

TE WHARE WĀNANGA O TE ŪPOKO O TE IKA A MĀUI



VICTORIA
UNIVERSITY OF WELLINGTON

FCOM 111

GOVERNMENT, LAW and BUSINESS

2010

COURSE OUTLINE

STUDENT NAME:	
STUDENT ID NUMBER:	
CRN NUMBER:	STREAM NUMBER:

TRIMESTER ONE

Teaching Period: Monday 1 March to Friday 4 June, 2010

Welcome to FCOM 111, Government, Law and Business. Please refer to this Course Outline where you have queries relating to the course. If anything cannot be found in the Course Outline, please contact the Course Administrator.

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AN OVERVIEW OF FCOM 111		
Weeks	Lectures & Assignment Due Dates	Important Notes
Week 1 <i>1 March</i>	Lectures Begin on (M)onday and (W)ednesday (M) Introductory Lecture (W) State and Market See Page 14 for times and locations of lectures	<ul style="list-style-type: none"> • IMPORTANT: Enrol for your tutorials this week. Details on page 19 of the Course outline. • Purchase Book of Readings from Student Notes. • Check Blackboard for tutorial confirmation and other course information.
Week 2 <i>8 March</i>	(M) Constitution (W) Executive and Legislative	• Writing Skills Workshop #1 this week
Week 3 <i>15 March</i>	(M) The Public Sector/Service (W) Election 2008 (MMP etc)	• Writing Skills Workshop #2 this week
Week 4 <i>22 March</i>	(M) What is Law? (W) Map of the Legal World	<ul style="list-style-type: none"> • Writing Skills Workshop #3 this week • Do your readings for Tutorial Assignment Worksheet #1
Week 5 <i>29 March</i>	(M) Process of Making Law 1 (W) Process of Making Law 2 • Government Assignment Due Thursday 1st April by 10:30am • Tutorial Assignment 1 Due in tutorials.	• Do your readings for Tutorial Assignment Worksheet #2
<i>MIDTRIMESTER BREAK 3 April – 18 April</i>		
Week 6 <i>19 April</i>	(M) How Law Develops and Changes 1 (W) How Law Develops and Changes 2 • Tutorial Assignment 2 Due in tutorials.	• Do your readings for Tutorial Assignment Worksheet #3
Week 7 <i>26 April</i>	(M) Is there a Legal Duty to Honour Promises? 1 (W) Is there a Legal Duty to Honour Promises? 2 • Legal Test – Tuesday 27 April, 6.15pm • Tutorial Assignment 3 Due in tutorials	• Do your readings for Tutorial Assignment Worksheet #4
Week 8 <i>3 May</i>	(M) Is there a Legal Duty to take care? 1 (W) Is there a Legal Duty to take care? 2 • Tutorial Assignment 4 Due in tutorials	<ul style="list-style-type: none"> • Do your readings for Tutorial Assignment Worksheet #5 • Check Blackboard for information on the Legal Test to be held next week
Week 9 <i>10 May</i>	(M) A General Legal Duty of Privacy 1 (W) A General Legal Duty of Privacy 2 • Tutorial Assignment 5 Due in tutorials	• Do your readings for Tutorial Assignment Worksheet #6
Week 10 <i>17 May</i>	(M) Ethics and Trust (W) Public Policy / Process • Tutorial Assignment 6 Due in tutorials	• Do your readings for Tutorial Assignment Worksheet #7
Week 11 <i>24 May</i>	(M) Politics, Economics and Business (W) Case Study • Tutorial Assignment 7 Due in tutorials	• Do your readings for Tutorial Assignment Worksheet #8
Week 12 <i>31 May</i>	(M) Government, Law and Business (W) Conclusion and Exam Discussion • Tutorial Assignment 8 Due in tutorials CHECK BLACKBOARD FOR DATE, TIME AND LOCATION OF THE EXAM	<ul style="list-style-type: none"> • Attend the final lecture– it WILL help you with your exam • Check your grades on Blackboard NOW and contact the Course Administrator if you have any questions

PART A: ALL ABOUT THE COURSE...

Course Objectives

Rationale and Reach

Perhaps the underlying rationale for a course of this kind can be captured by a speech given by a New Zealand politician back in 2003. At that time he said the following:

There is a certain timelessness about the core functions of government: what governments do. They create the nation state and ensure the safety and security of the citizenry. They create internal order, and they create markets through which the citizens can specialise in economic production and exchange the rewards from their labour and the returns to their capital.

I make this rather obvious point because debate on the role of government sometimes sees the state as the enemy of the market. The reality is that the market is a product of the state. Without a government to define property rights, and establish and enforce the terms under which property rights transfer, there is anarchy, not markets.

I will come back to this, because the fundamental role of the government in defining property rights is potentially one of the more contentious roles it has to carry out. We see this in arguments about foreign investment, access to land, and the seabed and foreshore issue in the high public profile cases. But governments are constantly aligning property rights and market rules as different participants feel that existing laws disadvantage them. Competition laws and rules around the issuing of securities, on takeovers and the like all fall into this category.

How governments do these things evolves slowly and continuously. As an example, the notion of the safety and security of the population can be limited to safety of life and limb, or it can extend to cradle-to-grave welfare. History tells us that we move along a continuum over time, rather than redefine the role of the state through episodic but dramatic ideological repositioning.

The politician was Dr Michael Cullen, then Minister of Finance, but the personality and more to the point the political preferences of that particular politician are less important than the substance of what he had to say. In many respects his comments capture the overall theme for this course, and that theme is ‘governing the market’.

Of course the state of the international economy is such that we would not have to go far to find other more recent illustrative examples of statements that go to the relationship between state and market. The past year has seen unprecedented levels of market instability, and – in historical terms – unprecedented levels of state or government action designed to remedy that instability.

Here are some extracts from a more recent speech:

Nor is the question before us whether the market is a force for good or ill. Its power to generate wealth and expand freedom is unmatched, but this crisis has reminded us that without a watchful eye, the market can spin out of control — and that a nation cannot prosper long when it favours only the prosperous. The success of our economy has always depended not just on the size of our gross domestic product, but on the reach of our prosperity; on our ability to extend opportunity to every willing heart — not out of charity, but because it is the surest route to our common good.

And here are some more recent remarks by the same man made on 4 February 2009

But in order to restore trust in our financial system, we're going to have to do more than just put forward our plans. In order to restore trust, we've got to make certain that taxpayer funds are not subsidizing excessive compensation packages on Wall Street.

We all need to take responsibility. And this includes executives at major financial firms who turned to the American people, hat in hand, when they were in trouble, even as they paid themselves customary lavish bonuses. As I said last week, this is the height of irresponsibility. It's shameful. And that's exactly the kind of disregard of the costs and consequences of their actions that brought about this crisis: a culture of narrow self-interest and short-term gain at the expense of everything else.

This is America. We don't disparage wealth. We don't begrudge anybody for achieving success. And we certainly believe that success should be rewarded. But what gets people upset -- and rightfully so -- are executives being rewarded for failure, especially when those rewards are subsidized by U.S. taxpayers, many of whom are having a tough time themselves.

For top executives to award themselves these kinds of compensation packages in the midst of this economic crisis isn't just bad taste -- it's bad strategy -- and I will not tolerate it as President. We're going to be demanding some restraint in exchange for federal aid -- so that when firms seek new federal dollars, we won't find them up to the same old tricks

And here is a final and further extract given by another prominent politician on 26 January 2009.

The priorities I believe are clear.

First, as I argued almost ten years ago in Harvard, we need an early warning system so that international financial flows are properly monitored and

systemic global imbalances are not allowed to develop and become potential sources of instability. As a first step we must build upon the platform of the Financial Stability Forum to create the framework for international governance that we currently lack. I am therefore keen for the membership of the Financial Stability Forum to be widened, for its role working with the IMF and the Bank of International Settlements to be put on a clearer and stronger footing.

Secondly, we need at a global level to consider the regulatory deficit. For the last decade I have been making the case that the current patchwork of ad hoc international regulation is inadequate. When capital flows are global, but regulators only national, we have to agree a new era of global cooperation and coordination so that we have a common set of principles and new rules for a world of global capital flows. At the G20 in April we should seek to discuss the charter of principles that would guide financial regulation and supervision and one which we can all follow. Under this we need to bring into the regulatory system non-bank financial institutions and complex new markets and products. If financial firms are doing similar things then the principles by which they are regulated must be the same, regardless of their business models and countries of origin.

And third, just as the regulatory system has to accept common standards, so too must financial institutions. We need agreed transparency and agreed standards of corporate governance, including an international standard of best practice for financial institutions. We need to consider how best to strengthen risk management and incentive structures inside banks. Rewards need to be linked, not to short term irresponsible and excessive risk-taking, but to hard work, merit, enterprise and long term and responsible risk-taking. Boards and audit committees backed by auditors who are truly independent must show that they understand the magnitude of the risks being taken because of the complexity of new products. The simple rule of a board must be if you don't understand the risk then don't take it.

These extracts go to many things, but at their core they go to governing the market.

But the formal title of this course is not 'governing the market', but 'Government, Law and Business' – less catchy perhaps, but accurate nonetheless.

The main rationale for the course is to set out for those who take it – BCA and other students – the governmental and legal context for business in New Zealand. This is not to suggest that the focus will be exclusively on New Zealand, and we hope both that the content will speak to issues and challenges in other jurisdictions, and that the process of teaching and learning will allow those of us who are not originally of this place (Aotearoa/New Zealand) to bring our own knowledge and experience to that learning.

Teaching and Learning Objectives

At the end of this course students will be able to:

1. Demonstrate an understanding of the key elements of New Zealand's constitutional and political arrangements, explaining the role of formal and conventional institutional arrangements
2. Identify how those constitutional and political arrangements might variously impact on the New Zealand commercial environment
3. Survey and appraise possible changes to those constitutional and political arrangements over the medium to long term
4. Demonstrate an awareness of the nature of the law and the law-making process, and the general operation of the legal system
5. Explain the way in which the law is reformed and developed through legislation and case law to meeting the changing needs of government, business and society, including by the illustrative use of a particular area of law reform
6. Demonstrate the competence to apply legal problem-solving skills in selected case situations
7. Illustrate an understanding of the significance of ethics in the context of the private and the public sectors, the nature of some ethical dilemmas and the various ways in which some ethical problems and issues of control and guidance are dealt with under the law and under other instruments of guidance and control
8. Demonstrate an understanding of the public policy process, including the various stages of the process and the interrelationships between them, and explain how civil society actors, including business may be able to engage with the policy process and exercise some measure of influence
9. Analyse New Zealand's links with the rest of the world in terms of trade, financial institutions and governance.
10. Plan, write and edit an essay to an acceptable first year/100-level academic standard of presentation. This includes referencing and using APA style where appropriate.

Victoria University of Wellington has identified a number of graduate attributes. The intention is that students graduating from Victoria University of Wellington will be able to demonstrate and apply knowledge, skills and competencies in:

- Communication,
- Critical and creative thinking
- and Leadership

To complement these graduate attributes Learning Goals have also been developed for the BCA degree. FCOM 111 is one of the core courses for the Bachelor of Commerce and Administration Degree

The Learning Goals for the BCA are as follows:

- Learning Goal 1 Critical and Creative Thinking
- Learning Goal 2 Communication
- Learning Goal 3 Global and Multicultural Perspectives
- Learning Goal 4 Leadership

Taken together the intention is to ensure that the core of the BCA degree will enable you to meet the learning goals.

Teaching and Learning Objectives and Assessment Mix

The teaching and learning objectives will be assessed using the following instruments:

Teaching and learning objective	Assessment instrument
1, 2, 3, 10	1500 word report due 1 April 2010 (Government Assignment)
4, 5, 6	Legal test – Tuesday 27 April 2010
1,2,3,4,5,6,7,8,9	Final Course Examination – Date TBA

Students should note that additional Mandatory Requirements must be met for a pass in this Course.

The mandatory course requirements are described in full on page 10 of this Course Outline.

USE OF BLACKBOARD: NOTICES, LECTURE SLIDES AND OVERHEADS

HOW TO GET ONTO BLACKBOARD:

1. Log onto student page: www.myvictoria.ac.nz
2. Click on **Blackboard**
3. This lets you into the sign-up page
4. Enter in your **user id** and **password**
5. You should now be logged in.
6. If you have any trouble with logging onto Blackboard contact SCS helpdesk

All notices will be posted on Blackboard (<http://www.blackboard.vuw.ac.nz>).

Only an OUTLINE of lectures will be posted on Blackboard. Full overheads will only be provided in lectures. It is essential that you attend all lectures and tutorials to gain full benefit from the course. Interaction with the lecturers, tutors and fellow students plays an important part in developing your critical competence.

SENDING EMAILS

All emails sent to the Course Administrator should use the following email address: FCOM111@vuw.ac.nz and contain your full name and Student ID number in the subject line.

All emails sent directly to staff must have the following words at the beginning of the subject line: "FCOM 111". Put your specific subject after that. This is so that your email can be distinguished from 'Spam' (unsolicited email) by staff.

WITHDRAWAL FROM COURSES:

Information available via

Withdrawal dates: Late withdrawals with Associate Dean (Students) permission
(See Section 8: Withdrawals - from the Personal Courses of Study Statute)

<http://policy.vuw.ac.nz/Amphora!~~policy.vuw.ac.nz~POLICY~000000001743.pdf>

Withdrawal dates: refunds:

<http://www.victoria.ac.nz/home/admisenrol/payments/withdrawalsrefunds.aspx>

EXPLANATION OF GRADES

The following is a schedule of percentage marks to grades, which are applicable to your internal assessment and your final result notifications.

Grade	Percentage Range
A+	85% and above
A	80-84%
A-	75-79%
B+	70-74%
B	65-69%
B-	60-64%
C+	55-59%
C	50-54%
D	40-49%
E	39% and under
K	Failed course due to not satisfying mandatory requirements (see BELOW)

In addition to achieving a 50% average across assessments, students must also meet the mandatory course requirements in order to pass the course (see BELOW).

WHAT ARE THE MANDATORY COURSE REQUIREMENTS

To complete the mandatory requirements for this course you must:

- a) Attend all three of the Writing Skills Workshops (Weeks 2, 3, and 4).

AND

- b) Attend at least six of the eight tutorials (starting in Week 5) and be marked off as present by your tutor **AND** submit the relevant Tutorial Assignment Worksheet for the Tutorial. If you arrive late to a tutorial then your tutor may not award you with 'attendance' for that tutorial.

AND

- c) Submit all Assessments.

The Government Assignment must be put into your tutor's marked box in EA005 with your name, Student ID number, your tutor's name, and your tutorial number on the front.

AND

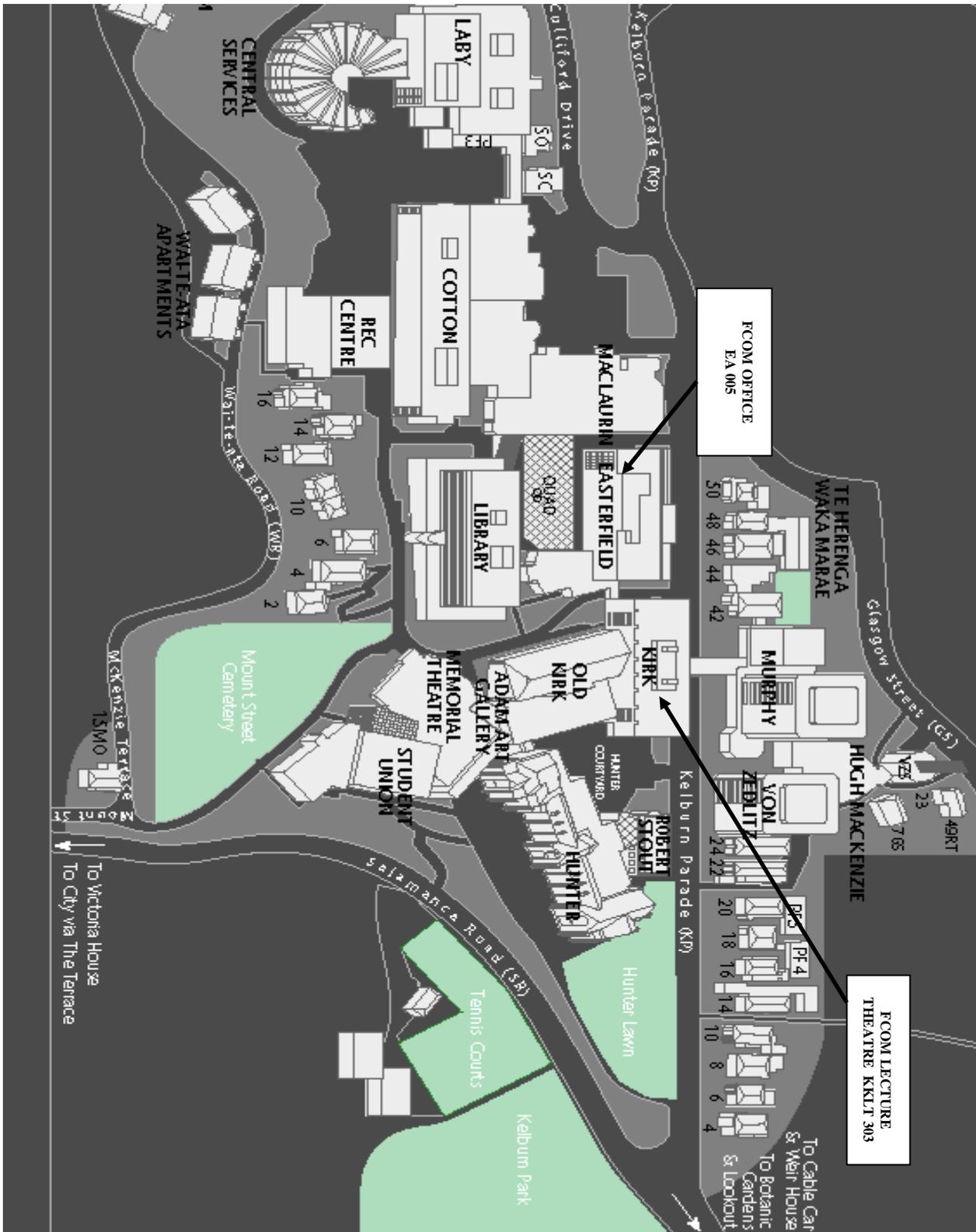
- d) Sit the Legal Test and the Final Course Examination.

Students whose total course marks are greater than 50%, but who do not submit all four pieces of assessment will fail the course. They will not receive a graded result for FCOM 111. Their records will show a "K" (an ungraded fail).

To pass FCOM 111 a student must fulfil all the mandatory requirements and achieve at least an aggregate of 50% over all the assessments.

WHERE IS EVERYTHING LOCATED?

The map below indicates where the FCOM Office (EA 005) and Lecture Theatre (KKLT 303) are. Please refer to this map in order to find these spaces on campus. The FCOM tutorials will be held on the Kelburn campus, specifically within the Easterfield (EA), Old Kirk (OK), Kirk (KK), Murphy (MY) and, Von Zedlitz (VZ) Buildings.



PART B: ALL THE PEOPLE INVOLVED IN THE COURSE...

COURSE COORDINATORS

Dr. Chris Eichbaum

Room: RH 830, Rutherford House, Pipitea Campus
Phone: 463 5675
Email: Chris.Eichbaum@vuw.ac.nz



Dr. Michael Cash

Room: EA 005, Easterfield Building, Kelburn Campus
Faculty of Commerce Kelburn Campus Office, Ground Floor
Easterfield (next to EA LT 006).
Phone: 463 5233 then Extn. 8415
Email: Michael.Cash@vuw.ac.nz



Report to course administrator Paul Davies if you want to see Dr Cash.

COURSE ADMINISTRATOR

Paul Davies

Room: EA 005, Easterfield Building, Kelburn Campus
Faculty of Commerce Kelburn Campus Office, Ground Floor
Easterfield . To find EA 005 go in the main door and turn left
Phone: 463 5233 then Extn. 8416
Email: FCOM111@vuw.ac.nz
Hours: Monday, Wednesday and Thursday: 1 – 4pm



LECTURERS

Prof. Jonathan Boston

Room: 518, Railway West Wing, Pipitea Campus
Phone: 463 5456
Email: Jonathan.Boston@vuw.ac.nz



Leslie Brown

Room: RH 714, Rutherford House, Pipitea Campus
Phone: 463 6787
Email: Leslie.Brown@vuw.ac.nz



Palitha De Silva

Room: RH 611, Rutherford House, Pipitea Campus
Phone: 463 6960
Email: Palitha.Desilva@vuw.ac.nz



Dr. Russell Harding

Room: RH 804, Rutherford House, Pipitea Campus

Phone: 463 7488

Email: Russell.Harding@vuw.ac.nz

**Dr. Antong Victorio**

Room: RH 807, Rutherford House, Pipitea Campus

Phone: 463 5709

Email: Antong.Victorio@vuw.ac.nz



GETTING TO RUTHERFORD HOUSE

Please Note that Rutherford House Building, 23 Lambton Quay is at the Pipitea Campus. (which also includes the Old Government Building housing the Law Faculty, and the Railway West Wing).

Students can catch a one section bus (route numbers 17, 23, 20) to the Pipitea campus. Free one section student bus tickets are available to students who have classes at two or more of the Victoria campuses. These can be collected from the VUWSA Office in the Student Union Building.

TRIMESTER DATES:

Teaching Period: Monday 1 March to Friday 4 June 2010.

End of Trimester Study Period: Monday 7 June to Thursday 10 June 2010.

Examination Period: Friday 11 June to Wednesday 30 June 2010.

Note: Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period.

PART C: ALL ABOUT THE LECTURES...

THE TWO LECTURE STREAMS

You must attend the lecture stream that you are enrolled in unless permitted by the Course Coordinator, who will sign a Change of Course form, to change into another stream. Personal convenience is not an acceptable basis for switching streams.

You have a specifically assigned coloured course outline (see below) that corresponds to the lecture stream that you are enrolled in. There will be regular checks to ensure that those attending the lectures are in their correct lecture stream.

WHEN AND WHERE ARE THE LECTURES?

	WHEN	WHERE
CRN 17242 STREAM1	Monday: 1.10pm – 2.00pm Wednesday: 1.10pm – 2.00pm	KKLT 303 KKLT 303
CRN 17243 STREAM2	Monday: 4.10pm – 5.00pm Wednesday: 4.10pm – 5.00pm	KKLT 303 KKLT 303

Students are expected to be in the lecture theatre promptly for their lecture. Because of the size of this class it is important that students be seated before class starts. Please note that the Occupational Health and Safety Act prohibits people sitting in aisles in situations such as this.

COURTESY CODE FOR FCOM 111 LECTURES AND TUTORIALS

The fundamental lesson of a University is that YOU need to be responsible for your own learning. If you engage with the course, then you have a wonderful opportunity for a creative exploration of the ideas presented. As part of this learning experience please be courteous to your lecturers and fellow students by adhering to the following:

1. Turn off all mobile phones while attending the lectures and tutorials. This also includes sending and receiving text messages.
2. Be punctual (lectures start at 1.10 and 4.10pm respectively). Tutorials start on the hour in the morning and 10 minutes after the hour from 1.10pm.
3. Do not be late for your lectures. If, for some good reason, you do arrive after the lecture has started, enter from the back only and avoid disrupting the lecture and distracting other students.
4. Refrain from talking to your friends during your lectures as this is distracting for the lecturers and other students.
5. Avoid sitting in the aisles.
6. Show respect towards the lecturer/tutor and your fellow students at all times.
7. Lastly - enjoy the course!

EXPECTED WORKLOAD

FCOM 111 is a first year, Introductory Course worth 15 points towards your final degree. As such a total of 150 hours should be devoted to your course of study over the entire Trimester.

These hours should be divided between the following areas of study that are necessary to achieve a passing grade in FCOM 111;

- Lecture Attendance
 - Tutorial Attendance and Preparation of Tutorial Assignment Worksheets
 - Assignment Research and Writing
 - Study for the Legal Test and Final Course Examination
-

WHAT ARE THE COURSE READINGS?

The essential readings for this course are included in the FCOM 111 Course Readings. This book must be purchased from Student Notes (Ground Floor, Student Union). Additional material and readings may be distributed at lectures or Tutorials or posted on Blackboard. Do not purchase a second-hand book of from a previous year as these Readings will not fit this year's course.

Students need to study the readings closely, and make full use of them in their tutorials and written assignments. In marking assignments, it will be assumed that you have studied the relevant readings, reflected on them, and formed a considered view of the issues raised. This is what is meant by "critically" as set out in the Course Objectives. Note that the Course Criteria for marking the Essays in this Course includes marks for "...showing evidence of completing the relevant readings".

Students are reminded that a substantial part of their overall grade is based on tutorial Worksheets which directly test your understanding of selected readings from the Book of Readings. The specific Readings for each Worksheet are listed at the top of each Worksheet.

WHAT WILL BE COVERED IN LECTURES?

NOTE: Lectures are Held EVERY Monday and Wednesday. Check Page 14 for your stream time and venue

Week 1. 1 March & 3 March

L1: Course Requirements and Introduction – FCOM 111 Course Outline

Michael Cash & Paul Davies

L1: Introduction.

Chris Eichbaum

L2: State and Market.

Jonathan Boston

Week 2. 8 March & 10 March

L3: Constitution. *Chris Eichbaum*

L4: Executive & Legislative. *Chris Eichbaum*

Readings:

- Keith, K. (2008), *Cabinet Manual – On the constitution of New Zealand: An introduction to the foundations of the current form of government*. (Retrieved December 1, 2008 from <http://www.cabinetmanual.cabinetoffice.govt.nz/node/68>)
- Shaw, R. and Eichbaum, C. (2008) *Public policy in New Zealand: institutions, processes and outcomes*. Auckland: Pearson Education.

Week 3. 15 March & 17 March

L5: The Public Sector / Service *Chris Eichbaum*

L6: Election 2008 (MMP) *Chris Eichbaum*

Readings:

- Elections New Zealand. (2006) *From FPP to MMP*. Retrieved December 1, 2008 from http://www.elections.org.nz/democracy/history/history-mmp_plain.html)
- Elections New Zealand. (n.d.) *Royal Commission criteria for judging voting systems*. (Retrieved December 1, 2008 from <http://www.elections.org.nz/study/researchers/rc-voting-system-judging-criteria.html>)
- Boston, J., Church, S., & Bale, T. (2003). The impact of proportional representation on government effectiveness: The New Zealand experience. *Australian Journal of Public Administration*, 62 (4), 7-22.
- Ministry of Justice. (2009). *Frequently asked questions (referendum on the NZ voting system)*. Retrieved November 26, 2009 from <http://justice.govt.nz/policy-and-consultation/electoral/mmp-referendum/frequently-asked-questions>

Week 4. 22 March & 24 March

L7: What is Law? *Leslie Brown*

L8: Map of the Legal World *Leslie Brown*

Readings:

- Longdin, L. (2006). The role of law. In L. Longdin (Ed.), *Law in business and government in New Zealand* (pp. 2–14). Auckland: Palatine.
- Longdin, L. (2006). Classification of law. In L. Longdin (Ed.), *Law in business and government in New Zealand* (pp. 15-22). Auckland: Palatine.
- Supreme Court. (2004, November 25). *Media release – Ahmed Zaoui v The Attorney-General & ORS*. Wellington.
- Legal notice. (1999, October 31). *New York Times*, p. 80.
- *Knyvett v Christchurch Casinos Ltd*. [1999] 2 NZLR 559.

Week 5. 29 March & 31 March

L9: Process of Making Law 1 *Leslie Brown*

L10: Process of Making Law 2 *Leslie Brown*

Readings:

- Hubbard, J., Thomas, C., & Varnham, S. (2010). The process of government and business. In J. Hubbard, C. Thomas & S. Varnham (Eds) *Principles of law for New Zealand business students (4th ed.)* (pp. 48-70). North Shore: Pearson.
- *Lee v Lee's Air Farming Ltd* [1961] NZLR 325
- Mortimer, J. (1993). *The best of Rumpole* (pp. 88–94). Harmondsworth: Penguin.

MIDTRIMESTER BREAK 3 April – 18 April

Week 6. 19 April & 21 April

L11: How Law Develops and Changes 1 *Leslie Brown*

L12: How Law Develops and Changes 2 *Leslie Brown*

Week 7. 26 April & 28 April

L13: Is there a Legal Duty to Honour Promises? 1 *Palitha De Silva*

L14: Is there a Legal Duty to Honour Promises? 2 *Palitha De Silva*

Readings:

- *Carlill v Carbolic Smoke Ball Company* [1893] 1 QB 256
- *Central London Property Trust v High Trees House* [1947] KB. 130
- *Williams v Roffey Brothers & Nicholls (Contractors) Ltd* [1990] 1 A11 ER 512

Week 8. 3 May & 5 May

L15: Is there a Legal Duty to Take Care? 1 *Palitha De Silva*

L16: Is there a Legal Duty to Take Care? 2 *Palitha De Silva*

Readings:

- *Donoghue v Stevenson* (1932) SC 31
- *Rylands v Fletcher* (1868) LR 3 HL 330

Week 9. 10 May & 12 May

L17: A General Legal Duty of Privacy? 1 *Palitha De Silva*

L18: A General Legal Duty of Privacy? 2 *Palitha De Silva*

Readings:

- Office of the Privacy Commissioner. (2006). *Information privacy principles, Privacy Act 1993*. (Reprinted with the permission of the Office of the Privacy Commissioner.)
- *Hosking v Runting* [2005] 1 NZLR 1 (CA)

Week 10. 17 May & 19 May

L19: Ethics and Trust

Russell Harding

L20: Public Policy / Process

Russell Harding

Readings:

- Bok, S. (1989). *Lying: Moral choice in public and private life* (pp. 165–181). New York: Vintage Books.

Week 11. 24 May & 26 May

L21: Politics, Economics and Business

Antong Victorio

L22: Case Study

Antong Victorio

Readings:

- Globalisation and its Critics (2001, September 29). *The Economist*, 360, 3-6.
- Pettinger, T. R. (2008). *Five blogs on the global financial crisis of 2007-2008*. (Retrieved November 26, 2008 from www.economicshelp.org)

Week 12. 31 May & 2 June

L23: Government, Law and Business

Chris Eichbaum and Leslie Brown

L24: Conclusion & Exam Discussion

Chris Eichbaum

Course Evaluation

Michael Cash & Paul Davies

PART D: ALL ABOUT THE WORKSHOPS & TUTORIALS...

IMPORTANT:

- You **MUST** sign up by the end of the **FIRST** week of lectures
- All workshops & tutorials start in **Week 2** beginning Monday 8 March
- You will be in the same room for the Writing Skills Workshops and Tutorials.

HOW DO YOU SIGN UP?

- 1 You can start the signup process on **Monday 1 March at 6.00pm**. Signups close at 6.00pm on Sunday 7 March – you must have signed up for a class by then! Be aware most students will enrol early to get maximum choice of session.
- 2 Go to the signup website: <https://signups.vuw.ac.nz>
- 3 Enter your SCS username and password to get in.
- 4 The “Signup Home” page opens. It displays all of the courses you are enrolled in that will use the Signups system. Click on **FCOM 111**
- 5 The FCOM 111 course page opens, showing the schedule of session times and locations.
- 6 If there are spaces left in a particular session, then you will see the “ENROL” button next to it. You can click the “**ENROL**” button to enrol in that particular session.
- 7 If there are no more spaces left you must enrol in another session!
- 8 You can choose to “WITHDRAW” from a session you have already enrolled for. There are NO waitlists for FCOM111.
- 9 A “FULL” button indicates all seats are full for that particular tutorial session. **You must choose another session.**
- 10 The “KEY” section at the bottom of the page contains information about the buttons.
- 11 You can view/confirm the details of the sessions that you are enrolled in and waitlisted for by clicking on “My Signups” on the left hand menu. **You should confirm the details on Monday 8 March.**
- 12 If you are having problems using the Signups system, then click on the “Support” link on the left hand menu.

SESSION CONFIRMATION

Confirmation of your writing skills workshop/tutorial group will be posted on signup: <https://signups.vuw.ac.nz>

TUTORIAL NUMBER:	TUTOR’S NAME:
TUTORIAL ROOM:	TUTORIAL DAY/TIME:

WHAT WILL BE COVERED IN THE WRITING SKILLS WORKSHOPS?

Writing skills are essential for university and your later working life. The Faculty of Commerce has key learning objectives related to communication and supports this writing component of the course to help students gain the basic skills required for tertiary level learning. This is a first step to develop and build on your writing skills.

Writing Skills Workshop #1: Week Two The Writing Process

Why is writing important: The Writing Process and Essay Question analysis
Readings: FCA Writing Resource booklet –available at your writing session

Writing Skills Workshop #2: Week Three Structure & Academic Integrity

How to structure an essay; How to reference and why it is important
Readings: FCA Writing Resource booklet –please bring your booklet to the session

Writing Skills Workshop #3: Week Four Polishing Your Writing

Developing the skills of editing and proofing
Readings: FCA Writing Resource booklet –please bring your booklet to the session

WHAT WILL BE COVERED IN TUTORIALS?

The tutorials aim to provide you with general assistance with the course requirements. Tutors will give you guidance about how to approach the set assessments, and give you feedback on the essays. You will be expected to think for yourself and develop your own view on the issues raised in the course. Your tutors will help you to debate and discuss these issues.

At the start of each tutorial students are required to hand in the TUTORIAL ASSIGNMENT WORKSHEET for that week. These assignments are attached at the back of this course outline and will also be available on the Blackboard site. Students are encouraged to handwrite these assignments but are reminded that their handwriting should be clear and legible.

All Students must attend **AT LEAST 6 TUTORIALS** in order to pass FCOM 111.

The Tutorial Assignment Worksheets make up 20% of the overall course grade for FCOM 111. All students **MUST** submit **AT LEAST 6** tutorial assignment worksheets. Each Assignment worksheet is worth a maximum of 4%. The best 5 marked worksheets will be used to calculate this proportion of your FCOM 111 final grade. Please refer to Part E of this Course Outline (Course Assessments – Page 23) for more information.

Tutorial One: Week Five

The New Zealand Constitution

Readings:

- Keith, K. (2008), *Cabinet Manual – On the constitution of New Zealand: An introduction to the foundations of the current form of government*. (Retrieved December 1, 2008 from <http://www.cabinetmanual.cabinetoffice.govt.nz/node/68>)
- Shaw, R. and Eichbaum, C. (2008) *Public policy in New Zealand: institutions, processes and outcomes*. Auckland: Pearson Education.

Tutorial Two: Week Six

The New Zealand Electoral System

Readings:

- Elections New Zealand. (2006) *From FPP to MMP*. Retrieved December 1, 2008 from http://www.elections.org.nz/democracy/history/history-mmp_plain.html)
- Elections New Zealand. (n.d.) *Royal Commission criteria for judging voting systems*. (Retrieved December 1, 2008 from <http://www.elections.org.nz/study/researchers/rc-voting-system-judging-criteria.html>)
- Boston, J., Church, S., & Bale, T. (2003). The impact of proportional representation on government effectiveness: The New Zealand experience. *Australian Journal of Public Administration*, 62 (4), 7-22.
- Ministry of Justice. (2009). *Frequently asked questions (referendum on the NZ voting system)*. Retrieved November 26, 2009 from <http://justice.govt.nz/policy-and-consultation/electoral/mmp-referendum/frequently-asked-questions>

Tutorial Three: Week Seven

What is Law?

Readings:

- Longdin, L. (2006). The role of law. In L. Longdin (Ed.), *Law in business and government in New Zealand* (pp. 2–14). Auckland: Palatine.
- Longdin, L. (2006). Classification of law. In L. Longdin (Ed.), *Law in business and government in New Zealand* (pp. 15-22). Auckland: Palatine.
- Supreme Court. (2004, November 25). *Media release – Ahmed Zaoui v The Attorney-General & ORS*. Wellington.
- Legal notice. (1999, October 31). *New York Times*, p. 80.
- *Knyvett v Christchurch Casinos Ltd* [999] 2 NZLR 559.

Tutorial Four: Week Eight

The Process of Law-Making

Readings:

- Hubbard, J., Thomas, C., & Varnham, S. (2010). The process of government and business. In J. Hubbard, C. Thomas & S. Varnham (Eds) *Principles of law for New Zealand business students (4th ed.)* (pp. 48-70). North Shore: Pearson.
- *Lee v Lee's Air Farming Ltd* [1961] NZLR 325
- Mortimer, J. (1993). *The best of Rumpole* (pp. 88–94). Harmondsworth: Penguin.

Tutorial Five: Week Nine

Contracts and Tort

Readings:

- *Carlill v Carbolic Smoke Ball Company* [1893] QB 256
- *Central London Property Trust v High Trees House* [1947] KB 130.
- *Williams v Roffey Brothers & Nicholls (Contractors) Ltd* [1990] 1 A11 ER 512
- *Donoghue v Stevenson* (1932) SC 31
- *Rylands v Fletcher* (1868) LR 3 HL 330

Tutorial Six: Week Ten

A General Legal Duty of Privacy?

Readings:

- Office of the Privacy Commissioner. (2006). *Information privacy principles, Privacy Act 1993*. (Reprinted with the permission of the Office of the Privacy Commissioner.)
- *Hosking v Runting* [2005] 1 NZLR 1 (CA)

Tutorial Seven: Week Eleven

Ethics – The Noble Lie?

Readings:

- Bok, S. (1989). *Lying: Moral choice in public and private life* (pp. 165–181). New York: Vintage Books.

Tutorial Eight: Week Twelve

Government, Globalisation and Business

Readings:

- Globalisation and its Critics (2001, September 29). *The Economist*, 360, 3-6.
- Pettinger, T. R. (2008) *Five blogs on the global financial crisis of 2007-2008*. (Retrieved November 26, 2008 from www.economicshelp.org)

PASS (PEER ASSISTED STUDY SUPPORT) “Makes information stickable”.

PASS study groups are informal weekly sessions, led by students who have excelled in the course. Leaders won't give you the answers, but they will help you consolidate subject knowledge & develop effective learning strategies.

PASS is open to all who wish to improve their grades.

To sign-up:

1. log on to CareerHub <http://careerhub.vuw.ac.nz/Login.chpx?ReturnUrl=%2fDefault.chpx>),
2. go to 'Events'
3. select 'other',
4. and select your FCOM111 PASS time.

Sign-up is in Week 2. PASS begins in Week 3.

For more information, go to http://www.victoria.ac.nz/st_services/slss/whats-on/pass.aspx:

PART E: ALL ABOUT THE COURSE ASSESSMENTS...

THERE ARE FOUR (4) ASSESSMENTS IN THIS COURSE:

Assessment One: **Government Assignment (25%)**
Due: Thursday 1 April by 10:30am
(Week 5)

Assessment Two: **Legal Test (25%)**
Date: Tuesday 27 April
(Week 7)
A one hour test commencing at 6.15pm.
Rooms will be advised in Tutorials and will be published on Blackboard

Assessment Three: **Tutorial Assignment Worksheets (20%)**
Due: To be handed in at the beginning of tutorials.

The Tutorial Assignment Worksheets make up 20% of the overall course grade for FCOM 111. All students **MUST** submit **AT LEAST 6** tutorial assignment worksheets. Each Assignment worksheet is worth a maximum of 4%. The best 5 marked worksheets will be used to calculate this proportion of your FCOM 111 final grade.

Assessment Four: **Final Course Examination (30%)**
A two hour examination covering the material from the entire course.
The final examination for this course will be scheduled at some time during the period from Friday 11 June to Wednesday 30 June 2010.

Details of the Assessments are set out below.

WHO MARKS THE ASSESSMENTS?

Your FCOM tutor will mark and provide appropriate feedback for the Government Assignment and Tutorial Assignment Worksheets. If you feel that the mark or feedback you received is unfair, then you must discuss this matter with your tutor, who may remark your Assessment. If you still feel that you have been treated unfairly then you may ask that your Assessment be reconsidered by the Course Co-ordinator. Your assessment, signed by your tutor, should be taken to the Course Administrator, Paul Davies, who will forward it to Dr. Michael Cash who will review the mark.

Requests for to review the mark must be made within ten (10) days of the Assessment being handed back. Note that both your tutor and Dr. Michael Cash may increase or decrease your grade if you request a remark.

A system of Moderation is in place and all work will be moderated by FCOM 111 Academic Staff.

Students wishing to receive a copy of their final examination script should refer to:
http://www.victoria.ac.nz/fca/studenthelp/publications/Return_of_Script.doc for more information.

WHAT ARE THE CRITERIA FOR MARKING THE GOVERNMENT ASSIGNMENT AND TUTORIAL ASSIGNMENT WORKSHEETS?

The criteria for marking the Assignments are that they should:

1. Be substantially your own work.
2. Succeed in answering the Question(s) asked
3. Show a good understanding of the relevant issues
4. Give evidence of knowledge of relevant readings and research
5. Demonstrate the ability to critique ideas
6. Attain a good first-year University level of presentation of academic writing and research. Students are expected to use the APA referencing system in their Assignments.

In order to pass these assessments and do well, you must avoid a “cut and paste” Assignment. You will be rewarded, above all else, for your own thinking and engagement with the topic

REFERENCING AND PLAGIARISM

Your essays will be checked for plagiarism, so you need to carefully read the section on plagiarism and Turnitin usage (page 28). All references from your readings, other research undertaken, or from the Internet must be cited correctly and fully, using the APA referencing system.

Information on the APA Referencing system can be found here:

http://www.victoria.ac.nz/st_services/slss/studyhub/reference/APA.pdf

REMEMBER: Direct quotes OR paraphrasing (including ideas and concepts) **MUST** be referenced. Plagiarised material will be given 0 marks.

You must ensure to keep an electronic copy of all your submitted work that may be retrieved when requested. Teaching Staff and/or the Course Coordinator reserves the right to check for plagiarism using whatever means required, including running work through turnitin.com.

Note: Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential and the outcome will not affect your grade for the course.

ASSESSMENT ONE: GOVERNMENT ASSIGNMENT (25%)

“In 1982, the Supreme Court of Canada summarised the constitutional position in that country in an equation: *constitutional conventions plus constitutional law equal the total constitution of the country*” (Keith, 2001).

Write a two part essay of no more than 1500 words.

In part (a) outline the distinctive features of New Zealand’s constitutional arrangements.

In part (b) choose 2 areas of possible constitutional reform in New Zealand and critically review the arguments for and against each area of reform.

NOTE: Part (a) of the essay should comprise approximately one-third of the essay.
Part (b) of the essay should comprise the remaining two-thirds.

All references from your readings, other research undertaken, or from the Internet must be cited correctly and fully, using the APA referencing system.

You should utilise the materials and skills you have acquired from the three Writing Skills Workshops to ensure your essay meets the standards required of a first year/100-level piece of academic writing.

Information on the APA Referencing system can be found here:

http://www.victoria.ac.nz/st_services/slss/studyhub/reference/APA.pdf and in the FCA Writing Resource booklet.

Due: Thursday 1 April by 10:30am

Word length: No more than 1500 words – PLEASE NOTE THE TOTAL WORD LENGTH OF YOUR ASSIGNMENT ON YOUR COVER SHEET.

Place your assignment in the box with your tutor’s name on it.
Boxes are located in the Course Administrator’s office on the ground floor of EA005

ASSESSMENT TWO: LEGAL TEST (25%)

The Test covers legal material up to the end of week 6, that is up to and including the lectures on “How Law Develops and Changes” and also Tutorial Assignment Worksheet 3.

The Test will consist of a mixture of short to medium length written answer questions .

The rooms allocated for this test will be posted on Blackboard and advised in Lectures and Tutorials.

Date: Tuesday 27 April 2010.

A one hour test commencing at 6.15pm.

ASSESSMENT THREE: TUTORIAL ASSIGNMENT WORKSHEETS (20%)

The Tutorial Assignment Worksheets make up 20% of the overall course grade for FCOM 111. All students **MUST** submit **AT LEAST 6** tutorial assignment worksheets.

Each Assignment worksheet is worth a maximum of 4%. The best 5 marked worksheets will be used to calculate this proportion of your FCOM 111 final grade.

The Worksheets are attached at the back of this Course Outline and will be available on Blackboard

ASSESSMENT FOUR: THE FINAL COURSE EXAMINATION (30%)

A two hour examination covering all the material from the entire course.

Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period.

Examination dates for Trimester two: Friday 11 June to Wednesday 30 June 2010.

Check Blackboard for details and the date of this test.

WHAT HAPPENS TO LATE ASSESSMENTS?

Late Assignments and Essays will have their total mark reduced by 1 mark for each day they are overdue unless prior permission has been granted. Late Assignments and Essays are to be brought to Paul Davies in EA 005.

Assignments and Essays submitted over ten (10) days late will not be marked and you will be awarded 0% for this assessment.

WHAT ARE THE MANDATORY COURSE REQUIREMENTS

To complete the mandatory requirements for this course you must:

- a) Attend all three of the Writing Skills Workshops (Weeks 2, 3, and 4).

AND

- b) Attend at least six of the eight tutorials and be marked off as present by your tutor **AND** submit the relevant Tutorial Assignment Worksheet for the Tutorial. If you arrive late to a tutorial then your tutor may not award you with 'attendance' for that tutorial.

AND

- c) Submit all Assessments.

The Government Assignment must be put into your tutor's marked box in EA005 with your name, Student ID number, your tutor's name, and your tutorial number on the front.

AND

- d) Sit the Legal Test and the Final Course Examination.

Students whose total course marks are greater than 50%, but who do not submit all four pieces of assessment will fail the course. They will not receive a graded result for FCOM 111. Their records will show a "K" (an ungraded fail).

To pass FCOM 111 a student must fulfil all the mandatory requirements and achieve at least an aggregate of 50% over all the assessments.

PART F: AND...GENERAL UNIVERSITY POLICIES AND STATUTES

Faculty of Commerce and Administration Offices

Railway West Wing (RWW) - FCA Student and Academic Services Office

The Faculty's Student and Academic Services Office is located on the ground and first floors of the Railway West Wing. The ground floor counter is the first point of contact for general enquiries and FCA forms. Student Administration Advisers are available to discuss course status and give further advice about FCA qualifications. To check for opening hours call the Student and Academic Services Office on (04) 463 5376.

Easterfield (EA) - FCA/Education/Law Kelburn Office

The Kelburn Campus Office for the Faculties of Commerce and Administration, Education and Law is situated in the Easterfield Building on the ground floor (EA005). This counter is the first point of contact for :

- Duty tutors for student contact and advice.
- Information concerning administrative and academic matters.
- Forms for FCA Student and Academic Services (e.g. application for academic transcripts, requests for degree audit, COP requests).
- Examinations-related information during the examination period.

To check for opening hours call the Student and Academic Services Office on (04) 463 5376.

General University Policies and Statutes

For the following important information follow the links provided:

- **Academic Integrity and Plagiarism**
<http://www.victoria.ac.nz/home/study/plagiarism.aspx>
- **General University Policies and Statutes**
<http://www.victoria.ac.nz/home/about/policy>
- **AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support**
http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx
- **Faculty of Commerce and Administration Offices**
<http://www.victoria.ac.nz/fca/studenthelp/>
- **Manaaki Pihipihinga Programme**
http://www.victoria.ac.nz/st_services/mentoring/

Academic Integrity, Plagiarism, and the use of Turnitin

Plagiarism is presenting someone else's work as if it were your own, whether you mean to or not.

'Someone else's work' means anything that is not your own idea. Even if it is presented in your own style, you must still acknowledge your sources fully and appropriately. This includes:

- material from books, journals or any other printed source
- the work of other students or staff
- information from the Internet
- software programs and other electronic material
- designs and ideas
- the organisation or structuring of any such material.

Acknowledgement is required for *all* material in any work submitted for assessment unless it is a 'fact' that is well-known in the context (such as "Wellington is the capital of New Zealand") or your own ideas in your own words. Everything else that derives from one of the sources above and ends up in your work – whether it is directly quoted, paraphrased, or put into a table or figure, needs to be acknowledged with a reference that is sufficient for your reader to locate the original source.

Plagiarism undermines academic integrity simply because it is a form of lying, stealing and mistreating others. Plagiarism involves stealing other people's intellectual property and lying about whose work it is. This is why plagiarism is prohibited at Victoria.

If you are found guilty of plagiarism, you may be penalised under the Statute on Student Conduct. You should be aware of your obligations under the Statute, which can be downloaded from the policy website (www.victoria.ac.nz/home/about/policy/students.aspx). You could fail your course or even be suspended from the University.

Plagiarism is easy to detect. The University has systems in place to identify it.

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <http://www.turnitin.com>. Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

There is guidance available to students on how to avoid plagiarism by way of sound study skills and the proper and consistent use of a recognised referencing system. This guidance may be found at the following website <http://www.victoria.ac.nz/home/study/plagiarism.aspx>

If in doubt seek the advice of your course coordinator.

Plagiarism is simply not worth the risk

Class Representatives

A class representative/s will be elected in the first class, and that person's name and contact details will be available to VUWSA, the Course Coordinator and the class. The class representative provides a communication channel to liaise with the Course Coordinator on behalf of students.

FCOM 111: Government, Law and Business

Tutorial Worksheet #8	<u>Name of Student:</u>	<u>Tutorial Date and Time:</u>
	<u>Student ID Number:</u>	<u>Tutor:</u>
Readings: Globalisation and its critics. (2001, September 29). <i>The Economist</i> , 360, 3-6 Pettinger, T.R. (2008) <i>Five blogs on the global financial crisis of 2007-2008</i> . (Retrieved November 26, 2008 from www.economicshelp.org) Globalisation and its critics. (2001, September 29). <i>The Economist</i> , 360, 3-6		
1. Discuss at least two reasons behind why globalisation can be beneficial.	1. 2.	
2. Discuss at least two reasons behind why globalisation can be harmful.	1. 2.	
3. What are mortgage-backed securities and how did they contribute to the worldwide bank failures of year 2008?		
4. How are a country's interest rates influenced by its own government and how can lower interest rates lead to higher home prices?		
<u>Mark out of 10</u>	<u>Tutor comment:</u>	

FCOM 111: Government, Law and Business

Tutorial Worksheet #7	<u>Name of Student:</u>	<u>Tutorial Date and Time:</u>
	<u>Student ID Number:</u>	<u>Tutor:</u>
<u>Readings:</u> Bok, S. (1989). <i>Lying: Moral choice in public and private life</i> (pp. 165–181). New York: Vintage Books.		
1. What are the attributes of a Noble Lie?		
2. Using the above attributes, describe a situation in which you believe it is excusable for government officials or elected representatives to lie to the public?		
3. From your example extrapolate three principles that support lying to the public.		
4. What would you do if you become aware of others lying to the public?		
<u>Mark out of 10</u>	<u>Tutor comment:</u>	

FCOM 111: Government, Law and Business

Tutorial Worksheet #6	<u>Name of Student:</u>	<u>Tutorial Date and Time:</u>
	<u>Student ID Number:</u>	<u>Tutor:</u>

Readings:

Office of the Privacy Commissioner. (2006). *Information privacy principles, Privacy Act 1993*.
(Reprinted with the permission of the Office of the Privacy Commissioner.)
Hosking v Runting [2005] 1 NZLR 1 (CA).

1. Name the two parties (defendants) against whom the case was brought by the Hoskings in <i>Hosking v Runting</i> ? What wrong/s did the Hoskings allege against each of the two defendants?	
2. As the legal issue (the right to Privacy) before the Court of Appeal in <i>Hosking v Runting</i> had not been clearly settled in New Zealand law, three outsiders (interveners) joined the case to protect various interests. Name the three interveners and briefly state their interest/s.	
3. What were the three New Zealand Acts of Parliament (Legislation) that were noted in <i>Hosking v Runting</i> as providing limited rights to privacy in specific circumstances?	1. 2. 3.
4. In its conclusion, the Court of Appeal (Gault and Blanchard JJ) endorsed the following: “Even if there were in New Zealand law an independent action for wrongfully publicising private information, it would not assist the Hoskings’ action.” Briefly state the reasons for this conclusion.	
<u>Mark out of 10</u>	<u>Tutor comment:</u>

FCOM 111: Government, Law and Business

Tutorial Worksheet #5	<u>Name of Student:</u>	<u>Tutorial Date and Time:</u>
	<u>Student ID Number:</u>	<u>Tutor:</u>

Readings:
Carlill v Carbolic Smoke Ball Company [1893] QB 256
Central London Property Trust Ltd v High Tress House Ltd [1947] KB 130
Williams v Roffey Brothers & Nicholls (Contractors) Ltd [1990] 1 A11 ER 512
Donoghue v Stevenson (1932) SC 31
Rylands v Fletcher (1868) LR 3 HL 330

1. It is generally accepted that there is a moral duty to honour a promise. Why does the law not recognise a similar legal duty to honour a promise?

2. Briefly state the legal defences raised by the Carbolic Smoke Ball Company against Mrs Carlill's claim that the Company is liable to her in contract? Against each of those defences, state the answers given by the court.

3. Why is *Donoghue v Stevenson* regarded as a landmark decision for negligence liability law?

4. What are the elements that satisfy civil liability under the rules in *Rylands v Fletcher*? What is the main difference between negligence liability and liability under *Rylands v Fletcher*?

<u>Mark out of 10</u>	<u>Tutor comment:</u>
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FCOM 111: Government, Law and Business

Tutorial Worksheet #4	<u>Name of Student:</u>	<u>Tutorial Date and Time:</u>
	<u>Student ID Number:</u>	<u>Tutor:</u>
Readings: Hubbard, J., Thomas, C., & Varnham, S. (2010). The process of government and business. In J. Hubbard, C. Thomas & S. Varnham (Eds.) <i>Principles of law for New Zealand business students</i> (4 th ed.) (pp. 48-70). North Shore: Pearson <i>Lee v Lee's Air Farming Ltd</i> [1961] NZLR 325 Mortimer, J. (1993). <i>The best of Rumpole</i> (pp. 88–94). Harmondsworth: Penguin.		
1. List the steps a Bill goes through in parliament before becoming law.		
2. What is a Select Committee? Do all Bills need to go through the Select Committee process?		
3. Lee's case went to the Privy Council. New Zealand now has a Supreme Court. Give 2 reasons for creating the Supreme Court.	1. 2.	
4. Looking at the court's decision in the Lee case, give a reason why Parliament did not include a section in the Workers Compensation Act making it clear what should have happened if a person employed themselves in their own company.		
5. Using 50 words or less, write a new section for the Workers Compensation Act to plug the 'gap' in the legislation described in Lee's case.		
<u>Mark out of 10</u>	<u>Tutor comment:</u>	

FCOM 111: Government, Law and Business

Tutorial Worksheet #3	<u>Name of Student:</u>	<u>Tutorial Date and Time:</u>
	<u>Student ID Number:</u>	<u>Tutor:</u>
<u>Readings:</u> Longdin, L. (2006). The role of law. In L. Longdin (Ed.), <i>Law in business and government in New Zealand</i> (pp. 2–14). Auckland: Palatine. Longdin, L. (2006). Classification of law. In L. Longdin (Ed.), <i>Law in business and government in New Zealand</i> (pp. 15-22). Auckland: Palatine. Supreme Court. (2004, November 25). <i>Media release – Ahmed Zaoui v The Attorney-General & ORS</i> . Wellington. Legal notice. (1999, October 31). <i>New York Times</i> , p. 80. <i>Knyvett v Christchurch Casinos Ltd</i> . [1999] 2 NZLR 559.		
1. Using the concept of 'The Rule of Law' in what general circumstances should a government detain or imprison a person?		
2. Even in modern democracies governments do take the property of citizens. Using the concept of 'The Rule of Law' set out in what circumstances property may be seized.		
3. In a society such as New Zealand where we have a Parliament to make new laws, do you think it is appropriate that judges should try to make the law more certain and predictable or try to be fair? Why?		
4. You are a judge in the Christchurch Casino Case. You have been criticised for being pro-business. In 75 words or less, defend your decision for publication in a student newspaper.		
<u>Mark out of 10</u>	<u>Tutor comment:</u>	

FCOM 111: Government, Law and Business

Tutorial Worksheet #2	<u>Name of Student:</u>	<u>Tutorial Date and Time:</u>
	<u>Student ID Number:</u>	<u>Tutor:</u>
Readings: Elections New Zealand. (2006) <i>From FPP to MMP</i> . Retrieved December 1, 2008 from http://www.elections.org.nz/democracy/history/history-mmp_plain.html Elections New Zealand. (n.d.) <i>Royal Commission criteria for judging voting systems</i> . (Retrieved December 1, 2008 from http://www.elections.org.nz/study/researchers/rc-voting-system-judging-criteria.html) Boston, J., Church, S., & Bale, T. (2003). The impact of proportional representation on government effectiveness: The New Zealand experience. <i>Australian Journal of Public Administration</i> , 62 (4), 7-22. Ministry of Justice. (2009). <i>Frequently asked questions (referendum on the NZ voting system)</i> . Retrieved November 26, 2009 from http://justice.govt.nz/policy-and-consultation/electoral/mmp-referendum/frequently-asked-questions		
1. What were the principal arguments advanced for changing from the First Past the Post (FPP) to the Mixed Member Proportional (MMP) electoral system?		
2. In terms of the criteria used by the Royal Commission, in your assessment on which of these does MMP score highest, and on which does it score lowest?		
3. Has MMP weakened the capacity of New Zealand governments to operate effectively?		
4. Find and provide references for two speeches by New Zealand politicians (past or present) relating to the strengths and/or weaknesses of New Zealand's present electoral arrangements.		
<u>Mark out of 10</u>	<u>Tutor comment:</u>	

FCOM 111: Government, Law and Business

Tutorial Worksheet #1	<u>Name of Student:</u>	<u>Tutorial Date and Time:</u>
	<u>Student ID Number:</u>	<u>Tutor:</u>
<u>Readings:</u> Keith, K. (2008), <i>Cabinet Manual – On the constitution of New Zealand: An introduction to the foundations of the current form of government</i> . (Retrieved December 1, 2008 from http://www.cabinetmanual.cabinetoffice.govt.nz/node/68) Shaw, R. and Eichbaum, C. (2008) <i>Public policy in New Zealand: institutions, processes and outcomes</i> . Auckland: Pearson Education.		
1. Define what is meant by a constitution.		
2. What are the key elements and sources of New Zealand's constitutional arrangements?		
3 List four issues that should be considered when New Zealand constitutional arrangements are reviewed in 2010.		
4. Other than the readings in the Book of Course readings find TWO pieces of published work on the NZ Constitution (book, chapter, article, material from web) and provide references for them both.	1. 2.	
<u>Mark out of 10</u>	<u>Tutor comment:</u>	

