Law

LAWPUBL 427 : Māori Land Law (15 POINTS)

2021 Semester Two

Course Prescription


Course Overview

Tēnā koutou katoa. This course examines historical and contemporary issues concerning Māori land over three distinct, but overlapping parts:

1. First, we discuss Māori customary law and colonial ideas about land.
2. 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.
3. 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 recent attempts to reform Te Ture Whenua Māori Act 1993, the role of the Māori Land Court in the post-settlement era and ideas about how owners might effectively utilise Māori land.

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). The course usually also features special guest lecturers.

Course Requirements

Corequisite: LAW 301 Restriction: LAW 359, 444, LAWHONS 719

Capabilities Developed in this Course

Capability 1: Disciplinary Knowledge and Practice
Capability 2: Critical Thinking
Capability 3: Solution Seeking
Capability 4: Communication and Engagement
Capability 5: Independence and Integrity
Capability 6: Social and Environmental Responsibilities

Graduate Profile: Bachelor of Laws

Learning Outcomes
By the end of this course, students will be able to:

1. Explain how Māori and colonial ideas of land have interacted over time (Capability 1.1, 1.2, 1.3, 6.1 and 6.3)
2. Critically analyse the history, functions, duties and practical workings of the Māori Land Court (Capability 2.2, 2.3, 6.1 and 6.3)
3. Critically evaluate how the law might best meet the needs of owners, trustees and custodians of Māori land (Capability 2.1, 2.2, 2.3, 3.1, 3.2 and 6.1)
4. Provide effective, practical and feasible legal advice on Māori land issues (Capability 1.2, 1.3, 3.1, 3.2, 3.3, 4.1 and 6.1)
5. Demonstrate intellectual curiosity by making sense of developing concepts and topics, distilling themes and formulating probing questions (Capability 1.1, 1.3, 2.1, 2.3, 3.1, 3.3, 4.1, 5.2, 6.2 and 6.3)
6. Help, challenge and influence other students in positive, constructive and collaborative ways (Capability 3.3, 4.1, 4.2, 4.3, 5.1, 5.2 and 6.2)
7. Demonstrate effective written communication and referencing skills (Capability 1.1, 3.2, 4.1, 4.2 and 5.1)

Assessments

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<tr>
<th>Assessment Type</th>
<th>Percentage</th>
<th>Classification</th>
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<tr>
<td>Learning Resource</td>
<td>10%</td>
<td>Individual Coursework</td>
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<tr>
<td>Discussion Board Contributions</td>
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<td>Individual Coursework</td>
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<tr>
<td>Final Assignment</td>
<td>70%</td>
<td>Individual Coursework</td>
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<td>4 types</td>
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<table>
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<th>Assessment Type</th>
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<tr>
<td>Discussion Board Contributions</td>
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</tr>
<tr>
<td>Discussion Board Peer Reviews</td>
<td>✓</td>
</tr>
<tr>
<td>Final Assignment</td>
<td>✓</td>
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Learning Resource (10%)
You will design a 15-question quiz on an article or case. The quizzes will be anonymised and uploaded to Canvas for other students to access.

Discussion Board Contributions (15%)
You will post 3 x 250 word contributions to the discussion board (5% each).

Discussion Board Peer Reviews (5%)
You will write 3 x 50 word peer reviews on other students' contributions (5% total).

Final Assignment (70%)
You will be given a problem involving Māori land issues and asked to advise a client. You will get a few weeks to answer the problem. The word limit will be 4,000 words. Note: the assessment satisfies the requirement for “a sustained piece of legal writing of at least 4,000 words” for the purposes of LAW 498.

Workload Expectations
This is a standard 15-point course. There will be around 36 hours of lectures in this course. As a general guide, you should expect a workload of three hours outside of the classroom for each hour spent in class. The guideline for the total workload for this course is 150 hours.

Delivery Mode

Campus Experience
Attendance is expected at lectures, however lectures will be available as recordings. The course may include optional live online events including group discussions. Attendance on campus is not required for any of the assessments. The activities for the course are scheduled as a standard weekly timetable.

Learning Resources
Resources will be available on Canvas. A casebook may be available for download.

Student Feedback
At the end of every semester students will be invited to give feedback on the course and teaching through a tool called SET or Qualtrics. The lecturers and course co-ordinators will consider all feedback and respond with summaries and actions.

Your feedback helps teachers to improve the course and its delivery for future students.

Class Representatives in each class can take feedback to the department and faculty staff-student consultative committees.

LAWPUBL 427 Māori Land Law was last offered by Jayden Houghton and Judge Layne Harvey in 2019. In the SET evaluations, 94% of students agreed with the statement "Overall, I was satisfied with the quality of this course."
No students disagreed. The mean scores for the course and the lecturers were well above the Faculty and University means.

**Digital Resources**

Course materials are made available in a learning and collaboration tool called Canvas which also includes reading lists and lecture recordings (where available).

Please remember that the recording of any class on a personal device requires the permission of the instructor.

**Academic Integrity**

The University of Auckland will not tolerate cheating, or assisting others to cheat, and views cheating in coursework as a serious academic offence. The work that a student submits for grading must be the student's own work, reflecting their learning. Where work from other sources is used, it must be properly acknowledged and referenced. This requirement also applies to sources on the internet. A student's assessed work may be reviewed against online source material using computerised detection mechanisms.

**Inclusive Learning**

All students are asked to discuss any impairment related requirements privately, face to face and/or in written form with the course director, lecturer or tutor.

Student Disability Services also provides support for students with a wide range of impairments, both visible and invisible, to succeed and excel at the University. For more information and contact details, please visit the Student Disability Services' website [http://disability.auckland.ac.nz](http://disability.auckland.ac.nz).

**Special Circumstances**

If your ability to complete assessed coursework is affected by illness or other personal circumstances outside of your control, contact a Student Academic and Support Adviser as soon as possible before the assessment is due.

If your personal circumstances significantly affect your performance, or preparation, for an exam or eligible written test, refer to the University's [aegrotat or compassionate consideration page](https://www.auckland.ac.nz/en/students/academic-information/exams-and-final-results/during-exams/aegrotat-and-compassionate-consideration.html).

This should be done as soon as possible and no later than seven days after the affected test or exam date.

**Learning Continuity**

In the event of an unexpected disruption we undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not
compromised. Some adjustments may need to be made in emergencies. You will be kept fully informed by your course co-ordinator, and if disruption occurs you should refer to the University Website for information about how to proceed.

Student Charter and Responsibilities

The Student Charter assumes and acknowledges that students are active participants in the learning process and that they have responsibilities to the institution and the international community of scholars. The University expects that students will act at all times in a way that demonstrates respect for the rights of other students and staff so that the learning environment is both safe and productive. For further information visit Student Charter https://www.auckland.ac.nz/en/students/forms-policies-and-guidelines/student-policies-and-guidelines/student-charter.html.

Disclaimer

Elements of this outline may be subject to change. The latest information about the course will be available for enrolled students in Canvas.

In this course you may be asked to submit your coursework assessments digitally. The University reserves the right to conduct scheduled tests and examinations for this course online or through the use of computers or other electronic devices. Where tests or examinations are conducted online remote invigilation arrangements may be used. The final decision on the completion mode for a test or examination, and remote invigilation arrangements where applicable, will be advised to students at least 10 days prior to the scheduled date of the assessment, or in the case of an examination when the examination timetable is published.