



INTERNAL MEMORANDUM

Date: 07.10.16

To: Council

From: Professor John Morrow – DVC(A)

Subject: Senate Matters
2017 Programme Limitations in Law submitted to the
Senate Meeting of 03.10.16

Professor John Morrow
(Deputy Vice Chancellor (Academic))

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The revised 2017 Programme Limitations in Law were submitted to the Senate Meeting of 3 October 2016.

The presentation of this Item was followed by an extensive discussion. During the Meeting, staff of the Faculty of Law presented the following motion:

That the limitations for entry into the Faculty of Law for 2017 are those presented to the Education Committee at its Meeting of 20.06.16.

The Motion was then put to a vote: and was carried (43 votes in favour of the motion, 5 against and 7 abstentions)

The Minutes of the Faculty of Law Meeting of 23.08.16, also submitted to Senate, 03.10.16, were withdrawn to be reworked, as some Members of Senate were of the opinion that, without the inclusion of the attachments, the Minutes did not adequately reflect the view of the Faculty.

Attached are the following documents:

1. 2017 Programme Limitations in Law
2. Letter of the Vice-Chancellor to the Dean of Law
3. Minutes of the Faculty of Law Meeting of 23.08.16

After the resolution was passed I, as Chair of the Senate meeting (the Vice-Chancellor was overseas), asked for a clear statement of the issues so that they could be provided as Senate's advice to Council on this matter. The following matters were noted:



1. The availability of resources and teachers to accommodate the proposed increase of numbers;

Some members expressed concern about current staffing issues in the Faculty and recent resignations. It was suggested that it could take up to a year to recruit new quality staff and there was currently not enough staff available to deal with proposed increased enrolments in compulsory Part 2 courses in 2017.

The Student Members pointed out that, even with the current intake, there was a lack of study space and library resources; increasing the number of students would make this worse.

2. The necessity of consultation with various stakeholders

Since the increased intake had been proposed, there has not in the view of some members been sufficient time to consult with all staff and students; also Māori staff had, so far, not been consulted.

3. The capacity of the legal profession to absorb the number of graduates.

Even with the current intake, it was difficult for students to find employment within the legal profession and a number of graduates were seeking employment outside of law.

Professor John Morrow
(Deputy Vice Chancellor (Academic))

2017 Programme Limitations - Law

The Faculty of Law proposes the following maximum number of students in its programmes in 2017 because of an insufficiency of accommodation and/or staff to provide adequate teaching to all students expected to seek a place.

This document is a variation on the limitations document tabled and approved in June 2016. It differs from the June version only in two respects:

1. *Inasmuch as the proposed limitation of enrolments for LLB Part II was 300 and is now 400 students, there are commensurate adjustments to the numbers in the various admission schemes*
2. *A note has been inserted on page 6 to provide for the transfer of suitably-qualified students who have completed the requirements of LLB Part I at another New Zealand law school and who were previously ineligible for admission to LLB Part II.*

Section 1 Limitations

Programme	Category	Approved limit 2016	Admission 2016	Proposed limit 2017
LLB Part I	Total (all #s below are inclusive of this)	No limit		No limit
	Domestic		1072	
	International		24	
LLB Part II	Total (all #s below are inclusive)	310	346	410
	Domestic	300	313 offers made under General Admissions (21 of which were declined by applicants)	400
	International	10	6 offers (2 of which were declined by applicants)	10
	Discretionary hardship	2	2	2
	Transferring	5	6 offers (1 of which was declined by applicant)	5
	UTAS total (#s below are inclusive)	54	46	80
	Māori	32	26 offers (3 of which were	32

Programme	Category	Approved limit 2016	Admission 2016	Proposed limit 2017
			declined by applicants)	
	Pacific	13	16	38
	Students with disabilities	2	0	2
	Students from refugee backgrounds	2	2	2
	Students from low socio-economic background	5	2	6
LLB Part III Transferring	Total (all #s below are inclusive of this)	20	3	20
	Domestic		3	
	International		0	
	Discretionary hardship	5	0	5

Section 2 Selection criteria

The following criteria are proposed to be used by the Faculty of Law to select students into limited entry programmes in 2017.

Note: Criteria highlighted in blue cannot be changed for 2017 as it was set as part of the Guaranteed Entry Scores exercise and has been published.

Programme	Selection Criteria	Selection Committee
LLB Part I	All students admitted to, or already enrolled in, another University of Auckland bachelor's degree programme, or graduates.	n/a
LLB Part II	<p>Students admitted from Part I</p> <p>Academic merit and legal aptitude: ranked by Law GPA (see note below) or equivalent standard of achievement in the LSAT or other measure of legal aptitude.</p>	<p>Deputy Dean</p> <p>Associate Dean (Administration)</p> <p>Associate Dean (Academic)</p> <p>Associate Dean (Wellbeing and Equity)</p> <p>President of the New Zealand Law Society (or nominee)</p> <p>Pro-Vice Chancellor Equity (or nominee)</p> <p>Academic Counsellor to Maori students</p> <p>Academic Counsellor to Pacific students</p>
	<p>Transferring</p> <p>Academic merit ranked by Law GPA (which must not be lower than 5.0).</p>	<p>Deputy Dean</p> <p>Associate Dean (Administration)</p> <p>Associate Dean (Academic)</p>

Programme	Selection Criteria	Selection Committee
		Associate Dean (Wellbeing and Equity) President of the New Zealand Law Society (or nominee) Pro-Vice Chancellor Equity (or nominee) Academic Counsellor to Maori students Academic Counsellor to Pacific students
	<p>Discretionary hardship</p> <p>Academic merit ranked by Law GPA and appropriate evidence of exceptional unforeseen circumstances and resulting undue hardship.</p>	Deputy Dean Associate Dean (Administration) Associate Dean (Academic) Associate Dean (Wellbeing and Equity) President of the New Zealand Law Society (or nominee) Pro-Vice Chancellor Equity (or nominee) Academic Counsellor to Maori students Academic Counsellor to Pacific students
LLB Part III	<p>Transferring</p> <p>Academic merit ranked by Law GPA (see note below).</p>	Deputy Dean Associate Dean (Administration) Associate Dean (Academic) President of the New Zealand Law Society (or nominee)

Programme	Selection Criteria	Selection Committee
	<p>Discretionary hardship</p> <p>Academic merit ranked by Law GPA and appropriate evidence of exceptional unforeseen circumstances and resulting hardship (see note below).</p>	<p>Deputy Dean</p> <p>Associate Dean (Administration)</p> <p>Associate Dean (Academic)</p> <p>President of the New Zealand Law Society (or nominee)</p>

Notes Part I

Only students who gain C+ or better in LAW 121G will be permitted to proceed to LAW 131.

Notes Part II

The Law GPA for the purpose of admission into LLB Part II is to be based on the grades for LAW 121/121G Law and Society and LAW 131 Legal Method together with the grades in the best other courses (being degree courses of a university) taken in the most recent year of study that constitute 90 points (or equivalent).

The grades for LAW 121/121G and LAW 131 are to be double-weighted for the purpose of calculating the Law GPA; that is, each of LAW 121/121G and LAW 131 is to be treated as if it were a 30-point course for Part II selection purposes.

Where a student has enrolled for LAW 121/121G for a second time in or after 2008, both the grade achieved on the first attempt, and the grade achieved when the course was repeated, are to be included, and each of those grades is to be single-weighted – unless, in exceptional circumstances, the Dean agrees to disregard the earlier grade because of significant illness or other circumstances beyond the student’s control.

Where a student has enrolled for LAW 131 for a second time in or after 2008, both the grade achieved on the first attempt, and the grade achieved when the course was repeated, are to be included, and each of those grades is to be single-weighted – unless, in exceptional circumstances, the Dean agrees to disregard the earlier grade because of significant illness or other circumstances beyond the student’s control.

In cases where the most recent year comprised courses (other than LAW 121/121G and LAW 131) totalling fewer than 90 points, the grades achieved in the most recent year are to be supplemented by grades in courses from the most recent preceding year(s), to a total of 90 points (or equivalent).

In the case of Transferring Part II law applicants (being students who have been admitted to second-year law courses at another New Zealand law school but have not yet satisfied all of this University’s Part II requirements, and will have non-law credit for at least 6 courses at 15 points each) the Law GPA is to include the grades in any second-year law courses taken (up to 90 points). Students applying in this category may not be considered under any other scheme except the Discretionary Hardship admission scheme for Part II.

In the case of students who have completed LLB Part I (but have not yet been admitted to LLB Part II) at another NZ law school, with high grades that meet the Part II admission standard, and who have passed the equivalent of LAW 121 and 131 but (because of the different degree structures) not yet passed the equivalent of 90 points in non-law courses, admission to LLB Part II may be approved under general admission or discretionary hardship or any of the UTAS categories. Such students, if selected for admission to LLB Part II, will be required to take the outstanding non-law course/s alongside LAW 201-298.

Where an applicant makes a good case that the work done in the most recent year or years was not representative of his or her ability because of significant unforeseen circumstances beyond his or her control that have impacted on his or her grades, the average may be computed from courses taken in an earlier year or years.

Where an applicant has passed LAW 101 The Legal System prior to 2006, the grade for LAW 101 is to be substituted for LAW 121/121G and LAW 131, and weighted as though 60 points.

Where, under LLB regulation 8, a graduate applicant is to be considered for Part II admission without having taken LAW 101 (or LAW 121/121G and 131), the Law GPA for selection purposes is to be computed on the basis of (i) the best courses (being degree courses of a university) taken in the most recent year of full-time study (or most recent years, where the most recent year was not full-time, or was limited full-time) which constitute a normal full-time programme of 120 points (or equivalent) and (ii) the LSAT score or other measure of legal aptitude approved by the Dean under regulation 8.

No applicant will be selected for General admission or for Discretionary hardship admission or under the Targeted Admission Schemes for Maori, Pacific Islands, Disabled, low Socioeconomic, or Refugee backgrounds unless he or she obtained (i) a Law GPA of at least 3.000 (C+ average) and, (ii) a grade of at least C+ in LAW 121/121G Law & Society and in LAW 131 Legal Method (or in LAW 101 the Legal System before 2006) or equivalent standard of achievement in the LSAT or other measure of legal aptitude (under LLB regulation 8).

Notes Part III

Academic merit and legal aptitude, as shown by an applicant's GPA (Law) calculated as follows:

Students from other New Zealand law schools may be considered for admission to LLB Part III, provided they have passed at least 6 non-law courses totalling 90 points, and the equivalents of LAW 121G, 131, 201, 211, 231, and 241. The GPA (Law) for the purpose of admission into LLB Part III for such transferring students is to be based on the grades achieved in LAW 121/121G and LAW131, or their equivalent/s, together weighted as 30 points, and in LAW 201, LAW 211, LAW 231 and LAW 241, or their equivalents, together weighted as 120 points. In each case, the equivalent course(s) offered at another New Zealand law school shall be substituted, and the grade weighted as though for the Auckland equivalent. Where a student has enrolled for any of the law courses for a second time, both the grade achieved on the first attempt and the grade achieved on the repeat attempt are to be included, with half weighting on each occasion.

Discretionary hardship Part III admission scheme:

Of the 20 places reserved for Transferring Part III Law, up to 5 places may be allocated to students whose GPA (Law) is below the standard required but who are able to demonstrate to the satisfaction of the Selection Committee: (i) that their failure to meet that standard is attributable to exceptional, unforeseen circumstances beyond their control, independently verified by appropriate evidence of medical, family or other personal circumstances; and (ii) that undue hardship would result if they were not admitted to LLB Part III at the University of Auckland.

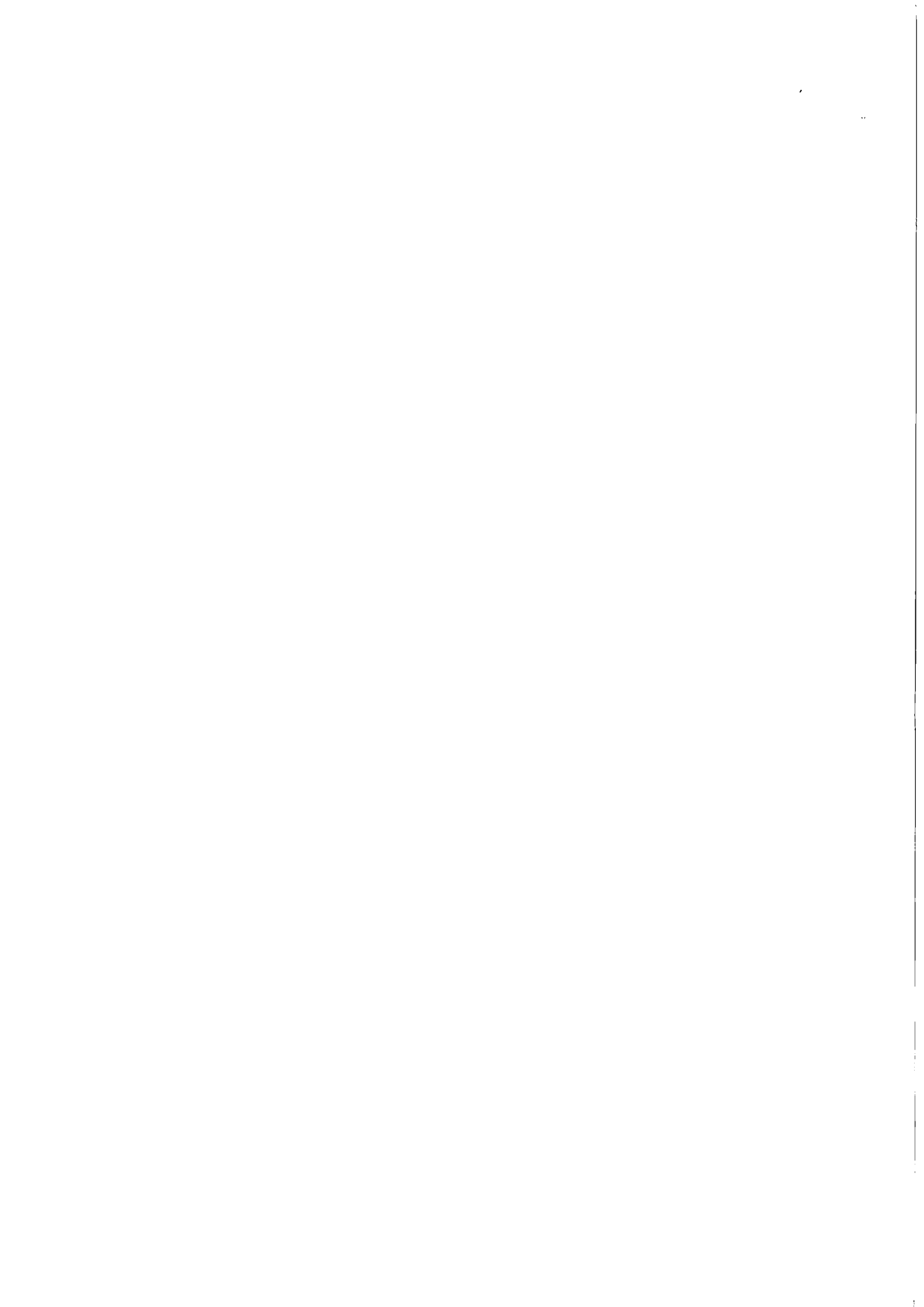
Section 3 UTAS selection criteria

The following criteria are proposed to be used by the Faculty of Law to select UTAS students into limited entry programmes in 2017.

Note: Criteria highlighted in blue cannot be changed for 2017 as it was set as part of the Guaranteed Entry Scores exercise and may have been published.

Programme	UTAS category	Selection criteria	Selection Committee
LLB Part II	Māori	Ranked by academic merit (based on Law GPA); interview may be required to determine TAS eligibility.	Deputy Dean Associate Dean (Administration) Associate Dean (Academic) Associate Dean (Wellbeing and Equity)
	Pacific	Ranked by academic merit (based on Law GPA); interview may be required to determine TAS eligibility.	President of the New Zealand Law Society (or nominee) Pro-Vice Chancellor Equity (or nominee)
	Students with disabilities	Satisfying University criteria for consideration as a Student with a Disability; ranked by academic merit (based on Law GPA) including impact of disability on grades.	Academic Counsellor to Maori students Academic Counsellor to Pacific students
	Students from refugee background	Satisfying University criteria as a student from a Refugee background; ranked by academic merit (based on Law GPA).	
	Students from low socio-economic background	Students need to have: <ul style="list-style-type: none"> attended a decile 1, 2 or 3 school; and completed not more than one full year of university study (or equivalent); and achieved a Law GPA not more than one 	

		half (0.5) of a grade point below the GPA required for general admission. Applicants meeting these criteria will be ranked on the basis of Law GPA.	
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Vice-Chancellor's Office

Professor Stuart N. McCutcheon PhD
Vice-Chancellor

19 September, 2016

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Professor Andrew Stockley
Dean, Faculty of Law

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Dear Andrew

Increasing Law part II intake

I am writing as a follow-up to my letter of 9 August 2016, having reviewed the papers you sent me: those circulated to the meeting of the Law Faculty held on 23 August; the draft minutes of that meeting: and papers that have been revised or circulated subsequent to that meeting. For the sake of completeness, I include here some of the issues raised in my earlier letter.

Resource limitations

By way of background, I note that the Education Act 1989 states at section 224(5):

Where the council of an institution is satisfied that it is necessary to do so because of insufficiency of staff, accommodation, or equipment, the council may determine the maximum number of students who may be enrolled in a particular course of study or training at the institution in a particular year.

In this regard, and as noted in my earlier letter, I am prepared to provide, through the budget process, what I understand will be the resources required to permit the Law Faculty to increase the intake into Law Part II to 400 students in 2017. That is:

- The resources required to enable academic staffing to grow with EFTS to maintain the current staff:student ratio, but also to allow new staff to be appointed ahead of the growth

in enrolments. At this stage I undertake that an additional 5 academic staff positions will be funded in anticipation of the growth in enrolments in 2017 with further “advance” appointments then to be agreed against future forecasts.

- The resources required to enable professional staff appointments to be made ahead of the growth in student numbers. An additional 4.3FTE can be justified, primarily in the areas of student support, career support and general administrative support.
- The provision of additional space for the growth in staff and activity.

It is my understanding that these additional resources will remove the constraints that currently require the Part II intake to be limited to approximately 330 students and will allow the limit to be raised to 400 students for 2017. For the reasons outlined below, I consider that priority for places should be given to students transferring from other universities who have a GPA no less than that of the current cohort (6.4) and 250 rank score in NZCEA (i.e. among the best school leavers). This will help ensure maintenance of the calibre of the student cohort while schools and applicants are informed that more places are being made available at the Auckland Law School.

Benefits and risks

There are in my view, and that of others (including some of the faculty submissions), a number of benefits to students, to the Law School, and to the wider University of increasing the intake into Law Part II. There are also a number of risks, some of which have been identified by colleagues in the Faculty.

Benefits

1. *Providing appropriate opportunities for high-achieving school leavers to pursue law with the University of Auckland.*

Data from the Ministry of Education’s Tertiary Data Warehouse show that there were, in 2015, 325 school leavers from Auckland schools with a rank score greater than or equal to 250 (GPE of 5.1-5.2) who are studying Law Part I this year. Of them, 227 are at our University and 98 are studying elsewhere (VUW (58), Otago (26), AUT (10), Waikato (4)).

In the rest of New Zealand, there were a further 468 such students, of whom 69 are studying with us and the remainder (399) at other universities. Clearly, then, there is no shortage of top students wanting to study law (98+399=497 such students studying other than at our Law School). However, with only 330 Part II places currently at the University of Auckland Law School this means that the highest-achieving Auckland students have an approximately 1

in 1 chance (places: regional students =330:325) of studying with us, whereas for the rest of New Zealand, with a total of 1010 places available, this ratio is in excess of 2:1 (1010:468). Thus the current limit to our Law Part II, at approximately 330 per annum, has not kept pace with the overall demand for law places in New Zealand and in particular the growth in the number of high-achieving school leavers in Auckland seeking to study law. It follows that many very good Auckland students will have to (and do) leave the region in order to enhance their chances of getting into a Law School. I also note that in 2017, for the first time ever, we will be able to guarantee accommodation in our halls of residence to all first-year students originating in Auckland.

If we look at all students with a rank score of over 200 (GPE of 4.9) there is a similar picture with the ratios of places: regional students being 0.66 for the University of Auckland and 1.40 for the rest of NZ.

2. *Equity of student access*

A related issue is that while some Auckland students may be able to leave the region in order to enhance their chances of getting into Law School, many will not be able to afford to do this. Mobile school-leavers tend to be the more affluent. The current limits are therefore likely to impact disproportionately on students of lower socio-economic background (and therefore Māori and Pasifika). Higher Part II numbers would reduce this inequity.

3. *Support for Law School and overall University ranking strategy*

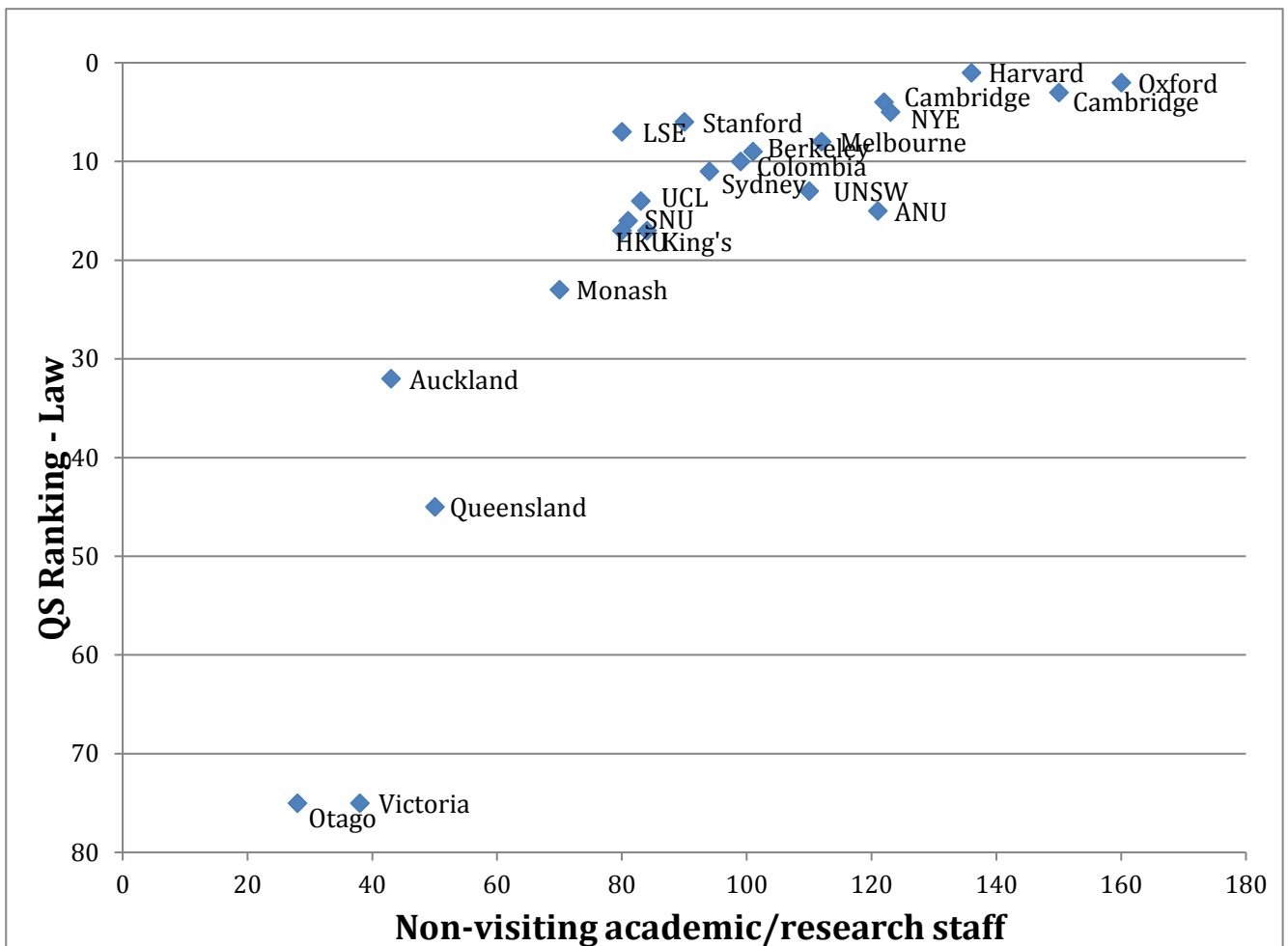
The data that have been provided to the Faculty, and which I have graphed below, indicate that there is a positive relationship between size of Law School and the university's international ranking in Law. While correlation is not necessarily causation, it seems reasonable to hypothesise that a larger faculty of productive academic staff will have greater opportunity to build reputation and a solid foundation for improvement in the various university ranking systems.

4. *Supporting the aspirations of other faculties*

Other faculties, notably the Faculty of Arts and to a lesser extent the Business School, rely to some degree on law conjoints to retain high-achieving Auckland school leavers within the Auckland region and to attract high-achieving students from other New Zealand regions. Thus increasing our Part II limits would allow us to attract/retain greater numbers of top students,

many of whom would take conjoint programmes (particularly with Arts). This would have a collateral benefit for Arts enrolments at a time when they are under considerable pressure.

QS rankings of Law discipline vs number of non-visiting academic/research staff in the Law School. Note that Otago and Victoria were ranked in the 51-100 band and so are assumed to have a rank of 75 for this purpose.



Risks

1. Loss of quality

A number of colleagues have, in their submissions, raised concerns about the potential loss of student quality. In this regard, I note three points: first, that did not occur when the intake into Part II was raised on previous occasions; second, as indicated above, there are many more high-performing students wishing to study Law than are currently admitted to our part

II; and third, my undertakings as to resources will ensure that the School can maintain its current class sizes (student: staff ratios) and provide appropriate additional support through professional staff and from the additional revenue it will derive.

2. *Lack of employment prospects for graduates*

Several colleagues have also, in their submissions, expressed concern about the employment prospects for graduates should numbers be increased. As someone who has had a rewarding career in a role largely unrelated to his own first degree, and who meets successful law graduates in many walks of life all over the world, I do not agree that the number of jobs which currently exist for lawyers should be the only determinant of enrolment numbers in Law School. Rather, I have faith in the ability of clever young people, properly informed, to make their own investment decisions for their future careers, careers that will span the next 40-50 years and include many jobs not yet imagined.

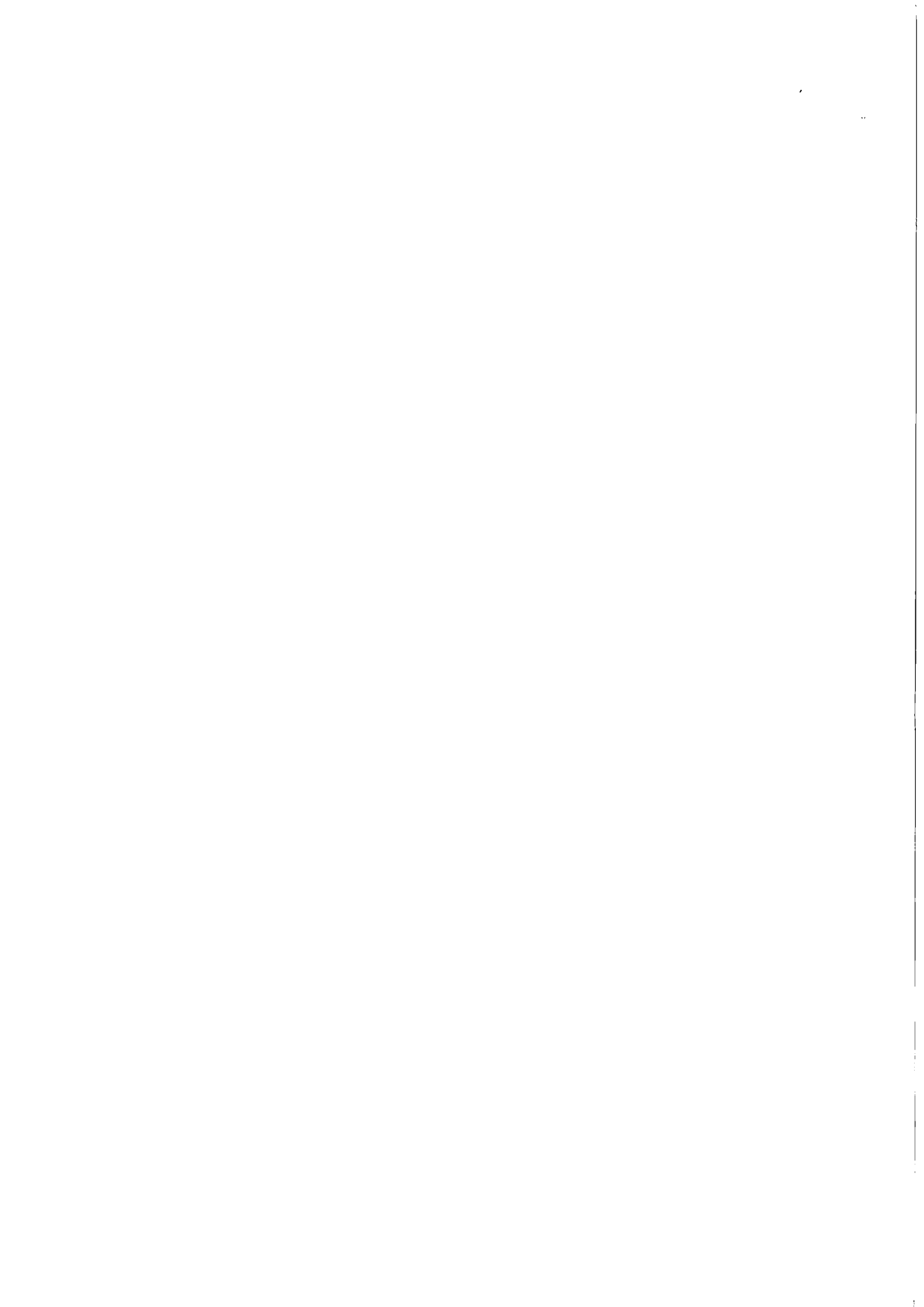
Beyond 2017

I acknowledge the concerns expressed by some colleagues that they would like more time to consider these issues and, but would also note that our academic portfolio discussions have been underway for many months. However, I am prepared to give the Faculty until May 2017 to provide their views (including alternative ways of achieving the benefits listed above) on possible further increases (i.e. beyond 400) to the Part II intake. The increase to 400 students for 2017 will provide a basis on which the benefits, practical difficulties and timeframe for possible further increases can be assessed.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Stuart N. McCutcheon', written over a horizontal line.

Stuart N. McCutcheon
Vice-Chancellor



UNAPPROVED FACULTY OF LAW MINUTES

12.00pm – 2.00pm

23 August 2016

Small Lecture Theatre, Level 2, Bldg 803, Room 210



LAW

PRESENT: Professor Stockley (Chair), Ms Carr (Davis Law Library Representative), Professor Dawson, Professor Devonshire, Associate Professor Dunworth, Professor Elliffe, Mr Fenton (AULSS Representative), Associate Professor Foster, Professor Gedye (Commercial Law Department Representative), Professor Harris, Dr Hertogen, Dr Hood, Mr Havelock, Mr Ip, Ms Kaho, Associate Professor Kawharu, Mr Langdana (AULSS Representative), Professor Littlewood, Professor Manning, Professor McLean, Mr Nolan (NZLS Representative), Associate Professor Noonan, Dr Norton, Mr Roberts, Ms Sanders, Mr Sumpter, Associate Professor Tobin, Associate Professor Tolmie, Professor Watts, Dr West-Newman (Faculty of Arts Representative), Professor Williams.

IN ATTENDANCE: Ms Allan, Ms Bain, Ms Castellone, Mrs Crewther, Ms Davies, Ms Harker, Ms Jordan, Ms Khoo, Ms Marama, Ms McGowan, Associate Professor Palmer, Mr Patterson, Mrs Pollock, Ms Shaw, Mr Stein, The Rt Hon EW Thomas, Dr Tittawella, Mr Toleafoa, Ms Vaai, Ms Wu, Ms Zyskowska.

1. APOLOGIES: Professor Bosselmann, Ms Cleland, Associate Professor Grinlinton, Associate Professor Gunasekara (Commercial Law Representative), Professor Kelsey, Ms Khouri (lateness), Associate Professor Penk, Professor Paterson (lateness), Dr Rosen (lateness), Associate Professor Sims (HOD Commercial Law), Professor Swain (lateness), Professor Watson, Ms Wilberg.

2. MINUTES and MATTERS ARISING:

The Minutes of the meeting held on 2 June 2016 were accepted as a true and accurate record. There were no matters arising.

3. DEAN'S REPORT:

Congratulations were extended to:

Professor Elliffe on winning the JF Northey Memorial Book Award for *International and Cross Border Taxation in New Zealand*, awarded to the best book published in 2015 by a New Zealand-based author; Professor Watson on winning the Sir Ian Barker Published Article Award for *How the Company Became an Entity – A New Understanding of Corporate Law*, given to the best article, essay or discrete book chapter published by a New Zealand-based author in 2015; Ms Kennedy, upon receipt of the Unpublished Postgraduate Student Paper Award for *Much Obligated: An Assessment of the New Zealand Government's Accountability for Prisoners' Rights in the Context of Prison Privatisation*; and Ms Young for the Unpublished Undergraduate Paper Award for *online 'Publication' – Future-proofing Defamation in the Internet Age*. Auckland Law School swept the Legal Research Foundation awards with the above.

Professor Elliffe on the award of a Doctorate from the University of Cambridge for his "significant contribution to scholarship".

Events:

(a) The Law School hosted a visit from the Prime Minister of Tonga, the Hon Akilisi Pohiva on 28 July. He was accompanied by Lord Vaea, ministers and officials. The formal introduction was given by Sir Anand Satyanand, with a welcome by Professor Stockley. Thanks for extended to the Law School's Pacific Island team for the success of the visit.

- (b) The New Zealand Centre for Information and Communications Technology (“ICT”) was officially launched on 28 July. Retired District Court Judge Dr Harvey will serve as Director of this specialist hub.
- (c) On 15 August 2016, following on with the Town & Gown Series by The New Zealand Centre for Law and Business, in conjunction with Chapman Tripp, a public lecture was presented by Professor McCahery, Professor of International Economic Law at Tilburg University entitled *Opportunities and Trends in International Marketplace Lending*.
- (d) On 10 August 2016 The New Zealand Centre for Human Rights, Law, Policy and Practice hosted a public lecture by Mr Wilton, Coca Cola’s Director of Global Workplace Rights entitled *Human Rights is Everyone’s Business - including Business!*
- (e) A successful Drinks function, hosted by Auckland’s High Court judges was held on 11 August 2016 at the High Court. This would be reciprocated by the Law School in March 2017.
- (f) Faculty was reminded that the Report of the 2016 Departmental Review of the Law School has been distributed; Faculty committees would consider relevant recommendations, with discussion by Department and Faculty leading into the Faculty Retreat in December.

4. REGULATIONS FOR THE DEGREES OF BACHELOR OF LAWS, LAW CONJOINT AND HONOURS DEGREES:

- (a) Amendment 2017-500: The purpose of the proposal is to introduce a third Stage I law course, LAW 141 Legal Foundations. LLB Part I comprises both law and non-law courses, with the latter required by the New Zealand Council of Legal Education to ensure that law graduates have a broader education than if only law subjects were studied in the students’ degree. It was queried whether there has been consultation with other faculties given the number of conjoint degrees that will be affected. The Chair confirmed the Deans of Arts and Business & Economics are aware of how this will impact their faculties. Law now only teaches LAW 121G, but LAW 121 will remain in the regulation amendment as it will count towards LAW 121G if done in previous years. Associate Professor Kawharu noted that the administrative impact on professional staff needs to be considered and addressed in any new proposals. Ms Marama would explore the practicalities of additional administration requirements.

The Chair MOVED that the Faculty ADOPT the introduction of LAW 141 Legal Foundations into LLB Part I. The MOTION was CARRIED UNANIMOUSLY.

- (b) Amendment 2016/502: To amend the LLB Schedule to include a Legal Research, Writing and Communication course (LAW 498) in Part IV and extend the course codes to include up to LAW PUBL 464; to convert Special Topics to fixed content courses for LAW HONS 741, 742, LAW GENRL 434, 435 and LAW PUBL 443, 444, 459 and 460; to change the course title and prescription for LAW GENRL 420; to add a new course LAW GENRL 451 and to add replacement Special Topic courses LAW COMM 454, 455, LAW GENRL 452-455 and LAW PUBL 461-464. This follows an extensive curriculum review and seeks to offer new courses that are likely to be popular, the split of LAW 420 into two courses and to ensure sufficient special Topic courses are available for future use.

The Chair MOVED that the Faculty ADOPT the amendments. The MOTION was CARRIED UNANIMOUSLY.

5. ACADEMIC PORTFOLIO PROPOSAL:

Thanks were extended to Professors Paterson and Williams for facilitating the Academic Portfolio Forum discussion on 11 August 2016. The notes of that Forum, alongside the attached paperwork form the basis of Faculty discussion and any resultant motions. The Faculty aim is to determine a consensus on the advice that would be forwarded to the Vice-Chancellor and Senate for consideration.

The Chair invited further comment from external members of Faculty and staff.

Associate Professor Palmer noted that he would support an expansion of the Law School and set out his reasons, and his memorandum is attached to these Minutes.

Mr Fenton and Mr Langdana on behalf of the Auckland University Law Students Association (“AULSS”), Te Rakau Ture (“TRT”) and the Pacific Islands Students Law Society (“PILSA”) extended their thanks for receipt of all the relevant documentation. They noted that the Auckland University Law Students’ Society is not necessarily opposed to an increase in Part II at some point in the future but they recognise the concerns being raised in the circulated papers and would like more time to consider these properly and for fuller consultation with students. Their memorandum is attached to these Minutes.

Arising from the Forum discussion and circulation of papers it was agreed that three possible motions may arise from today’s deliberations:

MOTION ONE: That the “2017 Programme Limitations – Law” presented at Education Committee on 20 June 2016 and circulated by email on 23 August 2016 be accepted as the status quo for 2017 based on 310 admissions to Law Part II in 2017. This will allow time in 2017 (and indeed the rest of 2016) to discuss within Faculty the best way to proceed.

A vote on the above MOTION was taken, with 26 in favour of retaining the status quo for 2017 as per the “2017 Programme Limitations – Law”. There were 4 abstentions. This was MOVED by Professor Watts and SECONDED by Professor McLean. The MOTION was CARRIED.

Mr Ip later retracted his abstention to a vote in favour as he agreed with MOTION TWO below.

MOTION TWO: This motion centres around the paper “Exploring a Possible Pathway for Law School Reform” (“the Pathways Paper”) compiled by Associate Professor Dunworth, Dr Hood, Professor Manning and Professor McLean arising from the Proposal, the Discussion Paper of 10 August and the Forum discussions on 11 August. Associate Professor Dunworth summarized the Pathways Paper as setting out ideas about how the Faculty can open a discussion around moving forward in a constructive, progressive way, balancing the need to ensure sound, informed decision-making and planning against the imperative of timely responses to immediate challenges facing the University, beside the medium and long-term challenges presented to the Law School.

There was concern that the Faculty has been put in a position of reacting to the Proposal, rather than engagement from the outset of the process. The authors emphasized that any challenges should be viewed as opportunities and that Law needs to understand and see itself as part of the University community and present as agile in responding to change.

The Pathways Paper puts forward a five-fold strategy of discussion in response to the Proposal:

- (a) August/September 2016: A clear and informed understanding of the challenges facing the Law School and University and an analysis of areas where the Law School could improve, with the convening of a special Faculty discussion in September to consider the Departmental Review, which would scope more broadly to identify issues which Faculty members, students, members of the profession and representatives from the University would submit as part of this exercise. This would happen between now and mid-September.
- (b) Mid-September: Brainstorming: A meeting would be convened to brainstorm ideas flowing from the Special Faculty discussion in a preliminary way around possible approaches for addressing those issues. The identification of areas where more information or research is needed to make informed decisions in respect of a way forward.
- (c) September/November: Issues Paper: Work towards the preparation of an issues paper for circulation by mid-November 2016 to allow ample time for consideration prior to discussion at the Faculty Retreat on 7-8 December 2016. Various convenors in the Faculty would take responsibility for different aspects of the paper (or series of papers) and staff would be divided into relevant clusters to develop the different suggested approaches and for conducting any further research needed. This phase would also allow for further consultation with relevant stakeholders such as TRT, Pacific Island staff, the profession, students and University. Short reports from sub-groups would then be circulated to Faculty in mid-November.

- (d) December: The Faculty Retreat: The different approaches for reforming and strengthening the Law School would be debated, with the assistance of an external facilitator. The aim of the discussions would be to identify responses to the Department Review, explore any other viable pathways forward and if so, which one(s) the Faculty would be satisfied with. Following the Retreat, reform option(s) attracting majority support with the most solid foundation would be presented to the Vice-Chancellor for consideration.
- (e) 2017: Work on ways to implement any reforms that had been agreed upon as a Faculty, with the Vice-Chancellor's approval, could then be actioned in 2018 or by an agreed timeline.

It is imperative that the Faculty agrees on core changes and moves forward proactively; these changes are not just about Law School expansion. There was agreement for the tenor of the Pathways Paper, but the timeframe is ambitious and the above markers need to be set further out. It was suggested that the brainstorming element of the Paper be carried out at the Retreat, then appropriate clusters of staff convened and progression from this point, with students being brought in in March with a presentation to Faculty in mid-April. Any changes could possibly be stepped and offered to the Vice-Chancellor in this format after marrying up with University Calendar demands. Earlier than mid-2017 would allow changes (if any) to be put in place for 2018 rather than 2019. It was noted that there are different timings for different changes – the ultimate decision would determine application of timeframes.

In conclusion Professor Paterson **MOVED** that the "Exploring a Possible Pathway for Law School Reform" paper prepared by Associate Professor Dunworth, Dr Hood, Professor Manning and Professor McLean, as a viable way forward for the Faculty of Law, be **ADOPTED** and **RECOMMENDED** to the Vice-Chancellor, with relevant amendments to the timeframes as reflected above. This was **SECONDED** by Dr Norton. 29 votes were registered in favour of the **MOTION** with 2 abstentions. The **MOTION** was **CARRIED**.

MOTION THREE: Discussion centred around whether the Proposal to increase Part II numbers should be considered alongside other alternatives as part of the discussion process set out in **MOTION TWO** with the following comments:

- (a) A preliminary response to the Proposal is being sought and it is possible to advise that Faculty rejects the Proposal outright or is open to its consideration alongside other alternatives for change. An outright rejection was not viewed as appropriate.
- (b) The Proposal in respect of increasing the Part II intake referred to a number of other topics such as the JD degree and Honours programme. These are complex issues and are included in the Proposal as context, not proposals. The Faculty would not be rejecting the JD or Honours issues, only the increase to 400 students in 2017 in Part II. However, some considered the JD and increase in Part II numbers as incompatible and other options in respect of the JD and Honours programme should be discussed now and a sense of numbers across all programmes gathered, with an analysis in conjunction with postgraduate numbers, as Part II does not sit in isolation. The rise to 500 in the undergraduate programme may foreclose other options and an increase in postgraduate numbers may be more desirable.
- (c) A good faith commitment message to the Vice-Chancellor to consider the Proposal as set out should be conveyed, as this is on the table for consideration.
- (d) The point was raised as to whether Faculty needed to provide a Motion Three in response to the Proposal. The Faculty's stance from this meeting is to keep the status quo for 2017 and to provide pathways for expansion and progression by May 2017. If the Vice-Chancellor accepts either Motion One or Two, then there is no need for a Motion Three, but if One and Two are rejected by the Vice-Chancellor a response should be provided to the Proposal. Professor Manning moved that the Faculty reject the Vice-Chancellor's Proposal, which was seconded by Associate Professor Tolmie, but the motion was later withdrawn.
- (e) The motion was considered too binary. An invitation would be conveyed to the Vice-Chancellor to engage with Faculty as part of the Pathways process to fully articulate his views.
- (f) Faculty discussed whether it wished to reject or endorse the Proposal and a majority view was that any possible increase in Part II numbers be considered alongside the Pathways approach and its timeframe. An increase in 2017 was opposed.

In respect of MOTION THREE there was AGREEMENT that a MOTION in respect of the Proposal was premature and the Minutes of this meeting would serve as a record of the discussion. Faculty AGREED not to support, endorse or carry forward the Proposal but to express a wish to consider it as part of the Pathways Paper discussion in MOTION TWO. It will continue to discuss and engage positively in this process, with a clear message that it is open to change with no wish to close options on issues that have not been fully discussed. Faculty declined to endorse the Proposal as it pertains to the increase in Part II intake in 2017 to 400 in 2017 and 500 in 2018 and reserves a position on the other issues raised, given the inherent complexities.

The Chair advised that the onward process would be forwarding all the papers circulated to the Vice-Chancellor, including the Faculty Minutes. In response to a question, the Chair stated that he believed that if the Vice-Chancellor decided to reject Motions One and Two, the Vice-Chancellor would then bring before Senate an increase in student numbers for 2017. Senate would then make recommendations to Council, which may or may not be accepted (student figures remain a Council decision subject to the requirements of the Education Act). Presentation to Council was envisaged in October/November 2016. Concerns were expressed that this process should not circumvent the well-established and well-understood Education Committee processes in considering limitations.

Faculty was also advised that there would be an opportunity to update all submitted papers.

6. ANY OTHER BUSINESS:

There was no other business.

The meeting closed at 1.45pm.

Professor Stockley
CHAIR

FACULTY OF LAW
2016 ACADEMIC PORTFOLIO PROPOSAL
DOCUMENTS PRESENTED AT FACULTY - 23 AUGUST 2016
(INCLUDING POST-23.08.16 UPDATES AND ADDITIONAL PAPERWORK)



LAW

Academic Portfolio Proposal – (submissions by faculty staff and student associations)

1. Proposal to Increase the Resources and Reputation of the Faculty of Law at the University of Auckland (*Faculty Paper*) – 9 August 2016
2. Increasing Law Part II Intake (*Letter from Professor McCutcheon*) – 9 August 2016
3. Memorandum: (*Professor Stockley*) – 9 August 2016
4. Discussion Paper: Raising Part II Student Numbers in the Law School in 2017 (*Associate Professor Dunworth and Dr Hood*) – 10 August 2016
5. Memorandum: Raising Part 2 Student Numbers in the Law School: Place Consideration of the Learning Needs of our Students at the Centre of Discussions (*Ms Cleland and Ms Quince*) – 10 August 2016
6. Paper on Law School Expansion Proposal – Te Tai Haruru (*Te Tai Haruru*) – 11 August 2016
7. Brief Response to the Proposal to Increase the Resources and Reputation of the Faculty of Law at the University of Auckland (*Professor Watts*) – 11 August 2016
8. Email: Proposal to Increase Student Numbers (*Associate Professor Tolmie*) – 11 August 2016
9. Email: Confidential: Papers for the Academic Portfolio Forum (*Associate Professor Tolmie*) – 11 August 2016
10. Academic Forum Notes (*Professor Paterson and Professor Williams*) – 11 August 2016
11. Email: Some Thoughts on the Current Debate (*Professor Kelsey*) – 17 August 2016
12. Reflections on Proposal to Increase the Resources and Reputation of the Faculty of Law at the University of Auckland (*Professor Manning, Professor McLean, Associate Professor Dunworth, Dr Hood*) – 18 August 2016
13. Memorandum (*Professor Watson*) – 18 August 2016
14. Email: More Contributions from Afar (*Dr Charters*) – 18 August 2016
15. Exploring a Possible Pathway for Law School Reform (*Associate Professor Dunworth, Dr Hood, Professor Manning, Professor McLean*) – 19 August 2016
16. Law GPAs and Part II Admission (*Associate Professor Penk*) – 19 August 2016
17. Memorandum: Practical Difficulties (*Professor Swain*) – 19 August 2016
18. A Response from Senior Professional Staff Leaders (*Ms Marama, Ms Allan, Dr Tittawella*) – 22 August 2016
19. Responses to the Academic Forum Notes with regards to Further Information needed – 22 August 2016
20. Memorandum – Relationship between Teaching Law and the Legal Profession (*Professor Elliffe*) – 22 August 2016
21. Memorandum (*Professor Watson*) – 22 August 2016
22. Email (*Associate Professor Grinlinton*) – 23 August 2016
23. Email (*Associate Professor Penk*) – 23 August 2016
24. Views on the Law School Expansion Proposal (PASS) Programme (*Associate Professor Dunworth, Ms Kaho, Mr Toleofoa*) – 23 August 2016
25. 2017 Programme Limitations – Law (*Professor Watts*) – 23 August 2016

Updated Materials post-23 August 2016:

1. Exploring a Possible Pathway for Law School Reform: (*Associate Professor Dunworth, Dr Hood, Professor Manning, Professor McLean*) – 24 August 2016
2. Reflections on Proposal to Increase the Resources and Reputation of the Faculty of Law at the University of Auckland – 18 August 2016 (*updated on 24 August 2016*)
3. Discussion Paper: Raising Part II Student Numbers in the Law School in 2017 (*Associate Professor Dunworth and Dr Hood*) – 10 August 2016 (*updated on 24 August 2016*)
4. Views on the Law School Expansion Proposal (PASS) Programme (*Associate Professor Dunworth, Ms Kaho, Mr Toleofoa*) – 25 August 2016
5. Brief Response to the Proposal to Increase the Resources and Reputation of the Faculty of Law at the University of Auckland (*Professor Watts*) – 11 August 2016 (*updated on 25 August 2016*)

Additional Submissions from Staff post-23 August 2016:

1. Law School Expansion: (*Dr Palmer*) – 26 August 2016
2. Short Paper: Practical Solutions (*Professor Swain, Associate Dean Academic/Teaching & Learning*) – 25 August 2016
3. AULSS Concerns Regarding the Proposal to Increase Part II Law Intake in 2017 – 29 August 2016
4. Email: (*Professor Littlewood*) – 29 August 2016

October 8, 2016
Open letter to members of University Council

Members of Council,

I am in favour of an increase in the part 2 intake for the LLB program, and for increasing tuition. My reasons follow, and I encourage you to consider them when debating the proposals at hand.

Increasing student numbers will be a net positive for university rankings

The University of Auckland is a world leader in rankings, and it is worthwhile examining the rankings methodology of QS University rankings:

Academic reputation 40% Employer reputation 10% Student/faculty ratio 20% Citations per faculty 20% International faculty ratio and international student ratio (5% + 5%)
--

As the faculty size increases, so too will the number of citations. As citations per faculty comprises 20% of the QS University Rankings methodology, this is a positive side-effect of an increased part 2 intake. As the number of citations increase it is likely that the academic and employer reputations (cumulatively worth 50% of the QS Rankings methodology) will increase as well, since there will be a larger body of research coming out of the law school. This will outweigh any deterioration in the staff/student ratio.

Increasing the part 2 intake will have little impact on the employment market

Admitting an additional ~170 students whose academic scores are marginally inferior to their peers will not materially affect the job market. Although it is unfortunate that many (or most) of the 170 prospective students will be unable to find work as a lawyer, under the current system those students would have gone to another law school or pursued an alternative degree. At least under the current proposal, such students would have the benefit from studying at a law school in the top 50, compared to a nearby law school in the top 500 worldwide. The stark reality is that law is a meritocracy and there are few jobs for many applicants. If anything, the law school owes its students a moral duty to faithfully promote career pathways outside the law.

Increasing part 2 intake makes financial sense

Given the static funding model that government appears eager to continue (for now), universities must consider their own long term financial interests. Students who are against increasing part 2 intake should consider what would happen if funding continues to stagnate or decrease. If UoA decreases in world rankings then the value of one (or two) of its degrees will decrease.

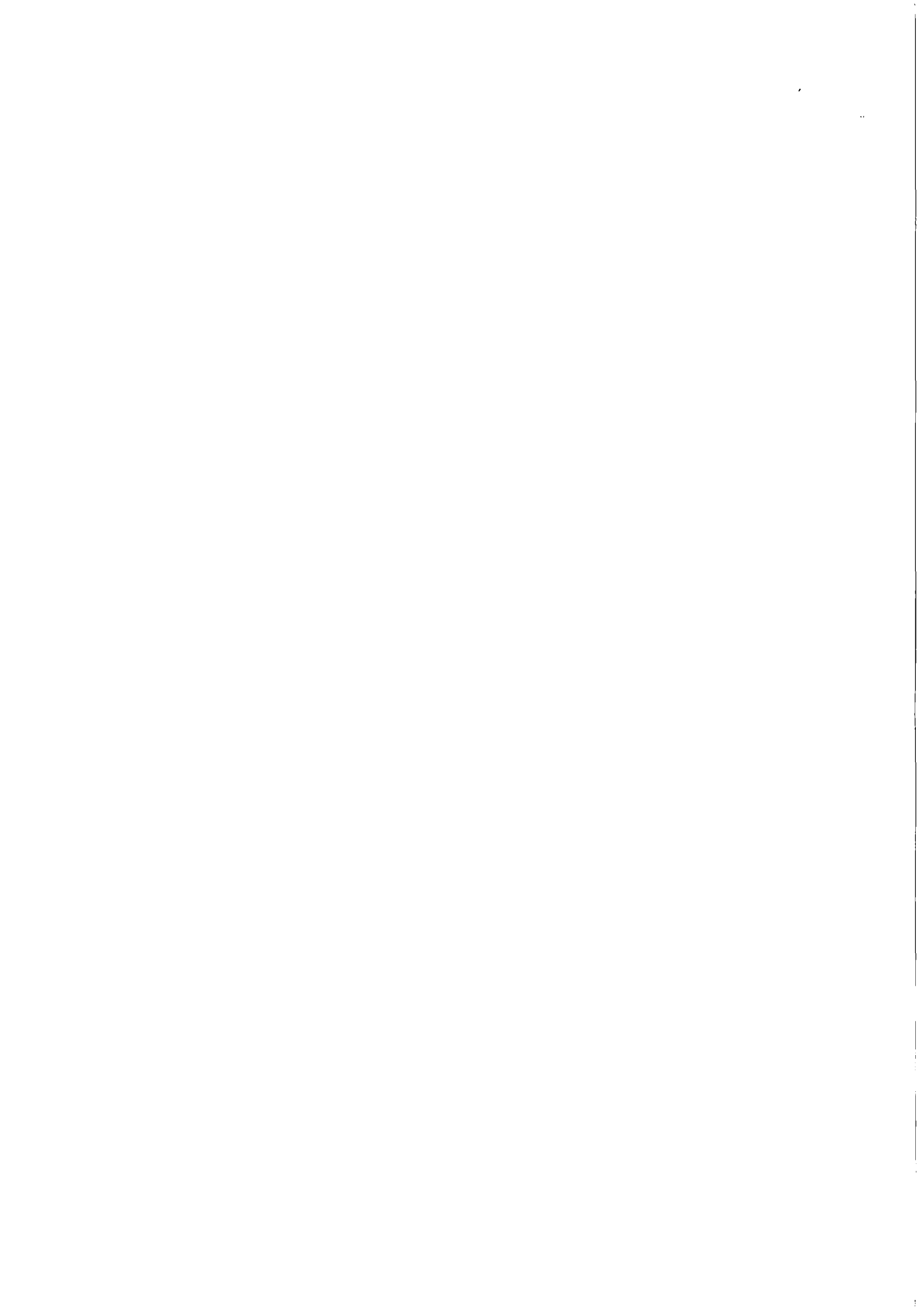
Increasing tuition fees is the right thing to do

The argument against increasing tuition fees is a perennial one. Simply put, the two options are to improve the quality of education by increasing fees or to risk a decrease in the quality of education. The quality of education at UOA must be a central concern for the council. Having more funds available will better enable the university to offer a superior education, and this position should outweigh any short term arguments about the marginal increase in costs. To quote the late JFK, "*A rising tide lifts all boats.*" We're all in the same boat together, and I encourage you to consider that the university shares long term interests with its students.

Warm regards,



Hayden Hughes



19 October 2016

University Council
The University of Auckland
Private Bag 92019
Auckland 1142
New Zealand



Te Hunga Rōia Māori o Aotearoa
The Māori Law Society Inc.

Tēnā koutou

We have been briefed on the Vice-Chancellor's proposal to increase the intake of law students into Part II Law at the University of Auckland from 330 to 400 (the Proposal) from Te Tai Haruru (TTH) and the Academic Representative on Te Hunga-Rōia-Māori o Aotearoa (THRM).

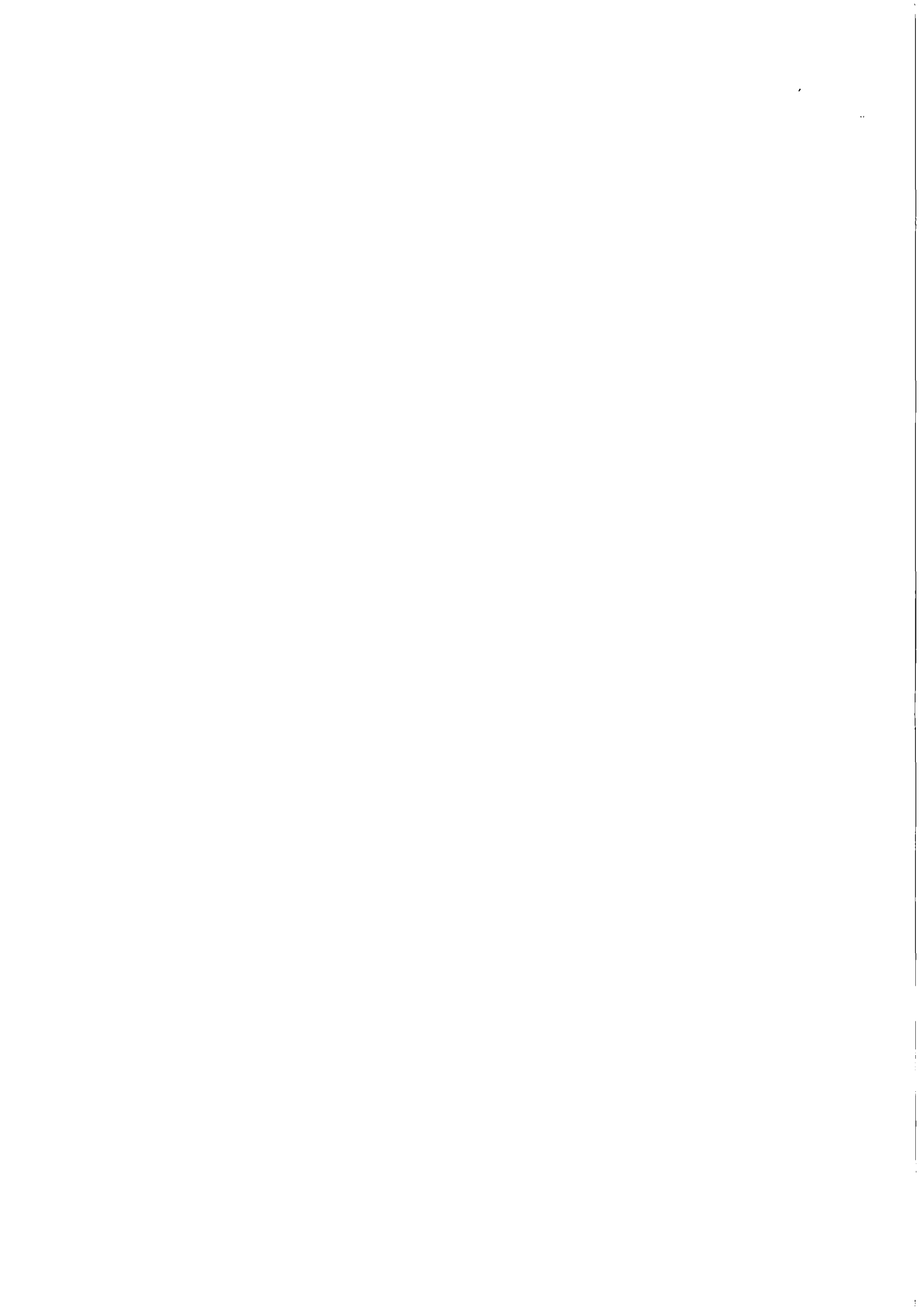
THRM shares the concerns of TTH with respect to s181 of the Education Act 1989, namely that the principles of the Treaty of Waitangi have been undermined by a lack of consultation with Māori, with the Māori legal profession (represented by THRM), with Māori academics at the Faculty of Law and with Māori students at the Faculty of Law. The lack of consultation is particularly troubling given that the Proposal implicates the Targeted Admissions Scheme for Māori i.e. given that there is no proposal to increase the number of places for Maori as the number of places overall increases. In addition, the Proposal will aggravate the already fierce competition for legal employment at the end of the degree, which has the potential to impact Māori students in particular. We see clear conflict with principles of partnership, active protection and good faith.

We understand that the Faculty of Law and the University Senate have voted against the Proposal on the grounds that more time is needed to consult and to assess the potential negative and positive impacts of the Proposal. THRM agrees that such a significant proposal should be considered in greater depth and should have the benefit of the views of those impacted, including especially the views of Māori and THRM.

We would welcome the opportunity to discuss the above issues further with you.

Ngā mihi

Rachel Mullins/Aidan Warren
Co-Presidents
Te Hunga Rōia Māori o Aotearoa



Memorandum to: Amokura Kawharu – Maori Representative on Council of the University of Auckland

Te Tai Haruru is comprised of Maori staff in the Faculty of Law – Associate Professors Claire Charters, Amokura Kawharu, Senior Lecturers Anaru Erueti and Khylee Quince and the Co-Tumuaki of Te Rakau Ture, the Maori Law Students' Association, Evander Dawson and Brianna Boxall. This memorandum is in response to the proposal to increase student intake into the Law Faculty in 2017 which we understand is on the Agenda for the 19 October 2016 meeting.

We wish once again to stress our concern at the lack of specific attention to Maori issues and lack of engagement with TTH in the development of the proposal to expand the Law Faculty intake. We attach a memorandum submitted to the Dean on 26 August 2016 outlining our concerns at that date (paper on law school expansion proposal – Te Tai Haruru). A particular concern we held at that date was the lack of consultation with TTH on the development of the intake proposal. Aside from an invitation to participate in a discussion on the University Targeted Admission Scheme (UTAS) at the Faculty meeting held in August 2016, TTH has not been invited to discuss our concerns as outlined in that memorandum. Further, the revised UTAS changes were not in any event tabled at that meeting and there has not been an opportunity for TTH to discuss them despite the numerous invitations to meet that we have extended to the Dean and Senior Management (see emails attached).

We wish to emphasize once again the University of Auckland's obligations pursuant to the Treaty of Waitangi as set out in s 181 of the Education Act 1989. We also note the 'protocol on consultation' adopted by Faculty in August 2015, noting "Senior Management will present to Te Tai Haruru any draft proposals that might affect Maori students and/or Maori Faculty as a distinct group/s and will allow Te Tai Haruru time to consider and respond to the proposal/s." The University of Auckland has legal obligations to Maori that follow principally from its commitment to respect the Treaty of Waitangi. At the very least these obligations require that the University engage with and seek the views of Maori staff and students and incorporate their views into the decision making process. This is especially the case given the import of the decisions being made and their impact on both current and future Maori law staff and students.

In the Vice Chancellor's letter of 19 September 2016, there is a reference to the potential benefits of Maori and Pacific in Auckland but no comment on the potential negative effects, including the impact on the Maori and Pasifika academic support programmes which are already under considerable stress. Material circulated by the Vice-Chancellor indicates that TTH has been consulted. However that has not occurred.

In terms of the substance of the proposal to increase numbers, we consider there needs to be more consideration of the impact on Maori and Pasifika students, in particular their full participation, success, retention, and completion of their degrees (see the University of Auckland's Strategic Plan (2013 – 2020)) and their prospects in the workplace once they graduate. More detailed comment on these concerns is set out in the attached memorandum.

Te Tai Haruru - October 2016

PAPER ON LAW SCHOOL EXPANSION PROPOSAL – TE TAI HARURU

AUGUST 2016

Introduction

The purpose of this paper is to set out the preliminary views of Te Tai Haruru (TTH) on the proposal to increase the intake of students into the Law School. Our views are preliminary because TTH has not been consulted on the detail of the proposal, and once those details have become clearer the nature or extent of our concerns may change. We have put our views in writing given the importance of the issues and because two of our members, Associate Professor Claire Charters and Anaru Erueti, are currently overseas and will not be able to take part in the various meetings that have been scheduled within the Law School to consider the proposal. Our paper also provides a written record of our concerns on the process as adopted to date for developing the proposal.

Context

TTH recently reviewed the Law School's Māori Academic Programme (MAP) and provided a detailed report outlining the results of the MAP Review to the Dean of the Faculty in June 2016. As more fully explained in that report, the overall objectives of the MAP are to encourage students into the Law School and to provide the academic and pastoral support necessary for success, retention, and completion of law degrees. These objectives align with the University of Auckland's Strategic Plan (2013 – 2020), which records the University's aspiration to benefit Māori and the University through partnerships that acknowledge the principles of the Treaty of Waitangi.¹ Key actions include the development and implementation of strategies "to improve Māori student participation, success, retention, and completion rates in all disciplines."² It is important to note that increased participation by Māori is not by itself a goal. Rather, the Strategic Plan refers to "participation, success, retention, and completion rates" of Māori students. The Strategic Plan represents the University's interpretation of its statutory obligations with respect to Māori.

One of the measures used to implement the MAP / Strategic Plan objectives is the University's Targeted Admissions Scheme or UTAS. Maori UTAS and non-UTAS students are supported during their time at Law School through the MAP. There are particular justifications for the UTAS component in the Law School's admissions policy, including the need to reflect the Law School's commitment to the success of Māori as legal professionals and the need for more Māori lawyers in all areas of law in the interests of social justice and to address the under-representation of Māori in the legal profession. For example:

- in criminal law, while Māori make up approximately fifteen per cent of New Zealand's population, Māori men make up fifty per cent of New Zealand's prison population. Sixty per cent of women inmates are Māori;³
- in commercial law, there has been significant recent growth in Māori corporate activity, which is evidenced, for example, in reports that Māori contribute \$11 billion

¹ The University of Auckland, Strategic Plan 2013-2020, "Treaty of Waitangi /Te Tiriti o Waitangi partnerships for mutual benefit" https://cdn.auckland.ac.nz/assets/central/about/the-university/official-publications/documents/strategic-plan-2013-2020_web-version.pdf.

² Above at 13.

³ <http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/human-rights/international-human-rights-instruments/international-human-rights-instruments-1/convention-against-torture/united-nations-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment-new-zealand-periodic-report-6/article-11/18-over-representation-of-maori-in-prison>.

annually to New Zealand's economy from an asset base valued in excess of \$40 billion,⁴ over half of which is held in Auckland alone;⁵

- in constitutional law, there remain outstanding issues concerning the constitutional and legal status of the Treaty of Waitangi, the relationship between state law and tikanga Māori, and human rights and Indigenous rights.

In the June MAP Review report, TTH recommended that in order to better achieve the MAP objectives, amongst other things the Law School should:

- develop a high-level equity statement and vision for the Law School with respect to Māori students akin to that adopted by the FMHS (known as Vision 20:20);⁶ and
- provide support to the MAP commensurate with need, including for example through the creation of a new Kaiārahi position.

Discussion of the proposal

(a) Participation by Māori students

The current number of UTAS places allocated to Māori is 32 places in the Part II cohort. While in practice the UTAS places have only been filled once, on average between 26-30 students meet the criteria and are accepted under the scheme, along with between 10-20 students who gain general entry. All students who identify as Maori on enrolment are invited to and expected to participate in the MAP. The programme has been developed over more than two decades and requires attendance and participation of Maori students in regular additional tutorials and wananga for all compulsory courses, as well as workshops and skills sessions to assist in preparation for lecture, assessments, research and writing and examination techniques. The MAP operates according to Māori principles of tikanga, particularly the fundamental principle of whanaungatanga – or kinship obligation. The programme has proved to be incredibly successful – with our rates of retention, pass rates and degree completion amongst the highest of any Faculty cohort for Māori students in the University. Over the past five years, an increasing number of MAP participants have been accepted into the Honours programme, a testament to the success of the programme, and the strong academic and pastoral care provided to students. The core kaupapa or intention of the MAP is to nurture and develop a cohort of Māori lawyers, rather than lawyers who happen to be Māori.

Under any expansion of the student body at the Law School, the UTAS number for Māori students would at the very least require a rise in proportion to the overall increase in places. One of the issues with keeping the number as it currently stands is that the under-representation of Māori in the legal profession will likely worsen. There will be proportionately fewer Māori law graduates. Those graduates will find themselves competing against a larger cohort for the legal jobs available. The competition will likely be tougher for UTAS students, assuming that most of the new intake into the Law School comprises students who are already ahead academically. We are not aware of convincing evidence that the number of law jobs available to students generally is increasing, to soften this effect (to the contrary, there is anecdotal evidence that some retrenchment is more likely).

The alternative would be to increase the number of places for Māori in UTAS. Yet even this raises problems. One difficulty is in determining what that ideal number should be. We consider this further below. Another is that the (increased) number of Māori UTAS graduates will likely still be at a relative competitive disadvantage to a greater number of law graduates, as above.

⁴ <http://www.tpk.govt.nz/en/a-matou-mohiotanga/business-and-economics/maori-economy-report-2013>.

⁵ <http://www.imsb.maori.nz>.

⁶ See <https://www.fmhs.auckland.ac.nz/en/faculty/tkfm/vision-20-20.html>.

That is, increasing the UTAS for Māori is necessary to maintain parity with the current situation, but it also increases the cohort of law students who may find it hardest to gain employment when they graduate.

An attraction of a law degree is that graduates may improve their prospects of employment in non-law jobs, and many law graduates do end up working in non-law jobs. We do not know in the case of our Māori graduates whether this phenomenon results from law jobs not being available to them. We ought to ask our students what their aspirations are, before reaching conclusions about the benefits of a law degree for careers outside of the law.

(b) Retention and success of Māori students

If the increase in the intake of students leads to an increase in number of students per stream or class, there are likely to be significant teaching implications. The increase in the Part II intake would mean that for those teaching in Part II it will be increasingly difficult to use pedagogies and strategies that rely upon dialogue, interaction and participation – such as small group work or discussions. Significant increases in class sizes seems to place a strong focus on a non-dialogic pedagogy. The implications reach beyond the classroom – as larger numbers are likely to increase foot traffic and queries outside of the class. There is research that confirms that Maori (and Pasifika) students are more likely to seek assistance outside of the lecture theatre than inside – this is currently the case with high-risk pedagogies such as Socratic method, and is likely to worsen with a near doubling of stream size. As always, the key success factor for teaching/learning for Maori students is the establishment and maintenance of a relationship with the teacher – this too is compromised with a larger cohort.

A larger cohort also has an effect on assessment methods – in criminal law for example, we are unlikely to be able to maintain the skills-based component through the Sentencing Submission assessment. In Youth Justice and Family Law, role-playing and interviewing assessments will be very difficult to maintain with significant increases in elective numbers that will flow on from the second year increase. These types of assessments are proven to be particularly well-suited to Maori (and Pasifika) students, who often prefer kinetic/practical learning experiences.

(c) Administrative issues and pastoral care for Māori law students

As noted, one of TTH's recommendations following the MAP Review was to improve the support available to Māori students. For the reasons explained in our June report, the support which is currently provided is inadequate and needs to be addressed in order for the Law School and the University to meet the University's objectives and obligations with respect to Māori students.

As outlined in our Review document, Maori (and Pasifika) students are often students from non-traditional backgrounds, of low socio-economic status, and first in family to attend university. These factors can mean that students require more support than other students to address issues that affect their studies. These issues may include family and home issues, community obligations, balancing paid employment with studies, and childcare responsibilities.

While we are unclear on the UTAS numbers situation, we can be sure that an increase in cohort size overall will inevitably result in increased numbers of Māori students – whether by UTAS or general entry criteria. This will have implications for the MAP programme and the requirements for administrative and pastoral care. In particular there will be significant additional pressure on the role of the Pouāwhina (Student Academic and Support Adviser), who as noted in the June report is already overcommitted, and the Associate Dean Māori and the members of TTH, and the Te Rakau Ture Executive. We understand that an increase in the overall student intake would make it easier for the Law School to fund an increase in the support available to students, including Māori students. However, providing support to students whose situation on graduation may be worse than it would be as compared with the current level of students does not make sense to us. In addition, without a resolution or answer to TTH's recommendations in

the Review, we cannot be confident that there are sufficient staffing or financial resources to meet the University's objectives and obligations, as outlined therein.

Absence of adequate Consultation with TTH

TTH and the Dean agreed to a protocol on consultation in 2015 and that protocol was endorsed by the Law School. The terms of the protocol require that: "Senior Management will present to Te Tai Haruru any draft proposals that might affect Maori students and/or Maori Faculty as a distinct group/s and will allow Te Tai Haruru time to consider and respond to the proposal/s." There are exceptions for example, human resources issues or when, exceptionally, urgent action is required. However, these do not apply in this instance.

It is well established that the level of consultation required with Māori depends on the nature of the Māori interest involved and what is at stake. As it became clear that a proposal was being put together to increase the intake of students into the Law School, each of the academic staff members of TTH asked that TTH be consulted at an early and formative stage of the development of the proposal. This was on the grounds that UTAS is the most significant policy within the Law School affecting Māori students and that any increase in the overall student intake would necessarily have an impact one way or another on its effectiveness. TTH was informed that we would be given an opportunity to comment on the proposal. TTH followed-up with a further request for a greater level of engagement and input into discussions but that request has not been responded to. We do not consider that this is within the spirit of what was agreed in 2015 or consistent with the Law School's broader obligations set out in the University Strategic Plan, and Education Act. We consider our concerns are vindicated by the lack of directed and comprehensive consideration in the Academic Portfolio Proposal - 9 August 2016 of the impact of the proposal on Maori students, and academic and professional staff.

TTH does wish to see organic growth in the number of Maori students coming into the Law School as part of a holistic, well-considered and long term plan along the lines of FMHS' Vision 20:20, and as part of TTH's ambitions to foster the development within the Law School of a centre of research and professional excellence in the field of Indigenous peoples and the law. It is imperative however that these students be well-supported and well-provided for in terms of academic opportunities while here. The extent of the need for Māori in the legal profession should also be considered, in light of the views of Te Hunga Roia representing Māori in the legal profession. We need the opportunity to discuss the proposal with Te Hunga Roia, and our current Māori students. Any further discussions about the ideal number of UTAS students should take all these factors into account, rather than be based on a generic formula, and involve TTH.

**Te Tai Haruru
August 2016**

From: Claire Charters
Sent: 21 July 2016 20:40
To: Susan Watson; Amokura Kawharu; Stephen Penk; Andrew Stockley
Cc: Joanna Manning; Andrew Erueti; Treasa Dunworth; Helena Kaho; Julia Tolmie; Khylee Quince
Subject: Re: Limitation of enrolments in LLB programme for 2017

Kia ora ano, from sunny London,

I have been thinking about this issue and, given email exchanges, am worried that time is of the essence to think about these issues and to enable good and inclusive discussion: should we perhaps move to devising a process to enable this question to be considered?

Thanks,

Claire

From: Claire Charters
Sent: 22 June 2016 11:30
To: Susan Watson; Amokura Kawharu; Stephen Penk; Andrew Stockley
Cc: Joanna Manning; Andrew Erueti; Treasa Dunworth; Helena Kaho; Julia Tolmie; Khylee Quince
Subject: Re: Limitation of enrolments in LLB programme for 2017

Thanks for your email Susan.

TTH had an informal discussion yesterday and we are of the view that with respect to UTAS and in the light of our TTH Protocol and various other University Treaty of Waitangi and other obligations we should be involved at the outset in discussing and devising proposals to address the UTAS question if there is to be any increase in Part II intake i.e., not just consulted after a proposal has been prepared. This is our understanding of the intent of the Protocol between TTH and Senior Management approved at the Faculty meeting in October 2015. Given the importance of the question, we'd like to include in that process ways to involve with TRT (and PILSA) as well as relevant persons from Equity and Jim Peters (Office of the Pro Vice-Chancellor (Māori)). Justifications for UTAS are various and broader than a simple calculation of demographic projections, and these need to be reflected in any assessment of possible numbers.

As you know I am away now (tonight!) for some months on RSL and Andrew Erueti is working overseas in July and August but given the importance of this question, we'd very much like to be involved through email and also via skype in relevant meetings.

Thanks again,

Claire

From: Susan Watson
Sent: 21 June 2016 12:52
To: Amokura Kawharu; Claire Charters; Stephen Penk; Andrew Stockley
Cc: Joanna Manning; Andrew Erueti; Treasa Dunworth; Helena Kaho; Julia Tolmie
Subject: RE: Limitation of enrolments in LLB programme for 2017

Kia ora tatou

Just for your information, the original limits were put through at the June meeting with an understanding that revised limits may be put through at the September meeting if that is the outcome of the consultation process.

My understanding is that Stephen calculated the possible revised TAS limits using a formula provided by the central University that relates to the demographics of the school leaver age in Auckland. The possible revised limits for TAS as well for General Admission should be included in the consultation document for faculty, which will give TTH an opportunity to comment.

Kind regards
Susan

From: Amokura Kawharu
Sent: Friday, 17 June 2016 7:06 p.m.
To: Claire Charters; Stephen Penk; Lynley Pritchard; Andrew Stockley
Cc: John Morrow; Joanna Manning; Louise Allan; Susan Watson; Andrew Erueti; Treasa Dunworth; Khylee Quince; Helena Kaho; Julia Tolmie
Subject: Re: Limitation of enrolments in LLB programme for 2017

Kia ora tatou

Like Claire, I also wonder what the purpose of this document is. We agreed on a protocol that TTH would be consulted on matters affecting Maori staff and students. I can't imagine a policy that affects Maori students more than UTAS. In my view, it would be more consistent with the protocol and the University's obligations under the Treaty of Waitangi for TTH to be consulted on the preparation of this document before it is tabled with the EC for discussion.

Amokura

*Amokura Kawharu
Associate Professor
Faculty of Law
The University of Auckland
Private Bag 92019
Auckland 1142 New Zealand
Tel: +64 9 923 6397*

From: Claire Charters
Sent: Friday, June 17, 2016 4:30 PM
To: Stephen Penk; Lynley Pritchard; Andrew Stockley
Cc: John Morrow; Joanna Manning; Louise Allan; Susan Watson; Andrew Erueti; Treasa Dunworth; Khylee Quince; Amokura Kawharu; Helena Kaho; Julia Tolmie
Subject: Re: Limitation of enrolments in LLB programme for 2017

Kia ora koutou,

Thanks for this Stephen. I am just wondering what the purpose of this document is? Is it for discussion in due course by Faculty? Or are you sending it to me in my Equity role to kick off the discussion with those interested including TTH and Helena – cc'd in (and others of course too such as the Pouawhina, Harry, TRT and PILSA)? If yes, I suggest we have a meeting about it soon to start thinking about the possibilities

with respect to UTAS if there is any decision to increase the intake. Just fyi, as an early indication, I have some significant issues with the proposal as it stands.

Nga mihi, and have a good weekend all,

Claire

Nga mihi,

Dr Claire Charters
Associate Professor
Associate Dean (Well-being and Equity)
Faculty of Law
University of Auckland
Private Bag 92019
Auckland Mail Centre
Auckland 1142
New Zealand

+64 9 373 7599 ext 89436

Chair, UN Voluntary Fund for Indigenous Peoples

From: Stephen Penk <s.penk@auckland.ac.nz>
Date: Friday, 17 June 2016 11:07
To: Lynley Pritchard <l.pritchard@auckland.ac.nz>
Cc: John Morrow <j.morrow@auckland.ac.nz>, Joanna Manning <j.manning@auckland.ac.nz>, Louise Allan <l.allan@auckland.ac.nz>, staff teaching-research-learning <c.charters@auckland.ac.nz>, Susan Watson <s.watson@auckland.ac.nz>
Subject: Limitation of enrolments in LLB programme for 2017

Dear Lynley

As discussed yesterday, and following the Dean's meeting with the VC on Wednesday evening, I now attach the revised 2017 limitations document for Law, based on an intake of 400 students into LLB Part II.

This differs from our previous limitations document only in respect of some of the figures in Section 1. No changes are proposed to the selection criteria or composition of the selection committees in Section 2, nor to the UTAS selection criteria in Section 3.

I have taken the opportunity to adjust the numbers of UTAS places in Section 1 consistent with the University's equity policies and guidelines. This provides for no reduction in the number of UTAS

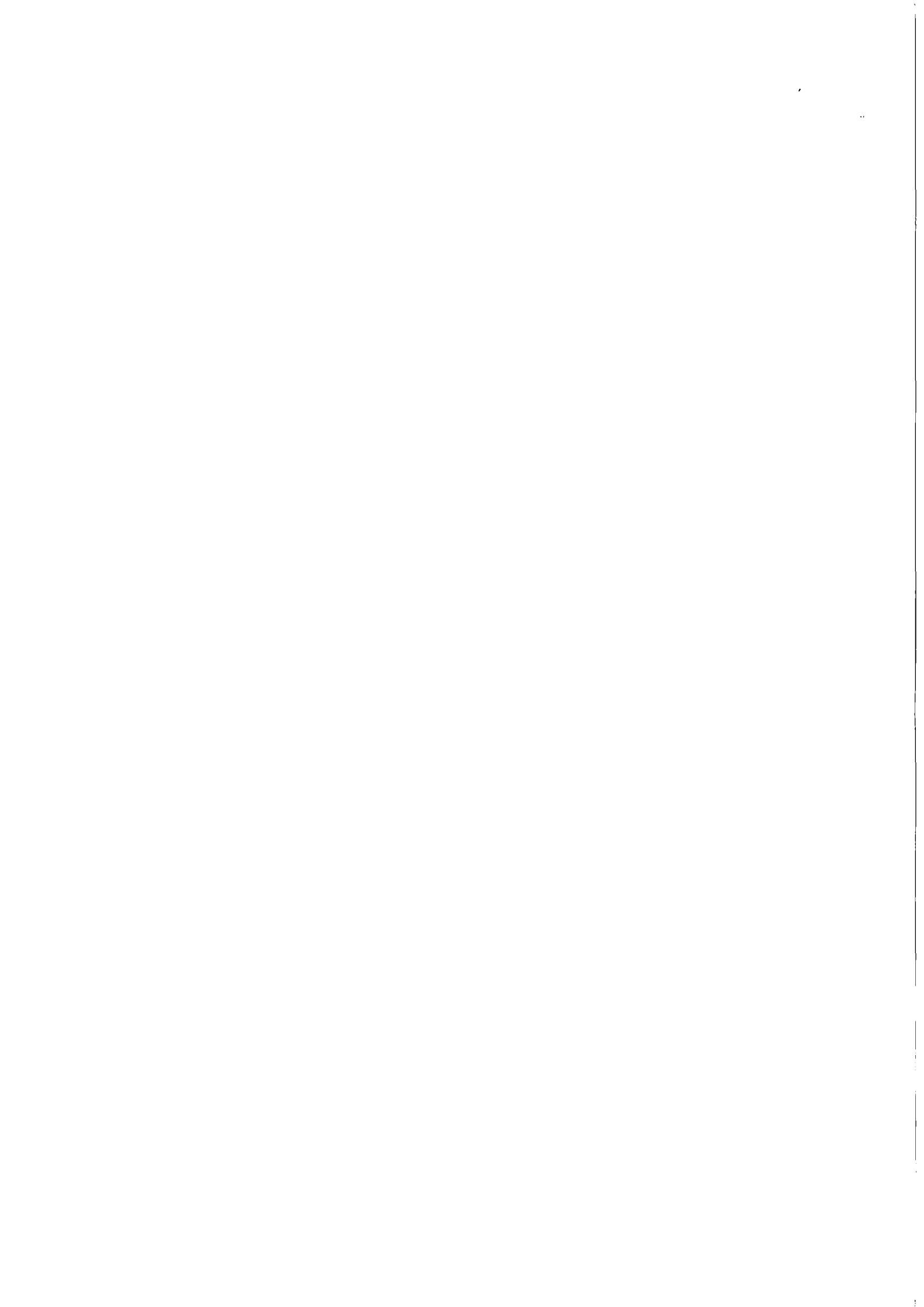
places for Maori students (though more will qualify for general admission in the enlarged intake), and a considerable increase in the number of UTAS places for Pacific students, in line with the University's recommendation.

Whether the 2017 Part II intake will be increased to 400 is yet to be finally decided. The DVC(A) is, of course, aware of the discussion. I am sending you the revised document now in case John wishes to table, or foreshadow, it at Monday's EC meeting.

Regards
Stephen

Stephen Penk
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Associate Professor
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T: (+649) 9236436
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3 October 2016

To the University Council, for consideration on Wednesday 19 October 2016

RE: PROPOSAL TO INCREASE THE INTAKE OF PART II LAW STUDENTS TO 400 IN 2017

We, the undersigned students of the Auckland University Law Students' Society (AULSS), Te Rakau Ture (TRT) and the Pacific Islands Law Students' Society (PILSA) hope that the University Council will vote against increasing the intake of Part II Law Students to 400 in 2017. We hope that the University Council will act to postpone any increase in Part II Law Students until 2018 at the earliest.

The **process** by which this decision has been made has been unsatisfactory. We were assured that a healthy period for student consultation would exist in September; however, since this proposal has been moved ahead more quickly than anticipated, this consultation window has been removed. Any decision that impacts so fundamentally on the culture of the Law School (as well as the wellbeing of past, present and future students at Auckland Law School) must be measured and considered. This decision should not be made without extensive student consultation and involvement. We are frustrated at, and troubled by, our omission from the process.

We do not feel adequately assured that the **practical implications** of the proposed increase have been sufficiently considered. Members of Council will be aware of the myriad of concerns raised in Faculty papers regarding the hurried implementation of the proposal for 2017. We echo those concerns. In particular, we question whether increasing the intake of Part II students would actually result in a long-term improvement of the existing student:staff ratio. Without this ratio improving, the many current administrative and pedagogical problems that currently exist within the Law School will be amplified by an increased student intake.

We feel that the **principled objections** of both the Faculty and students have been ignored. In particular, we remain unconvinced that it is ethically appropriate for the University to accept 400 students per year who expect to graduate into legal positions that simply do not exist. If the University intends law to be a general degree, then it ought to be marketed as such.

We are proud to be students at Auckland Law School. We want our Law School to be the best that it can be, and we are committed to assisting the University in future discussions to grow and develop the Auckland Law School. At present, however, we are disappointed about our exclusion from the process. We are gravely concerned that the objections to the proposal raised by both Faculty members, and the Auckland University Law Students' Society, have been inadequately considered by the University.

We hope that the University Council will consider deferring any decision to increase the intake until 2018 to ensure its decision-making process is inclusive, considered, and effective.

Sincerely,

1. Rayhan Langdana
2. Nick Fenton
3. Ella Maiden
4. Danyon Chong
5. Rebecca Hallas
6. Chanelle Lucas
7. Eugenia Woo
8. Hannah Yang
9. Andrew Coffin
10. Amy O'Brien
11. Craig Hebblethwaite
12. Olivia Rees
13. Jack Davies
14. Charlie Lin
15. Bridget McLay
16. Jessica Palaret
17. Emily Partridge
18. Brianna Boxall
19. Christina Laing
20. Ruby Grubb
21. Christopher Brunt
22. Ella Stolwerk
23. Annie Prosser
24. Ashley Mahoney
25. Taylor Sutherland
26. Jasper Lau
27. Lucy Tothill
28. Hannah Piggin
29. Hannah Bergin
30. Mia Petrovic
31. Caroline Redelinghuys
32. Georgia Chemis
33. Grace Angelia
34. Dana Thomson
35. Joy Walpole
36. Daniel Scholes
37. Keegan Browne
38. Lewis Hebden
39. Chelsea Arthur
40. Olivia Rose
41. Tom Blackwell
42. Elizabeth Murray
43. Linda Lim
44. Alex Johnston
45. Libby Brown
46. Charlotte Joy
47. James Shanahan
48. Bonnie Simmonds
49. Michelle Chen
50. Toni Talamaivao
51. Linda Gu
52. Zoe Mahon
53. Rekha Patel
54. Natalie Petersen
55. Jerome de Vries
56. Rachel Buckman
57. Jordan Grey
58. Georgia Fsadni
59. James Toebes
60. Katarina Zujovic
61. Eleanor Burkin
62. Jessica Fenton
63. Matthew Jackson
64. Charlotte Agnew-Harington
65. Jordan Hunter
66. James Benson
67. Louisa Blair
68. Joshua Chung
69. Hart Reynolds
70. Adam Hyams
71. Christina Low
72. Mariam Baho
73. Ben Gregson
74. Danyela van der Sande
75. Max Grunwald
76. Jordan Jeffcoat

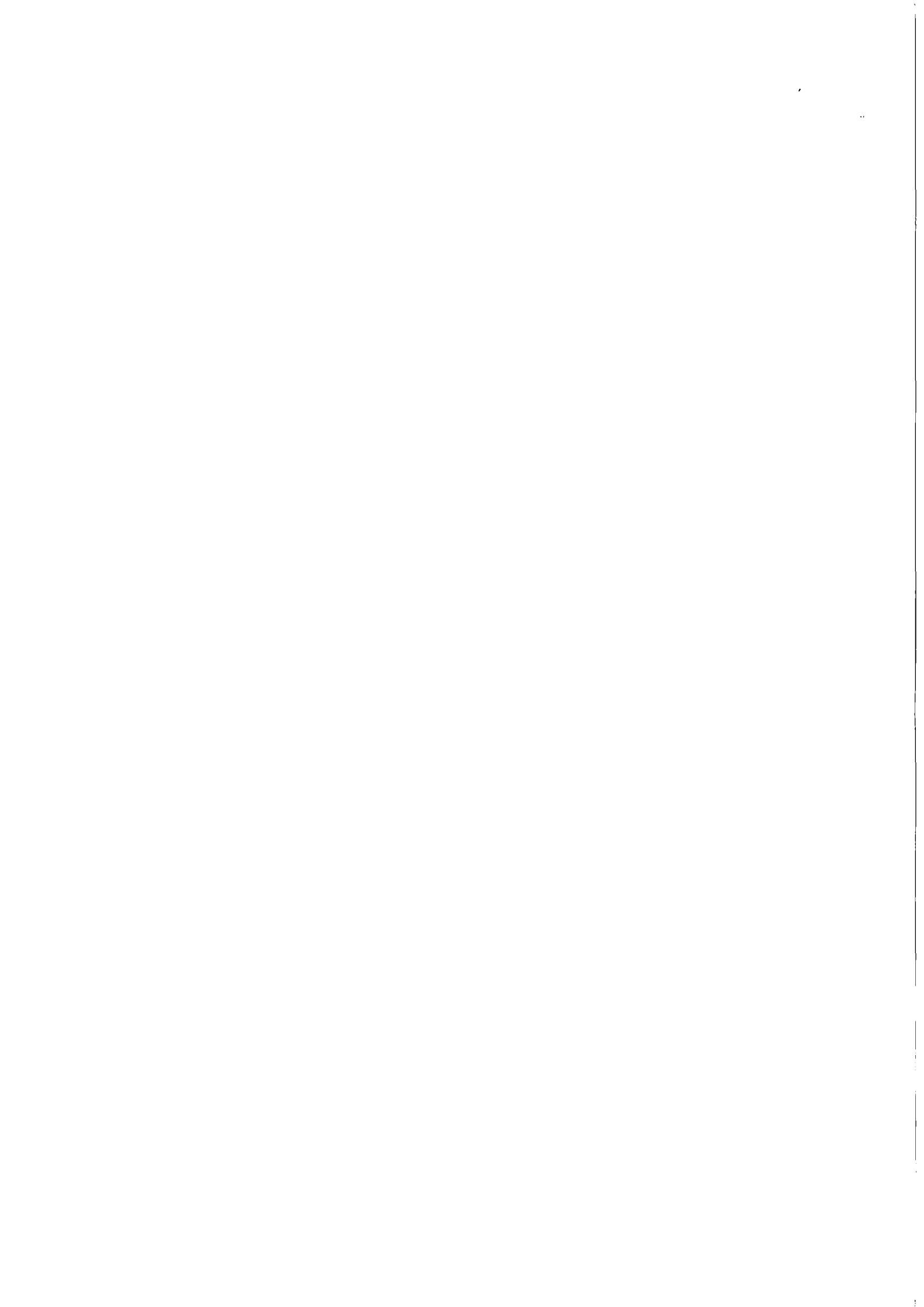
77. Margo Duhamel
78. Alisha Chand
79. Elizabeth Lili'a Bickerton
80. Olivier Laugeray-Cleaver
81. Olivia Nadan
82. Mary Kints
83. Katherine Eichelbaum
84. Sofia Evans
85. Emma Littlewood
86. Jennifer Muhl
87. Frances Sulikosky
88. Ru Bing Fu
89. Edward Foley
90. Jenny Liu
91. Caitlin Chapman
92. Victoria Bortsova
93. Jasper Holt
94. Vrisha Chandra
95. Jefferina Siganporia
96. Leon Tan
97. Jun Young Seo
98. Alexandra Sims
99. Liam Chalmers
100. Alexandra Tumahai
101. Sinai Paunga
102. Perrin Castle
103. Bryce Robertson
104. Lacey Fulford
105. Jessica Ah Koy
106. Ling Ye
107. Danny Lam
108. Sam Simpson
109. Cameron Warner
110. Sam Wood
111. Elizabeth Scott
112. Chelsea Copland
113. Maree Cassaidy
114. Helena Brandon
115. Emma Bray
116. Emily Warren
117. Catriona Britton
118. Gary Hofman
119. Kai-Wen Ho
120. Vaughan Somerville
121. Anna Chernyavskaya
122. Gordon Chan
123. Amy Davies
124. Jing (Janet) Liu
125. Jandrei Nelson
126. Avary Patutama
127. Candice Hastings
128. Amelia Mateni
129. Jessica Mayer
130. Hannah Scott-Mackie
131. Oliver Southern
132. Richy Agarwal
133. James Peacock
134. Ashley Gruebner-Ballantine
135. Luke Sweeney
136. Zavara Farquhar
137. Yumie Ly
138. Felix He
139. Sushmitha Deshpande
140. Toto Laurenson
141. Ravi Maharaj
142. Chelsea McCraith
143. James Dalton
144. Matthew Denton
145. Lola Gorrell
146. Tracy Liang
147. Sophia Kwintkiewicz
148. Jillin Yan
149. Louisa Yockney
150. Thies Amelia Moran-Vaihu
151. Taha Brown
152. Chanelle Lucas
153. Conor Masila
154. Avary Pututama
155. Yuan Wen
156. Vivien Lei
157. Leisha Fletcher
158. Jasmine Tyrrell
159. Tim Bradley
160. Steven Kent-Smith
161. Helen Savage
162. Emily Maguire

163. Isabel Kelly
164. Chantal Ottow
165. Johnson Zhuang
166. Antonio Bradley
167. Arthur Ung
168. Darren Gunasekara
169. Amokura Tautari
170. Sophie Gallagher
171. Jovana Nedeljkov
172. Jared Bellas
173. Lauren Eastlake
174. Gabrielle Carter
175. Siobhan Reynolds
176. Noelle Dumo
177. Zhi (Lana) Ou
178. Thacia van Arendonk
179. Kelly Rankin
180. Shih-ta Lee
181. Olivia Hay
182. Elizabeth Thomas
183. Alice Palmer
184. Ella Palsenbarg
185. Lukas Gordon
186. Emma Rennie
187. Simon Moore
188. Vinnie Teh
189. Reuben McGregor-Sumpter
190. Prashant Kumar
191. Ramali Madagammana
192. Shananne Joyce
193. Dominic Cornfield
194. Christine Chung
195. Andrew Harland-Smith
196. Hye Bin Yoo
197. Eilish Buckley
198. Olivia Zambuto
199. Millicent Goldwater
200. Jesse William Stover Watts
201. Hannah Reid
202. Yunfan Zhao
203. Jessica Dellabarca
204. Lucy Macdonald
205. Ryan Howlett
206. Tom Miller
207. Katherine Werry
208. Thomas Barnaby
209. Solita Turner
210. Veronica Shepherd
211. Tayla Court
212. Benjamin Stewart
213. Kayleigh Ansell
214. Celina Chang
215. James Lee
216. Piakura Passfield
217. Bradley Cope
218. Alice Strang
219. Kelly Davis
220. Matt Bartlett
221. Grace Abbott
222. Daniel Nicholson
223. Olivia Cann
224. Holly Brown
225. Nathan Whittle
226. Jenna McLachlan
227. Steven Boon
228. Keanu Britton-Rua
229. Lauren Liell
230. Patricia Lu
231. Clare Sykes
232. Cydney Palmer
233. Shelale Mazari
234. Jessica Minehan Fitzgerald
235. Min Kyu Jung
236. Anuja Mitra
237. Emma Takataka
238. Karen Sue
239. Luke Elborough
240. Victor Liu
241. Ning Luk Thien
242. Joshua Ridgley
243. Chooi-An Khoo
244. Jacob Snedden
245. Fiona Newton
246. Jack Alexander
247. Dilshen Dahanayake
248. Lucy Nolan

249. Hannah Chen
250. Kate McDonald
251. Chloe Miller
252. Aram Valesyan
253. Jack Stephens
254. Kerran Cobb
255. Alex Adams
256. Emily Davidson
257. Monica Hui
258. Jenna Bernstein
259. Greer Donovan
260. Sabrina Sachs
261. Ashley Pinto
262. Matthew Fouhy
263. Christopher Smol
264. Kate Fitzgibbon
265. Hazel Meikle-Downing
266. Oliver Yates
267. Nalika Lala
268. Shirley Chan
269. Anna Blokker
270. Ewen Clayden
271. Maria Sopoaga
272. Georgina Niu
273. Paul Ro
274. Shaivahn Parsons
275. Calvin Li
276. Isabel Ko
277. Joseph Kim
278. Ellyse Johnson
279. Raphaella Goh
280. Gurpriend Rajput
281. Eric Chen
282. Gisella Gyuri Lim
283. Nicholas Johanson
284. Julius Hattingh
285. Ha-Ram Jo
286. Seraphina Koo
287. Lucy Oh
288. Christopher Urquhart
289. Fraser Gollogly
290. Hayley Drown
291. Lydia Wilson
292. Olivia Griffiths
293. Anthony Yelavich
294. Charles Partridge
295. Yu Wei Xu
296. Danielle Findlay
297. Aatish Patel
298. Tessa King
299. Georgia Walker
300. Janice Wong
301. Kathleen Griffiths
302. Holly-Marie Noone
303. Lucy Clarke
304. Lan Yin
305. Joshua Wong
306. Luka Milojev
307. Jessica Lee
308. Nikkita Eilenberg
309. Michael Wah
310. Mikki Djurich
311. Layla Darwazeh
312. Honor Kerry
313. Tom Wang
314. Fintan Walsh
315. Lauren Grace Winthrop
316. Angela Ko
317. Tunisia Napia
318. Gaanesh Seger
319. Cade Kennedy
320. Mariata Pittman
321. Claudia Russell
322. Benjamin Spick
323. Teresa Watson
324. Olivia Manning
325. Alexandra Lambert
326. Sarah Ryan
327. Robin Laven
328. Lucy Xu
329. Pooja Upadhyay
330. Celia Brownlee
331. Emmalene Lake
332. Jessica Liang
333. Marissa Brown
334. Seamus Barnett

335. Andrea Lim
336. Tim Hu
337. Brittany Smith
338. Rebecca D'Silva
339. Amy Dresser
340. Brad Williams
341. Yanqing Wei
342. Faline Zhao
343. Abigail Parker
344. Caitlin Anyon-Peters
345. Lachlan Balfour
346. Larissa Rew
347. Maysie Chan
348. Mataiasi To'ofuhe
349. Emma Lindsay
350. Natasha Murden
351. Jae Jun Kim
352. Jemima Huston
353. Shani Lim
354. Michael Greatrex
355. Ross Franke
356. Charlotte Marsh
357. Jong Kim
358. Samuel Brothers
359. Joyeeta Bhakta
360. Sophie Hayman
361. Tim Robinson
362. Jack Garden
363. Katie Keir
364. Tim Plunkett
365. Seungmin Kang
366. Nadia Sussman
367. Lydia Ingram
368. Zar Sinclair
369. Steffi Tindale
370. Lucy Verry
371. Nick Muir
372. Tian (Teresa) Li
373. Madeline McDonald
374. Tina Fu
375. Shirley Shen
376. Dylan Wyatt
377. John McHardy
378. Samuel Carey
379. Courtney Muggerridge
380. Tiffany Ye
381. Jemima Rebello
382. Adi Sharma
383. Risha Patel
384. Miji Lee
385. Taylor Mitchell
386. Ainsleigh Stone
387. Jade Magrath
388. Tara Leota-Seiuli
389. Monika Subritzky
390. Han Li
391. Smita Prasad
392. James Neumegen
393. Victoria Brownlee
394. Camille Jameson
395. Anita Hu
396. Frank Lin
397. Lydi Buckley
398. Hayley Botha
399. Irene Vano
400. Diana Qiu
401. Holly McKinley
402. Bronwen Norrie
403. Conor Corrigan
404. Bridget Keene
405. Jason An
406. Malinna Liang
407. Amelia Roberts
408. Jenny Ha
409. Rachel Hale
410. Kenneth Sun
411. Joy Guo
412. Miranti Utami
413. Penelope Jones
414. Niccola Davies
415. Georgia Rippin
416. Elizabeth Liu
417. Vaash Singh
418. Nikita Bartlett
419. Bowen Shi
420. Abigail Dodd

421. Jacob Smith-Jude
422. Becky Scoggins
423. Ash Williams
424. Bret Gower
425. Jesse William Stover Watts
426. Sian Poulton
427. Jonathan Lee
428. Candy Youngshin Yoo
429. Christine Leung
430. Edward Krishna
431. Lliam Powell
432. Joel Zaia
433. Andrew Yan Feng Lee
434. Josh Suyker
435. Shenali Lewke Bandara
436. Melissa Castelino
437. Callum Martin
438. Rachel Kubala
439. Jade du Preez
440. Hamish Parbhu
441. Manisha Sharma
442. Laurel Sheppard
443. Fergus Porteous
444. Elizabeth Keall
445. Gemma Edwards
446. Caroline Taylor
447. Gabrielle Marsh
448. Solomon Penny
449. Daniel McGivern
450. Charlotte Hooper
451. Soo Yeol Oh
452. Sichen Xi
453. Ana Lenard
454. Jeannine Cheong
455. Damian Bluett-Marr
456. Arunali Ranasinghe
457. Reuel Baptista
458. Cind Yuan
459. Victoria Piatov
460. Simon Lamain
461. Matthew Innes
462. Alysia Gordon
463. Janna Tay
464. Vanisha Patel
465. Hannah Smith
466. Rhea Sampoomanand
467. Dane Tomlinson
468. Vivien Liu
469. Riki Fujii
470. Lorenzo Culiati
471. Georgia Osmond
472. Simone Cooper
473. Mele Lo
474. Daniel James
475. Akhil Parashar
476. Tariqa Satherley
477. Nicole Payne
478. Lisa Dick
479. Riley Phillips-Harris
480. Jayde Mead
481. Jahnvi Manubolu
482. Tegan Johnson
483. Patricia Feria
484. Katie Shaw
485. Harry Cui
486. Liam Johannesson
487. Robyn Lesatele
488. Shanna Chen
489. Charlotte Lewis
490. Jane Barrow
491. Jennifer Freeman
492. Felicia Solis
493. Samuel Brebner
494. Luke Kibblewhite
495. Ashley Yuan
496. Dillon Tan
497. Eseta Le'au



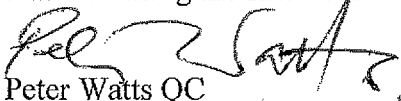
Memorandum to:

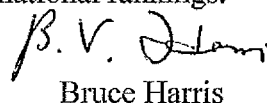
Alex Sims - Academic Staff Representative on Council of The University of Auckland

1. We understand that the Agenda for the 19 October 2016 meeting of Council contains a proposal to increase the student intake into the Law Faculty in 2017. This proposal is being made notwithstanding that a proposal in the same terms was rejected by Senate at its meeting on Monday, 3 October. A motion that the limitations for the Law Faculty for 2017 be the same as for 2016, as approved by Education Committee on 20 June, was passed by Senate, 43 votes to 5 (with 7 formal abstentions). We were the movers of that motion and write to ask you as the representative of Senate on Council to request that the Chancellor place the following material in front of Councillors.
2. We have been assisted in preparing this memorandum by other members of the Law Faculty. The Faculty in August voted 26 to 0 (4 abstentions) not to increase the intake of the Law School in 2017. Draft minutes of that Faculty meeting may have been provided to Council. However, those minutes were not approved at Senate on 3 October, because they do not record the substantive reasons why Faculty members did not support the proposal. This memorandum seeks to apprise Councillors of the background to the Faculty's and Senate's resolutions, made under the University's Limitation of Entry Statute 1991.

Executive Summary

3. The most important reason for maintaining the 2016 limitations, shared by all those who voted at Faculty in August, is that it would be wrong to attempt to increase the law student intake on short notice at a time when the Law Faculty has an almost unprecedented number of positions already to be filled. The Faculty presently has some acute gaps in staffing compulsory subjects in the LLB programme, and has had persisting difficulties in recruiting top quality teacher-researchers in them. These courses are central to the Faculty's statutory obligations to provide academic training for persons wishing to enter the legal profession. The Dean of Law himself has repeatedly acknowledged these exigencies in Department. In these circumstances, it would be wrong to increase the student intake before the forthcoming recruitment round has been completed.
4. No reasons have been advanced, including in the Vice-Chancellor's letter to the Dean of 19 September, for why the University cannot wait to fill the current vacancies before embarking on an expansion of the Law Faculty. The material below shows that increasing the size of the Faculty will not improve the financial position of the Arts or other Faculties. To the contrary, a decrease in the income of those Faculties is indicated, using the University Planning Office's own data. As for the benefits for the Law Faculty, this is a vision for the Faculty that is not being led, but rather forced upon it. The Dean has accepted that morale in the Faculty has got to very low levels and will be difficult to restore.
5. The Faculty shares the concern of Te Tai Haruru (Māori Legal Academics Group) that the proposals placed before Faculty, Senate and now Council, and lack of consultation in respect of them, constitute a failure to comply with the University's duties under s181(b) of the Education Act 1989 in respect of the principles of the Treaty of Waitangi.
6. There has also been inadequate consultation with students, alumni, the legal profession and others in relation to the proposals. In particular, the proposal fails to take into account the functions of the Council of Legal Education under the Lawyers and Conveyancers Act 2006, s274, some of which are delegated to the University.
7. The material that follows responds in more detail to the Vice-Chancellor's letter of 19 September, and addresses a number of other issues attending the proposal, including the very shallow evidence that increasing the size of the Law Faculty will improve its international rankings.


Peter Watts QC


Bruce Harris

Reasons Supporting the Executive Summary

The haste of implementation

1. There is one overarching reason why the Part II intake to the Law School should not be increased in 2017. The Law Faculty has at present an almost unprecedented number of vacancies, eight, predominantly in the compulsory LLB subjects. The Law Faculty has for many years had acute difficulties recruiting quality teacher-researchers in the compulsory subjects that make up half of the LLB degree. These subjects are at the heart of the professional qualification, and it is important that they are well taught in classes where teacher-student interaction is possible. Owing to the current difficulties of recruitment, we already do not have enough staff to teach in the compulsory undergraduate programme. It is simply not possible to hire staff to cover the existing vacancies by the start of 2017. A proposal, therefore, to increase the size of the School at a time when the School's complement of teachers in the compulsions is at an all-time low is insupportable. "[I]nsufficiency of staff" is an explicit reason stated in section 224(5) of the Education Act 1989 justifying Council in determining a limitation on the maximum number of students permitted to enrol in a programme in a particular year (2017). We understand that the University budget for 2017 does not require this expansion, and it is possible to show, below, that the expansion will not only not assist other Faculties, it is likely to harm them.

Analysis of the Reasons Given for Increasing Law School Student Numbers

2. Four reasons why an increase in student numbers at the Law School would be beneficial have been consistently referred to by the Dean of Law and the Vice-Chancellor. They are:
 - It would increase the number of students studying in other faculties
 - It would increase the Law School's international ranking
 - It would provide high achieving school leavers with an opportunity to study Law at the University of Auckland
 - It would improve equity at the Law School.

We address each of these reasons in turn.

Increasing the Number of Students in Other Faculties

3. An argument is made that if we increase Law Student numbers more students will come to the University of Auckland in Part I (rather than going to other universities) because they will think they have a greater chance of getting into Law School in Part II. Further, it is argued, we will keep more students at Part II because fewer will leave the University if they get into Law School. Following this reasoning, the increase in law students will increase the number of students in other faculties because many Law students do conjoint degrees. Both arguments are flawed.
4. The claim that we will get more students at Part I if we increase the Part II Law intake relies on the assumption that students are currently choosing not to come to Auckland because they think it will be too hard to get into Law. However, a survey of students who got into the University of Auckland but chose to study elsewhere for university contradicts this assumption. This survey shows that the key factors driving students' decisions to study elsewhere were that they obtained a scholarship or wanted to experience living away from home. This year the University has taken steps to address both of these issues. More scholarships and more opportunities for students to live on campus have

been made available. This appears to be having an effect as applications for the University of Auckland for 2017 are currently up 9% on where they were this time last year.

5. The second argument advanced for increasing the number of law students is that it will keep more students at the University of Auckland in Part II, which in turn will help other faculties. This argument is based on two flawed assumptions. The first assumption is that when students do not get into Law, they leave the University. The second assumption is that more law students undertaking conjoint degrees will lead to a better financial outcome for other faculties. Neither assumption is supported by the University's enrolment figures.
6. Turning to the first assumption – that rejected students leave the University: in fact, the Planning Office's own figures show that currently 83% of students who do not get into Law in Part II (but who would if we expanded the intake to 500) continue their other studies at this University. This amounts to 141 of the 170 students rejected. Only 29 students actually leave the University.
7. Looking now to the second assumption – that an increase in conjoint numbers will be beneficial to other faculties (in particular the Arts Faculty): in fact, there is compelling evidence to show that it will not.¹ It is correct that if the Law intake were increased to 500 other faculties would gain those 29 students who would otherwise have been lost (providing they were conjoint students). This means that the other faculties would get 2.25 EFTS from each student over the course of their degree,² which amounts to 65.25 EFTS in total. However, at the same time, these other faculties would lose EFTS to Law from the 141 students who would otherwise be doing fulltime degrees in the other faculties. Currently the 141 students who stay on at the University when they do not get into Law give all of their EFTS to another faculty. This amounts to 141 x c3 EFTS which is 423 EFTS.³ If these 141 students have conjoint degrees with Law, then their other faculties will get only 2.25 EFTS for each student which amounts to 317.25. This means that in respect of these students the other faculties will lose 105.75 EFTS in total (i.e. 423 EFTS – 317.25 EFTS).
8. Thus, while there is likely to be a modest overall gain to the University as a whole, the non-Law faculties are likely to suffer because of the students who will now abandon full time degrees in other faculties to take up conjoint degrees with Law. While that loss will be off-set in part by the 29 extra students who would otherwise have left the University, there will still be a net loss of around 40.5 EFTS. The following table illustrates the point:

University EFTS Impact: 330 students v 500 students into Part II Law

Law School Enrolment	Law School EFTS	Other Faculties' EFTS	UoA EFTS
330	1072.5	1165.5 (141 x 3 + 330 x 2.25)	1495.5
500	1625	1125 (500 x 2.25)	2007.75
Net Differences	552.5	-40.5	512

¹ The figures that follow are based on the assumption that all students do conjoint degrees. In fact, a small number of Law students do not. Those students, of course, provide no EFTS to other Faculties.

² If a student is just doing a straight Arts degree, then the Arts Faculty will get c3 EFTS from that student. If, however, a student does a BA/LLB then the Arts faculty gets 2.25 EFTS and the Law faculty gets 3.25 EFTS.

³ It is true that an at present unknown number of students who stay on do not end up with a full BA, but that figure is unlikely to eliminate the loss of EFTS that Arts will suffer.

Increasing the Law School's International Ranking

9. The Dean of Law argues that increasing the size of the Law School will increase its QS ranking because it will allow the Law School to employ more academics and there is a positive relationship between the faculty size of Law Schools and their QS rankings. This is a highly problematic assertion. While there are some Law Schools above Auckland in the QS rankings that have large faculties, there are also a number of law schools above Auckland that have a small number of faculty members (examples include the University of Toronto and UBC). Further there are a number of law schools that have more than twice as many faculty members as Auckland Law School who are only performing marginally better than us in the rankings (for example, Georgetown University and Michigan University) and a significant number that are bigger but performing much worse than Auckland (for example, the University of Texas, Vanderbilt University and the University of Virginia). It is thus apparent that there is little, if any, correlation between faculty size and ranking and no guarantee that having a larger faculty will result in a better QS ranking. The Universities above Auckland nearly all have demonstrably better staff:student ratios than Auckland.
10. Not only is there no guarantee that having a larger faculty will result in a better QS ranking but it is very possible that it will in fact damage the Law School's QS ranking if we cannot recruit high quality researchers. Increasing the size of the Law School is also likely to damage our score in the Times Higher Education rankings system as the Times Higher Education rankings place much more emphasis than the QS rankings on the difficulty of obtaining a place in the relevant institution.⁴ The proposal makes no attempt to address these matters.

Provide high achieving school leavers with an opportunity to study Law at the University of Auckland

11. The Vice-Chancellor argues that by restricting the number of places in Part II law to 330, we are preventing high achieving students from studying law. It is open to question whether it is justifiable to increase the number of law graduates we are producing given the state of the legal job market.⁵ New Zealand currently has an oversupply of lawyers⁶ and many of our best graduates already struggle to get jobs. The difficulty law graduates face finding jobs in New Zealand has been noted in recent years by both the Ministry of Business, Innovation and Employment⁷ and the New Zealand Law Society.⁸ The decline in positions for law graduates is a trend throughout the Western world. Employment rates for law graduates in Australia hit an all-time low in 2015⁹ and an article in the Australia Financial Review on the 4 August 2016 reported that Australian law students have "as little as a two per cent chance of getting an offer from a firm".¹⁰ In the United Kingdom, 600 law

⁴ See <https://www.timeshighereducation.com/student/best-universities/best-universities-uk-2016>

⁵ See the blog by Jim Farmer QC: <http://www.jamesfarmerqc.co.nz/legal-commentary/are-our-law-schools-churning-out-too-many-lawyers>

⁶ New Zealand currently has 12,100 lawyers, which amounts to one lawyer for every 383 people in the country. This is up from one lawyer for every 681 people in New Zealand in 1986.

⁷ <http://www.mbie.govt.nz/info-services/employment-skills/labour-market-reports/occupation-outlook/pdf-library/blue-service-industries-pdfs/Lawyers.pdf>

⁸ <http://www.lawsociety.org.nz/lawtalk/lawtalk-archives/issue-816/employment-and-recruitment-in-the-legal-profession>

⁹ Ibid.

¹⁰ <http://www.afr.com/news/law-students-get-ready-for-hunger-gamesstyle-clerkship-season-20160728-ggg6yb>.

firms closed between 2012 and 2016.¹¹ In the United States law graduate positions have been declining and in 2014, only 60% of law graduates had jobs 10 months after graduation.¹²

Increasing Numbers Would Improve Equity at the Law School

12. It has been contended that increasing the number of students in the Law School in the way proposed will provide greater access to tertiary education for students from lower socio-economic backgrounds and for Māori and Pasifika students. The proposal to increase student numbers next year does not, however, include a proposal to increase the number of targeted access places for Māori. This means that if the increase goes ahead there will be proportionately fewer Māori at the Law School and in the legal profession in years to come. Given this substantive impact, it is of grave concern that neither Māori staff nor students have been consulted about this change. Should the decision proceed, it will be difficult to reconcile the decision and this failure to consult with the duty of Council under s 181(b) of the Education Act 1989 relating to the principles of the Treaty of Waitangi. It is also open to question whether the process adopted and the decision-making are inconsistent with the mission in the University's Strategic Plan to recognise a special relationship with Māori under the Treaty of Waitangi, and the objective to maintain and develop Partnerships in which the University and Maori work together to achieve their shared aspirations.

Failure to take into account the statutory duties of the Council of Legal Education

13. We consider that the process undertaken for increasing the size of the Faculty has failed to engage with the functions of the Council of Legal Education under the Lawyers and Conveyancers Act 2006, s274. The Council under that section has a number of functions, including:
- the setting of the educational requirements for candidates for admission as barristers and solicitors (s274(a));
 - to arrange for the delivery of the courses of study required to be undertaken by those candidates (s274(b));
 - to arrange for the courses of study to be monitored and assessed (s274(e));
 - to tender advice to the council of any university on any matter relating to legal education (s274(g)).
14. Section 274(g), above, is particularly significant. There was a representative of the Law Society present at the Faculty meeting in August (Mr Derek Nolan QC), but it is not plain that his presence met the University's obligations to the Council of Legal Education.

Opposition of Senate, the Faculty, and Circumvention of Education Committee

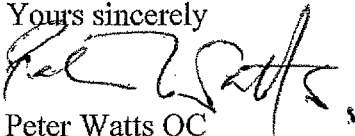
15. Finally, we ask that members note Senate's strong reservations about the academic wisdom of the proposal, as well as those of the Faculty itself (in their respective votes and meeting Minutes) and the fact that Education Committee has not had an opportunity to consider and formulate advice on the proposal. When those best placed to advise on the academic implications of a proposal are almost unanimously opposed to it, caution is indicated. This is especially so, given Council's statutory duty in the Education Act 1989 (s182(4)) to consider the advice of Senate on academic matters. Members will want to be thoroughly convinced that the proposal is clearly in the best interests of a Law Faculty, which is currently one of the University's highest ranked departments, and of other university faculties before imposing it on the Faculty.

¹¹ <http://www.irn-research.com/index.php/2016/03/22/uk-legal-services-market-report-2016-6th-edition/>

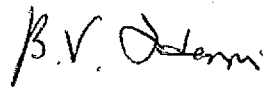
¹² http://www.nytimes.com/2015/08/25/opinion/too-many-law-students-too-few-legal-jobs.html?_r=0

16. The Faculty does not wish to ignore the wider interests of the institution, and a great willingness has already been shown by its members to work with the University to address any proven problems, and also to consider and implement suggestions for improvement and development within the Faculty itself. For the reasons we have outlined, however, we believe that the proposal to increase Law admissions from 2017 is short-sighted and ill-informed and exposes the University and the Law Faculty to a very real risk of pedagogical and reputational damage (see Council's obligations under ss181 and 182 of the Education Act 1989). We thus strongly urge you not to adopt the proposal to increase student numbers in the Law School in 2017.

Yours sincerely



Peter Watts QC
Professor of Law



Bruce Harris
Professor of Law

14 October 2016

The University of Auckland

COUNCIL MINUTES

19 October 2016, 4.00 pm

Present: Dr Parton (Chair), Professor McCutcheon (Vice-Chancellor), Mr Daniell, Ms Dawson, Ms Dunphy, Mr Ferrier, Associate Professor Kawharu, Mr Matthews, Associate Professor Sims, Mr St John

In attendance: Professor Morrow, Ms Cleland, Ms Davila, Ms Verschaeren

PART A – Open Minutes

1. APOLOGIES

No apologies.

Note: At the suggestion of the Chancellor, Members agreed that consideration of Items 7.1.3 and 8.2.1 be advanced on the Agenda for the convenience of members of the public who wished to hear the discussion concerning fees and programme limitations in Law.

2. DISCLOSURES OF INTEREST BY COUNCIL MEMBERS

With regards to Item 7.1.3 and 8.2.1: Mr Matthews pointed out that as President of the Auckland University Students' Association (AUSA) he had a conflict of interest for anything related to AUSA funding and also for the Report and breakdown for the Compulsory Student Services Fee (CSSF). He also confirmed that he would be continuing to study Law in 2017 and that his younger brother might also start his studies in Law; both might be affected by the proposed increase of the student intake in that Faculty.

Mr St John, Mr Daniell and Mrs Dunphy disclosed that they had family members who were current or prospective students and might be affected by Item 7.1.3.

It was agreed that none of these conflicts should preclude the members participating in the discussion and vote on those issues.

RESOLVED (Chancellor/Mr Ferrier): That the disclosures be noted and the action taken be endorsed.

3. CONFERMENT OF DEGREES

With the authority of Council, the Chancellor **conferred** the degrees as per the schedule provided to the meeting.

4. AWARD OF DIPLOMAS

With the authority of Council, the Chancellor **awarded** the diplomas as per the schedule provided to the meeting.

5. COUNCIL MEETINGS

5.1 DRAFT COUNCIL MINUTES (Part A), 17.08.19

The Minutes needed to include the word 'Minutes' and the time on top of p. 1

RESOLVED (Chancellor/Sir Ralph Norris): That the Part A Minutes of the Council meeting held on 17.08.16 be taken as read and confirmed, subject to the above correction.

5.2 MATTERS ARISING from the Minutes not elsewhere on the agenda.

No matters arising.

6. VICE-CHANCELLOR'S REPORT

The Vice-Chancellor's report was taken as read.

RESOLVED (Chancellor/Sir Ralph Norris): That the Vice-Chancellor's Report be noted.

7. REPORTS OF COUNCIL COMMITTEES

7.1 FINANCE COMMITTEE

7.1.1 Finance Committee Minutes (Part A), 28.09.16

RESOLVED (Chancellor/ Mr Daniell): That the Finance Committee Minutes (Part A), 28.09.16 be received.

7.1.2 Financial Performance to 31.07.16 and Forecast for 2016

RESOLVED (Chancellor/ Mr Daniell): That the Financial Performance to July and Forecast for 2016 Report be received; and

That Council note the Finance Committee report that the University's forecast performance against budget, TEC financial risk criteria, the University's own financial management parameters, Strategic Plan objectives related to financial and resource management and debt-related and other external covenants is satisfactory.

7.1.3 Domestic Student Fees 2017 and International Student Fees 2018

This Item was presented by the Vice-Chancellor. The following was highlighted:

With regards to domestic students:

- The on-going challenge for the University that existed in raising the quality of teaching in a situation where

the financial parameters were highly constrained, mainly by Government Policy.

With regards to domestic students:

- The fees increase for 2017 was limited by the Government to 2% and this was the recommended fees' increase. This increase equated to an increase of \$121 per year for a full time domestic student and an overall additional revenue of \$3.5 million.

With regards to International students:

- The fees increase for international students was not capped by the Government.
- There was currently a competitive international student market and the increase was carefully positioned in relation to the increased costs and the market sensitivity to price.
- Here it was recommended that these fees would be increased for 2018 by 3.1%.

The expected movement in costs was mainly related to the increase of staffing costs (salary operating costs and performance-based costs). In 2017 salary costs would increase by 2.8% and in 2018 staffing costs would increase by a further 2.3%.

These costs would need to be carried by the Government, the University and the students.

There was a relationship between the revenue per student and the University's ranking. It was noted that the New Zealand Universities and in particular, the University of Auckland had some of the lowest incomes per student compared to other western universities. To increase the quality it was important to find ways to increase the income per student.

The University was also looking at other venues of income and did not only rely on the fees.

Several members commented on the disadvantages to students of raising fees, noting that it would add to the debt burden of students and potentially limit their future options with respect to buying houses and starting families.

RESOLVED (Chancellor/Mr Daniell) that the Report on Domestic Student Fees 2017 and International Student Fees 2018 be received; and

That Council

- a. Approve the attached Domestic Fees Schedule for 2017 (Mr Matthews dissented and Associate Professor Sims abstained);
- b. Approve the attached International Fees Schedule for 2018; (Mr Matthews dissented);
- c. Authorise the Vice-Chancellor to reduce the proposed 2017 fee for study abroad by up to 10%;
- d. Authorise the Vice-Chancellor to assign any new programmes, or programmes becoming newly available to international students in 2018, to an

- appropriate band to enable offers to be made during the recruitment cycle, and report these decisions back to Council;
- e. Authorise the Vice-Chancellor to set fees for University programmes delivered offshore and to report those to the Council meeting immediately following;
 - f. Authorise the Vice-Chancellor to authorise faculty Deans to award bursaries (effectively a discount) on international fees on the understanding that this should drive volume, that the published fee remains at the approved rate and that standard University overheads are not compromised; and
 - g. Approve the Compulsory Student Services Fee at \$6.38 per point (GST inclusive), and
 - h. Approve the attached Other Fees Schedule for 2017.

7.2 CAPITAL EXPENDITURE COMMITTEE

7.2.1 Capital Expenditure Committee Minutes (Part A), 22.09.16

RESOLVED: (Chancellor/Ms Dawson) that the Capital Expenditure Committee Minutes (Part A), 22.09.16 be received.

7.2.2 Capital Expenditure Committee - Terms of Reference – Amended

RESOLVED: (Chancellor/Mr St John) that Council adopt the Capital Expenditure Committee Amended Terms of Reference.

7.3 AUDIT AND RISK COMMITTEE

7.3.1 Audit and Risk Committee Minutes (Part A), 20.09.16

RESOLVED: (Chancellor/Ms Dawson) that the Audit and Risk Committee Minutes (Part A), 20.09.16 be received

7.4 NAMING COMMITTEE REPORT, 10.10.16

RESOLVED (Chancellor/Vice-Chancellor): that Council note that Naming Committee has approved the naming of a wholly foreign-owned enterprise based in Hangzhou China, "The University of Auckland Innovation Institute China".

8. SENATE MATTERS

8.1 Report of Senate, 29.08.16 and 03.10.16

The Deputy Vice-Chancellor (Academic) introduced the Report of Senate.

Part A, 1-4:	Policy and other matters requiring Council approval
Part B, 1:	Matters for noting by Council
Part C, 1-2:	Matters handled under Delegated Authority

RESOLVED (Chancellor/Associate Professor Sims): that the recommendations in Part A of the Reports of Senate, 29.08.16 and 03.10.16 be adopted, and Parts B and C be noted.

8.2 2017 Programme Limitations for Law

The Chancellor introduced this Item; the following comments were made:

- Prior to the Meeting he had received a petition from students and various submissions to be tabled at the Meeting. He emphasised that tabling documents was not the proper way to communicate on these issues and that the normal channel for communications to Council was through Senate who would report on academic matters. He noted that the Council members who had received submissions from others and were asked to table them could do so. It would however not be possible to read from these submissions at length.
- The Programme Limitations for Law had been discussed by the Faculty of Law; the Vice-Chancellor had responded to the issues raised by the Faculty. The proposal went then to Senate on 3 October. A resolution that the limits not be increased for 2017 was passed by Senate.
- The Deputy Vice-Chancellor Academic) who chaired the Senate meeting in absence of the Vice-Chancellor, summarised the main issues raised by Senate as follows:
 1. The availability of resources;
 2. The consultation of stakeholders; and
 3. The capacity of the profession.

These issues were communicated to Council in a memorandum.
- With regards to the availability of resources it was highlighted that there were currently eight vacancies in the Faculty; recruiting quality staff to fill these positions as well as the four additional staff positions created by the increase of the student intake in Part 2 Law, would be challenging.
- In extensive debate and discussion, it was reported that some faculty members also had concerns about the process of consultation with Māori, the potential impact on student quality and experiences, potential pressure on academic staff and on space for staff and students.
- It was noted that the 2016 programme limitation for law had been set for 330 and 346 students were actually enrolled.

MOTION: (Chancellor/Ms Dawson): That the restriction on the maximum number of students who may be enrolled in Part 2 of the Law programme be increased to 380 students in 2017 and that the Vice-Chancellor and the Dean be required to report to Council in May 2017 on implementation.

The Motion was then put to a vote:

The MOTION was **CARRIED**. (Associate Professors Kawharu and Sims and Mr Matthews dissented and Mrs Dunphy abstained)

9. CORRESPONDENCE REFERRED BY THE CHANCELLOR

No Items received.

10. OTHER MATTERS FOR DECISION OR NOTING

10.2 SEAL

Since the Council meeting on 17.08.16 the seal has been applied to the following documents in accordance with the Council resolution of 18.02.1991:

- (1) Deed Relating to Extension and Variation of Lease – TGB Properties (NZ) PTE Ltd (Landlord) and the University of Auckland (Tenant) – 70 Symonds Street, Auckland
- (2) Deed of Trust – Nigel Thomson (Trustee) and the University of Auckland (Beneficiary)
- (3) Deed of Lease of Premises – Bay of Plenty District Health Board (Lessor) and the University of Auckland (The Lessee)
- (4) Deed of Variation and Extension of Lease – Premises at Student Union Complex on the corner of Alfred and Symonds Street, Auckland. The University of Auckland (Landlord) Hello Fast Food Ltd (Tenant) Desmond Ng and Chih Kwai Or (Guarantor)
- (5) Deed of Variation and Extension of Lease – Premises at Student Union Complex on the corner of Alfred and Symonds Street, Auckland. The University of Auckland (Landlord), Taelim Company Ltd (Tenant), Kook Keun Lim and Jeong Ae Kang (Guarantor)

RESOLVED: (Chancellor/Sir Ralph Norris) That the affixing of the seal to the above documents be noted.

11. ELECTION OF CHANCELLOR AND PRO-CHANCELLOR FOR 2017

(a) Election of Chancellor for 2017

The Registrar assumed the chair.

Nominations were called for the position of Chancellor.

One nomination only was received, for Mr Scott St John (Sir Ralph Norris/Mr Ferrier).

There being no other nominations, the Registrar declared Mr St John elected as Chancellor for a term for a period starting on 01.01.2017 and ending 31.12.2017.

Carried by acclamation.

The Chancellor assumed the Chair.

(b) Election of Pro-Chancellor for 2017

Nominations were called for the position of Pro-Chancellor.

One nomination only was received, for Ms Jan Dawson (M Kiely/Mr Daniell).

There being no other nominations, the Chancellor declared Ms Dawson, elected as Pro-Chancellor for a term for a period starting on 01.01.2017 and ending 31.12.2017.
Carried by acclamation.

12. GENERAL BUSINESS

None

13. LEAVE OF ABSENCE (for Council meeting of 12 December 2016)

None requested at this time.

The Meeting adjourned from 5.25 to 5.30 pm

PART B

PUBLIC EXCLUSIONS

RESOLVED (Chancellor/Ms Dawson): That the public be excluded from Part B of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered:

Item No. 14.1	Council Meeting Minutes (Part B), 17.08.16
Item No. 15.1:	Finance Committee Minutes (Part B), 25.07.16
Item No. 15.2	Capital Expenditure Committee, Minutes (Part B), 22.09.16
Item No. 15.3:	Audit and Risk Committee Minutes (Part B), 20.09.16
Item No. 15.4	University Honours Committee Reports, 06.10.16
Item No. 16.1	Report of the Short-listing Committee for one Alumni Member on Council, 04.10.16

Reason for passing this resolution in relation to each matter:

The protection of the interests mentioned below.

Grounds under section 48(1) for the passing of this resolution:

Those in Section 9 of the Official Information Act 1982 namely:

- i) To protect the privacy of the persons referred to in the recommendations and to maintain the confidentiality of those recommendations;
- ii) To enable the University to carry on without prejudice or disadvantage negotiations; and
- iii) To prevent the disclosure or use of Official Information for improper gain or advantage.

AND THAT Adrienne Cleland, Professor Jim Metson, Gabriella Davila, and Lydia Lewis be permitted to remain for this part of the meeting, after the public has been excluded, because of their knowledge of, or need to be briefed about, the matters to be discussed. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because they relate to aspects of the administration of The University of Auckland for which those persons are responsible.

The Meeting moved into Public Excluded Session at 5.30pm.

The Meeting closed at 7.00pm.

Approved as a true and correct record.

Ian Parton, Chancellor

Date