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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.
2017 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.

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#### Electives

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*LAWGENRL 443 is an intensive course which is offered to international exchange students only*
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*LAWGENRNL 443 is an intensive course which is offered to international exchange students only.

# Honours Seminars – Double Semester

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Course Descriptions

Compulsory Courses for LLB Part I

**LAW 121G – Law and Society**

**Credit points:** 15 points  
**Offered:** First and Second Semester  
**Contact hours:** Lectures – 3 hours per week, 4 tutorials – 1 hour per fortnight  
**Course Directors:** John Ip (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;
- The concept of property – a comparative social context approach to the important legal conception of property;

**Assessment:**  
Final two-hour examination (Plussage: 1 hour mid-semester test counts 20% and the final examination mark counts 80% if the mark for the final examination is lower than the test. If the final examination mark is higher than the test mark, then the final examination mark counts 100%).

**Recommended (but not prescribed) texts:**  
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: Associate Professor Stephen Penk
Prerequisite: LAW 121G with a minimum C+ 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. An introduction to legal language and legal writing.

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
• An introduction to legal language and legal writing

Assessment:
Final two-hour closed-book examination (Plussage: 1 hour mid-semester test counts 20% and the final examination mark counts 70% if the mark for the final examination is lower than the test. If the final examination mark is higher than the test mark, then the final examination mark counts 90%); 750-word essay counting 10%.

Recommended texts:
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:** Associate Professor Julia Tolmie  
**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:**  
Tutorial attendance: 5%  
Mid-term test: 10%  
Tutorial essay: 15%  
End of year exam: 70%

Procedures are in place for exceptional cases where students need to attend an alternative tutorial (for example, for medical reasons). The procedure will be outlined in the 2017 handbook.

**Prescribed text:**  
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:
Final Examination 95% (Plussage: Test 15%, Essay 10%). Tutorial attendance 5%. Completion of the tutorial essay is a course requirement. This is currently under review.

Procedures are in place for exceptional cases where students need to attend an alternative tutorial (for example, for medical reasons). The procedure will be outlined in the 2017 handbook.

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: Professor Jo Manning
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%, compulsory test 20%, compulsory essay 10%, preparation and attendance at tutorials and moot 10%.

Procedures are in place for exceptional cases where students need to attend an alternative tutorial (for example, for medical reasons). The procedure will be outlined in the 2017 handbook.

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 – 1 hour per fortnight
Course Director: Professor Francis Dawson
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 recognize 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:
There are two tests, one in each semester, and a final examination. These are open book format, which means you can bring all your notes, casebook and other materials with you. We do not want you to have to memorise huge chunks of information. We want you to demonstrate that you can work out what the legal issues are and what the relevant law is, then apply the law to the facts to reach a conclusion.

Each test is 10% plussage. The main purpose of the tests is to give you opportunities to practice writing answers to contractual problems under examination conditions. Feedback on the tests will give you a good idea of how you are progressing.

To be eligible to sit the final examination, you must complete the contract tutorial essay assignment, which is due in semester two. This is currently under review. The essay is also 10% plussage.

Attendance at tutorials is compulsory. A deduction of 1 mark will be made for each tutorial missed.

Procedures are in place for exceptional cases where students need to attend an alternative tutorial (for example, for medical reasons). The procedure will be outlined in the 2017 handbook.

Recommended text:
Burrows, Finn & Todd *Law of Contract in New Zealand* (4th ed, LexisNexis NZ, Wellington, 2012) 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 per fortnight
Course Director: Dr Anna Hood
Prerequisites: LAW 121G & LAW 131
Restriction: LAW 299

Course description:

LAW 298 offers students an opportunity to learn and develop strong legal research, writing and oral communication skills. The course begins with an introduction to legal research within the New Zealand jurisdiction. The focus for this part of the course is on learning practical legal research skills and covers the structure of legal information, case law, legislation, secondary materials and the process of undertaking legal research. Emphasis is placed on the practical use of legal materials in both print and electronic format.

The legal writing component of the course introduces students to different forms of legal writing and gives students opportunities to practise and develop their legal writing skills.

The course teaches students how to write essays, answer problem questions, write legal memoranda and write letters of advice to clients. The oral communication part of the course involves students learning how to undertake legal negotiations.

Being able to negotiate is a vital skill that lawyers use on a daily basis. Students have an opportunity to practise different styles of negotiation in small groups.

Content outline:

Legal Research
- Legal information, and legal language
- Case law, including deciphering citations, reported and unreported case law
- Legislation, including an introduction to the legislative process, and legislative sources
- Secondary materials, including selection of appropriate information sources, deciphering legal journal citations
- The legal research process and referencing

Legal Writing
- Introductory session that addresses well-being issues and raises ways to approach law school and the study of law
- Introduction to legal writing
- Predictive writing: answering problem questions, writing legal memoranda and writing letters to clients
- Persuasive writing: legal essay writing.

Assessment

100% on-course assessment. More information about the assessment will be provided at the beginning of the course. Procedures are in place for exceptional cases where students need to attend an alternative tutorial (for example, for medical reasons). The procedure will be outlined in the 2017 handbook.

Prescribed text:

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: Associate Professor David Grinlinton (S1), Katherine Sanders (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 a préndre, 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%).

Procedures are in place for exceptional cases where students need to attend an alternative tutorial (for example, for medical reasons). The procedure will be outlined in the 2017 handbook.

Recommended text:

You should purchase or download the following statutes for the course: Land Transfer Act 1952 (latest reprint) and any amendments Property Law Act 2007 (latest reprint) and any amendments.
**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 8 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 is compulsory. This is currently under review.  
Procedures are in place for exceptional cases where students need to attend an alternative tutorial (for example, for medical reasons). The procedure will be outlined in the 2017 handbook.

**Recommended text:**  
Butler (ed) *Equity & Trusts in New Zealand* 2nd ed.
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
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?

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:
Assessment to be confirmed.

Recommended text:
Materials will be distributed at the beginning of class.
LAW 399 – Legal Research 2

Credit points: 10 points
Offered: First and Second Semester
Contact hours: Lectures – 2 hours per week
Course Director: Stephanie Carr
Prerequisites: LAW 298 OR LAW 299, and LAW 201, 211, 231, 241

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 New Zealand 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:
- 2 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.

Prescribed text:
LAW 498 – Advanced Legal Research, Writing and Communication
OR LAW 499 – Legal Practice

Students enrol for either LAW 498 (0 points) or LAW 499 (0 points) usually in the semester in which they are completing their LLB requirements. LAW 498 and LAW 499 involve 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.

Prior to 2017 students had the choice of LAW 400 or LAW 499. LAW 400 has now been discontinued, and LAW 498 introduced in its place.

LAW 498 – Advanced Legal Research, Writing and Communication

LAW 498 will be required of all students admitted to LLB Part III in 2017 or a later year. It will be an option for students admitted to Part III before 2017. The requirements for LAW 498 are yet to be finalised, but are likely to be:

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, Faculty, Māori Issues or Pacific moots, but include some competition moots.

   AND

2. Satisfactory completion of a sustained piece of legal writing of at least 4000 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 4000 words); the report for LAWGENRL 405 or 447; the research essay for a 15- or 30-point masters course taken for LLB; any other single piece of writing of the required length. Honours seminar papers and dissertations do not qualify.

LAW 499 remains available for students who were admitted to Part III before 2017. However, it will be discontinued at the end of 2018. Any student who has not completed the requirements of LAW 499 by December 2018 will be required to pass LAW 498.

LAW 499 – Legal Practice

The requirements for LAW 499 are:

1. Obtaining a pass in a compulsory Part III moot (General, Family, Māori Issues or Pacific Islands)

   AND

2. Obtaining a pass in each of five single pieces of legal writing of at least 1500 words written in association with law elective courses.

A single piece of legal writing of at least 1500 words for LAW 499 may include:

- Opinions, research essays or other written assignments in 10-pt, 15-pt and 20-pt law elective courses
- Research essays or other written assignments
- Research papers in lieu of examinations (PILO)
- Supervised Research papers (LAW 456)
As long as three pieces of legal writing are completed, students may substitute for one or two of the remaining two pieces of legal writing:

- A Community Placement; or
- A subject-related or competitive moot (including Stout Shield); or
- Two subject-related or competitive moots (including Stout Shield) if no Community Placement has been counted.

The following do not qualify for an opinion credit towards LAW 499:

(a) AULR editorial work or other roles
(b) EJP
(c) Participation in competitions such as Model UN, World Client Interviewing
(d) Honours seminar papers and dissertations
(e) External or international mooting competitions.
LAW 458 – Legal Ethics

Credit points: 10 points
Offered: First and Second Semester
Contact hours: Lectures – 2 hours per week
Course Coordinator: Professor Ron Paterson
Prerequisites: LAW 201, 211, 231, 241

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:
Assessment to be confirmed.
**Law Elective Courses for Part III and IV for 2017**

**LAWCOMM 401 – Commercial Law**

**Credit points:** 20 points  
**Offered:** Second Semester  
**Contact hours:** Lectures – 4 hours per week  
**Course Coordinator:** Dr An Hertogen  
**Prerequisites:** LAW 201, 211, 231, 241

**Course description:**

“Commercial law” as known to practitioners covers a great range of common law and statutes, and there is no single law that can be labelled “commercial law”. The present course focuses on four statutes that affect both consumers and businesses. We start with an in-depth study of the Sale of Goods Act 1908. With the advent of consumerism, a significant number of new statutes have arisen whose primary purpose is consumer protection. We will study the Consumer Guarantees Act 1993 and the Fair Trading Act 1986. In the second half of the course, we will examine how the Personal Property Securities Act 1999 governs security interests in personal property.

**Content outline:**

The first half of the semester is devoted to a detailed study of the Sale of Goods Act 1908, followed by a comparison with the Consumer Guarantees Act 1993 and an overview of the Fair Trading Act 1986. The Personal Property Securities Act 1999 is studied in the second half of the semester.

**Assessment:**

Assessment to be confirmed.

**Recommended text:**

Students may find the following texts useful:

- Kate Tokeley (ed) *Consumer Law in New Zealand* (2nd ed, LexisNexis NZ, Wellington, 2014);
- Barry Allan *The Law of Secured Credit* (Thomson Reuters, Wellington, 2016);
LAWCOMM 402 – Company Law

**Credit points:** 20 points
**Offered:** First and Second Semester
**Contact hours:** Lectures – 4 hours per week
**Course Coordinators:** John Land (S1), Professor Peter Watts QC (S2)
**Prerequisites:** LAW 201, 211, 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:**
Assessment to be confirmed.

**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 201, 211, 231, 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. Supplies of goods and services
   3.3. Importation of goods
   3.4. Importation of services
   3.5. Cross-border supplies of remote services
   3.6. Exempt supplies
   3.7. Zero-rated supplies
   3.8. Taxpayers’ obligations
   3.9. GST avoidance
4. Tax administration, rulings and disputes
5. Tax ethics

Assessment:
Assessment to be confirmed.
Prescribed text:


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**LAWCOMM 404 – Intellectual Property**

**Credit points:** 20 points  
**Offered:** Second Semester  
**Contact hours:** Lectures – 4 hours per week  
**Course Coordinator:** Paul Sumpter  
**Prerequisites:** LAW 201, 211, 231, 241

**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:**

Assessment to be confirmed.

**Recommended text:**

LAWCOMM 407 – Conflict of Laws

Credit points: 20 points
Offered: Second Semester
Contact hours: Lectures – 4 hours per week
Course Coordinator: TBA
Prerequisites: LAW 201, 211, 231, 241

Course description:
An introduction to private international law (ie, the body of law dealing with civil and commercial issues that have an international element or aspect), including a study of the jurisdiction of the New Zealand courts, conflicts theory and choice of law.

Content outline:
The first section of the course covers the general principles of jurisdiction in transnational litigation, including the bases of jurisdiction, protest to jurisdiction, limitations on jurisdiction, as well as forum non convenience and reference to recognition and enforcement of judgments.
The second part of the course deals with choice of law. This section of the course comprises an introduction to choice of law methodology (with specific emphasis on multilateral conflict rules), as well as an analysis of problems associated with conflicts methodology, such as characterisation, the interpretation of connecting factors (with an in-depth discussion of domicile), renvoi, the incidental question and intertemporal conflicts. This theoretical section forms the basis for an intensive study of the application of choice of law rules in specific areas of private international law, such as property, contract and tort. This section also includes a discussion of evidential and procedural matters with specific reference to the substance/procedure dichotomy (as it applies to statutes of limitation and ACC) and proof of foreign law in New Zealand courts. The section concludes with a brief analysis of mandatory statutes and the role of public policy of the forum.

Assessment:
Assessment to be confirmed.

Recommended text:
Recommended readings to be advised in the course outline.
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: LAW 429 or LAWCOMM 403
Restriction: 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 inter-company 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:
Assessment to be confirmed.

Prescribed text:
CCH New Zealand Tax Legislation for Students (republished annually) OR Thomson Reuters New Zealand Taxation Legislation Handbook (republished annually).
LAWCOMM 421 – Commercial Arbitration

Credit points: 15 points
Offered: First Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: Associate Professor Amokura Kawharu
Prerequisites: LAW 201, 211, 231, 241

Course description:
Arbitration is the method of dispute resolution most frequently chosen by lawyers involved in international business transactions. Arbitration is also increasingly popular as a means of resolving commercial disputes at the domestic level.

Students will examine domestic and international law and practice relating to commercial arbitration. The course is taught comparatively with reference to national laws, international instruments and international institutional rules.

These include the Arbitration Act 1996 and the New York Convention on the Recognition and Enforcement of Arbitral Awards. Special attention will also be given to the arbitration rules and practice of leading arbitral institutions such as the International Chamber of Commerce.

Content outline:
The course covers topics such as the enforcement of the arbitration agreement; choice of law issues; appointment and authority of arbitrators; the conduct of arbitration proceedings; recognising, enforcing and setting aside awards; and the particular issues arising in investment arbitrations against sovereign states.

Assessment:
Assessment to be confirmed.

Recommended text:
No texts are prescribed, but the texts listed below are useful for further reading, and reference to them will be made during the course (copies are available in the Davis Library). Additional course materials will also be distributed.

*Williams & Kawharu on Arbitration* (latest edition) (this is the primary recommended text)
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 201, 211, 231, 241 or COMLAW 201, 203

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

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:
Assessment to be confirmed.

Prescribed text:
**LAWCOMM 426 – Law and Information Technology**

**Credit points:** 15 points  
**Offered:** Second Semester  
**Contact hours:** Lectures – 4 hours per week  
**Course Coordinator:** Judge David Harvey  
**Prerequisites:** LAW 201, 211, 231, 241

**Course description:**
This course examines the impact of new technologies upon law and behaviour with a focus upon new information technologies embodied in digital information systems and the internet. The principle focus of the course will be upon the various ways in which information systems may be regulated and governed by legal institutions and methodologies.

The course will encompass the following modules:

1. **Introductory** – including
   a) Some of the general challenges posed by new technologies and particularly new information systems  
   b) Authenticating information on the internet – the use of various research tools available with an emphasis upon some of the problems authenticating free legal information. In addition, legal expert systems will be considered

2. **Internet Governance** – this module will provide a road map for the rest of the course and comprises two sub-parts
   a) Internet Governance theory and fact  
      i) Technical governance including consideration of the “layers theory” of governance  
      ii) Content governance – regulating what is available in a global world without borders  
   b) ICANN and Domain Name Regulatory Structures  
      i) ICANN as a governance structure for the Internet  
      ii) The ICANN|WIPO UDRP  
      iii) The Common Law approach to Domain Name problems  
      iv) The New Zealand Disputes Resolution Process

3. **Content Regulation** and the way in which the law deals with information in the on-line space. Included in this module are considerations of harassment, Harmful Digital Communications, defamation and reputational harms

4. **Jurisdiction** – which court and which law may deal with civil disputes arising in cyberspace

5. **Evidence** – how the rules of evidence apply in cases involving technology  
   a) Admissibility  
   b) Expert testimony  
   c) Preserving evidence in civil proceedings  
   d) Technology and evidence gathering

6. **The High Tech Courtroom** – using technology to facilitate the hearing and adjudicative process

7. **Computer Crimes** – criminal behaviour using technology and in the on-line environment including an examination of liability and sentencing for computer crime
8. Intellectual property – preserving intellectual property principles in an environment where copying is an imperative – including issues such as the use by copyright owners of technological protection measures for digital material and liability for peer-to-peer file sharing

9. On-line Torts – Cyber-trespass, and spamming

10. Contract and E-Commerce Issues involving the formation of contracts, the Electronic Transactions Act and the disruptive technologies of blockchain and smart contracting

11. Privacy – the problems of the “document that does not die” “the right to be forgotten” and approaches to social networking

**Content outline:**

This course will be conducted in a slightly different style from other courses. It will use many of the norms of the on-line or digital environment. It will introduce students to the informational environment and its unique properties so that they will understand not only the legal issues but also the technical and social issues that surround or underlie them. It will suggest that some of our assumptions about the applicability of the law may be challenged by the properties of on-line or digital information. Access to a computer and an internet connection is assumed.

The course assumes a basic knowledge of core law subjects. It is helpful if students are also familiar with principles of evidence, jurisdiction and intellectual property all of which will be examined in the context of new communications technologies

**Assessment:**

Assessment to be confirmed.

**Prescribed text:**


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**LAWCOMM 427 – Vendor and Purchaser**

- **Credit points:** 15 points
- **Offered:** First Semester
- **Contact hours:** Lectures – 3 hours per week
- **Course Coordinator:** Professor Francis Dawson
- **Prerequisites:** LAW 201, 211, 231, 241, 301

**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 nominees, trusts and companies, 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:
Assessment to be confirmed.

Recommended text:

**LAWCOMM 440 – Guarantees and Indemnities**

**Credit points:** 10 points  
**Offered:** Summer School (commencing Tues 24 Jan and ending Wed 15 Feb 2017)  
**Contact hours:** Lectures – 3 hours per week  
**Course Coordinator:** Michael Lenihan  
**Prerequisites:** LAW 201, 211, 231, 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:**
Assessment to be confirmed.

**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 201, 211, 231, 241

**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:
Assessment to be confirmed.

Recommended text:
Garrow & Fenton’s Law of Personal Property in New Zealand, (7th ed vol 1)

LAWCOMM 445 – Takeovers

Credit points: 10 points
Offered: First Semester
Contact hours: Lectures – 2 hours per week
Course Coordinator: Peter Hinton, Partner Simpson Grierson
Corequisites: LAWCOMM 402 Company Law – waivable for qualified COP students

Course description:
This course considers the role of takeovers in the economy and the manner in which they are regulated. The principal focuses will be upon the Takeovers Code and upon the workings of the Takeover Panel. Comparisons will be drawn with overseas practice; especially in Australia and the UK.

The objective is that, having completed the course, students will have a sound appreciation of the context within which they will be operating and be able to make immediate and valuable contributions as practitioners.

The course will involve lecture formats combined with case studies. Industry experts will likely make guest appearances.

Assessment:
Assessment to be confirmed.

Recommended text:
LAWCOMM 446 – ST: Aspects of Iwi Corporate Governance

Credit points: 10 points
Offered: Summer School (commencing Tues 24 Jan and ending Thur 16 Feb 2017)
Contact hours: Lectures – 3 hours per week
Course Coordinator: Nick Wells
Prerequisites: LAW 201, 211, 231, 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.

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 issues with the remaining half focusing on charitable/taxation aspects.

Assessment:
Assessment to be confirmed.

LAWCOMM 450 – International Tax Law

Credit points: 15 points
Offered: First Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: Professor Craig Elliffe
Corequisites: Not applicable
Prerequisites: LAW 201, 211, 231, 241

Course description:
There has been a dramatic increase in the flow of capital investments across borders through the liberalisation of trade, the abolition of currency controls and technological advances. This globalisation of business presents a significant challenge to governments and revenue authorities and opportunities for multinational businesses to be able to locate productive activities, risks, and importantly, profits to any jurisdiction that they wish. This course looks at cross border taxation with particular emphasis on double tax treaties.

Content outline:
This course covers the following topics:

1. International tax policies; what are the fundamental approaches or objectives of countries to the taxation of international transactions? How has the New Zealand experience on taxing cross-border investments evolved over time?
2. The role and purpose of double tax treaties; what are the major purposes of double tax treaties? How are they structured in terms of these principal objectives: eliminating double tax, allocating substantive taxing rights, and preventing or reducing fiscal avoidance and evasion?

3. The relationship between tax treaties and domestic law; how do double tax treaties become part of New Zealand law? What does this mean when domestic law and the tax treaty are in conflict? Can the New Zealand general anti-avoidance rule override a double tax treaty? Can a government use domestic law to override their treaty obligations?

4. The use of double tax agreements; how should they be interpreted? The role of the OECD Commentary and, in particular, which Commentary? How are international tax disputes dealt with? The role of the non-discrimination article in tax treaties.

Assessment:
Assessment to be confirmed.

Recommended text:
The following primary publication is recommended:
Various readings will be provided but in addition students may find the following publications helpful:
The volume dealing with the New Zealand double tax treaties of the CCH New Zealand Tax Legislation; The OECD Model Convention; The OECD Model Commentary.

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**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 201, 211, 231, 241  
**Restriction:** LAW 431, LAWCOMM 424

**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. The law governing insurance contracts 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. The course has a 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:**
Introduction to 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.

**Assessment:**
Assessment to be confirmed.
LAWENVIR 401 – Resource Management Law

Credit points: 20 points
Offered: First Semester
Contact hours: Lectures – 4 hours per week
Course Coordinator: Associate Professor David Grinlinton
Prerequisites: LAW 201, 211, 231, 241
Restrictions: LAWENVIR 422, LAWHONS 709

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 Māori 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, appeals, and 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:
Assessment to be confirmed.

Prescribed text:
Environmental Law casebook.
LAWENVIR 430 – Environmental Constitutionalism

Credit points: 10 points
Offered: First Semester
Contact hours: Lectures – 2 hours per week
Course Coordinator: Professor Klaus Bosselmann
Prerequisites: LAW 201, 211, 231, 241

Course description:
Environmental constitutionalism is of increasing importance for the prospects of democracy, social justice and long-term sustainability. While many countries have constitutional arrangements such as environmental rights (including a right to a healthy environment) or state obligations, New Zealand lacks such arrangements. This course will examine key features and innovations of environmental law at international and national levels to show how New Zealand’s system of environmental law and governance can benefit.

Content outline:
Dimensions of the global ecological crisis and legal responses at international and national levels. Comparative investigation into environmental concepts and principles in the constitutions of selected countries (e.g. Scandinavia, Germany, Ecuador, Bolivia, New Zealand). The constitutional character of international environmental law (including treaties, soft law, institutions) and trends towards global environmental constitutionalism (Earth Charter, universality of values and principles, role of civil society). Democratic and environmental rights and responsibilities as pillars of environmental constitutionalism. Implications for the system of environmental law and governance in New Zealand.

Assessment:
Assessment to be confirmed.

Prescribed text:
LAWGENRL 401 – Evidence

Credit points: 20 points
Offered: First and Second Semester
Contact hours: Lectures – 4 hours per week
Course Coordinator: Nina Khouri
Prerequisites: LAW 201, 211, 231, 241

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:
Assessment to be confirmed.
Recommended text:


Recommended additional reading is:

(a) The volume on “Evidence” in Robertson, Adams on Criminal Law (Brookers, looseleaf, 1992) and the online version at Brookers OnLine;

(b) The updates on “Evidence” written yearly by Associate Professor Scott Optican in the New Zealand Law Review. The New Zealand Law Journal and Capital Letter 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: First Semester
Contact hours: Lectures – 4 hours per week
Course Coordinator: Roderick Joyce, QSO, QC
Prerequisites: LAW 201, 211, 231, 241

Course description:
This course examines the rules of procedure in New Zealand courts. The approach is practical but principled. The aim is to equip those intending to appear in the courts, or simply wishing to become helpfully familiar with court practice, with all of the essential procedural tools.

Content outline:
This includes the distinction between procedural and substantive law; the nature of the adversarial system; the continental civil law inquisitorial approach; the relationship of law and equity to procedural law; detailed instruction and advice regarding the drafting of succinct and effective pleadings; service, jurisdiction and venue; parties to proceedings – their joinder and representation; injunctions; discovery and interrogatories; preservation of evidence and litigation subject matter; prevention of asset dissipation; settlement conferences; preparation for trial; trial process; appeals; judgment enforcement.

Recent procedural reforms are examined and explained as appropriate. Practical instruction and advice about the effective and economic pursuit of litigation (including how to work positively with litigants in person) is offered.

The course’s treatment of civil procedure is very much focused on the practical; that is, on the day to day life of a competent litigator, but it caters equally for those students who simply wish to gain a useful understanding of the way in which New Zealand Courts actually deal with civil cases.

PowerPoint summaries of the course materials, together with full lecture notes and practical pieces of advice and information, are incrementally posted on the university’s e-learning site ‘Canvas’ as the course progresses.

Assessment:
Assessment to be confirmed.

Recommended text:
McGechan on Procedure (Thomson Reuters New Zealand) and Sim’s Court Practice (Lexis-Nexis New Zealand) 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.
LAWGENRL 423 – Legal History

Credit points: 15 points
Offered: Second Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: Professor David V Williams

Course description:

LAWGENRL 423 is an optional course that traces the roots of the New Zealand legal system in terms of sources of law and institutional structures. The major sources for the development of New Zealand common law are to be found in English legal history. There is a public law focus to the topics of legal history discussed in lectures, but research essay topics may be selected from any area of law. Notions of timelessness and other legal fictions have played a significant role in the evolution of the common law. The tendency of lawyers to pick and choose authoritative materials without much (or any) regard to their historical context is noted and discussed. Why take this course? Well, in words attributed (though possibly erroneously) to Mark Twain: “History may not repeat itself, but it rhymes a lot.”

Content outline:

The course begins with law and history relating to the application of the common law in New Zealand and the English Laws Act 1858. English common law, it will be seen, drew on diverse sources, including Anglo-Saxon folk-right procedures, Roman law and the law merchant to meet the exigencies of changing conditions. Canon law and the law of ecclesiastical courts were other major sources. There was not ‘one law for all’. The justice system included trials by ordeal and imposed a wide range of severe penalties such as branding, hanging and gibbeting, hanging, drawing and quartering, and transportation before imprisonment became the major means of punishment in the nineteenth century. A special topic looks at the moral panics aimed at witchcraft. The development of constitutional conventions, civil liberties and ‘rule of law’, especially in 17th century England when there was civil war and regicide, established the basis for the constitutional norms and values applied in New Zealand today. Special topics include 18th century English cases on the law merchant in commercial law and 19th century legislative reform of laws on the status of women in both UK and New Zealand. The extent to which tikanga Māori was first recognised, then suppressed and then incorporated into New Zealand law will be considered. How the rule of law was sidelined by reliance on martial law and detentions without trial during the war periods in 19th century New Zealand then leads to a discussion of whether principles of legality necessarily ‘fall silent’ during world wars and emergencies.

Assessment:

Assessment to be confirmed.
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
Prerequisites: LAW 201, 211, 231, 241

Course description:
Disputes are an inevitable feature of human society. Traditionally, all disputes were litigated. 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, student group presentations 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, and practice exercises;
- 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, settlement agreements, privilege and confidentiality;
- Online mediation;
- The appropriate place of mediation in the civil justice system; and
- Through student group presentations, specific topics in dispute resolution such as cultural and ethical issues in negotiation, power issues in mediation and restorative justice.

Assessment:
Assessment to be confirmed.

Prescribed text:
LAWGENRL 428 – South Pacific Legal Studies

Credit points: 15 points
Offered: First Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: Helena Kaho
Prerequisites: LAW 201, 211, 231, 241

Course description:
The Pacific region, or Oceania, contains many different nations with different societies, cultures, and also different legal systems. This course will introduce these legal systems and the variety of legal issues they face. We will be looking at Pacific legal systems in context and will bring together a range of experts to focus on selected topics. The course will explore the relationship between culture and law, and give a real picture of how law operates in the context of developing Pacific Island nations. It also gives an important insight into the regional context of New Zealand’s own law and policy.

Content outline:
The course will begin with an introduction to the historic, economic, social and cultural context of the region and an outline of the legal frameworks. From there it will look at a variety of selected topics in more depth including Pacific constitutional law, leadership and governance, human rights, dispute resolution, land law, environmental issues, international law, and the role of New Zealand in the Pacific region.
This course will be run in a seminar format. Students will be expected to contribute to class discussion and share their research.

Assessment:
Assessment to be confirmed.

Recommended text:
Jennifer Corrin Care and Don Paterson (eds) Introduction to South Pacific Law (3rd edition, Palgrave Macmillan, South Yarra, 2011)
LAWGENRL 432 – Health Care Law

Credit points: 15 points  
Offered: Second Semester  
Contact hours: Lectures – 3 hours per week  
Course Coordinator: Professor Joanna Manning  
Prerequisites: LAW 201, 211, 231, 241

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:
Assessment to be confirmed.

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.
LAWGENRL 433 – Family Law

Credit points: 15 points
Offered: First and Second Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: TBA
Prerequisites: LAW 201, 211, 231, 241
Restriction: LAW 426, LAWGENRL 402

Course description:
Family law is concerned with how the legal system defines a legal family, what status it gives to the relationships and how it responds to the issues that arise among family members and when the state seeks to intervene in family life. This course will explore how the law defines a “family” and consider key legal issues that arise for families. Questions of family law property are covered in detail in Law of Family Property. One of the key outcomes of this course is that students should appreciate the difficulties that arise in advising family law clients and the professional approaches that may assist clients in difficult circumstances.

Content outline:
The family law course deals with a number of specific issues:

- **Legal recognition of families and relationships** – this looks at assisted reproduction, marriage and civil partnerships, same sex relationships, transgendered and intersex people and reconstituted families, including step-parents and adoption.

- **Legal consequences of recognition of relationships** – this covers relationship breakdown, care arrangements for children and the operation of the welfare principle, relocation, financial obligations, guardianship and abduction. An important aspect of this part of the course is discussion of interviewing techniques and approaches to giving advice.

- **The law’s family and the role of the state** – this covers child poverty, tax and family incomes, the law’s response to intimate partner violence and to child abuse and neglect and the care and protection FGC.

- **Family dispute resolution** – this covers adversarial and inquisitorial models, family court reforms in Aotearoa New Zealand, mediation and the place of children’s voices in these processes.

Assessment:
Assessment to be confirmed.

Recommended text:
Butterworths *Family Law in New Zealand* 16th edition is a consolidation of the family Law service commentaries and discusses statute and caselaw. There are several copies of this text on short loan in the Davis Library.

**LAWGENRL 434 – Trial Advocacy**

**Credit points:** 15 points  
**Offered:** First Semester  
**Contact hours:** Lectures – 4 hours per week  
**Course Coordinator:** Jo Murdoch  
**Prerequisites:** LAW 201, 211, 231, 241, 301, 306  
**Corerequisite:** 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:**  
Assessment to be confirmed.

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

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**Credit points:** 15 points  
**Offered:** Second Semester  
**Contact hours:** Lectures – 3 hours per week  
**Course Coordinator:** Arie Rosen

**Course description:**  
How should we approach controversial questions in private law? Should we aim to set the rule that leads to the most efficient outcome? Should we use private law to promote other socially desirable ends? Or should we refrain from using private law for achieving any sort of goal or purpose? Different theories offer different answers to these questions, each leading to a unique vision of what private law is and to different outcomes in actual cases. This course explores some of the main schools of normative thought in contemporary private law theory. It examines the key concepts and values associated with each theory before considering different theoretical frameworks for understanding two of the main categories of private law: property and contract.

**Content outline:**  
Part A: Instrumentalism and non-instrumentalism  
Part B: Justifying private property  
Part C: Shaping contract law rules

**Assessment:**  
Assessment to be confirmed.
LAWGENRL 436 – Aviation Law

Credit points: 15 points
Offered: First Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: Professor Paul Dempsey
Corequisites: LAW 201, 211, 231, 241. Students are encouraged to take LAWPUBL 402 International Law before or while taking this course, but it is not a formal prerequisite.
Restriction: LAW 436, LAWCOMM 425

Course description:
A career in aviation law offers a wide range of interesting and challenging roles in a subject that transcends national boundaries. Aviation law affects not just airlines but also airports, air-freight, regulatory functions, manufacturing, finance, insurance and many other industries. The course will build an understanding of the basic principles and unique international conventions that apply to public and private aviation law throughout the industry.

Content outline:
The course is designed to introduce students to a basic understanding of both public and private international air law. It will consist of a mix of formal lectures and guest lectures from industry representatives.

The first part of the course focuses on general principles and major concepts laid down in treaties related to public international air law. It provides an overview of the organisation of air services through bilateral and multilateral agreements and illustrates concepts such as aviation security, aviation safety rules, and aviation and the environment. It explains the role and functions of international organisations related to aviation, such as the International Civil Aviation Organisation (ICAO). The course also concentrates on forms of airlines cooperation and the emergence of related-competition and antitrust issues.

The second part of the course exposes students to the concepts underpinning private international air law. It analyses the major international conventions governing the liability of air carriers, and examines the case law that interprets the provisions of those conventions.

Assessment:
Assessment to be confirmed.
LAWGENRL 438 – Housing Law and Policy

Credit points: 10 points
Offered: Second Semester
Contact hours: Lectures – 4 hours per week
Course Coordinator: Associate Professor David Grinlinton
Prerequisites: LAW 201, 211, 231, 241, 301

Course description:
This course examines the policy and legal principles relating to housing in New Zealand. The main topics covered include: the historical development and current state of housing policy and the law, the relationship between social policy and housing regulation, the legal characteristics of various types of housing ownership and occupation models, regulation of the private rental market, economic measures to achieve government policy objectives for housing, measures to ensure safe and habitable housing, and new forms of housing ownership.

Content outline:
The course commences with an examination of the sources and characteristics of housing law and policy. This will include an examination of the historical development of social housing policy and tenancy protection measures in New Zealand, and international instruments including human rights and social justice measures relevant to housing policy and law.

The second part of the course will examine various forms of ownership and occupation of housing. This will include a detailed examination of the Residential Tenancies Act 1986 and its effects on the traditional landlord and tenant relationship. Schemes for the ownership of flats, apartments and townhouses such as the “company lease”, “cross-lease/tenancy-in-common” and the Unit Titles Act 2010 will be considered in the broader context of changing patterns of housing that impact upon government policy and regulatory intervention in relation to housing. Retirement housing schemes will also be discussed, along with new forms of occupation and ownership to address increased population concentrations in urban areas.

The third part of the course will focus on regulatory intervention to address issues that impact upon the health and safety of occupiers of housing, the structural and design integrity of housing stock, and addressing social equity concerns. Particular topics in this part of the course may include: powers of local authorities under the Health Act 1956 and other relevant legislation relating to sanitation and habitability, provisions regarding structural integrity and other design standards in the Building Act 2004, consumer protection legislation such as the Consumer Guarantees Act 1993 and the Fair Trading Act 1986, weathertightness issues and the Weathertight Homes Resolution Services Act 2006, post-disaster housing needs with a focus on the Christchurch earthquakes of 2010 and 2011, Māori housing initiatives, and housing affordability measures such as the Housing Accords and Special Housing Areas Act 2013.

Assessment:
Assessment to be confirmed.

Recommended text:
Other texts that students will find useful include:


You should purchase the following statutes for the course:
Residential Tenancies Act 1986 (latest reprint) and any amendments.

**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:** Professor Richard Scragg

**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:**


LAWGENRL 445 – The History of the Law of Obligations

Credit points: 10 points
Offered: Summer School (commencing Wed 11 Jan and ending Thur 16 Feb 2017)
Contact hours: Lectures – 2 hours per week
Course Coordinator: Professor Warren Swain
Prerequisites: LAW 201, 211, 231, 241
Restriction: LAWGENRL 423, LAWHONS 740

Course description:
The modern law is deeply rooted in historical sources. The focus of this course will be on the historical foundations of the modern law of contract, tort and restitution. It will provide an introduction to historical method in the context of doctrinal legal history. Students on this course will have an opportunity to engage with historical case law and literature. Developments within the law of obligations will be used to shed some light on the nature of legal development more generally.

Content outline:
- What is legal History?
- Sources of English Law
- The Structural Foundations of the Law of Obligations
- The Medieval Law of Contract
- Slade’s Case and the Foundations of Liability
- Lord Mansfield and the Law of Contract
- The Foundations of the Modern Law of Contract
- The Medieval Law of Tort
- The Rise of Negligence
- Unjust Enrichment

Assessment:
Assessment to be confirmed.
LAWGENRL 446 – Pacific People in Aotearoa: Legal Peripheries

Credit points: 10 points  
Offered: Second Semester  
Contact hours: Lectures – 2 hours per week  
Course Coordinator: Helena Kaho  
Prerequisites: Law 201, 211, 231, 241

Course description:

*Pacific People in Aotearoa: Legal Peripheries* introduces students to a range of issues of particular relevance to Pacific communities in Aotearoa. Despite widespread acknowledgement of the vulnerable socio-economic position of Pacific people in New Zealand, the legal dimensions of these issues are not often addressed in academic discourse. Three key questions anchor the course:

1. Do our laws disadvantage Pacific People in New Zealand?
2. Is there an irreconcilable gap between the cultural assumptions underlying New Zealand law and legal system and Pacific cultural values?
3. Are we making progress towards a more culturally diverse legal system?

Classes will be taught seminar style, with opportunities for class interaction and discussion. Guest speakers will feature and provide insight into areas of expertise.

Assessment:

Assessment to be confirmed.

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

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.

Further information is available from the Student Experience Adviser at the Law Student Centre.
LAWGENRL 452 – Appellate Advocacy

Credit points: 15 points
Offered: Second Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: Kim Francis
Prerequisites: LAW 201, 211, 231, 241, 301, 306
Corerequisite: LAWGENRL 401
Restriction: LAWHONS 707, LAWGENRL 420

Course Description:
Advocacy is the art of persuasion. This course is a study in effective written advocacy and the skills of courtroom advocacy. It also includes guest lectures from judges and leading practitioners.

Content Outline:
The primary focus of the course will be on a practical guide to the art of effective oral and written advocacy. Additional topics covered will include professional obligations of advocates, the theory of advocacy, and the preparation of written submissions.

Assessment:
Assessment to be confirmed.

LAWGENRL 455 – Economic Analysis of Public and Private Law

Credit points: 10 points
Offered: Second Semester
Contact hours: Lectures – 2 hours per week
Course Coordinator: Professor Niels Petersen
Prerequisites: LAW 201, 211, 231, 241

Course description:
The economic analysis of law is the predominant paradigm in US legal scholarship. It is also increasingly influencing legal scholarship in other parts of the world. This class will give an introduction to this key method of legal analysis. We will first discuss what role economic thinking can play in legal reasoning. Then, we will analyze certain economic concepts, such as markets, game theory or behavioral economics, which are important for the economic analysis of law. Finally, we will look at how economic concepts have been applied in different areas of law. We will focus, inter alia, on tort and contract law, constitutional and public international law as well as the economic analysis of judicial decision-making.

Content outline:
1. Economic analysis and legal reasoning
2. Markets and market failures
3. Empirical research between smoke and enlightenment
4. The market for lemons and the efficiency of contract law
5. The economics of accidents: The regulatory dimension of tort law
6. Economic analysis of competition law
7. Climate change and the economic dimension of environmental regulation
8. Politics as markets
9. Can money buy votes? Special interest groups in politics
10. Courts as legislators?
11. The realist challenge and the effectiveness of international law
12. Economic analysis of world trade law: Who gains from free trade?

Assessment:
Assessment to be confirmed.

LAWPUBL 401 – Administrative Law

Credit points: 20 points
Offered: First Semester
Contact hours: Lectures – 4 hours per week
Course Coordinator: Professor Janet McLean
Prerequisites: LAW 201, 211, 231, 241
Restriction: LAWPUBL 426

Course description:
This course considers the general principle of judicial review of administrative action and selected other aspects of administrative law. It is designed to (1) reinforce students’ understanding of the basic features of judicial review studied in Public Law; (2) give students a detailed understanding of the availability of review, the grounds of review, and the remedies available; (3) introduce the theoretical underpinnings of judicial review and the debates surrounding the appropriate scope of judicial review; and (4) introduce Administrative Law beyond judicial review: a wider set of standards, a broader range of avenues of redress, and a field of study involving a range of different perspectives.

Content outline:
This course will address the following:

• The theoretical and political underpinnings of judicial review;
• The availability of judicial review (public nature and justifiability tests);
• The traditional grounds of review: procedural impropriety, illegality, irrationality;
• The development of substantive merits review;
• Remedies and other procedural matters;
• Selected aspects of administrative law other than judicial review.

Assessment:
Assessment to be confirmed.
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 201, 211, 231, 241

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, Syria and Ukraine). 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:
Assessment to be confirmed.

Recommended text:

LAWPUBL 422 – Contemporary Tiriti/Treaty Issues

Credit points: 15 points
Offered: Second Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: Dr Andrew Erueti
Prerequisites: LAW 201, 211, 231, 241

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:
Assessment to be confirmed.

LAWPUBL 425 – Employment Law

Credit points: 15 points
Offered: Second Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: TBA
Prerequisites: LAW 201, 211, 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:
- Parental leave
- 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:
Assessment to be confirmed.

Recommended text:
Brookers Employment Law Handbook (current edition, Thomson Reuters) which includes all relevant statutes and amendments, is strongly recommended.
LAWPUBL 428 – Rights and Freedoms

**Credit points:** 15 points  
**Offered:** Second Semester  
**Contact hours:** Lectures – 3 hours per week  
**Course Coordinator:** Dr Jane Norton  
**Prerequisites:** LAW 201, 211, 231, 241  
**Restriction:** 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 and historical foundations of human rights protection and draw on case studies from both New Zealand and other jurisdictions (including the United States, Canada, India, 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;

**Assessment:**  
Assessment to be confirmed.

**Recommended text:**  
LAWPUBL 429 – Law and Policy

Credit points: 15 points
Offered: Second Semester
Contact hours: Lectures – 3 hours per week
Course Coordinator: Professor Jane Kelsey
Prerequisites: LAW 201, 211, 231, 241
Restriction: LAW 480

Course description:
Being able to understand and critically analyse policies and the policy making process is an increasingly important part of legal work, whether in law firms, consultancies, local and central government, companies, iwi, unions or community organisations. This course aims to develop those skills by providing a conceptual framework within which to view policy, an understanding of the legal and institutional settings for policy-making, and a historical context in which to locate contemporary policy developments. The theory, substance and methodology of law and policy will be fleshed out in the final part of the course through a topical case study.

Content outline:
This course offers:
- An introduction to different theoretical perspectives on the role of the state and the policy making process;
- An understanding of the legislative framework that underpins public policy in Aotearoa/New Zealand;
- A critical appraisal of the current policy making machinery and processes;
- A historically-based analysis of key substantive areas of law and policy;
- A practical guide to sources of policy documentation and techniques for analysing policy
- An integrated understanding of the development of policy in a topical area

Assessment:
Assessment to be confirmed.
LAWPUBL 430 – Criminal Procedure

Credit points: 15 points  
Offered: First Semester  
Contact hours: Lectures – 3 hours per week  
Course Coordinator: Associate Professor Scott Optican  
Prerequisites: LAW 201, 211, 231, 241  
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:
Assessment to be confirmed.

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 Rishworth, Huscroft, Optican & Mahoney, *The New Zealand Bill of Rights* (Oxford University Press: 2003).
The updates on “Evidence” written yearly by Associate Professor Scott Optican in the *New Zealand Law Review*, articles in the *New Zealand Law Journal* and case law summaries in *Capital Letter* are also good current sources of criminal procedure law.
LAWPUBL 443 – Refugee Law

Credit points: 15 points
Offered: First Semester
Contact hours: 3 per week; 36 in total
Course Coordinator: Dr Anna Hood
Prerequisites: LAW 201, 211, 231, 241

Course description:
Refugee Law provides an overview of the international and New Zealand refugee law systems including who is a refugee, the pathways and processes for becoming a refugee, the rights of refugees and critical approaches to the field of refugee law.

Assessment:
Assessment to be confirmed.

LAWPUBL 453 – Privacy Law

Credit points: 10 points
Offered: First Semester
Contact hours: Lectures – 2 hours per week
Course Coordinator: Associate Professor Stephen Penk
Prerequisites: LAW 201, 211, 231, 241

Course description:
An examination of the law relating to privacy in New Zealand with special reference to the common law protection of privacy; the protection of privacy under statute, including the Broadcasting Act 1989 and the NZ Bill of Rights Act 1990, and the scope and application of the Privacy Act 1993.

Content outline:
- The concept of “privacy”
- Privacy and related interests; competing interests
- Sources of privacy law
- Key privacy issues
- The tort of invasion of privacy and other possible common law remedies — recent developments in New Zealand and comparable jurisdictions
- Related torts
- International privacy developments of relevance to New Zealand privacy law
- Statutory protection of aspects of privacy in New Zealand
- The Privacy Act 1993 — scope and application
- Codes of practice
- Protection of privacy under the Broadcasting Act 1989
- New Zealand Bill of Rights Act 1990 — extent of recognition of privacy interests
- Selected applications (including privacy in employment; surveillance; privacy of health information; privacy, publicity and the media; data matching; transborder data flows)
Assessment:
Assessment to be confirmed.

Recommended text:
S Penk and R Tobin (eds), Privacy Law in New Zealand (2nd ed, 2016).

LAWPUBL 454 – International Disputes Settlement

Credit points: 10 points
Offered: Second Semester
Contact hours: Lectures – 2 hours per week
Course Coordinator: Associate Professor Amokura Kawharu
Prerequisites: LAW 201, 211, 231, 241
Corequisite: LAW 435 or LAWPUBL 402

Course description:
The course will cover the international law obligation to settle disputes involving States peacefully; legal and political mechanisms for settling international disputes; principles of international dispute settlement including the admissibility of claims and jurisdiction; core procedures such as the appointment of adjudicators and interim measures. Global dispute settlement bodies will also be covered beginning with the establishment and functions of the International Court of Justice, the Permanent Court of Arbitration, and the dispute settlement system of the World Trade Organization. The focus then shifts to international commercial arbitration and mixed investor-state dispute settlement. The course concludes with an appraisal of the role of international disputes settlement.

Assessment:
Assessment to be confirmed.

Recommended text:
No texts are prescribed, but the texts listed below are useful for further reading, and reference to them will be made during the course (copies are available in the Davis Library). Additional course materials will also be distributed.
Collier & Lowe The Settlement of Disputes in International Law (1999)
Merrills International Dispute Settlement (2011).
**LAWPUBL 455 – The Law of Disarmament**

**Credit points:** 10 points  
**Offered:** Summer School (commencing Wed 11 Jan and ending Fri 17 Feb 2017)  
**Contact hours:** Lectures - 4 hours per week  
**Course Coordinator:** Associate Professor Treasa Dunworth  
**Prerequisites:** LAW 201, 211, 231, 241

**Course description:**
This course addresses the legal and humanitarian issues relating to arms control and disarmament processes and outcomes. It provides an historical overview of disarmament efforts, as well as an analysis of the relationship with international humanitarian law’s role in controlling the use of weapons. It examines both conventional weapons (landmines, small arms, incendiary weapons) as well as so-called “weapons of mass destruction” (chemical, biological and nuclear weapons). In doing so, it considers a number of themes including the role of civil society in disarmament, 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.

**Content outline:**
1. Historical overview of disarmament efforts  
2. Disarmament in the context of international law generally and international humanitarian law specifically  
3. Overview of the contemporary landscape of disarmament  
   a) Institutions  
   b) Treaties  
   c) Litigation  
4. Specific case studies, which will include (but not limited to)  
   a) Nuclear weapons  
   b) Landmines  
   c) Small arms and light weapons  
   d) Chemical weapons  
5. What does the future hold?

**Assessment:**
Assessment to be confirmed.
LAWPUBL 459 – Aspects of Advanced International Law

Credit points: 10 points
Offered: Second Semester
Contact hours: Lectures – 2 hours per week
Course Coordinator: Associate Professor Caroline Foster
Prerequisites: Students must have completed International Law before enrolling in this course. A high level of conversational English language comprehension is needed.

Course description:
This course will extend your knowledge and skills in public international law, including your capacity for conceptual thinking, policy-based reasoning and legal analysis. The material in the course is of an advanced nature and the assessment is designed to be challenging. An emphasis is placed on student commitment to readings before class, and on class participation. Students successfully completing the course are expected to come away with enhanced international legal knowledge and skills which should be useful in seeking employment in the public or private sector in related fields, or as a prelude to postgraduate academic work.

Content outline:
The course will be anchored in concrete studies each spanning selected areas of public international law such as international environmental law, law of the sea, trade, investment treaty law and human rights law. Conceptual themes may include: (a) the tensions between integrity and fragmentation in international law; (b) transnational governance and sovereignty; (c) pursuit of the “community interest” in international law; and (d) the rise of diverse actors internationally including corporate entities.

Assessment:
Assessment to be confirmed.

LAWPUBL 460 – Comparative Constitutional Law

Credit points: 10 points
Offered: Second Semester
Contact hours: Lectures – 2 hours per week
Course Coordinator: Professor Janet McLean
Prerequisites: LAW 201, 211, 231, 241

Course description:
Through a comparative approach to constitutional structures, history and constitution-making, this course aims to prepare students both theoretically and practically to consider the future of the NZ Constitution.

Content outline:
We will consider the American model of constitutionalism, Germany, EU, unwritten and political forms of constitutionalism, constitution writing in divided societies, the substance of constitutions, the new commonwealth model of constitutionalism, the proposals for New Zealand constitutional reform.

Assessment:
Assessment to be confirmed.
LAWPUBL 461 – Clinical Elective: Human Rights

Course Coordinator: Dr Andrew Erueti

Course description:
This is a new course and more information will be available shortly.

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 499 Legal Practice or a sustained 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.

Students writing a research paper in lieu of a final examination may receive credit for a sustained piece of writing for LAW 498 Advanced Legal Research, Writing and Communication or a single piece of writing for LAW 499 Legal Practice.

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).

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.

A form to apply for a research paper in lieu of an examination is available from the Auckland Law School Student Centre or can be downloaded from Law’s website.

**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 Coordinators: Associate 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 Coordinator: Professor Joanna Manning

Course description:
This course is concerned with the law that governs the patient – health professional relationship. Topics which may be covered in the first semester include:
• An Introduction to New Zealand’s Code of Rights
• The complaints process and the Health and Disability Commissioner’s regime
• Consent to treatment and special categories of patient: children, mental disability
• Treatment without consent
• Death, dying and futile treatment

Class sessions will consist of lectures and the presentation of student papers in the second semester. There may be an occasional guest lecture.

Assessment:
100% on-course assessment. Individual components to be advised by the lecturer at the commencement of the course.
LAWHONS 728 – Studies in Public Law

Credit points: 20 points
Offered: Full-year
Contact hours: Lectures – 2 hours per week
Course Coordinator: Professor Bruce Harris

Course Description
This seminar is concerned with the principles and workings of the New Zealand constitution. In the first semester the seminars will be led by the lecturer and will address the theme of the constitutional future of New Zealand, with particular emphasis on the future of the executive and judicial branches of government. Student papers may be written in any area of public law, and these 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 741 – Indigenous Peoples and the Law

Credit points: 20 points
Offered: Full-year
Contact hours: Lectures – 2 hours per week
Course Coordinator: Associate Professor Claire Charters

Course Description
This first semester of this course will introduce students to a range of local, public law, constitutional law, human rights and international law issues that involve Indigenous peoples and will invite historical, doctrinal, comparative, jurisprudential and critical perspectives on them. Course materials will consist of cases, commentary, legislation and popular media. The second semester will consist of student presentations of their research into a variety of different topics relevant to Indigenous peoples and the law.

Assessment
100% on-course assessment. Individual components to be advised by the lecturer at the commencement of the course.
LAWHONS 742 – Public Authority Liability

Credit points: 20 points
Offered: Full-year
Contact hours: Lectures – 2 hours per week
Course Coordinator: Hanna Wilberg
Restriction: LAW 466, LAWPUBL 450, LAWGENRL 450

Course description:
This seminar concerns the monetary liability of public authorities. It will explore the uncertain interface between public and private law principles in this area. Public authorities frequently cause loss to private individuals or entities by their decisions, or fail to use their powers to protect private individuals or entities against harm. Often that is entirely lawful and proper (e.g. imposition of taxes), but sometimes it results from unlawful or wrongful decisions or conduct. While public law controls on the legality of exercises of public powers are well developed and largely well understood, monetary liability to compensate for such losses is both much more limited and much less well settled.

The first semester will consist of lecturer-led seminars, in which the focus will be on the tort liability of public authorities and on public law compensation. Topics will include Crown liability and immunities, intentional torts and the defence of statutory authority, misfeasance in a public office, various issues concerning negligence liability of public authorities, Baigent damages, administrative law damages, and the French risk and equality principles. In the second semester, students will write and present their seminar papers. Topics may be chosen in any area of public authority liability, to be approved by the lecturer.

Assessment:
100% on-course assessment. Precise components and weightings will be advised at the commencement of the course, but it will include a 10,000 word research paper and presentation of this paper.

LAWHONS 746 – Concepts in Law and Security

Credit points: 20 points
Offered: Full-year
Contact hours: Lectures – 2 hours per week
Course Coordinator: John Ip

Course description:
This seminar is concerned with theoretical concepts related to law and security, and how those concepts manifest in selected post-9/11 security measures and debates about those security measures. The first semester will consist of seminars led by the lecturer, and will address topics such as the liberty/security trade-off, the normality/emergency dichotomy, due process and constitutionalism. Student papers may be written on any topic within the field, subject to the approval of the lecturer. These papers will be presented and discussed in class in the second semester.

Assessment:
100% on course assessment. Individual components to be advised by the lecturer at the commencement of the course.
**Course description:**

The law of just restitution, popularly called “unjust enrichment”, is primarily about the circumstances in which a claimant can recover money (or other property) received from the claimant by the defendant. The subject also traditionally embraces claims for work and services performed by a claimant in respect of which a defendant is asked to pay even though there is no contract between the parties. Finally, the subject can also concern itself with the circumstances in which it is appropriate to strip a wrongdoer of profits.

The first part of the course considers general principles, the status of the concept “unjust enrichment”, the connections between restitution and the law of tort, contract law and equity, the historical development of the subject, and issues of remedy. The second part of the course will comprise student presentations, ordinarily on substantive areas of the subject such as: mistaken payments, duress, undue influence, unconscionable bargains, transfers without authority or in breach of fiduciary duty, conditional payments, restitution and contract, restitution and tort, and defences to restitutionary claims.

**Assessment:**

Assessment: 100% on-course assessment. The individual components of assessment will be discussed by the lecturer with the class at the commencement of the course.