

DIPLOMA IN CONVEYANCING

6.0 COURSE PRESCRIPTIONS FOR YEAR ONE

Information for this course outline table comes from the FAAF.

YEAR 1: COURSE 1 – THE NEW ZEALAND LEGAL SYSTEM

Prescription Title:	The New Zealand Legal System	
Prescription Number:	DC501	
Level:	5	
Credits:	20	
Version:	1	
Introduced:	2008	
Hours:	Timetabled teaching	60
	Directed Learning	60
	Unsupervised / Independent hours	80
	Total	200
Prerequisites	Nil	

AIM / PURPOSE

The purpose of this course is to develop knowledge of the operation of the New Zealand legal system (emphasis on Business and Conveyancing)

DESIRED OUTCOMES

- a. Research and identify primary and secondary legal materials using both printed and electronic resources.
- b. Describe the characteristics of the New Zealand Constitution. Discuss hierarchy of courts and separation of powers.
- c. Describe the sources of law in New Zealand.
- d. Understand the interpretation of legislation (common Law) and case law.
- e. Discuss the history and development of commercial and business law.
- f. Understand the history and principles of Māori in the New Zealand legal system.

ASSESSMENT WEIGHTINGS

Learning outcomes	Assessment weighting %
1. Legal Research	16
2. The New Zealand Constitution	16
3. Sources of New Zealand Law	20
4. Interpreting Legislation	16
5. Commercial Law history	16
6. Māori in the New Zealand legal system	16
TOTAL	100

All learning outcomes must be evidenced; a 10% aggregate variance is allowed.

Assessment Notes

The focus of this prescription is on the student developing a basic knowledge of the operation of the New Zealand legal system (emphasis on Business and Conveyancing)

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| 1. Learning outcome one | - Legal Research |
| 2. Learning outcome two | - The New Zealand Constitution |
| 3. Learning outcome three | - Sources of New Zealand Law |
| 4. Learning outcome four | - Interpreting Legislation |
| 5. Learning outcome five | - Commercial Law history |
| 6. Learning outcome six | - Māori in the New Zealand legal system |

LEARNING OUTCOME 1

Students should be able to understand, research, and identify primary and secondary legal materials using both printed and electronic resources.

- 1.1 An Act of Parliament will be identified and key provisions researched.
- 1.2 Case citations are identified and used to research and cite a legal case.
- 1.3 A legal website is accessed to research a case and an Act of Parliament.

LEARNING OUTCOME 2

Students will be able to describe the characteristics of the New Zealand Constitution. Discuss the hierarchy of courts and separation of powers.

- 2.1 Discuss the history of New Zealand and the Treaty of Waitangi.
- 2.2 Discuss the Constitution Act 1986 and constitutional conventions and its impact on the legal system.
- 2.3 Describe the court system identifying monetary and jurisdictional limits.
- 2.4 Explain the hierarchy of courts and tribunals.
- 2.5 Identify the principle of separation of powers as it applies to the executive, the legislature and the judiciary.

LEARNING OUTCOME 3

Students will be able to understand and describe the sources of law in New Zealand.

- 3.1 Differentiate between the sources of law as practiced in New Zealand namely Statutory law, Common law and Equity.
- 3.2 Describe the process involved for the creation of an Act of Parliament.
- 3.3 Explain the Doctrine of Precedent and discuss binding and persuasive precedents.

- 3.4 Describe technical phrases such as ratio decidendi and obiter dicta.
- 3.5 Explain the principles of Equity.

LEARNING OUTCOME 4

Students will learn to understand and apply the interpretation of legislation and case law.

- 4.1 Rules of statutory interpretation including the literal rule, golden rule and the mischief rule are described.
- 4.2 Describe the effect of the Acts Interpretation Act 1908 on statutory interpretation
- 4.3 Identify the ratio decidendi and obiter dicta statements in a precedent

LEARNING OUTCOME 5

Students will be able to discuss the basic history and development of commercial and business law in New Zealand.

LEARNING OUTCOME 6

Understand the history and principles of Māori in the New Zealand legal system.

- 6.1 Classification of Maori land
- 6.2 The development of the principles of the Treaty of Waitangi
- 6.3 The Waitangi Tribunal

CROSS CREDIT

Introduction to the New Zealand Legal System – [New Zealand Law Society Legal Executive Course](#).

REQUIRED COURSE TEXTS AND MATERIALS

Gerbic & Lawrence, "Understanding Commercial Law", 6th edition, 2006, LexisNexis