



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

Auckland Law School

Postgraduate Courses 2019

law.auckland.ac.nz



ACHIEVE THE
AMAZING

Achieve the Amazing

Postgraduate study in law is increasingly important in a globalised world. The demand for more specialised, sophisticated and internationalised understanding of the law is growing. Whether you are looking to deepen and broaden your understanding or venture into a new area of law, postgraduate study at the Auckland Law School can energise your thinking and your career. Law at Auckland is challenging, exciting and taught by some of the best legal scholars in the country as well as stream of visiting scholars from around the world.

Postgraduate options

The **Master of Laws (LLM)** is a 120-point programme, which can be completed in one year if done full-time or over more than one year if done part-time. Entry into the LLM is possible at any time throughout the year. It can be done as either a research masters with a thesis or a coursework masters with over 30 taught courses to choose from.

The programme offers six specialisations: Corporate and Commercial Law; Environmental Law; Human Rights Law; International Law; Litigation and Dispute Resolution; and Public Law.

All of our postgraduate courses fulfil the New Zealand Law Society's Continuing Professional Development (CPD) requirements.

The **Master of Legal Studies (MLS)** is designed for professionals that may not have studied law at the undergraduate level. It allows professionals to complement their existing qualifications and skills with specialised legal knowledge.

The **Master of Taxation Studies (MTaxS)** is for graduates in either law or commerce who wish to develop their tax skills or for practitioners wanting to update their tax knowledge. Like the MLS, the MTaxS is a 120-point or 180-point programme, depending on your entry qualifications.

The **Postgraduate Certificate in Law (PG CertLaw)** is a pathway to the LLM or the MLS. Effectively a half of the LLM or the MLS, it is ideal if you have limited time or wish to study only a few select courses. Individual courses may be also taken for a Certificate of Proficiency (COP).

There are many options to choose from to make studying compatible with your busy life. There is a mixture of semester and intensive courses. Semester courses are taught in the evenings to minimise clashes with work and other commitments. Our intensive courses are taught in one or two blocks of consecutive days, with practitioners outside of Auckland in mind.

ranked # **29** The University of Auckland is ranked 29th in the world for Law in the QS World University Rankings by subject in 2018.



Course	Description
LAW 700 – Legal Research Methodology and Advanced Writing (0 points) Intensives Semester 1: 27 February-1 March Semester 2: 17 July-19 July	The course is designed to provide students with up to date research and academic writing skills. The different components of the legal research and writing process including initial analysis, research ethics, writing style and writing a legal research essay are canvassed in this course. New students are provided with information about the Davis Law Library, its collections and resources and legal data base training. Bronwyn Davies, University of Auckland
LAWPUBL 745 – Constitution and Custom in the South Pacific (30 points) Intensive 13-19 March	An investigation of the origins and structure of Constitutions in the South Pacific. The constitutions of Samoa, Tonga, the Cook Islands, and French Polynesia will be considered but reference will also be made to other South Pacific jurisdictions. It will examine the history of each constitution, the patterns of constitutional principles found in them, and accommodations reached in the constitutions between customary concepts, institutions and imported constitutional principles. Dr Alex Frame
COMLAW 740 A & B – The Tax Base (30 points) Intensive 21- 23 March & 10-12 October	A study of the New Zealand income tax base. The course examines income timing and recognition, comparisons between the nature of capital and income, the differing treatment of each, and provides a deeper understanding of the policy behind the New Zealand income tax regime. It provides both a theoretical background and detailed technical knowledge of the scope and application of the most significant regimes for income, deduction and timing in the Income Tax Act 2007. Professor Craig Elliffe, University of Auckland
LAWCOMM 730 – International Trade Law (30 points) Intensive 11-17 April	The course aims to provide students with significant knowledge of the breadth and depth of international trade law, and critical analytical abilities to spot issues in the field and develop constructive solutions to those issues. It covers multilateral (GATT-WTO) and regional (free trade agreements and customs union) level law, which prepares students for practice in many countries around the world. Professor Raj Bhala, University of Kansas
LAWCOMM 775 A & B – International Taxation (30 points) Intensive 11-13 April & 31 Oct-2 Nov	The role and functions of Double Tax Agreements (DTA's), their history and purpose, how to use a DTA and interpret it as part of international public law and the Vienna Conventions are considered in this course. The role of specific articles in the DTA's, the international law rules for foreign investment funds, controlled foreign companies, foreign dividend withholding payments, conduit relief, underlying foreign tax credits, and foreign investor tax credits are examined along with international trusts and how tax havens work. Professor Craig Elliffe, University of Auckland

Course	Description
LAWCOMM 769 – Economic Regulation: Principles and Practice (15 points) Intensive 15-17 April	This course looks at the rationale for economic regulation, explores what makes good regulatory practice and the range of regulatory tools available to tackle identified problems, and considers the potential downsides and risks of regulation. It explains how New Zealand's regulatory workhorse, Part 4 of the Commerce Act 1986, operates and reviews legal challenges to it. The course explores the regulatory frameworks in the telecommunications sector and the dairy sector. Donal Curtin, Managing Director, Economics New Zealand
LAWCOMM 749 – International Litigation (15 points) Intensive 6-8 May	The course considers the three main issues of private international law: the jurisdiction of courts to deal with cross-border disputes; the recognition and enforcement of foreign judgments; and choice of law. It cogitates the principles applied to resolve commercial disputes, and how these principles can be used strategically. The main focus of the course is the common law approach to international litigation, referring in particular to the laws of New Zealand and Australia. Professor Mary Keyes, Griffiths University
COMLAW 747 – Goods and Services Tax (15 points) Intensive 16-18 May	An advanced study of Goods and Services Tax (GST): both a theoretical background and high level of technical knowledge of the GST Act 1985. Comparisons with other indirect taxes and overseas variations of GST (notably Australian GST and the United Kingdom VAT) provide a deeper understanding of the policy behind the New Zealand GST regime. Jared Otto, Inland Revenue Department and Barnard Hutchinson, University of Auckland
LAWPUBL 754 – Comparative Human Rights Law (30 points) Intensive 22-28 May	The course deals with rights protected by bills and charters of rights in the domestic law of common law countries. The focus is on the operation of bills and charters and analysing the substance of human rights in relation to various controversies. It will consider the outcomes in rights cases, and understanding the scope and purposes of comparative legal studies. The course will focus on New Zealand, comparable jurisdictions and Pacific Island states. Professor Paul Rishworth, University of Auckland
LAWPUBL 752 – Contemporary Issues in International Law (30 points) Intensive 10-14 June	This course contemplates a select number of contemporary international law issues, and through them students will have the opportunity to deepen their understanding of foundational international law principles and the role of key international institutions such as the United Nations. It will focus on the historical contexts and theoretical constructs that underpin contemporary international law events, encouraging a critical evaluation of the relevance of international law in international politics and society. Dr Anna Hood, University of Auckland and Dr Madelaine Chiam, La Trobe University
LAWCOMM 778 – Selected Topics in Tort Law (15 points) Intensive 18-20 & 25-27 June	An examination of selected topics in torts, all of which there have been significant new decisions of the courts in New Zealand and in common law countries around the world. The seminars accordingly will take a comparative approach, with the focus on the law in New Zealand but informed in particular by decisions in the United Kingdom, Australia, Canada and Singapore. Professor Stephen Todd, University of Canterbury
LAWPUBL 755 – Comparative Criminology (30 points) Intensive 19-25 June	International crime must be understood at the national and local level, where legal institutions and systems respond to crime, and where their operation may lead to varying legal norms. The course provides a comparative analysis of how crime is understood worldwide and will review how varying criminal justice systems respond to both local and international crime. Special attention will be paid to those national systems that mirror that of New Zealand which offer useful insights and norms that are different. Professor Jon Gould, American University
LAWCOMM 786 – Tax Administration and Disputes (15 points) Intensive 27-29 June	An advanced study of the statutory disputes and challenge procedures in the Tax Administration Act 1994. The course covers the power of the Commissioner to propose adjustments, conduct investigations and raise assessments. It reviews the statutory framework within which the Commissioner operates, taxpayer rights and the power of the courts to supervise and review the assessment process. Professor Julie Cassidy, Auckland University Business School
LAW 701 – Legal System, Sources, Structure and Method (30 points) Semester 1: Friday 2-5 pm Semester 2: Friday 2-5 pm	An introduction to the New Zealand legal system and the process of legal reasoning. The course will consider the core substantive components of the New Zealand legal system, the sources of New Zealand law including statute, case law and custom. It will examine the influence of international law, legal methodology in theory and practice (including judicial reasoning and the doctrine of precedent), techniques of statutory interpretation, and the resolution of disputes. The course will be offered in both semesters. Dr Edward Willis, University of Auckland
LAWENVIR 732 – Selected Issues in Environmental and Natural Resources Law (30 points) Semester 1: Monday 5-8 pm	An examination of new developments and principles in the management and use of natural resources such as water, fisheries, forestry, minerals and energy resources. The course will examine selected topics in the field of environmental and natural resources law, including significant international and transnational legal developments, and domestic regulatory and case-law developments. Professor David Grinlinton, University of Auckland
LAWGENRL 713 – Selected Issues in Family Law (30 points) Semester 1: Tuesday 5-8 pm	Family law constantly changes. This course will discuss and analyse cutting edge family law issues through legal and multi-disciplinary lenses. Topics to be covered are complex parenting disputes, complex guardianship disputes, and solutions for family violence, relationship property cases, and developments in maintenance cases, reforming family law and adoption and surrogacy. Professor Mark Henaghan, University of Auckland
LAWCOMM 735 – Artificial Intelligence Law and Policy (30 points) Semester 1: Wednesday 5-8 pm	An exploration of the legal and policy aspects of artificial intelligence. It will examine how artificial intelligence changes the ways in which legal services are delivered and policy decisions are made, and evaluate the wider legal and policy issues created by the use of artificial intelligence. The course will focus on the history and philosophy of artificial intelligence, the concepts of machine learning and neural network, and the impact of artificial intelligence in legal reasoning and robot lawyers. Dr Benjamin Liu, University of Auckland Business School
LAWPUBL 707 – Employment Law (30 points) Semester 1: Thursday 5-8 pm	A survey of the shifting landscape of employment law in New Zealand with a focus on legal responses to the changing nature of work and working relationships, the role of the law in the setting of wages and conditions, and recent developments in the law relating to worker health and wellbeing, pay equity and sexual harassment. The course will focus on the recent legislative amendments and law reform proposals, the impact of international trends and options for future reforms. Dawn Duncan, University of Auckland Business School
LAWCOMM 739 – Mergers and Acquisitions (30 points) Intensive 17-23 July	An examination of the business rationale for M&A and the various types of transactions. The course approaches topics from a comparative perspective and explores legal trends in the United Kingdom, the United States and the Commonwealth. While corporate and securities law issues form the thrust, reference will be made to accounting, tax and competition law considerations. The course will consider various matters pertaining to deal-making, including key transaction documentation, due diligence and valuation. Associate Professor Umakanth Varottil, National University of Singapore
LAWPUBL 749 – Indigenous Persons: Law and Policy (30 points) Intensive 24-30 July	The course explores international and comparative law and policy relevant to Indigenous peoples. Beginning with an examination of the United Nations system as it relates to Indigenous peoples, the course will also analyse the ground-breaking jurisprudence of the Inter-American and African regional human rights systems. Moving to comparative jurisdictions, it will examine the United States, Brazil and Namibia with respect to their laws and policies relevant to Indigenous peoples. Professor Robert A Williams Jr, University of Arizona

Course	Description
LAWGENRL 721 – Mediation (30 points) Intensive 1-3 & 29-31 August	An examination of the nature and process of mediation, its strategic advantages and disadvantages and the jurisprudential debates about the role of mediation in the civil justice system. The course will focus on the legal framework of mediation, practical skills in effective mediation advocacy, the legal and ethical controls on mediators and lawyers engaged in mediation. The theoretical aspects of mediation such as power dynamics, cross-cultural and gender issues and online mediation is incorporated into the course. Nina Khouri
LAWCOMM 780 – Corporation and Investor Tax (15 points) Intensive 15-17 August	An advanced study of the tax liability and issues affecting companies and their shareholders. The course considers the different corporate tax regimes, including dividends, imputations, losses and groupings, amalgamations, LTCs and Unit Trusts. Comparison with other entities is intended to provide a deeper understanding of the policy behind New Zealand's corporate tax regimes and the allocation of the tax burden between companies, shareholders and other investors.
LAWCOMM 733 – Comparative Corporate Governance (30 points) Intensive 14-20 August	The course provides a fundamental understanding of the legal principles and market pressures that determine the balance of decision-making power within large, publicly traded companies. It will focus on the 'Anglo-American' model of corporate governance, with particular regard to the United States, the United Kingdom and New Zealand. It assesses the main theoretical models of the business corporation as developed within Anglo-American scholarship in order to provide a conceptual structure to the rest of the material. Professor Curtis Milhaupt, Stanford University
LAWPUBL 744 – Human Rights and Technology (30 points) Intensive 26 August-6 September	Two fundamental questions will be explored in the course: how technologies challenge our understanding on human rights concepts from a legal perspective and if there should be limits to the use of such technologies. Students are invited to re-conceive our understanding on dignity, autonomy, equality, privacy and freedom of expression mainly in the use of artificial intelligence and big data analytics. The legal, social and ethical dimensions in the debate will be highlighted throughout the course. Professor Anne Cheung, University of Hongkong
LAWCOMM 746 – Data Privacy and the Law (15 points) Intensive 11 -13 September	A consideration of the field of information privacy from a conceptual and a global standpoint. It evaluates the challenges data privacy faces from technological developments and from competing interests. The course evaluates the risks posed to privacy in the online environment and difficulties in the application of the Privacy Act 1993 to new phenomena. The importance of information privacy for businesses is examined as well as the implications of future global regulatory trends. Associate Professor Gehan Gunasekara, University of Auckland Business School
LAWCOMM 788 – Asia Pacific Tax (15 points) Intensive 26-28 September	An examination of how multinational corporations seek to structure their business models from a taxation and operating perspective in Asia. The course seeks to consolidate conceptual knowledge on this subject and covers a range of core tax topics in the post-OECD Action Plan on Base Erosion and Profit Shifting (BEPS) world, and how the unilateral application of the BEPS Actions in Asian jurisdictions is impacting the operating models of MNCs. Matt Andrew, Partner, Ernst & Young
LAWGENRL 724 – Miscarriage of Justice (15 points) Intensive 17-19 October	An exploration of the definition, detection, and causes of miscarriages of justice, both in New Zealand and internationally. Topics covered include under-validated scientific testimony, eyewitness misidentification, false confessions, ineffective assistance of defence counsel, official misconduct, the use of incentivized informants, unnecessary remand, and the failure to preserve evidence for additional testing after conviction, as well as the relationship between culture, social psychology, and the identification and remedy of miscarriages of justice. Associate Professor Carrie Lionetti, University of Auckland
LAWENVIR 737 – Global Environmental Law (30 points) Semester 2: Monday 5-8pm	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 European Union, United States, Canada, South America, Australia and New Zealand. The topics include state sovereignty, the UN system, principles and sources of international environmental law, climate change, biodiversity, human rights and current developments in global and domestic environmental governance. Professor Klaus Bosselmann, University of Auckland
LAWPUBL753 – Comparative Constitutional Law (30 points) Semester 2: Tuesday 5-8 pm	Comparative constitutional law examines competing national responses to a variety of current controversies. Analysing court decisions and legislation on issues such as the death penalty and life imprisonment, gay marriage, the financing of political parties and campaigns, hate speech, social and economic rights, and religious pluralism, students will apply the concepts and methodologies developed within the field of comparative law. The course will compare the constitutions of Canada, Germany, India, South Africa, the United States and the Council of Europe with New Zealand. Associate Professor Timothy Kuhner, University of Auckland
LAWCOMM 706 – Competition Law and Policy (30 points) Semester 2: Wednesday 5-8 pm	Competition Law and Policy examines the economic effects and legality of business practices and acquisitions under the Commerce Act and the law of other major competition law jurisdictions. The course covers the objectives of competition law, market definition and market power, price fixing and other agreements that substantially lessen competition, criminalisation of cartel conduct, misuse of market power, control of mergers and acquisitions, and authorisation. Associate Professor Chris Noonan, University of Auckland
LAWCOMM 713 – Intellectual Property (30 points) Semester 2: Thursday 5-8 pm	An examination of selected issues in intellectual property law. The course will explore topical issues from the law of patents, copyright, trademarks, registered designs and confidential information. Although the focus will primarily be on New Zealand law, it will also draw comparisons with the intellectual property laws of other common law based jurisdictions. Rob Batty, University of Auckland



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

**Auckland Law School
Student Centre**
Level 2, 1- 11 Short Street
Auckland 1010
New Zealand

**Postgraduate and International
Student Adviser**
Angela Vaai
Phone: +64 9 923 1973
Email: a.vaai@auckland.ac.nz

law.auckland.ac.nz