

LAWCOMM 420 – Advanced Tax Law

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 2 hours per week

Course Coordinator: Professor Michael Littlewood

Prerequisites: LAWCOMM 403

Restriction: LAW 409, COMLAW 311

Course description:

This course builds on LAWCOMM 403 (Tax Law) and covers a selection of topics designed to consolidate and add to students' understanding of the theory and practice of taxation, both in New Zealand and elsewhere. The course consists of three main parts: (1) tax policy; (2) the taxation of companies; and (3) international tax.

Content outline:

This course covers some or all of the following topics:

1. Aspects of tax policy, examined by reference to the works of important tax theorists; proposals for tax reform; international tax competition; base erosion and profit shifting; tax history; the merits and design of capital gains taxes;
2. Company taxation; the problem of corporate income; theoretical solutions to the problem; corporate income; imputation; the tax treatment of dividends, liquidations, returns of capital, bonus issues, hybrids and intercompany dividends; withholding obligations; losses; groups; consolidation; amalgamation; look-through companies;
3. International taxation; international tax planning; profit reduction techniques; foreign tax credits; transfer pricing; controlled foreign companies (CFCs); foreign investment funds (FIFs); tax treaties; thin capitalization.

Assessment:

1500 word assignment (20%)

2 hour open-book exam (60%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Prescribed text:

CCH New Zealand Tax Legislation for Students (republished annually) OR
Thomson Reuters New Zealand Taxation Legislation Handbook (republished annually).

CCH New Zealand Master Tax Guide for Students (republished annually) OR
New Zealand Taxation (Thomson Brookers, republished annually).

Aditya Basrur, Christopher Jenkins, James Ruddell and Sehj Vather, eds, *Ten Years of Tax: A Celebration of Professor Michael Littlewood's First Decade at the University of Auckland Faculty of Law, 2003-2013* (Centre for Commercial and Corporate Law, University of Canterbury, Christchurch, 2016)

LAWCOMM 422 – Competition Law

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Associate Professor Chris Noonan

Prerequisites: LAW 241 or COMLAW 201 and 203

Restriction: LAW 419

Course description:

LAWCOMM 422 will give you a thorough general understanding of New Zealand competition law and policy. The course explains the legal and economic principles which underpin and continue to shape competition law here and abroad.

The course does not consider in any detail related topics such as the regulated goods and services provisions in Part IV of the Commerce Act or the sector specific regulations applied to the dairy, electricity or telecommunications industries.

Content outline:

The course covers:

1. Competition law's role in a free-market economy;
2. Restrictive trade practices (where the focus is on cartel behaviour, arrangements which substantially lessen competition, and the misuse of market power through abusive conduct and practices);
3. The regulation of mergers and acquisitions; and
4. Commerce Act practice and procedure.

The course will familiarise you with a selection of cases drawn from Australasian jurisprudence and Commerce Commission determinations. We also comparatively assess New Zealand law against the position in the United States and Europe.

Assessment:

2250 word assignment (30%)

2 hour open-book exam (70%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Prescribed text:

A copy of the *Commerce Act 1986*.

LAWCOMM 427 – Vendor and Purchaser

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Professor Francis Dawson

Corequisite: LAW 301

Restriction: LAW 454

Course Description:

A study of the law relating to contracts for the sale and purchase of land, including the formation of the contract, the application of relevant statutes, the basic terms of such contracts and their significance, matters of title, settlement and completion, and remedies for breach.

Content Outline:

The course will begin by considering what differentiates the contract for the sale of land from other contracts of sale. It will be suggested that the major distinguishing feature is that the contract for the sale of land was historically regulated by courts of equity and in particular by reference to the remedy of specific performance.

The course will then proceed to consider the vendor's liability for pre-contractual statements, issues relating to formation of contracts, especially the role of writings and the admissibility of parol evidence to add to, vary or contradict the writing, the doctrine of part performance, issues raised by options, the function of deposits, their recovery and their forfeiture, specific performance with compensation for mis-descriptions, the vendor's duty to make good title and the risk allocation in the ADLS contract in respect of matters prior to the completion of contract, (including making time of the essence) and remedies for breach including Lord Cairns damages.

Assessment:

1500 word assignment (20%)

2 hour open book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

D W McMorland, *Sale of Land*, 3rd ed., 2011. There will be a case book prepared for this course.

Credit points: 15 points

Offered: First Semester

Contact hours: 3 hours per week

Course Coordinator: Matthew Flynn

Prerequisites: LAW 211, 231, 241

Course description:

Maritime law has developed out of the extensive nature of activities relating to the use of the sea, in particular from the early development of trading between nations. The law of contract forms the basis for a significant amount of the important principles and practical applications of maritime law, and the course will have a strong focus on contracts. It will include a study of a major maritime casualty, which allows students the opportunity to see how the wide ranging aspects of maritime law are applied in a very practical way. The course will also explore the unique jurisdiction of the Admiralty Court, how that has evolved, and why that remains relevant to today's commercial maritime activity.

Content outline:

The course is designed to introduce students to a basic understanding of maritime law both as it is applied in the context of New Zealand domestic law, and how it interplays with maritime law in a global context. The course will be taught in seven parts over 12 weeks of lectures. These parts are:

Part 1: Introduction to maritime law, and why it exists;

Part 2: Contracts for maritime activity, including ship owning, carriage of goods, passengers and commercial maritime activity;

Part 3: Legal regimes in place to govern maritime activity;

Part 4: Maritime risk and the interplay with marine insurance;

Part 5: Carriage of goods and people;

Part 6: Practical application to maritime activity, including dispute resolution;

Part 7: A detailed analysis of a major marine casualty to demonstrate how all the principles are applied in a practical way.

The course will also consider the practical work of being a maritime lawyer, including evidence, using experts, and dispute resolution.

Assessment:

1500 word assignment (20%)

2 hour open book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

There is one recommended text on New Zealand maritime law, and a course book will be made available containing the relevant resources.

LAWCOMM 437 – Iwi Corporate Governance

Credit points: 15 points

Offered: Summer School

(commencing Tues 15 Jan and ending Thur 14 Feb 2019. Note there is no class on Tues 12 Feb)

Contact hours: Lectures – 8 hours per week

Course Coordinator: Nick Wells

Prerequisites: LAW 211, 241

Course description:

We will focus on the common legal structures utilised by iwi. We will look at why those structures are chosen and the legal, tax and practical issues that arise. This will lead us to consider aspects of the law related to trusts, limited partnerships, charities, taxation (including Māori Authorities), and how these aspects are interwoven within one overarching structure.

The aim of the course is to provide students with a practical insight (from practising senior lawyers) into key issues to be aware of when advising iwi clients as to their structuring options, and ongoing governance and taxation obligations.

Content outline:

The course will focus on each of the common legal structures used by iwi and their charitable, taxation and governance profile. For each structure we will look at contemporary examples in iwi business and governance structures including trusts, companies, limited partnerships and joint ventures.

Roughly half of the course time will focus on corporate and governance aspects of each structure with the remaining half focusing on the charitable/taxation profile of each structure.

The course is taught by a small number of senior practitioners from Chapman Tripp.

Assessment:

30 minute multiple choice Canvas test (10%)

2 hour open-book exam (90%)

LAWCOMM 440 – Guarantees and Indemnities

Credit points: 10 points

Offered: Summer School (commencing Tues 22 Jan and ending Thu 14 Feb 2019)

Contact hours: Lectures – 6 hours per week

Course Coordinator: Michael Lenihan

Prerequisites: LAW 241

Course description:

The course covers the law of guarantees and indemnities. The focus is mainly on guarantees, but indemnities will be briefly covered as well.

Content outline:

The formal requirements for guarantees, contractual requirements, vitiating factors, discharge or revocation of the guarantee, rights of the guarantor, and contribution.

Assessment:

45 minute multiple-choice in-class closed-book test (20%)

2 hour closed-book exam (80%)

LAWCOMM 442 – Law of Personal Property

Credit points: 10 points

Offered: First Semester

Contact hours: Lectures – 2 hours per week

Course Coordinator: Professor Peter Devonshire

Prerequisites: LAW 231

Restrictions: LAW 311, 471

Course description:

This course introduces the concepts and legal rights associated with personal property. Personal property interests are identified and contrasted with real property. Attention is directed to the implications of possession and the rights and competing claims that flow from this. The principal elements of the law of bailment are analysed. Other topics include security over personal property and the transfer and acquisition of personal property.

Content outline:

Personal property is defined and classified. It is contrasted with real property with particular reference to the chattels-fixtures distinction. Different forms of possession are discussed and possessory interests are specifically considered in the context of the law of finds.

Bailment is addressed in detail. The nature of bailment and its distinct features are identified. Particular emphasis is placed on the rights and obligations of bailor and bailee and the relevant standard of care for the latter. Modifications of the bailee's duty, vicarious liability and sub-bailment are also studied.

Security over personal property, particularly the operation of the Personal Property Securities Act 1999 is reviewed. Finally, the transfer and acquisition of personal property is considered including the disposition of gifts, assignments and transfers on death.

Assessment:

1000 word case note (20%)

90 minute open-book in-class test (60%)

750 word analysis exercise (20%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

Garrow & Fenton's Law of Personal Property in New Zealand, (7th ed vol 1)

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Janine Stewart

Prerequisites: LAW 231, 241

Course description:

Construction law is a specialised area of law concerned with construction and infrastructure projects. It draws from concepts and principles in contract and tort and is overlaid by a statutory and regulatory framework and its own jurisprudence and terminology (there are even construction contract dictionaries). This course is intended to give students an introduction to the field of construction law, then drill down into its unique jurisprudence and the legal issues that arise during the life-cycle of a construction or infrastructure project (and beyond).

Content outline:

The course will be broken into three parts:

Foundational concepts

Foundational concepts underpinning construction law. In particular, we will focus on “the holy trinity” of time, cost, and quality/scope, the risk issues these present and how they are influenced by the common law and the statutory/regulatory framework. The latter includes aspects of the Construction Contracts Act 2002, Building Act 2004, Fair Trading Act 1986, Health and Safety at Work Act 2015 and Government Rules of Sourcing.

The project

With the foundational concepts of the first part of the course in mind, issues will be discussed in depth in the context of various stages of a construction/infrastructure project including:

- Procurement (including procurement rules, the tender process and procurement models);
- Construction (delay, variations, extensions of time, remedies);
- Practical completion;
- Defects liability; and
- Dispute processes (including adjudication under the Construction Contracts Act 2002 and contractual processes).

Particular focus in this part of the course will be placed on common New Zealand standard form contracts (eg. NZS 3910:2013 and IPENZ CCCS 3rd edition).

Post-project claims and latent defects

In this part of the course, we will examine issues that arise after a project is complete including common claims under the contract, latent defects, and the development of negligence in the context of defective buildings.

Assessment:

1500 word assignment (20%)

2 hour open-book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes

Recommended text:

No text is prescribed, however students will find the following texts helpful and reference will be made to these in the course (additional course materials will also be made available):

- Nicholas Dennys and Robert Clay (eds) *Hudson's Building and Engineering Contracts* (13th ed, Sweet & Maxwell, London, 2015)
- Stephen Furst and Vivian Ramsay (eds) *Keating on Construction Contracts* (10th ed, Sweet & Maxwell, London, 2016)
- Tomas Kennedy-Grant and Michael Weatherall *Construction Contracts and Dispute Resolution* (Lexis Nexis, Wellington, 2016)

LAWCOMM 453 – Aspects of Insurance Law

Credit points: 10 points

Offered: Second Semester

Contact hours: Lectures – 2 hours per week

Course Coordinator: Rohan Havelock

Prerequisites: LAW 231, 241

Course description:

Insurance is a default risk-management device for consumers and commercial parties, and insurance law issues often arise in legal practice (especially in civil litigation). Broadly, insurance law consists of the law governing insurance contracts, the law governing and regulating insurance intermediaries, and the law regulating insurers. This course covers the law governing insurance contracts, which is based on general contract law rules and principles, and special rules (such as the pre-contractual duty of disclosure) and statutes that do not apply to contracts in general. There is strong practical focus on development of the knowledge and skills needed to solve typical insurance law problems.

A prize of \$1000, sponsored by insurance law firm Robertsons, is awarded to the first-placed student overall.

Content outline:

Aspects of the law governing insurance contracts, including the duty of utmost good faith; the interpretation of the policy; the scope of cover; warranties and conditions; the claims process and fraudulent claims; and quantification of the insurer's obligations; subrogation and recoupment; and third party rights.

Assessment:

1000 word assignment - problem question (20%)

2 hour open-book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Credit points: 10 points

Offered: First Semester

Contact hours: 2 hours per week

Course Coordinator: Rob Batty

Prerequisites: LAWCOMM 404

Course description:

An in-depth examination of the law related to the protection of trade marks, including the history of, and justifications for, trade mark protection, the operation of the registration system, the commercial exploitation of trade marks, infringement of registered trade marks, and the protection of unregistered trade marks.

Content outline:

This course is for students who have already established a foundational understanding of trade mark law. Building on such foundations, this course explores more advanced topics which arise under New Zealand and overseas trade mark law. The first part of the course examines the methods of protecting trade marks, and the rationale for doing so. The second part of the course considers key issues relating to the creation of registered trade marks rights. The third part of the course explores issues with the enforcement and exploitation of registered trade marks. The fourth and final part of the course examines the loss of registered trade mark rights.

Learning Outcomes:

Students who complete this course successfully will be able to:

1. Identify the different methods of protecting trade marks and the underlying theoretical justifications for trade mark protection;
2. Articulate the key legal principles and concepts that relate to the creation, exploitation, enforcement and cessation of registered trade mark rights to different factual scenarios;
3. Apply relevant key legal principles to a factual scenario through the completion of written assignment; and
4. Demonstrate effective written communication skills through a written examination and a written assignment.

Assessment:

250 word reflection piece (5%)

1250 word assignment (25%)

2 hour open-book exam (70%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

There is no prescribed text, but the following text is recommended:

Paul Sumpter *Trade Marks in Practice* (4th ed, LexisNexis NZ Ltd, Wellington, 2018).

LAWCOMM 455 – Theories of Contract Law

Credit points: 10 points

Offered: First Semester

Contact hours: Lectures – 2 hours per week

Course Coordinator: Dr Arie Rosen

Prerequisites: LAW 231, 241

Corerequisites: LAW 211, 316

Course description:

How should we approach controversial questions in contract law? Should we aim to set the rule that leads to the most efficient outcome? Should we use contract law to promote other socially desirable ends? Or should we refrain from using contract law for achieving any sort of goal or purpose, simply respecting individual entitlements rooted in freedom and fairness? Different theories offer different answers to these questions, each leading to a unique vision of what contract law is and to different outcomes in actual cases. This course explores the main schools of normative thought in contemporary contract law theory. It will introduce libertarian, liberal and utilitarian visions of contract law, and will consider their implications in a range of topics, including contract formation, contractual interpretation, and remedies.

Assessment:

- One short summary essay of no more than 2,500 words (60%)
- 2 short reaction papers during the semester of no more than 750 words each (30%)
- Class participation and engagement (10%)

LAWCOMM 457 – ST: Consumer Law

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Dr Karen Fairweather

Prerequisites: LAW 241

Course description:

This course provides an advanced, in-depth examination of laws designed specifically or primarily to protect consumers.

Content outline:

The course will consider the particular vulnerabilities of consumers, the theoretical rationales for consumer law and the panoply of regulatory techniques that can be deployed in the protection of consumers. There will be a particular focus on: misleading and deceptive conduct under s 9 of the Fair Trading Act 1986 (FTA); other instances of unfair conduct under Part 1, FTA; consumer guarantees in respect of goods and services under the Consumer Guarantees Act 1993; unfair contract terms in standard form consumer contracts under s 26A, FTA; layby sale agreements under ss 36B-J, FTA; uninvited direct sale agreements under ss 36K-S, FTA; enforcement and remedies; selected issues in consumer credit law.

Assessment:

3000 word assignment (40%)

2 hour open book exam (60%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended texts:

Course materials will be distributed.

Students will also need current reprints of the following statutes:

- Fair Trading Act 1986
- Consumer Guarantees Act 1993

K Tokeley (ed), *Consumer Law in New Zealand*, (2nd edn, LexisNexis, Wellington, 2014) is a particularly useful text, which provides coverage of many of the issues and topics explored in this course. D Wilson, *The Fair Trading Act Handbook*, (LexisNexis, Wellington, 2018) is more up to date, but focusses (as the title suggests) exclusively on the FTA. A comprehensive account of consumer credit law can be found in B Allan, *Law of Consumer Credit* (Thomson Reuters, Wellington, 2017). To the extent that many of the provisions of the FTA were modelled on Australian law, students might also find it helpful to refer to P Clarke and S Erbacher, *Australian Consumer Law: Commentary and Materials* (6th edn, Lawbook Co, Sydney, 2018) and R Miller, *Miller's Australian Competition and Consumer Law Annotated* (40th edn, Lawbook Co, Sydney, 2018).

LAWENVIR 401 – Resource Management Law

Credit points: 20 points

Offered: First Semester

Contact hours: Lectures – 4 hours per week

Course Coordinator: Professor David Grinlinton

Prerequisites: LAW 211

Restrictions: LAW 349, 450, 457

Course description:

The course focuses on the Resource Management Act 1991 (RMA) and the powers and procedures for policy-making, planning and decision-making in respect of land, air and water. The purpose of sustainable management in New Zealand will be assessed in the context of environmental history and reform, current policy and the law. The regulatory powers of central and local government, and the role of government in respect of Maori will be addressed. Natural resource use and development will be examined in the context of the RMA. Resource management issues under regional and district plans, and the Auckland Council Unitary Plan, will be covered. Resource consent applications, practice and procedure before the Environment Court will be studied. Enforcement powers are considered. The course may include several guest lectures.

Content outline:

- Historical UK and contemporary New Zealand environmental issues
- Resource management policy and reform
- The Resource Management Act 1991 structure

- Sustainable management, purpose and meaning
- Functions of central and local government
- Māori and resource management, foreshore and seabed issues
- National environmental standards, national policy statements, NZ coastal policy
- Regional policy and plans, district and unitary plan preparation and content
- Heritage protection, public works requirements
- Natural resource use and development
- Resource consents, hearing procedures, Environment Court appeals
- Enforcement, hazardous substances
- Environmental Protection Authority functions

Assessment:

4000 word assignment (40%)

2 hour open-book exam (60%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Prescribed text:

Resource Management Law casebook.

LAWENVIR 420 – Global Environmental Law

Credit points: 15 points

Offered: Semester One

Contact hours: 3 hours per week

Course Coordinator: Professor Klaus Bosselmann

Prerequisites: 30 points at Stage II in Global Environment and Sustainable Development or LAW 211

Course description:

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, climate change, biodiversity, trade, indigenous peoples, human rights and current and future developments in global governance.

Content outline:

Part one of the course covers factual, political and legal issues surrounding protection of the global environment including history and concept of Public International Law, principles and guiding ideas of International Environmental Law, developments since the 1992 Earth Summit and emerging issues since the Rio+20 Summit 2012.

Part two covers specific areas of international environmental law including climate change, biodiversity, oceans, indigenous peoples, human rights, trade, and the emerging concept of sustainability law and governance.

Assessment:

2250 word assignment (30%)
2 hour closed book exam (70%)

Prescribed text:

Bosselmann, K., Grinlinton D. and Taylor, P. (eds.) *Environmental Law for a Sustainable Society*, 2nd ed., 2013, NZCEL Monograph Series, Auckland/NZ.

LAWGENRL 401 – Evidence

Credit points: 20 points

Offered: First and Second Semester

Contact hours: Lectures – 4 hours per week

Course Coordinator: Associate Professor Scott Optican (First Semester), Associate Professor Carrie Leonetti (Second Semester)

Prerequisites: LAW 201, 231

Restriction: LAW 425

Course description:

Evidence can be defined as the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved. The law of evidence comprises the legal rules regulating those means in a courtroom or tribunal setting. In general, there are four principal areas with which the law of evidence is concerned:

1. The kind of evidence that will be acceptable in court;
2. How the trier of fact may use evidence to make findings in civil and criminal proceedings;
3. The manner in which evidence can be presented;
4. The persons who may or must give evidence – and how they may be questioned in court proceedings.

This course examines the legal rules of evidence in New Zealand relating to the four general areas outlined above and as set out in the Evidence Act 2006. The aim of the class is to give students a basic grounding in significant rules of evidence applicable to civil and/or criminal trial practice in New Zealand courts.

Content outline:

The evidence course deals with a number of sub-topics grouped into seven general areas:

- Relevance and prejudice;
- The eligibility and compellability of witnesses;
- Opinion evidence;
- Examination in chief;
- Cross-examination;
- Hearsay; and
- Privilege.

Within these general areas, the course examines various legal rules dealing with the presentation of evidence by parties in civil and criminal proceedings. Specific topics covered include: definitions of relevance; relevance v weight; the exclusion of evidence as unfairly prejudicial; the eligibility and obligation of witnesses to testify at

trial; expert and non-expert opinion evidence; the rule against prior consistent statements; refreshing memory; hostile and unfavourable witnesses; the rules of cross-examination (including the rules relating to the cross-examination of complainants in sexual offence trials); the rules of privilege (lawyer-client privilege; litigation privilege; privilege for settlement negotiations and mediation; religious clergy privilege; doctor-patient privilege; the privilege against self-incrimination; the protection of confidential communications); and the hearsay rules. The focus of the course is on understanding key and selected provisions of the Evidence Act 2006 and its associated case law.

Assessment:

2000 word assignment (20%)

3 hour open-book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

A highly recommended text which contains a complete copy of the Evidence Act and its relevant rules/ amendments is: Elisabeth McDonald and Scott Optican (gens eds) *Mahoney on Evidence* (Thomson Reuters, Wellington, 2018).

Recommended additional reading is:

- (a) The volume on "Evidence" in Robertson (ed), *Adams on Criminal Law* (Thomson Reuters, looseleaf, 1992-) and the online version at Thomson Reuters Westlaw NZ OnLine.
- (b) The updates on "Evidence" written by Associate Professor Scott Optican in the *New Zealand Law Review*, *The New Zealand Law Journal* and *The Judgments Unlimited Express* are also good, current sources of cases and articles dealing with evidence law.

LAWGENRL 405 – Community Law Internship

Credit points: 20 points

Offered: First and Second Semester

Course Coordinator: Dr Suranjika Tittawella

Prerequisites: LAW 201, 211, 231, 241

Restrictions: LAWGENRL 447

Students in LLB Part III and IV may participate in an approved community internship for academic credit. The internship should involve at least 150 hours of supervised work. The internship must be completed without receipt of compensation, should be in a law-related field in a Law School approved non-profit or government entity, under the supervision of a legal professional or a qualified supervisor. At the conclusion of the internship the student will submit a 10,000-word report based on the community law work they have undertaken during the internship.

Further information is available from the Student Experience Adviser at the Law Student Centre.

LAWGENRL 421 – Civil Procedure

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 4 hours per week

Course Coordinator: Julian Long

Prerequisites: LAW 231

Course description:

To this point in your legal education you have learned what the law is. Civil procedure is about HOW you make that law happen. It is the “gift wrapping and ribbons” under which any case will have actually got to court. Without good civil procedure there is chaos. This was as true in 1852 (when Charles Dickens wrote *Bleak House*) as it is today. A good knowledge of what our civil procedure rules are, and why they exist, is an essential part of any prospective civil litigator’s skills tool kit.

Content outline:

The course will work through the rules processes that apply to a New Zealand High Court proceeding from its commencement, through its various interlocutory steps to trial, and then on appeal. You will learn about starting and ending proceedings in different ways, seeking interim forms of relief (injunctions), what a summary judgment is and why it is needed, what an originating application is, what case management and discovery are all about, and how costs work in our courts.

We will tackle some topical subjects like litigation funding, class actions, lay litigants, and also look at how our procedures deal with small disputes. We will examine some procedural rules that apply in other forums (tribunals) that exist in New Zealand. You will see how all procedural rules share some common features (no matter how sophisticated, or indeed simple, they may try to be).

You will come away from this course with an understanding of what lies at the heart of good procedures and procedural rules in all contexts. You will also have the confidence to apply that understanding in practice. You will have learnt by doing many of these things for yourself in the practical exercises you will be tasked with, and also by being asked to think about the procedural rules we have in a critical way.

Assessment:

TBC

Recommended text:

Bleak House by Charles Dickens (freely available in e book format on line). *The Bleak House* (2005) BBC series is another excellent way to experience the most famous case in Chancery of *Jarndyce v Jarndyce* .

McGechan on *Procedure* (Thomson Reuters New Zealand) and *Sim’s Court Practice* (Lexis-Nexis) deal with High Court, Court of Appeal and Supreme Court practice and procedure.

Brookers’ *Civil Procedure: District Courts & Tribunals* (Thomson Reuters) and Lexis-Nexis’ *District Courts’ Practice* are the District Court equivalents.

Beck’s *Principles of Civil Procedure* (3rd edition, Thomson Reuters) is also very useful.

LAWGENRL 424 – Negotiation, Mediation, and Dispute Resolution

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 4 hours per week

Course Coordinator: Ian Macduff

Restriction: LAW 447

This is a limited-entry course.

Course description:

Disputes are an inevitable feature of human society. Traditionally, litigation was the default method for resolving legal disputes. Over recent decades, however, there has been exponential growth in the awareness and use of so-called “alternative” dispute resolution processes, both in New Zealand and internationally. The best lawyers now take a more strategic approach to dispute resolution, selecting the most appropriate process for any given dispute and adapting their model of client representation to suit that process.

This course covers the legal framework and theoretical aspects of non-litigation dispute resolution processes, primarily negotiation and mediation, together with experiential learning through role play exercises, group exercises and self-reflection.

Content outline:

The topics covered are:

- the dispute resolution processes commonly used in New Zealand and the advantages and disadvantages of each;
- negotiation theory and practice, including different approaches to negotiation, how to prepare for negotiation, negotiation tactics and strategies;
- understanding conflict dynamics and the implications for dispute resolution;
- the mediation process, including assessing suitability for mediation and effective client representation in mediation;
- legal framework issues in mediation, including enforceability of mediation agreements and remedies for breach, privilege and confidentiality, and when settlement agreements can be set aside;
- jurisprudential debates about the proper place of mediation in the civil justice system; and
- through a group research project and presentation, specific topics in dispute resolution theory such as cultural and ethical issues in negotiation, power issues in mediation, restorative justice and online dispute resolution.

Assessment:

3750 word essay (50%)

1500 word journal/reflection (20%)

1500 word review essay (20%)

Participation (10%)

Prescribed text:

R Fisher, W Ury and B Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (3rd ed, Penguin, London, 2011)

Enrolment:

This is a limited-entry course. A maximum of 52 students may enrol.

Students can add their name to the ballot from 1 November when enrolments open. 8 December is the closing date to have indicated interest by enrolling on the waitlist.

The ballot will be conducted around 12 December.

The outcome of the ballot will be advised a few days thereafter; those students who have not had their enrolment confirmed will be placed on a new waitlist. If any of the selected students withdraw from the course, the class will be topped up from the waitlist.

LAWGENRL 427 – Equitable Remedies

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Professor Peter Devonshire

Prerequisites: LAW 306

Course description:

This course analyses some of the more important remedies and orders granted in the court's equitable jurisdiction.

Most of the topics are relevant to civil proceedings generally and commercial litigation specifically. Particular attention is directed to remedies in aid of judgment and interlocutory orders which maintain the court's authority over the parties or their property.

Content outline:

Equity has devised various orders to facilitate judgments. An account of profits will be studied, followed by a discussion of money judgments in equity (equitable compensation and damages) and a review of specific performance.

Attention then turns to emergency relief. Some interlocutory orders play a pivotal role in maintaining the status quo and preventing wrongdoing pending trial. The principles for granting interlocutory injunctions and the implications of such orders will be assessed. Mareva injunctions (freezing orders) and Anton Piller (search) orders will then be examined.

Assessment:

1500 word assignment (20%)

2 hour open-book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

LAWGENRL 429 – Law of Family Property

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Nikki Chamberlain

Corequisites: LAW 306

Course description:

The law of family property is an important and interesting area of law that is relevant to general practitioners as well as family law specialists. This course will provide preliminary study in relation to front-end issues (asset protection measures) and advanced study on back-end issues (asset disputes) in the family law context.

In particular, we will discuss law and policy issues that arise in the interpretation and application of the Property (Relationships) Act 1976 such as pre-nuptial agreements, relationship property disputes, family trust disputes and estate disputes. We will examine the recent developments in ‘trust-busting’ as it pertains to family trusts.

We will also cover the law and policy behind spousal maintenance and re-settlement of family trusts under the Family Proceedings Act 1980 and estate disputes under the Family Protection Act 1955 and the Law Reform (Testamentary Promises) Act 1949.

Content outline:

The law of family property covers a number of specific areas, including:

1. Asset Protection: Pre-nuptial Agreements, Wills and Family Trusts
2. Asset Disputes:
 - Defining Relationship Property and Separate Property
 - Division of Relationship Property
 - Provision of Economic Disparity
 - Provision of Spousal Maintenance
 - Trust-Busting Mechanisms and Defenses
 - Succession under the Property (Relationships) Act
 - Estate disputes

Assessment:

2000 word essay (25%)

1 multi-choice Canvas test (5%)

2 hour open-book exam (70%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

Please ensure that you have a copy of the Property (Relationships) Act 1976 (updated with amendments).

A casebook will be provided containing cases and excerpts from additional statutes.

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Professor Jo Manning and Professor Ron Paterson

Prerequisites: LAW 211, 231

Restriction: LAW 427

Course description:

Health Care Law has grown into a discrete area of specialist study in approximately the last thirty years. Once dominated by medical negligence, it now encompasses the study of the principles of law that govern medical practice, the health professional-patient relationship, and the delivery of health care services.

Content outline:

Some topics are covered in some years and others in other years. The course is likely to include an examination of the following topics, time permitting: an introduction to medical ethics as an underpinning for legal decision-making in the field, with application to selected recent, relevant cases; a study of the Code of Health and Disability Services Consumers Rights, with interpretations of the Code by the Health and Disability Commissioner, disciplinary tribunals and courts. Important also is examination of the new jurisdiction of the Health and Disability Commissioner, as well as a short introduction to the disciplinary process and the Human Rights Review Tribunal jurisdiction. The central aspect of the course is a study of the fundamental concepts of competence to decide and consent to medical treatment and the lawfulness of providing treatment to patients who are incompetent to consent, which may include consent to treatment by or on behalf of children. Another possible topic is the duty of medical confidence, and its limits. We may also examine the law and ethics of rationing of health care. This is followed by a study of the legal issues arising from passive euthanasia and futile treatment. There may be some change in these topics to accommodate new legal developments.

Assessment:

30 minute in-class test (20%)

2 hour open book exam (80%)

Both the test and the final exam are open book. This means that you may, if you wish, bring into the test and exam and refer to any materials such as casebooks, textbooks and study notes.

Prescribed text:

There is no prescribed text for this course, but photocopied materials prepared by the lecturer will be distributed to the class for reading for lectures, forming the focus of lectures and class discussion.

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Professor Mark Henaghan

Prerequisites: LAW 211

Restriction: LAW 426, LAWGENRL 402

Course description:

Family law is about the legal formation of family relationships, the resolution of family disputes and the influence of public policy on family affairs. The course covers all aspects of family law. In particular, this course will explore how the family justice system resolves parenting, financial, violence in the home, property and relationship disputes. The course will develop both the practical and theoretical understanding of family law. The practical will be developed through a compulsory 50% assignment whereby each member of the class will act as a lawyer as well as a client in a family dispute that covers most aspects of the course. The course will also give you the opportunity to do an optional assignment that enables you to research, in some depth, a particular aspect of family law that you have an interest and a passion about. Family law is a major area of legal practice. A key outcome of this course is that by the end of it you will feel confident to be able to master the key skills of the family lawyer as well as understand the challenges and tensions that families face when they are in conflict.

Content outline:

The course covers the following topics:

- **Family Court Processes**
Family dispute resolution, settlement conferences, court applications and *ex parte* applications, mediation and negotiation by lawyers.
- **Day to Day Care and Contact**
Key principles in the Care of Children Act and how they apply; what the paramountcy principle means; the importance of children's views; the enforcement of orders; the relevance of violence; contact in difficult cases, relocation of children (both overseas and within New Zealand) and international child abduction.
- **Guardianship**
Rights and duties of parents and guardians, decisions before and after birth, medico-legal disputes within families and between families and the medical profession, sterilization decisions and decisions after a child passes away.
- **Marriage, Civil Unions, Separation and Dissolution**
Requirements for entering relationships such as marriage and civil union and requirements for ending them.
- **Violence in the Home (sometimes called Domestic Violence)**
Definitions for violence; orders for protection; occupation of the home; tenancy orders; harassment processes;
- **Finances and Property**
Maintenance; child support and relationship property.
- **Protection of Children Within the Family**
Child abuse; neglect; state care and the laws response to them
- **Adoption and Surrogacy**
New assisted reproductive technologies and surrogacy (both national and international).

Assessment:

4000 word compulsory file for a client (55%)
1500 word optional assignment (20%)
2 hour open-book exam (25% or 45% if optional assignment not completed.)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

The principal study resource for this course is the casebook. There is no prescribed textbook for family law, but these textbooks are recommended:

Mark Henaghan et al *Family Law in New Zealand* (18th ed, LexisNexis, Wellington, 2017).

Mark Henaghan and Bill Atkin (eds) *Family Law Policy in New Zealand* (4th ed, LexisNexis, Wellington, 2013).

LAWGENRL 434 – Trial Advocacy

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 4 hours per week

Course Coordinator: Jo Murdoch

Prerequisites: LAW 301, 306

Corequisites: LAWGENRL 401

Restriction: LAWHONS 707, LAWGENRL 420

Course description:

An introduction to trial advocacy. Course will include practical components for assessment. Students will have an understanding of the role of the advocate and the running of a criminal trial.

Content outline:

Topics covered will be: the conduct of the advocate; theory of the case; opening addresses; examining witnesses; expert witnesses; closing addresses.

Assessment:

100% on-course assessment

Recommended text:

Introduction to Advocacy, Sir Bruce Robertson (editor-in-chief), New Zealand Law Society CLE Ltd (July 2014)

LAWGENRL 435 – Theories of Private Law

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Jesse Wall

Prerequisites: LAW 231, 241

Course description:

This course explores the concepts and principles which are considered to be the philosophical foundations of tort law, contract law, and property law.

In particular, we consider the features of tort law, contract law, and property law, that differentiate them as separate branches of law. We explore the notions of causation, responsibility, fault, and loss, that these branches of law rely upon. We assess whether these areas of law be explained in terms of moral precepts, conceptions of justice, or economic goals, and we consider the assumptions about morality and the nature of persons that are necessary to make sense of tort law, contract law, and property law.

Assessment:

1875 word reflective essay (25%)

2 hour open-book exam (75%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

LAWGENRL 436 – Air and Space Law

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Kim Murray

Guest Lecturer: Marion Hiriart

Prerequisites: LAW 211, 241

Students are encouraged to take LAW 201, LAW 231 and LAW PUBL 402 International Law before or while taking this course, but they are not formal prerequisites.

Course description:

Air and space law is mainly a specialised field of public international law but with important aspects governed by successful private international law treaties. The implementation of this law in New Zealand involves many challenging issues in constitutional law, administrative law, tort law and other fields of law. The course will cover the most important aspects of international air and space law with examples of how the international law has been implemented and applied in the New Zealand legal system. Topical aviation industry issues such as the challenges of regulating remotely piloted aircraft (drones) and unruly passengers may also be included.

Content outline:

- The nature and sources of air and space law including the spatial delimitation of land, sea, air and outer space;
- The significance of airspace sovereignty and state jurisdiction over aircraft and space vehicles;
- The legal framework for the conduct of international commercial air services including the so-called “freedoms of the air”;

- The legal and institutional framework for aviation safety and security established by the 1944 Chicago Convention on International Civil Aviation including the law-making procedures of the International Civil Aviation Organisation;
- The obligation of states in relation to search and rescue and aircraft accident investigation with reference to New Zealand and international accidents such as MH37, MH17 and the German Wings tragedy;
- The liability of air carriers for carriage of passengers, baggage and cargo under the 1999 Montreal Convention;
- The principal space treaties and the New Zealand Outer Space and High-altitude Activities Act 2017.

Assessment:

1,500 word assignment (20%)

2 hour open book exam (80%)

Recommended text:

Pablo Mendes de Leon *An Introduction to Air Law* (Revised 10th edition, Wolters Kluwer).

I.H.Ph. Diederiks-Verschoor, V Kopal *An Introduction to Space Law* (Revised 3rd Edition, Wolters Kluwer).

LAWGENRL 443 – Introduction to Common Law

Credit points: 10 points

Offered: First and Second Semester

Contact hours: This is an intensive course which is offered to international exchange students only.

Course Coordinator: Dr Edward Willis

Prerequisites: LAW 201, 211, 231, 241 (or equivalents)

Restriction: LAWPUBL 702

Course description:

The history, nature and evolution of the Common Law; common law reasoning; the interaction of case law and legislation in a common law system.

Content outline:

- Legal research methodology
- The structure of government
- The sources of law
- The Treaty of Waitangi
- The system of courts in New Zealand
- Common law method
- Judicial reasoning
- The doctrine of precedent
- Statutory interpretation

Assessment:

This will be by way of research essay. The final grade for the course will be the grade for the essay.

Recommended text:

R. Scragg, *The Principles of Legal Method in New Zealand* (3rd ed, 2016)

J. Ruru, K. Sanders and D. Webb, *The New Zealand Legal System* (6th ed, 2016)

R. Scragg (ed), *Legal Writing: A Complete Guide for a Career in Law* (2015)

LAWGENRL 447 – Community Law Project

Credit points: 10 points

Offered: First and Second Semester

Course Coordinator: Dr Suranjika Tittawella

Prerequisites: LAW 201, 211, 231, 241

Restriction: LAWGENRL 405

Course description:

Students in LLB Part III and IV may participate in an approved community project for academic credit. The project should involve at least 75 hours of supervised work. The project must be completed without receipt of compensation, should be in a law-related field in a Law School approved non-profit or government entity, under the supervision of a legal professional or a qualified supervisor. At the conclusion of the project the student will submit a 5,000-word report based on the community law work they have undertaken during the internship.hip.

Further information is available from the Student Academic and Experience Adviser at the Law Student Centre.

LAWGENRL 458 – Pasifika Peoples and the Law: Critical Perspectives

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Dylan Asafo

Prerequisites: LAW 211

Course Description:

It is undeniable that Pasifika peoples in Aotearoa New Zealand experience a number of disadvantages and inequalities. However, the complex relationships between these inequalities and the law are not fully understood and are rarely explored in legal education and scholarship. Therefore, this course aims to give students an understanding of these relationships by encouraging the use of critical perspectives to examine a range of socio-legal issues facing Pasifika communities in Aotearoa New Zealand today.

Content Outline:

We will explore how Pacific cultural frameworks and critical approaches to scholarship (including Critical Race Theory, Latina/o Critical Legal Studies and intersectionality) can be used to develop critical perspectives on a range of socio-legal issues facing Pasifika communities in Aotearoa New Zealand today, including:

- Issues in immigration
- Inequities in health and wellbeing
- Barriers to education
- Housing inequities
- Injustices in the criminal justice system
- Media representation
- The experiences of Pasifika women in the legal system

We will also explore what we can do to improve the lives of Pasifika peoples in Aotearoa New Zealand in our roles as law students, lawyers, legal scholars, politicians, judges and policy makers.

Assessment:

1500 word Critical Response to Assigned Reading/News Article/Video (20%)

Class Presentation on Critical Response to Chosen Reading/News Article/Video (20%)

4000 word Critical Response to Chosen Reading/News Article/Video (60%)

LAWPUBL 402 – Public International Law

Credit points: 20 points

Offered: First Semester

Contact hours: Lectures – 4 hours per week

Course Coordinator: Dr Caroline Foster

Prerequisites: LAW 211, LAW 231 and LAW 241 or 30 points at Stage II in Global Politics and Human Rights

Restriction: LAW 435

Course description:

This course teaches the basics of international law. The course begins with an overview of international law, demonstrating how international law governs relations between States in an extraordinarily diverse range of fields. You will become familiar with the sources of international law, the law of treaties, and the subjects of personality, jurisdiction and responsibility in international law. We then examine the role of international courts and tribunals, and move on to consider sanctions in international law and the law on the use of force (studied with reference to the wars in Iraq, Afghanistan and Syria). Understanding international law is increasingly foundational to an education in law in today's transnational world. This course will equip you with a solid grounding in the rules and skills of public international law that will be important for you as a member of the legal profession, essential for advanced research or a career in this field, and helpful if you plan to study more advanced international law electives.

Content outline:

Overview, Sources, Treaties, Personality, Jurisdiction, Responsibility, International Courts and Tribunals, Sanctions, Use of Force

Assessment:

1 hour test (25%)

2 hour open-book exam (75%)

Both the test and the final exam are open book. This means that you may, if you wish, bring into the test and exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

Jan Klabbers *International Law* (6th ed, Cambridge University Press, 2013)

Malcolm Shaw *International Law* (7th ed, Cambridge University Press, 2008)

LAWPUBL 422 – Contemporary Tiriti Issues

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Tracey Whare

Prerequisites: LAW 211

Restriction: LAW 421

Course description:

This 15-point course aims to provide students with an understanding of contemporary Treaty/Tiriti issues based on its place under New Zealand and international law, and in the light of comparative jurisprudence on treaties between indigenous peoples and states in post-colonial settings. Contemporary issues to be examined include racial discrimination, claims to flora and fauna, fisheries, water, post-settlement challenges and constitutional reform.

It is our hope that the classes will be interactive and include careful personal and group consideration of the role that the Treaty/te Tiriti plays in our society and national and international politics more generally.

Assessment:

TBC

LAWPUBL 425 – Employment Law

Credit points: 15 points

Offered: First and Second Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Suzanne Innes-Kent

Prerequisites: LAW 231, 241

Course description:

This course surveys the law of employment in New Zealand.

Content outline:

The first part of the course is devoted to an examination of the individual employment agreement at common law and under the Employment Relations Act 2000. In the second part attention turns to the law relating to trade unions and collective bargaining under the Employment Relations Act 2000 and earlier legislation. The course will then focus on the law of unjustifiable dismissal and recent developments such as the 90-day trial period and the changing definition of justification. Recent cases on redundancy will be considered. The final part of the course reviews the statutory framework relating to such topics as:

- Pay equity
- Equal employment opportunity
- Occupational health and safety, including the new Health and Safety at Work Act 2015, which came into force in April 2016.

Assessment:

1500 word assignment (20%)
2 hour open book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

Brookers *Employment Law Handbook* (current edition, Thomson Reuters) which includes all relevant statutes and amendments, is strongly recommended.

LAWPUBL 427 – Māori Land Law

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Jayden Houghton

Prerequisites: LAW 301

Course description:

Tēnā koutou katoa. This course examines historical and contemporary issues concerning Māori land over four distinct, but overlapping parts. First, we discuss Māori customary law and colonial ideas about land. Secondly, we outline the impact of colonisation and settlement on Māori land, and how the state acquired Māori land, including through purchases and confiscations, and by the operation of the Native Land Court. Thirdly, we consider, with a focus on practical challenges and solutions, contemporary issues under Te Ture Whenua Māori Act 1993, including claims to customary title; the effects of indefeasibility on the ownership of Māori land; the alienation of Māori land; applications to change the status of Māori land to general land; mediation and representation issues; the transfer of shares in Māori land from a deceased owner to their descendants or beneficiaries; the operation of Māori land trusts and incorporations; and the valuation and rating of Māori land. We also review Te Ture Whenua Māori Bill 2016, the role of the Māori Land Court in the post-settlement era, and ideas about how owners might effectively utilise Māori land. Finally, we discuss the Waitangi Tribunal and Treaty claims relating to land and rivers, including Te Urewera, the Waikato River and the Whanganui River.

The course will be co-taught by Judge Layne Harvey (Ngāti Awa, Rongowhakaata, Te Aitanga-a-Māhaki, Te Whānau-ā-Apanui, Ngāti Kahungunu) of the Māori Land Court and lecturer Jayden Houghton (Rereahu Maniapoto, Ngāpuhi), and will feature special guest lectures from eminent persons working in the field.

Assessment:

- Canvas Quizzes (20%)

You will take Canvas quizzes as the course progresses. There will be 8 quizzes available to take. Your best 5 quizzes will contribute to your final grade at a weighting of 4% per quiz for a total of 20% towards your final grade.

- Essay (30%)

You will have a choice of questions and answer one question. The word limit for the essay is 2,250 words. The essay is due on Monday 7 October at 12 noon.

- Exam (50%)

The final exam is 2 hours and open book.

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Note: The lecturers are mindful that this course has not been offered recently. To help students prepare for the exam, the lecturers will provide students with mock exam papers that will indicate the format of the exam and the kinds of questions which students can expect to find in the exam.

LAWPUBL 428 – Rights and Freedoms

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Dr Jane Norton

Prerequisites: LAW 211

Restriction: LAW 342, 452, LAWHONS 702

Course description:

This course is about human rights protection in New Zealand. It focuses on rights and freedoms in the New Zealand Bill of Rights Act 1990 other than those relating specifically to criminal procedure (the subject of a different course). The course will look at rights protection from a theoretical perspective and through a series of problems and case studies arising out of particular human rights controversies. The discussions will examine the theoretical foundations of human rights protection and draw on case studies from both New Zealand and other jurisdictions (including the United States, Canada, South Africa, the United Kingdom, and the European Court of Human Rights) such as those relating to:

- The rights to life and security of the person in ss 8 to 11, and the issues of assisted dying, deaths for which the state may have responsibility, and rights against cruel or disproportionately severe punishment;
- Freedom of thought and expression in ss 13 and 14, in the context of expression-restricting laws and practices (eg obscenity, “hate speech”, dress code/uniforms etc);
- Freedom of religion in ss 13 and 15 and the separation of church and state, prayers at public events, religion in schools, whether exceptions ought to be allowed from laws to permit religiously-motivated actions; the interaction of religious freedom with anti-discrimination law; “hate speech” and religious offence;
- Rights against discrimination under the Bill of Rights and the Human Rights Act 1993.

Assessment:

1500 word reflection paper (20%)

2 hour open book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

Rishworth, Huscroft, Optican and Mahoney, *The New Zealand Bill of Rights*, OUP, 2003

Donnelly, *Universal Human Rights in Theory and Practice* (Cornell, 2013).

LAWPUBL 430 – Criminal Procedure

Credit points: 15 points

Offered: Second Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Associate Professor Scott Optican

Prerequisites: LAW 201

Restriction: LAW 482

Course description:

Criminal procedure is the set of rules governing the conduct of criminal trials and the investigation of crime by the police. Criminal procedure tells police how they may investigate criminal activity, outlines for accused persons the rights they possess in the face of criminal prosecution, and provides a set of rules for prosecutors, defence lawyers and judges with respect to the conduct of criminal trials. The aim of this course is to study selected topics in criminal procedure, both at the trial level and with respect to pre-trial investigative processes.

Content outline:

The course covers selected and significant aspects of criminal procedure focusing on police investigative processes and criminal trial practice. Specifically, the course explores the law relating to: the exclusion of evidence obtained improperly by the police; search and seizure; the rights to counsel and silence; the right of police detainees to be charged promptly or released; the right of police detainees to be brought to court as soon as possible after arrest or detention; concepts of arrest and detention; arbitrary detention; the right to adequate time and facilities to prepare a defence; the right to a speedy trial; and various other fair trial rights. The emphasis will be on the law of criminal procedure under ss 21-25 of the New Zealand Bill of Rights Act 1990 – with other complimentary rules studied from the Evidence Act 2006, the Search and Surveillance Act 2012 and the Criminal Procedure Act 2011.

Assessment:

1500 word assignment (20%)

2 hour open-book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

Course materials to be distributed.

A useful text (which is not completely up to date) discussing many of the issues covered in class is P Rishworth, G Huscroft, S Optican & R Mahoney, *The New Zealand Bill of Rights* (Oxford University Press, Melbourne, 2003). A more current book on the NZ Bill of Rights is: Butler & Butler, *The New Zealand Bill of Rights Act: A Commentary* (Lexis Nexis, Wellington, 2015).

Students are also referred to the (not completely up to date) chapter by Scott Optican, "Criminal Procedure", in J Tormie & W Brookbanks (eds) *Criminal Justice in New Zealand* (LexisNexis, Wellington, 2007) Ch 7.

Other useful texts are: W Young, N Trenderle & R Mahoney, *Search and Surveillance Act & Analysis* (Thomson Reuters, Wellington, 2012) (containing a complete copy of the Search and Surveillance Act 2012); Finn, Mathias

& Mansfield, *Criminal Procedure In New Zealand* (2nd, Thomson Reuters, Wellington, 2015); and Elisabeth McDonald and Scott Optican (eds) *Mahoney on Evidence* (Thomson Reuters, Wellington, 2018) (containing a complete copy of the Evidence Act 2006).

Various chapters (“Criminal Procedure”, “Rights and Powers”, “Evidence”, “Trial Procedure”) of Robertson (ed) *Adams on Criminal Law* (Thomson Reuters, looseleaf, 1992-) and the online version at Thomson Reuters Westlaw NZ OnLine) are also good sources for the discussion and analysis of diverse aspects of criminal procedure.

The updates on “Evidence” written by Associate Professor Scott Optican in the *New Zealand Law Review*, articles in the *The New Zealand Law Journal* and cases digested in *The Judgments Unlimited Express* can also be good, current sources of judgments and materials dealing with various aspects of criminal procedure law.

LAWPUBL 431 – Advanced Public Law

Credit points: 15 points

Offered: First Semester

Contact hours: Lectures – 3 hours per week

Course Coordinator: Dr Edward Willis

Prerequisites: LAW 211

Course description:

Public law is the law that deals with the history, structure and functioning of national government and the nature of the state. It contains the rules that create public power and allocate that power among different parts of government, and in doing so it shapes both the process and the outcome of government decision making in important ways. The aim of this course is to study selected topics in public law in a ‘deep dive’ fashion, encouraging students to closely consider the relevant theoretical frameworks and underlying debates as well as connecting those frameworks and debates to actual issues and decisions.

Content outline:

The course covers selected and significant aspects of public law in New Zealand. Likely topics include the distinctive nature of unwritten constitutionalism, the developments of judicial declarations of inconsistency as a remedy for statutory breaches of the New Zealand Bill of Rights Act, ‘third source’ authority for government action, the limits of judicial review, Crown fiduciary duties owed to Māori, and the nature and scope of Parliamentary privilege, judicial power, the making and interpretation of legislation, and the idea of rights and liberty under the common law.

Assessment:

1,500 word assignment (20%)

2 hour open-book exam (80%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

Course materials to be distributed.

Philip A Joseph *Constitutional and Administrative Law in New Zealand* (4 ed, Thomson Reuters, Wellington, 2014).

Credit points: 15 points

Offered: Summer School

Contact hours: Starts Mon 7 Jan and finishes Thu 14 Feb (Tu 4-6pm extra in the final week)

Course Coordinator: Associate Professor Vincent Cogliati-Bantz

Prerequisites: 30 points at Stage II in BGlobalSt courses or LAW 211

Lecturer:

Associate Professor Vincent Cogliati-Bantz

17 EDEN CRESCENT - Bldg 803

Level 2, Room 204

Email: v.cogliati-bantz@auckland.ac.nz

Course description:

The European Union has a population of about 512 million people and 28 member States. Starting modestly with the management of coal and steel in 1951, it now covers areas as varied as a Union citizenship, foreign policy, fisheries, culture, human rights or tourism. It has the second largest economy in the world and is New Zealand's third trading partner.

The purpose of the course is to introduce students to the fundamental principles of the legal order of the European Union, its sources, institutions, enforcement mechanisms and relations with domestic legal orders. The course will also look at some core particular areas of Union's policies and legal regulation, such as the protection of human rights or the free movement of workers.

Content outline:

- Foundations of the EU
- Institutions of the EU
- Union legislation
- Supremacy of EU law
- Direct effect of EU law
- Judicial review of EU law
- Cooperation between EU and domestic courts
- Enforcement of EU law domestically and by the Commission
- Free movements of goods
- Free movement of persons

Assessment:

- A multiple choice test on Canvas weighted 10%, with 40 minutes allowed to complete it. The test will take place approximately halfway through the course.
- A 2-hour open book exam with an additional 10 minutes reading time. The exam mark will contribute 90% to your final grade.

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended reading:

Lectures will be recorded and uploaded to Canvas. You are asked to attend all classes if possible and to use the recordings only as back-up or for revision.

There is no prescribed textbook for the course. The course has a course book, the LAW PUBL 445 casebook which contains the readings for each module. The casebook will be available for purchase from the university bookshop, Ubiq but if you do not wish to purchase the casebook, you will find a link to a PDF of the casebook on the Canvas page under 'Files'. Also, links to the reading materials can be found under the Reading List tab on Canvas. Please note that the course book also refers you to the EU Treaties, also available on the Canvas reading list.

LAW PUBL 446 – Indigenous Peoples in International Law

Credit points: 15 points

Offered: Semester Two

Contact hours: Lectures – 3 hours per week

Course Coordinator: Tracey Whare

Prerequisites: 30 points at Stage II in Global Environment and Sustainable Development or Global Politics and Human Rights, or LAW 211

Course description:

This course will introduce students to international law, especially human rights law, relevant to Indigenous peoples.

Content outline:

The course begins with consideration of who Indigenous peoples are, the international legal framework (in particular the United Nations Declaration on the Rights of Indigenous Peoples of 2007), and the justifications for Indigenous peoples' rights.

We will then explore the international bodies relevant to Indigenous peoples, what they have said about the Indigenous rights situation in Aotearoa New Zealand and the Pacific, and their impact.

In the final part of the course we will examine some core rights issues, including Indigenous peoples' rights to their lands and states' duties to obtain Indigenous peoples' free, prior and informed consent to matters affecting them.

Assessment:

Group presentation (20%)

1500 word reflective essay (20%)

2 hour open book exam (60%)

Open book means that you may, if you wish, bring into the exam and refer to any materials such as casebooks, textbooks and study notes.

Recommended text:

A coursebook will be available at the start of the course and will be your day-to-day resource for classes.

S James Anaya *Indigenous Peoples in International Law* (2ed, Oxford University Press, 2004) is a recommended text.

LAWPUBL 461 – Human Rights Theory and its Application

Credit points: 15 points

Offered: First Semester

Contact hours: Seminars – 3 hours per week

Course Coordinator: Maia Wikaira

Prerequisites: 30 points at Stage II in Global Politics and Human Rights or LAW 399 and one of LAWPUBL 422, 428, 436, 458

Course description:

The purpose of the course is to teach substantive domestic human rights law and associated legal skills, with a specific focus on Māori rights.

The course will be a combination of seminars, including guest presentations from practitioners, and experiential learning.

The most significant part of the course will involve client-facing and legal research work on real rights projects.

Assessment:

TBC

Enrolment in this course requires completion of an application form available here.

<http://www.law.auckland.ac.nz/en/for/current-students/current-undergraduate-students/law-student-forms.html>

LAWPUBL 463 – Advanced Topics in Criminal Law

Credit points: 10 points

Offered: Second Semester

Contact hours: Lectures – 2 hours per week

Course Coordinator: Dr Katherine Doolin

Prerequisites: LAW 201

Restriction: LAWPUBL 420

Course description:

TBC

Assessment:

500 word reflective paper (10%)

1500 word reflective paper (30%)

2 hour open book exam (60%)

Recommended text:

TBC

LAWPUBL 464 – ST: Law and Policy

Credit points: 10 points

Offered: First Semester

Contact hours: Lectures – 2 hours per week

Course Coordinator: Professor Jane Kelsey

Prerequisites: LAW 211

Course description:

Using climate change policy as a reference point, we look behind the scenes at what shapes government decisions about policy and legislation. Should the state play a hands-on or arms-length role in regulating our lives, communities, economy, eco-system? What are the overarching political, bureaucratic and legislative frameworks within which policy and legislation is made? Is there a hierarchy of government agencies and external players who influence policy? How do policy makers and advisers go about developing or reforming policy and which tools and resources do they use? What does the current model of 'best practice' regulatory management involve and does it really produce those results?

Assessment:

1000 word assignment (20%)

4000 word research paper or 2 hour open-book exam (80%)

LAWPUBL 466 – Contemporary Issues in Disarmament Law

Credit points: 15 points

Offered: Summer School

Contact hours: Starts Mon 7 Jan and ends Fri 15 Feb (Tu 10-12 noon extra in the final week)

Course Coordinator: Associate Professor Treasa Dunworth

Prerequisites: 30 points at Stage II in Global Politics and Human Rights or LAW 211

Restriction: LAWPUBL 455

Course description:

In this course, we will examine legal and humanitarian issues relating to arms control and disarmament. While we will consider historical disarmament initiatives to “set the scene”, our focus will be on legal analysis of contemporary issues in disarmament and we will study the whole range of weapons from so-called “conventional weapons” (landmines, cluster munitions and small arms for example) as well as “weapons of mass destruction” (chemical, biological and nuclear weapons). We will also explore new weapons technologies such as those using remotely controlled platforms and autonomous weapons systems.

In traversing these weapons and the respective disarmament efforts, we will explore a number of themes including the different ways we talk about disarmament (as security? as human security? as a question of humanitarianism?), the difficulties around verification and dispute resolution and the role of law in processes of disarmament and arms control. There will also be an emphasis, where possible and appropriate, on New Zealand’s role in disarmament and arms control. I hope to have at least one guest speaker who has been involved in international disarmament efforts to share and reflect on their experiences and on disarmament processes generally.

Assessment:

The course will be assessed by means of an open-book examination and a one-hour in-class test on 21 January 2019 for which 10% of the overall grade is available on a plussage basis. Both the test and the exam are open book. This means that you may, if you wish, bring into the test and the exam and refer to, any materials such as casebooks, textbooks and study notes.

LAW 456 – Supervised Research

Credit points: 15 points

Offered: Summer School, First and Second Semester with approval of the Associate Dean

A 10,000-word research paper, approved by the Associate Dean, written under the supervision of a teacher in the Faculty of Law. Only students who have already shown research capability will be given permission to do a supervised research paper.

Students who wish to write a research paper should first think of a topic and then consult a staff member to supervise the research paper. There is an application form, available from the Auckland Law School Student Centre. The form should be completed, and handed back to the Auckland Law School Student Centre for the approval of the lecturer and the Associate Dean. Approval for Supervised Research Papers must be obtained by the end of the second week of each semester.

Supervised Research papers are due on the Friday of the last week of teaching of the semester in which the enrolment takes place.

The Supervised Research paper can be counted as a single piece of legal writing for LAW 498.

Research Paper in Lieu of an Examination (PILO)

Students who are granted permission may present a research paper in lieu of an examination in any elective course in terms of Regulation 10a of the LLB Regulations. Only students who have already shown research capability will be permitted to write a research paper in lieu of an examination. The research paper is due on the Friday of the last teaching week in each semester and should be submitted through the Auckland Law School Student Centre and online via Turnitin.

Students choosing to write a research paper in lieu of an examination are required to attend all lectures in the relevant course. If this attendance condition is not complied with, permission to complete the research paper in lieu of an examination may be withdrawn.

The research paper is in lieu of the examination only; all other assessment for the course must be completed.

The word count for the research paper varies per course relating to the weighting of the examination, and the number of points of the elective.

For 20-point electives, the word count will be a percentage of 10,000 words. For a 15-point elective, the word count will be a percentage of 7,500 words, and for a 10-point elective, a percentage of 5,000 words.

For example, in a 15-point elective where the examination is worth 50%, the PILO will be 3,750 words (50% of 7,500 words).

Students writing a research paper in lieu of a final examination of at least 4000 words may receive credit for the sustained piece of legal writing requirement in LAW 498.

The last day for approval of a research paper in lieu of an examination by the lecturer and the Associate Dean (Academic) is the Friday of the fourth week of the semester.

The online application form is available at www.forms.auckland.ac.nz/pilo

Masters courses available for LLB Part IV

Students who have completed at least 120 points above Part II, and who have a GPA of 5.0 or higher in their most recent 120 points in law courses, may be permitted to take up to 45 points in LLM courses in lieu of law electives for LLB.

Masters courses are usually assessed by way of research papers on individual topics: 6,500 words for a 15-point course, 12,500 words for a 30-point course; there are no exams.

Some masters courses are taught intensively; others are semester-long. Part IV students interested in taking masters courses should consult Suranjika Tittawella at the Law Student Centre.

Honours Seminars

LAWHONS 706 – Criminal Law and Policy

Credit points: 20 points

Offered: Full-year

Contact hours: Lectures – 2 hours per week

Course Coordinator: Professor Julia Tolmie / Associate Professor Scott Optican

Course Description:

The first semester of this course will cover a range of criminal law issues examined through the medium of case law, statute, academic and media commentary and documentary film and television and from a variety of perspectives. The second semester will consist of student presentations of their research into a variety of different topics relevant to criminal law and policy.

Assessment

The assessment structure for this course is as follows: 15% for class participation; 15% for oral presentation of the students written paper; and 70% for the written seminar paper.

LAWHONS 722 – Medico-Legal Problems

Credit points: 20 points

Offered: Full-year

Contact hours: Lectures – 2 hours per week

Course Coordinators: Professor Jo Manning

Course description:

First Semester

In the first semester, classes will be led by me on topics selected by me, and will consist of discussion of cases and other materials distributed in the form of a Casebook. Readings from these will be assigned prior to the class at which they will be discussed. The discussion in class centres around the assigned materials so it is essential that it is read beforehand.

The topics covered in the first semester of the course will include some/all of the following, depending on time:

- Readings on the “unfortunate experiment” at National Women’s Hospital, the Cartwright Inquiry and Report, and commentary thereon An introduction to the Code of Health and Disability Services Consumers’ Rights
- An introduction to the accountability regime via the Crimes Act 1961 (manslaughter), the Health and Disability Commissioner’s jurisdiction, the Health Practitioners Disciplinary Tribunal, and the Human Rights Review Tribunal
- An introduction to the fundamental concepts of consent to medical treatment, at common law and pursuant to the Code of Health and Disability Services Consumers’ Rights
- Legal issues related to consent to treatment of incompetent adults
- Legal issues relating to rationing of health services
- An introduction to the legal issues arising from assisted dying and withdrawal of life prolonging treatment

Second Semester

In the second semester students will present a 50-minute seminar to the class on their research project, on which they are writing their research paper. Each week two students will give presentations. Students are expected to come up with their own topic for the research project and paper. I provide a long list of suggested topics, although students are free to suggest for my approval any topic within the medical law and ethics field which interests them.

In 2018 students researched a broad range of topics. Examples included whether vaccination should be compulsory, issues in cosmetic surgery, Pharmac’s allocation of prescription medicines, withholding and withdrawing of life supporting treatments, adolescents refusing life prolonging treatments, whether non-disclosure of HIV+ status to a sexual partner should be criminalised.

Assessment:

Evaluation consists of 100% on-course assessment, consisting of:

1. Honours seminar paper (maximum 10,000 words) - 70%;
2. An oral presentation of your seminar - 20%;
3. Class contribution and participation - 10%.

LAWHONS 728 – Studies in Public Law

Credit points: 20 points

Offered: Full-year

Contact hours: Lectures – 2 hours per week

Course Coordinator: Professor Janet McLean

Course Description:

This seminar is concerned with topics across public law. The first semester seminars will be led by the lecturer and will address some of the more contentious issues in public law including the effectiveness of the New Zealand Bill of Rights model in comparative perspective, declarations of inconsistency, proportionality doctrine, equality jurisprudence, the relationship between constitutional and administrative law, contracted out public services, tikanga in the constitution and theoretical reflections on the NZ public law system. Student papers may be written in any area of public law and will be presented in the second semester.

Assessment

100% on-course assessment. Individual components to be advised by the lecturer at the commencement of the course.

LAWHONS 733 – Studies in Contract Law

Credit points: 20 points

Offered: Full-year

Contact hours: Lectures – 2 hours per week

Course Coordinator: Marcus Roberts

Course Description:

The first semester will consist of class discussion and is concerned with various historical, comparative and ideological perspectives on contract law and the nature of contractual obligation/relationships. Topics that may be covered include the development of consideration, interpretation, mistakes, damages and the doctrine of frustration. The second semester is given over to the presentation of student papers, the topics of which are for the student to determine in consultation with the lecturer.

Assessment

100% on-course assessment. Individual components to be advised by the lecturer at the commencement of the course.

LAWHONS 735 – ST: Corruption and Democracy

Credit points: 20 points

Offered: Full-year

Contact hours: Lectures – 2 hours per week

Course Coordinator: Associate Professor Timothy Kuhner

Course Description:

From one of the earliest concerns of morality and political philosophy to the subject of the latest global treaty sponsored by the United Nations, corruption has long played a powerful role in human affairs. In the broad sense, corruption includes not just concrete acts such as bribery, embezzlement, money laundering, and obstruction of justice, but also more textured phenomena such as trading in influence, cronyism, and state capture by corporations or oligarchs. Today, corruption is so widespread that it has become a leading cause of inequalities in political and economic systems, environmental destruction, human rights violations, and even rising populism and authoritarianism.

This seminar springs from corruption's global significance and its devastating implications for self-government. Its purpose is to explore the intersection between corruption and democracy in particular. How does corruption manifest in democracies? How does it affect core democratic values and procedures? How can distinct sources of law, from constitutions to treaties, protect democracy from corruption?

In the first semester, the lecturer will lead class dialogues on a variety of topics, including the following: the definition and effects of corruption; how corruption can be measured and countries ranked in terms of their levels of corruption; domestic and international legal frameworks for preventing and punishing corruption-related offenses, including the legal framework in New Zealand and in the United Nations Convention Against Corruption; and how corruption intersects with the law of democracy. (The law of democracy includes the legal standards governing political participation, elections, lobbying and legislative activity, and the financing of political campaigns and political parties. This area of law will be one of our main concerns throughout the year.)

In the second semester, each student will give a detailed presentation on the topic of their research paper. Topics must be approved in advance by the lecturer. To facilitate the research component of the course, one class period early on in Semester 1 will be devoted to issues of topic selection and academic writing, and students will be encouraged to meet with the lecturer during office hours.

Assessment

Honours seminar paper (80%)

In-class presentation of seminar paper (10%)

Class participation throughout both semesters (excluding paper presentation) (10%)

LAWHONS 743– ST: Refugee and Immigration Law

Credit points: 20 points

Offered: Full-year

Contact hours: Lectures – 2 hours per week

Course Coordinator: Dr Anna Hood

Course description:

In this subject we will be looking at some of the complex issues that arise in refugee and immigration law at both the national and international level. You will be encouraged to think about the history and development of the different issues we consider, theoretical approaches to the two areas of law, what forces have affected the shape and content of refugee and immigration law, whose interests are served by the laws we consider, and the extent to which the laws we study help or harm people. Most importantly, you will be encouraged to think critically about the different topics we discuss.

In semester one, you will have 12 classes where you are introduced to different ideas in refugee law and immigration law. In the first part of the semester we will focus on refugee law. This will include an examination of some of the limitations of refugee law, the securitisation of refugee issues, the widespread use of detention and refugee camps, and people smuggling. In the second part of the semester we will look at a number of different immigration issues including New Zealand's immigration history, human trafficking, migrant workers and immigration and human rights issues. In addition to the substantive classes in semester one, we will also have a couple of classes set aside to discuss how to approach the research essays you will be writing this year.

In semester two, you will each be required to present the research you are working on for half a class.

Assessment:

TBC

LAWHONS 744 – ST: Privacy Law

Credit points: 20 points

Offered: Full-year

Contact hours: Lectures – 2 hours per week

Course Coordinator: Stephen Penk

Course description:

In the first semester, classes will be led by me on topics related to privacy law (which might include other torts). Materials will be distributed, for reading prior to each week's class at which they will be discussed.

Topics are likely to include: definitions of privacy; privacy and related interests / competing interests; sources of privacy law; common law privacy protection – in NZ, Australia, Canada, the UK and the US; the Privacy Act 1993 and the current Privacy Bill; Codes of Practice; other statutes that address privacy concerns; surveillance; privacy in employment; privacy, publicity and the media; health privacy; data matching / transborder data flows / other applications.

In the second semester each student will make a 50-minute presentation to the class on their research project on which they are writing their research paper. Each week two students will give presentations.

Assessment:

Seminar paper (10,000 words) – 75%

Seminar presentation in semester 2 – 15%

Class contribution and participation – 10%



THE UNIVERSITY OF
AUCKLAND
Te Whare Wānanga o Tāmaki Makaurau
NEW ZEALAND

Contact

Auckland Law School
The University of Auckland
Private Bag 92019
Auckland 1142
New Zealand

0800 61 62 63

Phone: +64 9 373 7599 ext 81973

Fax: +64 9 373 7473

Web: www.law.auckland.ac.nz

Auckland Law School Student Centre

Level 2, 1–11 Short Street
Auckland

law.auckland.ac.nz