

**The University of Auckland**  
**Report to the University Council on Implementation of the Increase**  
**in Numbers of Students Enrolled in Part 2 of the Law Programme**

**Professor Stuart McCutcheon, Vice-Chancellor**  
**Professor Andrew Stockley, Dean of Law**

## **Background**

By way of background, it is worth recalling that the regulation of programme limitations is an obligation placed on the Council by statute. Section 224(5) of the Education Act 1989 states:

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

The basis on which restrictions may be applied is thus very clear – *insufficiency of staff, accommodation or equipment* - and the default option, if these resources are not “insufficient”, is that students must be admitted. Issues such as whether graduates will be able to get jobs in their chosen field are not matters on which restrictions may be applied. The question is solely one of resources.

## **Report**

The Minutes of the 19 October 2016 meeting of the University Council record the following resolution:

“That the restriction on the maximum number of students who may be enrolled in Part 2 of the Law programme be increased to 380 students in 2017 and that the Vice-Chancellor and the Dean be required to report to Council in May 2017 on implementation.”

Because the meeting schedule subsequently agreed to by Council did not include a May meeting, this report is submitted to the 19 June meeting.

In reporting here we have addressed the implementation issues referred to in the Act – staff and accommodation (equipment is not an issue). We then address related issues to do with entry standards and the support of Māori and Pacific students. Together, these are the main issues that arose during discussions and consultation within the Law School between June and October 2016 and in the Council discussion on 19 October 2016.

During the preparation of this report, we asked all members of staff for any comments related to the implementation of the increase in Part 2 student numbers that they would like us to consider. We received 13 individual submissions, the great majority of them very positive about the implementation. We also received a paper prepared by five members of the academic staff (Treaasa Dunworth, Anna Hood, Amokura Kawharu, Jo Manning, Janet McLean) and signed by 26 others. This paper was generally negative about the implementation. Although signed by 31 staff members, it contained statements that were plainly incorrect (e.g. an assertion that the student:staff ratio had

increased from 30:1 in 2016 to 41.5:1 in 2017 - a mathematical impossibility from a 15% increase in Part 2 numbers in a single year).

The authors of the submission signed by 31 staff requested that it be provided to Council. That request was declined by the Vice-Chancellor, for the following reasons.

The resolution of the 19 October 2016 meeting of Council specified that it was the Vice-Chancellor and the Dean who were to report to Council. Although we were not required to do so, we sought the views of staff in the Faculty. As noted below, we have taken those views into account in preparing our report.

In total, we received 14 sets of comments from staff. It would be procedurally improper for only one of those responses to be provided to Council. However, if, having received our report, Council wishes to see all the responses then it will be in a position to ask for them. We will then need to communicate with each person who provided a response to determine whether or not they wish that response to be provided to Council.

We have read all the submissions carefully and taken account of them in preparing this report. However, it is our report and in preparing it we have relied on what we believe to be verifiable facts about the implementation of the increase in Part 2 numbers. We have not addressed matters included in submissions that were not relevant to the implementation of the increased Part 2 numbers (e.g. changes that have occurred in Law unrelated to the increase in numbers, speculation about what might happen in the future).

## **Sufficiency of Staff**

### **Appointment of academic staff**

Because the Law School had at the time a number of vacancies arising due to retirements and staff being appointed to chairs and other positions elsewhere, and the increased number of students would require additional staff, there was concern about whether the required staff appointments could be made in time.

The Vice-Chancellor agreed to front-load the additional staffing positions, something that has not been done in any other faculty (where budgets and therefore staffing positions grow with the increased numbers of students).

Six new members of the permanent academic staff were appointed at the end of 2016. They are listed below, with further details provided in the first appendix to this document.

Associate Professor: Vincent Cogliati-Bantz

Associate Professor: Nicole Roughan

Senior Lecturer: Rob Batty

Senior Lecturer: Katherine Doolin

Senior Lecturer: Anastasia Telesetsky

Lecturer: Fleur Te Aho

Seven fixed-term junior faculty hires have also been made, the first two on a full-time basis and the others on a significant part-time basis. They are listed below, with further details provided in the first appendix to this document.

Fixed-Term Lecturer: Nikki Chamberlain  
Fixed-Term Lecturer: Henry Kha  
Doctoral Teaching Fellow: Sophie Henderson  
Teaching Fellow Nga Kai Whakaako: Jayden Houghton  
Teaching Fellow Nga Kai Whakaako: Tracey Whare  
Teaching Fellow Susuga Faiako: Dylan Asafo  
Teaching Fellow Susuga Faiako: Lotu Fuli

Fixed-term positions provide a good starting point for lawyers and law graduates interested in pursuing an academic career, as well as bringing a range of experiences and teaching specialities into the Law School.

As an experiment for 2017, the first two of these junior faculty hires are acting as organising tutors in two of the three Part 2 courses where student numbers have increased (taking tutorials and helping provide consistency to the tutorial programmes in these subjects). They are also running workshops/ clinics (including running through practice questions and answering student questions) in these courses. These are new innovations. By offering workshops/ clinics in two of the three Part 2 subjects where student numbers have increased, the Law School will be able to experiment with how to provide more assistance to students through this sort of format and to survey how helpful this has been.

A working group has been established in the Law School to re-examine teaching delivery and assessment during the course of the year.

The Teaching Fellow Nga Kai Whakaako and Teaching Fellow Susuga Faiako positions are respectively specialist academic support positions for Māori and Pasifika students.

As a result of the appointments mentioned above and other adjunct teaching, the Law School is offering a full range of law courses, including a number more LLB courses than advertised in the electives handbook. An Aviation Law course is being taught by the world's leading authority, Professor Paul Dempsey (former Director of the Institute of Air and Space Law at McGill University). Partners of Meredith Connell, the Crown Solicitors in Auckland, are teaching courses in Trial Advocacy and Appellate Advocacy.

Teaching in all compulsory courses is covered for 2017, and for 2018 can already be covered by existing staff and the new hires made in 2016.

The University's official calculation of student:staff ratios shows that as of 1 May 2017 the Law School has an SSR of 28.8 as compared to a ratio of 29.5 in 2016. This will further improve in July with three new permanent staff starting (against one retirement then).

A recruitment round is underway for further permanent academic staff. This will also take account of retirements occurring during the next 18 months.

Several of the individual submissions from staff commented favourably on the new academic staff appointed. One submission argued that the fixed term academic staff do not contribute as much as permanent staff and require a lot of support. The first point is true of any early career staff member, fixed-term or permanent. There has been extremely positive feedback on the teaching provided by the new full-time fixed term appointees and the two staff mentoring them say that they do not require unusually high levels of support.

One submission claimed that there has been a net loss in academic staff numbers in recent years and there are consequently academic staff shortages. In fact, since 2011 33% more permanent academic staff have been employed than have retired or left to take up other positions, despite the fact that EFTS have stayed relatively constant.

The same submission claimed that the Law Faculty has struggled for a long time to appoint academics in the Council of Legal Education subjects lists. This is not true. Very good teachers have been hired into all these areas as needed.

The listed subjects and staff employed since 2011 are:

- Criminal Law – two permanent staff in 2016
- Public Law - there has not yet been a need to employ more academics in this field
- Torts - one new permanent staff member and one junior faculty member in 2011; one new permanent staff member able to teach into Torts hired in 2016
- Contract Law – all four current professors and lecturers in this field were hired in 2011, 2012 and 2014
- Land Law - one junior faculty hire made in in 2015
- Equity - two new permanent staff were hired in 2011 and 2014 and a further two permanent staff able to teach into Equity were hired in 2016
- Legal Ethics - one new permanent staff member able to teach in this field was hired in 2016.

### **Appointment of professional staff**

Concern was expressed that there would be insufficient professional staff to support the increased numbers of students.

Again, as with academic staff appointments, the Vice-Chancellor agreed to front-load additional professional staffing positions, something that has not been done in any other faculty.

Four new professional staff positions have been created. This represents a 20 percent increase in general and administrative staff support for the Law Faculty. The new positions are:

Student Academic and Support Adviser: Jemimah Khoo

(This provides the Law School with a dedicated student adviser for Part 1 students, freeing up the Pouawhina Māori and Pacific Student Adviser to be able to focus exclusively on assisting Māori and Pacific students in the Law School.)

Student Support and Experience Adviser: Tessa Sillifant

(This position provides the Law School with more administrative support for its co-curricular programmes, such as mooting and community placements, for the new student well-being initiatives it has introduced, and for special test arrangements.)

Academic Services Coordinator: Nancy Wong

(This position provides the Law School with more course work and examination processing capacity, which is important as it moves to all written work being submitted electronically and anonymously and to students being able to sit examinations on computers.)

Employer Engagement Manager: Clodagh Higgins

(This is currently a fixed-term position charged with scoping the provision of better careers assistance, and mentoring for law students about the local and global opportunities for practising law and the non-law career opportunities available.)

We have received very positive feedback about the new professional staff who have been appointed and what they are already achieving in the new positions created, including the new careers support service, weekly student newsletter and the improved support now available for disadvantaged and at-risk students. Academic staff have commented on the benefits they receive from the additional functions undertaken by professional staff colleagues in consequence of their greater number, freeing up academic time for teaching and research.

### **Sufficiency of Accommodation**

Concern was expressed that there would not be sufficient space to accommodate the additional 50 students and additional staff.

The Vice-Chancellor agreed to address this issue by front-loading space (i.e. providing it ahead of the increase in numbers). The Law School has been allocated an additional 814 square metres of space, providing more study, common room and office space, and giving a lot of flexibility for the next few years.

This has occurred by making two more floors available to the Law School in the Short Street building, giving it four of the seven floors of this building.

A very large room (over 200 square metres) on Level 4 has been set up to provide more study space for law students. It has tables, study carrels, and library computers. Students can bring their laptops to work there. There is also an adjoining printing room and an adjacent kitchen area.

There are another two large rooms on the fourth floor that have been allocated to Te Rākau Ture (the Māori Law Students Association) and the Pacific Island Law Students' Association. Both rooms provide large common areas and study spaces. The smaller rooms these societies occupied on the second floor have been re-assigned to the Mooting Society and to Rainbow Law. The Mooting Society's previous room in Building 801 (near the Student Common Room) is being made into a Parenting Room. Rainbow Law had requested a common room for LGBT+ students within the Law School and this has now been possible.

Level 5 has 21 academic and other offices, a staff kitchen, 2 technology rooms, and an internal larger room. Not all this area has yet been occupied but it has meant the Law School has sufficient space for all the new academic and professional staff for the next few years and for academic visitors. The total amount of additional space allocated is greater than that which would be justified by the increase in student numbers.

Many of the individual staff submissions commented very favourably on the additional space provided, noting that many students had been extremely positive about the new study and student society spaces. One submission commented that the new student study space is a long way from the Davis Law Library and lecture theatres on the main campus, meaning this space is frequently under-utilised. This does not reflect student and other feedback received and the 3 to 4 minute walk from the Davis Law Library does not seem to have been a barrier to access. The new student study space is above the

Law School's Student Centre, adjacent to the common rooms for Māori and Pacific students, and close to many staff offices. Good numbers of students have been using it.

## **Other matters (not addressed in s.224 Education Act 1989)**

### **Student entry standards**

There were claims that increasing the Part 2 intake would lower the standards of students entering the programme.

In fact, the Grade Point Average of the 380 students admitted to Part 2 this year (6.5) is slightly *higher* than that of the 330 admitted last year (6.4). In statistical terms the difference is not real, but the point is that the GPA of the larger cohort is no lower than that of the smaller cohort last year. 6.5 is half-way between a B plus and an A minus average and is considerably higher than the GPA required to enter Part 2 law at the other New Zealand law schools.

The fact that the Grade Point Average for admission to Part 2 Law has not declined was commented on favourably in staff submissions. One submission noted that 480 students received a GPA of B+ or better.

### **Support of Māori and Pacific students**

Finally, there was concern that resource pressures associated with the increased numbers would lead to Māori and Pacific students being disadvantaged. This is not the case.

Increasing the second year intake has allowed for more places under the Targeted Admissions Scheme. The Dean has agreed with Te Tai Haruru (Māori staff and student leaders in the Law School) that rather than have a fixed quota of places, any Māori student who meets the minimum requirement for second year law under the Targeted Admissions Scheme will be able to be admitted. The number of Pacific students admitted under the Law School's Targeted Admissions scheme has almost doubled (having not been increased since 1993, despite a significant increase in the Pacific population in Auckland).

For 2017 there were 30 Māori students and 33 Pacific students admitted into second year law (some under general admission and some under the Targeted Admissions Scheme). The respective figures in 2016 were 30 and 20 (see Table below).

	<b>2016</b>	<b>2017</b>
Māori student offers under general admission	4	11
Māori student offers under TAS	26	19
<b>Total number of Māori students offered places</b>	<b>30</b>	<b>30</b>
Pacific student offers under general admission	3	3
Pacific student offers under TAS	17	30
<b>Total number of Pacific students offered places</b>	<b>20</b>	<b>33</b>

More support is being provided for Māori and Pacific students, including the provision of better common room and study space, as mentioned above, the Māori and Pacific student advisers being able to focus exclusively on these roles with the creation of a Part 1 student adviser, and the two Nga Kai Whakaako and two Susuga Faiako half-time teaching fellowships being created to provide more academic support and mentoring for Māori and Pacific law students and to help maintain and improve the quality of the Māori and Pacific academic programmes.

Staff submissions reported that Māori and Pacific student leaders have commented very favourably on the new study and community spaces provided. There has been very positive feedback about the appointment of the two Nga Kai Whakaako and two Susuga Faiako half-time teaching fellows, the academic assistance they are giving to students, and the improvements they are leading in the Māori and Pacific academic tutorial programmes. One submission claimed that these appointments were not contingent on the increase in student numbers. That is not correct.

The same submission expressed concern that Pacific students are being admitted to Part 2 Law under the Targeted Admissions Scheme on a significantly lower Grade Point Average than previously and that there is insufficient support for the large increase in Pacific student numbers. The lower Grade Point Average for admission is an expected consequence of almost double the number of places being made available to Pacific students under this scheme. The Grade Point Average cut-off is now similar to that of Māori students admitted under the scheme. The Pacific student programme has the same level of professional staff support as the Māori student programme and the academic support provided for Pacific students has been significantly boosted by the appointment of the two Susuga Faiako half-time teaching fellows. We can consider the Grade Point Average cut-off and how to provide more support if needed.

## **Conclusion**

As this report demonstrates, we have been able to provide additional staff and accommodation to meet the requirements of the additional 50 students (indeed, the front-loading of academic positions and space has been ahead of the growth in student numbers). Student:staff ratios have improved. The matters relevant to s.224(5) of the Education Act have therefore been addressed.

In addition, entry standards have been maintained, there has been a significant increase in numbers of Pacific students and Māori and Pacific students have received improved support. Overall, the implementation of the increase has been very successful.

Stuart McCutcheon  
Andrew Stockley

12 June 2017

## Appendix 1:

### Faculty of Law: New Academic Staff Members

- Cogliati-Bantz, Vincent – **starts July 2017; Associate Professor**
  - He has a diploma from the prestigious French National Institute of Political Studies, an LLM in Ocean and Coastal Law from the University of Miami, and an LLM and PhD from the Graduate Institute of International Studies in Geneva. He has published three books with leading publishers and has signed a fourth book contract with Cambridge University Press. He regularly publishes in international journals such as the *American Journal of International Law* and the *International and Comparative Law Quarterly*. His work on the law of the sea is widely cited by leading scholars in the field. Vincent's teaching interests are in international and comparative law, including the law of the sea, EU law, and the law of international organisations. He has also taught the law of trusts while a Faculty member at the University of Queensland.
  - He will be teaching law of the sea in the second semester and helping lead the development of the new first year law paper, *Legal Foundations*, starting in July 2018.
  
- Roughan, Nicole – **starts January 2018; Associate Professor**
  - She has BA/ LLB degrees from Auckland, an LLM (with Distinction) from Victoria, and an LLM and SJD from Yale. She taught at Victoria, the University of Kent at Brussels, and Cambridge, before joining the Law Faculty at the National University of Singapore, where she is currently an Associate Professor and the Deputy Director of the Centre for Legal Theory. Her book *Authorities: Conflicts, Cooperation and Transnational Legal Theory* was published by Oxford University Press to critical acclaim. Nicole currently teaches Jurisprudence, and Equity and Trusts, and has previously also taught Legal Ethics, Public Law, International Law, Contract, and introductory and skills papers. She was awarded a prestigious Rutherford Discovery Fellowship last year.
  
- Batty, Rob – **starts July 2017; Senior Lecturer**
  - He has a Masters in Commercial Law with First Class Honours from Auckland and worked as an intellectual property lawyer at Simpson Grierson, Auckland and Freehills, Melbourne, before joining the Commercial Law Department in the Business School. During his 7 years as an academic he has won a University Early Career Teaching Award and published in a variety of journals including the *New Zealand Universities Law Review*, the *New Zealand Law Review*, and the *European Intellectual Property Review*. His writing on trademarks has attracted considerable peer esteem. Rob's teaching interests include intellectual property, copyright law, and employment law.
  - He will be teaching the first year paper, *Legal Method*, in the second semester.
  
- Doolin, Katherine – **starts January 2018; Senior Lecturer**
  - She has an LLB (with First Class Honours) from Waikato and a PhD from the University of Kent. She has taught at the University of Kent and, for the last 13 years, at the University of Birmingham, where she is a Senior



Lecturer and heads the Law School's student development and support programmes. Katherine is co-author and co-editor of books on Criminal Justice. She teaches Criminal Law and a range of associated electives, including Criminology, Youth Justice, and Restorative Justice.

- Telesetsky, Anastasia – **starts July 2017; Senior Lecturer**
  - She has a JD from the University of California Berkeley and an LLM from the University of British Columbia. She is a tenured professor at the University of Idaho and has published widely on marine resource governance, environmental law issues, and disaster law. She has co-authored a monograph, co-edited two books, written chapters in books with leading presses, and published in a range of specialist journals. Anastasia's teaching interests include resource management law, conflicts of law, comparative law, and international human rights law.
  - She is teaching Conflicts of Law in the second semester and directing the Part 2 Legal Research, Writing and Communication programme.
  
- Te Aho, Fleur – **started January 2017; Lecturer**
  - Fleur has a BA in Maori Studies and an LLB (Honours) (1st Class) from the University of Canterbury, an LLM (with Distinction) from Victoria University and a PhD from the Australian National University. She has most recently been a Research Associate at the ANU National Centre for Indigenous Studies. She has published in the *New Zealand Journal of Public and International Law* and the *New Zealand Yearbook of International Law* (including a number of review articles in the latter), in addition to book chapters.
  - She is teaching Criminal Law in 2017.
  
- Chamberlain, Nikki – **started February 2017; Fixed Term Faculty Lecturer**
  - Nikki has BA/ LLB (Honours) degrees from Auckland, has been a Senior Associate at Minter Ellison Rudd Watts, and has most recently taught Legal Writing at the Vanderbilt University Law School
  - She is teaching the Law of Torts and Family Property Law in 2017. She is organising the tutorial programme, taking tutorials and clinics/ workshops in the Law of Torts.
  
- Kha, Henry – **started February 2017; Fixed Term Faculty Lecturer**
  - Henry is completing his doctorate at the University of Queensland on divorce law in Victorian England. He has a JD from the University of New South Wales and a BA (Hons) from the University of Sydney. He has won prizes and scholarships at all three universities and has published in the *Journal of Legal History*, the *Australasian Dispute Resolution Journal*, and the *Bond Law Review*. His primary research interests are in Family Law and Legal History and his teaching interests include Family, Contract, Torts, Equity and Trusts. Henry has worked as a solicitor and as an Associate to judges of the Family Court of Australia. He is a Justice of the Peace in New South Wales.
  - He is teaching Family Law in 2017. He is organising the tutorial programme, taking tutorials and clinics/ workshops in Contract Law.
  
- Henderson, Sophie – **started March 2017; Doctoral Teaching Fellow**
  - Sophie has a LLB and a Masters of Criminal Law with Distinction from the University of Leeds. She has been awarded the first doctoral teaching

fellowship in the Law School. Her thesis will examine the legal rights and protections in place for female migrant domestic workers from the Philippines and Sri Lanka.

- She is taking Criminal Law tutorials in 2017.
- Houghton, Jayden – **started March 2017; Teaching Fellow Nga Kai Whakaako**
  - Jayden has BA/ LLB(Hons) degrees from Auckland and was a Senior Scholar in 2016. He is currently enrolled for an LLM. He has tutored in Law and Society, Legal Method, Criminal Law, Equity, Jurisprudence, and taught on the Legal Research, Writing and Communication programme. He has research interests in legal theory, legal history, intellectual property, family law and aspects of finance law. He is Editor in Chief of the *Auckland University Law Review* and has received a large number of University prizes and awards. He is of Ngati Maniapoto – Rereahu.
- Whare, Tracey – **started March 2017; Teaching Fellow Nga Kai Whakaako**
  - Tracey has an LLB from Victoria and is currently enrolled for an LLM. She was the Secretariat of the indigenous global coordinating group for the UN World Conference on Indigenous Peoples, has been a solicitor in two law firms, and a legal adviser to Ngai Tahu. She has published in the New Zealand Yearbook of International Law and has a book chapter forthcoming. Tracey whakapapas to Ngati Raukawa and Te Whanau-a-Apanui.
- Asafo, Dylan – **started March 2017; Teaching Fellow Susuga Faiako**
  - Dylan has LLB and Bachelor of Health Science degrees from Auckland and is enrolling for an LLM. He has worked in the Office of the Health and Disability Commissioner, and is a past president of the Pacific Islands Law Students' Association. He is of Samoan descent.
- Fuli, Lotu – **started March 2017; Teaching Fellow Susuga Faiako**
  - Lotu has an LLB(Hons) degree from Auckland and is enrolling for an LLM. She has been a secondary teacher and has tutored Law and Society, Legal Method, and Equity in the Law School and taught Legal Writing. She is the Chairperson for the Otara- Papatoetoe Local Board and has recently been appointed as a Referee to the Disputes Tribunal. She is of Samoan descent.

## **Appendix 2:**

### **Faculty of Law: New Professional Staff Members**

- **Student Academic and Support Adviser (Part I):** Jemimah Khoo

Jemimah was previously Reception, Facilities and Administration Assistant in the Law School and has experience in providing advice and guidance to Part I students.

- **Student Support and Experience Adviser:** Tessa Sillifant

Tessa has extensive experience from the Engineering Faculty where she was responsible for introducing and overseeing student engagement initiatives and student wellbeing strategies.

- **Academic Services Coordinator:** Nancy Wong

Nancy had recently been working at Massey University and also has over 10 years' experience at the University of Auckland, working in administrative and student-facing roles.

- **Employer Engagement Manager:** Clodagh Higgins

Clodagh was previously Employer Liaison Manager at the Faculty of Business and Economics. Prior to this she was the Faculty's Student Development Adviser. She has a Bachelor of Social Science from University College Dublin and a Master of Science from the University of Edinburgh.