



Course Outline 2017

MĀORIDEV 722: LEGAL STUDIES: TIKANGA TURE MO NGĀ HUANGA MĀORI (15 POINTS) Quarter 3 (1176)

Course Prescription

The general ideas, policies and practice of commercial law, the legal environment of business, contract law, legal aspects of company-directing, partnerships, trust law, company floats, takeovers and legislation governing private and corporate business practice in New Zealand. Cases and study will emphasize aspects of these in relation to their impact with and for Māori business with additional emphasis placed on the Te Tiriti o Waitangi.

Programme and Course Advice

Restriction: MĀORIDEV 711

Goals of the Course

The goal of the course is to introduce students to key legal concepts likely to be useful in and relevant to either their businesses or jobs. Students will be familiarised with common situations where business meets law and will be able to identify those situations where legal advice should be sought.

Learning Outcomes

By the end of this course, students should be able to:

1. Discuss the relevance of ethical business practice and its relationship to tikanga Māori.
2. Discuss and critique the development of the legal system in New Zealand and its relationship to Te Tiriti o Waitangi
3. Identify different types of business structures, determine which structure or structures meet the needs of a given business
4. Identify the key elements of contract law in New Zealand
5. Manage the risk of loss, legal liability and the monetary and opportunity cost of disputes.

Content Outline

[Sessions 1 and 2 \(20 and 27 June 2017\)](#)

Sessions 1 and 2 will address learning outcome 1:

1. Discuss and critique the development of the legal system in New Zealand and its relationship to Te Tiriti o Waitangi

By the end of the first 2 sessions, students should be able to:

1. Explain and reflect on why citizens obey the law.
2. Define what "law" is and describe the "positive law" and the "natural" law theory and their relationship to Maori Tikanga.
3. Identify and describe the sources of the New Zealand constitution and, explain the importance of the Treaty of Waitangi as a source of law in New Zealand.
4. Explain the concept of "common law".
5. Describe how Parliament passes laws in New Zealand.
6. Describe the hierarchy of the New Zealand Courts and explain the doctrine of stare decisis.
7. Explain and apply the rules of statutory interpretation.
8. Identify the ratio decidendi and obiter dictum in a legal case.
9. Explain and reflect on the principles of the Treaty of Waitangi and its relevance to the New Zealand Legal System. What are we trying to achieve in this course?

Session 3: (4 July 2017)

- An Introduction to the principal business structures including the limited liability company, the partnership, the incorporated society and the trust.
- Which business structure to use?

Session 4:

- Directors' duties (11 July 2017)

Session 5: (18 July 2017)

- Test (commencing at 6.00 pm)
- Managing risk: managing risk by externalising it (insurance):
- Property insurance – building, fire, vehicle
- Financial insurance – fidelity, business interruption, debts,
- Liability insurance – D&O, product, professional negligence

Sessions 6 to 9 (25 July, 1 August, 8 August, 15 August 2017)

- How a contract is made
- Some ethical issues: "duress", "misrepresentation", "misleading and deceptive conduct, "restraint of trade," incapacity through age (minors) and through disability
- The consequences of breach of contract - damages.
- Contract interpretation
- Ethical "standard form" contracts
- Individual assignment workshop

Session 10: (22 August 2017)

- Group presentations

Learning and Teaching

The course will be delivered at the Waitangi Museum, from 5.30pm to 8.30pm on Tuesdays, beginning on 20 June 2017 and ending on 22 August 2017.

Teaching Staff

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Learning Resources

All learning resources (mainly readings) will be provided in hard copy or, in the case of lecture notes, in electronic form after each lecture. However, a good text giving a general legal background is Watson and others, Law for Business, Akoranga Press, 2013, ISBN: 978-0-473-23930-5. It is not recommended this be purchased but multiple copies are available in the University of Auckland Library.

Assessment

Assessment Type	Final Grade Weight %	Exact Date	Conditions	Duration
Assignment	25%	18 August 4.00 pm	Individual	3000 words
Presentation	25%	22 August 5.45 to 8.30 pm	Group	15 to 20 minutes per group
Test	50%	18 July 6.00 – 7.00 pm	Individual	60 minutes
Total	100%			

The broad relationship between these assessments and the course learning outcomes is as follows:

Learning Outcome	Individual Assignment	Group Presentation	Test
1	X		X
2	X		X
3	X		X
4		X	
5	X		

INCLUSIVE LEARNING

Students are urged to discuss privately any impairment-related requirements face- to-face and/or in written form with the course convenor/lecturer and/or tutor.

STUDENT FEEDBACK

Formative feedback surveys

During the early part of the quarter (usually Week 3 or 4), short feedback surveys are administered to all students to get a snapshot of how they are coping with their new courses. This qualitative data, which is administered, collected and collated by the Programme Office, is designed as an 'early warning' system of any significant issues with the course that might need addressing quickly.

Lecturers are asked to provide a brief report to the Director GSM MBA on key items identified and proposed actions. Lecturers are also asked to provide a verbal report to the class, proposing any solutions as appropriate.

Course and teaching evaluations

The University of Auckland evaluates the quality of teaching and of courses by using the the Summative Evaluation Tool, or SET. Summative evaluation is formal, summative evaluation of teaching undertaken according to University policy and is conducted at the end of a semester/quarter through the use of the formal University SET instruments. Summative evaluation is used by teachers to reflect on their teaching practice, and is also used by the University for quality assurance of teaching and courses.

In the Event of an Unexpected Disruption

We undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not compromised. Some adjustments may need to be made in emergencies. In the event of a disruption, the University and your course coordinators will make every effort to provide you with up to date information via canvas and the university web site.

CHEATING AND PLAGIARISM

The University of Auckland regards cheating as a serious academic offence.

Plagiarism is a form of cheating. In coursework assignments submitted for marking, plagiarism can occur if you use the work and ideas of others without explicit acknowledgment. Work can be plagiarised from many sources, including books, journal articles, the internet, and other students' assignments. A student's assessed work may be reviewed against electronic source material using computerised detection mechanisms. Upon reasonable request, students may be required to provide an electronic version of their work for computerised review.

The way of avoiding plagiarism is to reference your work properly. If you are in doubt about how to reference properly, ask someone – your lecturers, tutors and the Student Learning Centre are good places to start. Please refer to the following website for further information about academic referencing: www.cite.auckland.ac.nz/

The document Guidelines: Conduct of Coursework provides further advice on how to avoid plagiarism. It can be found at:
www.business.auckland.ac.nz/conductcoursework

The penalties for plagiarism can be severe, including losing some or all of the marks for the assignment. Major offences can be sent to the University's Discipline Committee, where further penalties can be imposed.