

2023 PG Timetable Short Descriptions							
Course Code and title	Short Description	Course	Points	Lecturer	Start Date - End Date 2023	Class Time	Room
Semester I							
LAW 700 Legal Research Methodology and Advanced Writing	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.	Intensive	0	Matt Andrew	23-24 Feb	9 am- 5 pm	810-340
LAWCOMM 736 ST: The Corporation as a Social Actor	The course will consider the role of the corporation in relation to social challenges such as climate change. We will begin with the classical conception of the corporation as a purely private endeavour, and the mechanisms employed by corporate law to align incentives of managers with the enhancement of shareholder value. We next consider tensions between the pursuit of shareholder value and the social costs of firms' activities, including inadequate compliance with regulation and corporate engagement in politics. We then turn to ways to mitigate social costs, including stakeholder governance and socially-responsible shareholders. We conclude with a consideration of ways in which companies may need to modify their governance arrangements in order effectively to implement social action. This course will situate the company law issues in comparative context, drawing in particular on the laws of the UK, continental Europe and the United States.	Intensive	30	John Armour	8-14 March	9 am- 5 pm	810-340
COMLAW 740A Tax Base	An advanced study of the breadth of the New Zealand income tax base, including the different concepts of income, its timing and recognition. Comparisons between the nature of capital and income, and the differing treatment of each, provides a deeper understanding of the policy behind the New Zealand income tax regime. Provides a theoretical background and detailed technical knowledge of the scope and application of the most significant regimes for income, deduction and timing in the Income Tax Act 2007. Involves individual research resulting in a substantial individual research essay.	Intensive	15	Craig Elliffe	23-25 Mar	9 am- 5 pm	810-340
LAWGENRL 714/ LAWHONS 753 A ST: Restorative and Therapeutic Justice	This course examines key aspects of the theory and practice of restorative justice within criminal justice in Aotearoa and, where appropriate, comparisons with other jurisdictions are discussed. The first half of the course examines the core values of restorative justice and key restorative processes, charts the history and development of restorative justice and considers some of the critical issues within the theory and practice of restorative justice, including its relationship to indigenous justice; the meaning(s) of restoration; the role of the victim, the offender and the community; the relationship of restorative justice to punishment. The second half of the course provides students with the opportunity to learn about the use of restorative justice in a variety of criminal justice contexts in Aotearoa, e.g. as a response to youth offending; as a response to sexual violence and intimate partner violence; its use within specialist solution-focused courts; and its use in prisons.	Intensive	30	Kate Doolin	29 Mar- 4 Apr	9 am- 5 pm	810-340
LAWCOMM 775A / LAWHONS 748 A International Tax Law	An advanced study of New Zealand's international tax regime. The course covers the test of residence for individuals and corporates, and the wider tax base for off-shore income of New Zealand residents. It also covers the taxation of income derived by overseas residents from New Zealand activities and the application of the Double Tax Conventions to various sources of income and transactions. The course also addresses the selecting of country of residence in the form of treaty shopping, anti-avoidance measures directed at transaction activity and the use of tax havens.	Intensive	15	Craig Elliffe	13-15 April	9 am- 5 pm	810-340
LAWCOMM 777/LAWHONS 754 A ST: Regulation of International Trade	The World Trade Organization (WTO) is (or was) one of the most important intergovernmental organizations in the world. It is now best known for the endless negotiations of its members, inability to reach consensus decisions, and the destruction of the Appellate Body. Over the life of the WTO, the number and breadth of preferential trade agreements (PTAs) has continued to grow. While most people in most countries use or consume imported goods and services most days, surveys of public opinion in many countries show the public have become increasingly wary of the impact of international trade agreements. In some countries, the left and the right have become oddly aligned in their opposition. The costs and benefits of trade have never been evenly spread throughout society. Trade agreements may adversely impact environmental, health, labour and social inclusion policies. In addition to diverse impacts within countries, the institutions of international trade are often seen not to work to the equal advantage of all countries, especially the smaller developing countries. Economic nationalists and other see the WTO as impeding industrial development and facilitating some members in the geostrategic competition for control over high-tech industries. Trade and investment are increasing seen to be intension with national security interests. Many governments have responded to Covid by imposing numerous new barriers to international trade and investment and starting to rethink the wisdom of global supply chains. Some governments have sought to renegotiate or renege on trade agreements. Capturing the shift away from a rules-based system of international trade, President Trump has proclaimed that "trade wars are good, and easy to win".	Intensive	30	Chris Noonan	20-22 April & 18-20 May	10- 4 pm	810-340
LAWCOMM 732 ST:Financial Markets Regulation	This course covers the law and regulation of financial markets, both in theory and practice. Topics may include mandatory disclosure, securities fraud, insider trading, shareholder activism and investment crowdfunding. The chief objective of the course is to provide students with an introduction to the theory underlying financial markets regulation, as well as its practical implementation. The course focuses on both United States and New Zealand law.	Intensive	30	Andrew Schwartz	10-16 May	9 am- 5 pm	810 - 340 &810-332
LAWCOMM 788 ST: Current Issues in Tax	This course looks at the most important current issues in international and New Zealand taxation. For example, we will explore the trend in progressivity and the taxation of wealth. We will also look at international trends in taxation e.g. in the case of corporate income taxes, towards the place of destination or market place rather than the place of origin or manufacture. In addition to these "big picture" issues, we will explore contemporary issues affecting particular regimes, such as the taxation of different entities (charities, mutual authorities, look-through vehicles, et cetera).	Intensive	15	Matt Andrew	11 -13 May	9 am- 5 pm	810-340
LAWCOMM 783 Avoidance Provisions	This course offers an advanced study of all aspects of the general anti-avoidance provisions (GAAR) contained in the Income Tax Act 2007 and Goods and Services Act 1985. It provides a detailed analysis of the structure, function and application of the general anti-avoidance provisions and their relationship to the "black-letter" tax law. The course is designed to equip the student with the skills required to be able to analyse and apply the GAAR regimes to business transactions for the purposes of providing advice and administering the tax system. Comparisons with responses to tax avoidance in other jurisdictions, including Australia and the United Kingdom, provide a deeper understanding of the policy behind New Zealand's general anti-avoidance provision.	Intensive	15	Craig Elliffe	1-3 Jun	9 am- 5 pm	810-340
LAWCOMM 782 Trade Mark Practice	This course covers the practice and process of filing and registering trade mark applications under the Trade Marks Act 1995 (Cth) and Trade Marks Act 2002 (NZ) and relevant trade mark regulations. It addresses the processes involved with oppositions, revocation and invalidation proceedings. The course also addresses practical aspects involved with the maintenance and exploitation of registered trade marks and a trade mark portfolio, including some of the professional obligations of trade mark attorneys. As well as these practical aspects of trade mark practice in Australia and New Zealand, the course will cover some key aspects of international trade mark law and overseas trade mark regimes.	Intensive	15	Virginia Nichols and Earl Gray	22 - 26 Jun	9am -5 pm	810-332
Full and Part Semester I							
LAW 701 The Legal System: Sources, Structures and Method	Examination of the core substantive components of the New Zealand legal system, in comparison with other municipal legal systems and international law. Analysis of the sources of New Zealand law, including statute, case law and custom, and the influence of international law. Legal methodology in theory and practice, including: judicial reasoning and the doctrine of precedent, techniques of statutory interpretation, and the resolution of disputes. Different modes of legal analysis and approaches to legal theory.	Tuesday	30	Rob Batty and Maureen Malcolm	7 Mar - 4 Apr	10 am- 2 pm	810-225
LAWGENRL 713 ST: Selected Issues on Family Law	A selection of topics designed to consolidate and advance understanding of the theory and practice of family law. The topics covered will vary according to current legal developments, but are likely to include: law relating to cohabitation and marriage, the establishment of parenthood, and the relationship between parent and child, as well as the interrelationship between the state, the family and child protection and support and the financial and property implications of family breakup including state support for families. How the law allocates duties, rights and responsibilities in families, including extended family and whanau as well as how power in relationships is restrained will also be foci for the course.	Tuesday	30	Mark Henaghan	27 Feb - 2 Jun	5-8 pm	810-340

LAWENVIR 723 Climate Change Law	Climate change is pervasive throughout every aspect of our lives. It is complex, challenging to solve, and defies conventional solutions. Our ability to respond to its impacts will be driven largely by the development and implementation of climate policy and the legislative korowai under which that policy lives. This course weaves together threads from a variety of disciplines to assist each participant to build their kete of knowledge. You will examine principles of risk management, the policy and law relating to climate change in the international and local context, and explore the interplay of climate change law and policy with indigenous rights. The aim of this course is to provide a foundation of integrated knowledge which allows participants to think more broadly and critically about climate change, and their role in developing solutions. Course participants do not require a legal background for this course. By way of example, previous course participants have come from backgrounds in science, economics, and policy.	Wednesday	30	Melanie Baker-Jones & Mark Baker-Jones	27 Feb - 2 Jun	5-8 pm	810-340
LAWPUBL 741 ST: International Peace and Security	Drawing on critical, postcolonial, and feminist scholarship, this course provides a detailed analysis of the contemporary international legal framework relating to international peace and security. From the current war in Ukraine to the long-standing dispute regarding Iran's alleged nuclear weapons programme, matters of international peace and security are never far from the headlines. This course has two related aims. First, to provide students with a thorough understanding of the international legal frameworks within which these disputes sit, including an appreciation of how and why the governing legal rules developed historically. The second aim, drawing on a range of critical, postcolonial, and feminist scholars, is to provide students the opportunity to develop nuanced and critical understandings of the theory and practice of the law of international peace and security. The course will achieve these aims by interrogating a series of contemporary and historical case studies to gain deeper understandings beyond media soundbites and headlines. The course will start with a brief overview of the international legal system and an introductory/background reading list will be provided.	Thursday	30	Treasa Dunworth	27 Feb - 2 Jun	5-8 pm	810-340
LAWCOMM 796/ LAWCOMM 463 Trade Marks and Related Rights	This course provides a detailed examination of the Australian and New Zealand laws that govern the protection of commercial symbols and indicia. A significant part of the course is devoted to the protection of registered trade marks under the Australian Trade Marks Act 1995 and New Zealand's Trade Marks Act 2002. The course also covers various other methods of protecting unregistered or unregistrable trade marks or commercial symbols and indicia, including the law of passing off, consumer protection legislation, special events legislation, domain name protection and the protection of geographical indications.	Thursday	15	Alexandra Allen-Franks	27 Feb - 4 May	5-8 pm	810-225
Semester II							
Law 700 Legal Research Methodology and Advanced Writing	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.	Intensive	0	Matt Andrew	12-13 July	9 am- 5 pm	810-340
LAWCOMM 768 ST: Economic Analysis of the Law	This course introduces students to the economic analysis of law as a set of tools for analysing laws and understanding the effect legal rules have on the way people behave. This course also explores the extent to which the principles of economics can be used to explain the workings of the legal system and political institutions. Particular attention is paid to apply economic analysis to contemporaneous law and policy controversies in Pacific Asia (including Australia and New Zealand).	Intensive	15	Jianlin Chen	27-29 July	9 am- 5 pm	810-340
COMLAW 747 Goods and Services Tax	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.	Intensive	15	Alan Bullot and Jared Otto	3-5 Aug	9 am- 5 pm	810-332
LAWCOMM 733 ST: Comparative Corporate Governance	This course provides students with a fundamental understanding of the theories and legal principles relevant to issues of corporate governance focusing upon the relevant internal controls on managers (including board structure, executive remuneration, appointment and removal of directors, ethical codes, institutional investor activism and shareholder enforcement of directors' duties) and external controls (including creditors and liquidators, the audit process, market abuse controls and the market for corporate control). The course will focus in particular on these relevant control mechanisms as they have manifested themselves in New Zealand, United Kingdom and United States law and theory. The emphasis will be on how the applicable legal rules and institutions interact with their surrounding market environment to establish effective managerial incentives and disciplines.	Intensive	30	Carsten Gerner-Beuerle	2- 8 August	9 am- 5 pm	810-340
LAWPUBL 754 ST: Comparative Human Rights Law	The course focuses on key issues in human rights law, and the way in which they are debated and resolved across the common law world. It also looks at the law on human rights decided in the international tribunals (particularly the European Court of Human Rights and the Human Rights Committee under the International Covenant on Civil and Political Rights).	Intensive	30	Paul Rishworth	9 Aug - 15 Aug	9 am- 5 pm	810-340
LAWPUBL 755 ST: Comparative Criminology	Much has been written about the "global" nature of crime – human rights violations, the drug trade, and human trafficking, among others. But, international crime must also be understood at the national and local level, where legal institutions and systems are created to respond to crime, and where their operation may lead to varying legal norms. This course will provide 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 while offering useful examples of approaches and norms that are different.	Intensive	30	Jon Gould	16 Aug - 22 Aug	9 am- 5 pm	810-340
LAWCOMM 767 ST: Transfer Pricing	This course offers an advanced study of aspects of International Transfer Pricing. The course offers students a thorough analysis as to the workings of the Arm's Length Principal ("ALP"), as set by the OECD in its Transfer Pricing Guidelines (2017). The course will outline how multinationals set their cross border related party transfer prices for goods, services, interest, management fees and royalties. Accordingly, students will be provided a solid grounding in the foundations of transfer pricing method selection and application, as well as the governmental documentation requirements. New Zealand's specific domestic law transfer pricing provisions, transfer pricing guidelines and relevant Tax Treaty Articles will also be covered in	Intensive	15	Matt Andrew	31 Aug-2 Sept	9 am- 5 pm	810-340
LAWCOMM 702 International Arbitration	International arbitration involves many interesting facets of the law including customary international law, the law of treaties, conflict of laws, soft law and contract law. The course will begin with an introduction to the legal fundamentals of international commercial arbitration and some preliminary comparisons with investment treaty arbitration. The rest of the course will then focus on certain specific aspects of international commercial arbitration, and investment treaty arbitration including the usual substantive commitments on standards of treatment for foreign investors. We will cover both practical and more theoretical issues.	Intensive	30	Anna Kirk/Luke Nottage	6-12 Sept	9 am- 5 pm	810-340
LAWENVIR 737 Global Environmental Law	This course examines environmental law and governance from the international, regional and national levels. The global coverage includes international environmental law and draws on experiences from the EU, USA, Canada, South America, Australia and New Zealand highlighting environmental policy innovations from around the world. The topics include state sovereignty, the UN system, principles and sources of international environmental law, specific areas (climate, oceans, biodiversity) and emerging concepts such as rights of nature, ecological integrity, earth system law and earth trusteeship.	Intensive	30	Klaus Bosselmann	13-19 Sept	9 am- 5 pm	810-340
COMLAW 740B Tax Base	An advanced study of the breadth of the New Zealand income tax base, including the different concepts of income, its timing and recognition. Comparisons between the nature of capital and income, and the differing treatment of each, provides a deeper understanding of the policy behind the New Zealand income tax regime. Provides a theoretical background and detailed technical knowledge of the scope and application of the most significant regimes for income, deduction and timing in the Income Tax Act 2007. Involves individual research resulting in a substantial individual research essay.	Intensive	15	Craig Elliffe	28-30 th Sept	9 am- 5 pm	810-340
LAWGENRL 724 ST: Miscarriages of Justice	This course explores 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. The course will also explore the relationship between culture, social psychology, and the identification and remedy of miscarriages of justice.	Intensive	15	Carrie Leonetti	7,14,21 Oct	9 am- 5 pm	810-340 & 810-336

LAWCOMM 775B International Tax Law	An advanced study of New Zealand's international tax regime. The course covers the test of residence for individuals and corporates, and the wider tax base for off-shore income of New Zealand residents. It also covers the taxation of income derived by overseas residents from New Zealand activities and the application of the Double Tax Conventions to various sources of income and transactions. The course also addresses the selecting of country of residence in the form of treaty shopping, anti-avoidance measures directed at transaction activity and the use of tax havens.	Intensive	15	Craig Elliffe	12-14 Oct	9 am- 5 pm	810-332
Full and Part Semester II							
LAW 701 The Legal System: Sources, Structures and Method	Examination of the core substantive components of the New Zealand legal system, in comparison with other municipal legal systems and international law. Analysis of the sources of New Zealand law, including statute, case law and custom, and the influence of international law. Legal methodology in theory and practice, including: judicial reasoning and the doctrine of precedent, techniques of statutory interpretation, and the resolution of disputes. Different modes of legal analysis and approaches to legal theory.	Tuesday	30	Chris Noonan Hanna Wilberg Maureen Malcom	25 Jul, 1, 8, 15 22 Aug	10 am - 2 pm	810-340
LAWCOMM 795/ LAWCOMM 433 Copyright and Design	This course is about how Australia and New Zealand law can be utilised to protect product design. As such, it first examines the law of copyright, which in New Zealand is the primary mechanism that can and is used to protect the design of products. The course then addresses the requirements and process for obtaining registered design protection in Australia and New Zealand, and interrogates the nature and scope of such protection. The course also examines how both jurisdictions seek to deal with overlaps between copyright and design protection.	Tuesday	15	Rob Batty	17 Jul - 19th Sept	5-8 pm	810-225
LAWGENRL 723 Special Topic: Selected Topics in Law of Evidence and Criminal Procedure	Prosecutors, defence lawyers, judges, police and other persons working in the area of criminal justice — or studying/ interested in that field — will be aware of the significant body of New Zealand evidence and criminal procedure law governing: (a) criminal investigations; and (b) criminal trial processes. This course will examine selected topics in evidence and criminal procedure, focussing on the Evidence Act 2006, the New Zealand Bill of Rights Act 1990, the Search and Surveillance Act 2012, the Criminal Procedure Act 2011 and the Juries Act 1981.	Wednesday	15	Scott Optican	17 Jul - 25 Aug	5-8 pm	810-340
LAWCOMM 793 Patents and Related Rights	This course is about Australian and New Zealand law relating to the protection of innovative ideas and inventions. The primary focus is therefore on the statutory rules and case law that relate to the Patents Act 1990 (Cth) and the Patents Act 2013 (NZ). The course addresses the creation, exploitation, enforcement and loss of patent rights under such legislation. However, before addressing patent legislation, the course deals with the protection of innovative ideas and inventions by the common law breach of confidence action.	Thursday	15	Rob Batty and Virginia Nichols	17 Jul - 25 Aug	5-8 pm	810-336
LAWPUBL 779 ST: International Dispute settlements	This course introduces participants to international legal dispute settlement and compliance mechanisms, including: in the International Court of Justice, under the UN Convention on the Law of the Sea, in international environmental law including the Paris Agreement on Climate Change, in the World Trade Organization and trade disputes, international human rights complaints mechanisms and international arbitration including investment arbitration. Themes pursued are expected to include debate on the purposes of these mechanisms; how they complement one another; and an assessment of the contribution that is made through these various processes on critically pressing global issues.	Thursday	15	Caroline Foster	11 Sept - 20 Oct	5-8 pm	810-340