



THE UNIVERSITY OF
WAIKATO
Te Whare Wānanga o Waikato

Graduate & Postgraduate Studies Handbook

Te Piringa - Faculty of Law



Welcome to Waikato

Welcome to the University of Waikato. I hope you make the most of your time here and the opportunities that will present themselves during the course of your study.

You have come to an excellent university that is ranked top in 10 subjects under the Government's Performance Based Research Fund. We are also internationally connected; we have research connections and student exchanges with some of the world's top universities. I urge you to consider taking part in these while you are with us.

Here at the University of Waikato, you will be taught by lecturers who are leaders in their fields of research and who win national teaching awards. We are proud of our academic quality and the fact that we turn out sought-after graduates who go on to take up important roles in all parts of the world.

You will already have noticed our beautiful campus which is set in 68 hectares of gardens, green space and lakes. At the heart of it all is the new Student Centre, which was completed in 2011. With its accessible areas, Library services and multitude of facilities, it is a place for students to study or just gather together and we are very proud of this building.

In 2011 we celebrated 10 years of another important building, the Gallagher Academy of Performing Arts. This world-class facility was the vision of a group of driven Waikato people. It quickly became a focal point in the campus and continues to be an important venue for the performing arts community.

I encourage you to experience all our facilities during your study at Waikato. We are heading towards our 50th anniversary in 2014; you are benefitting from many years of planning, hard work and vision.

I sincerely hope you enjoy your time at the University of Waikato; I urge you to make the most of the excellent education, the beautiful setting and the top facilities and then head out into the world as alumni and ambassadors for us.

Roy Crawford

VICE-CHANCELLOR
UNIVERSITY OF WAIKATO



Welcome to Te Piringa - Faculty of Law

Welcome to Te Piringa - Faculty of Law and University of Waikato. Nau mai, haere mai ki Te Piringa Ture me te Whare Wānanga o Waikato.

The study and practice of law is exciting, challenging and extremely rewarding. Pursuing a postgraduate degree or certificate can also enable a wide range of other career options in business, non-governmental organisations, public service and in law teaching in Aotearoa/New Zealand as well as abroad, where many of our graduates work in senior positions.

At Waikato we are absolutely committed to providing you with the highest quality and innovative student-focused legal education. We achieve this through our founding goals of emphasizing professionalism, respecting and promoting the bicultural foundation of Aotearoa/New Zealand, and the study of law in context, linked with our practical skills programme, our focus on small-group teaching at first year level, excellent information technology (IT) resources and the integration of IT and topical issues into the law curriculum. As a result, our graduates are highly regarded for being innovative, multi-skilled, adaptable and committed to excellence.

Our Faculty is especially committed to fostering Māori, Pacific Island and Indigenous issues within the context of the Treaty of Waitangi partnership principle. We are fortunate to possess particular strength in this area as well as in environmental and resource law, human rights, criminal justice, international law, dispute resolution, comparative law and public policy generally. Through our many linkages with overseas law schools we can offer our students possibilities to pursue part of their graduate legal education abroad. Our student body is quite diverse and have opportunities to pursue their interests through competitive moots, internships and student associations. Our staff consists of distinguished scholars from many nations, as well as from New Zealand, and we benefit from frequent guest speakers from overseas, along with across the country, to enrich your learning experience. Our teaching staff also includes a number of highly skilled lawyers and visiting professors. Waikato is thus a truly exciting place to study law as it exists today, along with how it is changing to meet the needs of New Zealand in an increasingly global society. We are blessed with a Law Faculty that is truly unique in New Zealand and globally.

As this handbook demonstrates, we offer a broad array of graduate programmes through Graduate Certificates, LLMs, MPhil, PhD and SJD degrees. All share in common the commitment to provide small classes with extensive interaction between teachers and students with a view to regard all participants as colleagues.

I, along with all of my talented colleagues, look forward to welcoming you to Te Piringa - Faculty of Law at the University of Waikato in the future.

Professor Bradford W. Morse

DEAN

TE PIRINGA - FACULTY OF LAW



Welcome to Te Piringa - Faculty of Law's Graduate Programme

Te Piringa - Faculty of Law is a unique institution, devoted to providing students with a challenging and enriching educational experience. As our name reflects, we are rooted in an explicit commitment to providing new beginnings, to our students, to legal education, and to legal scholarship and legal development in general.

We provide pathways to these new beginnings through our commitment to the study of law and of the operation of legal systems in the relevant social, political and economic contexts; through our commitment to creating, supporting and/or renewing the professionalism of our students; and through our commitment to biculturalism, in our curriculum, in our legal scholarship and in our institutional practices.

This approach allows Waikato LLM graduates to meet the challenges and future needs of our rapidly changing and increasingly diverse society, nationally and internationally. We are an institution that takes the claims of social justice and difference seriously, just as seriously as we whole heartedly support the aspirations of constitutionalism and the rule of law. Our graduate programme is designed to enable our graduate students to work in whatever their ultimate contact for the good of all peoples.

Te Piringa – Faculty of Law staff are actively engaged in trend-setting research and debate in a broad range of legal issues in academic, professional and public fora. Publication in nationally and internationally reviewed media attests to the quality of the research and writing undertaken by our leading academics. Our staff also provide policy and legal advice to government, business and non-governmental organisations. This influence on matters of legal and public importance demonstrates that the Faculty's influential role in the debates of legal importance to the 21st century.

LLM papers may be taken on an individual interest basis or in pursuit of a Master of Laws degree. Topical papers may also be available to students studying outside Law.

Te Piringa – Faculty of Law also offers opportunities to study at the Doctoral level. The Faculty's Doctor of Philosophy (PhD) programme has rapidly expanded to cater for increased student demand to study at an advanced level in areas of social justice, environment and governance. This doctoral programme is complemented by the Doctor of Juridical Science (SJD) which may be of particular interest to applicants with an established professional or academic record. The Doctor of Laws (LLD), is of relevance for those with significant existing ties to the Faculty and its ongoing mission of educating global citizens equipped to create a better future for all.

Gay Morgan

ASSOCIATE DEAN – POSTGRADUATE
TE PIRINGA - FACULTY OF LAW



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Front Cover: Yubing Pu, Gabrielle Kershaw, Luke Claasen, Lisa Marquardt and Jasper Pierce, Te Piringa - Faculty of Law Graduate/Postgraduate students.

Important Notice: The information contained in this Handbook is correct at the time of publication. The University therefore reserves the right to change its policies, procedures, statutes, regulations, papers and any other content at any time. Any alterations and amendments to this Handbook will be reflected in the web version www.waikato.ac.nz/law/postgraduate

Part 1: The Graduate and Postgraduate Programmes

1. PURPOSE OF THIS HANDBOOK

Te Piringa - Faculty of Law welcomes students to University of Waikato. This handbook is designed to be a guide to assist students and supervisors to plan and to develop their studies, teaching, or supervision while they participate in the Graduate Studies Programme. It has been developed as part of Te Piringa - Faculty of Law's commitment to quality assurance.

2. THE GRADUATE AND POSTGRADUATE PROGRAMMES

The graduate programmes consist of:

- a) The Master of Laws (LLM);
- b) The Master of Laws (Māori/Pacific & Indigenous Peoples);
- c) Graduate Diploma in Law (GradDip(Law));
- d) Graduate Diploma in New Zealand Legal Studies (GradDip(NZ Legal Studies));
- e) Graduate Diploma in Dispute Resolution (GradDipDR);
- f) Postgraduate Certificate in Law (PGCert(Law));
- g) Postgraduate Diploma in Law (PGDip(Law)).

Inquiries regarding the Graduate Diploma should be directed to Lyn Wood, Te Piringa - Faculty of Law Reception, phone 0800 529 788 or email lawrecp@waikato.ac.nz

The Master of Laws qualification comprises 120 points at Level 5. Candidates may enrol in taught papers, a combination of taught and research papers, or if qualified, research only papers. Te Piringa - Faculty of Law offers 30 point taught papers (these papers may be taught intensively or over a semester); 30 point dissertations (one paper); 60 point dissertations (two paper); a Law thesis of 90 points, and a Law thesis of 120 points. Entry into dissertations and theses is subject to academic preparedness.

The postgraduate programmes consist of:

- a) The Master of Philosophy (MPhil);
- b) The Doctor of Philosophy (PhD);
- c) The Doctor of Juridical Science (SJD);
- d) The Doctor of Laws (LLD).

Information about Te Piringa - Faculty of Law

General information about Te Piringa - Faculty of Law, academic staff, staff areas of expertise, and Faculty research resources is contained in *Te Piringa - Faculty of Law Undergraduate Handbook* and in this handbook. Information about the Law Faculty and University of Waikato is also available at: www.waikato.ac.nz/law/ and at: www.waikato.ac.nz

Part 1: The Graduate and Postgraduate Programmes

Inquiries

We welcome all inquiries. All initial inquiries should be forwarded to the Administrative Assistant, Barbara Wallace, who will respond with information about the programme. Email barbaraw@waikato.ac.nz, phone +64 7 838 4466 extn 6734, or freephone 0800 529 788 (from within New Zealand). Specific academic questions are referred to Gay Morgan, Associate Dean – Postgraduate. Once students' enrolments are approved, queries regarding specific papers (courses) can be directed to the Paper Convenor/Lecturer.

The **University of Waikato Postgraduate Studies Office** has information on higher degrees (MPhil, PhD, SJD, LL.D) and on the presentation of theses. The office is located in the Gateway at the University of Waikato (Gate 5, Hillcrest Road) or email postgrad@waikato.ac.nz Further information is available from the University's **website www.waikato.ac.nz/sasd/postgraduate/**

Inquiries and applications for scholarships should be forwarded to the Scholarships Office **www.waikato.ac.nz/research/scholarships/** Email: scholarships@waikato.ac.nz

Inquiries regarding any sessional assistant employment opportunities should be addressed to Petrina Pascoe, PA to the Dean of Law, Te Piringa - Faculty of Law, email petrinap@waikato.ac.nz

Enrolment

The Graduate Studies Committee, by delegation from the Dean, acts as the Admissions Committee for the programme. It determines admissions policy, and makes admission decisions. Once a decision is made regarding admission, a letter is forwarded to the student. Conditions may be imposed or guidance offered to particular students regarding their choice of papers.

Supervision Form

A student who is qualified and who wishes to undertake a dissertation or thesis should approach academic staff (in consultation with the Associate Dean – Postgraduate) for supervision, and complete the appropriate supervisory approval form (obtainable from the Administrative Assistant).

Orientation

An orientation programme for graduate students is held at the beginning of each year and again at the beginning of B Semester. The Administrative Assistant advises all first-time enrolled students of the dates and venues of the programme, attendance at which is required. Further workshops are held during the year and students are encouraged to attend these. Current graduate/postgraduate students are also invited to attend the workshops and social events to welcome our new students.

Grades and Completions

The Administrative Assistant enters the grades on the University database, and arranges an Examiners' meeting to confirm the grades. The Administrative Assistant, subject to approval from the Dean and the Associate Dean – Postgraduate, forwards the appropriate advice to the Academic Pathways and Assessment Office when a student has completed his/her programme of study.

Student Support Structure and Complaints Procedure

We encourage students concerned about issues relating to teaching, supervision, provision of facilities, etc in the graduate programmes, to raise these issues in the first instance with the staff member concerned. Serious concerns should be stated in writing, addressed in the first instance to the staff member concerned, or to the Associate Dean – Postgraduate.

Students should follow the procedures in the University brochure "Student Concerns and Complaints Policy" which provides details of the University processes for handling concerns and complaints. This is available from the University website: <http://calendar.waikato.ac.nz/policies/studentcomplaints.html>, the Administrative Assistant, or The Gateway. There is also a system of graduate student representation on the Graduate Studies Committee, Board of Studies and Academic Board.

Graduate Representative

Each year graduate students elect one person to act as their Year Representative for the purposes of the Board of Studies and Academic Board, and also for general liaison purposes with Te Piringa - Faculty of Law, especially with the Associate Dean – Postgraduate and the Administrative Assistant. Nomination forms are circulated early in Semester A and can be obtained from the Administrative Assistant.

Part 2: Admission to Graduate and Postgraduate Programmes

1. ADMISSIONS PROCESS

Objective

The objective of the process is to ensure that those admitted to the graduate programmes of the Faculty are academically prepared.

General Rule

The Regulations for the Degree of Master of Laws (LLM) and for the Master of Laws (LLM(Māori/Pacific & Indigenous Peoples)) provide the criteria for admission into these graduate programmes. The regulations are to be found in the *University of Waikato Calendar*. Students for the LLM and LLM(Māori/Pacific & Indigenous Peoples) must have completed the LLB degree, or a combined degree through Te Piringa - Faculty of Law, or a qualification considered to be equivalent by the Academic Board.

In exceptional circumstances, students may produce other evidence that they have adequate training and ability to be admitted to these graduate programmes. In these circumstances, and subject to any decisions made by the Academic Board, admission will be on such terms as the Graduate Admissions Committee may prescribe with respect to qualifying papers which must be passed or additional work which must be completed, either prior to admission or concurrently. Should a prospective student be accepted for a term but not enrol, they may reapply for the subsequent term. A subsequent admission cannot be guaranteed.

A Legal Background

In compliance with the regulations for the degree of Master of Laws (LLM) and for the Master of Laws (LLM(Māori/Pacific & Indigenous Peoples)) a legal background is the general requirement for entry. There are few cases where another qualification will be acceptable. As a minimum a non-law student would need:

- a) Good academic reasons for their entry;
- b) A qualification considered by the Academic Board to be equivalent to a Bachelor of Laws or combined law degree of the University of Waikato;
- c) The support of the Graduate Studies Committee and the Associate Dean – Postgraduate;
- d) Proficiency in English to a standard that will enable him/her to succeed in advanced studies in law. This entails strong reading, writing and oral capabilities. International students whose first language is not English can usually demonstrate that level of proficiency by obtaining an IELTS score of 6.5 overall, including a 6.0 in the writing band; a TOEFL score of 600 overall, with a TWE (test of Written English) of 5.5 or better, or an iBT (Internet based TOEFL) score of 100 with a writing score of 22. (See "International Students" in the *University of Waikato Calendar*). Other evidence may be considered on a case-by-case basis. For PhD applicants, higher writing scores will normally be expected.

Grade Entry into LLM and LLM(Māori/Pacific & Indigenous Peoples)

A 'B' grade point average (GPA), ascertained from undergraduate studies, is required for admission to the LLM and LLM(Māori/Pacific & Indigenous Peoples) programmes. For Waikato and other New Zealand Universities, a GPA is taken by scoring the grades on a standard form. The practice is to disregard pass marks and, where there is an extensive record of non-law grades, to take the best six of the non-law grades into the average. Fail grades are included in assessing a GPA.

Exceptions to the Necessary Grade for Entry

Where a student does not have a 'B' average, the Graduate Studies Committee may take into account the student's professional experience and/or demonstrated academic ability in areas relevant to the proposed programme of study.

- a) Professional experience must be at a legal or policy research and analysis level of comparable rigour to graduate study. Law professional practice experience is not necessarily sufficient;
- b) Demonstrated academic ability includes a very strong performance in the final year of study for an undergraduate degree or alternatively a Graduate Diploma of New Zealand Legal Studies with a 'B+' average (70-74%). In the latter case, the Graduate Studies Committee reserves the right to refuse entry based on a review of the student's performance with the teachers of the Diploma.

2. PROGRAMMES OF STUDY

Master of Laws (LLM)

There are several ways to conduct research for your postgraduate degree at Waikato.

The Master of Laws has a flexible programme structure and suits the objective of a number of students; those who seek to upgrade their skills and knowledge through specialist taught papers, those who wish to combine taught papers with a significant piece of independent research or those students who wish to engage in research only.

Students who have already demonstrated strength in independent research may be permitted to complete the degree by thesis only, an alternative which comprises an advanced investigation under the guidance of a supervisor. This is appropriate for a qualified student who wishes to carry out intensive research in a specific area, and to build the skills necessary to contribute original ideas to legal thinking.

Regulations for the Degree of Master of Laws

1. The *Personal Programmes of Study Regulations* apply in these regulations.

Admission

2. Candidates for the Degree must have:
 - a) qualified for the award of the degree of Bachelor of Laws or a combined Law degree of the University of Waikato, or a qualification considered by the Academic Board to be equivalent, and
 - b) satisfied the prerequisites for graduate study in the subject(s) being presented for the Degree, at levels considered appropriate by the Academic Board.
3. In exceptional circumstances, based on academic merit and relevant experience, candidates who do not meet the requirements of section 2 of these regulations may be considered for admission subject to the completion of any qualifying papers the Academic Board may prescribe which must be completed, either prior to or concurrently.

Requirements for the Degree

4. The normal minimum period of enrolment for completion of the Degree is one year. The requirements of the Degree must be completed within four consecutive years of first enrolling for the Degree.
5. Candidates must enrol in Te Piringa - Faculty of Law and follow an approved programme of study.

Part 2: Admission to Graduate and Postgraduate Programmes

6. Candidates must gain 120 points at 500 level or above.
7. Candidates must complete the papers prescribed for the Degree in the Law entry in the *University of Waikato Calendar*, including any compulsory papers.
8. Candidates may include:
 - a) a dissertation equivalent to 30 points, or
 - b) a dissertation equivalent to 60 points, or
 - c) a thesis equivalent to 90 points, or
 - d) a thesis equivalent to 120 points.
9. Candidates may take up to 30 points from outside the field of the Degree.
10. The field of the Degree comprises the papers prescribed for the Degree in the Law entry in the *University of Waikato Calendar*.
11. If a candidate fails a paper or papers (worth not more than 30 points in total), he or she may repeat the paper or papers or take an alternative paper or papers with the same total points value on one occasion only. A candidate who fails a paper or papers worth more than 30 points in total will not be permitted to proceed with the Degree.

Award of Honours

12. The Degree may be awarded with:
 - a) First Class Honours, or
 - b) Second Class Honours (first division), or
 - c) Second Class Honours (second division),
 - d) or without honours.
13. Candidates who fail a paper will not be eligible for the award of honours.
14. Except with the approval of the Academic Board, the level of honours will be calculated on the basis of the grades of the first 120 points completed by the candidate while enrolled for the Degree, including any failed paper.
15. In order to be eligible for consideration for the award of honours, the requirements of the Degree must be completed in not more than 12 consecutive months of full-time study, or, in the case of part-time study, an equivalent period not exceeding two calendar years, from the date of first enrolment in the Degree.

Variations

16. Candidates who have qualified for the degree of Bachelor of Laws with Honours at the University of Waikato or for a qualification considered by the Academic Board to be equivalent, or who have otherwise provided evidence that satisfies the Academic Board of his or her ability to do so, may be permitted to take the Degree by 120 point thesis alone.
17. The Dean or delegated authority may vary or waive these regulations in individual cases.

Master of Laws in Māori/Pacific and Indigenous Peoples' Law (LLM(Māori/Pacific and Indigenous Peoples))

Reflecting the University's geographical location, the LLM(Māori/Pacific and Indigenous Peoples) is a specialist degree designed to explore Pacific legal thought and practice.

It aims to provide candidates with the skills to participate actively in the development of Pacific jurisprudence and to enhance global understanding of Pacific legal systems.

Regulations for the Degree of Master of Laws in Māori/Pacific and Indigenous Peoples' Law

1. The *Personal Programmes of Study Regulations* apply in these regulations.

Admission

2. Candidates for the Degree must have:
 - a) qualified for the award of the degree of Bachelor of Laws or a combined Law degree of the University of Waikato or for a qualification considered by the Academic Board to be equivalent, and
 - b) satisfied the prerequisites for graduate study in the subject(s) being presented for the Degree, at levels considered appropriate by the Academic Board.
3. In exceptional circumstances, based on academic merit and relevant experience, candidates who do not meet the requirements of section 2 of these regulations may be considered for admission subject to the completion of any qualifying papers the Academic Board may prescribe which must be completed, either prior to or concurrently.

Requirements for the Degree

4. The normal minimum period of enrolment for completion of the Degree is one year. The requirements of the Degree must be completed within four consecutive years of first enrolling for the Degree.
5. Candidates must enrol in Te Piringa - Faculty of Law and follow an approved programme of study.
6. Candidates must gain 120 points at 500 level or above.
7. Candidates must complete the papers prescribed for the Degree in the Law entry in the *University of Waikato Calendar*, including any compulsory papers.
8. Candidates may include:
 - a) a dissertation equivalent to 30 points, or
 - b) a dissertation equivalent to 60 points, or
 - c) a thesis equivalent to 90 points, or
 - d) a thesis equivalent to 120 points.
9. Candidates may take up to 30 points from outside the field of the Degree.
10. The field of the Degree comprises the papers prescribed for the Degree in the Law entry in the *University of Waikato Calendar*.

Part 2: Admission to Graduate and Postgraduate Programmes

11. If a candidate fails a paper or papers (worth not more than 30 points in total), he or she may repeat the paper or papers or take an alternative paper or papers with the same total points value on one occasion only. A candidate who fails a paper or papers worth more than 30 points in total will not be permitted to proceed with the Degree.

Award of Honours

12. The Degree may be awarded with:
 - a) First Class Honours, or
 - b) Second Class Honours (first division), or
 - c) Second Class Honours (second division), or
 - d) without honours.
13. Candidates who fail a paper will not be eligible for the award of honours.
14. Except with the approval of the Academic Board, the level of honours will be calculated on the basis of the grades of the first 120 points completed by the candidate while enrolled for the Degree, including any failed paper.
15. In order to be eligible for consideration for the award of honours, the requirements of the Degree must be completed in not more than 12 consecutive months of full-time study, or, in the case of part-time study, an equivalent period not exceeding two calendar years, from the date of first enrolment in the Degree.

Variations

16. The Dean or delegated authority may vary or waive these regulations in individual cases.

Graduate Diploma in New Zealand Legal Studies (GradDipNZLegSt)

This programme gives candidates with overseas legal qualifications, the opportunity to gain an understanding of New Zealand law. The Graduate Diploma is also ideal for international applicants wishing to enter the University of Waikato Master of Laws programme, but who first need to improve their familiarity with the New Zealand legal system.

Graduate Diploma in Law (GradDip(Law))

The Graduate Diploma is available to graduates who have not included Law at an advanced level in their first degree.

Graduate diplomas are generally a one year full-time programme consisting of undergraduate papers. Graduate diplomas are intended to provide the equivalent of a major in a subject other than that in which the student has majored for their first degree. Admission to these programmes generally requires a B average in the applicant's first degree.

Students need to gain 120 points at 100 level (first year papers) or above, including at least 80 points at 300 level (third year papers) or above, in the graduate diploma subject to complete the qualification.

Regulations for the Graduate Diploma

1. The *Personal Programmes of Study Regulations* apply in these regulations.

Admission

2. Candidates for the Graduate Diploma must have:
 - a) qualified for a bachelors degree of the University of Waikato, or a qualification considered by the Academic Board to be equivalent, or
 - b) demonstrated to the satisfaction of the Academic Board that they have adequate training, experience and ability to proceed with the proposed programme.
3. In exceptional circumstances, based on academic merit and relevant experience, candidates who do not meet the requirements of section 2 of these regulations may be considered for admission subject to the completion of any qualifying papers the Academic Board may prescribe which must be completed, either prior to or concurrently.

Requirements for the Graduate Diploma

4. The normal minimum period of enrolment for completion of the Graduate Diploma is one year.
5. Candidates must enrol in a Faculty or School of Studies and follow an approved programme of study.
6. Candidates must gain 120 points at 100 level or above, including at least 80 points at 300 level or above, in the Graduate Diploma subjects.
7. Candidates must gain at least 80 points from one of the subjects listed in Schedule A.
8. The Graduate Diploma subjects are:
 - a) Schedule A
 - b) Law (GradDip(Law))
 - c) New Zealand Legal Studies (GradDip(NZLegSt))
9. The Graduate Diploma awarded will be endorsed in the subject in which at least 80 points are gained.

Variations

10. The Dean or delegated authority may vary or waive these regulations in individual cases.

Postgraduate Certificate in Law (PGCert(Law))

Regulations for the Postgraduate Certificate

1. The *Personal Programmes of Study Regulations* apply in these regulations.

Admission

2. Candidates for the Postgraduate Certificate must have:
 - a) qualified for a bachelors degree of the University of Waikato, or a qualification considered by the Academic Board to be equivalent, and have completed study at an advanced level in the subject to be taken for the Postgraduate Certificate, or
 - b) demonstrated to the satisfaction of the Academic Board that they have adequate training, experience and ability to proceed with the proposed programme and
 - c) satisfied the prerequisites for graduate study in the subject being taken for the Postgraduate Certificate.

Part 2: Admission to Graduate and Postgraduate Programmes

3. In exceptional circumstances, based on academic merit and relevant experience, candidates who do not meet the requirements of section 2 of these regulations may be considered for admission subject to the completion of any qualifying papers the Academic Board may prescribe which must be completed, either prior to or concurrently.

Requirements for the Postgraduate Certificate

4. The normal minimum period of enrolment for completion of the Postgraduate Certificate is one semester.
5. Candidates must enrol in a Faculty or School of Studies and follow an approved programme of study.
6. Candidates must gain 60 points at 500 level or above in one of the Postgraduate Certificate subjects.
7. The Postgraduate Certificate subjects are:
 - a) Law (PGCert(Law))
8. The Postgraduate Certificate awarded will be endorsed in the subject in which it is gained.

Variations

9. The Dean or delegated authority may vary or waive these regulations in individual cases.

Postgraduate Diploma in Law (PGDip(Law))

Regulations for the Postgraduate Diploma

1. The *Personal Programmes of Study Regulations* apply in these regulations.

Admission

2. Candidates for the Postgraduate Diploma must have:
 - a) qualified for a bachelors degree of the University of Waikato, or a qualification considered by the Academic Board to be equivalent, and have completed study at an advanced level in the subject to be taken for the Postgraduate Diploma, or
 - b) demonstrated to the satisfaction of the Academic Board that they have adequate training, experience and ability to proceed with the proposed programme and
 - c) satisfied the prerequisites for graduate study in the subject(s) being taken for the Postgraduate Diploma.
3. In exceptional circumstances, based on academic merit and relevant experience, candidates who do not meet the requirements of section 2 of these regulations may be considered for admission subject to the completion of any qualifying papers the Academic Board may prescribe which must be completed, either prior to or concurrently.

Requirements for the Postgraduate Diploma

4. The normal minimum period of enrolment for completion of the Postgraduate Diploma is one year.
5. Candidates must enrol in a Faculty or School of Studies and follow an approved programme of study.
6. Candidates must gain 120 points at 500 level or above in the Postgraduate Diploma subjects.

7. Candidates must gain at least 90 points in one subject.
8. The Postgraduate Diploma subjects are:
 - a) Law (PGDip(Law))
9. The Postgraduate Diploma awarded will be endorsed in the subject in which at least 90 points are gained.

Award of Honours

10. The Postgraduate Diploma may be awarded with Distinction.

Variations

11. The Dean or delegated authority may vary or waive these regulations in individual cases.

3. INTERNATIONAL STUDENTS

In response to queries from international students a standard reply letter is forwarded from the University Enrolment Office. Waikato International provides advice on immigration, fees, and scholarships, and provides the Faculty with an assessment of the appropriate evidence of the student's competence.

Te Piringa - Faculty of Law makes all of the academic decisions relating to the admission of international students to the programmes. The Faculty informs Waikato International of the specific conditions for admission.

With regard to academic entry requirements, the same academic standards that apply to New Zealand students apply to international students. When the student has a qualification from an overseas university, a number of considerations are taken into account. These are:

- a) the academic standing of that university;
- b) the nature of the student's programme of study;
- c) references and GMAT scores;
- d) the advice of Student and Academic Services Division and of Waikato International;
- e) the student's command of the English language.

International students whose first language is not English must supply evidence that they are capable of oral and written work in English at a standard that is appropriate for advanced studies in law. This entails strong reading, writing and oral capabilities. International students can usually demonstrate that level of proficiency by obtaining an IELTS score of 6.5 overall, including a 6.0 or better in the writing band, a TOEFL score of 600 overall, with a TWE (test of Written English) of 5.5 or better, or an iBT (internet Based TOEFL) score of 100 with a writing score of 22. (See "International Students" in the University of Waikato Calendar) Other evidence may be considered on a case-by-case basis. However, in individual circumstances, the Faculty may accept other means of proof as proficiency of English, which may include completion of tertiary degrees in English. Applicants for the PhD programme will normally be expected to have higher writing scores.

Depending on their background, international students may be advised to spend one year studying the Graduate Diploma in NZ Legal Studies in order to prepare them with the research, language and writing skills needed to study law in New Zealand. Occasionally, a student may be asked to attend the University's Language Institute as a condition of attaining enrolment.

Part 2: Admission to Graduate & Postgraduate Programmes

Code of Practice

The University of Waikato has agreed to observe and be bound by the Code of Practice for the Pastoral Care of International Students. Copies of the Code are available from the New Zealand Ministry of Education website at www.minedu.govt.nz/international

Immigration

Full details of immigration requirements, advice on rights to employment in New Zealand while studying, and reporting requirements are available from Immigration New Zealand, and can be viewed on their website at www.immigration.govt.nz

Eligibility for Health Services

Most international students are not entitled to publicly funded health services while in New Zealand. If you receive medical treatment during your visit, you may be liable for the full costs of that treatment. Full details on entitlements to publicly funded health services are available through the Ministry of Health and can be viewed on their website at www.moh.govt.nz

Accident Insurance

The Accident Compensation Corporation provides accident insurance for all New Zealand citizens, residents, and temporary visitors to New Zealand, but you may still be liable for all other medical and related costs. Further information can be viewed on the ACC website at www.acc.co.nz

Medical and Travel Insurance

International students (including group students) must have appropriate and current medical and travel insurance while in New Zealand.

Further information can be found at www.waikato.ac.nz/international

4. PART-TIME STUDY

Part-time study generally consists of the equivalent of 30 points per semester. In accordance with the University Regulations relating to their particular Masters degree programme, qualified part-time students can enrol for LAWS591 dissertation (30 points), LAWS592 dissertation (60 points), LAWS593 thesis (90 points) and LAWS594 thesis (120 points) on a part-time basis. In order to be eligible for consideration for the award of honours, the requirements for the degree must be completed within one year of full-time study, or within two consecutive years of part-time study.

5. CROSS-CREDITS

The University Degree Regulations relating to the particular Masters degree programmes make it possible for students to be admitted with credit for graduate level papers taken at another University, provided that the paper **has not** been counted towards another **completed** qualification. It is the policy of the Faculty to consider a credit toward the LLM for one graduate level paper taken at another university for which the student has earned at least a B grade, or with another school/faculty within Waikato University, in place of one Level 5 Law paper. Application should be made to the Credit Office, SASD using the form "Application for Transfer Credit, Cross Credit and External Enrolment" including a payment of \$50.00. Please allow four weeks for processing.

6. PROGRAMME CHANGES, WITHDRAWAL AND RE-ENROLMENT

The regulations relating to programme changes are outlined in detail as part of the preamble to the Masters degree regulations in the *University of Waikato Calendar*. The following points should be noted:

- a) A paper may be **added or deleted** from a student's programme up until the end of the second week of the relevant semester. Students may **withdraw** from a Level 5 paper at any time before the due date for the final item of assessment.
- b) The deadline for the submission of a dissertation (LAWS591C or LAWS592C) required for a graduate degree is 52 weeks. LAWS593C (90 point thesis) or LAWS594C (120 points thesis) are normally studied over 52 weeks, but can be studied on a part-time basis over a longer period of time.
- c) Students who expect that they will not submit their dissertation or thesis by the due date, may apply to the Associate Dean – Postgraduate for an extension of time without the requirement for re-enrolment, provided that the application for an extension is lodged prior to the deadline for submission.
- d) Extensions will not normally be awarded for periods of more than 21 days beyond the relevant due date. Students who do not submit their dissertation or thesis by the end of this extension, will be liable for re-enrolment and a further payment of tuition and other fees for a period of at least one semester, and any other enrolment charges including the late enrolment charge, if appropriate.

Part 3: The Teaching and Supervision of LLM Students

1. TEACHING AND SUPERVISION

A goal of Te Piringa - Faculty of Law is to promote excellence in teaching, supervision and research at the graduate level. It strives to create an environment that encourages students to develop critical thinking and advanced research skills. To do so, only the most able teachers and supervisors in the Faculty are selected to teach at the graduate level. It is the responsibility of the Dean to assign academic staff to the programme. It is also the Dean's responsibility to ensure that the papers are taught and assessed effectively. The Dean may delegate part of this responsibility to the Associate Dean – Postgraduate, and the Graduate Studies Committee.

The Graduate Teacher/Supervisor (Taught and Research)

To ensure that high academic standards are achieved in the teaching and supervision in all graduate programmes, those teaching or supervising on graduate programmes must have adequate graduate qualifications. Adequate qualifications are deemed to be high quality LLM or Doctoral qualifications, or alternatively, sufficient teaching and professional experience combined with sufficient publications to satisfy the Dean of that staff member's ability to teach or to supervise in the graduate programmes.

Quality Assurance Processes

The Administrative Assistant, in liaison with the Associate Dean – Postgraduate, maintains a file on each student, which will include copies of the Application and Approval form by the Graduate Studies Committee;

- a) Supervision records, if applicable;
- b) Progress reports, suspensions, extensions, and changes of conditions;
- c) Recommendations for appointment of examiners.

Teachers or supervisors maintain records of the progress of the student, including a brief summary and record of any major research meetings.

2. TAUGHT LLM PAPERS

Teaching methods used may vary across the Level 5 papers offered but the work expected is comparable to a 30 point dissertation (12,500 word work product) and the following are guidelines for all papers.

a) Paper Outline

Paper outlines will normally be provided to students at the first meeting of a taught paper. The paper outline includes a description of the objectives, content, complaints mechanisms, prerequisites, required texts, workload, due dates for research proposals and assignments, and method of assessment. The Administrative Assistant will also be supplied with a copy.

b) Duration of Instruction

30 point taught papers consist of a total of 24 contact hours.

c) Staff Availability

Teachers should make themselves available by appointment or set consultation hours to see students about their work in addition to the class contact hours of instruction and, where possible, should advise students of these arrangements in their paper outlines.

Assessment

The workload in Level 5 papers of comparable weighting should be broadly comparable. Accordingly, for 30 point papers, there will normally be at least two, but not more than four, written assignments totalling 12-12,500 words. Alternatively, some Level 5 papers may include diaries, seminars, or a component for the oral presentation of the student's work, attendance and participation.

Research Proposals

Research proposals are required for all taught research papers and should be identified as assessable work in paper outlines. Before beginning a research assignment in earnest, students must submit a research proposal for approval, and, if necessary, for discussion. The purpose is to ensure that students embark on research that will lead to useful results. It is a safeguard, for both teachers and students, and helps avoid research efforts that are overbroad (a common problem), or ones that will 'bottom out' too quickly. It will reveal the existence of underlying issues, perhaps theoretical or contextual ones, that did not appear at first sight, but that require exploration. It requires students to become familiar with the existing literature on the subject, so that they do not repeat work that has already been done, and so that student's work is current. It requires students to consider what material they will need. Some material may not be available through the Law Library, or may be held confidentially.

Part 3: The Teaching and Supervision of LLM Students

Content

Research proposals are likely to include the following:

- a) A one-paragraph Statement – the purpose of the proposed paper.
 - The exercise of writing a simple sentence stating what the purpose is, compels you to identify with precision just what you intend to do – or what your central proposition or 'thesis' is. This is quite different from a general enthusiasm for work in an area of law.
- b) An outline of the parts and sections of the proposed paper:
 - This takes the form of an expanded, annotated draft table of contents.
- c) An Interim Bibliography:
 - It should be annotated as to the availability, content, and usefulness of each item. It should be sufficient to demonstrate that you have come to grips with the basic materials.
- d) In some circumstances, additional material will be required, eg a timetable for the attainment of different objectives, a section on methodology, or an outline of ethical issues. A research proposal will often be 1,000 words long.

The research proposal is not binding. Research work inevitably keeps changing, right up to its completion. The process of putting a proposal together verifies that you have found at least one project that appears to be viable, and have begun to think systematically about the issues it raises.

Research Proposal Marking Criteria

Focus and Structure: Clarity in the definition of the topic; Conciseness and accuracy in the identification of issues; Logic and clarity of organisational structure.

Scholarship and Analysis: Use of theoretical and contextual scholarship; Legal analysis; Evidence of wide ranging independent research; Relevance of sources and quality of annotations.

Presentation and Style: Lucidity and cogency of the discussion of the material; Precision of language and of style guide compliance. Compliance with page limits, appropriate spacing and font, etc.

Note(s): *Human Subject Research Ethics Approval needed?*

Ethics Approval

The Faculty is supportive of human research, which includes the surveying or interviewing of individuals, members of various groups, or the wider community. However, those who wish to engage in such research require the prior approval of the Faculty's Human Research Ethics Committee. Please contact the Administrative Assistant for application forms or you may access the appropriate forms from the Law Faculty website. Those who wish to conduct research involving the Māori community must consult with the Faculty's Te Piringa Committee and adopt such steps as are recommended by it to obtain approval for such research. In cases of doubt or difficulty, the Faculty's Human Research Committee may refer the matter to the University Human Research Ethics Committee. All applications for ethics approval should be reviewed and responses returned within two weeks.

Oral Presentations of Research Project

Many taught LLM papers include a requirement that the student prepare and deliver an oral presentation of the work of their research project. These help hone the students focus on their work, develop collegial research skills, and develop communication skills.

Sample Marking Guide for Graduate Presentations

Focus and Structure of Presentation

Introduction: Introduction of the subject, preview of main ideas.

Content: Development of the main points with supporting facts, examples, ideas and/or arguments you want to give. Quality of Information and Depth of Scholarship. Use of transitions to help the audience follow the development of ideas. Logical flow.

Conclusion: Provision of a crisp clear summary of main points, extent to which central idea was re-emphasized in a memorable way, provision of closure, ability to motivate the audience to respond with questions/comments.

Presentation delivery: Lucidity of the discussion of relevant material; ability to hold interest and help with understanding, extent to which thesis statement and question was made memorable; confidence with material showing evidence of preparation. Time-keeping and management of discussion.

New Zealand Law Style Guide

Assignments, dissertations and theses layout must comply with the *New Zealand Law Style Guide*, which is available from Bennetts, at an approximate price of \$18.90. An online copy is linked from the Law Student homepage www.waikato.ac.nz/law/student

Feedback on Drafts

Lecturers will provide students with feedback on one draft of their work. Students must leave sufficient time for the teacher/supervisor to do so, two weeks as a minimum. Lecturers cannot be expected to edit or rewrite student work. Any review of work completed does not provide a guarantee of any particular grade. The student bears full responsibility for the final work submitted for assessment.

Part 3: The Teaching and Supervision of LLM Students

Sample Marking Criteria for a Written Research Work Product

Focus and Structure: Clarity in the definition of the topic; conciseness and accuracy in the identification of issues; logic and clarity of organisational structure.

Scholarship and Analysis: Appropriate use of theoretical and contextual scholarship; skilful legal analysis; evidence of wide ranging and thorough independent research; originality.

Presentation and Style: Lucidity of the discussion of the material; cogency of prose and argument; precision of compliance with the New Zealand style guide.

General: Work submitted for Master's papers must demonstrate: the ability to engage in critical analysis of the law, in the particular context relating to the question posed; the ability to recognize and to make appropriate comparisons, and the ability to identify and discuss core legal concepts in a thoughtful, supported and original manner.

Internal Assessment of Assignments for Taught Papers

The teachers of the Level 5 papers should deliver around 25% of a representative sample of the course work from students in their Level 5 papers to the Administrative Assistant no later than five working days after the due date for students completing the work. A copy of the cross-assessment report shall be delivered back to the Administrative Assistant no later than five working days from the date it was delivered to the cross-assessor. Any significant disparities in marks between the teacher/supervisor and cross assessors shall be referred to the Associate Dean – Postgraduate.

Presentation and Submission of Internal Assessments

Unless otherwise directed, work is submitted by the specified deadline, online via Moodle. Students must ensure:

- a) Unless the student is otherwise advised, all work submitted includes the following information, clearly marked on the first page:**
- Assignment title – where the assignment allows the student a choice of question or topic, the question or topic must appear on the cover sheet along with:
 - Name of student
 - Student ID
 - Paper number and name
 - Stream (if applicable)
 - Tutorial Group (if applicable)
 - Name of Lecturer/Tutor
 - Due Date
 - A template for the first page is available at www.waikato.ac.nz/law/online/resources/compfile/
 - (additional requirements on eg length by pages or by word count (and for instance if footnotes are to be included) can be inserted here or in the assignment handout).

b) Handing in, marking time and collection

Assignments must be submitted electronically through Moodle <http://elearn.waikato.ac.nz>

If you require assistance with Moodle, or encounter any problems, please contact the Help Desk. You can send a message to Help Desk by using the instant message service in your paper (from the participants list within the People block). Alternatively, you can email them directly at help@waikato.ac.nz or phone 07 838 4008.

***Note(s):** Emailing of assignments directly to lecturers is not permitted. Assignments Must BE SUBMITTED through Moodle, emailing of assignments to lecturers will not count AS SUBMISSION.*

c) Electronic submission of assignments

- All assignments are to be submitted electronically. To submit your assignment electronically, follow these five easy steps:
 1. **Log On**
 - Go the Moodle website <http://elearn.waikato.ac.nz>
 - You will need to log on to the Moodle site using your university logon and password.
 - A list of all your law papers will be displayed.
 2. **Navigate**
 - Click on the appropriate paper.
 - You will see the "Assignment Post Box".
 - Click on the Assignment title. You will see a description of the assignment.
 3. **Upload**
 - Click "Choose File".
 - Browse the available files and select your assignment.
 - Click "Choose".
 - Click "Upload this File". The file is uploaded to "Submission Draft".
 - Click edit under "Notes" and enter a word count in the notes field, and click "Save Changes". This information will be added to your cover sheet.

Part 3: The Teaching and Supervision of LLM Students

4. Submit for Marking

- The assignment name will appear under "Submission Draft".
- You should open the file and check it is the correct file and version you wish to submit for marking.
- You can delete and change the file at this stage.
- Students must click "Send for Marking" under heading "Final Submission for Assignment Marking".
- Students may be required to add additional information for the automatically generated cover sheet, please follow the online instructions.
- Students will be required to accept the following statement relating to plagiarism:
I certify that this assignment is all my own work and does not include any copying or paraphrasing of another person's work. Where I have referred to another person's work I have referenced appropriately. I understand that this assignment may be submitted to a web-based plagiarism detection tool and give permission for the assignment to be used in that way. I certify that no part of this assignment has already been counted for assessment in this paper or any other paper. Once the assignment is sent for marking, you will no longer be able to delete or attach file(s). Do you want to continue?
To submit electronically you must accept this statement and should be aware that in accepting this, you are allowing your assignment to be submitted to, and become part of, a web-based plagiarism database. You are not required to submit a printed copy of your assignment. If you do not accept this plagiarism statement by clicking the "Yes" button your assignment will not be submitted for marking.

5. Receipt

- Upon submission for marking, students will receive an email receipt which will contain a unique alphanumeric identifier. Save or print this email as it is proof of receipt of the assignment.
- It is this Faculty's policy to mark course work within five weeks. All assessed course work is to be collected from the Law Faculty Resource Room.

Graduate Assessment Schedule

The following is the grade structure and numerical equivalence operation at the University of Waikato:

A+	85-100	RP	Restricted pass
A	80-84	P	Ungraded pass
A-	75-79	D	40-49
B+	70-74	E	0-39
B	65-69	F	Ungraded fail
B-	60-64		
C+	55-59		
C	50-54		

A) Written work:

1. **A+, 85 - 100%:** Clear evidence of significant reading beyond basic texts of first reference; originality or new interpretation; all major points identified and responded to in a convincing and persuasive manner, alternative arguments are canvassed and convincing reasons advanced for their not being favoured; nearly all difficult issues are identified; flawless prose and organisation. Attention may be paid to the scope of the project undertaken (credit may be given for attempting more challenging projects).
2. **A, 80%:** Most of the requirements for an A+.
3. **A-, 75%:** As for B+, together with several of the requirements of an A+.
4. **B+, 70%:** As for B, but with more difficult issues solved and a good standard of writing.
5. **B, 65%:** Presents the main points in a manner that indicates understanding and a degree of confidence and control over the subject matter. No confusion over core concepts. Some difficult issues identified and answered. Good prose. Dissertation is well organised, structural headings and sub-headings make sense and are informative. No irrelevant material.
6. **B-, 60%:** As for B, but inferior in one or two respects. No confusion.
7. **C+, 55%:** As for C, but with little confusion and more issues identified and answered. Some irrelevant material tolerated.
8. **C, 50%:** Essential points identified and presented. Some confusion tolerated. Probably half of the relevant issues identified.

B) Oral presentation:

1. **Form:** Voice, language, confidence, timekeeping, adherence to protocol, and perceived effect of presentation.
2. **Substance:** Issue analysis, structure, order of priorities, ability to respond to questions, and perceived validity of presentation.

Part 3: The Teaching and Supervision of LLM Students

Assignment Feedback

Students may reasonably expect their marked assignments returned within five weeks of due dates. Graded assignments may be accompanied by comments explaining the grade awarded. The teacher or supervisor should also be available for discussion.

Final Date

All course work must be completed by the dates specified in the relevant Level 5 paper outlines.

Extensions

Application forms for extensions for course work are available from the Resource Room. Extensions for course work will be granted by the lecturer only on evidence of illness, accident, bereavement or other similar reasons. Before granting an extension, the staff member concerned will take account of the time which the student initially had available to complete the course work. For example, if the event causing the request for an extension happened close to the deadline for presentation, and the work had been assigned several weeks or months beforehand, then the time for the extension will be sufficient to enable the work to be written up, but no more. Otherwise the student will be considered to have an unfair advantage over the other students. A maximum period of 14 days will be given as an extension unless there are exceptional circumstances.

Where an extension is granted, the lecturer will sign the form and the student will hand this into the resource room, where it will be forwarded to the Graduate Administrative Assistant who will attach the form to the assignment after the second printing from Moodle (2 weeks after the due date).

It should be noted that if an extension of longer than 14 days is granted, the assignment will not be automatically printed out and delivered to the lecturer therefore the student must make his or her own arrangements with the lecturer.

The staff member will record in writing and lodge on the student's Faculty file the reasons for the extension and the period given. Students are advised that a record is kept of each application for extension and special consideration. Where a student's record reveals repeated applications, the matter will be referred to the Dean.

Review of Mark

If a student requires a re-mark on an internal assessment, clear reasons must be stated. A form for this purpose is available from the Resource Room. The re-marking will be undertaken by another lecturer; if no lecturer is available, the matter will be referred to the Chief Examiner/Associate Dean. A student who prefers not to approach the lecturer of the paper about a re-mark should submit the form and research paper to the Administrative Assistant. For University policy and procedure on appeals against grades, see the *University of Waikato Calendar*.

3. RESEARCH MASTERS PAPERS

These consist of:

- a) Dissertation LAWS591C (1-paper, 30 points) and LAWS592C (2-paper, 60 points)
- b) Thesis LAWS593C (3-paper, 90 points) and LAWS594C (4-paper, 120 points)

The Regulations for the Degree of Master of Laws allow dissertations (the equivalent of one (30 points) or two (60 points) Level 5 taught papers) and a thesis (the equivalent of three (90 points) or four (120 points) Level 5 papers).

A dissertation may be taken in place of one or two of the four taught papers. In either case, enrolment will be subject to the definition of a research subject that can be adequately supervised in the Faculty.

In the thesis-only option, the research findings are presented in the form of a major thesis which is weighted as equivalent to either three or four Level 5 papers and is, therefore, considered as the result of the equivalent of one year's work by a research student. Students are required to enrol for a minimum of two semesters of full-time study, or a maximum of four consecutive semesters of part-time study.

There are academic preparedness and other restrictions which apply to research masters papers.

Exceptional circumstances are required for students to enrol in more than one dissertation to meet the requirement of their LLM. Such circumstances could include student interest in several widely divergent topics which are not covered by taught papers.

Part 3: The Teaching and Supervision of LLM Students

Research Options

There are several ways to conduct research for your LLM:

- » 120 point (4 paper) thesis
- » 90 point (3 paper) thesis
- » 60 point (2 paper) dissertation
- » 30 point (1 paper) dissertation

120 Point Thesis

Maximum 50,000 words.

The LLM degree thesis requires completion of a full-length research thesis on a topic approved by the Graduate Studies Committee.

Approval to undertake the degree by thesis is normally given only where the student has completed the LLB degree and has a grade point average of B+ or equivalent.

Approval from the Law Graduate Admissions Committee is required prior to enrolling.

90 Point Thesis

Maximum 38,000 words.

The LLM degree may be completed by one 30 Level 500 taught paper and a 90 point thesis (LAWS593) on a topic approved by the Graduate Studies Committee.

Approval to undertake the degree by thesis is normally given only where the student has completed the LLB degree and has a grade point average of B+ or equivalent.

Approval from the Law Graduate Admissions Committee is required prior to enrolling.

60 Point Dissertation

Maximum 25,000 words.

Students may complete a 60 point dissertation as part of the LLM degree.

Approval to undertake part of the degree by dissertation is normally given only where the student has completed the LLB degree and has a grade point average of B+ or equivalent.

Approval from the Law Graduate Admissions Committee is required prior to enrolling.

30 Point Dissertation

Maximum 12,500 words.

Students may complete a 30 point dissertation as part of the LLM degree.

Approval to undertake part of the degree by dissertation is normally given only where the student has completed the LLB degree and has a grade point average of B+ or equivalent.

Approval from the Law Graduate Admissions Committee is required prior to enrolling.

Dissertation and Theses

Masters degrees pursued through Te Piringa - Faculty of Law may involve coursework as well as a dissertation, or it may be by thesis only. The term 'dissertation' and 'thesis' essentially mean the same thing – the differences between them are in scope, depth, or length. At this University, the term 'dissertation' refers to the smaller piece of work, and the term 'thesis' to a more substantial project. Apart from the difference in the length, depth, and scope of work, the requirements and format for dissertations and theses are generally the same.

An LLM thesis is the outcome of independent research and scholarship conducted under qualified supervision with the aim of introducing the student to the collection, extension and/or analysis of knowledge.

It is distinguished by the relevance of the arguments to the student's discipline, the quality of the evidence collected, how it is employed, and the light it sheds on current disciplinary concerns and interests.

The final results of an LLM thesis should demonstrate the student's ability to:

- » master the theoretical paradigms of the discipline;
- » identify and evaluate relevant literature and other forms of information;
- » design a well-structured, relevant and integrated plan of research;
- » implement a research plan using appropriate methods of research and analysis;
- » reach logical conclusions informed by a combination of the student's own investigations and other available information.

The thesis shall be presented in a clear, accurate and succinct form suitable for examination. A copy of the thesis should be deposited in hard copy or electronic form in an appropriate archive of the educational institution.

Dissertation and thesis research in law can vary. The best way to become familiar with this form of scholarship is to read examples of theses or dissertations. Students are strongly advised to do this before embarking on their research proposals.

LLM Students: Dissertation or Thesis?

For LLM students, the first decision is whether to write a thesis or a dissertation. Students should consider a 120 point (4-paper) thesis if: they have an LLB(Hons); the project is large; they are very focused, committed as a scholar and passionate about their topic; they are an independent scholar; or they wish to pursue an academic career.

Students should consider a 60 point (2-paper) dissertation if: they have a B average in the LLM or a B+ average in the LLB; their project is smaller; or they want to include more coursework.

Part 3: The Teaching and Supervision of LLM Students

Structure of a Dissertation or Thesis

A thesis or dissertation shall be a carefully written exposition of the research a student undertook under supervision. It should:

- » critically investigate the topic;
- » demonstrate an appropriate level of expertise in the methods of research and scholarship;
- » demonstrate the independent development of ideas relevant to the topic;
- » present the results lucidly in a manner that makes a contribution to the subject area concerned.

It should normally include the following:

- » A clear outline of the research question to be addressed and the theoretical, contextual, or disciplinary basis of the student's research, and provide an overview of the rest of the thesis;
- » It should also develop the arguments in a sustained and coherent manner, and these should be brought to a conclusion.

It is important for students and their supervisors to realise that the written thesis, with careful argument and presentation, is a fundamental part of the evidence that the student is, or is not, worthy of the award of the degree. No matter how good the student's research may be, it is an essential condition for the award of the degree that the research be presented in a well-written thesis that clearly justifies the student's research methods and conclusions.

In addition to the above, the student's written thesis will normally contain:

- » an abstract;
- » a table of contents;
- » a table of cases and statutes considered;
- » a detailed description of the student's research, findings, data, and overall conclusion of the thesis;
- » a bibliography;
- » indices (of important words, phrases, and symbols) and/or glossaries as appropriate.

A 120 point thesis has a maximum of 50,000 words; a 90 point thesis not more than 38,000 words; a 60 point dissertation not more than 25,000 words and a 30 point dissertation not more than 12,500 words. These word limits include the proposal, the research paper and footnotes. They exclude the bibliography and appendices.

Full information concerning the form and style of theses is given in the booklet *Guide to the Presentation of Theses at The University of Waikato* available from the Library or on its website. Refer also to the regulations set out in the *University of Waikato Calendar*.

Language

Theses will normally be written in English, but a student may request permission to submit a thesis written in Māori.

Students may submit a thesis in a language other than English or Māori only with the permission of the Faculty. Such permission will normally be given only where the use of the language is appropriate to the topic of the thesis, and examiners can be appointed who will examine in that language.

Theses submitted in any language (including English) are expected to conform to the normal standards of presentation (grammar, spelling, and style) in that language.

Supervision

The Associate Dean – Postgraduate shall obtain from the Dean the list of staff potentially available to be supervisors at the commencement of each semester based on workload considerations. The Faculty does not warrant that it can provide supervision in all areas of law. Student decisions about enrolling for a thesis or dissertation, and about their research plans, must be taken in the light of the Faculty's capability to provide appropriate expert supervision.

Students are encouraged to begin a process of discussion about finding a suitable supervisor for their work with likely staff members as soon as possible and then discuss their supervision with the Associate Dean – Postgraduate. Once a research proposal has been completed by students, they must complete the appropriate supervisory approval form to be signed by both supervisor and student. This form and research proposal is placed on the student's file. If the student changes supervisors, the form must be amended.

Monitoring

Aside from the more specific obligations determined by the student and the supervisor through the research proposal or their own negotiated agreement, the basic points Te Piringa - Faculty of Law insists upon are:

- a) In general, students should consult their supervisors regularly (normally at least monthly) concerning the progress of their research;
- b) While academic staff have significant supervisory obligations, ultimate responsibility for the personal programme of study lies with the student. It is the obligation of the student to come to the supervisor for discussions and review of work;
- c) The chief supervisor shall take the initiative in establishing regular supervision meetings with the student, and shall report at the end of each semester to the Graduate Studies Committee on progress of the student.

Academic staff and students shall use the meeting agreement form as the basis for establishing a supervisory relationship. Flexibility in the actual use of forms is quite acceptable based on an agreement between the supervisor and the student.

The requirements for Research Proposals, Ethics Approval, if necessary, feedback on drafts and other supervisory matters are identical to those outlined previously in relation to research undertaken in taught LLM papers.

Part 3: The Teaching and Supervision of LLM Students

Completion Dates

The completion dates of dissertations and theses are covered by the Regulations for the Master of Laws in the Calendar. Broadly, dissertations and theses are due 26 weeks (for a 30 point paper over one semester of study) or 52 weeks (one year) after enrolment is approved by the Faculty, although a 21-day extension may be obtained by formal application and approval by the Associate Dean – Postgraduate.

A student who fails to submit a dissertation or thesis within this time-frame, will be required to re-enrol.

Completion – the Technical Form

The preparation of dissertations and theses must follow the Regulations Governing the Presentation of Theses and Dissertations, as prescribed in the *University of Waikato Calendar*. To assist this process, a *Guide to the Presentation of Theses at the University of Waikato* is available from the Reference Desk of the University Library. It is the student's responsibility to pay for and organise copies of dissertations and theses, and to complete copyright and confidentiality formalities for the University Library.

90 and 120 Point Theses

When a thesis is ready for examination, three bound copies must be submitted by the student to the Assessment Office, if it is a first Masters thesis, or to the Postgraduate Studies Office, if it is an MPhil or Doctoral thesis. The thesis must be accompanied by a declaration, signed by the student's chief supervisor, stating:

- a) whether the thesis is, in the supervisor's opinion, ready for examination; and
- b) that the thesis embodies the student's own work, carried out under the supervisor's direct supervision.

At the time of submission of the thesis in fully-bound form, the student must also submit a digital copy of the thesis.

After examination, one copy is lodged in the University Library and one copy is retained by the Faculty. The third copy is returned to the student.

Submission of Dissertations

As students are individually supervised and submit assignments on different dates the Law Faculty automated print service is not available for this paper. The students are required to submit their research proposal and research paper in both hard copy and electronically.

Electronic submission to the Administrative Assistant, email barbaraw@waikato.ac.nz

Two hard copies of a dissertation must be submitted to the Administrative Assistant. Dissertations are not required to be bound, (black spiral binding and plastic covers acceptable) but must be formatted and presented in accordance with Faculty policy. The supervisor examines one copy, and the other copy is forwarded to the external examiner.

Assessment

The marking (including external cross-assessment) of a dissertation or thesis should take no longer than eight weeks.

Assessment of Dissertations and Theses

30 and 60 point dissertations and 90 and 120 point are externally assessed. The member of staff who has been supervising a dissertation or thesis, is responsible for making a recommendation for approval to the Associate Dean – Postgraduate of a particular person to act as external examiner.

They should also make preliminary inquiries about the willingness of the external person to examine the work in question. All supervisors should give timely advice on the names of possible external examiners to the Administrative Assistant and Associate Dean – Postgraduate.

Although the supervisor is likely to make initial contact with a prospective external examiner, it will be the responsibility of the Associate Dean – Postgraduate and Administrative Assistant to write to the external examiner to confirm and formalise the arrangement. The external examiner must have either adequate qualifications or experience. This process should, as far as possible, be done with confidentiality between the student and the external examiner.

The assessment criteria are the same as those set out on pages 22 and 25.

Determining the Grade

The external examiner(s) and the internal examiner (supervisor) are required to provide independent reports to the Associate Dean – Postgraduate. If there is any difference in the grades recommended, the Associate Dean – Postgraduate negotiates a compromise. No indication of grade should be given to the student until any unresolved difficulties over the mark are resolved. If the examiners are unable to agree on a grade, and the Associate Dean – Postgraduate is unable to mediate a consensus, the matter is referred to the Graduate Examiners' Meeting.

Examiners' Committee

On receipt of the reports from the examiners, an Examiners' Committee comprising the Associate Dean – Postgraduate/Research, the supervisor and the Dean will be convened to decide on a grade for the paper. At the discretion of the Associate Dean – Postgraduate, other members of the Graduate Studies Committee may be made members of the examining committee. The examining committee should comprise of at least three individuals. If the Examiner's Committee is unable to reach a consensus, the matter should be referred back to the Graduate Studies Committee.

Extensions

A maximum 21 day extension may be obtained by formal application and approval by the Associate Dean – Postgraduate unless there are exceptional circumstances. A student must first obtain permission from the supervisor. A student who fails to submit a dissertation or thesis within this time frame, will normally be required to re-enrol or given an IC.

Part 3: The Teaching and Supervision of LLM Students

4. REVIEW OF LLM PROGRAMMES

The academic programmes of study taken by all students are systematically reviewed. Reviews shall consist of three parts:

- a) Each staff member must provide all students with a paper evaluation opportunity. TDU are the recommended source for the necessary evaluations. Each staff member should review and evaluate their papers;
- b) Prior to the end of each academic year, the Associate Dean – Postgraduate, in consultation with Level 5 teachers and supervisors, reviews the personal academic programmes of all LLM and LLM(Māori/Pacific & Indigenous Peoples) students taught in that year;
- c) An overall LLM and LLM(Māori/Pacific & Indigenous Peoples) review by the Associate Dean – Postgraduate will be conducted of all Law 5 taught papers. The report of the Associate Dean is presented to the Graduate Studies Committee and includes information relating to the number of Level 5 papers offered, the number of staff and students involved, and the overall grade distribution. The qualitative information provided also includes the Associate Dean’s comments on the programme as a whole and any comments made by external moderators. The overall review considers the deletion, and/or the addition of new papers to the graduate programmes.

The Graduate Studies Committee considers any issues arising, and any suggestions for revision of policy and procedures relating to the Level 5 papers.

5. COMPLETION AND THE AWARD OF HONOURS

The following procedures apply to the grading and completion for all LLM programmes:

- a) Provisional grades should be submitted to Examinations as soon as possible after the paper(s) is/are completed. These grades are recommended by the Associate Dean – Postgraduate, and approved by the Graduate Studies Committee Examiners’ meeting;
- b) Before submission to Examinations, provisional grades are to be reviewed and confirmed by the Graduate Studies Committee Examiners’ meeting and a decision is made on the award of Honours;
- c) The LLM degrees are awarded with Honours. The grade average across all papers required for the different classes is:

• First Class Honours	A- to A+ grade	(75-100%)
• Second Class (first division)	B+ grade	(70-74%)
• Second Class (second division)	B grade	(65-69%)
- d) The Administrative Assistant co-ordinates the submission of grades to Examinations. All grades in taught courses must be submitted before the end of the academic year (mid-July or mid-December). Grades must be submitted before the advertised deadline in January if the student is to take part in the May graduation ceremony.

Part 4: Higher Degree Study

1. INTRODUCTION

The academic requirements, standards, process of supervision and the administration of higher degrees (MPhil, PhD, SJD and LLD) are overseen by the Postgraduate Studies Committee of the University. Reference may be made to the "Regulations for the Degrees of Master of Philosophy, Doctor of Philosophy, Doctor of Juridical Science, and Doctor of Laws" in the *University of Waikato Calendar*; and to the *Higher Degrees Handbook* which is available from the Postgraduate Studies Office, email postgrad@waikato.ac.nz

2. ADMISSION

To qualify to enrol in a research degree all candidates are expected to:

- a) have qualified for the award of a bachelors degree with honours or a masters degree, and must have achieved first or second class honours (first division) or distinction; or
- b) have passed qualifying papers at a satisfactory level; or
- c) in exceptional circumstances have produced other evidence to the satisfaction of the Postgraduate Studies Committee that he or she has adequate skills and knowledge to proceed with the proposed research.

Alternatively, a candidate for a PhD may:

- a) have met the academic requirements for the award of the degree of Master of Philosophy; or
- b) have enrolled for the degree of Master of Philosophy and during the period of enrolment in that degree demonstrated the ability to transfer to the PhD.

Candidates should provide with their application:

- a) a 10 page proposal including a 2-3 page bibliography of their area of proposed research;
- b) certified copies of their transcripts of previous tertiary education with degrees and grades for courses clearly presented;
- c) a curriculum vitae;
- d) at least two confidential referee reports commenting on the applicant's scholarly capabilities for doctoral studies;
- e) supporting references from employers, if appropriate;
- f) a statement of their reasons for doing a PhD/SJD/LLD.

Candidates are also expected to be able to demonstrate sufficient research experience and knowledge of research methodology.

Part 4: Higher Degree Study

3. PROGRAMMES OF STUDY

Master of Philosophy (MPhil)

The MPhil degree is appropriate for students who wish to develop their capability for sustained and advanced scholarly research, and who already possess the ability to carry out research on an independent basis. The MPhil normally requires three years of full-time study, although it may be completed part-time.

Entry Criteria

The University's Higher Degrees Committee administers the MPhil degree, and enrolment requires that committee's approval. The subject for an MPhil thesis must be defined and developed in close consultation with relevant staff in the Faculty. Enrolment is available to candidates who have completed an LLB(Hons) or LLM degree.

Course Requirements

The research findings are presented in the form of a major thesis. MPhil research is conducted under the supervision of a panel which includes members of the academic staff, and in some cases, others from outside the university who have special expertise in the particular thesis topic.

Regulations for the Degree of Master of Philosophy

1. The Degree is awarded to candidates who have successfully completed approved and supervised research, and presented the results lucidly in a thesis which:
 - a) critically investigates an approved topic of substance and significance, and
 - b) demonstrates expertise in the methods of research and scholarship, and
 - c) displays intellectual independence, and
 - d) makes a substantial original contribution to the subject area concerned and is of publishable quality.
2. To qualify to enrol for the MPhil, a candidate must:
 - a) have qualified for the award of a bachelors degree with honours or a masters degree, and must have achieved at least second class honours (first division) or distinction, or
 - b) have passed qualifying papers at a satisfactory level, or
 - c) in exceptional circumstances have produced other evidence to the satisfaction of the Postgraduate Studies Committee that he or she has adequate skills and knowledge to proceed with the proposed research.
3. Applicants for the MPhil must apply on the prescribed form which is available from the Postgraduate Studies Office.
4. Applications for admission to the MPhil and the conditions of enrolment are subject to approval by the Postgraduate Studies Committee under delegated authority of the Academic Board.

5. As one of the preconditions for the approval of an application, the Postgraduate Studies Committee will establish that the necessary supervision and resources can be provided for the chosen topic. If either prior to, or at any time during the study period the University encounters staffing or resource difficulties beyond its control which impact on the availability of resources or supervision for a student's MPhil research, it will make all reasonable efforts, within budget and staffing constraints, to provide satisfactory arrangements so as not to disadvantage any affected student. Because of the specialist nature of research and supervision at this level, however, the University cannot guarantee that under such circumstances, a student's conditions of enrolment will not be subject to change.
6. For each MPhil candidate, the Postgraduate Studies Committee appoints a supervisory panel, one member of which is a continuing staff member of the University and the chief supervisor.
7. Candidates whose applications to enrol for the MPhil are approved by the Postgraduate Studies Committee must enrol in the relevant Faculty or School of Studies and, subject to satisfactory progress, pursue their research for:
 - a) at least one year, if they are enrolled on a full-time basis, or
 - b) at least two years, if they are enrolled a part-time or mixed mode basis.
8. Enrolment is approved, in the first instance:
 - a) for a maximum of two years if the candidate is enrolled on a full-time basis, or
 - b) for a maximum of four years if the candidate is enrolled on a part-time or mixed mode basis.
9. Candidates may apply to the Postgraduate Studies Committee for extensions of enrolment.
10. The Postgraduate Studies Committee has authority to terminate the enrolment of a candidate at any time if the candidate fails to demonstrate satisfactory progress or comply with any regulations or policies which relate to enrolment for the Degree.
11. A candidate may apply to the Postgraduate Studies Committee for a suspension from enrolment for a maximum of one year. A candidate is not entitled to access to supervision or any University resources during a period of suspension.
12. Candidates must submit six-monthly reports on the progress of their research work.
13. An MPhil thesis may consist of either published or unpublished material, or a combination of both and must be presented within the term of enrolment.
14. A candidate must indicate in the thesis any part that has been used or presented for any other degree.
15. Candidates must comply with the Dissertations and Theses Regulations 2006 which set out the University's requirements with respect to the submission and presentation of theses.
16. The Postgraduate Studies Committee appoints an examiner who is external to the University and not directly connected with the candidate or the candidate's research.

Part 4: Higher Degree Study

17. The Postgraduate Studies Committee makes a final decision on the award of the Degree. On the basis of the final report of the examiner, the Postgraduate Studies Committee will resolve either:
 - a) that the thesis be accepted in its present form as fulfilling the requirements for the degree of Master of Philosophy, or
 - b) that the thesis be accepted as fulfilling the requirements for the degree of Master of Philosophy subject to the candidate undertaking minor amendments and/or correcting typographical errors as required by the examiner, to the satisfaction of the chief supervisor, or
 - c) that the thesis be accepted subject to the candidate completing substantial amendments to the satisfaction of the examiner or the chief supervisor, provided that these amendments are not so substantial as to necessitate re-submission and are completed within six weeks, or
 - d) that an oral examination of the candidate be conducted, and a further report, based on the oral examination, be provided by the examiner to the Postgraduate Studies Committee, or
 - e) that the thesis is not acceptable in its present form and will be returned to the candidate, who may revise it and re-submit it for examination after a re-enrolment for a minimum period of six months, or
 - f) that the candidate has failed to meet the required standard and that no degree be awarded.
18. A candidate will be permitted to revise and re-submit a thesis only once.
19. Candidates who have concerns about standards of supervision or who wish to appeal against any process or decision of a supervisor, pro-Dean, Dean, or the Postgraduate Studies Committee with respect to their registration or the examination process may do so in writing to the Chairperson of the Postgraduate Studies Committee. If the matter is not resolved by the Chairperson of the Postgraduate Studies Committee to the satisfaction of the candidate, the candidate may refer his or her appeal to the Vice-Chancellor. The Vice-Chancellor will appoint a person or panel to investigate and will make a final decision based on the report of that person or panel.
20. These regulations may be varied or waived by the Postgraduate Studies Committee under delegated authority of the Academic Board.

Doctor of Philosophy (PhD)

The PhD degree is appropriate for students who wish to develop their capability for sustained and advanced scholarly research, and who already possess the ability to carry out research on an independent basis. The PhD normally requires three years of full-time study, although it may be completed part-time.

The research findings are presented in the form of a major thesis. PhD research is conducted under the supervision of a panel which includes members of the academic staff, and in some cases, others from outside the university who have special expertise in the particular thesis topic.

The regulations below set down the requirements for award of the PhD degree.

Formal policies and procedures related to enrolment and examination for the PhD are set out in the *Higher Degrees Handbook*, which also includes information about administration matters and is available at www.waikato.ac.nz/sasd/postgraduate

Both regulations set out below and the formal policies and procedures set out in the *Handbook for the Master of Philosophy and Doctorates at the University of Waikato* are administered by the University's Postgraduate Studies Committee by delegated authority of the Academic Board. Any changes to these regulations, or to the formal policies and procedures, are subject to approval by the Academic Board.

Regulations for the Degree of Doctor of Philosophy

1. The Degree is awarded to candidates who have successfully completed approved and supervised research, and presented the results lucidly in a thesis which:
 - a) critically investigates an approved topic of substance and significance, and
 - b) demonstrates expertise in the methods of research and scholarship, and
 - c) displays intellectual independence, and
 - d) makes a substantial original contribution to the subject area concerned and is of publishable quality.
2. To qualify to enrol for the PhD, a candidate must:
 - (a) have qualified for the award of a bachelors degree with honours or a masters degree, and must have achieved at least second class honours (first division) or distinction, or
 - (b) have qualified for the degree of Master of Philosophy, or
 - (c) have enrolled for the degree of Master of Philosophy and demonstrated that he or she is able to transfer to the PhD, or
 - (d) have passed qualifying papers at a satisfactory level, or
 - (e) in exceptional circumstances have produced other evidence to the satisfaction of the Postgraduate Studies Committee that he or she has adequate skills and knowledge to proceed with the proposed research.
3. Applicants for the PhD must apply on the prescribed form which is available from the Postgraduate Studies Office.
4. Applications to enrol for the PhD and the conditions of enrolment are subject to approval by the Postgraduate Studies Committee under delegated authority of the Academic Board.

Part 4: Higher Degree Study

5. As one of the preconditions for the approval of an application to enrol, the Postgraduate Studies Committee will establish that the necessary supervision and resources can be provided for the chosen topic. If either prior to, or at any time during the study period the University encounters staffing or resource difficulties beyond its control which impact on the availability of resources or supervision for a student's PhD research, it will make all reasonable efforts, within budget and staffing constraints, to provide satisfactory arrangements so as not to disadvantage any affected student. Because of the specialist nature of research and supervision at this level, however, the University cannot guarantee that under such circumstances, a student's conditions of enrolment will not be subject to change.
6. For each PhD candidate, the Postgraduate Studies Committee appoints a supervisory panel. Each PhD candidate must have a minimum of two supervisors, one of whom is a continuing staff member of the University and the chief supervisor. Normally, the second member of the panel is also a continuing staff member of the University.
7. Candidates whose applications to enrol for the PhD are approved by the Postgraduate Studies Committee must enrol in the relevant Faculty or School of Studies and, subject to satisfactory progress, pursue their research for:
 - a) at least two years, if they are enrolled on a full-time basis, or
 - b) at least four years, if they are enrolled on a part-time or mixed mode basis.
8. Enrolment is approved, in the first instance:
 - a) for a maximum of four years if the candidate is enrolled on a full-time basis, or
 - b) for a maximum of eight years if the candidate is enrolled on a part-time or mixed mode basis.
9. Enrolment of all new candidates for the PhD approved by the Postgraduate Studies Committee is conditional for an initial period of six months. Confirmation of enrolment by the Postgraduate Studies Committee after the initial period of six months is subject to the submission by the candidate of:
 - a) an acceptable research plan, and
 - b) a report by the supervisors recommending confirmation of enrolment, and
 - c) evidence of ethical approval or a statement confirming that it is not required, in accordance with the Human Research Ethics Regulations 2005.
10. Candidates may apply to the Postgraduate Studies Committee for an extension to the conditional enrolment period of up to six months. If the candidate's enrolment is not confirmed within 12 months of initial enrolment it will be terminated.
11. The Postgraduate Studies Committee has authority to terminate the enrolment of a candidate at any time if the candidate fails to demonstrate satisfactory progress or comply with any regulations or policies which relate to enrolment for the Degree.
12. A candidate may apply to the Postgraduate Studies Committee for a suspension from enrolment for a maximum of one year. A candidate is not entitled to access to supervision or any University resources during a period of suspension.
13. Following confirmed enrolment, candidates must submit six-monthly reports on the progress of their research work.
14. A PhD thesis may consist of either published or unpublished material, or a combination of both, and must be presented within the term of enrolment.

15. A candidate must indicate in the thesis any part that has been used or presented for any other degree.
16. Candidates must comply with the Dissertations and Theses Regulations 2006 which set out the University's requirements with respect to the submission and presentation of theses.
17. The Postgraduate Studies Committee appoints at least two examiners for the candidate's thesis who are external to the University and not directly connected with the candidate or the candidate's research.
18. Provided that at least half of the examiners recommend that the thesis be accepted, an oral examination of the candidate is conducted.
19. The Postgraduate Studies Committee makes a final decision on the award of the Degree. On the basis of the final report of the examiners following the oral examination, the Postgraduate Studies Committee may resolve either:
 - a) that the thesis be accepted in its present form as fulfilling the requirements for the degree of Doctor of Philosophy, or
 - b) that the thesis be accepted as fulfilling the requirements for the degree of Doctor of Philosophy, subject to the candidate undertaking minor amendments and/or correcting typographical errors as required by the examiners, to the satisfaction of the chief supervisor, or
 - c) that the thesis be accepted subject to the candidate completing substantial amendments to the satisfaction of the examiners or chief supervisor, provided that these amendments are not so substantial as to necessitate re-submission and are completed within six weeks of the oral examination, or
 - d) that the thesis is not acceptable in its present form and should be returned to the candidate, who may revise it and re-submit it for examination after a re-enrolment for a minimum period of six months, or
 - e) that the thesis not be accepted for the degree of Doctor of Philosophy, but be accepted as fulfilling the requirements for the degree of Master of Philosophy, or
 - f) that the candidate has failed to meet the required standard and that no degree be awarded.
20. A candidate may revise and re-submit a thesis only once.
21. A candidate may apply to the Postgraduate Studies Committee at any time between enrolment and submission of the thesis to transfer from a PhD to an MPhil.
22. Candidates who have concerns about standards of supervision or who wish to appeal against any process or decision of a supervisor, pro-Dean, Dean, or the Postgraduate Studies Committee with respect to their registration or the examination process may do so in writing to the Chairperson of the Postgraduate Studies Committee. If the matter is not resolved by the Chairperson of the Postgraduate Studies Committee to the satisfaction of the candidate, the candidate may refer his or her appeal to the Vice-Chancellor. The Vice-Chancellor will appoint a person or panel to investigate and will make a final decision based on the report of that person or panel.
23. These regulations may be varied or waived by the Postgraduate Studies Committee under delegated authority of the Academic Board.

Part 4: Higher Degree Study

Doctor of Juridical Science (SJD)

The Doctor of Juridical Science (SJD) provides a structured approach to doctoral work that is designed to achieve mastery of content, acquisition of skills and the development of attributes appropriate to senior positions in academia, law, and related professions. Learning experiences are incorporated into the programme to bring about these desired outcomes, and the programme is structured to ensure that students have optimal supervision to contribute to these outcomes. The University has developed strong relationships and networks with national and international communities of researchers to ensure that its doctoral programmes and qualifications are relevant and responsive to our students' needs as well as to the needs of the professions.

Structure of Programme

The SJD regulations are in two parts.

Part 1 requires fulfilment of an individually tailored programme that comprises the Research Portfolio which counts for 120 points. This programme includes attendance at selected seminars and attendance and presentations at cohort meetings, demonstration of expertise in an area of law through the production of two publishable quality research papers, and the production of a research proposal at the same level as a PhD proposal. The Research Portfolio ensures a sustained and rigorous approach to a specific area of law. Candidates must demonstrate expertise in an area of law and intellectual independence through the production of two publishable research papers in that area, and then demonstrate their ability to identify and develop an original topic at an appropriate level in the same area through the production of a thesis proposal.

Part 2 requires the completion of a maximum 60,000 word thesis at the doctoral level with a value of 240 points:

- » Candidates must undertake approved and supervised research, and present the results lucidly in a thesis which:
- » critically investigates an approved topic of substance and significance; and
- » demonstrates expertise in the methods of research and scholarship; and
- » displays intellectual independence, and
- » makes a substantial original contribution to the subject area and is of publishable quality.

The coursework is also at the doctoral level, requiring supervised research projects in particular areas of specialisation that meet a similar criteria to the thesis.

In order to proceed to Part 2 of the degree candidates must gain a minimum grade of Pass, confirmed by an external examiner in the Research Portfolio.

The regulations below set down the requirements for award of the SJD degree.

Regulations for the Degree of Doctor of Juridical Science

1. The Degree is awarded to candidates who have successfully completed a programme of coursework and research in two parts as follows:

a) Part 1: Research Portfolio

Candidates must gain a pass grade in the paper LAWS995 Research Portfolio.

b) Part 2: Thesis

Candidates must undertake approved and supervised research, and present the results lucidly in a thesis which:

- i) critically investigates an approved topic of substance and significance, and
 - ii) demonstrates expertise in the methods of research and scholarship, and
 - iii) displays intellectual independence, and
 - iv) makes a substantial original contribution to the subject area and is of publishable quality.
2. To qualify to enrol for the SJD, candidates must:
 - a) have qualified for the award of a bachelors degree with honours or a masters degree, and must have achieved at least second class honours (first division) or distinction, or
 - b) have qualified for the award of the degree of Master of Philosophy, or
 - c) have passed qualifying papers at a satisfactory level, or
 - d) in exceptional circumstances have produced other evidence to the satisfaction of the Postgraduate Studies Committee that he or she has adequate skills and knowledge to proceed with the proposed research.
 3. Candidates for the SJD must apply on the prescribed form which is available from the Postgraduate Studies Office.
 4. Applications to enrol for the SJD and the conditions of enrolment are subject to approval by the Postgraduate Studies Committee under delegated authority of the Academic Board.
 5. As one of the preconditions for the approval of an application to enrol, the Postgraduate Studies Committee will establish that the necessary supervision and resources can be provided for the chosen topic. If either prior to, or at any time during the study period the University encounters staffing or resource difficulties beyond its control which impact on the availability of resources or supervision for a student's SJD research, it will make all reasonable efforts, within budget and staffing constraints, to provide satisfactory arrangements so as not to disadvantage any affected student. Because of the specialist nature of research and supervision at this level, however, the University cannot guarantee that under such circumstances, a student's conditions of enrolment will not be subject to change.
 6. Candidates whose applications to enrol for the SJD are approved by the Postgraduate Studies Committee must enrol in Te Piringa - Faculty of Law and, subject to satisfactory progress, pursue their coursework and research for:
 - a) at least three years, if they are enrolled on a full-time basis, or
 - b) at least six years, if they are enrolled on a part-time or mixed mode basis.

Part 4: Higher Degree Study

7. Enrolment is approved, in the first instance:
 - a) for a maximum of one year in Part 1 and a maximum of four years in Part 1 and Part 2 if the candidate is registered on a full-time basis, or
 - b) for a maximum of two years in Part 1 and a maximum of eight years in Part 1 and Part 2 if the candidate is registered on a part-time or mixed mode basis.
8. Initial enrolment is in Part 1. When the Dean of Te Piringa - Faculty of Law has confirmed that candidates have passed Part 1 to the prescribed standards, candidates may apply for enrolment in Part 2.
9. On the recommendation of the Dean of Te Piringa - Faculty of Law, candidates who have completed Part 1 but whose results are not yet confirmed may be permitted to apply to the Postgraduate Studies Committee for conditional enrolment in Part 2. Confirmation of enrolment by the Postgraduate Studies Committee is subject to confirmation that the candidate has passed Part 1 to the prescribed standards.
10. For each candidate who proceeds to Part 2 of the SJD, the Postgraduate Studies Committee appoints a supervisory panel, one member of which is a continuing staff member of the University and the chief supervisor. Normally, a second member of the panel is also a continuing staff member of the University.
11. Candidates are required to maintain continuous enrolment throughout the entire period of their degree.
12. Notwithstanding section 11 of these regulations, candidates may apply to the Postgraduate Studies Committee for three-month periods of suspension of enrolment up to a maximum of one year in Part 1 and one year in Part 2. Candidates are not entitled to access supervision or any University resources during a period of suspension.
13. Candidates may apply to the Postgraduate Studies Committee for extension of enrolment.
14. The Postgraduate Studies Committee has authority to terminate the enrolment of a candidate at any time if the candidate fails to demonstrate satisfactory progress or comply with any regulations or policies which relate to enrolment for the Degree.
15. Candidates enrolled for Part 2 of the SJD must submit six-monthly reports on the progress of their research work.
16. An SJD thesis may consist of either published or unpublished material, or a combination of both, and must be presented within the term of enrolment.
17. Candidates must indicate in the thesis any component that has been used or presented for any other degree.
18. Candidates must comply with the Dissertations and Theses Regulations 2006 which set out the University's requirements with respect to the submission and presentation of theses.
19. The Postgraduate Studies Committee appoints at least two examiners for the candidate's thesis who are external to the University and not directly connected with the candidate or the candidate's research.
20. Provided that at least half of the examiners recommend that the thesis be accepted, an oral examination of the candidate is conducted.

21. The Postgraduate Studies Committee makes a final decision on the award of the Degree. On the basis of the final report of the examiners following the oral examination, the Postgraduate Studies Committee will resolve either:
 - a) that the thesis be accepted in its present form as fulfilling the requirements of Part 2 for the SJD, or
 - b) that the thesis be accepted as fulfilling the requirements of Part 2 for the SJD subject to the candidate undertaking minor amendments and/or correcting typographical errors as required by the examiners, to the satisfaction of the chief supervisor, or
 - c) that the thesis be accepted as fulfilling the requirements of Part 2 for the SJD subject to the candidate completing substantial amendments to the satisfaction of all the examiners or the chief supervisor, provided that these amendments are not so substantial as to necessitate re-submission and are completed within six weeks, or
 - d) that the thesis is not acceptable in its present form and be returned to the candidate, who may revise it and re-submit it for examination after a re-enrolment for a minimum period of six months, or
 - e) that the thesis is not acceptable for the SJD but should be accepted as fulfilling the requirements of the degree of Master of Laws or Master of Philosophy, or
 - f) that the candidate has failed to meet the required standard and that no degree be awarded.
22. Candidates will be permitted to revise and re-submit a thesis only once.
23. Candidates who have completed Part 1 of the Degree, but who have not qualified to proceed to Part 2 may apply to the Dean of Te Piringa - Faculty of Law to transfer to the Master of Laws.
24. Candidates may apply to the Dean of Te Piringa - Faculty of Law, at any time during Part 2 of the SJD before submission of the thesis, to transfer to the LL.M.
25. Candidates may apply to the Postgraduate Studies Committee, at any time during Part 2 of the SJD before submission of the thesis, to transfer to the MPhil.
26. Candidates who have concerns about standards of supervision or who wish to appeal against any process or decision of a supervisor, pro-Dean, Dean, or the Postgraduate Studies Committee with respect to their registration or the examination process may do so in writing to the Chairperson of the Postgraduate Studies Committee. If the matter is not resolved by the Chairperson of the Postgraduate Studies Committee to the satisfaction of the candidate, the candidate may refer his or her appeal to the Vice-Chancellor. The Vice-Chancellor will appoint a person or panel to investigate and will make a final decision based on the report of that person or panel.
27. These regulations may be varied or waived by the Postgraduate Studies Committee under delegated authority of the Academic Board.

Part 4: Higher Degree Study

Doctor of Laws (LLD)

The LLD seeks to recognise research of the highest calibre and is intended to allow recognition of original published work of special excellence in the history, philosophy, exposition or criticism of law. The contribution may be in book form or in scholarly journals in circulation. In addition to the published work, the candidate may also submit unpublished work in support of the application. Such contributions cannot have been used in relation to previously awarded degrees.

The LLD candidate will typically be some one who has at least ten years of post LLB experience, in an area of law, as a practitioner or/and an academic. S/He will have made special study of a particular area of law, have acquired expertise therein of special excellence so that s/he may be regarded as undisputed national and/or international experts and leaders in specialist areas of law.

LLD candidates must be highly skilled at accessing information through a variety of media (including electronic media) and evaluating its relevance to a situation or topic. As skilled researchers, they will be familiar with finding and utilising information obtained from a number of diverse sources. LLD candidates must be self-directed in their approach and are able to plan their work to meet time and structural constraints.

LLD candidates must have a high level of oral and written communication skills in English and/or Māori. They should be masters with the appropriate conventions for formal communication in the legal environment and should be able to structure their communication clearly and to express sophisticated and subtle concepts in an articulate manner. LLD candidates must also be exemplars of independent research in law. They must be capable of ascertaining a subject worthy of inquiry; conceiving, designing and planning research; executing sustained research successfully, and communicating the results in clear language suitable for publication in the scholarly literature. LLD candidates must have created new knowledge in law and have contributed to a better understanding of it and its operation in society.

The Law Faculty will advise the Legal Profession of the availability of this higher doctorate, and seek to identify legal professionals with outstanding research achievements. In appropriate circumstances a particularly eminent candidate may be invited to apply.

The regulations below set down the requirements for award of the LLD degree.

Regulations for the Degrees of Doctor of Laws

1. The degree of Doctor of Laws, Doctor of Literature, or Doctor of Science shall be awarded for original work of special excellence in the appropriate field of knowledge and published in a scholarly journal, monograph, or book available to the general public.
2. A candidate for the degree of Doctor of Laws, Doctor of Literature, or Doctor of Science shall be a graduate of the University of Waikato or of the University of New Zealand or shall have been granted the right to proceed to that degree under the regulations for admission ad eundem statum.
3. No candidate shall present himself or herself for the degree of Doctor of Laws, Doctor of Literature, or Doctor of Science until at least ten years after graduation to his or her first degree.

4. A candidate for the degree shall forward his or her application to the Director of the Student and Academic Services Division accompanied by:
 - a) four copies of the published work on which the application is based, one of which shall be bound in the form prescribed for presentation to the Library, and
 - b) a short discourse on the nature of the candidate's work, and
 - c) a statutory declaration which shall:
 - i) state the extent to which the work is the candidate's own, and (in the case of a conjoint work) identify as clearly as possible which parts are the candidate's own, and
 - ii) state what portion (if any) of the work submitted has been previously presented for a degree or diploma of the University of Waikato or any other university, and
 - iii) declare that the work in substantially its present form has not been previously accepted for the award of a degree or diploma in this or any other university and is not being concurrently submitted for a degree or diploma in any other university.
 - d) the charge prescribed in the Fees and Charges section published in the *University of Waikato Calendar*.
5. Upon receiving the application, the Academic Board may at its discretion appoint a moderator who shall submit to the Head of the Student and Academic Services Division a preliminary report on the candidate's work and a recommendation as to whether the examination should proceed or whether the candidate should be advised to withdraw the application. A candidate shall not be obliged to withdraw the application if so advised, but withdrawal upon such advice shall entitle him or her to the refund of two-thirds of the fee (excluding GST) required under section 4(d) of these regulations.
6. If the examination is to proceed, the candidate's work shall be submitted to three examiners appointed by the Academic Board, at least two of whom shall be external to the University. Each examiner shall:
 - a) report independently on the quality of the work and its value as a significant contribution to learning, and
 - b) recommend to the Academic Board whether or not the degree should be awarded, provided that where the recommendation is that the degree should not be awarded the examiner may recommend that the candidate be allowed to re-present his or her work supplemented by additional published work. A re-presentation permitted by the Academic Board under this regulation shall be accompanied by a further full examination charge.

4. RESPONSIBILITIES

Within Te Piringa - Faculty of Law, postgraduate studies are overseen by the Associate Dean – Postgraduate. The Associate Dean is the Dean's nominee and is delegated full responsibility except as to resources, budget, facilities and availability of staff. The Associate Dean is the Faculty's representative on the Postgraduate Studies Committee of the University, and is the Chair of the Faculty's Graduate Studies Committee.

Part 4: Higher Degree Study

5. QUALITY ASSURANCE PROCESSES

The Administrative Assistant shall maintain a file on each postgraduate student. On that file will be held copies of the following documents:

- a) Application and approval by Postgraduate Studies Committee;
- b) Full research proposal and plan;
- c) Progress reports, suspensions, extensions, and changes of conditions;
- d) Recommendations for appointment of external examiners, and chief supervisors report on thesis.

The Chief Supervisor shall maintain a record of the progress of the student, including a brief summary and record of the major research meetings. The Chief Supervisor may maintain this record on the Faculty student file, or on a file in his/her custody. *Refer to the Higher Degrees Handbook.*

6. SUPERVISION

Students and supervisors are referred to the University's *Higher Degrees Handbook*. The Associate Dean checks:

- a) That supervisors are registered at the appropriate level; and have copies of the appropriate regulations, policies and guidelines;
- b) That the chief supervisor has undertaken research in a field relevant to the thesis;
- c) That the supervisory panel is conversant with the appropriate methodologies and literate in the scope of the thesis.

Supervisors will use the University policy on supervision which can be found at www.waikato.ac.nz/sasd/postgraduate/supervision.shtml Where a student has problems that cannot be discussed with the supervisor, he/she may raise them for resolution with:

- » The Associate Dean – Postgraduate; or
- » Any of the persons or groups identified for such purposes in *Te Piringa - Faculty of Law Undergraduate Handbook*, or in the *University Calendar*.

Procedures laid down in *Te Piringa - Faculty of Law Undergraduate Handbook* for the resolution of disputes shall apply to postgraduate students. Chief supervisors shall keep the Postgraduate Representative informed of the student's progress and of any issues arising from the supervisory relationship.

7. GENERAL PROVISIONS APPLYING TO POSTGRADUATE STUDENTS

The provisions of this Handbook apply to postgraduate students, subject to special provisions made here, in the University Regulations, or in the University *Higher Degrees Handbook*. In particular:

- a) The minimum or higher English language requirement for LLM students applies to postgraduate students;
- b) The LLM orientation programme is required for postgraduate students;
- c) Postgraduate students have the same entitlement as LLM students to available facilities.

Part 5: Plagiarism

Plagiarism is prohibited by the University Assessment Regulations. For the full regulations see the *University of Waikato Calendar*.

ASSESSMENT REGULATIONS 2005 (EXCERPTS)

Definition

Plagiarism means presenting as one's own work the work of another, and includes the copying or paraphrasing of another person's work in an assessment item without acknowledging it as the other person's work through full and accurate referencing; it applies to assessment presented through a written, spoken, electronic, broadcasting, visual, performance or other medium.

PLAGIARISM AND CHEATING

1. Guidelines for sourcing and referencing styles appropriate to particular disciplines are available from the Faculty/Schools of Studies and the Library.
2. Plagiarism is prohibited.
3. It is not a defence against a charge of plagiarism for a student to argue that he or she did not act intentionally in appropriating the writing or work of another person; however, the extent to which the student is judged to have plagiarised intentionally, and the level and standard of scholarship that might reasonably be expected of the student, may be factors in the determination of any disciplinary action to be taken against the student.
4. Cheating in any matter connected with assessment is prohibited.

USE OF THE SAME MATERIAL FOR DIFFERENT ASSESSMENT ITEMS

Unless approved otherwise by the examiners of the papers concerned, a student must not submit as assessment material that is substantially the same as material submitted as assessment for a different paper.

PROOF READING

The University policy applicable to the use of proof reading services for postgraduate students is available from the Administrative Assistant. All students using proof readers must adhere to this policy.

Part 6: Facilities, Scholarships and Employment

Te Piringa - Faculty of Law will, as far as possible and subject to space and financial constraints, provide the following:

1. FACILITIES

Tea Room

Students are welcome to use the staff tea room. A separate graduate tea room is provided in the graduate students facilities.

Study Space

Generally space will be allocated in the following priority: full-time PhD, SJD, LLD, research Masters students, part-time PhD, SJD, LLD and other LLM students. Students who wish to have the use of a shared office should see Petrina Pascoe, PA to the Dean.

Computers

A computer lab with 24-hour access is available for everyone's use, and a Cardax swipe card is required for access to the building. A Cardax application form is available from Te Piringa - Faculty of Law Reception.

2. SCHOLARSHIPS AND AWARDS

Law Scholarships

Scholarships are awarded primarily on the basis of academic merit in order to allow meritorious students to participate in the postgraduate programmes who would otherwise find it difficult to do so. The total scholarship is valued at \$5,000 and may be awarded pro-rata to more than one student. The holder of a scholarship may also hold another like award, and may hold a sessional assistantship in the Faculty. The scholarship is not restricted to Waikato graduates and an application form is available from the Scholarships Office, email scholarships@waikato.ac.nz. A student must provide a statement of income sources and employment, and undertake to notify the Scholarships Office of any change in income or employment status throughout the year, and meet any other conditions specified in the regulations for the Law Masters Scholarships.

Kamira Henry (Binga) Haggie Scholarship

This scholarship is valued at a total of \$5,000 and is awarded annually to the most deserving all-round Māori student or students. Students are assessed on the basis of their academic record, personal circumstances, and commitment to whānau, hapu and iwi. Please contact the Scholarships Office for an application form, email scholarships@waikato.ac.nz

Scholarships Offered by Other Organisations

There are a number of scholarships for Masters and Doctoral study at the University of Waikato. There are also a number of national and international scholarships that a student may wish to consider. All inquiries should be directed to the Scholarships Office, email scholarships@waikato.ac.nz. Full details are on their webpage at: www.waikato.ac.nz/research/scholarships/

3. RESEARCH ACCOUNT

A research account of up to \$100.00 for each taught 30 point paper (maximum of up to \$400) is available to assist with Masters research-related expenses, such as books, subscriptions, interview expenses, conferences, stationery, computer supplies (consumables), photocopying, and printing. The research account cannot be used for Library fines and other University fines. Students must be enrolled and only research-related expenses incurred during the period of study may be claimed for reimbursement. It is preferable that students submit claims for reimbursement during the University's financial year (January to December), in which the paper enrolment occurs. If an extension is approved (eg: for a dissertation or thesis) into the following financial year, expenses incurred during the extension period, until the specified hand-in-date will be reimbursed, subject to the other conditions specified for Research Accounts.

An original GST receipt must be provided before any reimbursement of claims for study related expenses can be processed. Students enrolled in a 30 point dissertation will receive \$100; 60 point dissertation \$200; 90 point thesis \$300 and 120 point thesis \$400.

Monies from the research account may be credited to a student's Unicash account. Please see the Administrative Assistant (Graduate).

Before obtaining access to any of these funds, a student must make a satisfactory beginning on work in the graduate programme for which the credit is being made (eg by completing the first assignment or research proposal). The Administrative Assistant will determine when this point has been reached in consultation with the Associate Dean – Postgraduate.

MPhil, PhD and SJD students are also eligible for research accounts of up to NZ\$400 per year (pro-rated for part-time students), for up to a maximum period of four years. Students must be currently enrolled and enrolment fees fully paid to be eligible for any research monies. Only research-related expenses incurred during the period of study may be claimed for reimbursement. Research monies cover expenses such as books, subscriptions, interview expenses, conferences, stationery, computer supplies (consumables), photocopying, and printing. The Law Faculty is bound by University policy with regards to purchase of capital (computer equipment). In essence, where University funds are used to purchase a computer, the computers would have to be purchased through a specific supplier and would remain the property of the University. For that reason the Faculty cannot reimburse students for computer purchases. It is suggested that students have a prior discussion with the Graduate Administrator regarding any major purchases. There will not be any carry forward of balances from the date of anniversary of enrolment. Re-enrolments to continue work not completed in the normal time-frame will not attract additional funding. All research funding is subject to continuing satisfactory progress, including meetings with supervisors, and for MPhil, PhD and SJDs, filing of the usual Postgraduate Studies Committee Progress Report.

Part 6: Facilities, Scholarships and Employment

4. EMPLOYMENT

It is expected that a full-time LLM student will be working full-time on their studies. Nevertheless, it is possible for a student to engage in part-time work.

5. SESSIONAL ASSISTANTS

Some students may be appointed as sessional assistants in Te Piringa - Faculty of Law. This may entail being employed to provide tutorials, computer assistance, administrative assistance, and/or research for staff members. Only modest amounts of such employment will be offered to an individual student so as to avoid any adverse effect on his/her study.

Sessional assistants may have access to a range of facilities as necessary for the purposes for which they have been employed, but not for the purposes of their graduate study or for private purposes. These facilities may include stationery eg overheads, computer disks, mail, phones, toll calls, fax, computer printing, and use of the staff library. This access must be organised through the staff member who is responsible for their teaching, research etc. Status as a graduate student does not give access to these facilities.

Te Piringa - Faculty of Law will hold an employment round at which time graduate students are encouraged to apply.

6. PROFESSIONAL LEGAL STUDIES PROGRAMMES (IPLS OR COLLEGE OF LAW – NZ)

Students should be mindful of the time commitment involved before undertaking study in Professional Legal Studies programmes whilst enrolled in the Master of Laws programme.

7. DOCTORAL CANDIDATES

Doctoral candidates may apply for financial assistance to attend international conferences at which they are presenting a paper. Such assistance is limited, and subject to policy and budgeting constraints.

LLM – Level 5 Papers 2012

A SEMESTER

LAWS 516-12A Law of the Sea

New Zealand exercises jurisdiction over 4 million square kilometres of ocean (fifteen times the size of terrestrial New Zealand) and it is estimated that over 80 percent of New Zealand's biodiversity is located in the marine environment. The value of New Zealand's marine resources is believed to exceed those of its terrestrial resources.

This course will provide a critical analysis of the law of the sea as codified by the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The modern law of the sea seeks to manage all aspects of oceans use (and abuse) as well as providing for mechanisms whereby zones and jurisdictional limits are established. Students will examine the various maritime zones (and their appropriate resource management and jurisdictional regimes as well as issues of delimitation) before focusing on issues such as governance of oceans, EEZ and NZ coastal environment; marine resource management; and marine environmental protection.

LAWS522-12A International Industrial Law

This paper will discuss the role and structure of the International Labour Organisation and International Labour Standards in the context of globalisation.

LAWS574-12A Law and Information Technology

The aim of the paper is to provide students with opportunities to explore the impact of various information technologies on current areas of law, including aspects of both the criminal and civil arenas, with special emphasis on intellectual property, and e-business.

This paper will explore current developments within a theoretical context and give students an opportunity to critically analyse an area of interest. The impact of the internet on law; how the internet is influencing the interpretation of current law and the development of new law will be examined. This paper will use current topical issues to explore the internet's impact. Emphasis will be placed on critical and comparative jurisdictional analysis. Students are encouraged to develop their area of research beyond the confines of the formal classes. Students will be exposed to an online learning environment including podcasts and vodcasts to augment the lectures, therefore students need to have basic computer literacy.

LAWS579-12A Gender, Race, Sexuality and the Law

The purpose of this paper is to analyse the relational operation of the categories of race, gender and sexuality in the law using theoretical frameworks drawn from a variety of disciplines and cultures.

LLM – Level 5 Papers 2012

B SEMESTER

LAWS531-12B International Environmental Law (30 points)

This paper provides a synthesis of theory and specific case studies, so that the student will be able to understand the most formidable international environmental problems in international law, and the context from which these problems originate. Working with thematic areas of international environmental law, ranging from climate change to biological diversity, specific case studies will also include international environmental law and sustainable development, economic growth, free trade, debt, aid and sovereignty.

LAWS551-12B Reconciliation, Justice and Indigeneity

The paper encourages participants to further their critical and creative thinking about current New Zealand processes for reconciling indigenous claims and how they compare with other systems. The paper focuses on Treaty of Waitangi settlement processes including direct negotiations, Waitangi Tribunal processes, and litigation. Using case studies, students will gain insights into historical and contemporary issues and learn skills in claim management, claimant liaison, and advocacy.

LAWS576-12B The Laws of Armed Conflict and International Humanitarian Law (30 points)

The purpose of the paper is to provide the student with a full understanding of the laws of armed conflict and international humanitarian law and the manner in which they are inter-related against the broader context of international law. The student will learn about the changing nature of international conflict and the way the global legal community is confronting the problem. The student will also learn about the legal options open to the global community in dealing in terms of humanitarian intervention both during and in the aftermath of armed conflict.

LAWS578-12B Issues in Family Law

This paper will provide insights into contemporary issues in Family Law and an analysis of the current discourses of family law as expressed by judges, lawyers and other family law related practitioners. It will also explore alternative dispute resolution models currently in use in the family law area, including mediation and restorative justice. It will benefit practitioners and others interested in practising in family law related areas, as well as researchers and others interested in discourse analysis and legal theory.

INTENSIVES

LAWS515-12C LARCS

This course is based on legal practice and takes the form of an internship at an NGO. Students accepted onto the LARCS project will work alongside legal and policy staff on various environmental and local community projects and will receive training on legal issues and campaigning on a weekly basis either in person or online. All students will be thoroughly supervised. The course will be examined fully via the writing of a detailed project file. For reasons of training and supervision, this course will be available to only five students.

Selection procedure: All students must satisfy the pre-requisites for admission to the course, and have a minimum B+ academic grade average. Places will be allocated on a first come, first served basis to the first five students who satisfy the selection requirements for the paper.

LAWS555-12C Indigenous Peoples and International Law

This paper will examine the construction and development of the relationship between Indigenous Peoples and International Law. We will explore: the evolution and origins of International Law in its relationship with Indigenous Peoples; the laws, procedures and institutions of International Law that specifically address Indigenous Peoples concerns and the processes of their ongoing development and implementation internationally and domestically; and specific selected topics of concern to various Indigenous Peoples.

LAWS557-12C Māori and Indigenous Governance

Students will be provided with an overview of relevant case law and legislation comprising Māori governance law. Thereafter, the paper will continue with an analysis of specific legal issues in Māori governance law including, inter alia, directors duties, legal entity formation, judicial review of Māori entities and alternative dispute resolution fora and processes.

LAWS570 Special Topic – to be advised

LAWS571 Special Topic – to be advised

LAWS572 Special Topic – to be advised

Teaching and Assessment Periods 2012

State School Dates	Week	Starting	Holidays and Other Important Dates	
	1	2 Jan 12	Summer School 1 starts	2-3 Jan 9 Jan New Years Day and Holiday Summer School Starts
	2	9 Jan 12		
	3	16 Jan 12		
	4	23 Jan 12		
Term 1 starts	5	30 Jan 12		30 Jan Auckland Anniversary Day
	6	6 Feb 12		6 Feb Waitangi Day
	7	13 Feb 12		
	8	20 Feb 12	Examinations	
	9	27 Feb 12	Examinations/Enrolment	
	10	5 Mar 12	A Semester starts	
	12	12 Mar 12		
	12	19 Mar 12		
	13	26 Mar 12		
Term 1 ends	14	2 Apr 12		6 Apr Good Friday
	15	9 Apr 12	Teaching Recess	9-10 Apr Easter Monday
	16	16 Apr 12	Teaching Recess	
Term 2 starts	17	23 Apr 12		25 Apr ANZAC Day
	18	30 Apr 12		
	19	7 May 12		
	20	14 May 12		
	21	21 May 12		
	22	28 May 12		
	23	4 Jun 12	4 Jun Queen's Birthday	
	24	11 Jun 12	Study Week	
	25	18 Jun 12	Examinations	
Term 2 ends	26	25 Jun 12	Examinations	
	27	2 Jul 12	Teaching Recess	
	28	9 Jul 12	Enrolment	
Term 3 starts	29	16 Jul 12	B Semester starts	
	30	23 Jul 12		
	31	30 Jul 12		
	32	6 Aug 12		
	33	13 Aug 12		
	34	20 Aug 12		
	35	27 Aug 12	Teaching Recess	
	36	3 Sep 12	Teaching Recess	
	37	10 Sep 12	B Semester continued	
	38	17 Sep 12		
Term 3 ends	39	24 Sep 12		
	40	1 Oct 12		
	41	8 Oct 12		
Term 4 starts	42	15 Oct 12		
	43	22 Oct 12	Study Week	22 Oct Labour Day
	44	29 Oct 12	Examinations	
	45	5 Nov 12	Examinations	
	46	12 Nov 12	Summer School 2 starts	
	47	19 Nov 12		
	48	26 Nov 12		
	49	3 Dec 12		
Term 4 ends	50	10 Dec 12		
	51	17 Dec 12		
	52	24 Dec 12		25 Dec Christmas Day
	53	31 Dec 12		26 Dec Boxing Day



THE UNIVERSITY OF
WAIKATO
Te Whare Wānanga o Waikato

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